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CHAPTER 29

Consideration and Debate

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Consideration and Debate

A. INTRODUCTORY; INITIATING CONSIDERATION AND DEBATE

§ 1. In General

The principles of consideration and debate are the cornerstone on which the orderly proceedings of the House of Representatives are based. The rules and the body of precedent governing consideration and debate not only protect the right of individual Members to freely express themselves but also serve to expedite the business of the House and its committees.

Many of the rules of the House relating to consideration and debate are unique to that body; the House has refined and modified its rules over the years so as to accommodate the needs and responsibilities of 435 Members. And many of the same principles laid down on the subject by Thomas Jefferson in 1801 still govern consideration and debate in the House.[1]

This chapter takes up the subject of consideration and debate in its broadest sense, including the general rules and principles as well as those specific procedures governing particular questions and motions.

This chapter excludes precedents on questions and motions which are exhaustively treated elsewhere. For example, the secondary motions, such as the motion for the previous question and to lay on the table, and the special motions, such as to discharge a committee and to suspend the rules, occupy other portions of this work. The general and most important principles concerning debate on those questions are summarized herein, but the complete body of precedents on those questions may be found in their relevant chapters and sections.[2]

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1. The provisions of Jefferson's Manual govern the procedures of the House where applicable, pursuant to Rule XLII, *House Rules and Manual* § 938 (1995).

2. For discussion of secondary motions (postpone, lay on table, previous question, refer, recommit, reconsider), see Ch. 23, supra. For the motion to suspend the rules, see Ch. 21, supra; for the motion to discharge a committee, see Ch. 18, supra.

Note: This chapter discusses significant precedents and changes in House procedures in Congresses as

Cross References

Congressional Record as the official record of debates, see Ch. 5, supra.

Consideration and debate before the adoption of rules, see Ch. 1, supra.

Consideration in conference committees, see Ch. 33, infra.

Consideration in House committees, see Chs. 16, 17, supra.

Debate in party caucus or conference, see Ch. 3, supra.

Immunity of Members for speech and debate, see Ch. 7, supra.

Participation in debate by Delegates and Resident Commissioner, see Ch. 7, supra.

Speakers presiding over and participating in debate, see Ch. 6, supra.

Collateral References

Consideration and debate through 1936, see the following chapters in Hinds' Precedents and Cannon's Precedents: Ch. 4 (debate before adoption of rules); Ch. 46 (Speaker's power of recognition); Ch. 107 (Committee of the Whole); Ch. 110 (consideration in House as in the Committee of the Whole); Ch. 111 (the question of consideration); Ch. 112 (conduct of debate in the House); Ch. 113 (references in debate to committees, the President, or the other House); Ch. 114 (disorder in debate); Ch. 115 (debate in Committee of the Whole); Ch. 116 (reading of papers); Ch. 124 (dilatory motions).

Debate in the Senate, see Riddick/Frumin, Senate Procedure, 716–797, S. Doc. No. 101–28, 101st Cong. 2d Sess. (1992).

Debate in the House of Commons of Great Britain, see Erskine May's *Parliamentary Practice,* 392–487, 17th ed., Butterworth & Co. Ltd. (London 1964).

recent as the 104th Congress, but treatment of the precedents should be considered comprehensive only through the 100th Congress. For more complete coverage of recent Congresses, the reader is advised to consult the current edition of the *House Rules and Manual,* including the annotations to the rules; and the current edition of *Deschler-Brown, Procedure in the U.S. House of Representatives.*

Who May or May Not Participate in Debate

§ 1.1 The Speaker has on numerous occasions taken the floor and participated in debate.

The Speaker has relinquished the chair and taken the floor for debate in the House[3] and has participated in debate in the Committee of the Whole.[4] The Speaker has taken the floor, for example, in opposition to a provi-

3. See, for example, 104 CONG. REC. 18942, 85th Cong. 2d Sess., Aug. 21, 1958; 105 CONG. REC. 15339, 86th Cong. 1st Sess., Aug. 10, 1959; 105 CONG. REC. 17237, 86th Cong. 1st Sess., Aug. 27, 1959.

4. See, for example, 104 CONG. REC. 11765, 85th Cong. 2d Sess., June 19, 1958; 106 CONG. REC. 14090, 86th Cong. 2d Sess., June 23, 1960; 106 CONG. REC. 18734, 86th Cong. 2d Sess., Aug. 31, 1960.

sion in a special rule from the Committee on Rules,[5] in opposition to a motion to strike out the enacting clause of a bill,[6] to offer an amendment in the Committee of the Whole,[7] when yielded time by another Member speaking under a special order,[8] and to deliver remarks on a nonlegislative matter.[9]

§ 1.2 Delegates and the Resident Commissioner may debate any matter in the House.

On Aug. 4, 1954,[10] the oath was administered to Delegate-elect Mary Elizabeth Pruett Farrington, of Hawaii. Immediately after being sworn, Mrs. Farrington was recognized to address the House.

On Oct. 7, 1969, the Resident Commissioner from Puerto Rico, Jorge Luis Cordova, objected to the consideration of a bill on the Private Calendar and the bill was recommitted, one other objection having been made.[11]

§ 1.3 A Member-elect, asked to stand aside when the oath was administered to other Members, was, by unanimous consent, permitted to participate in debate on a resolution relating to his right to be sworn.

On Jan. 10, 1967,[12] at the convening of the 90th Congress, the right to be sworn of Member-elect Adam C. Powell, of New York, was challenged. During debate on House Resolution 1, relating to the right of Mr. Powell to be sworn, Mr. Carl Albert, of Oklahoma, asked unanimous consent that Mr. Morris K. Udall, of Arizona, be permitted to yield time for debate to Mr. Powell, notwithstanding the fact that Mr. Powell had not taken the oath of office. There was no objection.

Mr. Powell made the following remarks:

> My beloved colleagues with whom I have served for 24 years: I know this

5. 90 Cong. Rec. 5465, 5471, 78th Cong. 2d Sess., June 7, 1944.
6. 98 Cong. Rec. 1829, 82d Cong. 2d Sess., Mar. 4, 1952.
7. 101 Cong. Rec. 3204, 84th Cong. 1st Sess., Mar. 18, 1955; 102 Cong. Rec. 7212, 84th Cong. 2d Sess., Apr. 27, 1956.
8. 104 Cong. Rec. 5854, 85th Cong. 2d Sess., Mar. 31, 1958.
9. 108 Cong. Rec. 285, 87th Cong. 2d Sess., Jan. 16, 1962.
10. 100 Cong. Rec. 13282, 83d Cong. 2d Sess.
11. 115 Cong. Rec. 28801, 91st Cong. 1st Sess. For the rights in debate of the Delegate and Resident Commissioner, see Ch. 7, supra.
12. 113 Cong. Rec. 15, 90th Cong. 1st Sess.

is an agonizing moment for all of you. I know if you could vote on a secret ballot, your vote would be different from what you have proclaimed publicly, because you know I have been here 24 years, and he who is without sin should cast the first stone. There is no one here who does not have a skeleton in his closet. I know, and I know them by name. . .

Gentlemen, my conscience is clean. My case is in God's hands. All I hope is that you have a good sleep tonight.[13]

§ 1.4 Certain contestees (sitting Members of the House) in an election contest were present on the floor during the consideration of the resolution dismissing the contest; and while they did not participate in debate, they did insert their remarks in the Record in explanation of their position.

On Sept. 17, 1965,[14] the House agreed to House Resolution 585, with an amendment, dismissing an election contest against the delegation of Representatives-elect from Mississippi. During debate on the resolution, the contestees, who had been seated by the House, were present on the floor but did not actually participate in the debate. They did however insert in the Record remarks in explanation of their position:

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, I am sure that it is not necessary to point out here that this is not a very pleasant situation in which your Mississippi delegation finds itself today. While we do not entertain the slightest doubt about the ultimate outcome, we find little comfort in the knowledge that this alleged contest has serious political implications on a national basis. At the same time, we must be realistic enough to recognize the facts of political life. We must take cognizance of the conflict of the political philosophy of ourselves and the handful here in the House leading the fight as well as those behind them. We must also take into consideration the tremendous pressure that has been brought upon the membership of this House by outside influences. . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: I wish to say we all are deeply indebted to those of our friends who were helpful in handling of this matter before the committee and in voting to dismiss the pending challenge. In that connection, I would like at this point to show for the permanent record that none of the so-called contestants were

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13. *Id.* at p. 23.

See Chs. 1 and 2, supra, for detailed discussion of the rights in debate of Members-elect. For further treatment of the Powell case, see Ch. 12, supra.

See *House Rules and Manual* (Jefferson's Manual) § 376 (1995) for the principle that where the private interests of a Member are concerned in a matter being considered he should withdraw and refrain from debate.

14. 111 CONG. REC. 24290, 24291, 89th Cong. 1st Sess.

candidates in the 1964 elections. In fact, three of them were candidates in the Democratic primary which, under section 3129 of the Mississippi Code, would bind them to support the nominee of the primary and would make them ineligible to be candidates in the general election in November.[15]

§ 1.5 Members of the Senate have the privilege of the House floor, but they do not have the privilege of being recognized to address the House.

On Oct. 11, 1943,[16] Speaker Sam Rayburn, of Texas, declined to recognize Mr. John E. Rankin, of Mississippi, for the unanimous-consent consideration of a resolution inviting Senators returned from the warfront to address the House while in session. The Speaker stated that the resolution introduced by Mr. Rankin (H. Res. 319) would be referred to the proper committee (Committee on Rules).

Mr. Rankin inquired of the Speaker whether the House did not have the right to invite Senators to address the House. The Speaker responded:

> Members of the Senate have the privilege of the floor, but they do not have the privilege of addressing the House of Representatives.[17]

§ 1.6 Former Members of the House, while having the privilege of the floor under the rules, may not manifest approbation or disapproval of what is said on the floor.

On Dec. 20, 1932,[18] Mr. William H. Stafford, of Wisconsin, made the point of order that a former Member of the House presently on the floor had no right to applaud the remarks of the Speaker. Speaker William B. Bankhead, of Alabama, sustained the point of order:

> The gentleman has properly raised a question of order. The Chair is advised by the Parliamentarian that although the gentleman referred to is entitled to the privilege of the floor it is a violation of the rules for him to indulge in approbation or disapproval of what may be said upon the floor.

§ 1.7 Where a Member suggested that the Parliamen-

15. *Id.* at pp. 24285, 24287. The election contest was unique in that the seats of all the Members-elect from Mississippi were being contested on the ground of denial of voting rights within the state. The contestants had been allowed the privilege of the floor but not of participation in debate during the consideration of the resolution. See clause 1, Rule XXXII for floor privileges of contestants in election cases.

16. 89 CONG. REC. 8197, 78th Cong. 1st Sess.

17. The statement of a Senator may not be inserted in House proceedings carried in the *Congressional Record*. See 108 CONG. REC. 291, 87th Cong. 2d Sess., Jan. 16, 1962.

18. 76 CONG. REC. 761, 72d Cong. 2d Sess.

tarian state a rule of the Senate, the Speaker Pro Tempore suggested that the Chair was conversant with the views of the Parliamentarian and would answer the inquiry.

On May 24, 1950,[19] Mr. Clare E. Hoffman, of Michigan, rose to a question of privilege of the House, based on remarks reflecting upon a Senator and delivered in House debate and printed in the Record. During discussion of the rule of comity between the Houses, Speaker Pro Tempore John W. McCormack, of Massachusetts, responded as follows to a parliamentary inquiry:

> MR. [DANIEL A.] REED of New York: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.
>
> MR. REED of New York: Mr. Speaker, it might clarify matters a little if our Parliamentarian would state what the Senate rule is.
>
> THE SPEAKER PRO TEMPORE: The Chair is sure the gentleman does not want to put the Parliamentarian in the embarrassing position of making such a statement. The Chair is very conversant with the views of our able and outstanding Parliamentarian. The Chair, recognizing his great knowledge, ability, and logic, has been following the suggestions and advice of our Parliamentarian very carefully.

19. 96 CONG. REC. 7635–37, 81st Cong. 2d Sess.

Debate in Informal Session

§ 1.8 The chairman of a select committee and a member thereof asked Members to remain in the Chamber after adjournment so that such committee could present some facts unwise to present publicly.

On Jan. 19 and 20, 1943,[20] members of a select committee requested that Members remain in the Chamber after adjournment in order to discuss matters related to the war effort which should not be publicly discussed:

> MR. [CARL] HINSHAW [of California]: Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.
>
> THE SPEAKER PRO TEMPORE:[1] Is there objection?
>
> There was no objection.
>
> MR. HINSHAW: Mr. Speaker, I am taking this time at the suggestion of the gentleman from Oklahoma (Mr. Nichols) to remind the Members of the House that following the adjournment of the House today the members of the Select Committee to Investigate Air Accidents would like to present to them some facts we feel it is unwise to present publicly. Therefore, if Members will do us the honor of remaining quite a little while after the session, we will be pleased, and I think they will hear some things in which they will be greatly interested themselves.

20. 89 CONG. REC. 240–49, 78th Cong. 1st Sess.

1. Howard W. Smith (Va.).

MR. [RICHARD M.] KLEBERG [of Texas]: Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

THE SPEAKER PRO TEMPORE: Is there objection?

There was no objection.

MR. KLEBERG: Mr. Speaker, I take this time for the purpose of reminding gentlemen that tomorrow, immediately after the business on the Speaker's desk is disposed of, the committee appointed by the Congress under H.R. 125 will meet during an informal recess with the membership of the House, in executive session, to give you some facts which perforce, because of wartime emergencies, could not be put into our final report. There are many vital matters that the committee does not desire to withhold from the membership of the House, and we are taking the House not only into our full confidence, but we assure Members that we have some things to tell them which we feel they must know, and we hope there will be a good attendance.[2]

Parliamentarian's Note: The House has rarely utilized the secret session rule (Rule XXIX); the House and not the Committee of the Whole determines whether to go into executive session.[3]

§ 1.9 Portions of the Senate debate on the antiballistic missile program were conducted in closed session, pursuant to Senate Rule XXXV.

On July 17, 1969,[4] the Senate was conducting debate on the antiballistic "safeguard" program with Vice President Spiro T. Agnew presiding. Portions of the debate were conducted in closed session:

MR. [STUART] SYMINGTON [of Missouri]: Mr. President, under rule XXXV, I move that the Senate doors be closed, and that the Presiding Officer direct that the galleries be cleared.

THE VICE PRESIDENT: Is the motion seconded?

MR. [MICHAEL J.] MANSFIELD [of Montana]: I second the motion.

THE VICE PRESIDENT: The motion having been made and seconded that the Senate go into closed session, the

2. But see § 11.14, infra, where the Speaker indicated he would not recognize for a unanimous-consent request that an off-the-record meeting of Members, to discuss the war situation, be held in the House Chamber, the meeting having previously been scheduled for the auditorium of the Library of Congress. Under clause 3 of Rule I, the Speaker controls the Hall of the House after adjournment and would in all cases need to give permission for a closed discussion in the Chamber.

3. See generally *House Rules and Manual* § 914 (1995). For the statement of the Chairman of the Committee of the Whole that determinations as to secret sessions were within the province of the House and not the Committee, see 96 CONG. REC. 6746, 81st Cong. 2d Sess., May 9, 1950. For further discussion of secret sessions generally, see § 85, infra.

4. 115 CONG. REC. 19848–74, 91st Cong. 1st Sess.

Chair, pursuant to rule XXXV, now directs the Sergeant at Arms to clear the galleries, close the doors of the Chamber, and exclude all officials of the Senate not sworn to secrecy.

(At 12 o'clock and 3 minutes p.m., the doors of the Chamber were closed.)

Parliamentarian's Note: On the following day, July 18, the Senate provided by unanimous consent for the publication of an expurgated transcript of the closed session.[5]

Notes of Reporters of Debates

§ 1.10 Inquiries concerning the parliamentary situation on the floor are properly directed to the Chair, and it is not in order for a Member to request that the notes of the official reporters be read to ascertain what motions have been put by the Chair.

On May 22, 1968,[6] the House had agreed to a conference report on S. 5, the Consumer Credit Protection Act, without debate. Disagreement arose as to whether the question on the report had been put, and Speaker John W. McCormack, of Massachusetts, responded to an inquiry as to whether a Member could demand that the notes of the reporters be read.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the House adopted the conference report on the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

MR. [WILLIAM L.] HUNGATE [of Missouri]: Mr. Speaker, reserving the right to object, all Members were notified this measure would be before the House today as the first order of business. This legislation has been before this body for 8 years. Objection should have been made before the vote was taken.

Mr. Speaker, I object.

THE SPEAKER: Objection is heard. . . .

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

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

MR. GERALD R. FORD: Mr. Speaker, I am not sure that a circumstance like this has ever happened before, either. Inasmuch as it is important to know whether the gentleman from Texas moved—or just what transpired—I

5. *Id.* at p. 20115.
See also 118 CONG. REC. 15960–72, 92d Cong. 2d Sess., May 4, 1972 (Senate went into executive session to discuss National Security Study Memorandum No. 1).

6. 114 CONG. REC. 14402–04, 90th Cong. 2d Sess.

think it would be very helpful to all of us if we could have the reporter's notes reread at this time. . . .

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

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

§ 1.11 Demonstrations and applause are not a part of the proceedings of the House, and the Speaker has directed the reporters of debates to refrain from inserting in the Record indications of applause during normal House proceedings.

On Mar. 6, 1945,[7] Speaker Sam Rayburn, of Texas, discussed his rulings that applause and other manifestations of audience approval are not a part of the Record:

MR. [JOHN E.] RANKIN [of Mississippi]: Now, Mr. Speaker, if the rule is going to be applied to one, it should be applied to all. When we make these 1-minute speeches, I submit we ought to have 1 minute apiece, no more and no less.

Now, there is another question I have been thinking I would raise. I propound another parliamentary inquiry at this time. Some time ago the Official Reporters of Debates ceased to take down the demonstrations that are made in the course of debate, the only parliamentary body in the world that prints a Record in which that has been done, that I have been able to find. I occasionally get the Record of the British House of Parliament. I read it and in these trying times there is applause, cheers, their cries of "hear, hear," laughter, and other demonstrations that are made. You get the Record of the United States Senate and, as a rule, they do not have probably so many there to applaud, but when there is applause or a demonstration, it is placed in the Record. Our demonstrations have been cut out of our Record and I think it is a serious mistake because now a man can make a speech and extend his remarks and you have no indication as to where his speech left off and where his extension of remarks begins. I know it has been contended by a few Members in the House that the extension of those demonstrations in the Record have been abused. But that was done very seldom, and where the Member did abuse that privilege by inserting laughter or applause he has been subjected to the most drastic criticism and ridicule and, as a rule, has never attempted it again.

I submit that from this time on I, for one, am going to insist that whatever

7. 91 CONG. REC. 1789, 79th Cong. 1st Sess.

demonstrations are made on the floor of the House during debate be reported by the Official Reporters of Debates as it was for more than 140 years. Then if a Member desires to strike it out, and has permission to revise and extend his remarks, he may do so.

THE SPEAKER: The Chair does not intend to be facetious, but the Chair would like to give the House his reaction to the expressions "Hear! Hear!" and "Applause" in the Record. When I came here 32 years ago on Sunday last, a gentleman had been elected by a split in the Republican Party in a particular State, and he had come here with Democratic and Progressive votes. He made a speech in the House. Whether it went into the permanent Record I do not know, but I know it went into the temporary Record. It closed in this fashion: "Loud and prolonged applause among Democrats and Progressives, followed by much handshaking."

In times past there appeared in the Record the word "Applause" where a Member spoke. In another place there was "Loud applause." In another place there was "Loud and prolonged applause." In another place there was "Loud and prolonged applause, the Members rising." If I had made a speech and had received "applause," and some Member had followed me immediately and had received "loud and prolonged applause, the Members rising," my opponent in the next primary might have called attention to how insignificant I was because I only received "applause" and the other Member had received "loud and prolonged applause, the Members rising."

The Chair has held that demonstrations in the House are not a part of the Record, and shall continue to hold that until the rules of the House are changed.[8]

Duty of Chair in the Senate

§ 1.12 The Vice President made a statement in the Senate relating to the duties of the Chair in enforcing the rules of debate.

On Feb. 28, 1949,[9] Vice President Alben W. Barkley delivered a statement on the rules of debate in the Senate as they relate to holding the floor and as to the restriction against yielding. He concluded his remarks with a statement on the duties of the Chair:

> The question as to the function of the Chair in enforcing the rules of the Senate without a point of order being made by another Senator is one to which the present occupant of the Chair has given considerable consideration. The present occupant of the Chair feels it is his duty and his function in part to facilitate the prompt transaction of the Senate's business. The Chair recognizes that frequently one Senator may dislike to make a point of order against another Senator

8. For prior practice, see 78 CONG. REC. 8043, 73d Cong. 2d Sess., May 3, 1934 (reporters of debates permitted to insert words "laughter and applause" and "applause" when such manifestation actually occurred on the floor of the House).

9. 95 CONG. REC. 1584–86, 81st Cong. 1st Sess.

who has the floor, even though he may be violating the rule or may be yielding for a general running debate, or for other purposes, because of personal relationships or other reasons. The Chair feels he is obligated to the Senate insofar as he can in observance of the rules and in protection of the Members of the Senate in the enjoyment of their rights, to observe and enforce the rules wherever he feels they are being violated.

The Chair feels certain the Members of the Senate will cooperate in the matter of keeping order in the Senate and in observing the rules. The Chair wishes in no instance to have it understood that any ruling he makes is directed to any particular Senator who at the moment may be occupying the floor or any Senator who may be seeking to interrupt another Senator who occupies the floor. For that reason the Chair has felt it his duty to make this preliminary statement in order that it may apply to all Senators, and not to any particular Senator.

Parliamentarian's Note: Whether the Speaker or the Chairman in the Committee of the Whole enforces on his own initiative a rule of debate depends on the nature of the rule or practice in question.

Initiating Consideration of Senate Bill

§ 1.13 A Senate bill cannot be taken from the Speaker's table for consideration in the House by motion, unless similar to a House bill previously reported and on the House Calendar under Rule XXIV clause 2.

The situation described above developed on July 31, 1975,[10] in the House when Speaker Carl Albert, of Oklahoma, responded to several parliamentary inquiries:

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RHODES: Mr. Speaker, it is my understanding that the other body has passed this legislation and that it will soon be messaged over to the House. My inquiry is whether or not there is any way under the parliamentary procedures of the House that the bill can be brought up for immediate consideration upon its receipt in the House.

THE SPEAKER: It can be brought up only by a unanimous-consent request.

MR. RHODES: Mr. Speaker, in that event, I ask unanimous consent that when the bill is brought to the House that it be immediately considered by the House.

THE SPEAKER: Is there objection to the request of the gentleman from Arizona?

MR. [TOBY] MOFFETT [of Connecticut]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

MR. RHODES: Mr. Speaker, is a motion in order for the immediate consideration of the bill by the House?

THE SPEAKER: It is not.

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10. 121 CONG. REC. 26252, 94th Cong. 1st Sess.

MR. RHODES: Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until 10 o'clock tomorrow to file a resolution and report.

THE SPEAKER: Is there objection to the request of the gentleman from Arizona?

MR. [JOHN] BRADEMAS [of Indiana]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

Consideration by Unanimous Consent of Joint Resolution Concerning Precedents

§ 1.14 By unanimous consent, the House considered and passed a joint resolution reported from the Committee on House Administration, providing for the printing and distribution of the Precedents of the House, compiled by Lewis Deschler, former Parliamentarian of the House.

On Sept. 30, 1976,[11] the House agreed to a unanimous-consent request to consider House Joint Resolution 1107 (providing for printing and distribution of Deschler's Precedents of the House of Representatives), as follows:

MR. [JOHN] BRADEMAS [of Indiana]: Mr. Speaker, I ask unanimous consent [for the] consideration of the joint resolution (H.J. Res. 1107) to provide for the printing and distribution of the Precedents of the House of Representatives compiled and prepared by Lewis Deschler, as amended, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

THE SPEAKER:[12] Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1107

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there shall be printed and bound as a public document two thousand sets of the Precedents of the House of Representatives compiled and prepared by Lewis Deschler (hereinafter in this joint resolution referred to as the "Precedents"). . . .

With the following committee amendment:

Page 2, line 6, strike "Ninety-fourth" and insert in lieu thereof "Ninety-fifth".

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Resolution Impeaching Government Official

§ 1.15 A resolution directly impeaching an officer of the

11. 122 CONG. REC. 34220, 94th Cong. 2d Sess.

12. Carl Albert (Okla.).

United States Government may be immediately considered in the House as a question of the highest privilege, but may be laid on the table before debate thereon.

On July 13, 1978,[13] the following proceedings occurred in the House during consideration of House Resolution 1267 (impeaching Andrew Young, United States ambassador to the United Nations):

MR. [LAWRENCE P.] MCDONALD [of Georgia]: Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 1267), and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That Andrew Young, United States Ambassador to the United Nations, be impeached.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I move to lay the resolution on the table.

THE SPEAKER:[14] The question is on the motion to table offered by the gentleman from Texas (Mr. Wright). The motion to table is a privileged motion.

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

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

THE SPEAKER: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 293, nays 82, not voting 57, as follows: . . .

Private Calendar Bill—Unanimous-consent Request Not in Order After Consideration Permitted

§ 1.16 During the consideration of a bill on the Private Calendar, it is too late to ask unanimous consent that the bill be passed over without prejudice after consideration has been permitted and committee amendments to the bill adopted.

The following proceedings occurred in the House on Dec. 18, 1979:[15]

The Clerk called the bill (H.R. 2148) for the relief of Col. (Dr.) Paul A. Kelly.

There being no objection, the Clerk read the bill, as follows:

H.R. 2148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed

13. 124 CONG. REC. 20606, 95th Cong. 2d Sess.

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

15. 125 CONG. REC. 36758, 36759, 96th Cong. 1st Sess.

to pay, out of any money in the Treasury not otherwise appropriated, to Colonel (doctor) Paul A. Kelly. . . .

With the following committee amendment:

Strike all after the enacting clause and insert:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sheila M. Jackson, SSN 529–76–6000, of Lehi, Utah, the sum of $30,000. . . .

An amendment was offered:

Amendment offered by Mr. Sensenbrenner to the committee amendment: On page 3 after line 4 add the following new section:

Sec. 2. No amount in excess of 15 per centum of the sum appropriated by the first section of this Act shall be paid to or received by any agent or attorney in consideration for services rendered in connection with the claims described in the first section. . . .

THE SPEAKER:[16] The Chair will ask the gentleman from Wisconsin, Is this amendment to the committee amendment?

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Yes, and it has been approved by the committee, Mr. Speaker.

THE SPEAKER: The question is on the amendment offered by the gentleman from Wisconsin (Mr. Sensenbrenner) to the committee amendment.

The amendment to the committee amendment was agreed to.

THE SPEAKER: The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

THE SPEAKER: Does the gentleman from Iowa (Mr. Harkin) desire to address the amendment?

MR. [TOM] HARKIN [of Iowa]: Not the amendment, Mr. Speaker, but the bill itself.

THE SPEAKER: Does the gentleman object to the bill?

MR. HARKIN: I will ask unanimous consent that the bill be passed over without prejudice, Mr. Speaker.

THE SPEAKER: The gentleman's request comes too late.

MR. HARKIN: Then, Mr. Speaker, I would oppose the amendment.

THE SPEAKER: The amendment has been agreed to. The committee amendment as amended, has also been agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

§ 2. Factors Bearing on Consideration; Points of Order Against Consideration; Special Rules and Unanimous-consent Agreements

The term "consideration" as used herein means the process by which the House deliberates, while in session, on a proposition on which action is to be taken or refused by the House.[17] The pur-

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

17. The scope of the term "consideration" as herein discussed is narrower than

pose of this discussion is to summarize the general principles of consideration of any matter before the House or Committee of the Whole as well as the ways in which consideration may be prevented or postponed. The reader is advised to consult relevant chapters of this work for specific rules governing the consideration of particular resolutions, bills, motions, or other questions.

How a matter is considered depends on the way it is brought to the floor, on the nature and precedence of the proposal, and on agreements reached by the membership and leadership on the method of consideration. Generally, questions are not considered on the floor unless reported or discharged from House committees.[18] Certain time periods are a condition precedent to consideration in the House after the committee has reported the matter in question.[19] And the House may reject a proposal to consider a matter by a final or temporary decision against consideration.[20]

The first and most important element affecting how a matter is to be considered is the mandate of the standing rules and House precedents as they apply to any specific bill, resolution, or motion, or the mandate of statutory provisions[1] that may affect consideration of particular matters. Consideration of a measure may not be in order if certain rules have been ignored or violated as the bill progressed through the committee process and was reported to the House, and points of order against consideration may be sustained based on such violations.[2]

Another major factor affecting consideration is whether a special rule from the Committee on Rules

the term "debate" as used in this chapter. "Debate" refers to all discussion on the floor of the House, whether or not related to a proposal for action.

18. Matters not reported from committee may be considered by unanimous-consent request, suspension of the rules (see Ch. 21, supra), by discharge procedures (see Ch. 18, supra), and by a resolution from the Committee on Rules (see § 2.28, infra).

19. See Rule XI clause 2(l)(6), *House Rules and Manual* § 715 (1995) for layover requirements of committee reports, and Rule XXVIII clause 2(a), § 912a, for layover requirements of conference reports. For committee consideration and reporting, see Ch. 17, supra.

20. For the question of consideration as a method of refusing consideration, see § 5, infra.

1. See, for example, proceedings as affected by provisions of the Budget Act, discussed in §§ 2.35 et seq., infra.

2. See §§ 2.6, 2.7, 2.8, 2.15, 2.16, infra.

has been adopted which governs the procedures for consideration of the matter.[3] The following factors also bear heavily on consideration: whether the proposal has been referred to the House or Union Calendar;[4] whether the proposal is called up from the Private or Discharge Calendar or called up under suspension of the rules or on the District of Columbia day;[5] whether the proposal is privileged under a standing rule, by statute, or under the Constitution of the United States;[6] whether the proposal is considered by unanimous-consent agreement or under the general rules of the House; and whether such a unanimous-consent agreement includes a waiver of points of order against consideration.[7] As an example, where a unanimous-consent agreement has provided for consideration of a bill, the bill may nevertheless be subject to certain points of order directed against its consideration, unless the unanimous-consent agreement has specifically provided that "all points of order against consideration of the bill" be waived. Such provision will preclude points of order even directed against consideration of the bill.[8]

Finally, it should be noted that, in addition to the points of order discussed in this section and the "question of consideration" discussed elsewhere,[9] the motions made in order by Rule XVI, clause 4,[10] can be utilized to stop or

3. Where a special rule adopted by the House prescribes the order of consideration of amendments to a bill in Committee of the Whole, the House (but not Committee of the Whole) may by unanimous consent alter the order of consideration. See 133 CONG. REC. 11829, 100th Cong. 1st Sess., May 8, 1987 (request of Mr. Aspin).

See forms, infra, for examples of special rules making consideration in order and providing the method of consideration. For the consideration of the special rule itself, see §§ 2.22–2.24, infra.

4. See Ch. 19, supra, for consideration in the Committee of the Whole (normally Union Calendar bills) and Ch. 24, supra, for consideration of bills and resolutions.

5. See Ch. 22, supra, for calendars. For the procedure under suspension of the rules, see Ch. 21, supra.

6. See Ch. 21, supra, for privileged motions and questions. Some matters are privileged by statute, such as the disapproval of reorganization plans submitted by the President (see § 3.6, infra).

7. Unanimous-consent requests for the consideration of a proposal in a certain way take forms too numerous to mention herein. For examples, see §§ 3.3–3.5, 4.3, 4.4, infra.

8. See § 2.6, infra.

9. See § 5, infra.

10. See *House Rules and Manual* § 782 (1995).

delay consideration. A motion in the House to lay a proposition on the table cuts off debate and, if ordered, acts as a final adverse disposition of the matter before the House.[11] The motions to postpone and to refer may also be applied in the House to prevent immediate consideration; such motions are, however, debatable within narrow limits.[12]

Forms

Form of resolution making in order the consideration of a Union Calendar bill in the House under a procedure precluding amendment.

> *Resolved*, That immediately upon the adoption of this resolution the House shall proceed to the consideration of H.R. 3835, and any points of order against said bill or any provisions contained therein are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

Note: H.R. 3835 was a bill on the Union Calendar providing agricultural relief.[13]

Form of resolution making in order the consideration for general debate of a resolution in the Committee of the Whole under a procedure precluding amendment.

H. RES. 738

> *Resolved*, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 735) confirming the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States. After general debate, which shall be confined to the resolution and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the Committee shall rise and report the resolution to the House, and the previous question shall be considered as ordered on the resolution to final passage.[14]

Form of resolution making in order the consideration of a joint resolution in the House.

HOUSE RESOLUTION 872

> *Resolved*, That immediately upon the adoption of this resolution the

11. See § 7.11, infra. The motion to lay on the table takes precedence over the question of consideration (see § 5.2, infra).

12. See Rule XVI, clause 4, and comments thereto, *House Rules and Manual* §§ 782–789 (1995).

A motion to postpone further consideration of a privileged resolution (in this instance, to censure a Member) is debatable for one hour controlled by the Member offering the motion. See § 24.14, infra.

13. 77 CONG. REC. 665, 73d Cong. 1st Sess., Mar. 21, 1933. See also H. Res. 111, 77 CONG. REC. 2176, 73d Cong. 1st Sess., Apr. 22, 1933.

14. 119 CONG. REC. 39807, 93d Cong. 1st Sess., Dec. 6, 1973.

House shall proceed to the consideration of (S.J. Res. 175), a joint resolution to extend the time within which contracts may be modified or canceled under the provisions of section 5 of the Independent Office Appropriation Act 1935, and all points of order against said joint resolution are hereby waived.[15]

Form of resolution making in order the consideration of a private Senate bill (on the Speaker's table) in Committee of the Whole.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1173) to authorize the appointment of Dwight David Eisenhower to the active list of the Regular Army, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Note: A private Senate bill requiring consideration in Committee of the Whole House, messaged to the House after a similar House bill has been reported and referred to the Private Calendar (the Calendar of the Committee of the Whole House), is not privileged under clause 2, Rule XXIV.[16]

Form of resolution making in order the consideration of a private bill in Committee of the Whole.

HOUSE RESOLUTION 511

Resolved, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of H.R. 9766, a bill to authorize the deportation of Harry Renton Bridges. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Immigration and Naturalization, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.[17]

Form of resolution making in order the consideration of a measure from the Committee on Rules in Committee of the Whole.

H. RES. 1021

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for

15. 79 CONG. REC. 14652, 74th Cong. 1st Sess., Aug. 24, 1935.

16. 107 CONG. REC. 3911, 87th Cong. 1st Sess., Mar. 14, 1961.

17. 86 CONG. REC. 8181, 76th Cong. 3d Sess., June 13, 1940.

the consideration of the joint resolution (H.J. Res. 1117) to establish a Joint Committee on Environment and Technology. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.[18]

Form of resolution waiving points of order against the consideration of a conference report and the disposition of an amendment in disagreement.

Resolved, That upon the adoption of this resolution it shall be in order to consider without the intervention of any point of order the conference report on the bill (H.R. 9499) making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1964, and for other purposes, and that during the consideration of the amendment of the Senate numbered 20 to the bill, it shall be in order to consider, without the intervention of any point of order, a motion by the Chairman of the Managers on the part of the House to recede and concur in said Senate amendment numbered 20 with an amendment.[19]

Form of resolution taking a House bill with Senate amendments from the Speaker's table and making in order the consideration of those amendments in the House.

Resolved, That immediately upon the adoption of this resolution, the bill H.R. 12740 making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, with the Senate amendments thereto, shall be taken from the Speaker's table and the Senate amendments considered in the House.[20]

Cross References

The Committee of the Whole generally, see Ch. 19, supra.

Control and distribution of debate on special orders from the Committee on Rules, see § 26, infra.

Effect of special orders on control and distribution of time for debate, see § 28, infra.

Effect of special orders and unanimous-consent agreements on duration of debate in the Committee of the Whole, see § 80, infra.

Passage and consideration of bills generally, see Ch. 24, supra.

Effect of special orders and unanimous-consent agreements on duration of debate in the House, see § 71, infra.

Recognition for consideration of bills, see § 16, infra.

Recognition for consideration of resolutions and special orders, see § 18, infra.

Recognition for consideration of Senate amendments, conference reports, and amendments in disagreement, see § 17, infra.

Recognition for unanimous-consent consideration of bills, see § 10, infra.

18. 116 CONG. REC. 16973, 91st Cong. 2d Sess., May 25, 1970.

19. 109 CONG. REC. 25495, 88th Cong. 1st Sess., Dec. 23, 1963.

20. 106 CONG. REC. 15775, 86th Cong. 2d Sess., July 2, 1960.

Special orders, suspension of the rules, and the order of business, see Ch. 21, supra.

Consideration of Matter Not Privileged as Requiring Special Rule or Unanimous Consent

§ 2.1 The Speaker indicated in response to a parliamentary inquiry that he lacked authority to permit consideration in the House, other than on a day when motions to suspend the rules were in order, of a matter which was not privileged under the rules, in the absence of action by the committee with legislative jurisdiction and by the Committee on Rules.

The Speaker,[1] in proceedings on Feb. 16, 1977,[2] indicated that he could not on his own initiative effectuate House consideration of a resolution disapproving the President's recommendation for salary increases for certain government officials (including Members of Congress), there being no mechanism under the rules or under applicable law[3] permitting privileged consideration of such resolutions.

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . Mr. Speaker, I should like to personally appeal to the Speaker, since he is in the chair—a gentleman for whom I have the greatest respect—if he in any way could use the considerable powers at his command as the leader of the majority party and as the Speaker of our House, this one Member is asking him to do so in order to bring this legislation to the floor for a vote.

THE SPEAKER: The Chair is sure that the gentleman from Maryland, being one of the most erudite students of the laws and the rules of this House, knows that there is no way that the Speaker of the House personally can bring this legislation to the floor. If there is, would the gentleman make the Chair aware of it? . . .

MR. BAUMAN: Mr. Speaker, I should be glad to draft a resolution this afternoon and send it to the Speaker's office for introduction, directing the Committee on Post Office and Civil Service to be discharged immediately from further consideration of whichever appropriate disapproval resolution the Speaker chooses. Such a resolution could be called up for action in the House under a special rule, which I am sure the Speaker could direct the Committee on Rules to adopt this afternoon. . . .

[I recall] an occasion just a few years ago when the energy legislation was being considered and within the space of one evening we voted three or four times on special resolutions of this nature that were rushed through the Committee on Rules, brought to the

1. Thomas P. O'Neill, Jr. (Mass.).
2. 123 CONG. REC. 4503, 4504, 95th Cong. 1st Sess.
3. Pub. L. 90–206.

floor of the House, brought up under a suspension procedure, I believe, and then voted upon, when the bills the resolutions made in order were not even on the floor in printed form.

THE SPEAKER: Those matters were brought up under suspension, and motions to suspend the rules are not in order during the balance of the week.

Parliamentarian's Note: The President's salary increase recommendations were scheduled to become effective on Feb. 20, 1977, in the absence of adoption by either House of a resolution disapproving all or a part of those recommendations. Since the law provided no procedure for consideration of such resolutions in the absence of a report from the Committee on Rules of a special resolution permitting consideration, and since motions to suspend the rules were no longer in order that week, the Speaker had no authority save recognition for a unanimous-consent request. Pub. L. 95–19, subsequently enacted on Apr. 12, 1977, now requires separate recorded votes within 60 calendar days on each of the President's recommendations in each House.

§ 2.2 Where there is no procedure under the rules permitting privileged consideration of a resolution, and where motions to suspend the rules are not in order, the resolution may be considered only by unanimous consent.

During the proceedings in the House on Feb. 17, 1977,[4] the following occurred:

MR. [BERKLEY] BEDELL [of Iowa]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 115) disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress for the fiscal year ending September 30, 1978, which was introduced by the gentleman from Iowa (Mr. Grassley).

The Clerk read the resolution as follows:

H. RES. 115

Resolved, That the House of Representatives, in accordance with section 225(i) of the Federal Salary Act of 1967 (81 Stat. 643; Public Law 90–206), hereby disapproves all of the recommendations of the President of the United States within the purview of subparagraphs (A), (B), (C), (D), and (E) of section 225(f) of the Federal Salary Act of 1967, transmitted by the President to the Congress in the budget for the fiscal year ending September 30, 1978.

THE SPEAKER:[5] Is there objection to the request of the gentleman from Iowa?

MR. [JAMES A.] BURKE of Massachusetts: Mr. Speaker, I object.

THE SPEAKER: Objection is heard....

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I move that when the House adjourns today it adjourn to meet on Monday next.

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4. 123 CONG. REC. 4579–81, 95th Cong. 1st Sess.

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

THE SPEAKER: The question is on the motion.

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

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object to the vote on the ground that a quorum is not present.

THE SPEAKER: Does the gentleman demand the yeas and nays or object to the vote?

MR. BAUMAN: Mr. Speaker, I demand the yeas and nays.

THE SPEAKER: May the Chair announce so the Members may understand, this is a question on adjourning to Monday next. If the House fails to adjourn to Monday we will meet tomorrow at 11 a.m. In the event there is no quorum tomorrow the House will meet on Saturday at 11 a.m. I just want the Members to understand the procedure and what may happen.

The gentleman from Maryland has asked for the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 109, nays 224, not voting 18, as follows: . . .

So the motion was rejected. . . .

MR. [SAMUEL L.] DEVINE [of Ohio]: Mr. Speaker, I make this parliamentary inquiry as a result of the vote not to adjourn over until Monday and the announcement that the House would reconvene at 11 o'clock tomorrow. Are there any circumstances that the Chair could perceive under which the pay raise legislation would be considered by the House tomorrow?

THE SPEAKER: The only possibility would be if unanimous consent were asked, and the Chair would recognize a gentleman or gentlewoman for that purpose, and if there were not an objection, then there would be a vote. That would be the only possibility. The Chair has been informed that there will be objections.

Consideration of Bills by Unanimous Consent To Be Cleared With Leadership

§ 2.3 The Speaker on occasion has reiterated his policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority- and minority-elected floor leadership and committee and subcommittee chairmen and ranking minority members have no objection.

Several Members having propounded unanimous-consent requests to permit consideration of various legislative measures by a day certain under an "open rule" procedure, the Speaker on Jan. 25, 1984,[6] reiterated the Chair's policy of conferring recognition upon Members to permit consideration of bills and resolutions only when assured that the majority and minority floor and committee and subcommittee leaderships

6. 130 CONG. REC. 354, 355, 98th Cong. 2d Sess.

have no objection. This policy was intended in part to prevent the practice whereby one side might force the other to go on record as objecting to propositions regarding which they have only procedural or technical objections rather than substantive opposition.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 100, the voluntary school prayer constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

MR. [BILL] ALEXANDER [of Arkansas]: Mr. Speaker, I object.

THE SPEAKER:[7] Objection is heard.

The Chair will read the following statement:

> As indicated on page 476 of the House Rules and Manual, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with that policy, and with the Chair's inherent power of recognition under clause 2, rule XIV, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 7, rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been cleared by that leadership. This denial of recognition by the Chair will not reflect, necessarily, any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed, that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle. . . .

MR. WALKER: Mr. Speaker, do I understand now that the unanimous-consent procedure cannot be used by anyone to bring legislation to the floor unless that has been specifically cleared by both the majority and the minority leadership; is that correct?

THE SPEAKER: That has been the custom and it will continue to be the custom. . . .

MR. WALKER: I just want to clarify then that the entire matter then of utilizing unanimous-consent requests for any kind of legislative business, such as bringing up legislation, will be denied to all parties.

THE SPEAKER: Unless the Chair has assurances that proper clearance has taken place. . . .

MR. [NEWT] GINGRICH [of Georgia]: . . . The Speaker mentioned fairness on both sides and both sides be knowledgeable. . . . [C]ould the Chair describe how fairness to both sides and how both sides might be knowledgeable might proceed? . . .

THE SPEAKER: The Chair intends to go through the legitimate leadership of the gentleman's side of the aisle, and the elected leadership on the other side of the aisle.

MR. GINGRICH: So in the future the legitimate leadership on our side of the aisle might legitimately expect to be informed?

THE SPEAKER: The Chair considers the legitimate leadership as the leader-

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

ship that was elected, not caucuses within the party.

§ 2.4 Pursuant to the Speaker's previously announced policy, the Chair declined to recognize a Member to request unanimous consent for the consideration of an unreported measure, where the request had not been cleared with the minority leadership.

On June 6, 1984,[8] the following proceedings occurred in the House:

> MRS. [KATIE] HALL of Indiana: Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of House joint resolution (H.J. Res. 247) to designate April 24, 1984, as National Day of Remembrance of Man's Inhumanity to Man, and ask for its immediate consideration.
>
> Mr. Speaker, I have an amendment at the desk.
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: A parliamentary inquiry, Mr. Speaker.
>
> THE SPEAKER PRO TEMPORE:[9] The Chair understands that this has not been cleared by the leadership on the minority side. Since the Speaker has made the statement that those types of requests would not be entertained, under such circumstances the Chair does not recognize the gentlewoman.

Parliamentarian's Note: Beginning in 1981, the Speaker enunciated a policy for the consideration by unanimous consent of bills not reported from committees.[10] The Speaker declines to recognize for such requests without assurances that the matter to be called up has been "cleared" by the Majority and Minority Leaders and the chairman and ranking minority member of the appropriate committees.[11]

—Reported Bill

§ 2.5 Under an extension of guidelines announced by the Speaker on the opening day of the Congress, the Chair will decline to recognize for a unanimous-consent request for the consideration of a (reported) bill unless assured of clearances from both majority and minority floor and committee leaderships (guidelines heretofore applicable to consideration of unreported measures).

On July 23, 1993,[12] the Chair discussed the role of the leadership in determining whether re-

8. 130 CONG. REC. 15174, 98th Cong. 2d Sess.

9. John P. Murtha (Pa.).

10. See 127 CONG. REC. 31590, 97th Cong. 1st Sess., Dec. 15, 1981.

11. See *House Rules and Manual* § 757 (1995).

12. 139 CONG. REC. _____, 103d Cong. 1st Sess.

quests for the consideration of bills would be allowed.

MR. [STEVE] GUNDERSON [of Wisconsin]: Mr. Speaker, my parliamentary inquiry is this: Is it possible to ask unanimous consent to bring H.R. 2667 for its immediate consideration?

THE SPEAKER PRO TEMPORE:[13] The leadership on both sides of the aisle has to agree to allow that unanimous-consent request.

MR. GUNDERSON: . . . Is it possible to bring an appropriation bill to the floor for consideration without a rule?

THE SPEAKER PRO TEMPORE: Yes, if it is privileged and it has been reported and available for 3 days and is called up by the committee.

MR. GUNDERSON: Can the 3-day rule be waived?

THE SPEAKER PRO TEMPORE: By unanimous consent, yes.

MR. GUNDERSON: Mr. Speaker, is it possible to move that H.R. 2667 be brought up for immediate consideration? . . .

Any member of the committee, Mr. Speaker, could make that motion?

THE SPEAKER PRO TEMPORE: The chairman or a member authorized by the committee. . . .

MR. GUNDERSON: Mr. Speaker, I have one further parliamentary inquiry.

Is it possible to ask unanimous consent at any time during the day to bring up an appropriation bill for its immediate consideration?

THE SPEAKER PRO TEMPORE: The chairman or his designee could bring the bill up.

MR. GUNDERSON: . . . If, for example, I were to move or ask unanimous consent to do that and the Chair did not recognize me, would it be possible at that point to literally appeal the ruling of the Chair for another Member to bring it up?

THE SPEAKER PRO TEMPORE: Under a previous agreement between the leaderships of the Democrat and Republican side, only the chairman of the committee would be recognized to bring up the bill after agreement of both leaderships by a unanimous-consent request. Another Member would not be recognized for that reason, and the denial of recognition to make a unanimous-consent request is not appealable.

MR. GUNDERSON: . . . The chairman of the Appropriations Committee can bring up H.R. 2667 for immediate consideration at any time?

THE SPEAKER PRO TEMPORE: Prior to the 3-day availability, he could bring it up by unanimous consent, but as the gentleman knows, these things are traditionally handled with the concurrence of both leaderships and very carefully orchestrated before unanimous consent is requested in order to be sure that it is adhered to.

§ 2.6 Where unanimous consent has been given for the immediate consideration of a bill, a point of order may nevertheless subsequently be sustained based on the absence of a quorum in the committee when the bill was reported, and in such case the bill is recommitted.

13. John P. Murtha (Pa.).

On Oct. 11, 1968,[14] the following proceedings took place:

> MR. [THADDEUS J.] DULSKI [of New York]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1507) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations. . . .
>
> THE SPEAKER:[15] Is there objection to the request of the gentleman from New York?

Mr. John M. Ashbrook, of Ohio, at this point made a point of order based in part on the absence of a quorum when the bill was passed by the Post Office and Civil Service Committee. The Speaker indicated that the proper time to make the point of order would be after unanimous consent was given (and before actual consideration began). After the point of order was subsequently made, the Speaker addressed the chairman of the committee as follows, and made his ruling:

> THE SPEAKER: The Chair would like to ask the gentleman from New York if a quorum was present in his committee when the bill was reported?
>
> MR. DULSKI: Mr. Speaker, the gentleman from Ohio is correct. There was no quorum present.
>
> THE SPEAKER: Under those circumstances, the Chair sustains the point of order and the bill is recommitted to the Committee on Post Office and Civil Service.

Parliamentarian's Note: A unanimous-consent request that explicitly waives all points of order against consideration of the bill would preclude objections to consideration of the bill such as those raised by Mr. Ashbrook. In one instance,[16] in fact, the Chair ruled that, where the House granted unanimous consent for the consideration of a bill and specified that "all points of order against the said bill" be considered as waived, such waiver precluded various points of order based on objections to consideration of the bill. To ensure the broadest scope of such waiver, it is advisable that the waiver apply to "all points of order against the bill and its consideration." In the Oct. 11, 1968, precedent above, the unanimous-consent request for immediate consideration did not include waivers of points of order, but merely would have permitted privileged consideration immediately under the five-minute rule of a bill which was on the Union Calendar and would otherwise re-

14. 114 CONG. REC. 30751, 90th Cong. 2d Sess.

15. John W. McCormack (Mass.).

16. See 93 CONG. REC. 9095, 9396, 80th Cong. 1st Sess., July 16 and July 19, 1947.

quire consideration in Committee of the Whole.

Suspension of Rules—Effect on Points of Order

§ 2.7 A motion to suspend the rules and pass a bill suspends all rules in conflict with the motion and points of order against consideration on the grounds that the bill was reported from committee without a quorum, or that the committee report is unavailable, will not lie against a bill brought up under suspension.

On Sept. 16, 1968,[17] Speaker John W. McCormack, of Massachusetts, ruled that a motion to suspend the rules and pass a bill suspended all rules in conflict with the motion, and that a point of order against consideration because no committee report was available would not lie:

> MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I make a point of order against consideration of S. 3133.
>
> THE SPEAKER: On what ground?
>
> MR. HALL: Mr. Speaker, on the ground that there is no report available for consideration of the Members, nor is there one available after diligent search.
>
> THE SPEAKER: The Chair will state the pending motion is to suspend the rules, and, accordingly, that being so, the Chair overrules the point of order.

Speaker McCormack later held on the same day[18] that a motion to suspend the rules and pass a bill suspended the rule requiring a quorum of a committee present when a bill is reported and precluded a point of order against consideration based on that defect:

> THE SPEAKER: Is a second demanded?
>
> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, at the proper time I ask to be recognized to make a point of order against consideration of this bill.
>
> THE SPEAKER: The Chair will state that if the gentleman proposed to make a point of order, this is the time to make it.
>
> MR. GROSS: Mr. Speaker, I make a point of order against the consideration of the bill (H.R. 19136) on the ground that it violates rule XI, clause 26(e), in that it was reported from the committee without a quorum being present.
>
> THE SPEAKER: The Chair will state that the motion to suspend the rules suspends all rules, including the rule mentioned by the gentleman from Iowa.

§ 2.8 A point of order that a bill was reported from committee in the absence of a quorum is properly raised in the House when the bill is called up for consideration,

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17. 114 CONG. REC. 26965, 26966, 90th Cong. 2d Sess.

18. *Id.* at p. 27030.

but the point of order does not lie when the bill is called up under suspension of the rules.

On Oct. 7, 1968,[19] during special-order speeches, Mr. Durward G. Hall, of Missouri, raised a parliamentary inquiry as to points of order proposed to be made against the consideration of bills to be called up that day under suspension of the rules. Speaker John W. McCormack, of Massachusetts, responded that the proper time to raise a point of order that a quorum of the committee was not present when the bills were reported, was when the bills were called up for consideration.

> MR. HALL: . . . Mr. Speaker, I submit that the bills S. 1507, S. 1190, H.R. 17954, and H.R. 7406 all were improperly reported. Mr. Speaker, my parliamentary inquiry is this: At what point in the proceedings would it be in order to raise the question against these bills as being in violation of rule XI, clause 26(e) inasmuch as they are scheduled to be considered under suspension of the rules, which would obviously suspend the rule I have cited?
>
> Mr. Speaker, I ask the guidance of the Chair in lodging my point of order against these listed bills so that my objection may be fairly considered, and so that my right to object will be protected. Mr. Speaker, I intend to do so only because orderly procedure must be based on compliance with the rules of the House which we have adopted.
>
> THE SPEAKER: The Chair will state that any point of order would have to be made when the bill is called up. . . .
>
> MR. HALL: Mr. Speaker, a further parliamentary inquiry. Would it not be in order, prior to the House going into the Consent Calendar or suspension of the rules, to lodge the point of order against the bills at this time?
>
> THE SPEAKER: The point of order could be directed against such consideration when the bills are called up under the general rules of the House. The rules we are operating under today as far as these bills are concerned, concerns suspension of the rules, and that motion will suspend all rules.[20]

Unanimous Consent To Consider Measure While Another Pending

§ 2.9 The House may by unanimous consent consider a legislative proposition while another is pending.

On Oct. 14, 1978,[1] the following proceedings occurred in the House:

19. 114 CONG. REC. 29764, 90th Cong. 2d Sess.

20. See also 72 CONG. REC. 10593–96, 71st Cong. 2d Sess., June 12, 1930, where it was held that the proper time to raise a point of order of noncompliance with the Ramseyer rule was when the motion was made to go into the Committee of the Whole to consider a bill under the provisions of an open rule already adopted and not waiving points of order against the bill.

1. 124 CONG. REC. 38287, 38318, 38319, 95th Cong. 2d Sess.

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1439) providing for concurring in the Senate amendments to the bill (H.R. 14279) with amendments.

The Clerk read as follows:

H. RES. 1439

Resolved, That upon the adoption of this resolution the bill (H.R. 14279) to extend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions, with the Senate amendments thereto, is taken from the Speaker's table to the end (1) that the House concur, and it does hereby, in the Senate amendment to the title with an amendment as follows: . . .

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I demand a second.

THE SPEAKER PRO TEMPORE:[2] Without objection, a second will be considered as ordered.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object, and on that I demand tellers. . . .

So a second was ordered.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The gentleman from Rhode Island (Mr. St Germain) will be recognized for 20 minutes, and the gentleman from California (Mr. Rousselot) will be recognized for 20 minutes. . . .

MS. [ELIZABETH] HOLTZMAN [of New York]: Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 755) directing the Secretary of the Senate to make a correction in the enrollment of the Senate bill (S. 1487) to eliminate racketeering in the sale and distribution of cigarettes, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 755

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 1487) to eliminate racketeering in the sale and distribution of cigarettes, and for other purposes, the Secretary of the Senate shall make the following correction. . . .

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. ROUSSELOT: Mr. Speaker, can we have another matter called up with one matter pending?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman from California that it has to be called up by unanimous consent, which was the request.

Consideration of Bill on Following Day or Any Day Thereafter

§ 2.10 The House agreed to a unanimous-consent request propounded by the Minority Leader providing for the consideration of a bill in the House on the following day or any day thereafter.

2. William H. Natcher (Ky.).

The following unanimous-consent request was agreed to in the House on Sept. 28, 1982:[3]

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, September 29, 1982, or any day thereafter to consider in the House the bill, H.R. 6838.

THE SPEAKER PRO TEMPORE:[4] Is there objection to the request of the gentleman from Illinois?

There was no objection.

Parliamentarian's Note: On Sept. 29, 1982,[5] the Speaker recognized the Minority Leader to call up the reported bill in the House for consideration under the hour rule, and subsequently recognized the Minority Leader in opposition to a motion to recommit with instructions offered by the ranking minority member of the reporting committee.

Continuing Appropriations—Points of Order Waived Against Consideration

§ 2.11 A special rule has waived points of order against consideration of a joint resolution making continuing appropriations, particularly the point of order based on the three-day layover requirement, and has provided for its consideration in the House, with not to exceed two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The following proceedings occurred in the House on Nov. 16, 1981:[6]

MR. [JOHN J.] MOAKLEY [of Massachusetts]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 271 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 271

Resolved, That upon the adoption of this resolution it shall be in order to consider, clause 2(l)(6) of rule XI to the contrary notwithstanding, the joint resolution (H.J. Res. 357) making further continuing appropriations for the fiscal year 1982, and for other purposes, in the House. Debate on said joint resolution shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit. . . .

3. 128 CONG. REC. 25533, 97th Cong. 2d Sess.
4. John G. Fary (Ill.).
5. See the proceedings discussed in § 8.22, infra.
6. 127 CONG. REC. 27613, 97th Cong. 1st Sess.

MR. MOAKLEY: Mr. Speaker, House Resolution 271 is the rule providing for consideration of House Joint Resolution 357 which makes further continuing appropriations for fiscal year 1982. . . .

Mr. Speaker, House Resolution 271 is a simple rule. It waives clause 2(l)(6) of rule XI which would otherwise force this continuing resolution to layover for 3 days, excluding Saturday and Sunday. The committee has granted this waiver because it feels that the Appropriations Committee report and the resolution are straightforward and easily comprehended.

Unanimous Consent To Consider Private Senate Bill With Nongermane Amendment

§ 2.12 By unanimous consent, the House agreed to consider a private Senate bill reported from the Committee on the Judiciary with a nongermane amendment in the nature of a substitute converting it into a public bill.

On Oct. 14, 1978,[7] during consideration of S. 2247 in the House, the following proceedings occurred:

MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2247) for the relief of Eugenia Cortes, as reported from the Committee on the Judiciary. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Eugenia Cortes shall be held and considered to be within the purview of the first proviso to section 312(1) of that Act and may be naturalized upon compliance with all of the other requirements of title III of that Act. . . .

MR. RODINO: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rodino: Strike all after the enacting clause and insert: That the first proviso contained in paragraph 1 of section 312 of the Immigration and Nationality Act is amended by striking out "or to any person who on the effective date of this act is over 50 years of age". . . .

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read a third time, and passed.

Parliamentarian's Note: The bill would ordinarily have been referred to the Private Calendar when reported, but was viewed as a public bill in essence since reported with an amendment in the nature of a substitute of a public character.

7. 124 CONG. REC. 38217, 38218, 95th Cong. 2d Sess.

Points of Order Against Consideration When Special Rule for Consideration Has Been Adopted

§ 2.13 The Speaker overruled a point of order against the consideration of a bill based on its alleged inconsistency with existing law, the House having adopted a resolution making in order the consideration of the bill.

On Mar. 27, 1958,[8] Mr. Wayne N. Aspinall, of Colorado, moved that the House resolve itself into the Committee of the Whole for the consideration of H.R. 8290, authorizing the construction of a national monument. Mr. H. R. Gross, of Iowa, objected to the consideration of the bill on the ground that it contradicted previous legislation passed in the 83d Congress:

> Mr. Speaker, I make a point of order against the consideration of the proposed legislation, H.R. 8290, on the grounds that it does not conform to, and is in fact violative of, Public Law 742, of the 83d Congress, volume 68, part I, United States Statutes. . . .
>
> Mr. Speaker, I submit that it is abundantly clear that the legislation proposed for consideration at this time, H.R. 8290, does not conform to and is in violation of Public Law 742 of the 83d Congress, for the reason that Public Law 742 provides and makes mandatory that plans must be approved—there must be a meeting of the minds—of the legally constituted agencies and commissions and thereafter, and only thereafter, shall these plans be submitted to Congress for legislative authorization.

Speaker Sam Rayburn, of Texas, overruled the point of order:

> The Chair is ready to rule.
>
> The occupant of the chair has been here a long time. He has never had the conception that one Congress could tie the hands of a later Congress and the Chair does not believe so in this case. If that doctrine were followed, then it would mean the Congress could pass a law saying, "This law shall not be touched for a number of years." Another Congress comes in and has a different idea. The Chair thinks each Congress should have the opportunity to work its will. . . . Furthermore, the House has already adopted a special rule for the consideration of this bill.

§ 2.14 A resolution to consider a special and therefore nonprivileged appropriation measure having been agreed to, a point of order against consideration does not lie.

On Aug. 21, 1951,[9] the House agreed to House Resolution 397, providing for the consideration of House Joint Resolution 320,

8. 104 Cong. Rec. 5631, 85th Cong. 2d Sess.

9. 97 Cong. Rec. 10481, 82d Cong. 1st Sess.

amending an act making temporary appropriations. Mr. Clarence Cannon, of Missouri, then moved that the House resolve itself into the Committee of the Whole for the consideration of the joint resolution. Mr. John E. Rankin, of Mississippi, made a point of order against consideration, which was overruled by Speaker Sam Rayburn, of Texas:

> MR. RANKIN: Mr. Speaker, I make a point of order against consideration of the joint resolution on the ground that the authorization has expired, and that there is no authorization for this appropriation.
>
> THE SPEAKER: The resolution just adopted makes in order the consideration of the joint resolution, and, therefore, the point of order does not lie.
>
> The Chair overrules the point of order.

Parliamentarian's Note: General appropriation bills are privileged for consideration, under Rule XI, clause 4(a), and only such bills are subject to points of order for carrying unauthorized appropriations, under Rule XXI, clause 2. Such points of order must be made in Committee of the Whole when the offending paragraph is read, and not against consideration of the entire bill. "Special" appropriation bills are not privileged and require special rules, but no points of order lie under clause 2 of Rule XXI in the Committee of the Whole or against consideration.

§ 2.15 Where the House adopts a resolution providing for "the immediate consideration of a bill" then pending before a House committee, a point of order against consideration on the ground that the Ramseyer rule has not been complied with does not lie, since that rule pertains only to bills reported by a committee and not to bills brought before the House by other means.

On Aug. 19, 1964,[10] the House adopted House Resolution 845, providing for the consideration of H.R. 11926, limiting the jurisdiction of federal courts in apportionment cases. The bill, which had been referred to the Committee on the Judiciary, had not been reported from that committee.

Following the adoption of the resolution, Mr. James G. O'Hara, of Michigan, made a point of order against consideration of the bill on the ground that no report had been made with a "comparative print" required by House rules showing changes made by the bill in existing law. Speaker John W.

10. 110 CONG. REC. 20221, 20222, 88th Cong. 2d Sess.

McCormack, of Massachusetts, overruled the point of order on the grounds that the rule applies only to bills reported out of committee:

MR. O'HARA of Michigan: Mr. Speaker, I make a point of order against the consideration of the bill H.R. 11926.

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

MR. O'HARA of Michigan: Mr. Speaker, I make a point of order against the consideration of H.R. 11926 on the ground that the bill has not been properly reported in that it purports to amend title 28 of the United States Code, that is, the act of June 25, 1948, chapter 646, but it fails to show in its report or in an accompanying document a comparative print of that part of the bill making and amending the statute or part thereof proposed to be amended as required by part 3, rule XIII, of the House of Representatives.

THE SPEAKER: The Chair is prepared to rule.

Rule XIII, clause 3, provides, "whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall include in its report or in an accompanying document the text of the statute or part thereof which is proposed to be repealed;". It will be noted that the rule only applies when a committee reports a bill. In this case the Committee on the Judiciary did not file a report on H.R. 11926. Therefore, that rule does not apply to the present situation.

In addition, the resolution before the House provides for the House immediately to resolve itself into the Committee of the Whole House on the State of the Union for the consideration of this particular bill.

The Chair overrules the point of order.

§ 2.16 A point of order that a bill was reported from committee in the absence of a quorum is in order pending a vote on the motion that the House resolve itself into the Committee of the Whole for the consideration of the bill, where the bill is being considered pursuant to a Committee on Rules resolution which does not waive that point of order.

On Oct. 11, 1968,[11] after the House had adopted House Resolution 1256, providing for the consideration in the Committee of the Whole of S. 2511, Mr. William R. Poage, of Texas, moved that the House resolve itself into Committee to consider the bill. Mr. Paul Findley, of Illinois, made a point of order against consideration of the bill on the grounds that the Committee on Agriculture had acted without a quorum when it had reported out the bill. Speaker John W. McCormack, of Massachusetts, sustained the point of order.

11. 114 CONG. REC. 30739, 90th Cong. 2d Sess.

Resolution Directing Chairman To Request Special Rule Held Not Privileged

§ 2.17 A resolution directing the chairman of the Select Committee on Committees to request the Committee on Rules to report to the House a special rule providing for the consideration of the resolution reported by the select committee, and directing the Committee on Rules to immediately consider such request, was held not to present a question of the privileges of the House under Rule IX as affecting the "integrity of the proceedings of the House," although it was alleged that the chairman of the select committee had neglected to take all necessary steps to bring the measure to a vote as required by Rule XI clause 2(l)(1)(A).

On June 27, 1974,[12] it was demonstrated that a Member may not, by raising a question of the privileges of the House under Rule IX, attach privilege to a question not otherwise in order under the rules of the House.

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I offer a resolution (H. Res. 1203) involving a question of privileges of the House, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1203

Whereas on January 31, 1973, the House of Representatives voted to establish a ten-member, bipartisan Select Committee on Committees charged with conducting a "thorough and complete study of rules X and XI of the Rules of the House of Representatives; and

Whereas the select committee was further "authorized and directed to report to the House . . .

Whereas on March 21, 1974, the select committee reported House Resolution 988 in conformance with its mandate; and

Whereas the chairman of the select committee has failed to seek a rule making House Resolution 988 in order for consideration by the House; and

Whereas, clause 27(d)(1) [now clause 2(l)(1)(A)] of House Rule XI states, "It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote;" . . .

Resolved, That the chairman of the select committee be directed to forthwith seek a rule making in order for consideration by the House, House Resolution 988; and be it further

Resolved, That the House Committee on Rules be directed to give immediate consideration to such request. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I make the point of order that the resolution offered by the gentleman from Illinois does not raise the question of privilege. . . .

12. 120 CONG. REC. 21596–98, 93d Cong. 2d Sess.

MR. ANDERSON of Illinois: Mr. Speaker, I desire to be heard on the point of order. My question of privilege arises under rule IX which provides that, and I quote:

> Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings. . . .

Mr. Speaker, I rest my question of privilege on that clause which declares those questions privileged which relate to the integrity of the proceedings of the House. It is my contention that there has been a deliberate attempt to delay House consideration of House Resolution 988, the so-called Bolling-Martin Committee Reform Amendments of 1974, and that this intentional delay not only interferes with and flouts the integrity of the proceedings of this body, but is in clear violation of clause 27(d)(1) of rule XI of the Rules of the House.

Under that rule, and I quote:

> It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. . . .

THE SPEAKER:[13] The Chair is ready to rule.

The gentleman from Illinois (Mr. Anderson) has submitted a resolution which he asserts involves a question of the privileges of the House under rule IX. Following the preamble of the resolution, the resolution provides that:

> *Resolved*, That the chairman of the Select Committee be directed to forthwith seek a rule making in order for consideration by the House, House Resolution 988, and be it further
>
> *Resolved*, That the House Committee on Rules be directed to give immediate consideration to such request.

As indicated in "Hinds' Precedents," volume III, section 2678, Speakers are authorized to make a preliminary determination as to those questions presented which may involve privileges. As reaffirmed by Speaker McCormack on October 8, 1968 (Record p. 30214 to 30216) when a Member asserts that he rises to a question of the privileges of the House, the Speaker may hear the question and then, if the matter is not one admissible as a question of privilege of the House he can refuse recognition.

The Chair has listened to the arguments concerning the privileged status of this resolution and has examined the precedents of the House in this regard. It will be noted that the gentleman from Illinois has relied heavily on section 2609, volume III of "Hinds' Precedents," in which it was held by Speaker Reed that a report having been ordered to be made by a select committee but not being made within a reasonable time, a resolution directing the report to be made raised a question of the privileges of the House.

That case is distinguishable from the present instance in that in this instance the chairman has made the report and the resolution is pending on the calendar of the House and it does not become privileged until the House has adopted a resolution reported from the Committee on Rules providing for the consideration of House Resolution

13. Carl Albert (Okla.).

988. The Chair does not feel that a question of privilege of the House under rule IX should be used as a mechanism for giving privilege to a motion which would not otherwise be in order under the Rules of the House, in this case, namely, a motion to direct the Committee on Rules to take a certain action.

The Chair now would refer to Hinds' Precedents, volume III, section 2610, wherein Speaker Crisp ruled that a charge that a committee had been inactive in regard to a subject committed to it did not constitute a question of privilege of the House. . . .

The rules did not provide at the time of Speaker Reed's ruling, as is now the case in clause 27(d)(2) of Rule XI, for a mandatory filing of the reports within 7 calendar days after the measure has been ordered reported upon signed request by a committee majority.

In the instant case, however, the Select Committee on Committees has filed its report and the Chair is not aware that the chairman of the Select Committee on Committees has in any sense violated the rule cited by the gentleman from Illinois. For these reasons, the Chair holds that the gentleman's resolution does not present a question of the privileges of the House under [rule] IX and the resolution may not be considered.

The Chair sustains the point of order.

Other Business May Be Precluded by Special Rule

§ 2.18 A resolution providing that on a certain day the Speaker shall recognize a Member to call up a bill for consideration may by its provisions preclude the consideration of other business on that day.

On May 12, 1936,[14] Speaker Joseph W. Byrns, of Tennessee, construed the effect of House Resolution 123, adopted on the preceding day and making in order on May 12, the consideration of a bill not reported from the Committee on Agriculture:

The resolution stated:[15]

HOUSE RESOLUTION 123

Resolved, That upon the day succeeding the adoption of this resolution, a special order be, and is hereby, created by the House of Representatives, for the consideration of H.R. 2066, a public bill which has remained in the Committee on Agriculture for 30 or more days, without action. That such special order be, and is hereby, created, notwithstanding any further action on said bill by the Committee on Agriculture, or any rule of the House. That on said day the Speaker shall recognize the Representative at Large from North Dakota, William Lemke, to call up H.R. 2066, a bill to liquidate and refinance existing agricultural indebtedness at a reduced rate of interest, by establishing an efficient credit system, through the use of the Farm Credit Administration, the Federal Reserve banking system, and creating a Board of Agriculture to supervise the same, as a special order of business, and to

14. 80 CONG. REC. 7097, 7098, 74th Cong. 2d Sess.

15. *Id.* at pp. 7026, 7027.

move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of said H.R. 2066. After general debate, which shall be confined to the bill and shall continue not to exceed 6 hours, to be equally divided and controlled by the Member of the House requesting the rule for the consideration of said H.R. 2066 and the Member of the House who is opposed to the said H.R. 2066, to be designated by the Speaker, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill, and the amendments thereto, to final passage, without intervening motion, except one motion to recommit. The special order shall be a continuing order until the bill is finally disposed of.

The proceedings on May 12 were as follows:

THE SPEAKER: The Chair may say that under the rule nothing is in order this morning except the consideration of the bill which was provided for by rule yesterday. However, with the unanimous consent of the House, the Chair will recognize Members to correct the Record. The Chair does not believe that, technically speaking, anything is in order this morning except the consideration of the bill just mentioned. . . .

Under the express provisions of the rule there is nothing in order this morning except a motion by the gentleman from North Dakota to go into the Committee of the Whole for the consideration of the bill. The Chair is not responsible for the rule, but it is up to the Chair to construe it.[16]

Question of Consideration Determined by House

§ 2.19 The question as to whether the House will consider a resolution making in order the consideration of a bill is a matter for the House to decide and not the Chair.

On May 13, 1953,[17] Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that a point of order against a resolution providing for the consideration of a bill, on the ground that the bill sought to amend a nonexisting act, was a matter for the House to determine:

MR. [MICHAEL A.] FEIGHAN [of Ohio]: Mr. Speaker, I make a point of order against the consideration of this rule [H. Res. 233] because it attempts to make in order the consideration of the bill H.R. 5134, which is a bill to amend a nonexisting act. [The "Submerged Lands Act".]

THE SPEAKER: The Chair will state that the point of order that has been

16. For the privilege and precedence of reports from the Committee on Rules related to the order of business and consideration, see Rule XI clauses 4(a)-4(e) and comments thereto, *House Rules and Manual* §§ 726–731(a) (1995).

17. 99 CONG. REC. 4877, 83d Cong. 1st Sess.

raised by the gentleman from Ohio is not one within the jurisdiction of the Chair, but is a question for the House to decide, whether it wants to consider such legislation.

The Chair overrules the point of order.

Parliamentarian's Note: Also, dilatory motions including the question of consideration, may not be raised against a privileged report from the Committee on Rules.

Two-thirds Vote To Consider Special Rule on Same Day Reported

§ 2.20 A resolution from the Committee on Rules may be considered on the same day as reported if the question of consideration is supported by two-thirds of the Members present and voting, a quorum being present.

On Nov. 14, 1975,[18] a resolution from the Committee on Rules was reported, providing that upon the adoption of the resolution it would be in order to take a Senate bill from the Speaker's table and consider it in the House. Following the adoption of the resolution making the consideration of the Senate bill in order, the Member calling up the Senate bill was recognized for one hour:

MR. [RICHARD] BOLLING [of Missouri], from the Committee on Rules, reported the following privileged resolution (H. Res. 866, Rept. No. 94–666), which was referred to the House Calendar and ordered to be printed.

H. RES. 866

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill S. 2667, to extend the Emergency Petroleum Allocation Act of 1973, and to consider said bill in the House.

MR. BOLLING: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 866 and ask for its immediate consideration.

THE SPEAKER:[19] The Clerk will report the resolution.

The Clerk read the resolution.

THE SPEAKER: The question is, Will the House now consider House Resolution 866?

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

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: The Chair is certain that a quorum is present. The Chair will count.

Two hundred and forty-one Members are present, a quorum.

MR. ROUSSELOT: Mr. Speaker, I demand a division.

18. 121 CONG. REC. 36638, 36641, 94th Cong. 1st Sess.

19. Carl Albert (Okla.).

On a division (demanded by Mr. Rousselot) there were—yeas 171, noes 14.

So (two-thirds having voted in favor thereof), the House agreed to consider House Resolution 866.

THE SPEAKER: The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE SPEAKER: The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, pursuant to House Resolution 866, I call up the Senate bill (S. 2667) and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 2667

A BILL TO EXTEND THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out each date specified therein and inserting in lieu thereof in each case "December 15, 1975". . . .

MR. STAGGERS: Mr. Speaker, I move the previous question on the Senate bill.

The previous question was ordered.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

§ 2.21 The House, by a two-thirds vote, agreed to consider a privileged resolution reported from the Committee on Rules on the same day reported.

On Oct. 17, 1974,[20] Speaker Carl Albert, of Oklahoma, recognized John Young, of Texas, to call up House Resolution 1456. The proceedings were as follows:

MR. YOUNG of Texas, from the Committee on Rules, reported the following privileged resolution (H. Res. 1456, Rept. No. 93–1470) which was referred to the House Calendar and ordered to be printed:

H. RES. 1456

Resolved, That immediately upon the adoption of this resolution the House shall consider the joint resolution (H.J. Res. 1167) making further continuing appropriations for the fiscal year 1975, and for other purposes. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

MR. YOUNG of Texas: Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1456 and ask for its immediate consideration.

THE SPEAKER: The Clerk will report the resolution.

The Clerk read the resolution.

THE SPEAKER: The question is, Will the House now consider House Resolution 1456?

20. 120 CONG. REC. 36020, 36021, 93d Cong. 2d Sess.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GROSS: Mr. Speaker, does not consideration of this rule require unanimous consent?

THE SPEAKER: The Chair will state to the gentleman from Iowa that it requires a two-thirds vote to consider the resolution. The Chair was about to put the question. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I am a little curious as to how this resolution got out of the Committee on Appropriations, since I understand the committee did not meet. How did it get before the Committee on Rules?

THE SPEAKER: The Chair will state that a request was made that the Committee on Rules consider a rule on the introduced version.

MR. HAYS: But how did it get before the Committee on Rules?

THE SPEAKER: Because House Resolution 1456 was reported by the Committee on Rules, and the Committee on Rules has authority to report as privileged a resolution discharging another committee from a measure referred to that committee. . . .

THE SPEAKER: . . . Shall the House consider the resolution?

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

MR. HAYS: I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 210, nays 14, not voting 210, as follows: . . .

So (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 1456. . . .

THE SPEAKER: The gentleman from Texas (Mr. Young), is recognized for 1 hour. . . .

MR. YOUNG of Texas: Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Parliamentarian's Note: Pursuant to Rule XI clause 4(a), the Committee on Rules may report as privileged a resolution on the "order of business" which has the effect of discharging another committee from consideration of a measure referred to it.

§ 2.22 Under the rules of the House, objection to consideration of a report from the Committee on Rules on the same day reported will not lie where such consideration has been agreed to by an affirmative vote of two-thirds of the Members voting.

On Dec. 21, 1963,[1] Mr. Ray J. Madden, of Indiana, called up by the direction of the Committee on Rules House Resolution 598, providing for the consideration of a

1. 109 CONG. REC. 25408, 88th Cong. 1st Sess.

conference report. Mr. Madden asked for the immediate consideration of the resolution, and Mr. Frank T. Bow, of Ohio, objected to such consideration on the grounds "that under rule XI, section 22, of the rules of the House this rule is not laid over before the House for 24 hours."

Speaker John W. McCormack, of Massachusetts, indicated that objection to consideration of the resolution would not lie:

> The Chair will state that clause 22 of Rule XI provides, in substance, that the House may consider a resolution on the same day reported, if by a two-thirds vote.

The Speaker put the question on the immediate consideration of the resolution to the House, which agreed thereto.

On May 26, 1964, Speaker McCormack ruled that where immediate consideration was asked for the consideration of a Committee on Rules resolution (H. Res. 736) on the same day reported, a vote on consideration was immediately in order:[2]

> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. GROSS: Does this require unanimous consent?
>
> THE SPEAKER: It requires a two-thirds vote.
>
> MR. GROSS: Mr. Speaker, is there any way to ascertain the reason for this request?
>
> THE SPEAKER: If the House decides to consider it, then the debate will be under the 1-hour rule on the resolution.
>
> MR. GROSS: Is there no way of ascertaining what is being done here, Mr. Speaker? Is there no time available?
>
> THE SPEAKER: The Chair will state at this point that it is a matter of consideration. If consideration is granted, which requires a two-thirds vote, then the resolution will be considered under the 1-hour rule.
>
> The question is, Will the House now consider House Resolution 736?

§ 2.23 When a resolution from the Committee on Rules is called up the same day it is reported, no debate thereon is in order until the House agrees to consider the resolution.

On May 26, 1964,[3] Mr. Richard Bolling, of Missouri, called up a resolution from the Committee on Rules reported on the same day and asked for its immediate consideration. In response to a parliamentary inquiry, Speaker John W. McCormack, of Massachusetts, ruled that the pending question was the consideration of the reso-

2. 110 CONG. REC. 11951, 88th Cong. 2d Sess.

3. 110 CONG. REC. 11951, 88th Cong. 2d Sess.

lution, such consideration to be determined by a two-thirds vote, and that no debate was in order until the House agreed to consider the resolution, at which time one hour's debate would be had on the resolution itself.

§ 2.24 Where the Committee on Rules reports a resolution making a bill a special order of business, a two-thirds vote is required to consider the resolution on the same day reported.[4]

4. See for example 113 CONG. REC. 31904–06, 90th Cong. 1st Sess., Nov. 9, 1967; 110 CONG. REC. 11951, 88th Cong. 2d Sess., May 26, 1964; 108 CONG. REC. 16759, 87th Cong. 2d Sess., Aug. 16, 1962; 90 CONG. REC. 8999, 9000, 78th Cong. 2d Sess., Dec. 7, 1944.

Rule XI clause 4(b), *House Rules and Manual* § 729a (1995) provides as follows: "It shall always be in order to call up for consideration a report from the Committee on Rules on a rule, joint rule, or the order of business (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session)."

A resolution reported from the Committee on Rules may suspend the requirements of a two-thirds vote to consider Committee on Rules reports on the same day reported. See, for example, 78 CONG. REC. 10239–41, 73d Cong. 2d Sess., June 1, 1934.

—Report From Committee on Rules Filed Before House Convenes May Be Considered

§ 2.25 Pursuant to Rule XI clause 4(b), a privileged report from the Committee on Rules may be considered on the same legislative day as reported only by a two-thirds vote, but a report filed by that committee, pursuant to unanimous-consent permission, at any time prior to convening of the House on the next legislative day may be called up for immediate consideration on that new legislative day, and a two-thirds vote is not then required.

On July 31, 1975,[5] Speaker Carl Albert, of Oklahoma, responded to several parliamentary inquiries relating to the situation described above:

> MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker . . . it is my understanding the other body will probably vote on this matter by 9:30 or 9:40. . . . If that is the situation, we can expect the matter to be messaged over here sometime soon after 10:00, and it would be my hope at that time the matter would be given attention

5. 121 CONG. REC. 26243–47, 94th Cong. 1st Sess.

immediately by the Rules Committee. . . . Mr. Speaker, if I may address a parliamentary inquiry, is my understanding correct that if the House recesses subject to the call of the Chair, that bills can be received from the other body, and the matter referred to the Rules Committee without calling the House back into session? . . .

THE SPEAKER: If [the bill] comes over it can be referred to the Committee on International Relations or held at the table but not referred to the Committee on Rules. . . .

MR. RHODES: Mr. Speaker, could not the Rules Committee meet immediately and report a resolution, taking the matter from the Speaker's table, bypassing the Committee on International Affairs and reporting the matter directly. Is it not possible?

THE SPEAKER: That is a possible procedure. . . .

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: . . . Mr. Speaker, is it not correct to say that if a unanimous-consent request to allow the Committee on Rules until midnight to file a report on the Turkish aid issue now being debated by the other body, was granted, that the House could then adjourn and at the same time work its will because then, if the Committee on Rules files a report, it could be considered then under the rules of the House, and if they did not file a report, the issue would be moot?

THE SPEAKER PRO TEMPORE: The Chair will state that that is an accurate statement of the situation, as the Chair understands it. . . .

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, there have been some remarks made that the House would be denied its will and there would be no way to consider the matter in the event the other body agreed to some legislation tonight. Am I correct in the proposition that if a bill is passed by the other body tonight, there is a procedure under the rules whereby the matter could be considered tomorrow? . . .

THE SPEAKER: The Chair will state this. The regular rule is that a report from the Rules Committee has to go over 1 day or it takes a two-thirds vote for consideration on the day reported. The other way is that a unanimous-consent request can be made, and if the Committee on Rules can file it by 10 o'clock tomorrow, and the House adjourns tonight, then it will take a majority vote for consideration tomorrow after the House meets, just as it always does on a subsequent legislative day.

—Point of Order That Report Not Printed Does Not Lie

§ 2.26 Under Rule XI clause 4(b), it is in order to call up a privileged report from the Committee on Rules relating to the order of business on the same day reported if consideration is granted by a two-thirds vote, and a point of order that the report has not been printed does not lie.

On Feb. 2, 1977,[6] the following proceedings occurred in the House:

6. 123 CONG. REC. 3344, 3349, 95th Cong. 1st Sess.

Mr. [James J.] Delaney [of New York], from the Committee on Rules, reported the following privileged resolution (H. Res. 231, Rept. No. 95–6), which was referred to the House Calendar and ordered to be printed: . . .

MR. DELANEY: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 231 and ask for its immediate consideration.

THE SPEAKER:[7] The Clerk will report the resolution.

The Clerk read the resolution.

THE SPEAKER: The question is, Will the House now consider House Resolution 231? . . .

MR. [W. HENSEN] MOORE [of Louisiana]: Mr. Speaker, I make the point of order that the resolution has not been printed.

MR. DELANEY: Mr. Speaker, if the gentleman will yield, this is merely to consider taking up the rule.

MR. MOORE: Mr. Speaker, I would like to make the point of order that I believe under this rule we are waiving all points of order; is that not correct?

MR. DELANEY: Mr. Speaker, if the gentleman will yield further, that matter will be taken up at the proper time. This is merely for consideration, at this particular time, of House Resolution 231.

THE SPEAKER: The Chair will state that the point of order of the gentleman from Louisiana (Mr. Moore) is not well taken and is therefore overruled.

There is no requirement that this resolution be printed before it can be called up, although the Chair ordered the resolution printed when it was filed and referred to the House Calendar.

The question is, Will the House now consider House Resolution 231?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 231.

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

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

The previous question was ordered.

THE SPEAKER: The question is on the resolution.

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

MR. MOORE: Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the resolution was agreed to.

Special Rule Reported Where House Refused To Consider Bill Called Up Under Motion Procedure

§ 2.27 Refusal of the House to consider a bill called up under a motion procedure would not prevent the reporting of a resolution by the Committee on Rules making the bill a special order of business.

On May 4, 1960,[8] Speaker Sam Rayburn, of Texas, responded as

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

8. 106 CONG. REC. 9417, 86th Cong. 2d Sess.

follows to a parliamentary inquiry prior to the call of committees under the Calendar Wednesday procedure:

> MR. [CHARLES A.] HALLECK [of Indiana]: In the event that the motion to consider the bill should not prevail in the House, would it still be possible if a rule were reported by the Rules Committee for the bill to be brought before the House at a later date under a rule?
>
> THE SPEAKER: The Chair would think the House could adopt any rule reported by the Committee on Rules.

Special Rule for Consideration of Unreported Bills

§ 2.28 The Committee on Rules has reported and the House has adopted resolutions making in order the immediate consideration of bills which had not been reported by the committee to which referred.

On Aug. 19, 1964,[9] the Committee on Rules reported a resolution, which was adopted by the House with an amendment, providing for immediate consideration of a bill pending before the Committee on the Judiciary but not yet reported:

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11926) to limit jurisdiction of Federal courts in reapportionment cases. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.
>
> THE SPEAKER:[10] The Clerk will report the committee amendments.
>
> The Clerk read as follows:
>
> > Committee amendments: Lines 1 and 2, page 1, strike the words "it shall be in order to move that," and line 2, page 1, after the word "House" insert "shall immediately".
>
> THE SPEAKER: Without objection, the committee amendments are agreed to.
>
> There was no objection.

On June 24, 1965,[11] the Committee on Rules reported and the House adopted House Resolution 433, making in order the immediate consideration of a joint reso-

9. 110 CONG. REC. 20213, 20221, 88th Cong. 2d Sess. For other examples, see Ch. 18, supra.

10. John W. McCormack (Mass.).

11. 111 CONG. REC. 14705, 14706, 89th Cong. 1st Sess.

lution referred to the Committee on Banking and Currency but not yet reported:

Resolved, That, upon the adoption of this resolution, the House shall immediately resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the House joint resolution (H.J. Res. 541) to extend the Area Redevelopment Act for a period of two months. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Parliamentarian's Note: The Committee on Banking and Currency was in agreement on consideration of the joint resolution (although it had not been reported) and had requested the special rule from the Committee on Rules.[12]

Special Rule for Consideration of Resolution on Confirmation of Vice President

§ 2.29 A resolution was reported from the Committee on Rules, providing for consideration in the Committee of the Whole of a resolution reported from the Committee on the Judiciary, on confirmation of the nomination of the Vice President, waiving points of order against consideration of the resolution for not having been reported for three calendar days and providing that the previous question be ordered in the House upon completion of general debate in the Committee of the Whole.

The following resolution was reported on Dec. 19, 1974:[13]

H. RES. 1519

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 28(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1511) confirming Nelson A. Rockefeller as Vice President of the United States.

12. See § 2.15, supra, for the ruling that points of order against consideration of a bill based on defects in reporting procedures may not be made where the bill was not reported from committee but made in order by a special rule.

13. 120 CONG. REC. 41419, 93d Cong. 2d Sess.

After general debate, which shall be confined to the resolution and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and Representative Robert W. Kastenmeier, of Wisconsin, the Committee shall rise and report the resolution to the House, and the previous question shall be considered as ordered on the resolution to final adoption or rejection.

Measure Called Up Without Motion, Under Special Rule

§ 2.30 Where the House adopts a special rule providing for the immediate consideration of a measure in the House, the Speaker directs the Clerk to report the measure without its being called up by motion.

On Oct. 17, 1974,[14] the following resolution was agreed to, for purposes of providing for immediate consideration of a joint resolution making continuing appropriations for fiscal 1975:

H. RES. 1456

Resolved, That immediately upon the adoption of this resolution the House shall consider the joint resolution (H.J. Res. 1167) making further continuing appropriations for the fiscal year 1975, and for other purposes. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit. . . .

MR. [JOHN] YOUNG of Texas: Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE SPEAKER:[15] The Clerk will read the joint resolution.

The Clerk read as follows:

H.J. RES. 1167

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clause (c) of section 102 of the joint resolution of June 30, 1974 (Public Law 93–324), is hereby amended by striking out "September 30, 1974". . . .

Order of Consideration of Amendments Under Special Rule

§ 2.31 Where a special rule does not specify the order in which two amendments in the nature of a substitute, allowed by the rule, are to be considered, the Chair determines the order through his power of recognition.

14. 120 CONG. REC. 36020, 36021, 93d Cong. 2d Sess. For further discussion of proceedings relating to consideration of the special rule, see § 2.21, supra.

15. Carl Albert (Okla.).

For an illustration of a special rule not specifying the order in which amendments in the nature of a substitute are to be considered, and the subsequent action of the Chair in exercising his power of recognition, see the proceedings of July 17, 1974,[16] relating to a resolution[17] providing for consideration of H.R. 11500, the Surface Mining Control and Reclamation Act of 1974.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1230 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1230

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 11500) to provide for the regulation of surface coal mining operations in the United States, to authorize the Secretary of Interior to make grants to States to encourage the State regulation of surface mining, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against title IV and against section 701(a) of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. It shall be in order to consider without the intervention of any point of order the text of the bill H.R. 12898 if offered as an amendment in the nature of a substitute for said amendment recommended by the Committee on Interior and Insular Affairs for the bill H.R. 11500. It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 11500 if offered as an amendment in the nature of a substitute for said amendment recommended by the Committee on Interior and Insular Affairs for the bill H.R. 11500. At the conclusion of the consideration of the bill H.R. 11500 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 11500, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 425, and it shall then be in order in the House

16. 120 CONG. REC. 23642, 93d Cong. 2d Sess.

17. H. Res. 1230.

to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 11500 as passed by the House.

THE SPEAKER:[18] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

Recognition for Committee Amendments to First Title—Bill Open to Amendment at Any Point

§ 2.32 Where a bill consisting of several titles was considered as read and open to amendment at any point under a special "modified closed rule" permitting germane amendments only to certain portions of titles but permitting committee amendments to any portion of the bill, the Chair first recognized a Member to offer committee amendments to title I and then recognized other Members to offer amendments to that title.

On Aug. 7, 1974,[19] during consideration of the Federal Election Campaign Act of 1974 (H.R. 16090) in the Committee of the Whole, Chairman Richard Bolling, of Missouri, made the following statement:

THE CHAIRMAN: No amendments, including any amendment in the nature of a substitute for the bill, are in order to the bill except the following:

In title 1: Germane amendments to subsection 101(a) proposing solely to change the money amounts contained in said subsection, providing they have been printed in the Congressional Record at least 1 calendar day before being offered; and the text of the amendment to be offered on page 13, following line 4, inserted in the Congressional Record of August 5, 1974, by Mr. Butler.

In title 2: Germane amendments to the provisions contained on page 33, line 17, through page 35, line 11, providing they have been printed in the Record at least 1 calendar day before being offered; and the amendment printed on page E5246 in the Record of August 2, 1974.

In title 4: Germane amendments which have been printed in the Record at least 1 calendar day before they are offered, except that sections 401, 402, 407, 409 and 410 shall not be subject to amendment; and the text of the amendment printed on page H7597 in the Congressional Record of August 2, 1974.

Amendments are in order to any portion of the bill if offered by direction of the Committee on House Administration, but said amendments shall not be subject to amendment.

Are there any Committee on House Administration amendments to title I?

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Chairman, I offer three

18. Carl Albert (Okla.).

19. 120 CONG. REC. 27258, 27259, 93d Cong. 2d Sess.

committee amendments to title I of the bill and I ask unanimous consent that they be considered en bloc.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE CHAIRMAN: The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: . . .

THE CHAIRMAN: The question is on the amendments offered by the gentleman from New Jersey (Mr. Thompson).

The committee amendments were agreed to.

THE CHAIRMAN: Are there further committee amendments to title I?

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, I offer an amendment to title I.

The Clerk read as follows:

Amendment offered by Mr. du Pont: Page 2, line 16, strike "$5,000" and insert in lieu thereof "$2,500".

MR. DU PONT: Mr. Chairman, as required by the rule adopted by the House today, my amendment was published at pages E5306 and E5307 of yesterday's Record.

Amendment, Made in Order by Special Rule, Offered From Floor

§ 2.33 Pursuant to a special rule providing for the consideration of the text of a bill as an amendment in the nature of a substitute, to be read by titles as an original bill immediately after the reading of the enacting clause of the bill to which offered, the Chair recognized a Member to offer the amendment in the nature of a substitute from the floor before it could be considered under the rule.

On Sept. 19, 1974,[20] Chairman Thomas M. Rees, of California, recognized James T. Broyhill, of North Carolina, who then offered an amendment in the nature of a substitute:

The Clerk read the title of the bill.

THE CHAIRMAN: When the Committee rose on Tuesday, September 17, 1974, all time for general debate had expired.

Pursuant to the rule, immediately after the reading of the enacting clause, it shall be in order to consider the text of the bill H.R. 16327 as an amendment in the nature of a substitute for the bill, and said substitute shall be read for amendment by title.

The Clerk will read the enacting clause.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. . . .

MR. BROYHILL of North Carolina: Mr. Chairman, under the rule, I offer the following amendment in the nature of a substitute, which is to the text of the bill (H.R. 7917).

20. 120 CONG. REC. 31727, 93d Cong. 2d Sess.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Broyhill of North Carolina: That this Act may be cited as the "Consumer Product Warranties-Federal Trade Commission Improvements Act".

TITLE I—CONSUMER PRODUCT WARRANTIES

DEFINITION

Parliamentarian's Note: Mr. Broyhill was a minority member of the committee and had introduced the bill made in order by the rule. The Chair recognized him when the chairman of the then Committee on Interstate and Foreign Commerce did not immediately seek recognition.

Equal Privilege of Motions To Resolve Into Committee of Whole Pursuant to Separate Special Rules

§ 2.34 Motions that the House resolve into the Committee of the Whole for initial or further consideration of separate bills pursuant to separate special rules adopted by the House are of equal privilege, and the Speaker may exercise his discretionary power of recognition as to which bill shall be next eligible for consideration.

On Sept. 22, 1982,[1] where the Committee of the Whole had risen following completion of general debate but prior to reading of a bill for amendment under the five-minute rule, the Speaker Pro Tempore indicated in response to a parliamentary inquiry that he would exercise his power of recognition to permit consideration of another bill, rather than return to that bill under the five-minute rule.

MR. [WALTER B.] JONES of North Carolina: Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

THE CHAIRMAN: Does the gentleman wish to make a motion at this point?

MR. JONES of North Carolina: Yes, Mr. Chairman. I make a motion that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Bennett) having assumed the chair, Mr. Simon, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5543) to establish an ocean and coastal resources management and development fund and to require the Secretary of Commerce to provide to coastal States national ocean and resources management and development block grants from sums in the fund, had come to no resolution thereon.

MR. JONES of North Carolina: Mr. Speaker, I have a parliamentary inquiry. . . .

1. 128 CONG. REC. 24690, 24691, 97th Cong. 2d Sess.

Was not the bill supposed to have been read while we were sitting in the Committee of the Whole, read for amendments? . . .

THE SPEAKER PRO TEMPORE:[2] The Committee has risen now, and the Chair does not know of any way of automatically going back at this point to do that. If the Committee of the Whole had proceeded to consider the bill for amendment, it would have conflicted with a determination made by the leadership as to the legislative schedule, so the House should not resume consideration of the bill anyway at this point. In other words, the leadership had indicated that we would have general debate only today. . . .

MR. JONES of North Carolina: Mr. Speaker, another parliamentary inquiry, or statement. I was assured by the leadership that if there were no amendments, we would conclude the bill. I do not anticipate any amendments. . . .

THE SPEAKER PRO TEMPORE: The Committee of the Whole has risen. There is nothing in a parliamentary way the House could do to reserve consideration except to consider a motion to resolve into the Committee of the Whole for the further consideration of the bill.

MR. JONES of North Carolina: A parliamentary inquiry, Mr. Speaker. Would I have the privilege as the Chairman of this committee to move that the House resolve itself into the Committee once again?

THE SPEAKER PRO TEMPORE: . . . Somebody has sent for the gentleman from California (Mr. Waxman), who will make a motion of equal privilege to arrive, and he is undoubtedly on his way. The Chair would be glad to respond to any further conversation that the gentleman would want to have on this subject which would be in order, until the gentleman arrives. . . .

The Chair is following the wishes of the leadership and, therefore, would not recognize any Member for the purpose of moving that the House resolve itself into the Committee of the Whole for further consideration of the bill at this time. . . .

The gentleman from California (Mr. Waxman) has now arrived, and he is recognized.

MR. [HENRY A.] WAXMAN [of California]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6173) to amend the Public Health Service Act.

Special Rule for Consideration of Budget Resolution

§ 2.35 A resolution reported from the Committee on Rules provided for consideration at any time in Committee of the Whole of the concurrent resolution containing not only targets for aggregates and functional categories for the ensuing fiscal year and revisions of the second budget resolution for the present fiscal year (as contemplated by then section 3(a)(4) of the Congressional Budget Act), but also containing binding

2. Charles E. Bennett (Fla.).

reconciliation instructions for two future fiscal years (thereby destroying any privilege under section 305(a)); incorporated procedures applicable to consideration of privileged budget resolutions; made in order specified amendments, to be considered in a certain order and all to be in order even if previous amendments to the same portion of the resolution had been adopted; and made in order amendments to achieve mathematical consistency pursuant to section 305(a) of the Budget Act; and provided that if more than one amendment in the nature of a substitute were adopted, only the last would be reported to the House.

The following proceedings occurred in the House on Apr. 30, 1981:[3]

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 134 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 134

Resolved, That at any time after the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 115) revising the congressional budget for the United States Government for the fiscal year 1981 and setting forth the congressional budget for the United States Government for the fiscal years 1982, 1983, and 1984, and the first reading of the resolution shall be dispensed with. The provisions of subsection 305(a) of the Congressional Budget Act of 1974 and rule XXIII, clause 8,[4] of the Rules of the House of Representatives shall apply during the consideration of the concurrent resolution in the House and in the Committee of the Whole: *Provided, however*, That no amendment to the resolution shall be in order except the following amendments, which shall be considered only in the following order if offered, which shall all be in order even if previous amendments to the same portion of the concurrent resolution have been adopted, and which shall not be subject to amendment except pro forma amendments for the purpose of debate: (1) an amendment printed in the Congressional Record of April 29, 1981, by, and if offered by, Representative Hefner of North Carolina . . . (3) the amendment in the nature of a substitute printed in the Congressional Record of April 29, 1981, by, and if offered by, Representative Obey of Wisconsin; and (4) the amendment in the nature of a substitute printed in the Congres-

3. 127 CONG. REC. 7993, 8003, 97th Cong. 1st Sess.

4. The applicability of these provisions made it unnecessary to write a complete rule for consideration, since they provided that the resolution be considered as having been read and the previous question be considered as ordered on final adoption without intervening motion.

sional Record of April 29, 1981, by, and if offered by, Representative Latta of Ohio. It shall also be in order to consider the amendment or amendments provided for in section 305(a)(6) of the Congressional Budget Act of 1974 necessary to achieve mathematical consistency. If more than one of the amendments in the nature of a substitute made in order by this resolution have been adopted, only the last such amendment which has been adopted shall be considered as having been finally adopted and reported back to the House.

THE SPEAKER:[5] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.[6]

Parliamentarian's Note: The right of the Budget Committee to file privileged reports and to call them up (under clause 4(a), Rule XI and section 305(a)(1) of the Budget Act) extends only to concurrent resolutions on the budget as defined in section 3 subsection (4) and section 301(a) of that Act. The inclusion of reconciliation instructions directing changes in entitlements and in spending for ensuing fiscal years was considered to have destroyed the privilege of the concurrent resolution in the above instance because going beyond the scope of the concurrent resolution as prescribed by the Budget Act. The current section 301 of the Budget Act has enlarged the scope of the concurrent resolution on the budget.

Point of Order Under Budget Act

§ 2.36 It is not in order to consider an amendment, including an amendment recommended in a conference report, which provides new entitlement authority to become effective before the first day of the fiscal year beginning in the calendar year in which the bill was reported, under section 401(b)(1) of the Congressional Budget Act (Public Law 93–344).

During consideration of H.R. 10339 (Farmer-to-Consumer Direct Marketing Act of 1976) in the House on Sept. 23, 1976,[7] the following proceedings occurred:

MR. [JOSEPH P.] VIGORITO [of Pennsylvania]: Mr. Speaker, I call up the conference report on the bill (H.R. 10339) to encourage the direct marketing of agricultural commodities from farmers to consumers. . . .

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I make a point of order. . . .

Section 401(b)(1) of the Congressional Budget and Impoundment Control Act (Public Law 93–344) provides as follows:

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

6. See Ch. 13, § 21, supra, for detailed discussion of procedures under the Congressional Budget Act.

7. 122 CONG. REC. 32099, 32100, 94th Cong. 2d Sess.

(b) Legislation Providing Entitlement Authority.—

(1) It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which provides new spending authority described in subsection (c)(2)(C) (or any amendment which provides such new spending authority) which is to become effective before the first day of the fiscal year which begins during the calendar year in which such bill or resolution is reported.

The text of the conference agreement as set forth in the amendment adding a new section 8 is as follows:

EMERGENCY HAY PROGRAM

Sec. 8. In carrying out any emergency hay program for farmers or ranchers in any area of the United States under section 305 of the Disaster Relief Act of 1974 because of an emergency or major disaster in such area, the President shall direct the Secretary of Agriculture to pay 80 percent of the cost of transporting hay (not to exceed $50 per ton) from areas in which hay is in plentiful supply to the area in which such farmers or ranchers are located. The provisions of this section shall expire on October 1, 1977.

It is clear from a literal reading of this proposed language that certain livestock owners will be entitled to a hay subsidy immediately upon enactment of this bill. . . .

In any event it is a new spending authority effective before October 1, 1976, which marks the beginning of fiscal year 1977 but occurs in the calendar year in which the conference report is being called up in the House. . . .

MR. VIGORITO: Mr. Speaker, my understanding is that if this program is an entitlement program under section 401 of the Budget Act, the funding could not be given an authorization in this bill until the beginning of the next fiscal year, or, in this case, October 1, 1976. If that is the case, I would think that we could develop legislative intent here in that none of the funding would begin in this bill until fiscal year 1977. As a practical matter, the bill will probably not have cleared the President prior to that time, anyway, and consequently we will not be delaying the impact of the bill for any substantial length of time. We have less than a week before October 1 comes about. . . .

THE SPEAKER:[8] The Chair is having difficulty with the argument made by the distinguished gentleman from Pennsylvania, because, as the Chair understands it, theoretically and legally it would be possible to begin the payments before October 1, 1976, which would be in violation of the Budget . . . Control Act, as the entitlement to those payments might vest prior to October 1. . . .

The Chair thinks that under the present circumstances he should insist that the gentleman consider another procedure, because he thinks it can be worked out. Therefore, the Chair must sustain the point of order. . . .

The conference report is no longer before the House. The gentleman can dispose of the Senate amendments under another procedure.

Parliamentarian's Note: When a conference report is ruled out on a point of order, the Chair directs the Clerk to report the Senate

8. Carl Albert (Okla.).

amendments remaining in disagreement for disposition by motion. The above conference report having been ruled out on a point of order, the House subsequently adopted a privileged motion to recede and concur with an amendment which postponed the effectiveness of the entitlement until after the commencement of the fiscal year beginning in the calendar year in which the bill had been reported.

§ 2.37 Section 303(a) of the Congressional Budget Act prohibits the consideration in either House of any bill or amendment thereto (including a conference report) containing "new spending (entitlement) authority" which becomes effective during a fiscal year prior to the adoption of the first concurrent resolution on the budget for that fiscal year; and a conference report containing new spending "entitlement" authorities to become effective in fiscal years 1978–1980 in amounts increased over fiscal year 1977 was ruled out on a point of order under that section, since the first concurrent resolutions on the budget for those future fiscal years had not yet been adopted and the increased entitlements could not be considered merely continuations of entitlement authority which became effective in the fiscal year (1977) for which a concurrent resolution had been adopted.

The definition of new spending "entitlement" authority contained in section 401(c)(2)(C) of the Congressional Budget Act (and incorporated by reference into the prohibition in section 303(a) against consideration of future year entitlement bills and amendments) includes revenue sharing spending authority in the form of entitlements, as the exception from the definition of new spending authority accorded to revenue sharing programs in section 401(d)(2) does not apply to new "entitlement" authority for future fiscal years but only to entitlements immediately vesting as defined in section 401(c)(2)(C). A ruling by the Speaker to such effect was made on Sept. 30, 1976: [9]

> MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I call up the conference report on the bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

9. 122 CONG. REC. 34074–76, 94th Cong. 2d Sess.

The Clerk read the title of the bill.

A portion of the conference report was as follows:

SEC. 5. EXTENSION OF PROGRAM AND FUNDING.

(a) IN GENERAL.—Section 105 (relating to funding for revenue sharing) is amended. . . .

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) AUTHORIZATION OF APPROPRIATIONS FOR ENTITLEMENTS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Trust Fund to pay the entitlements hereinafter provided—

"(A) for the period beginning January 1, 1977, and ending September 30, 1977, $4,987,500,000; and

"(B) for each of the fiscal years beginning October 1 of 1977, 1978, and 1979, $6,850,000,000.

"(2) NONCONTIGUOUS STATES ADJUSTMENT AMOUNTS.—There are authorized to be appropriated to the Trust Fund to pay the entitlements hereinafter provided—

"(A) for the period beginning January 1, 1977, and ending September 30, 1977, $3,585,000; and

"(B) for each of the fiscal years beginning on October 1 of 1977, 1978, and 1979, $4,923,759."; and

(4) by inserting "; AUTHORIZATIONS FOR ENTITLEMENTS" in the heading of such section immediately after "APPROPRIATIONS". . . .

MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, I raise a point of order against the conference agreement on H.R. 13367, to extend the State and Local Fiscal Assistance Act of 1972. The conference agreement contains a provision, not included in the House bill, which provides new spending authority for fiscal years 1978 and 1979 over the amounts provided for fiscal year 1977. This new entitlement increment for succeeding fiscal years violates section 303(a) of the Congressional Budget Act which provides in part:

> It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) which provides— . . . new spending authority described in section 401 (c)(2)(C) to become effective during a fiscal year . . . until the first concurrent resolution on the budget for such year has been agreed to pursuant to section 301.

By increasing the fiscal year 1978 entitlement by $200 million over the amounts for fiscal year 1977, H.R. 13367 does provide new spending authority to become effective for a fiscal year for which a budget resolution has not been adopted. It would thereby allow that new spending increment to escape the scrutiny of the fiscal year 1978 budget process. While section 303 provides an exception for new budget authority and revenue changes for a succeeding fiscal year, entitlement programs were expressly omitted from the exception by the House-Senate conference on the Congressional Budget Act.

MR. [FRANK] HORTON [of New York]: Mr. Speaker, I rise in opposition to the point of order.

The applicable provision of the Budget Act in this matter concerns section 303(d)(1). This provision provides an exception for any bills on the full fiscal year for which the current resolution applies. The $200 million increase contained in the conference report begins in fiscal year 1978, the next fiscal year beyond 1977, the year for which our present budget resolution applies.

The $200 million increase, since it begins in fiscal year 1978, technically conforms with the Budget Act and deserves to be retained in the conference report. I might say to the membership that in making this point of order, this was brought up in the conference and we purposely did not provide for any increase in fiscal year 1977. We purposely skipped the first three-quarters. We agreed upon a term of 3¾ years for the Revenue Sharing Act to be in effect, but we skipped the first three-quarter year and applied a $200 million increment for the first fiscal year thereafter, namely, 1978, and for each of the 3 years subsequent thereto; or a total of $600 million. So, we purposely skipped this fiscal year 1977 so that we would not violate the budget resolution. . . .

MR. ADAMS: Mr. Speaker, in response to the comments made by the gentleman from New York (Mr. Horton), the provision that he refers to regards new budget authority, not entitlement programs where there is a reference over to the Committee on Appropriations and it is controlled in that fashion. This committee in its wisdom and the vote of the House was that this should be an entitlement program, and the violation is to the budget statute and process. We have applied this to all other committees of the House, that entitlement programs for the fiscal year, where we are changing the entitlement—and we have had this come up before—must be considered in the budget resolution for the fiscal year involved. This committee wishes for fiscal year 1978 to bring forth something for fiscal year 1978 that can be done in the budget cycle of that year. But it is out of order to bring it up and try to put it into the process at this point. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, I refer to Public Law 93–344 of the 93d Congress which was enacted July 12, 1974, and I refer to page 22 of that legislation, section 401(d)(2). Section 401(d) is entitled "Exceptions." Subsection (d)(2), under "Exceptions," says as follows:

> Subsections (a) and (b) shall not apply to new spending authority which is an amendment to or extension of the State and Local Fiscal Assistance Act of 1972, or a continuation of the program of fiscal assistance to State and local governments provided by that Act,"—meaning the Local Fiscal Assistance Act of 1972—"to the extent so provided in the bill or resolution providing such authority.

Mr. Speaker, it seems to me clearly designed in that legislation that the Local Fiscal Assistance Act of 1972 was meant to contain an exception from the entitlement procedure, a procedure which was in fact used in that legislation of 1972, the first Revenue Sharing Act, and I see no other way to read it except that we would provide an exception to sections 401 (a) and (b) in accordance with the legislation that the Congress previously passed.

The act provides—and this is what the conference provided for—an entitlement, and the entitlement is in fact both an authorization and an appropriation. It provided for the funds for that purpose into the future. For the first year it did not result in any breaking of the Budget Resolution passed by this House in accordance with the Committee on the Budget.

So, Mr. Speaker, I see no way by which the extension of the Revenue

Sharing Act could be prohibited, because this exemption which was provided is in the law. . . .

THE SPEAKER:[10] The Chair is ready to rule.

The gentleman from Washington (Mr. Adams) makes a point of order against the conference report on the bill H.R. 13367 on the ground that section 5(a) of the conference report provides new spending authority and entitlement increment for fiscal years 1978 and 1979 over the amounts provided for in fiscal year 1977, in violation of section 303(a) of the Congressional Budget Act of 1974.

The gentleman from New York (Mr. Horton) and the gentleman from Ohio (Mr. Brown) rebut this argument by contending that a mere incremental increase in an entitlement for subsequent fiscal years is not new spending authority as prescribed in section 401(c)(2)(C) to become effective during the subsequent fiscal years, but rather, a continuation of the spending authority for fiscal year 1977, which is permitted under section 303(a).

The Chair has examined the conference report, and section 5(a) is structured so as to provide separate authorization for entitlement payments for each of the fiscal years 1977, 1978, and 1979, with a higher authorization for 1978 and 1979 than for 1977.

In the opinion of the Chair, such a separate increase in entitlement authorizations is new spending authority to become effective during those subsequent fiscal years, which may not be included in a bill or an amendment prior to the adoption of the first concurrent resolution for fiscal years 1978 and 1979, which does not come within the exception contained in section 303(b) for new budget authority, and which does not come within the section 401(d) revenue-sharing exception—applicable only to . . . spending authority as defined in subsections (a) and (b) of section 401(c)—cited by the gentleman from Ohio.

The Chair therefore sustains the point of order against the conference report.

10. Carl Albert (Okla.).

Special Rule Waiving Provisions of Budget Act

§ 2.38 By special rule, the House can waive the various provisions of the Budget Act which would otherwise prohibit consideration of an authorization bill, conference report, or appropriation bill.

For an example of a special rule waiving points of order against a bill authorizing new budget authority, see H. Res. 355, considered on Nov. 4, 1983.[11]

MR. [GILLIS W.] LONG of Louisiana: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 355 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Resolved, That at any time after the adoption of this resolution the

11. 129 CONG. REC. 30925, 98th Cong. 1st Sess. See Ch. 13, § 21, supra, for discussion of the Congressional Budget Act generally.

Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4196) to stabilize a temporary imbalance in the supply and demand for dairy products. . . . All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) are hereby waived, and all points of order against the bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived. . . .

On July 31, 1981,[12] a special rule, H. Res. 203 provided for a waiver of points of order against consideration of a conference report on the budget.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 203 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 203

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4331) to amend the Omnibus Reconciliation Act of 1981 to restore minimum benefits under the Social Security Act. . . . After the disposition of H.R. 4331, it shall be in order to consider, any rule of the House to the contrary notwithstanding, the conference report on the bill (H.R. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for fiscal year 1982, said conference report shall be considered as having been read and shall be debatable for not to exceed two hours, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and all points of order against said conference report are hereby waived.

The proceedings of Feb. 9, 1982,[13] also related to the waiver of points of order under the Budget Act. The special rule agreed to on that day waived points of order against initial consideration of two special appropriation bills containing new budget authority and outlays in excess of the ceiling in the second concurrent resolution in the budget for the current fiscal year, and waived the same points of order against consideration of conference reports thereon if not in excess of total budget authority and outlays contained in the joint resolutions as initially reported to the House by the Committee on Appropriations.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 355 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Resolved, That upon the adoption of this resolution it shall be in order

12. 127 CONG. REC. 18872, 97th Cong. 1st Sess.

13. 128 CONG. REC. 1263, 1264, 1270, 97th Cong. 2d Sess.

to consider, section 311(a) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, the following joint resolutions: H.J. Res. 389, making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture, and H.J. Res. 391, making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982. It shall be in order to consider, section 311(a) of the Congressional Budget Act of 1974 to the contrary notwithstanding, a conference report on either of said joint resolutions if the report does not provide budget authority in excess of that provided by the joint resolution as reported to the House by the Committee on Appropriations and if the report would not cause budget outlays to exceed the budget outlays which would be caused by the joint resolution as reported to the House by the Committee on Appropriations.[14]

THE SPEAKER PRO TEMPORE:[15] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. BOLLING: . . . Section 311(a) of the Budget Act prohibits the consideration of any bill, resolution, amendment or conference report providing additional new budget or spending authority that would result in the breach of the ceiling of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for the current fiscal year.

Yesterday, the Committee on the Budget, as required by section 311(b) of the Budget Act, certified to the Speaker the current level of spending. These current level estimates indicate that there is some $4.4 billion in budget authority under the ceiling set forth in Senate Concurrent Resolution 50, the second budget resolution agreed to by the House on December 10, 1981. Outlays are some $42.8 billion in excess of the ceiling already. Consequently, the urgent supplemental appropriation bills for the Commodity Credit Corporation and the employment services portion of the unemployment compensation bill would breech the ceilings set forth in the second budget resolution. Without the waivers, the appropriation bills would be subject to a point of order and the House could be prevented from considering these critical matters.

The rule waives section 311(a) of the Budget Act against the initial consideration of the two joint resolutions by the House. It would further provide for a waiver of the same section of the Budget Act against consideration of any conference report on either of the resolutions provided that the conference report figures do not exceed the budget authority of or outlays resulting from the joint resolutions as they were reported from the House Committee on Appropriations. In other words, to expedite consideration of these matters, the Rules Committee proposes to grant waivers to the conference reports in advance, but only so long as the figures in the bills are not increased beyond the levels as reported from committee.[16]

14. For a similar resolution relating to appropriations for the Department of Health and Human Services, see *Id.* at pp. 1270, 1271 (H. Res. 356).

15. Benjamin S. Rosenthal (N.Y.).

16. *Parliamentarian's Note:* Although points of order under the Budget Act are waived, points of order under the

§ 2.39 By unanimous consent, the House agreed to consider (prior to the stage of disagreement) a motion in the House to concur in a Senate amendment to a special appropriation bill without intervening motion and to waive all points of order against consideration of the Senate amendment, which contained new budget authority in excess of the ceiling established by the second concurrent resolution on the budget for fiscal 1982, in violation of section 311 of the Congressional Budget Act.

On Feb. 10, 1982,[17] the following proceedings occurred in the House:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I ask unanimous consent that it shall be in order today or any day thereafter, any rule of the House to the contrary notwithstanding, to consider a motion in the House to take from the Speaker's table the joint resolution (H.J. Res. 389) making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1982, with the Senate amendment thereto, and to concur in said Senate amendment, and that the previous question shall be considered as ordered on said motion to final adoption without intervening motion. . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, pursuant to the unanimous-consent request just granted, I move to take from the Speaker's table the joint resolution (H.J. Res. 389) making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

> Senate amendment: Page 1, after line 12, insert:
>
> Sec. 2. (a) The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982, namely: . . .
>
> For an additional amount for "Low Income Energy Assistance", $123,000,000.
>
> (b) None of the funds appropriated under this joint resolution shall be used, obligated, or expended for the purposes of section 2604(f), 2605(k), 2607(b)(1), or 2607(b)(2) of the Omnibus Budget Reconciliation Act of 1981.

THE SPEAKER:[18] The gentleman from Mississippi (Mr. Whitten) is recognized for 1 hour.

Parliamentarian's Note: The Senate amendment contained the text of a separate House-passed urgent supplemental appropriation (H.J. Res. 392) against which points of order under section 311 of the Budget Act had been sepa-

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standing rules of the House may be available unless they are also specifically waived.

17. 128 CONG. REC. 1462, 1463, 97th Cong. 2d Sess.

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

rately waived during initial consideration in the House.

Amendment Striking Out Rescission as Causing New Authority To Exceed Limit

§ 2.40 Section 311(a) of the Budget Act precluding any amendment "providing additional new budget authority" which would cause the appropriate level of total new budget authority or budget outlays to be exceeded has been interpreted to prohibit consideration of an amendment striking out a rescission of existing budget authority where its effect is to increase the net total new budget authority in the bill (an amount calculated by offsetting rescissions in the bill against new appropriations).

Where an appropriation bill already contained new budget outlays in excess of the total level permitted by the applicable second concurrent resolution on the budget for that fiscal year, but was permitted to be considered by a waiver of section 311(a) of the Budget Act, an amendment striking out a proposed rescission of existing budget authority, which had the effect of causing the net total new budget authority in the bill to be increased, was ruled out in violation of section 311(a), as further exceeding the total outlay ceiling in the second budget resolution. The proceedings of May 12, 1981,[19] during consideration of H.R. 3512, supplemental and continuing appropriations, rescissions, and deferrals for fiscal 1981, were as follows:

The Clerk read as follows:

PAYMENTS IN LIEU OF TAXES

(RESCISSION)

Of the funds appropriated under this head in the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96–514) and previous Interior Department Appropriations Acts $108,000,000 are rescinded.

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lujan: Page 57 strike out line 7 through line 12.

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I reserve a point of order against the amendment. . . .

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

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

MR. YATES: Mr. Chairman, I make a point of order against the amendment.

I make a point of order against the gentleman's amendment because it

19. 127 CONG. REC. 9314, 9315, 97th Cong. 1st Sess. For discussion of the Congressional Budget Act, see Ch. 13, § 21, supra.

provides additional budget authority and budget outlays in excess of the budget authority and budget outlay totals agreed to in the latest concurrent budget resolution and is in violation of section 311 of the Congressional Budget Act (Public Law 93–344).

The gentleman's amendment proposes to delete language (to reduce an amount) in the bill which has the effect of providing budget authority and budget outlays in excess of the current budget ceilings for fiscal year 1981. Section 311 of the Congressional Budget Act states that it shall not be in order to consider any amendment providing additional budget authority or spending authority the adoption of which would cause the appropriate level of total budget authority of total budget outlays set forth in the most recently agreed to concurrent resolution on the budget to be exceeded.

As we all know, on March 18, 1981, Mr. Jones, chairman of the House Budget Committee, placed in the Congressional Record the reestimates of budget authority and budget outlays required of him by the Congressional Budget Act which indicate that the fiscal year 1981 budget authority ceiling has been exceeded by $19.6 billion and the budget outlay ceiling has been exceeded by $27.6 billion. The House has recently passed a measure adjusting those ceilings upward but that measure must still be worked out in conference with the Senate.

With these reestimates in place and in the absence of a new resolution having been agreed to raising these ceilings, there is no room left to provide any additional budget authority or outlays. In fact, these budget levels are currently in deficit by billions of dollars.

The gentleman's amendment therefore exceeds the current budget ceilings and is in violation of section 311 of the Congressional Budget Act. It is out of order.

THE CHAIRMAN PRO TEMPORE: Does the gentleman from New Mexico care to respond to the point of order?

MR. LUJAN: I would like to address the point of order; I certainly would, Mr. Chairman.

What the gentleman says is absolutely correct, but I think we are forgetting one fact here. The previous amendment that just passed reduced that budget amount by $376 million. Certainly, $108 million would fit very nicely under that figure of $376 million.

THE CHAIRMAN PRO TEMPORE: The Chair is prepared to rule. The amendment offered by the gentleman from New Mexico proposes to strike a rescission of funds contained in the bill.

The amendment, by striking the amount of the rescission in the bill, has the effect of increasing the net amount of new budget authority contained in the bill as a whole, and also has the obvious effect of increasing total outlay levels further above the ceiling currently in place for fiscal year 1981, contained in House Concurrent Resolution 448 of the 96th Congress. As indicated in the letter from the Budget Committee to the Speaker inserted in the Record of March 18, 1981, the outlay ceiling for fiscal year 1981 as of that date had already been exceeded by $27 billion: Thus, despite adoption of the prior amendment, the amendment falls within the prohibition stated in section 311 of the Budget Act, as indicated in a ruling by the Pre-

siding Officer in the other body on June 27, 1980, wherein an attempt was made to reduce a rescission in last year's supplemental appropriation bill.

The Chair, therefore, sustains the point of order raised by the gentleman from Illinois (Mr. Yates).

Parliamentarian's Note: Amendments which propose to strike out rescissions of existing budget authority arguably do not technically provide additional new budget authority (since the original appropriation was presumably accrued as new budget authority); but because they were calculated to offset new budget authority in the bill under consideration in determining the total amount of new budget authority and outlays, it was considered advisable to interpret them as covered by section 311(a).

Motion To Postpone Consideration

§ 2.41 A motion to postpone consideration of a measure being considered in the House is in order after the measure is under consideration but before the manager has been recognized to control debate thereon (the measure being "under debate" within the meaning of clause 4, Rule XVI, and the Member in charge not being taken from the floor).

On May 30, 1980,[20] during consideration of House Joint Resolution 554 (supplemental Federal Trade Commission appropriation for fiscal year 1980) in the House, the following proceedings occurred:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, pursuant to the rule adopted a few moments ago, I call up the joint resolution (H.J. Res. 554) making an appropriation for the Federal Trade Commission for the fiscal year ending September 30, 1980, for consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 554

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated . . . for the fiscal year ending September 30, 1980. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Ashbrook moves to postpone further consideration of House Joint Resolution 554 until June 10, 1980.

MR. WHITTEN: Mr. Speaker, I move that the motion offered by the gentleman from Ohio (Mr. Ashbrook) be laid on the table.

THE SPEAKER PRO TEMPORE:[1] The question is on the motion to table.

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

20. 126 CONG. REC. 12821, 12822, 96th Cong. 2d Sess.

1. Michael L. Synar (Okla.).

[T]he motion to table the motion to postpone consideration was agreed to.

Parliamentarian's Note: Under clause 4, Rule XVI, all the motions except the motion to amend may be made in the House after consideration of a measure has begun and before the Member in charge has control of the floor. An amendment may not be offered until the Member in charge yields the floor for that purpose or the previous question is voted down.

Disapproval Resolutions Under Statute—Motion To Postpone Motion To Resolve Into Committee of Whole

§ 2.42 Although a motion that the House resolve itself into Committee of the Whole is not ordinarily subject to the motion to postpone indefinitely,[2] the motion may be offered pursuant to the provisions of a statute, enacted under the rulemaking power of the House, which allows such a motion in the consideration of a resolution disapproving a certain executive action.

On Aug. 18, 1982,[3] the House adopted a motion to postpone indefinitely a motion to resolve into the Committee of the Whole for the consideration of a resolution, reported adversely by the Committee on Ways and Means, disapproving extension of presidential authority to waive freedom of emigration requirements affecting re. Romania, pursuant to section 152(d) of the Trade Act of 1974,[4] thereby approving extension of presidential authority.

MR. [SAM M.] GIBBONS [of Florida]: Mr. Speaker, pursuant to section 152(d)(1) of the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for immediate consideration of the resolution (H. Res. 521), disapproving extension of Presidential authority to waive freedom of emigration requirements with respect to the Socialist Republic of Romania.

The Clerk read the title of the resolution.

MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, pursuant to section 152(d)(3) of the Trade Act of 1974, I move that consideration of House Resolution 521 be postponed indefinitely.

THE SPEAKER:[5] The question is on the motion offered by the gentleman from Minnesota (Mr. Frenzel).

The motion was agreed to.

A motion to reconsider was laid on the table.

THE SPEAKER: The matter is postponed.

Similarly, on Mar. 10, 1977,[6] the House had adopted a motion

2. See 6 Cannon's Precedents § 726.
3. 128 CONG. REC. 21934, 97th Cong. 2d Sess.
4. Public Law 93–618, 88 Stat. 1980.
5. Thomas P. O'Neill, Jr. (Mass.).
6. 123 CONG. REC. 7021, 95th Cong. 1st Sess.

to postpone indefinitely a motion to resolve into the Committee of the Whole for the consideration of a resolution, reported adversely by the Committee on Ways and Means, disapproving a presidential determination denying import relief to the United States honey industry, pursuant to section 152(d)(1) and (d)(3) of the Trade Act of 1974:

MR. [CHARLES A.] VANIK [of Ohio]: Mr. Speaker, pursuant to section 152(d)(1) of the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Concurrent Resolution 80, to disapprove the determination of the President denying import relief under the Trade Act of 1974 to the U.S. honey industry.

The Clerk read the title of the concurrent resolution.

MR. [WILLIAM A.] STEIGER [of Wisconsin]: Mr. Speaker, pursuant to section 152(d)(3) of the Trade Act of 1974, I move to postpone indefinitely the motion that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Concurrent Resolution 80.

MR. VANIK: Mr. Speaker, I ask unanimous consent to address the House for 1 minute before we proceed.

THE SPEAKER:[7] Is there objection to the request of the gentleman from Ohio?

There was no objection.

MR. VANIK: Mr. Speaker, on February 9 the Subcommittee on Trade ordered that House Concurrent Resolution 80 be reported unfavorably to the full committee. House Concurrent Resolution 80 provides for congressional disapproval of the determination by the President not to provide import relief to the U.S. honey industry under section 203 of the Trade Act of 1974. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from Wisconsin (Mr. Steiger).

The motion was agreed to.

A motion to reconsider was laid on the table.

Parliamentarian's Note: Section 152(d)(3) of the Trade Act, like a number of other statutes providing privileged procedures for consideration of legislative disapproval measures, states: "Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate." Since resolutions of disapproval under the Trade Act, as well as most other disapproval resolutions, require consideration in Committee of the Whole, it is clear that the subsection requires the motion to postpone to be applicable to the motion to resolve into the Committee of the Whole.

§ 2.43 Although the motion to postpone is not ordinarily

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

applicable to a motion that the House resolve itself into the Committee of the Whole, the motion to resolve into the Committee may be postponed indefinitely where a statute[8] enacted under the rulemaking power of the House of Representatives accords privilege to the motion to resolve into the Committee of the Whole for consideration of matters specified in the statute and allows a motion to postpone in the House with respect to such consideration.

On Aug. 3, 1977,[9] the following proceedings occurred in the House:

MR. [CHARLES A.] VANIK [of Ohio]: Mr. Speaker, pursuant to section 152(d)(1) of the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 653, to disapprove the recommendation of the President to extend the authority in section 402(c) of the Trade Act of 1974 with respect to the Socialist Republic of Romania for an additional 12 months.

The Clerk read the title of the resolution.

The Clerk read the resolution, as follows:

H. RES. 653

Resolved, That the House of Representatives does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 3, 1977, with respect to the Socialist Republic of Romania.

MR. [WILLIAM A.] STEIGER [of Wisconsin]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Steiger moves, pursuant to section 152(d)(3) of the Trade Act of 1974, to postpone indefinitely the motion that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 653.

THE SPEAKER PRO TEMPORE:[10] The question is on the preferential motion offered by the gentleman from Wisconsin (Mr. Steiger).

The question was taken; and on a division (demanded by Mr. Ashbrook) there were—ayes 149, noes 33. . . .

So the preferential motion was agreed to.

—Three-day Layover Requirement Not Applicable to Consideration of Disapproval Resolution

§ 2.44 A motion to resolve into Committee of the Whole for consideration of a concurrent resolution disapproving an agency action is highly privileged and may be of-

8. Trade Act of 1974, section 152(d)(1) and (d)(3), Pub. L. 93–618.

9. 123 CONG. REC. 26528, 95th Cong. 1st Sess.

10. Dan Rostenkowski (Ill.).

fered before the third day on which a report thereon is available, since, under an exception now contained in Rule XI, the requirement of clause 2(l)(6) of that rule that committee reports be available to Members for three days is not applicable to a measure disapproving a decision by a government agency.

On May 26, 1982,[11] a motion was made, pursuant to section 21(b) of the Federal Trade Commission Improvements Act,[12] for consideration of a concurrent resolution disapproving a rule promulgated by the Federal Trade Commission.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, pursuant to the provisions of section 21(b) of Public Law 96–252, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate concurrent resolution (S. Con. Res. 60) disapproving the Federal Trade Commission trade regulation rule relating to the sale of used motor vehicles; and pending that motion, Mr. Speaker, I move that general debate on the Senate concurrent resolution be limited to not to exceed 2 hours, 1 hour to be controlled by the gentleman from New Jersey (Mr. Florio) and 1 hour to be controlled by the gentleman from New York (Mr. Lee). . . .

MR. [BENJAMIN S.] ROSENTHAL [of New York]: Mr. Speaker, I make a point of order against consideration of this concurrent resolution on the ground that it violates subsection 6 of section 715, which in essence requires a 3-day layover of the matter under consideration. The rule says:

> Nor shall it be in order to consider any measure or matter reported by any committee unless copies of such report and reported measure have been available to the Members for at least three calendar days.

There is no report available, Mr. Speaker, to the members of the committee or the Members of the House in this matter under consideration, and therefore it would be in violation of the rules to consider it. I am very much aware, Mr. Speaker, that there is an additional paragraph under the rule which says: "The subparagraph shall not apply to two exceptions."

In other words, there are two exceptions under which the 3-day layover and requirement that a report is necessary can be waived. . . .

The second section, subsection (b) says:

> Any decision, determination or action by a government agency which would become or continue to be effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

Now, I am assuming, Mr. Speaker, that the proponents of the resolution under consideration would suggest that the waiver provision of section (b) would apply to the matter under consideration, and they would suggest that the Federal Trade Commission is

11. 128 CONG. REC. 12027, 12028, 97th Cong. 2d Sess.

12. 15 U.S.C. 57a–1(b)

a Government agency in the common parlance of what is a Government agency. . . . The point that I make in support of my point of order is that in the House rules the definition of a Government agency has traditionally been that of an executive branch agency, not a quasi-judicial commission, such as the Federal Trade Commission. . . .

THE SPEAKER:[13] The Chair is ready to rule.

The gentleman from New York (Mr. Rosenthal), makes the point of order against the consideration of Senate Concurrent Resolution 60 on the ground that the report accompanying that resolution has not been available for 3 days as required by clause 2(l)(6), rule XI. The report from the Committee on Energy and Commerce was filed yesterday and will be available to members during the debate, but was not available for 3 days.

Section 21(b)(3)A of the Federal Trade Commission Improvements Act of 1980 provided that:

> When a committee has reported a concurrent resolution, it shall be in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion shall be highly privileged in the House of Representatives and shall not be debatable.

Now the Chair has consistently endeavored to interpret such provisions of law in conjunction with clause 2(l)(6) of rule XI, both of which are readopted as rules of the 97th Congress at the beginning of this Congress, so as to require that Members have 3 days to read accompanying reports unless the exception contained in clause 2(l)(6), rule XI, becomes applicable. In this case, the Chair believes that the exception contained in that rule is applicable, and the Chair will read the exception in relevant part:

> This subparagraph shall not apply to . . . (B) any decision, determination or action by a Government agency which would become or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. For the purposes of the preceding sentence, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the Government of the District of Columbia.

15 U.S.C. 41 establishes the Federal Trade Commission as a "commission." In the opinion of the Chair, the Federal Trade Commission is an instrumentality of the U.S. Government. The President's budget on page 1-v45 lists the Federal Trade Commission as an independent agency. It is agreed that the proposed FTC regulation in question becomes effective at midnight tonight, the expiration of the 90 calendar day period pursuant to sec. 21(a)(2) of the act, unless disapproved by adoption of a concurrent resolution of disapproval.

The report accompanying the Legislative Reorganization Act of 1970 which first incorporated the 3-day rule describes the intention of the exception to the rule to apply to "legislative veto procedures".

Thus the Chair rules that the exception from the 3-day rule is applicable in the instant case and the availability

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

of the report on Senate Concurrent Resolution 60 is not a prerequisite for the consideration of the concurrent resolution. The Chair overrules the point of order.

§ 3. Consideration in the Committee of the Whole

All bills on the Union Calendar must be considered in the Committee of the Whole unless otherwise provided for by the House.[14]

Consideration of business in the Committee of the Whole is initiated when the House agrees to resolve into the Committee for the purpose of such consideration pursuant to a resolution,[15] by unanimous-consent agreement,[16] by motion,[17] or by declaration of the Speaker pursuant to Rule XXIII.

Rule XXIII, clause (1)(b) provides:[18]

After the House has adopted a special order of business resolution reported by the Committee on Rules providing for the consideration of a measure in the Committee of the Whole House on the state of the Union, the Speaker may at any time within his discretion, when no question is pending before the House, declare the House resolved into the Committee of the Whole House on the state of the Union for the consideration of that measure without intervening motion, unless the resolution in question provides otherwise.

The motion to resolve into the Committee of the Whole is not subject to the question of consideration, the motion itself being a test of the will of the House on the matter.[19]

The rejection by the House of the motion to resolve into the Committee for the consideration of a particular matter does not preclude the making of the same motion at a later time.[20]

Where a special rule adopted by the House prescribes the order of consideration of amendments to a bill in Committee of the Whole, the House[1] (but not the Committee of the Whole) may by unanimous consent alter the order of consideration.

Cross References

Control and distribution of time for debate in the Committee of the Whole, see §§ 24–34, infra.

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14. For examples of Union Calendar bills considered in the House as in the Committee of the Whole by unanimous consent, see § 4, infra. For the requirement of considering certain bills in the Committee of the Whole, see Ch. 19, supra. For the duration of debate in the Committee, see §§ 74 et seq., infra.

15. See § 3.2, infra.

16. See §§ 3.3, 3.4, infra.

17. See §§ 3.10, 3.12–3.15, infra.

18. *House Rules and Manual* § 862 (1995). This authority was first provided in rules adopted for the 98th Congress. H. Res. 5, Jan. 3, 1983.

19. See § 3.10, infra.

20. See §§ 3.12, 3.13, infra.

1. See 133 CONG. REC. 11829, 100th Cong. 1st Sess., May 8, 1987 (request of Mr. Aspin).

Duration of debate in the Committee of the Whole, see §§ 74–79, infra.

Procedure as to disorderly words in the Committee of the Whole, see § 48, infra.

Recognition on bills in the Committee of the Whole, see § 16, infra.

Recognition under the five-minute rule in the Committee of the Whole, see § 21, infra.

Recognition where five-minute debate has been limited in the Committee of the Whole, see § 22, infra.

Relevancy of debate in the Committee of the Whole, see §§ 37–39, infra.

Special Rule Providing for House Calendar Resolution in the Committee of the Whole

§ 3.1 The Committee on Rules reported a resolution to the House providing for the consideration of a House resolution, also reported from the Committee on Rules, in the Committee of the Whole.

On Apr. 3, 1968,[2] the Committee on Rules offered the following resolution:

H. RES. 1119

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1099) amending H. Res. 418, Ninetieth Congress, to continue the Committee on Standards of Official Conduct as a permanent standing committee of the House of Representatives, and for other purposes. After general debate, which shall be confined to the resolution and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Standards of Official Conduct, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto.

—Immediate Consideration

§ 3.2 Upon the adoption of a resolution providing for the immediate consideration of a bill in the Committee of the Whole, the House resolves itself into the Committee without a motion being made from the floor.

On Aug. 17, 1972,[3] Mr. William M. Colmer, of Mississippi,

2. 114 CONG. REC. 8776, 90th Cong. 2d Sess.

3. 118 CONG. REC. 28829, 92d Cong. 2d Sess. See also Rule XXIII, clause (b), discussed in the introduction to this section, supra, concerning the Speaker's discretion in declaring the House resolved into the Committee of the Whole after the House has adopted a special rule.

called up at the direction of the Committee on Rules House Resolution 1090, providing as follows:

> *Resolved*, That upon the adoption of this resolution, clause 27(d)(4) of rule XI to the contrary notwithstanding, the House shall immediately resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities, and all points of order against said bill are hereby waived. . . .

The bill provided for had not yet been reported from the Committee on Education and Labor when the resolution was offered.

The House adopted the resolution, and Speaker Carl Albert, of Oklahoma, immediately directed the House to resolve itself into the Committee of the Whole, without the motion to resolve being made.

Unanimous-consent Request To Resolve Into Committee

§ 3.3 The House agreed to a unanimous-consent request that the House resolve itself into the Committee of the Whole for the consideration of a Senate concurrent resolution on the House Calendar.

On June 22, 1965,[4] the House agreed to the following unanimous-consent request for the consideration of a Senate concurrent resolution on the House Calendar:

> MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, I ask unanimous consent that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of Senate Concurrent Resolution 36 expressing the sense of the Congress with respect to the 20th anniversary of the United Nations during International Cooperation Year, and for other purposes, and that general debate thereon be limited to 1 hour, one-half hour to be controlled by myself and one-half hour to be controlled by the gentlewoman from Ohio [Mrs. Bolton].

The House agreed to the request.

Parliamentarian's Note: The Senate concurrent resolution was thus amendable under the five-minute rule.

—Unanimous Consent To Consider Bill in Committee Under General Rules of the House

§ 3.4 The House agreed to a unanimous-consent request to consider a Union Calendar bill in Committee of the Whole "under the general rules of the House" and to limit general debate in the Committee of the Whole to one hour.

4. 111 CONG. REC. 14400, 89th Cong. 1st Sess.

On Sept. 7, 1959,[5] the House agreed to the following request by Mr. Armistead I. Selden, Jr., of Alabama, to consider a Union Calendar bill in the Committee of the Whole under the rules of the House:

> MR. SELDEN: Mr. Speaker, I ask unanimous consent that it may be in order to consider under the general rules of the House the bill (H.R. 9069) to provide standards for the issuance of passports, and for other purposes; that general debate continue for not to exceed 1 hour, one-half to be controlled by myself and one-half controlled by the ranking minority member of the Committee on Foreign Affairs.

Parliamentarian's Note: Without the adoption of the request as stated, a unanimous-consent request for the immediate consideration of a bill on the Union Calendar normally would result in its consideration under the five-minute rule in the House as in the Committee of the Whole, without general debate and under a procedure permitting all motions available in the House. The term "under general rules of the House" implies consideration in Committee of the Whole for a Union Calendar bill.[6]

5. 105 CONG. REC. 18442, 18443, 86th Cong. 1st Sess.

6. See also 107 CONG. REC. 14050, 14051, 87th Cong. 1st Sess., July 31, 1961.

Objection to Unanimous-consent Request Followed by Motion To Resolve Into Committee

§ 3.5 Objection having been made to a unanimous-consent request to resolve into the Committee of the Whole for consideration on District of Columbia Day of a bill reported from the District of Columbia Committee and referred to the Union Calendar, a motion to resolve into Committee was offered as privileged and was rejected.

On Aug. 11, 1964,[7] (a District of Columbia Monday) Mr. John V. Dowdy, of Texas, called up H.R. 9774, terminating the District of Columbia Plaza Urban Renewal Project. The bill had been on the Union Calendar. Mr. Dowdy asked unanimous consent that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill and asked unanimous consent that debate on the bill be limited to one hour. Objection was made to the request and the House then rejected a motion to resolve into the Committee

7. 110 CONG. REC. 18949, 18950, 88th Cong. 2d Sess.

of the Whole for consideration of the bill.

Motion To Resolve Into Committee—Consideration of Disapproval Resolution

§ 3.6 The motion that the House resolve itself into the Committee of the Whole for the consideration of a resolution, favorably reported from the Committee on Government Operations, disapproving a reorganization plan (under the Reorganization Act of 1949), was highly privileged and could be moved by any Member.

On July 19, 1961,[8] Mr. Dante B. Fascell, of Florida, made the following privileged motion:

> Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 328) disapproving Reorganization Plan No. 5 transmitted to the Congress by the President on May 24, 1961; and pending that motion, I ask unanimous consent that debate on the resolution may continue not to exceed 5 hours, the time to be equally divided and controlled by the gentleman from Michigan [Mr. Hoffman] and myself.

When Mr. Clare E. Hoffman, of Michigan, objected, Mr. Fascell moved that the House resolve itself into the Committee of the Whole for the consideration of the resolution. Speaker Sam Rayburn, of Texas, then answered a parliamentary inquiry:

> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, under title 2, section 204 of the public law [Pub. L. No. 81–109], paragraph (b) provides that such a motion may be made only by a person favoring the resolution. Is the gentleman from Florida in favor of the resolution, or does he disfavor the resolution?
>
> THE SPEAKER: Under the rules, the gentleman does not have to qualify in that respect on this particular motion.

The House agreed to the motion to resolve into the Committee.

On June 8, 1961,[9] Mr. Gross submitted the "highly privileged motion" that the House resolve itself into the Committee of the Whole for the consideration of House Resolution 303 disapproving a reorganization plan; the resolution had been favorably reported from the Committee on Government Operations.

The motion was rejected, but Speaker Pro Tempore Oren Harris, of Arkansas, stated that such rejection would not preclude later consideration of the resolution.

Parliamentarian's Note: Under the 1949 statute, a Member moving to discharge the Government

8. 107 CONG. REC. 12905, 12906, 87th Cong. 1st Sess.

9. *Id.* at pp. 9775–77.

Operations Committee was required to qualify as favoring the disapproval resolution, but once that committee had reported either favorably or adversely, any Member could call up the resolution, which was then on the Union Calendar, by moving to go into Committee of the Whole.

§ 3.7 A motion to resolve into Committee of the Whole for consideration of a concurrent resolution disapproving an agency action is highly privileged and may be offered before the third day on which a report thereon is available, since, under an exception now contained in Rule XI, the requirement of clause 2(l)(6) of that rule that committee reports be available to Members for three days is not applicable to a measure disapproving a decision by a government agency.

On May 26, 1982,[10] a motion was made, pursuant to section 21(b) of the Federal Trade Commission Improvements Act,[11] for consideration of a concurrent resolution disapproving a rule promulgated by the Federal Trade Commission.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, pursuant to the provisions of section 21(b) of Public Law 96–252, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate concurrent resolution (S. Con. Res. 60) disapproving the Federal Trade Commission trade regulation rule relating to the sale of used motor vehicles; and pending that motion, Mr. Speaker, I move that general debate on the Senate concurrent resolution be limited to not to exceed 2 hours, 1 hour to be controlled by the gentleman from New Jersey (Mr. Florio) and 1 hour to be controlled by the gentleman from New York (Mr. Lee). . . .

MR. [BENJAMIN S.] ROSENTHAL [of New York]: Mr. Speaker, I make a point of order against consideration of this concurrent resolution on the ground that it violates subsection 6 of section 715, which in essence requires a 3-day layover of the matter under consideration. The rule says:

> Nor shall it be in order to consider any measure or matter reported by any committee unless copies of such report and reported measure have been available to the Members for at least three calendar days.

There is no report available, Mr. Speaker, to the members of the committee or the Members of the House in this matter under consideration, and therefore it would be in violation of the rules to consider it. I am very much aware, Mr. Speaker, that there is an additional paragraph under the rule which says: "The subparagraph shall not apply to two exceptions."

10. 128 CONG. REC. 12027, 12028, 97th Cong. 2d Sess.

11. 15 U.S.C. 57a–1(b)

In other words, there are two exceptions under which the 3-day layover and requirement that a report is necessary can be waived. . . .

The second section, subsection (b) says:

> Any decision, determination or action by a government agency which would become or continue to be effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

Now, I am assuming, Mr. Speaker, that the proponents of the resolution under consideration would suggest that the waiver provision of section (b) would apply to the matter under consideration, and they would suggest that the Federal Trade Commission is a Government agency in the common parlance of what is a Government agency. . . . The point that I make in support of my point of order is that in the House rules the definition of a Government agency has traditionally been that of an executive branch agency, not a quasi-judicial commission, such as the Federal Trade Commission. . . .

THE SPEAKER:[12] The Chair is ready to rule.

The gentleman from New York (Mr. Rosenthal), makes the point of order against the consideration of Senate Concurrent Resolution 60 on the ground that the report accompanying that resolution has not been available for 3 days as required by clause 2(l)(6), rule XI. The report from the Committee on Energy and Commerce was filed yesterday and will be available to members during the debate, but was not available for 3 days.

Section 21(b)(3)A of the Federal Trade Commission Improvements Act of 1980 provided that:

> When a committee has reported a concurrent resolution, it shall be in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion shall be highly privileged in the House of Representatives and shall not be debatable.

Now the Chair has consistently endeavored to interpret such provisions of law in conjunction with clause 2(l)(6) of rule XI, both of which are readopted as rules of the 97th Congress at the beginning of this Congress, so as to require that Members have 3 days to read accompanying reports unless the exception contained in clause 2(l)(6), rule XI, becomes applicable. In this case, the Chair believes that the exception contained in that rule is applicable, and the Chair will read the exception in relevant part:

> This subparagraph shall not apply to . . . (B) any decision, determination or action by a Government agency which would become or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. For the purposes of the preceding sentence, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the Government of the District of Columbia.

15 U.S.C. 41 establishes the Federal Trade Commission as a "commission." In the opinion of the Chair, the Federal Trade Commission is an instrumentality of the U.S. Government. The President's budget on page 1-v45 lists

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

the Federal Trade Commission as an independent agency. It is agreed that the proposed FTC regulation in question becomes effective at midnight tonight, the expiration of the 90 calendar day period pursuant to sec. 21(a)(2) of the act, unless disapproved by adoption of a concurrent resolution of disapproval.

The report accompanying the Legislative Reorganization Act of 1970 which first incorporated the 3-day rule describes the intention of the exception to the rule to apply to "legislative veto procedures".

Thus the Chair rules that the exception from the 3-day rule is applicable in the instant case and the availability of the report on Senate Concurrent Resolution 60 is not a prerequisite for the consideration of the concurrent resolution. The Chair overrules the point of order.

—*Motion That Committee of the Whole Be Discharged and Bill Laid on Table Not in Order*

§ 3.8 To a motion that the House resolve itself into the Committee of the Whole for the consideration of a bill, a motion that the Committee be discharged and that the bill be laid on the table is not preferential and is not in order.

On Apr. 2, 1938,[13] Mr. John J. Cochran, of Missouri, moved that the House resolve itself into the Committee of the Whole for the consideration of a bill. Mr. John J. O'Connor, of New York, then made the following motion:

> Mr. O'Connor of New York moves that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill S. 3331 and that said bill be laid on the table.

Mr. Lindsay C. Warren, of North Carolina, made the point of order that the motion was dilatory, and Mr. O'Connor asserted that under the rules of the House the motion was preferential, both as to discharge and as to laying on the table.

Speaker William B. Bankhead, of Alabama, ruled as follows:

> The gentleman from New York [Mr. O'Connor] offers what he states is a preferential motion that the Committee of the Whole House on the State of the Union be discharged from consideration of the bill S. 3331, and said bill be laid on the table.
>
> The Chair is of the opinion that under the rules of the House a motion of this sort is not a preferential motion, and therefore not in order. The matter now pending is a simple motion 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, and under the precedents a motion to discharge the Committee of the Whole House on the State of the Union from the further consideration of a bill is not a privileged motion.

13. 83 CONG. REC. 4621, 75th Cong. 3d Sess.

The Chair sustains the point of order.

Parliamentarian's Note: The motion to go into Committee of the Whole is not debatable and therefore not subject to the motion to lay on the table (see 6 Cannon's Precedents § 726).

Equal Privilege of Motions To Resolve Into Committee Pursuant to Separate Special Rules

§ 3.9 Motions that the House resolve into the Committee of the Whole for initial or further consideration of separate bills pursuant to separate special rules adopted by the House are of equal privilege, and the Speaker may exercise his discretionary power of recognition as to which bill shall be next eligible for consideration.

On Sept. 22, 1982,[14] where the Committee of the Whole had risen following completion of general debate but prior to reading of a bill for amendment under the five-minute rule, the Speaker Pro Tempore indicated in response to a parliamentary inquiry that he would exercise his power of recognition to permit consideration of another bill, rather than return to that bill under the five-minute rule.

MR. [WALTER B.] JONES of North Carolina: Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

THE CHAIRMAN: Does the gentleman wish to make a motion at this point?

MR. JONES of North Carolina: Yes, Mr. Chairman. I make a motion that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Bennett) having assumed the chair, Mr. Simon, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5543) to establish an ocean and coastal resources management and development fund and to require the Secretary of Commerce to provide to coastal States national ocean and resources management and development block grants from sums in the fund, had come to no resolution thereon.

MR. JONES of North Carolina: Mr. Speaker, I have a parliamentary inquiry. . . .

Was not the bill supposed to have been read while we were sitting in the Committee of the Whole, read for amendments? . . .

THE SPEAKER PRO TEMPORE:[15] The Committee has risen now, and the Chair does not know of any way of automatically going back at this point to do that. If the Committee of the

14. 128 CONG. REC. 24690, 24691, 97th Cong. 2d Sess.

15. Charles E. Bennett (Fla.).

Whole had proceeded to consider the bill for amendment, it would have conflicted with a determination made by the leadership as to the legislative schedule, so the House should not resume consideration of the bill anyway at this point. In other words, the leadership had indicated that we would have general debate only today. . . .

MR. JONES of North Carolina: Mr. Speaker, another parliamentary inquiry, or statement. I was assured by the leadership that if there were no amendments, we would conclude the bill. I do not anticipate any amendments. . . .

THE SPEAKER PRO TEMPORE: The Committee of the Whole has risen. There is nothing in a parliamentary way the House could do to reserve consideration except to consider a motion to resolve into the Committee of the Whole for the further consideration of the bill.

MR. JONES of North Carolina: A parliamentary inquiry, Mr. Speaker. Would I have the privilege as the Chairman of this committee to move that the House resolve itself into the Committee once again?

THE SPEAKER PRO TEMPORE: . . . Somebody has sent for the gentleman from California (Mr. Waxman), who will make a motion of equal privilege . . . and he is undoubtedly on his way. The Chair would be glad to respond to any further conversation that the gentleman would want to have on this subject which would be in order, until the gentleman arrives. . . .

The Chair is following the wishes of the leadership and, therefore, would not recognize any Member for the purpose of moving that the House resolve itself into the Committee of the Whole for further consideration of the bill at this time. . . .

The gentleman from California (Mr. Waxman) has now arrived, and he is recognized.

MR. [HENRY A.] WAXMAN [of California]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6173) to amend the Public Health Service Act.

Question of Consideration Inapplicable to Motion To Resolve

§ 3.10 The question of consideration cannot be raised against the motion to resolve into the Committee of the Whole for the consideration of a proposition.

It is well established that the question of consideration may not be raised against a motion to resolve into Committee of the Whole. This principle is discussed in more detail in §§ 5.5, 5.6, infra.

Motion To Postpone—When Applicable to Motion To Resolve

§ 3.11 Although the motion to postpone is not ordinarily applicable to a motion that the House resolve itself into the Committee of the Whole, the motion to resolve into the Committee may be sub-

ject to such a motion where a statute[16] enacted under the rulemaking power of the House of Representatives accords privilege to the motion to resolve into the Committee of the Whole for consideration of matters specified in the statute and allows a motion to postpone in the House with respect to such consideration.

On Aug. 3, 1977,[17] the following proceedings occurred in the House:

MR. [CHARLES A.] VANIK [of Ohio]: Mr. Speaker, pursuant to section 152(d)(1) of the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 653, to disapprove the recommendation of the President to extend the authority in section 402(c) of the Trade Act of 1974 with respect to the Socialist Republic of Romania for an additional 12 months.

The Clerk read the title of the resolution.

The Clerk read the resolution, as follows:

H. RES. 653

Resolved, That the House of Representatives does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 3, 1977, with respect to the Socialist Republic of Romania.

MR. [WILLIAM A.] STEIGER [of Wisconsin]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Steiger moves, pursuant to section 152(d)(3) of the Trade Act of 1974, to postpone indefinitely the motion that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 653.

THE SPEAKER PRO TEMPORE:[18] The question is on the preferential motion offered by the gentleman from Wisconsin (Mr. Steiger).

The question was taken; and on a division (demanded by Mr. Ashbrook) there were—ayes 149, noes 33. . . .

So the preferential motion was agreed to.

Similarly, on Mar. 10, 1977,[19] the House had adopted a motion to postpone indefinitely a motion to resolve into the Committee of the Whole for the consideration of a resolution, reported adversely by the Committee on Ways and Means, disapproving a presidential determination denying import relief to the United States honey industry, pursuant to section 152(d)(1) and (d)(3) of the Trade Act of 1974:

MR. [CHARLES A.] VANIK [of Ohio]: Mr. Speaker, pursuant to section

16. See, for example, the Trade Act of 1974, section 152(d)(1) and (d)(3), Pub. L. 93–618, 88 Stat. 1980.

17. 123 CONG. REC. 26528, 95th Cong. 1st Sess.

18. Dan Rostenkowski (Ill.).

19. 123 CONG. REC. 7021, 95th Cong. 1st Sess.

152(d)(1) of the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Concurrent Resolution 80, to disapprove the determination of the President denying import relief under the Trade Act of 1974 to the U.S. honey industry.

The Clerk read the title of the concurrent resolution.

MR. [WILLIAM A.] STEIGER [of Wisconsin]: Mr. Speaker, pursuant to section 152(d)(3) of the Trade Act of 1974, I move to postpone indefinitely the motion that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Concurrent Resolution 80.

MR. VANIK: Mr. Speaker, I ask unanimous consent to address the House for 1 minute before we proceed.

THE SPEAKER:[20] Is there objection to the request of the gentleman from Ohio?

There was no objection.

MR. VANIK: Mr. Speaker, on February 9 the Subcommittee on Trade ordered that House Concurrent Resolution 80 be reported unfavorably to the full committee. House Concurrent Resolution 80 provides for congressional disapproval of the determination by the President not to provide import relief to the U.S. honey industry under section 203 of the Trade Act of 1974. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from Wisconsin (Mr. Steiger).

The motion was agreed to.

A motion to reconsider was laid on the table.

On Aug. 18, 1982,[1] the House adopted a motion to postpone indefinitely a motion to resolve into the Committee of the Whole for the consideration of a resolution, reported adversely by the Committee on Ways and Means, disapproving extension of presidential authority to waive freedom of emigration requirements affecting re. Romania, pursuant to section 152(d) of the Trade Act of 1974,[2] thereby approving extension of presidential authority.

MR. [SAM M.] GIBBONS [of Florida]: Mr. Speaker, pursuant to section 152(d)(1) of the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for immediate consideration of the resolution (H. Res. 521), disapproving extension of Presidential authority to waive freedom of emigration requirements with respect to the Socialist Republic of Romania.

The Clerk read the title of the resolution.

MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, pursuant to section 152(d)(3) of the Trade Act of 1974, I move that consideration of House Resolution 521 be postponed indefinitely.

THE SPEAKER:[3] The question is on the motion offered by the gentleman from Minnesota (Mr. Frenzel).

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

1. 128 CONG. REC. 21934, 97th Cong. 2d Sess.

2. Public Law 93–618, 88 Stat. 1980.

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

The motion was agreed to.

A motion to reconsider was laid on the table.

THE SPEAKER: The matter is postponed.

Parliamentarian's Note: Section 152(d)(3) of the Trade Act, like a number of other statutes providing privileged procedures for consideration of legislative disapproval measures, states: "Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate." Since resolutions of disapproval under the Trade Act, as well as most other disapproval resolutions, require consideration in Committee of the Whole, it is clear that the subsection requires the motion to postpone to be applicable to the motion to resolve into the Committee of the Whole.

Effect of Rejecting Motion To Resolve

§ 3.12 Where the House has agreed that consideration of a bill takes precedence over other legislation, other legislation of lesser privilege may be considered by rejecting the motion that the House resolve into the Committee of the Whole.

On May 9, 1950,[4] Mr. Clare E. Hoffman, of Michigan, made the following point of order:

Mr. Speaker, I make the point of order that the House is not proceeding in the regular order because under section 205a of the Reorganization Act, which is Public Law 109 of the Eighty-first Congress, first session, any Member of the House is privileged, and this is a highly privileged motion, to make the motion that the House proceed to the consideration of House Resolution 516.

The gentleman from Michigan being on his feet to present this highly privileged motion, the regular order is that he be recognized for that purpose that the motion be entertained and the question put before the House, and my motion is that the House proceed to the consideration of House Resolution 516.

Mr. George H. Mahon, of Texas, was recognized to speak on the point of order:

Mr. Speaker, on April 5, 1950, as shown at page 4835 of the daily Record of that day, the chairman of the Committee on Appropriations, the gentleman from Missouri [Mr. Cannon] asked and received unanimous consent that the appropriation bill should have the right-of-way over other privileged business under the rules until disposition, with the exception of conference reports. Therefore, I believe the regular order would be to proceed with the further consideration of H.R. 7786.

4. 96 CONG. REC. 6720–24, 81st Cong. 2d Sess.

Mr. Speaker, I believe that the Record would speak for itself.

Speaker Pro Tempore John W. McCormack, of Massachusetts, ruled as follows:

The gentleman from Michigan makes a point of order, the substance of which is that the motion he desires to make or that someone else should make in relation to the consideration of a disapproving resolution of one of the reorganization plans takes precedence over the appropriation bill insofar as recognition by the Chair is concerned. The gentleman from Michigan raises a very serious question and the Chair feels at this particular time that it is well that he did so.

The question involved is not a constitutional question but one relating to the rules of the House and to the Legislative Reorganization Act of 1949 which has been alluded to by the gentleman from Michigan and other Members when addressing the Chair on this point of order. The Chair calls attention to the language of paragraph (b) of section 201 of title II of the Reorganization Act of 1949 which reads as follows: "with full recognition of the constitutional right of either House to change such rules so far as relating to procedure in such House at any time in the same manner and to the same extent as in the case of any other rule of such House."

It is very plain from that language that the intent of Congress was to recognize the reservation to each House of certain inherent powers which are necessary for either House to function to meet a particular situation or to carry out its will.

On April 5, the gentleman from Missouri [Mr. Cannon], chairman of the Committee on Appropriations, submitted a unanimous-consent request to the House, which was granted, which has the force of a rule, and which relates to the rules of the House governing the consideration of the omnibus appropriation bill while it is before the House and, of course, incidentally affecting other legislation. The consent request submitted by the gentleman from Missouri was "that the general appropriation bill for the fiscal year 1951 have right-of-way over all other privileged business under the rules until disposition, with the exception of conference reports."

That request was granted by unanimous consent. On the next day the gentleman from Missouri [Mr. Cannon], in correcting and interpreting the consent request granted on April 5, submitted a further unanimous-consent request.

The daily Record shows, on page 4976, April 6, that the gentleman from Missouri [Mr. Cannon] said:

Mr. Speaker, on page 4835 of the daily Record of yesterday, the first column carrying the special order made by the House last night reads that the general appropriation bill shall be a special order privileged above all other business of the House under the rule until disposition. The order made was until final disposition. I ask unanimous consent that the Record and Journal be corrected to conform with the proceedings on the floor of the House yesterday.

The Record further shows that the Speaker put the request and there was no objection. . . .

The Chair will state that the House always has a constitutional right and

power to refuse to go into the Committee of the Whole on any motion made by any Member, so that the House is capable of carrying out its will, whatever may be the will of the majority of the House.

Continuing, the Chair will state that in the opinion of the present occupant, in view of the unanimous-consent request made by the gentleman from Missouri and granted by the House, if any member of the Appropriations Committee moves that the House resolve itself into the Committee of the Whole on the State of the Union to consider the appropriation bill, that motion has preference over any other preferential motion. It is a matter that the House decides when the motion is made as to what it wants to do and it has an opportunity when that motion is made to carry out its will.

§ 3.13 The rejection of a motion that the House resolve itself into the Committee of the Whole for the consideration of a resolution disapproving a reorganization plan does not preclude a subsequent motion to the same effect.

On June 8, 1961,[5] Mr. H. R. Gross, of Iowa, indicated his intention to move that the House resolve itself into the Committee of the Whole to consider a resolution disapproving a reorganization plan. Before the motion was made and rejected by the House, Speaker Pro Tempore Oren Harris, of Arkansas, answered parliamentary inquiries on the effect of a rejection of the motion:

MR. [CHARLES A.] HALLECK [of Indiana]: If the pending motion is voted down, would it still be in order at a subsequent date to call up a motion rejecting plan No. 2 for another vote? I ask that because I am opposed to plan No. 2. The committee has reported adversely in respect to plan No. 2. I am going to vote against that plan and in support of the resolution of the committee. But under my responsibility as the minority leader and under my agreement with the majority leader, I do not see how I could vote today unless, under the situation as it exists, that vote today would be conclusive as to plan No. 2. . . .

THE SPEAKER PRO TEMPORE: In the opinion of the Chair, under the Reorganization Act, it could be called up at a subsequent date.

MR. HALLECK: In other words, the action that would be taken today would not be final?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

Automatic Resolution Into Committee on Calendar Wednesday

§ 3.14 The question of consideration being decided in the affirmative, when raised against a bill on the Union

5. 107 CONG. REC. 9775–77, 87th Cong. 1st Sess.

Calendar called up under the Calendar Wednesday rule, the House automatically resolved itself into the Committee of the Whole.

On May 4, 1960,[6] Speaker Sam Rayburn, of Texas, responded as follows to parliamentary inquiries on the Calendar Wednesday call of committees:

> MR. [CHARLES A.] HALLECK [of Indiana]: In the event that the motion to consider the bill should not prevail in the House, would it still be possible if a rule were reported by the Rules Committee for the bill to be brought before the House at a later date under a rule?
>
> THE SPEAKER: The Chair would think the House could adopt any rule reported by the Committee on Rules.
>
> The Chair will state to the gentleman from Indiana and to the House that when we reach the point of approving the Journal, the Chair will then order a call of the committees; and when the Committee on Banking and Currency is recognized and the gentleman from Kentucky [Mr. Spence] presents his bill, when the title of the bill is read the House automatically resolves itself into the Committee of the Whole.
>
> MR. HALLECK: But is a motion necessary to consider the bill?
>
> THE SPEAKER: The question of consideration can always be raised.
>
> MR. HALLECK: And on that, of course, it would be possible to have a record vote in the House.
>
> THE SPEAKER: In the opinion of the Chair, that would be correct.
>
> MR. [JAMES C.] DAVIS of Georgia: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. DAVIS of Georgia: The Chair has just stated—I believe I understood it this way—that when the bill is called up by the chairman of the Committee on Banking and Currency and the title is read the House automatically resolves itself into the Committee of the Whole.
>
> THE SPEAKER: That is the rule.
>
> MR. DAVIS of Georgia: But the motion raising the question must come before the title of the bill is read.
>
> THE SPEAKER: After the title is read.
>
> MR. DAVIS of Georgia: Sir?
>
> THE SPEAKER: After the title is read.
>
> MR. DAVIS of Georgia: There would still be time enough for it before the House automatically goes into the Committee of the Whole.
>
> THE SPEAKER: That is correct.

Following the parliamentary inquiries, the call of committees began and the question of consideration was raised against a bill called up by the Committee on Banking and Currency (S. 722, the Area Development Act). The question of consideration was decided in the affirmative, and the Speaker directed the House to automatically resolve itself into the Committee of the Whole for the consideration of the bill.[7]

6. 106 CONG. REC. 9417, 86th Cong. 2d Sess.

7. *Id.* at pp. 9417, 9418.

Consideration by Motion To Discharge

§ 3.15 The House may resolve into the Committee of the Whole to consider a bill brought before the House by adoption of a motion to discharge the committee to which the bill had been referred.

On Apr. 26, 1948,[8] the following procedure was used for consideration in the Committee of the Whole of a bill brought before the House by a motion to discharge a committee:

MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Speaker, I call up the motion to discharge the Committee on Agriculture from the further consideration of the bill (H.R. 2245) to repeal the tax on oleomargarine.

THE SPEAKER:[9] Did the gentleman sign the petition?

MR. RIVERS: I did, Mr. Speaker.

THE SPEAKER: The gentleman qualifies.

The Clerk read the title of the bill.

THE SPEAKER: The gentleman from South Carolina is entitled to 10 minutes.

MR. [CLIFFORD R.] HOPE [of Kansas]: Mr. Speaker, I ask to be recognized in opposition to the motion.

THE SPEAKER: The gentleman from Kansas [Mr. Hope] is recognized for 10 minutes.

MR. RIVERS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RIVERS: The proponents of the motion have 10 minutes and the opponents have 10 minutes, and the proponents have the right to close the debate?

THE SPEAKER: The gentleman has stated the situation accurately. He has the right to close debate. . . .

All time has expired.

The question is, Shall the Committee on Agriculture be discharged from further consideration of the bill H.R. 2245?

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 235, nays 121, answered "present" 2, not voting 72. . . .

MR. RIVERS: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2245) to repeal the tax on oleomargarine; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 3 hours, the time to be equally divided and controlled by the gentleman from Kansas [Mr. Hope] and myself.

THE SPEAKER: Is there objection to the request of the gentleman from South Carolina?

There was no objection.

THE SPEAKER: The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole

8. 94 CONG. REC. 4835, 4840–42, 80th Cong. 2d Sess.

9. Joseph W. Martin, Jr. (Mass.).

House on the State of the Union for the consideration of the bill H.R. 2245.

§ 4. Consideration in the House as in the Committee of the Whole

Consideration in the House as in the Committee of the Whole involves a procedure under which propositions are considered for debate and amendment under the five-minute rule, normally without general debate but with all the motions utilized in the House available as provided in clause 4 of Rule XVI. Under this procedure, the House does not resolve into the Committee nor does a Chairman preside, the Speaker instead continuing to preside.

The normal method for initiating consideration in the House as in the Committee of the Whole is by unanimous consent. A motion that a Union Calendar bill be considered under that procedure is not in order.[10] An order or request for this procedure means that the bill or resolution will be considered as having been read for amendment and will be open for amendment and debate under the five-minute rule.[11]

Where a bill is or would be on the Union Calendar, and it is called up by unanimous consent for "immediate consideration" (as opposed to "immediate consideration in the House"), the unanimous-consent request carries by implication the requirement that if the request is agreed to the bill will be considered in the House as in the Committee of the Whole.[12]

On occasion, a resolution from the Committee on Rules has provided for the consideration of a proposition in the House as in Committee of the Whole.[13]

Special Rules Providing for Consideration

§ 4.1 Special rules may provide for the consideration of designated bills in the House as in Committee of the Whole; thus, a resolution was re-

10. See § 4.11, infra. Generally, see Ch. 19, supra.

11. See Jefferson's Manual, *House Rules and Manual* § 424 (1995). For the procedure under the five-minute rule in the House as in the Committee of the Whole, see § 70, infra.

12. See §§ 4.5–4.8, 4.12, infra. Alternatively, a unanimous-consent request for the consideration of a Union Calendar bill may specify that the bill be considered "under the general rules of the House," that is, in the Committee of the Whole House on the State of the Union (see §§ 3.4, 3.5, supra), or that it be considered in the House.

13. See §§ 4.1, 4.2, infra.

ported from the Committee on Rules, providing for consideration in the House as in Committee of the Whole of a nonprivileged resolution also reported from that committee establishing a Select Committee on Assassinations.

On Feb. 2, 1977,[14] the following proceedings occurred in the House:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 230

Resolved, That upon the adoption of this resolution it shall be in order to consider the resolution (H. Res. 222), creating a Select Committee on Assassinations, in the House as in the Committee of the Whole.

THE SPEAKER:[15] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour. . . .

MR. BOLLING: Mr. Speaker, this is a slightly unusual rule, but it has been used a number of times before. It in effect provides, when it is adopted . . . that the House will go into the House as in the Committee of the Whole to consider the matter contained in House Resolution 222, which would reconstitute the Select Committee on Assassinations for a limited period. . . .

The reason we chose this procedure, rather than providing for an open rule or dealing with a closed rule, is to try to be fair to Members who want to offer amendments in the House as in the Committee of the Whole. We proceed without general debate under the 5-minute rule. The Speaker continues to preside. He does the recognizing. The Members are recognized on either side for 5 minutes, pro forma, on all questions of amendments. Pro forma amendments are in order.

But this is the important difference: the manager of House Resolution 222—and I will be that manager—has control of the previous question. . . .

So the resolution was agreed to.

Parliamentarian's Note: House Resolution 222 was not privileged since it included provisions funding the select committee, matters not within the jurisdiction of the Committee on Rules.

§ 4.2 Special rules adopted by the House providing for the consideration of designated bills in the House as in Committee of the Whole have also provided for general debate.

On June 5, 1936,[16] the House agreed to the following resolution (H. Res. 528), authorizing a list of enumerated bills to be considered in the House as in the Committee of the Whole:

Resolved, That upon the adoption of this resolution it shall be in order for

14. 123 CONG. REC. 3359, 3360, 3369, 95th Cong. 1st Sess.

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

16. 80 CONG. REC. 8746, 74th Cong. 2d Sess.

the Committee on the Judiciary to call up for consideration, without the intervention of any point of order, the following bills:

S. 3389. An act to provide for the appointment of two additional judges for the southern district of New York.

S. 2075. An act to provide for the appointment of additional district judges for the eastern and western districts of Missouri.

S. 2137. An act to provide for the appointment of one additional district judge for the eastern, northern, and western districts of Oklahoma.

S. 2456. An act to provide for the appointment of an additional district judge for the northern and southern districts of West Virginia.

H.R. 11072. A bill authorizing the appointment of an additional district judge for the eastern district of Pennsylvania.

H.R. 3043. A bill to provide for the appointment of an additional district judge for the northern district of Georgia.

Each such bill when called up shall be considered in the House as in the Committee of the Whole. After general debate on each such bill, which shall continue not to exceed 20 minutes, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule.

On Jan. 6, 1937,[17] the House adopted House Resolution 44, providing for the consideration in the House as in the Committee of the Whole of a joint resolution:

Resolved, That upon the adoption of this resolution the House as in the Committee of the Whole House on the State of the Union shall consider the joint resolution, Senate Joint Resolution 3; that there shall be not to exceed 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, whereupon the joint resolution shall be read for amendment under the 5-minute rule.

Unanimous-consent Procedure—Measures on Union Calendar

§ 4.3 The House considered a resolution—continuing certain appropriations—in the House as in the Committee of the Whole pursuant to a unanimous-consent request to that effect agreed to on a prior day.

On Sept. 28, 1966,[18] the House considered House Joint Resolution 1308, continuing appropriations through October 1966, in the House as in the Committee of the Whole. Consideration of the joint resolution had been made in order by a unanimous-consent agreement on Sept. 22, 1966.[19]

§ 4.4 Where consideration of a bill "under the general rules of the House" has been

17. 81 CONG. REC. 90, 75th Cong. 1st Sess.

18. 112 CONG. REC. 24080, 89th Cong. 2d Sess.

19. *Id.* at pp. 23691, 23692.

agreed to, the bill may be called up pursuant to the agreement and then by unanimous consent be considered in the House as in the Committee of the Whole.

On Apr. 1, 1969,[20] Mr. L. Mendel Rivers, of South Carolina, made a unanimous-consent request for the consideration of a bill:

> Mr. Speaker, pursuant to the unanimous-consent agreement of March 27, 1969, I call up for immediate consideration the bill (H.R. 9328) [special pay for naval officers qualified for nuclear submarine duty] and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

On Mar. 27, Mr. Rivers had asked unanimous consent that it be in order to consider "under the general rules of the House" (in this case, in Committee of the Whole since it was a Union Calendar bill) on Tuesday or Wednesday of the following week the bill H.R. 9328.[1]

§ 4.5 Where unanimous consent is granted for the consideration of a bill on the Union Calendar, the bill is frequently considered in the House as in the Committee of the Whole.

See, for example, the proceedings of Apr. 6, 1966, discussed in § 4.7, infra; and the proceedings of June 28, 1966, discussed in § 4.10, infra.[2]

§ 4.6 Where a joint resolution requiring consideration in the Committee of the Whole is called up by unanimous consent, it may be considered in the House as in the Committee of the Whole.

On Sept. 26, 1968,[3] Mr. George H. Mahon, of Texas, asked unanimous consent for the consideration of House Joint Resolution 1461, making continuing appropriations for the fiscal year 1969. In response to a parliamentary inquiry, Speaker John W. McCormack, of Massachusetts, stated that if the request was agreed to, the joint resolution could be amended.

There was no objection to Mr. Mahon's request, and he then asked unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole. The request was agreed to.

Parliamentarian's Note: As indicated in § 4.7, infra, the second re-

20. 115 Cong. Rec. 8136, 91st Cong. 1st Sess.

1. *Id.* at p. 7895.

2. See also 79 Cong. Rec. 14331, 74th Cong. 1st Sess., Aug. 23, 1935.

3. 114 Cong. Rec. 28374, 90th Cong. 2d Sess.

quest was not necessary, since by implication a unanimous-consent request for immediate consideration of a Union Calendar bill means consideration in the House as in Committee, rather than "in the House" (under the hour rule) or "under general rules of the House" (in Committee of the Whole).

§ 4.7 Where a Member asks "unanimous consent for the immediate consideration" of a bill pending on the Union Calendar, the request is construed to carry with it the additional stipulation that if consent is granted, the bill will be considered in the House as in the Committee of the Whole.

On Apr. 6, 1966,[4] Mr. Wilbur D. Mills, of Arkansas, asked unanimous consent for the immediate consideration of the bill H.R. 14224, the Social Security Act Amendments of 1966, then pending on the Union Calendar. Speaker John W. McCormack, of Massachusetts, responded as follows to a parliamentary inquiry:

MR. [JOHN W.] BYRNES of Wisconsin: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. BYRNES of Wisconsin: Mr. Speaker, I make this parliamentary inquiry only that the Members might understand what the opportunities might be for discussion. I make the parliamentary inquiry to the effect that if the request of the gentleman from Arkansas is agreed to that the bill can be considered under unanimous-consent request—do I state it correctly that there will be the opportunity for striking out the last word and having an opportunity to speak?

THE SPEAKER: The bill is to be considered in the House as in the Committee of the Whole, and motions to strike out the last word will be in order.

MR. BYRNES of Wisconsin: Will the gentleman make the request that the bill be considered in the House as in the Committee of the Whole?

THE SPEAKER: The Chair will state that the unanimous-consent request will automatically carry that privilege.

§ 4.8 Where the House, during the call of the Consent Calendar, grants unanimous consent for the immediate consideration of a bill on the Union Calendar or of an identical Senate bill, the bill is considered in the House as in the Committee of the Whole.

On Aug. 3, 1970,[5] during the call of the Consent Calendar, Speaker John W. McCormack, of

4. 112 CONG. REC. 7749, 89th Cong. 2d Sess.

5. 116 CONG. REC. 26981, 26982, 91st Cong. 2d Sess.

Massachusetts, indicated in response to parliamentary inquiries that a bill on the Union Calendar, or an identical Senate bill, would be considered in the House as in the Committee of the Whole should unanimous consent be granted for consideration.

§ 4.9 The House agreed by unanimous consent to consider in the House as in the Committee of the Whole a privileged rescission bill when called up by the Committee on Appropriations.

On Feb. 17, 1977,[6] Mr. George H. Mahon, of Texas, made the following unanimous-consent request in the House:

> MR. MAHON: Mr. Speaker, I ask unanimous consent that when the bill H.R. 3347 is called up, that it be considered in the House as in the Committee of the Whole.
>
> THE SPEAKER:[7] Is there objection to the request of the gentleman from Texas?
>
> There was no objection.

§ 4.10 Where a resolution has been adopted making the consideration of a bill in order, and the bill is then called up and considered by unanimous consent, rather than pursuant to the rule, in the House as in the Committee of the Whole, the Journal indicates the discharge of the Committee of the Whole House on the State of the Union.

On June 28, 1966,[8] the House adopted a special rule (H. Res. 895) for the consideration in the Committee of the Whole House on the State of the Union of a calendared bill (H.R. 5256) changing the method of computing the retirement pay of members of the armed forces. Then Mr. F. Edward Hébert, of Louisiana, asked unanimous consent that the bill be considered in the House as in the Committee of the Whole, and there was no objection. The Journal entry on that day stated:[9]

> On motion by Mr. Hébert, by unanimous consent, the Committee of the Whole House on the State of the Union was discharged from further consideration of the bill (H.R. 5256) to amend title 10, United States Code, to change

6. 123 CONG. REC. 4576, 95th Cong. 1st Sess.

Under Public Law 93–344, section 1017(c)(2), debate on a rescission bill in Committee of the Whole cannot exceed two hours, and the purpose of the above request was to permit immediate consideration under the five-minute rule without general debate.

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

8. 112 CONG. REC. 14544–45, 89th Cong. 2d Sess.

9. H. Jour. p. 650, 89th Cong. 2d Sess., June 28, 1966.

the method of computing retired pay of certain enlisted members of the Army, Navy, Air Force, or Marine Corps.

When said bill was considered and read twice.

After debate,

The following amendment, recommended by the Committee on Armed Services, was agreed to: . . .

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

—*Motion Not in Order*

§ 4.11 A motion that a Union Calendar bill be considered in the House as in the Committee of the Whole is not in order (unanimous consent being required).

On July 12, 1939,[10] Mr. Andrew J. May, of Kentucky, called up H.R. 985, on the Union Calendar, and asked unanimous consent that it be considered in the House as in the Committee of the Whole. Mr. Sam Hobbs, of Alabama, objected to the consideration of the bill and Mr. May then attempted to make a motion for consideration in the House as in the Committee of the Whole:

> Then I move, Mr. Speaker, that the bill be considered in the House as in the Committee of the Whole.

Speaker William B. Bankhead, of Alabama, ruled:

> The Chair is of the opinion that could not be permitted under the rules of the House. The gentleman may submit a unanimous-consent request, but not a motion.

Mr. Hobbs objected to Mr. May's request, and the Speaker directed the House to resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill.[11]

District of Columbia Bills on Union Calendar

§ 4.12 District of Columbia bills called up on District Monday, if on the Union Calendar, may be considered by unanimous consent in the House as in the Committee of the Whole.

On Aug. 11, 1964,[12] Mr. John V. Dowdy, of Texas, called up

10. 84 Cong. Rec. 8945, 76th Cong. 1st Sess.

11. Procedure in the House as in the 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 that manner. 4 Hinds' Precedents § 4923 [cited at Jefferson's Manual, *House Rules and Manual* § 424 (1995)]. Provision is made in the rules for the consideration of Private Calendar bills under the five-minute rule in the House as in the Committee of the Whole. See Rule XXIV clause 6, *House Rules and Manual* § 893 (1995).

12. 110 Cong. Rec. 18949, 18950, 88th Cong. 2d Sess.

H.R. 9774, terminating the District of Columbia Plaza Renewal Project, on District Monday. The bill had been on the Union Calendar, and Mr. Dowdy requested unanimous consent that the bill be considered in the House as in the Committee of the Whole. The House agreed to the request.[13]

Private Calendar Bills

§ 4.13 Omnibus private bills are considered under the five-minute rule in the House as in the Committee of the Whole, and the Chair does not recognize for extensions of time.

On Mar. 17, 1936,[14] the House as in the Committee of the Whole was considering for amendment omnibus private bills under the five-minute rule. Speaker Joseph W. Byrns, of Tennessee, refused to recognize a Member for an extension of time:

> The time of the gentleman from Minnesota has expired.
>
> MR. [THEODORE] CHRISTIANSON [of Minnesota]: Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.
>
> THE SPEAKER: On the previous section of this bill the Chair put a unanimous-consent request for an extension of time. The attention of the Chair has since been called to a ruling by the author of the present Private Calendar rule, who was presiding at the last session on this calendar. This rule was proposed for the purpose of expediting business. Upon reflection, the Chair does not think he should recognize Members for the purpose of requesting an extension of time.[15]

§ 5. Question of Consideration

Rule XVI clause 3 provides a method by which the House may protect itself against business that it does not wish to consider:

> When any motion or proposition is made, the question, Will the House now consider it? shall not be put unless demanded by a Member.[16]

The question of consideration is raised before debate on the motion or proposition, and since it is not itself debatable, has the effect if not agreed to of preventing all debate on the measure proposed to be considered in the House.[17]

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13. See also 115 CONG. REC. 20850, 91st Cong. 1st Sess., July 28, 1969.

14. 80 CONG. REC. 3890, 74th Cong. 2d Sess.

15. See § 70, infra, for additional ruling on the five-minute rule as applied to private bills.

16. *House Rules and Manual* § 778 (1995). See also §§ 779–781 for raising the question, for the questions subject to the question of consideration, and for the relation of the question to points of order.

17. See § 5.4, infra, for the nondebatability of the question and §§ 5.1–5.3, infra, for raising the question.

The refusal to consider does not amount to the rejection of a bill or prevent its being brought before the House again,[18] and an affirmative vote does not prevent the question of consideration from being raised on a subsequent day when the bill is again called up as unfinished business.[19] It has once been held that a question of privilege which the House has refused to consider may be brought up again on the same day.[20] The question of consideration is not debatable,[1] and thus not subject to the motion to lay on the table.[2] It is not in order to reconsider the vote whereby the House refuses to consider a bill,[3] although it is in order to reconsider an affirmative vote on the question of consideration.[4]

The question of consideration cannot be raised against certain motions relating to the order of business.[5] For example, the motion to resolve into the Committee of the Whole is equivalent to the question of consideration and is therefore not subject to that question.[6]

The question of consideration should be distinguished from points of order against consideration, which may be based on various requirements of House rules and are ruled on by the Chair. A point of order against the eligibility for consideration of a bill which, if sustained, might prevent consideration, should be made and decided before the question of consideration is put,[7] but if the point relates merely to the manner of considering, it should be passed on afterwards.[8] In general, after the House has decided to consider, a point of order raised in order to prevent consideration, in whole or part, comes too late.[9] On a conference report, however, the question of consideration may be demanded before points of order are raised against the substance of the report.[10]

Statutes may prescribe specific uses for the question of consider-

18. 5 Hinds' Precedents § 4940.

19. 8 Cannon's Precedents § 2438.

20. 5 Hinds' Precedents § 4942.

1. 8 Cannon's Precedents § 2447.

2. See 140 CONG. REC. p. _____, 103d Cong. 2d Sess., Oct. 4, 1994. See also Rule XXV, which provides that questions relating to the priority of business are not debatable.

3. 5 Hinds' Precedents §§ 5626, 5627.

4. See 140 CONG. REC. p. _____, 103d Cong. 2d Sess., Oct. 4, 1994.

5. See §§ 5.5, 5.6, infra.

6. See § 5.6, infra.

7. 5 Hinds' Precedents §§ 4950, 4951; 8 Cannon's Precedents § 2439, discussed in the note to § 5.12, infra.

8. 5 Hinds' Precedents § 4950.

9. 4 Hinds' Precedents § 4598; 5 Hinds' Precedents §§ 4952, 6912–6914.

10. See § 5.12, infra. See also 8 Cannon's Precedents § 2439.

ation. For example, the Unfunded Mandates Reform Act of 1995[11] added a new part B to title IV of the Congressional Budget Act of 1974[12] imposing several requirements on committees with respect to "federal mandates."[13] The provisions establish points of order to enforce those requirements,[14] and preclude the consideration of a rule or order waiving such points of order in the House.[15] The statute prescribes that such points of order be disposed of by putting the question of consideration with respect to the proposition against which they are lodged.[16]

Forms

Form of putting the question of consideration.

MEMBER: Mr. Speaker, I raise the question of consideration.

THE SPEAKER: The gentleman raises the question of consideration. The question is, Will the House now consider it? As many as favor. . . .[17]

Cross References

Methods of closing debate in the House, see § 72, infra.

Motion to postpone consideration, see Ch. 23, supra.

Points of order, see Ch. 31, infra.

When Question of Consideration May Be Raised

§ 5.1 The question of consideration may not be raised against a resolution until the resolution is fully reported.

On Dec. 13, 1932,[18] Mr. Louis T. McFadden, of Pennsylvania, arose to a question of "constitutional privilege" and offered a resolution to impeach President Hoover for high crimes and misdemeanors.

Mr. William H. Stafford, of Wisconsin, interrupted the reading of the resolution to state a parliamentary inquiry which was answered by Speaker John N. Garner, of Texas:

MR. STAFFORD: Is it in order to raise the question of consideration at this time?

THE SPEAKER: Not until the resolution is read.

The Clerk concluded the reading of the resolution.

The House agreed to a motion to lay the resolution on the table.

On June 1, 1934,[19] a report was called up from the Committee

11. Pub. L. 104–4; 109 Stat. 48 et seq.

12. 2 USC § 658.

13. Sections 423, 424; 2 USC §§ 658b, c.

14. 2 USC § 658d.

15. 2 USC § 658e(a).

16. 2 USC § 658e(b).

17. Cannon's Procedure in the House of Representatives 141, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

18. 76 CONG. REC. 399–402, 72d Cong. 2d Sess.

19. 78 CONG. REC. 10239–41, 73d Cong. 2d Sess.

on Rules. Mr. Carl E. Mapes, of Michigan, interrupted the reading of the accompanying resolution to make the point of order that a two-thirds vote was required for the consideration of the resolution on the same day reported. Speaker Henry T. Rainey, of Illinois, sustained a point of order that the question of consideration could not be raised until the resolution was read in full:

> MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Speaker, I raise the point of order that the reading of the resolution should be concluded before any point of order can be made against it.
>
> THE SPEAKER: The point of order of the gentleman from Alabama [Mr. Bankhead] is sustained. The Clerk will conclude the reading of the resolution.

§ 5.2 Resolutions of inquiry are subject to the question of consideration, but it is too late to raise such question after the motion to table has been made.

On Feb. 7, 1939,[20] Mr. Sol Bloom, of New York, presented a privileged report from the Committee on Foreign Affairs adversely reporting a resolution of inquiry (H. Res. 78) directed to the Secretary of State. Following the reading of the report, Mr. Bloom moved that the resolution be laid on the table. Mr. Hamilton Fish, Jr., of New York, then arose to a question of consideration, and Speaker William B. Bankhead, of Alabama, ruled that the question came too late, the motion to table having been made.

§ 5.3 During the Calendar Wednesday call of committees the question of consideration on a bill called up by a committee is properly raised after the Clerk reads the title of the bill and before the House resolves itself into the Committee of the Whole.

On Apr. 14, 1937,[1] the question of consideration against a bill called up by a committee under the Calendar Wednesday procedure was raised as follows:

> MR. [CLARENCE F.] LEA [of California] (when the Committee on Interstate and Foreign Commerce was called): Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H.R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U.S.C., title 49, sec. 4).
>
> The Clerk read the title of the bill.
>
> MR. [ALFRED L.] BULWINKLE [of North Carolina]: Mr. Speaker, I raise the question of consideration.
>
> THE SPEAKER:[2] The gentleman from North Carolina raises the ques-

20. 84 CONG. REC. 1181, 1182, 76th Cong. 1st Sess.

1. 81 CONG. REC. 3455, 3456, 75th Cong. 1st Sess.

2. William B. Bankhead (Ala.).

tion of consideration of the bill. The question is, Will the House consider the bill H.R. 1668. . . .

The question was taken; and there were—yeas 278, nays 97, answered "present" 1, not voting 54, as follows: . . .

The result of the vote was announced as above recorded.

THE SPEAKER: The House automatically resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the bill.

On May 4, 1960,[3] Speaker Sam Rayburn, of Texas, responded as follows to parliamentary inquiries on the proper raising of the question of consideration against a bill called up under the Calendar Wednesday procedure:

The Chair will state to the gentleman from Indiana and to the House that when we reach the point of approving the Journal, the Chair will then order a call of the committees; and when the Committee on Banking and Currency is recognized and the gentleman from Kentucky [Mr. Spence] presents his bill, when the title of the bill is read the House automatically resolves itself into the Committee of the Whole. . . .

MR. [JAMES C.] DAVIS of Georgia: The Chair has just stated—I believe I understood it this way—that when the bill is called up by the chairman of the Committee on Banking and Currency and the title is read the House automatically resolves itself into the Committee of the Whole.

THE SPEAKER: That is the rule.

MR. DAVIS of Georgia: But the motion raising the question must come before the title of the bill is read.

THE SPEAKER: After the title is read.

MR. DAVIS of Georgia: Sir?

THE SPEAKER: After the title is read.

MR. DAVIS of Georgia: There would still be time enough for it before the House automatically goes into the Committee of the Whole.

THE SPEAKER: That is correct.

Debate

§ 5.4 The question of consideration is not debatable.

On June 1, 1934,[4] Mr. William B. Bankhead, of Alabama, moved for the immediate consideration of House Resolution 410, reported by the Committee on Rules on the same day reported and making in order during the remainder of the session motions to suspend the rules and waiving certain other rules during the remainder of the session.

When the yeas and nays were ordered on the question of consideration of the resolution, Mr. Clarence J. McLeod, of Michigan, made a point of order against the roll call:

I make the point of order that this roll call is not in order, because there has not been a chance to even explain the resolution under consideration.

3. 106 CONG. REC. 9417, 86th Cong. 2d Sess.

4. 78 CONG. REC. 10239, 10240, 73d Cong. 2d Sess.

Speaker Henry T. Rainey, of Illinois, ruled:

> The Chair will state that the question of consideration is not debatable.

Parliamentarian's Note: This precedent involved the automatic question of consideration on Rules Committee resolutions called up the same day reported, under clause 4(b) of Rule XI. The question of consideration if offered on other matters is likewise not debatable (see 8 Cannon's Precedents § 2447).

Matters Subject to Question of Consideration—Motions Relating to Order of Business

§ 5.5 The question of consideration cannot be raised against certain motions relating to the order of business.

It is well established that the question of consideration may not be raised against a motion to resolve into Committee of the Whole.[5] Moreover, it has been held that the question of consideration is not in order against a motion to discharge a committee, the Chair citing as a general principle that the question of consideration may not be raised on a motion relating to the order of business.[6]

The question of consideration is also not in order against a motion to lay on the table the motion to reconsider the vote by which the House has passed a bill.[7]

—Motion To Resolve Into Committee of the Whole as Sufficient Expression of Will of House

§ 5.6 The question of consideration may not be raised against a motion to resolve into the Committee of the Whole since the House expresses its will concerning consideration by voting on the motion.

On May 21, 1958,[8] Speaker Sam Rayburn, of Texas, ruled that the question of consideration could not be raised against the motion to resolve into the Committee of the Whole for the consideration of a bill, the motion to resolve being itself a test of the will of the House on consideration:

> MR. [HOWARD W.] SMITH of Virginia: May I submit a parliamentary inquiry, Mr. Speaker?

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5. See § 5.6, infra.

6. See 5 Hinds' Precedents § 4977.

7. See 5 Hinds' Precedents § 4972.

8. 104 CONG. REC. 9216, 9217, 85th Cong. 2d Sess. See also 5 Hinds' Precedents §§ 51 and 4973–4976; 8 Cannon's Precedents § 2442.

As to the effect of adoption of a special rule on points of order, see §§ 2.13–2.16, supra.

THE SPEAKER: The gentleman may.

MR. SMITH of Virginia: Under what circumstances can the question of consideration be raised?

THE SPEAKER: The Chair tried to say a moment ago that it cannot be raised against the motion to go into the Committee of the Whole, because that is tantamount to consideration, and the House will have an opportunity to vote on that motion.

MR. SMITH of Virginia: In other words, if we demand a vote on that question, then that will be tantamount to raising the question of consideration?

THE SPEAKER: That is correct.

Parliamentarian's Note: It should be noted that a point of order that a bill was reported from committee in the absence of a quorum is in order pending a vote on the motion that the House resolve itself into the Committee of the Whole for the consideration of the bill, where the bill is being considered pursuant to a Committee on Rules resolution which does not waive that point of order.[9] A motion to suspend the rules, however, suspends all rules in conflict with the motion and precludes the point of order that a bill was reported from committee in the absence of a quorum.[10]

Consideration of Resolution From Rules Committee on Same Day Reported

§ 5.7 A resolution from the Committee on Rules may be considered on the same day as reported if the question of consideration is supported by two-thirds of the Members present and voting, a quorum being present.

On Nov. 14, 1975,[11] a resolution from the Committee on Rules was reported, providing that upon the adoption of the resolution it would be in order to take a Senate bill from the Speaker's table and consider it in the House. Following the adoption of the resolution making the consideration of the Senate bill in order, the Member calling up the Senate bill was recognized for one hour:

MR. [RICHARD] BOLLING [of Missouri], from the Committee on Rules, reported the following privileged resolution (H. Res. 866, Rept. No. 94–666), which was referred to the House Calendar and ordered to be printed.

H. RES. 866

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill S. 2667, to extend the Emergency Petroleum Allocation Act of 1973, and to consider said bill in the House.

MR. BOLLING: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 866 and ask for its immediate consideration.

THE SPEAKER:[12] The Clerk will report the resolution.

9. See § 2.16, supra.
10. See §§ 2.7, 2.8, supra.
11. 121 CONG. REC. 36638, 36641, 94th Cong. 1st Sess.
12. Carl Albert (Okla.).

The Clerk read the resolution.

THE SPEAKER: The question is, Will the House now consider House Resolution 866?

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

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: The Chair is certain that a quorum is present. The Chair will count.

Two hundred and forty-one Members are present, a quorum.

MR. ROUSSELOT: Mr. Speaker, I demand a division.

On a division (demanded by Mr. Rousselot) there were—yeas 171, noes 14.

So (two-thirds having voted in favor thereof), the House agreed to consider House Resolution 866.

THE SPEAKER: The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE SPEAKER: The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, pursuant to House Resolution 866, I call up the Senate bill (S. 2667) and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 2667

A BILL TO EXTEND THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out each date specified therein and inserting in lieu thereof in each case "December 15, 1975". . . .

MR. STAGGERS: Mr. Speaker, I move the previous question on the Senate bill.

The previous question was ordered.

The Senate bill was orderd to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

§ 5.8 Under Rule XI clause 4(b), it is in order to call up a privileged report from the Committee on Rules relating to the order of business on the same day reported if consideration is granted by a two-thirds vote, and a point of order that the report has not been printed does not lie.

On Feb. 2, 1977,[13] the following proceedings occurred in the House:

Mr. [James J.] Delaney [of New York], from the Committee on Rules, reported the following privileged resolution (H. Res. 231, Rept. No. 95–6),

13. 123 CONG. REC. 3344, 3349, 95th Cong. 1st Sess.

which was referred to the House Calendar and ordered to be printed: . . .

MR. DELANEY: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 231 and ask for its immediate consideration.

THE SPEAKER:[14] The Clerk will report the resolution.

The Clerk read the resolution.

THE SPEAKER: The question is, Will the House now consider House Resolution 231? . . .

MR. [W. HENSEN] MOORE [of Louisiana]: Mr. Speaker, I make the point of order that the resolution has not been printed.

MR. DELANEY: Mr. Speaker, if the gentleman will yield, this is merely to consider taking up the rule.

MR. MOORE: Mr. Speaker, I would like to make the point of order that I believe under this rule we are waiving all points of order; is that not correct?

MR. DELANEY: Mr. Speaker, if the gentleman will yield further, that matter will be taken up at the proper time. This is merely for consideration, at this particular time, of House Resolution 231.

THE SPEAKER: The Chair will state that the point of order of the gentleman from Louisiana (Mr. Moore) is not well taken and is therefore overruled.

There is no requirement that this resolution be printed before it can be called up, although the Chair ordered the resolution printed when it was filed and referred to the House Calendar.

The question is, Will the House now consider House Resolution 231?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 231.

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

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

The previous question was ordered.

THE SPEAKER: The question is on the resolution.

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

MR. MOORE: Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the resolution was agreed to.

House Automatically Resolves Into Committee of the Whole After Vote To Consider Bill on Calendar Wednesday

§ 5.9 The question of consideration being decided in the affirmative, when raised against a bill on the Union Calendar called up under the Calendar Wednesday rule, the House automatically resolves itself into the Committee of the Whole.

On May 4, 1960,[15] the question of consideration was raised against a bill called up by

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

15. 106 CONG. REC. 9417, 9418, 86th Cong. 2d Sess.

the Committee on Banking and Currency under the Calendar Wednesday procedure. The bill had been on the Union Calendar. When the House voted to consider the bill, Speaker Sam Rayburn, of Texas, directed the House to automatically resolve itself into the Committee of the Whole for the consideration of the bill.[16]

Second Question of Consideration on Same Bill on Calendar Wednesday

§ 5.10 A second question of consideration was voted on the same day on the same bill on Calendar Wednesday (after the Committee of the Whole rose and the House refused to adjourn).

On Feb. 22, 1950,[17] the question of consideration was raised against H.R. 4453, the Federal Fair Employment Practice Act, called up under the Calendar Wednesday rule by the Committee on Education and Labor. When the question was decided in the affirmative, the House automatically resolved into the Committee of the Whole for the consideration of the bill.

After intervening debate, the Committee voted to rise without having agreed to the bill. Mr. Howard W. Smith, of Virginia, moved that the House adjourn, which was defeated by the yeas and nays. The Committee on Education and Labor again called up the bill and Mr. Smith raised the question of consideration against the bill. The House affirmatively decided the second question of consideration and the House resolved again into the Committee of the Whole.

Motion To Adjourn Not in Order After Vote To Consider Bill on Calendar Wednesday

§ 5.11 A motion to adjourn is not in order after the House has voted to consider a proposition brought up under the Calendar Wednesday rule and before the House has resolved into Committee of the Whole.

On Apr. 14, 1937,[18] the Clerk called the roll of committees for reporting propositions under the Calendar Wednesday rule. At the direction of the Committee on Interstate and Foreign Commerce, Mr. Clarence F. Lea, of California, called up H.R. 1668, to amend the Interstate Commerce Act. Mr. Alfred L. Bulwinkle, of North Caro-

16. See also 75 CONG. REC. 2815, 72d Cong. 1st Sess., Jan. 27, 1932.

17. 96 CONG. REC. 2161, 2162, 81st Cong. 2d Sess.

18. 81 CONG. REC. 3455, 3456, 75th Cong. 1st Sess.

lina, raised the question of consideration, and the House by the yeas and nays voted to consider the bill.

Speaker William B. Bankhead, of Alabama, directed the House to automatically resolve itself into the Committee of the Whole for the consideration of the bill. Mr. John E. Rankin, of Mississippi, moved that the House adjourn, and the Speaker ruled "The Chair cannot entertain that motion at this time."

Question of Consideration Raised Against Conference Report Before Points of Order

§ 5.12 The question of consideration may be raised against a conference report before the Chair entertains points of order against the report.

On Sept. 28, 1976,[19] a demand for the question of consideration resulting in the ordering of consideration of a conference report, points of order were next entertained, as indicated below:

> THE SPEAKER:[20] The unfinished business is the further consideration of the conference report on the Senate bill S. 521, which the Clerk will report by title.
>
> The Clerk read the title of the Senate bill.
>
> MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, I demand the question of consideration.
>
> THE SPEAKER: The question is, Will the House now consider the conference report on the Senate bill S. 521.
>
> The question was taken; and the Speaker announced that the ayes appeared to have it.
>
> MR. FISH: Mr. Speaker, on that I demand the yeas and nays.
>
> The yeas and nays were ordered. . . .
>
> So consideration of the conference report was ordered. . . .
>
> MR. FISH: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. FISH: Mr. Speaker, my parliamentary inquiry is as to whether my reserved points of order are in order at this time?
>
> THE SPEAKER: The Chair will state that they are.
>
> MR. FISH: Mr. Speaker, I make a point of order against the conference report on grounds that it has been reported in violation of rule XXVIII, clause 6, which requires that conference meetings be open to the public except when ordered closed by rollcall vote in open session. . . .
>
> THE SPEAKER: The Chair is prepared to rule.
>
> The gentleman from New York has made a point of order directed against conference procedure alleging a violation of clause 6, rule XXVIII.
>
> The gentleman's point of order is that the form of the conference report does not conform to his understanding as to which motion was agreed to by the House conferees. The gentleman

19. 122 CONG. REC. 33018, 33019, 94th Cong. 2d Sess.

20. Carl Albert (Okla.).

contends that there was [presumably a subsequent] meeting of the conferees which was closed and unannounced.

The chief manager of the conference report has reported that in a meeting of the conferees which was open to the public, pursuant to the provisions of clause 6, rule XXVIII, a proper motion was made to agree to an amendment in the nature of a substitute for the House amendment to the Senate bill, and the signatures of a majority of the conferees of both Houses reflecting this agreement appear on the conference report.

The Chair does not feel that a violation of conference rules has been shown, and the Chair overrules the point of order.

Parliamentarian's Note: The issue as to which comes first on a conference report, the question of consideration or a point of order, is discussed in 8 Cannon's Precedents § 2439, wherein Speaker Clark ruled that the question of consideration should be put first on the grounds that it was useless to argue points of order if the House wasn't going to consider the report. Conflicting precedents which stand for the proposition that points of order should be decided before the question of consideration is raised involved circumstances in which the point of order was directed not to the substance of the report or proposition but to the issue whether the matter was privileged to come up for consideration in the first instance. In 5 Hinds' Precedents § 4950, the issue was whether a bill called up under the morning hour call of committees was eligible as a bill properly on the House Calendar, and in 5 Hinds' Precedents § 4951, the issue was whether a resolution could be presented as a question of privilege. But since a conference report is privileged for consideration under Rule XXVIII, the threshold question is not presented and the question of consideration should come before points of order against the substance of the report.

§ 6. Questions Not Subject to Debate

The relevant standing rule and the precedents relating to each motion or question must be consulted in order to determine whether debate thereon is allowable.[1] Thus, the motion to go into Committee of the Whole is not de-

1. See Cannon's Procedure in the House of Representatives 148, 149, H. Doc. No. 122, 86th Cong. 1st Sess. (1959) for a list of nondebatable questions arranged in the order of their frequency. The list is not exclusive; see, for example, Rule I clause 1, *House Rules and Manual* § 621 (1995) (1971 amendment to the rule providing for a nondebatable motion that the Journal be read in full).

batable (and therefore not subject to the motion to lay on the table).[2] Nor is a motion to go into secret session debatable.[3]

Unless otherwise provided by a standing rule or by order of the House, a question brought before the House is debated under the hour rule.[4] The motions for the previous question[5] and to lay on the table[6] are not debatable. The previous question closes debate and brings the House to an immediate vote on the pending proposition unless ordered on a proposition on which there has been no debate, in which event 40 minutes of debate are permitted.[7] The motion to lay on the table also precludes further debate and, if agreed to, provides a final adverse disposition of the matter to which applied.

Rule XXV[8] provides that all questions of the priority of business shall be decided by a majority without debate. In applying the rule, the Speaker has stated that the language precludes debate on motions to go into Committee of the Whole, on questions of consideration, and on appeals from the Chair's decisions on priority of business.[9]

While the question of consideration is not debatable,[10] a motion to postpone further consideration of a privileged resolution (to censure a Member) is debatable for one hour controlled by the Member offering the motion.[11] Under Rule XVI, clause 4, the motion to postpone indefinitely is normally debatable; but where such a motion is offered pursuant to provisions of a statute, enacted under the rulemaking power of the House and Senate, such as statutes relating to consideration of resolutions disapproving certain executive actions, the motion by the terms of the statute may not be debatable.[12]

The Member having the floor in Committee of the Whole may dis-

2. See 6 Cannon's Precedents § 726.

3. For discussion of secret sessions, see § 85, infra.

4. See § 68, infra, for discussion of the hour rule.

5. See § 6.35 infra.

6. See § 6.9, infra.

7. See § 6.37, infra.

8. *House Rules and Manual* § 900 (1995).

9. Appeals from other rulings of the Chair may be debatable under the hour rule. See § 68.71, infra.

Rule XXV should not be utilized to permit a motion directing the Speaker to recognize Members in a certain order or to otherwise establish an order of business. See § 9.3, infra.

10. See 8 Cannon's Precedents § 2447.

11. See § 24.14, infra.

12. See § 2.42, supra, for further discussion.

play charts or exhibits by permission of the Committee, but if objection is made, the question is put, without debate, as to whether such Member should be permitted to use displays.[13]

Of course, agreements to limit debate may affect the question of what matters may be debated.[14] For example, when the Committee of the Whole has limited debate on the bill and all amendments thereto to a time certain, even a preferential motion[15] (such as a motion to strike the enacting clause) is not debatable if offered after the expiration of time for debate.

With respect to a motion to recommit with instructions after the previous question has been ordered on the passage of a bill or joint resolution, it is in order to debate the motion for ten minutes before the vote is taken thereon, except that on demand of the floor manager for the majority it is in order to debate such motion for one hour. One half of any debate on such motion is given to debate by the mover of the motion and one half to debate in opposition to the motion.[16]

Cross References

Discretionary debate on certain questions and motions, see § 67, infra.

Motions and debate thereon, see Ch. 23, supra.

Points of order, appeals, and parliamentary inquiries and debate thereon, see Ch. 31, infra.

Power of Member in charge to cut off debate, see § 7, infra.

Quorum calls and debate, see Ch. 20, supra.

Recognition to be sought before debate, see § 8, infra.

Right of Member-elect To Be Sworn

§ 6.1 No debate is in order on the right of a challenged Member-elect to be sworn in, pending the swearing-in of the remaining Members-elect.

On Jan. 5, 1937, before the swearing-in en masse of Members-elect at the convening of the 75th Congress, Member-elect John J. O'Connor, of New York, arose to challenge the right of Member-elect Arthur B. Jenks, of New Hampshire, to be sworn in.[17] Mr.

13. See Rule XXX, *House Rules and Manual* §§ 915–917 (1995); see also §§ 80–84, infra, for discussion of reading papers and displaying exhibits.

14. For discussion of limiting debate, and the effect of such limitation, see §§ 78, 79, infra.

15. See § 79.27, infra.

16. Rule XVI, clause 4, *House Rules and Manual* § 782 (1995).

17. 81 CONG. REC. 12, 75th Cong. 1st Sess.

Bertrand H. Snell, of New York, arose to object to the challenge and Speaker William B. Bankhead, of Alabama, ruled that the challenged Member-elect should stand aside and that no debate on the challenge was in order until the remaining Members-elect had been sworn in.

Resignation of Committee Chairman

§ 6.2 In response to parliamentary inquiries, the Speaker indicated that the question of whether a member should be relieved from committee service was debatable only within narrow limits and that the Chair would take the initiative in enforcing that restriction.

On June 16, 1975,[18] after the Speaker[19] laid before the House a letter of resignation from the chairman of the Select Committee on Intelligence, the following proceedings occurred:

> The Speaker laid before the House the [resignation of Mr. Lucien N. Nedzi, of Michigan] from the House Select Committee on Intelligence. . . .
>
> THE SPEAKER: The question is, shall the resignation be accepted?
>
> The Chair recognizes the gentleman from Michigan (Mr. Nedzi). . . .
>
> MR. NEDZI: . . . Mr. Speaker, I yield 15 minutes to the gentleman from Michigan (Mr. O'Hara).
>
> MR. [JAMES G.] O'HARA [of Michigan]: Mr. Speaker, before proceeding, I wonder if I could address to the Chair a parliamentary inquiry.
>
> THE SPEAKER: The gentleman may state his parliamentary inquiry.
>
> MR. O'HARA: Mr. Speaker, I have looked at the precedents and I am somewhat uncertain as to the proper scope of the debate on such a question. I would hope that the Chair could enlighten this gentleman and the House.
>
> THE SPEAKER: . . . The Chair will state that rule XIV, clause 1, requires that a Member confine himself to the question under debate in the House, avoiding personalities. On January 29, 1855, as cited in section 4510 of volume 4, Hinds' Precedents, Speaker Boyd held that the request of a Member that he be excused from committee service was debatable only within very narrow limits.
>
> The Chair trusts that debate on the pending question will be confined within the spirit of that ruling and the Chair will further state that he will strictly enforce the rule as to the relevancy of debate. . . .
>
> MR. [GARRY] BROWN of Michigan: . . . Under the germaneness test that the Speaker recited at the commencement of this discussion did the Speaker contemplate that on his own volition and initiative that he would raise the question of germaneness; or must that question of germaneness be raised by someone on the floor? . . .
>
> Does the Speaker [intend] to question the germaneness when in his mind it appears to be nongermane?

18. 121 CONG. REC. 19054, 19056, 19059, 94th Cong. 1st Sess.

19. Carl Albert (Okla.).

THE SPEAKER: The Chair has so stated, and the Chair so intends.

Question of Consideration

§ 6.3 The question of consideration is not debatable.

On June 1, 1934,[20] Mr. William B. Bankhead, of Alabama, called up on the same day reported House Resolution 410, from the Committee on Rules, making in order during the remainder of the session motions to suspend the rules and suspending the requirement of a two-thirds vote to consider reports from the Committee on Rules when called up on the same day reported.

Mr. Bankhead called for the consideration of the resolution and before the question of consideration could be voted upon, Mr. Clarence J. McLeod, of Michigan, made a point of order against ordering the yeas and nays on the question, "because there has not been a chance to even explain the resolution under consideration."

Speaker Henry T. Rainey, of Illinois, ruled that "the question of consideration is not debatable." [1]

20. 78 CONG. REC. 10239–41, 73d Cong. 2d Sess.

1. The question of consideration is provided for in Rule XVI clause 3, *House Rules and Manual* § 778 (1995). The question has formerly been held nondebatable; see 8 Cannon's Precedents § 2447.

Rereference of Bill to Committee

§ 6.4 A motion to correct the reference of a public bill is not debatable.

On Apr. 2, 1935,[2] Mr. Emanual Celler, of New York, asked unanimous consent that H.R. 6547, authorizing the appointment of a commissioner for the United States Court of China, originally referred to the Committee on Foreign Affairs, be rereferred to the Committee on the Judiciary. Mr. Sam D. McReynolds, of Tennessee, objected to the request and Speaker Joseph W. Byrns, of Tennessee, stated that a motion for rereferral was in order since Mr. Celler was authorized by the Committee on the Judiciary to move for rereferral.

Speaker Byrns advised Mr. McReynolds that the motion was not debatable. The House then voted against the motion of rereferral.

On Jan. 10, 1941,[3] Mr. Andrew J. May, of Kentucky, offered a privileged motion to rerefer H.R. 1776, to promote the defense of the United States, originally referred to the Committee on For-

2. 79 CONG. REC. 4878, 4879, 74th Cong. 1st Sess.

3. 87 CONG. REC. 100–03, 77th Cong. 1st Sess.

eign Affairs, to the Committee on Military Affairs. Mr. John W. McCormack, of Massachusetts, raised a parliamentary inquiry as to the reasons why Speaker Sam Rayburn, of Texas, had referred the bill to the Committee on Foreign Affairs. The Speaker suggested that a unanimous-consent request might be granted for him to explain his reasons, but Mr. Earl C. Michener, of Michigan, stated as follows:

> If the Speaker pursues that course, then in effect he has opened this matter up to debate, and the Speaker himself has made a speech against the motion. That can be done by unanimous consent, but it does seem to me we should do these things according to the rules. If we are going to have debate, let us have debate; if we are not, let us not have one side only.

After further debate, Mr. Albert J. Engel, of Michigan, asked unanimous consent that the subject be debated for 20 minutes. The Speaker responded that he would "accept no time from the House on any conditions," and put the motion on the question of rereferral, which was rejected by the House.[4]

§ 6.5 While the rule with regard to rereference of bills on motion of a committee prohibits debate, a Member may proceed by unanimous consent for one minute before he makes such a motion.

On Apr. 21, 1942,[5] Mr. Samuel Dickstein, of New York, was granted unanimous consent to address the House for one minute following the reading of the Journal. At the conclusion of his address, he moved that the bill H.R. 6915 be rereferred from the Committee on the Judiciary to the Committee on Immigration and Naturalization.

Mr. John E. Rankin, of Mississippi, made a point of order against the motion on the ground that Mr. Dickstein could only ask for rereferral by unanimous consent. Speaker Sam Rayburn, of Texas, overruled the point of order and read Rule XXVII clause 4, providing for a motion to correct reference of bills, to be determined without debate.

Mr. Sam Hobbs, of Alabama, made a further point of order that Mr. Dickstein's motion was not in order since "there was debate by the distinguished gentleman from New York for 1 minute immediately preceding the submission of the motion, where as the opposition is denied that right by the rule."

4. See Rule XXII clause 4, *House Rules and Manual* § 854 (1995): "[C]orrection in case of error in reference may be made by the House, without debate. . . ."

5. 88 CONG. REC. 3571, 77th Cong. 2d Sess.

Speaker Rayburn overruled the point of order:

> The Chair did not know what the gentleman from New York was going to talk about. The Chair cannot look into the mind of a Member when he asks unanimous consent to address the House for 1 minute and see what he intends to talk about.

After Discharge of Rules Committee Resolution

§ 6.6 Under the former practice, where the Committee on Rules was discharged from further consideration of a resolution providing a special order of business, the vote occurred immediately on the adoption of the resolution without debate; Rule XXVII, clause 3, has since been amended to permit debate on a resolution discharged from the Committee on Rules.

On June 11, 1945,[6] Mr. Vito Marcantonio, of New York, called up a motion to discharge the Committee on Rules from further consideration of House Resolution 139, providing for the consideration of H.R. 7, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for federal officers.

After 20 minutes' debate on the motion, the House agreed to the motion and Speaker Sam Rayburn, of Texas, immediately put the question on the resolution, after ruling that a motion to lay the resolution on the table was not in order.

Parliamentarian's Note: After the ruling cited above, the House did not proceed to the consideration of H.R. 7 until the following day, since House Resolution 139 provided for consideration of said bill on "the day succeeding the adoption of this resolution."

Rule XXVII, clause 3, was amended by H. Res. 5, 102d Cong. 1st Sess., Jan. 3, 1991, to permit debate on a resolution discharged from the Committee on Rules.[7]

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6. 91 CONG. REC. 5892, 5895, 5896, 79th Cong. 1st Sess.

7. For the earlier version of the rule, see Rule XXVII, clause 4, *House Rules and Manual* § 908 (1988): "If the motion (motion to discharge committee from bill or resolution) prevails to discharge the Committee on Rules from any resolution pending before the committee, the House shall immediately vote on the adoption of said resolution, the Speaker not entertaining any dilatory or other intervening motion except one motion to adjourn . . . ." The present rule states: "If the motion prevails . . . the House shall immediately consider such resolution . . . ." Rule XXVII, clause 3, *House Rules and Manual* § 908 (1995).

Discharge of Privileged Resolution of Inquiry

§ 6.7 When a committee to which has been referred a privileged resolution of inquiry has not reported that resolution within fourteen (formerly seven) legislative days, a motion to discharge that committee from further consideration of that resolution is privileged and not debatable.

On Sept. 29, 1975,[8] the principle described above was demonstrated in the House as follows:

MR. [JAMES M.] COLLINS of Texas: Mr. Speaker, I offer a privileged motion to discharge the Committee on Education and Labor from consideration of the resolution (H. Res. 718).

THE SPEAKER:[9] The Clerk will report the motion.

The Clerk read the motion as follows:

Mr. Collins of Texas moves to discharge the Committee on Education and Labor from consideration of House Resolution 718.

THE SPEAKER: The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 718

Resolved, That the Secretary of Health, Education, and Welfare, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than sixty days following the adoption of this resolution, any documents containing a list of the public school systems in the United States which, during the period beginning on August 1, 1975, and ending on June 30, 1976, will be receiving Federal funds and will be engaging in the busing of schoolchildren to achieve racial balance, and any documents respecting the rules and regulations of the Department of Health, Education, and Welfare with respect to the use of any Federal funds administered by the Department for the busing of schoolchildren to achieve racial balance.

THE SPEAKER: The question is on the privileged motion to discharge.

The motion was agreed to.

Debate on Resolution of Inquiry

§ 6.8 A resolution of inquiry is debatable for one hour, controlled by the Member calling it up.

During consideration of a privileged resolution (H. Res. 745, in the matter of Billy Carter) in the House on Sept. 10, 1980,[10] Mr. Peter W. Rodino, Jr., of New Jersey, manager of the resolution,

8. 121 CONG. REC. 30748, 94th Cong. 1st Sess. Note: At the time of the proceedings below, the rules required resolutions of inquiry to be reported within seven days. The rule now requires reporting within fourteen days. See Rule XXII, cl. 5, *House Rules and Manual* § 855 (1995).

9. Carl Albert (Okla.).

10. 126 CONG. REC. 24948, 24949, 96th Cong. 2d Sess.

made a statement concerning procedure for debate, as follows:

MR. RODINO: Mr. Speaker, I call up a privileged resolution (H. Res. 745) of inquiry in the matter of Billy Carter, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 745

Resolved, That the President, to the extent possible, is directed to furnish to the House of Representatives, not later than seven days following the adoption of this resolution, full and complete information on the following:

(1) any record and date of all conversations and actions of the President with Billy Carter relating to the latter's role as an official or unofficial agent of the Government of Libya. . . .

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from New Jersey (Mr. Rodino), the chairman of the Committee on the Judiciary.

MR. RODINO: Mr. Speaker, it is my intention to yield to Members whom I have already designated, the gentleman from Illinois (Mr. McClory), the ranking minority member on the Committee on the Judiciary, for 15 minutes, for purposes of debate only; the gentleman from Michigan (Mr. Broomfield), the ranking minority member on the Committee on Foreign Affairs, for 10 minutes, for purposes of debate only; the gentleman from Wisconsin (Mr. Zablocki), the chairman of the Committee on Foreign Affairs, for 2 minutes; and the gentleman from Massachusetts (Mr. Boland), chairman of the Permanent Select Committee on Intelligence, for 2 minutes.

Motion To Lay on the Table

§ 6.9 A motion to lay on the table is a preferential motion and is not debatable.

On June 16, 1947,[11] certain words used in debate characterizing a committee report as containing "lies and half-truths" were demanded to be taken down. Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words used were unparliamentary and Mr. John E. Rankin, of Mississippi, moved to strike the entire statement from the Record. On that motion he asked for recognition.

Mr. Vito Marcantonio, of New York, moved to lay the motion to strike words on the table. Mr. Rankin objected that he had already been recognized. Speaker Martin ruled that the motion to table was "preferential and not debatable." The House rejected the motion to table.

On Feb. 20, 1952,[12] the Committee on Foreign Affairs adversely reported a resolution of inquiry. Mr. James P. Richards, of South Carolina, moved that the resolution of inquiry be laid on the table. Speaker Sam Rayburn,

11. 93 CONG. REC. 7065, 80th Cong. 1st Sess.

12. 98 CONG. REC. 1205–07, 1215, 1216, 82d Cong. 2d Sess.

of Texas, ruled in response to a parliamentary inquiry that no debate could be had on the motion:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALLECK: Mr. Speaker, this is a matter of very considerable importance. Does the making of this motion at this time preclude all debate, or may we expect that the chairman of the Committee on Foreign Affairs will yield time to those who may want to discuss this matter?

THE SPEAKER: The motion to lay on the table is not debatable. The gentleman from South Carolina cannot yield time after he has made a motion to lay on the table.

MR. HALLECK: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALLECK: Mr. Speaker, if the chairman of the Committee on Foreign Affairs could see fit not to make such a motion at this time, then would this resolution as well as the report be debatable?

THE SPEAKER: The resolution would be debatable and the time of 1 hour would be under the control of the gentleman from South Carolina.

The question is on the motion of the gentleman from South Carolina.[13]

Motion To Dispense With Reading of Amendment

§ 6.10 A motion under Rule XXIII clause 5(b) to dispense with the reading of an amendment which has been printed in the *Congressional Record* and submitted in the required manner to the reporting committee is not subject to debate.

On May 6, 1981,[14] during consideration of House Concurrent Resolution 115 (revising the congressional budget for fiscal year 1981 and setting forth the congressional budgets for 1982, 1983, and 1984) in the Committee of the Whole, the following proceedings occurred:

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I offer an amendment in the nature of a substitute.

THE CHAIRMAN:[15] Has the gentleman's amendment been printed in the Record?

MR. LATTA: Yes, Mr. Chairman, it has been printed in the Record.

THE CHAIRMAN: The Clerk will report the amendment. . . .

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

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13. See Rule XVI clause 4, *House Rules and Manual* § 782 (1995): "When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate). . . ."

14. 127 CONG. REC. 8716, 8721, 97th Cong. 1st Sess.

15. Martin Frost (Tex.).

THE CHAIRMAN: Is there objection to the request of the gentleman from Ohio? . . .

MR. [THEODORE S.] WEISS [of New York]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. LATTA: Mr. Chairman, I move that the amendment be considered as read and printed in the Record.

The motion was agreed to.

Point of Order

§ 6.11 Debate on a point of order is within the discretion of the Chair.

On Apr. 13, 1951,[16] Mr. Carl Vinson, of Georgia, made a point of order that an amendment offered by Mr. Antoni N. Sadlak, of Connecticut, to a pending bill was not in order since not germane to the bill. Chairman Jere Cooper, of Tennessee, inquired of Mr. Sadlak whether he desired to be heard on the point of order. Mr. Sadlak inquired "how much time will be allotted to me for that purpose?" The Chair responded that the time allotted "was in the discretion of the Chair."[17]

16. 97 CONG. REC. 3909, 3910, 82d Cong. 1st Sess.

17. Points of order on which the Chair has announced his readiness to rule are not debatable, such debate being at all times within the discretion of the Chair. See § 6.36, infra; 5 Hinds' Precedents §§ 6919, 6920.

Points of order generally, see Ch. 31, infra.

Point of Order of No Quorum

§ 6.12 A point of order that a quorum is not present is not debatable.

On Apr. 15, 1940,[18] Speaker Pro Tempore Sam Rayburn, of Texas, ruled that since a point of order of no quorum is not debatable, remarks made after the point of order should not be included in the *Congressional Record*.

MR. [JOHN] TABER [of New York]: Mr. Speaker, a little while ago the gentleman from Mississippi [Mr. Rankin] made a point of order that no quorum was present, and thereafter he said:

> You are not going to raid the veterans of the World War and pass these other pension bills and run over the House that way. I make the point of order there is no quorum present.

Now, the gentleman was not recognized for that purpose; and then thereafter the gentleman from Mississippi further stated:

> And there will be a quorum and a vote on every other bill from now on today.

The gentleman was not recognized for that purpose, and that should not be in the Record. I make the point of order that the language should not be contained in the Record.

THE SPEAKER PRO TEMPORE: The gentleman from New York makes the point of order that certain remarks

18. 86 CONG. REC. 4517, 76th Cong. 3d Sess.

made in the House should not be included in the Record. The Chair is prepared to rule.

Under the rules of the House, remarks should only be included in the Record that are made in order. After a point of order is made, which is not debatable, any further remarks should not be included in the Record. Therefore the Chair rules that any remarks that may have been made after the point of order that a quorum was not present was made should not be included in the Record.

On Apr. 24, 1956,[19] while Mr. Carl Vinson, of Georgia, had the floor and was speaking under a special order, Mr. William M. Colmer, of Mississippi, made the point of order that a quorum was not present. Mr. Sidney R. Yates, of Illinois, sought recognition to be heard on the point of order and Speaker Rayburn ruled that the point of order that a quorum was not present was not debatable. The Speaker declined to hold that the point of order was dilatory.

Following Announcement of No Quorum

§ 6.13 The Chair refuses to recognize Members after the absence of a quorum has been announced and no debate is in order until a quorum has been established.

On June 8, 1960,[20] Mr. Clare E. Hoffman, of Michigan, made the point of order that a quorum was not present. Speaker Sam Rayburn, of Texas, counted the Members and announced that a quorum was not present. Mr. Richard Bolling, of Missouri, moved a call of the House and it was so ordered. Mr. Hoffman then attempted to deliver some remarks. The Speaker ruled:

The Chair cannot recognize the gentleman because a point of order of no quorum has been made, and the Chair announced that there was no quorum.

Motion To Dispense With Proceedings Under a Call

§ 6.14 A motion to dispense with further proceedings under a call of the House is not debatable.

On Aug. 27, 1962,[1] Speaker John W. McCormack, of Massachusetts, directed the Clerk to read the Journal of the last day's proceedings. Mr. John Bell Williams, of Mississippi, made the point of order that a quorum was not present and a call of the House was ordered. The reading of the Journal was interrupted by three quorum calls and two record

19. 102 Cong. Rec. 6891, 84th Cong. 2d Sess.

20. 106 Cong. Rec. 12142, 86th Cong. 2d Sess.

1. 108 Cong. Rec. 17651–54, 87th Cong. 2d Sess.

votes on dispensing with further proceedings under the quorum calls.[2] When the motion to dispense with further proceedings under the call was first made by Mr. Carl Albert, of Oklahoma, Mr. Williams moved to lay that motion on the table. The Speaker ruled:

> The motion to dispense with further proceedings under the call is not debatable and not subject to amendment, and, therefore, the motion to lay on the table is not in order.

On Dec. 18, 1970,[3] Speaker McCormack ruled that a motion to dispense with further proceedings under a call of the House was not debatable:

> The motion to dispense with further proceedings under the call is not debatable and is not amendable. The Chair rules that the motion of the gentleman from Missouri is not in order. [Mr. Hall had moved to table the motion.]

2. *Parliamentarian's Note:* The quorum calls, record votes on motions to dispense with further proceedings under the call, and demand that the Journal be read in full interrupted the reading of the Journal and delayed the Speaker's recognition of a Member to move to suspend the rules and pass Senate Joint Resolution 29, proposing a constitutional amendment to abolish use of the poll tax as a qualification for voting in elections of federal officials.

3. 116 CONG. REC. 42505, 91st Cong. 2d Sess.

Questions as to Disorderly Words

§ 6.15 The question whether words taken down violate the rules is for the Speaker to decide and is not debatable.

On Jan. 15, 1948,[4] Mr. Emanuel Celler, of New York, referred in debate to a statement by Mr. John E. Rankin, of Mississippi, as "damnable." Mr. Rankin demanded that the words be taken down. After the words were read to the House, Speaker Joseph W. Martin, Jr., of Massachusetts, inquired of Mr. Rankin whether the word "damnable" was the word objected to. Mr. Rankin responded and Mr. Celler interjected the inquiry "Mr. Speaker, may I be heard?"

The Speaker ruled "That is not debatable. The Chair will pass on the question."

On Mar. 9, 1948,[5] after Mr. Rankin had demanded that certain words used in debate be taken down and Speaker Martin had ruled them not a breach of order, the following exchange occurred:

> MR. RANKIN: Mr. Speaker, I would like to be heard.

4. 94 CONG. REC. 205, 80th Cong. 2d Sess.

5. *Id.* at p. 2408.

THE SPEAKER: It is a matter for the Chair to determine.

MR. RANKIN: I understand; but I would like to be heard on the matter. We have a right to be heard.

THE SPEAKER: The Chair has held that the words are not unparliamentary. The gentleman from New York [Mr. Celler] is merely expressing his own opinion. The gentleman from New York will proceed.

§ 6.16 Words objected to in debate may be withdrawn by unanimous consent, but no debate is in order pending such a request.

During consideration of the foreign aid authorization bill (H.R. 12514) in the Committee of the Whole on Aug. 2, 1978,[6] the following exchange occurred:

MR. [JOHN J.] CAVANAUGH [of Nebraska]: . . . I am highly offended and irritated by much of the language presented here by Mr. Bauman and by our colleague from Minnesota concerning the administration support.

[Mr. Cavanaugh further characterized Mr. Bauman's language as "outrageous," the characterization in question.]

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I make a point of order against the language of the gentleman from Nebraska if he cannot conduct himself civilly in debate. . . . I demand his words be taken down. . . .

MR. CAVANAUGH: Mr. Chairman, insofar as the characterization that I used regarding the gentleman's language could in any way be construed to impugn the gentleman's character, I would ask unanimous consent to withdraw it. It was an attempt to simply convey my feelings of the inappropriateness of the language that the gentleman had used in putting forth his argument.

MR. BAUMAN: Mr. Chairman, a point of order.

THE CHAIRMAN:[7] The gentleman will state his point of order.

MR. BAUMAN: Is not the only request the gentleman from Nebraska (Mr. Cavanaugh) can make, under the rules of the House, a unanimous-consent request to withdraw his remarks, and not to make a speech?

THE CHAIRMAN: The gentleman from Maryland (Mr. Bauman) is correct.

Is there objection to the request of the gentleman from Nebraska?

There was no objection.

—Motion To Permit Offending Member To Proceed

§ 6.17 After words taken down in debate have been reported to the House and ruled out of order by the Speaker, a privileged motion that the Member whose words were ruled out of order be permitted to proceed in order may be made and is debatable.

In the proceedings of Oct. 8, 1991, the Chair indicated that the motion to permit a Member to

6. 124 CONG. REC. 23944, 23945, 95th Cong. 2d Sess.

7. Don Fuqua (Fla.).

proceed in order is debatable under the hour rule, and that debate is limited to the question of whether to permit the Member to proceed in order. The proceedings of that date are discussed in § 52.13, infra.

Consent for Reading Papers

§ 6.18 Under a former rule, when objection was made to the reading of a paper, it should be determined without debate by a vote of the House.[8]

Motion To Close Debate Under Five-minute Rule

§ 6.19 A motion to close debate under the five-minute rule in the Committee of the Whole is not debatable.

On Mar. 26, 1965,[9] Chairman Richard Bolling, of Missouri, ruled that a motion to close debate under the five-minute rule is nondebatable:

> MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, I move that all debate on this title and all amendments thereto close now. . . .
>
> MRS. [EDITH S.] GREEN of Oregon: Mr. Chairman . . . I rise in opposition to this motion.
>
> THE CHAIRMAN: Does the gentleman from New York [Mr. Powell] withdraw his motion?
>
> MR. POWELL: I do not, Mr. Chairman.
>
> MR. [ROBERT P.] GRIFFIN [of Michigan]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. GRIFFIN: Mr. Chairman, I understand the chairman of the full committee to move that debate on title II be cut off at this time. Was that the motion by the gentleman from New York?
>
> THE CHAIRMAN: The motion, as the Chair understood it, was that all debate on section 202 of title II close.
>
> The question is on the motion of the gentleman from New York.
>
> MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Chairman——
>
> THE CHAIRMAN: For what purpose does the gentleman from Mississippi rise?
>
> MR. COLMER: Mr. Chairman, do I understand the ruling of the Chair to be that a motion to close debate is not debatable?
>
> THE CHAIRMAN: That is correct.[10]

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8. See, for example, 98 CONG. REC. 8175, 8176, 82d Cong. 2d Sess., June 26, 1952 (in Committee of the Whole); 92 CONG. REC. 1729, 79th Cong. 2d Sess., Feb. 27, 1946; and 88 CONG. REC. 8237, 77th Cong. 2d Sess., Oct. 15, 1942.

Rule XXX, *House Rules and Manual* § 915 (1991) provided that the vote on permission to read should be taken without debate.

9. 111 CONG. REC. 6098, 6099, 89th Cong. 1st Sess.

10. See also 75 CONG. REC. 11453, 72d Cong. 1st Sess., May 27, 1932; and

§ 6.20 A motion to fix the closing of debate under the five-minute rule in the Committee of the Whole is not debatable.

On Mar. 30, 1950,[11] Chairman Oren Harris, of Arkansas, responded as follows to a parliamentary inquiry:

> MR. [JOHN] KEE [of West Virginia]: Mr. Chairman, I move that all debate on title I and all amendments thereto close in 30 minutes.
>
> MR. [COMPTON I.] WHITE of Idaho: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. WHITE: I would like to know if this motion is debatable.
>
> THE CHAIRMAN: The motion is not debatable.

Similarly, Chairman Howard W. Smith, of Virginia, ruled on Jan. 19, 1944,[12] that a motion that "all debate on section 2 and all amendments thereto close in 30 minutes" was not debatable.

§ 6.21 The motion to close debate is not subject to debate.

An illustration of the principle described above was demonstrated in the Committee of the Whole on June 5, 1975,[13] as follows:

> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move that all debate on the committee amendment and all amendments thereto conclude at 5:15 o'clock.
>
> MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, will the gentleman yield?
>
> THE CHAIRMAN:[14] The motion is not debatable.
>
> The question is on the motion offered by the gentleman from Michigan.
>
> The motion was agreed to.

Amendments Offered After Expiration of Debate Time

§ 6.22 Although Members may offer amendments to a title of a bill after a time limitation for debate thereon has expired, such amendments may not be debated.

On May 21, 1959,[15] the House had agreed to close debate on a

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75 CONG. REC. 2749, 72d Cong. 1st Sess., Jan. 26, 1932. For the basis of the ruling, see Rule XXIII clause 6, *House Rules and Manual* § 874 (1995): "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)."

11. 96 CONG. REC. 4423, 81st Cong. 2d Sess.

12. 90 CONG. REC. 418, 78th Cong. 2d Sess.

13. 121 CONG. REC. 17187, 94th Cong. 1st Sess.

14. Bob Wilson (Calif.).

15. 105 CONG. REC. 8828, 86th Cong. 1st Sess.

title of the bill and amendments thereto at a certain time (3:35 p.m.). Chairman Francis E. Walter, of Pennsylvania, stated in response to parliamentary inquiries that following the expiration of the time Members could offer amendments to the title but could not debate such amendments:

MR. [JOHN] TABER [of New York]: Is it not a fact that an amendment may be offered after debate has concluded? Any one has a right to offer an amendment even after debate has concluded.

THE CHAIRMAN: The Member may offer an amendment after time for debate has expired; and the amendment may be reported and voted on, but it may not be debated.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HALLECK: Suppose a Member has an amendment which might or might not be offered depending on the action taken on the pending amendment and he had informed the Chair of the situation, could not his time be allotted to him after the pending amendment is disposed of?

THE CHAIRMAN: If debate goes beyond 3:35, then, of course, he could not be recognized for debate.

Parliamentarian's Note: Rule XXIII, clause 6,[16] as amended in 1971, permits 10 minutes' debate on an amendment which has been printed in the *Congressional Record* in accordance with provisions of the rule.

§ 6.23 Where time for debate on an amendment and amendments thereto has expired, the Chair may still recognize Members to offer amendments, but not for further debate.

On Feb. 10, 1964,[17] the Committee of the Whole voted to close debate on a title of a pending bill and on all amendments thereto. Chairman Eugene J. Keogh, of New York, subsequently responded to a parliamentary inquiry on the effect thereof as follows:

MR. [RICHARD H.] POFF [of Virginia]: Mr. Chairman, in light of the limitation on time may I inquire what amendments will be voted upon when the time expires? I have two amendments at the desk which I may or may not offer, depending upon developments. I would like to be advised whether I will be recognized to offer the amendments and if so when that time will occur.

THE CHAIRMAN: The Chair will state to the gentleman from Virginia that up to 1 o'clock the Chair will undertake to recognize such Members as he can. After 1 o'clock the Chair will recognize those Members desiring to offer

16. See *House Rules and Manual* § 874 (1995). For further discussion of the rule, see § 79, infra. See also § 6.25, infra.

17. 110 CONG. REC. 2706, 88th Cong. 2d Sess.

amendments and the question on each amendment will be put immediately without debate.[18]

§ 6.24 Where all time expires for debate on a paragraph of a bill and on amendments thereto, further amendments may be offered but are not debatable.

On June 29, 1959,[19] the Committee of the Whole agreed to a unanimous-consent request to limit debate on the pending paragraph and amendments thereto. In response to parliamentary inquiries, Chairman Paul J. Kilday, of Texas, stated that when all time had expired pursuant to that agreement, further amendments could be offered but not debated:

MR. [JOEL T.] BROYHILL [of Virginia]: Mr. Chairman, when could I offer this other amendment?

THE CHAIRMAN: To this paragraph?

MR. BROYHILL: Yes.

THE CHAIRMAN: After the disposition of the pending amendment. The Chair would point out that under the arrangement made, the gentleman might find himself in the position of not being permitted to debate the other amendment.

§ 6.25 While a perfecting amendment may be offered pending a motion to strike out a title, it is not debatable, except by unanimous consent, if offered after expiration of all debate time under a limitation unless printed in the Record.

On July 29, 1983,[20] during consideration of H.R. 2957 (International Monetary Fund authorization) in the Committee of the Whole, the following proceedings occurred:

MR. [WILLIAM N.] PATMAN [of Texas]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[1] Is the amendment printed in the Record?

MR. PATMAN: Yes, it is.

The Clerk read as follows:

Amendment offered by Mr. Patman: Strike line 13 on page 18 and all that follows through line 8 on page 28. . . .

PERFECTING AMENDMENT OFFERED BY MR. GONZALEZ

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I have a perfecting amendment to title III at the desk which I offer.

The Clerk read as follows:

Perfecting amendment offered by Mr. Gonzalez: On line 18, page 19, strike out "5,310.8 million Special

18. *Id.* at p. 2719. See also 110 CONG. REC. 18583, 18608, 88th Cong. 2d Sess., Aug. 7, 1964. For further discussion of debate on amendments offered after expiration of debate time, see § 79, infra.

19. 105 CONG. REC. 12122–24, 86th Cong. 1st Sess.

20. 129 CONG. REC. 21678, 21679, 98th Cong. 1st Sess.

1. Donald J. Pease (Ohio).

Drawing Right" and insert in lieu thereof "1,750 million Special Drawing Rights". . . .

THE CHAIRMAN: The Chair would inquire of the gentleman from Texas whether this perfecting amendment has been printed in the Record.

MR. GONZALEZ: No, Mr. Chairman, it has not been printed in the Record.

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: I have a point of order, Mr. Chairman. I think that the amendment is not in order.

THE CHAIRMAN: The Chair would state that the amendment offered by the gentleman from Texas (Mr. Gonzalez) is a perfecting amendment to title III. As such, it takes precedence over a motion to strike. It is in order. . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, is it not the case that when a Member offers a perfecting amendment to an amendment such as is the case before us now, he should be recognized for 5 minutes to explain his amendment?

THE CHAIRMAN: The Chair will state that the rules do not provide for any debate after a limitation of time on any amendment which has not been previously printed in the Record. . . .

MR. GONZALEZ: Mr. Chairman, I ask unanimous consent, without pressing a disputation upon an interpretation of the rules, for an opportunity not to exceed 5 minutes to explain this perfecting amendment to the pending amendment, as well as on title III, which was printed in the Record.

THE CHAIRMAN: Is there objection to the request of the gentleman from Texas? . . .

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

Motion To Strike Enacting Clause After Closure of Debate

§ 6.26 A motion having been adopted in the Committee of the Whole to close debate on a bill, a preferential motion that the Committee rise and report back to the House a recommendation that the enacting clause be stricken is not debatable.

On June 11, 1959,[2] Mr. Harold D. Cooley, of North Carolina, moved and the Committee of the Whole agreed to close all debate on the pending bill and on all amendments thereto. Chairman Joseph L. Evins, of Tennessee, then ruled that a preferential motion on the bill was not debatable since debate had been closed:

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: The Chair must inform the gentleman from Michigan that the motion is not debatable.

MR. HOFFMAN of Michigan: Is this a Senate bill?

THE CHAIRMAN: This is a House bill.

MR. HOFFMAN of Michigan: This is a Senate bill and the Chair holds that it is not debatable at this time?

2. 105 CONG. REC. 10560, 10561, 86th Cong. 1st Sess.

THE CHAIRMAN: All debate on the bill has been ordered closed.

MR. HOFFMAN of Michigan: This is not on the bill. This is on a motion to strike out the enacting clause on the ground that the first amendment has been denied to the minority here, the right of free speech in debate, and this being the greatest deliberative body in the world and the accusation having been made the other day that the minority was intimidated, or the majority was being intimidated.

THE CHAIRMAN: The gentleman from Michigan is a very beloved and very distinguished and very able parliamentarian, but the majority have ruled and ordered that all debate is concluded at this time.

§ 6.27 A preferential motion to strike the enacting clause is not debatable after all time for debate on the bill and amendments thereto has expired.

On July 9, 1965,[3] while the Committee of the Whole was considering the Voting Rights Act of 1965, H.R. 6400, Chairman Richard Bolling, of Missouri, ruled that a motion that the Committee rise with the recommendation that the enacting clause be stricken was not debatable, all time having expired on the bill and amendments thereto:

THE CHAIRMAN: All time has expired.

MR. GERALD R. FORD [of Michigan]: Mr. Chairman, I was on the list, but the time has expired. I have a preferential motion [to strike the enacting clause].

THE CHAIRMAN: All debate is concluded even with a preferential motion. The agreement was that all debate would conclude at 7:20 p.m. The hour is now 7:20 p.m. There is no further time.

The question is on the committee amendment, as amended.

—After Closure of Debate on Amendments Only

§ 6.28 The preferential motion that the Committee of the Whole rise and report the bill back to the House with the recommendation that the enacting clause be stricken has been held not to be debatable when all time for debate has expired; however, where debate has been closed on all amendments to a bill, but not on the bill itself, a Member offering the preferential motion to report to the House with the recommendation that the enacting clause be stricken is entitled to five minutes to debate that motion.

3. 111 CONG. REC. 16280, 89th Cong. 1st Sess. For similar rulings, see 119 CONG. REC. 24961, 93d Cong. 1st Sess., July 19, 1973; and 123 CONG. REC. 17719, 95th Cong. 1st Sess., June 7, 1977.

On Aug. 8, 1966,[4] while the Committee of the Whole was considering H.R. 14765, the Civil Rights Act of 1966, Chairman Richard Bolling, of Missouri, ruled that where all time had expired on the title being considered, a motion that the Committee rise and report back the recommendation that the enacting clause be stricken was not debatable:

> THE CHAIRMAN: The time of the gentleman has expired. All time has expired.
>
> MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I offer a preferential motion [that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken].
>
> THE CHAIRMAN: All debate on this title has been concluded, and that would include the preferential motion insofar as this title is concerned. The preferential motion will not obtain the gentleman time.

A different situation was presented on May 20, 1975,[5] during consideration of H.R. 6674 (the military procurement authorization), when time for debate on amendments, but not on the bill itself, had expired:

> MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I move that all debate on this amendment and all amendments thereto, and on further amendments to the bill, end in 20 minutes.
>
> THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Illinois.
>
> The motion was agreed to. . . .
>
> THE CHAIRMAN: The time of the gentleman has expired. All time has expired.
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Bauman moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .
>
> MR. BAUMAN: Mr. Chairman, I only offer this motion in order to obtain time since I was not able to receive any time from the gentleman from Iowa (Mr. Harkin) who offered what he claimed to be the Bauman amendment. I have read his amendment very carefully. It is not the same amendment which I offered to the National Science Foundation authorization bill because this new amendment covers subcontracts and contracts. . . .
>
> MR. [THOMAS R.] HARKIN [of Iowa]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the preferential motion. . . .
>
> If the offices of other Members are like mine, whenever they get one of these letters they begin to wonder, and people begin to ask the Members, just what it is we do to take care of these situations. If we pass this routine au-

4. 112 CONG. REC. 18490, 89th Cong. 2d Sess.

5. 121 CONG. REC. 15458, 15465, 15466, 94th Cong. 1st Sess.

6. Dan Rostenkowski (Ill.).

thorization bill for the Defense Department for $32 billion in the usual manner, we will have to answer to our constituents if we choose to be honest about it.

MR. BAUMAN: Mr. Chairman, I demand regular order.

THE CHAIRMAN: The gentleman speaks on the preferential motion.

The Chair would like to make the observation that any portion of the bill is open to debate.

Motion That Committee of the Whole Rise

§ 6.29 The motion that the Committee of the Whole rise is not debatable.

On Apr. 23, 1975,[7] the proposition described above was demonstrated as follows:

MR. [STEWART B.] MCKINNEY [of Connecticut]: Mr. Chairman, I have serious feelings for the lives that have been involved in the past and are involved in the present. I move that the Committee do now rise, and for that purpose I demand a recorded vote.

THE CHAIRMAN:[8] The gentleman from Connecticut has made a preferential motion that the Committee do now rise.

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I oppose the motion.

THE CHAIRMAN: I say to the gentleman from Pennsylvania that the motion is not debatable.

7. 121 CONG. REC. 11530, 94th Cong. 1st Sess.

8. Otis G. Pike (N.Y.).

§ 6.30 A motion to rise in the Committee of the Whole is not debatable.

On Apr. 8, 1964,[9] Chairman Phillip M. Landrum, of Georgia, advised Mr. Ben F. Jensen, of Iowa, who had moved that the Committee of the Whole rise, that the motion was not debatable:

THE CHAIRMAN: The Chair recognizes the gentleman from Iowa [Mr. Jensen].

MR. JENSEN: Mr. Chairman, I move that the Committee do now rise out of further respect for one of the greatest Americans, Gen. Douglas MacArthur.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Iowa [Mr. Jensen].

MR. JENSEN: Mr. Chairman, I demand tellers. It is disgraceful to have this sort of thing going on while General MacArthur is lying here in the Capitol.

THE CHAIRMAN: The chair will inform the gentleman that a vote on his motion is being taken. He is not recognized to make a speech.

Motion To Limit Debate

§ 6.31 The motion under Rule XXIII clause 6 to limit debate in Committee of the Whole is not debatable.

During consideration of H.R. 6096[10] in the Committee of the

9. 110 CONG. REC. 7298, 88th Cong. 2d Sess.

10. 121 CONG. REC. 11534, 94th Cong. 1st Sess.

Whole on Apr. 23, 1975,[11] the following proceedings occurred:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: . . . It is my intention at this time to seek a time limit on the debate if I can obtain the permission of the House.

Mr. Chairman, I move that the debate on the bill and all amendments thereto be concluded at 11:30.

MR. [PAUL S.] SARBANES [of Maryland]: Mr. Chairman, will the gentleman yield for a question?

THE CHAIRMAN:[12] This motion is not a debatable question.

§ 6.32 A motion to limit debate under the five-minute rule in Committee of the Whole is not subject to debate.

On May 18, 1977,[13] during debate in the Committee of the Whole on the Federal Employees' Political Activities Act of 1977 (H.R. 10), Mr. William Clay, of Missouri, made the following motion:

MR. CLAY: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 9 o'clock.

THE CHAIRMAN:[14] . . . Does the Chair understand the gentleman's motion to be that all debate on the committee amendment and all amendments thereto cease at 9 o'clock?

MR. CLAY: And the bill is a part of the motion.

THE CHAIRMAN: That is the bill. . . .

MR. [DANIEL R.] GLICKMAN [of Kansas]: Mr. Chairman, under this type of motion is it true that no Member of the body is allowed to speak for or against the motion?

I would like to speak against the motion. Is that possible?

THE CHAIRMAN: The Chair will state that the motion is not debatable.

The question is on the motion offered by the gentleman from Missouri (Mr. Clay).

§ 6.33 A motion to limit debate under the five-minute rule in Committee of the Whole is not subject to debate.

During consideration of the foreign aid authorization bill (H.R. 12514) in the Committee of the Whole on Aug. 1, 1978,[15] the following exchange occurred:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendments and all amendments thereto conclude at 4:30. . . .

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, is the motion now before the House debatable?

THE CHAIRMAN:[16] The Chair will advise the gentleman that it is not.

—*Motion To Limit Debate on Disapproval Resolution*

§ 6.34 Pursuant to section 21(b) of the Federal Trade

11. The Vietnam Humanitarian and Evacuation Assistance Act.

12. Otis G. Pike (N.Y.).

13. 123 CONG. REC. 15418, 95th Cong. 1st Sess.

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

15. 124 CONG. REC. 23716, 95th Cong. 2d Sess.

16. Don Fuqua (Fla.).

Commission Improvements Act, a motion to limit debate on a concurrent resolution disapproving a Federal Trade Commission regulation in Committee of the Whole is privileged and is not debatable.

The following proceedings occurred in the House on May 26, 1982,[17] during consideration of a motion that the House resolve into the Committee of the Whole to consider Senate Concurrent Resolution 60 (disapproving Federal Trade Commission regulations regarding the sale of used motor vehicles):

> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, pursuant to the provisions of section 21(b) of Public Law 96–252, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate concurrent resolution (S. Con. Res. 60) disapproving the Federal Trade Commission trade regulation rule relating to the sale of used motor vehicles; and pending that motion, Mr. Speaker, I move that general debate on the Senate concurrent resolution be limited to not to exceed 2 hours, 1 hour to be controlled by the gentleman from New Jersey (Mr. Florio) and 1 hour to be controlled by the gentleman from New York (Mr. Lee). . . .
>
> THE SPEAKER:[18] The gentleman from Michigan (Mr. Dingell) made the motion that the debate be limited to 2 hours. . . .
>
> The Chair will state that the motion to limit debate is not debatable.
>
> MR. [TOBY] MOFFETT [of Connecticut]: I cannot yield, Mr. Speaker?
>
> THE SPEAKER: The motion is pending.

Parliamentarian's Note: A motion to resolve into Committee of the Whole for consideration of a concurrent resolution disapproving an agency action is highly privileged and may be offered before the third day on which a report thereon is available since, under an exception contained in Rule XI, the requirement of clause 2(l)(6) of that rule that committee reports be available to Members for three days is not applicable to a measure disapproving a decision by a government agency.[19]

Motion for Previous Question

§ 6.35 The motion for the previous question is not debatable.

On Jan. 3, 1949,[20] at the convening of the 81st Congress, the House was considering House Resolution 5, amending the rules of the House. Mr. Adolph J. Sabath, of Illinois, who had of-

17. 128 CONG. REC. 12027, 12029, 97th Cong. 2d Sess.
18. Thomas P. O'Neill, Jr. (Mass.).
19. See § 2.44, supra.
20. 95 CONG. REC. 10, 81st Cong. 1st Sess.

fered the resolution, moved the previous question. Mr. John E. Rankin, of Mississippi, offered a substitute and answered that he had a "right to be heard." Speaker Sam Rayburn, of Texas, held that the previous question was not debatable.

On Sept. 13, 1965,[1] Mr. Carl Albert, of Oklahoma, moved that the Journal be approved as read and moved the previous question on the motion. Speaker John W. McCormack, of Massachusetts, declared:

> The Chair will state that the motion on the previous question is not debatable. The question is on ordering the previous question on the motion to approve the Journal.[2]

Points of Order and Inquiries After Demand for Previous Question

§ 6.36 Although incidental questions of order arising after a demand for the previous question are not debatable, the Chair may in his discretion permit a Member to address a point of order or may entertain a parliamentary inquiry.

On Mar. 27, 1926,[3] Mr. John McDuffie, of Alabama, offered a motion to instruct conferees and the previous question was moved thereon. Mr. McDuffie then propounded a parliamentary inquiry and Speaker Pro Tempore Bertrand H. Snell, of New York, entertained the inquiry. Several points of order and inquiries intervened and the Speaker Pro Tempore allowed debate thereon. When Mr. Cassius C. Dowell, of Iowa, made the point of order that a parliamentary inquiry was not in order pending a vote on ordering the previous question, the Speaker Pro Tempore overruled the point of order.

Parliamentarian's Note: Rule XVII clause 3, *House Rules and Manual* (1995) provides that incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

The rule does not however deprive the Chair of his discretionary power, under the precedents, over debate on a point of

1. 111 CONG. REC. 23601, 89th Cong. 1st Sess.
2. See Rule XVI clause 4, *House Rules and Manual* § 782 (1995): "When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate) . . . ."
3. 67 CONG. REC. 6468, 6469, 69th Cong. 1st Sess.

order or a parliamentary inquiry.[4]

40 Minutes Debate After Previous Question Ordered; Motion To Approve Journal

§ 6.37 Where the previous question is ordered on a debatable motion without debate, a Member may demand the right to debate; and the 40 minutes permitted under the rule is divided between the person demanding the time and some Member who represents the opposing view of the question.

On Sept. 13, 1965,[5] the previous question was ordered, without debate, on the motion to approve the Journal, as read. Speaker John W. McCormack, of Massachusetts, stated, in response to a parliamentary inquiry by Mr. Durward G. Hall, of Missouri, that pursuant to Rule XXVII, clause 2,[6] any Member could demand the right to debate the motion since it was debatable and since the previous question had been ordered without debate. The Speaker recognized Mr. Hall for 20 minutes and then recognized a Member in opposition, Carl Albert, of Oklahoma, for 20 minutes.

Parliamentarian's Note: Although, as indicated above, the motion to approve the Journal as read is debatable, Rule I, clause 1[7] provides for a nondebatable motion that the Journal be read, where the Speaker's approval of the Journal has not been agreed to.

Motion That Journal Be Read

§ 6.38 Under a former practice, a privileged motion, pursuant to Rule I, clause 1, that the Journal be read, could be made pending the Speaker's announcement of his approval of the Journal and prior to approval of the Journal by the House, and was not debatable; the present

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4. For the Chair's discretion over debate on a point of order, see § 6.11, supra. For parliamentary inquiries, see Ch. 31, infra.

5. 111 CONG. REC. 23602, 23604–06, 89th Cong. 1st Sess.

6. Rule XXVII, clause 2, *House Rules and Manual* § 907 (1995) provides that "whenever the previous question has been ordered on any proposition on which there has been no debate," it shall be in order "to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of and one-half to debate in opposition to, such proposition." For further discussion of this rule, see § 69, infra.

7. *House Rules and Manual* § 621 (1995).

rule provides that it is in order to offer one motion that the Journal be read only if the Speaker's approval of the Journal is not agreed to, such motion to be determined without debate.[8]

On Apr. 23, 1975,[9] after Speaker Carl Albert, of Oklahoma, announced his approval of the Journal, a Member moved that the Journal be read. The proceedings were as follows:

> THE SPEAKER: The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.
>
> Is there objection to dispensing with the reading of the Journal?
>
> MR. JOHN L. BURTON [of California]: Mr. Speaker, I move, pursuant to the rules of the House, that the Journal be read.
>
> THE SPEAKER: The question is, shall the Journal be read?
>
> The question was taken; and the Speaker announced that the noes appeared to have it.
>
> MR. JOHN L. BURTON: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.
>
> THE SPEAKER: Evidently a quorum is not present.
>
> The Sergeant at Arms will notify absent Members.
>
> The vote was taken by electronic device, and there were—yeas 16, nays 386, not voting 30. . . .
>
> So the motion was rejected.

Parliamentarian's Note: If the Speaker's approval of the Journal is rejected, a motion to amend takes precedence of a motion to approve[10] and a Member offering an amendment is recognized under the hour rule.[11]

Motion To Recommit

§ 6.39 A simple motion to recommit may not be described by its proponent after the previous question has been ordered, since such description would amount to debate which is not then in order.

On July 2, 1958,[12] the previous question was ordered on the final passage of H.R. 13192, making appropriations for mutual security and other related purposes. Mr. John Taber, of New York, offered a motion to recommit and Speaker Sam Rayburn, of Texas, stated in response to a parliamentary in-

8. See the present Rule I, clause 1, *House Rules and Manual* § 621 (1995).

9. 121 CONG. REC. 11482, 94th Cong. 1st Sess.

10. See 4 Hinds' Precedents § 2760; 6 Cannon's Precedents § 633.

11. See 136 CONG. REC. 4488, 101st Cong. 2d Sess., Mar. 19, 1990.

12. 104 CONG. REC. 12974, 85th Cong. 2d Sess.

quiry that no debate was in order on the motion, the previous question having been ordered.

Parliamentarian's Note: The motion to recommit offered by Mr. Taber was a motion to recommit with instructions, but the Speaker ruled that the motion could not be described since the rules in effect in the 85th Congress and the precedents of the House prohibited any debate on any motion to recommit offered after the previous question had been ordered. In the 92d Congress, Rule XVI clause 4 was amended to allow 10 minutes' debate on a motion to recommit a bill or joint resolution with instructions offered after the ordering of the previous question.[13]

§ 6.40 The 10 minutes of debate on a motion to recommit with instructions applies only to bills and joint resolutions and is not in order on a motion to recommit a concurrent resolution with instructions.

On May 7, 1975,[14] during consideration of Senate Concurrent Resolution 23[15] in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding debate on a motion. The proceedings were as follows:

> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a motion to recommit with instructions.
>
> The Clerk read as follows:
>
> > Mr. Bauman moves to recommit Senate Concurrent Resolution 23 to the Committee on House Administration with instructions to report the resolution back forthwith with the following amendment: Page 1, line 3 and 4 strike the word "Congressional" and insert in lieu thereof the word "Democrat".
>
> THE SPEAKER PRO TEMPORE:[16] Is the gentleman opposed to the Senate concurrent resolution?
>
> MR. BAUMAN: I am, Mr. Speaker, in its present form or in any other form.
>
> THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered on the motion to recommit.
>
> There was no objection.
>
> MR. BAUMAN: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.
>
> MR. BAUMAN: Am I not permitted time to discuss the motion?
>
> THE SPEAKER PRO TEMPORE: I would inform the gentleman from Maryland that it is not a debatable motion on a concurrent resolution.

§ 6.41 A motion to recommit a simple resolution with

13. See *House Rules and Manual* § 782 (1995).
14. 121 CONG. REC. 1366, 1367, 94th Cong. 1st Sess.
15. Authorizing printing of additional copies of "The Congressional Program of Economic Recovery and Energy Sufficiency."
16. John J. McFall (Calif.).

instructions, the previous question having been ordered, is not debatable, clause 4 of Rule XVI only permitting 10 minutes of debate on a motion to recommit a bill or joint resolution with instructions.

On Oct. 13, 1978,[17] the following proceedings occurred in the House:

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

The Clerk read the resolution, as follows:

H. RES. 1416

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

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

The previous question was ordered.

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

THE SPEAKER:[18] Is the gentleman opposed to the resolution?

MR. BOB WILSON: I am.

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

The Clerk read as follows:

Mr. Bob Wilson moves to recommit the resolution, House Resolution 1416, to the Committee on Standards of Official Conduct with instructions to report the same back forthwith with the following amendment. Strike all after the resolving clause and insert:

That Edward R. Roybal be and he is hereby reprimanded.

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

There was no objection.

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

THE SPEAKER: The gentleman will state it.

MR. CAPUTO: Is time allowed for debate?

THE SPEAKER: The motion is not debatable.

The question is on the motion to recommit with instructions.

§ 6.42 Where the previous question has been ordered on a resolution prior to adoption of the rules, the motion to commit (with or without instructions) is not debatable, but is itself subject to the motion for the previous question to cut off amendment.

On Jan. 5, 1981,[19] the following proceedings occurred in the House:

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

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

19. 127 CONG. REC. 98, 111–13, 97th Cong. 1st Sess. See also 57 CONG. REC. 79, 63d Cong. 1st Sess., Apr. 7, 1913.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the Ninety-sixth Congress, including all applicable provisions of law which constituted the Rules of the House at the end of the Ninety-sixth Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the Ninety-seventh Congress, with the following amendments included therein as part thereof, to wit:

(1) In Rule I, clause 4 is amended by adding at the end thereof the following new sentence: "The Speaker is authorized to sign enrolled bills whether or not the House is in session.". . . .

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

THE SPEAKER:[20] The question is on ordering the previous question.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote taken by electronic device, and there were—yeas 216, nays 179, not voting 25, as follows: . . .

MR. MICHEL: Mr. Speaker, I offer a motion to commit.

The Clerk read as follows:

Mr. Michel moves to commit the resolution (H. Res. 5) to a select committee to be appointed by the Speaker and to be composed of nine members, not more than five of whom shall be from the same political party, with instructions to report the same back to the House within 7 calendar days with the following amendment:

On page 10, after line 8, add the following:

(19) In rule X, clause 6(a) is amended by adding the following new subparagraph:

"(3) The membership of each committee and of each subcommittee, task force or subunit thereof, shall reflect the ratio of majority to minority party members of the House at the beginning of this Congress. . . .

MR. MICHEL (during the reading): Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

THE SPEAKER PRO TEMPORE:[21] Is there objection to the request of the gentleman from Illinois?

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, reserving the right to object, I will not object except to ask the distinguished Republican leader to explain the motion. . . .

MR. MICHEL: Mr. Speaker, as indicated, this motion is not a debatable motion. Most of my colleagues have been conversant with motions to recommit. This is a motion to commit to a select committee of nine members, five of whom would be Members of the majority party, to accomplish several goals.

Let me briefly—while I am no better reader than the reading clerk—outline for my colleagues what these things are. . . .

THE SPEAKER PRO TEMPORE:[1] Without objection, the previous question is ordered on the motion to commit.

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

21. John P. Murtha (Pa.).

1. Bill Alexander (Ark.).

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the motion to commit. . . .

So the motion to commit was rejected.

Motion To Refer Resolution Offered as Question of Privileges of House

§ 6.43 When a resolution is offered as a question of privilege and is debatable under the hour rule, a motion to refer is in order before debate begins and is debatable for one hour under the control of the offeror of the motion.

On Mar. 4, 1985,[2] during consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana) in the House, the following proceedings occurred:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

Resolved, That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE:[3] The gentleman states a valid question of privilege.

The Chair recognizes the gentleman from Arkansas (Mr. Alexander).

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE: The gentleman is recognized.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. ALEXANDER: Mr. Speaker, for what period of time am I recognized?

THE SPEAKER PRO TEMPORE: The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time.

MR. ALEXANDER: Mr. Speaker, does the minority wish time on the motion?

MR. MICHEL: Yes.

2. 131 CONG. REC. 4277, 99th Cong. 1st Sess.

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

MR. ALEXANDER: Mr. Speaker, I would yield 30 minutes for purposes of debate only, to the gentleman from Illinois (Mr. Michel).

§ 6.44 The motion to refer a resolution offered as a question of the privileges of the House, which is in order pending the demand for the previous question or after the previous question is ordered, is not subject to debate; and a Member offering the motion need not qualify as stating his opposition to the resolution since it has not been reported from committee but has been offered as an original proposition on the floor of the House.

On Apr. 28, 1983,[4] the House had under consideration a resolution,[5] presented as a question of the privileges of the House, of refusal to comply with a subpena duces tecum issued by a U.S. District Court served on the Clerk for the production of records in his custody (documents of a select committee from a prior Congress).

THE SPEAKER PRO TEMPORE:[6] The gentleman from Washington (Mr. Foley) is recognized for 1 hour. . . .

MR. [THOMAS S.] FOLEY [of Washington: . . . Mr. Speaker, I move the previous question on the resolution.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I offer a motion to refer.

The Clerk read as follows:

Mr. Sensenbrenner moves to refer the resolution to the Committee on the Judiciary.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered on the motion to refer.

There was no objection.

[The motion to refer was rejected.]

Amendments to Title of Bill After Bill Is Passed

§ 6.45 Amendments to the title of a bill are not in order until after passage of the bill, and are then voted upon without debate, under Rule XIX.

The principle described above was demonstrated on Dec. 2, 1975,[7] during consideration of the Intergovernmental Emergency Assistance Act (H.R. 10481) in the Committee of the Whole:

THE CHAIRMAN:[8] The question is on the amendment in the nature of a substitute, as amended, offered by the gentleman from Ohio (Mr. J. William Stanton).

The question was taken; and on a division (demanded by Mr. Bauman) there were—ayes 71, nays 31.

4. 129 CONG. REC. 10417, 10423, 10424, 98th Cong. 1st Sess.
5. H. Res. 176, concerning privileges of the House related to investigative records of the Select Committee on Aging.
6. George E. Brown, Jr. (Calif.).
7. 121 CONG. REC. 38193, 38194, 94th Cong. 1st Sess.
8. James G. O'Hara (Mich.).

So the amendment in the nature of a substitute, as amended, was agreed to.

MR. J. WILLIAM STANTON [of Ohio]: Mr. Chairman, I offer a technical amendment.

THE CHAIRMAN: The Chair will advise the gentleman from Ohio that inasmuch as the amendment in the nature of a substitute has been agreed to, no further amendments are in order at this time. The amendment sent to the desk by the gentleman from Ohio would be in order in the House after the committee has risen. . . .

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'Hara, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10481) to authorize emergency guarantees of obligations of States and political subdivisions thereof; to amend the Internal Revenue Code of 1954 to provide that income from certain obligations guaranteed by the United States shall be subject to taxation; to amend the Bankruptcy Act; and for other purposes, pursuant to House Resolution 865, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:[9] Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

THE SPEAKER: The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

THE SPEAKER: The question is on the passage of the bill.

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

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 203, answered "present" 2, not voting 16, as follows: . . .

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MR. J. WILLIAM STANTON: Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

> Amendment offered by Mr. J. William Stanton to the title: Amend the title so as to read: "A bill to authorize the Secretary of the Treasury to provide seasonal financing for the City of New York."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

§ 6.46 Committee amendments to the title of a bill are automatically reported by the Clerk after passage of the bill, but an amendment to a committee amendment to the

9. Carl Albert (Okla.).

title may be offered from the floor and is voted on without debate under Rule XIX.

On Sept. 23, 1977,[10] the House having under consideration the Age Discrimination In Employment Act Amendments (H.R. 5383), the following proceedings occurred:

> So the bill was passed.
>
> The result of the vote was announced as above recorded.
>
> THE SPEAKER PRO TEMPORE:[11] The Clerk will report the title amendment to the bill.
>
> The Clerk read as follows:
>
> > Title amendment: Amend the title so as to read: "A bill to amend the Age Discrimination in Employment Act of 1967 to provide that Federal employees who are 40 years of age or older shall be protected by the provisions of section 15 of such Act, and for other purposes.".
>
> MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Speaker, I offer an amendment to the title amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Hawkins to the title amendment: Page 7, strike out the matter following line 5 and insert in lieu thereof the following:
> >
> > Amend the title so as to read as follows: "A bill to amend the Age Discrimination in Employment Act of 1967 to extend the age group of employees who are protected by the provisions of such Act, and for other purposes.".
>
> The amendment to the title amendment was agreed to.
>
> The title amendment, as amended, was agreed to.

§ 6.47 Amendments to the title of a bill are presented after the bill is passed and are not debatable.

On Dec. 11, 1947,[12] Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that an amendment to the title of a bill (or other measure), properly offered after the bill is passed, is not debatable:

> MR. [CHARLES J.] KERSTEN of Wisconsin: Mr. Speaker, I have an amendment to change the title of the bill, which I understand is proper.
>
> THE SPEAKER: That will come after the passage of the bill.
>
> MR. KERSTEN: I should like to inform the membership that this is an important amendment and I should like to speak on it.
>
> THE SPEAKER: It is not debatable.[13]

Motion To Reconsider

§ 6.48 The motion to reconsider is not debatable unless

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10. 123 CONG. REC. 30573, 30574, 95th Cong. 1st Sess.

11. Richard Nolan (Minn.).

12. 93 CONG. REC. 11307, 80th Cong. 1st Sess.

13. See also 76 CONG. REC. 867, 72d Cong. 2d Sess., Dec. 21, 1932; 75 CONG. REC. 12097, 72d Cong. 1st Sess., June 6, 1932.

Rule XIX *House Rules and Manual* § 822 (1995) furnishes the basis for the Speaker's ruling: "Amendments to the title of a bill or resolution shall not be in order until after its passage, and shall be decided without debate."

the question proposed to be reconsidered is debatable.

On Sept. 13, 1965,[14] the House adopted, without debate, House Resolution 506, which was pending in the Committee on Rules and was called up under the "21-day rule" in effect in the 89th Congress; the resolution made in order the consideration of H.R. 10065, the Equal Employment Opportunity Act of 1965. Mr. William M. McCulloch, of Ohio, who had voted in the affirmative on the adoption of the resolution, moved to reconsider the vote whereby the resolution was adopted.

In response to parliamentary inquiries, Speaker John W. McCormack, of Massachusetts, stated that the motion to reconsider, under the circumstances, would be debatable:

> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. [MELVIN R.] LAIRD [of Wisconsin]: Mr. Speaker, on the resolution just passed no one was allowed to debate that resolution on behalf of the minority or the majority. If this motion to table, offered by the gentleman from Oklahoma [Mr. Albert] is defeated, then there will be time to debate the resolution just passed.
>
> The question of reconsideration is debatable, and it can be debated on the merits of the legislation which has not been debated by the House.
>
> THE SPEAKER: What part of the gentleman's statement does he make as a parliamentary inquiry?
>
> MR. LAIRD: Mr. Speaker, if the motion to table is defeated, the motion to reconsider will give us an opportunity to debate the question on the resolution.
>
> THE SPEAKER: Under the present circumstances, the motion to reconsider would be debatable.
>
> MR. LAIRD: I thank the Speaker.
>
> MR. MCCULLOCH: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. MCCULLOCH: Mr. Speaker, what time would be allowed to debate the question and how would it be divided?
>
> THE SPEAKER: It will be under the 1-hour rule and the gentleman from Ohio would be entitled to the control of the entire hour.[15]

§ 6.49 A motion to reconsider is not debatable where the question proposed to be reconsidered was not debatable; and where the previous question had been ordered on a debatable motion before the vote on adoption, the motion to reconsider the motion is not debatable.

On May 29, 1980,[16] proceedings occurred pertaining to

14. 111 CONG. REC. 23608, 89th Cong. 1st Sess.

15. For debate on the motion to reconsider, see *House Rules and Manual* § 819 (1995).

16. 126 CONG. REC. 12663, 96th Cong. 2d Sess. For further discussion of the proceedings, see § 6.51, infra.

House Resolution 660, in the matter of Representative Charles H. Wilson. A motion was made to reconsider a motion to postpone that had been defeated.

MR. [ALLEN E.] ERTEL [of Pennsylvania]: . . . Mr. Speaker, I move to reconsider the vote to postpone. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, does a motion to reconsider admit of debate?

THE SPEAKER:[17] There is no debate on this reconsideration motion, since the previous question was ordered on the motion to postpone.

Parliamentarian's Note: The above precedent represents the modern practice. An earlier precedent[18] had considered the previous question to be "exhausted by the vote on the motion on which it is ordered, and consequently a motion to reconsider the vote on the main question is debatable." Under current rulings, the motion to reconsider is not debatable unless the previous question is also reconsidered.[19]

After Adoption of Motion To Reconsider

§ 6.50 Under the modern practice, where the House adopts a motion to reconsider a vote on a question on which the previous question has been ordered, the question to be reconsidered is neither debatable nor amendable (unless the vote on the previous question is separately reconsidered).

The following proceedings occurred in the House on July 2, 1980,[20] during consideration of H.R. 7452 (supplemental appropriations and rescission bill for fiscal year 1980):

THE SPEAKER PRO TEMPORE:[1] The motion offered by the gentleman from Maryland (Mr. Long) has been divided at the request of the gentleman from Maryland (Mr. Bauman).

The question is, Will the House recede from its disagreement to Senate amendment No. 95? . . .

The vote was taken by electronic device, and there were—yeas 198, nays 196, not voting 39, as follows: . . .

So the House receded from its disagreement to Senate amendment No. 95. . . .

THE SPEAKER PRO TEMPORE: The question is, will the House concur in Senate amendment No. 95 with an amendment? . . .

So the motion was agreed to. . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

17. Thomas P. O'Neill, Jr. (Mass.).
18. See 5 Hinds' Precedents § 5494.
19. See also 5 Hinds' Precedents § 5701.
20. 126 CONG. REC. 18348, 18349, 96th Cong. 2d Sess.
1. Paul Simon (Ill.).

> Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 118 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert: . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I want to commend the gentleman from Mississippi (Mr. Whitten) for the warning that he gave to this House a few minutes ago regarding the Long amendment on foreign aid. . . .

MR. WHITTEN: Mr. Speaker, could there be a reconsideration of the vote on which the Long amendment passed?

THE SPEAKER PRO TEMPORE: Such a motion would be in order at the proper time.

MRS. [MARGARET M.] HECKLER [of Massachusetts]: Mr. Speaker, I move to reconsider the vote by which—and I voted on the prevailing side—the vote on the Long amendment.

THE SPEAKER PRO TEMPORE: That motion is not in order to be voted on at this time, since another motion is pending. . . .

MRS. HECKLER: I would like to know, then, what time such a motion would be in order.

THE SPEAKER PRO TEMPORE: When there is no other motion pending before the House, that motion would be in order. . . .

MR. WHITTEN: Mr. Speaker, I ask that the amendment be withdrawn.

THE SPEAKER PRO TEMPORE: The gentleman from Mississippi withdraws his motion. . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Then is it my understanding that a motion to reconsider the past amendment is in order?

THE SPEAKER PRO TEMPORE: There is no motion pending.

MRS. HECKLER: Mr. Speaker, I move to reconsider the vote by which the motion to concur with the amendment of Mr. Long was passed by the House. I think great confusion surrounded that amendment and the position of the House, and I was one Member who was misled by it. I would like to move reconsideration, and I voted on the prevailing side.

THE SPEAKER PRO TEMPORE: The gentlewoman from Massachusetts voted on the prevailing side.

The Clerk will report the motion.

The Clerk read as follows:

> Mrs. Heckler moves to reconsider the vote by which the motion to concur with an amendment by Mr. Long of Maryland was passed by the House.

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

I will ask, is the motion to reconsider debatable?

THE SPEAKER PRO TEMPORE: The Chair will state that the previous question had been ordered on the entire motion to recede and concur with an amendment, and so the motion is not debatable. . . .

MR. BAUMAN: Could the Chair describe on what motion the next vote will come.

THE SPEAKER PRO TEMPORE: We are about to vote on the motion of the gentlewoman from Massachusetts (Mrs. Heckler) on the motion to reconsider.

MR. BAUMAN: To reconsider what, Mr. Speaker?

THE SPEAKER PRO TEMPORE: To reconsider the motion to concur with an amendment to Senate amendment 95

offered by the gentleman from Maryland (Mr. Long).

MR. BAUMAN: If that motion prevails, what will be the situation as far as the Long amendment?

THE SPEAKER PRO TEMPORE: The House will vote immediately on the Long motion.

MR. BAUMAN: Will that amendment be debatable at that time?

THE SPEAKER PRO TEMPORE: It will not. The previous question has been ordered.

MR. BAUMAN: So the vote would occur first on reconsideration then on the Long amendment?

THE SPEAKER PRO TEMPORE: That is correct. . . .

MR. [MIKE] MCCORMACK [of Washington]: In the event that this motion prevails, will it be in order to amend the Long amendment to reduce the amount of money equivalent?

THE SPEAKER PRO TEMPORE: It would not be. The House would then vote on the Long amendment.

MR. MCCORMACK: A further parliamentary inquiry.

Would it then be in order to submit a substitute for the Long amendment reducing it by the amount necessary to pass the revenue-sharing measure?

THE SPEAKER PRO TEMPORE: If the Long motion is defeated, the Senate amendment is still before the House for disposition by motion.

MR. MCCORMACK: I thank the Speaker.

THE SPEAKER PRO TEMPORE: The question is on the motion to reconsider offered by the gentlewoman from Massachusetts (Mrs. Heckler).

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

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—ayes 243, nays 124, answered "present" 1, not voting 65, as follows: . . .

Parliamentarian's Note: Under the earlier practice, when a vote taken under operation of the previous question was reconsidered, the main question stood divested of the previous question, and could be debated and amended without reconsideration of the motion for the previous question.[2] Under the modern practice, however, the question being reconsidered should not be debatable nor amendable unless the House votes separately to reconsider the vote whereby the previous question was ordered. Thus, if the reason for reconsideration is merely to permit the House to vote again immediately without further debate, the modern practice would permit this, but if further debate or amendment were desired, the House would first have to reconsider the ordering of the previous question. (As indicated in the above proceedings, rejection, upon reconsideration, of a motion to concur in a Senate amendment with an amendment would permit

2. See 5 Cannon's Precedents §§ 5491, 5492, 5700.

the offering of another debatable motion to dispose of the Senate amendment.)

§ 6.51 The House having voted to reconsider a motion on which the previous question had been ordered when first voted upon, no debate on the motion is in order except by unanimous consent.

During consideration of House Resolution 660 (in the matter of Representative Charles H. Wilson) in the House on May 29, 1980,[3] the following proceedings occurred:

> MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Speaker, I was in the House when the previous speaker . . . evidently brought in material which was not in the record before the committee, which in my judgment means there has been surprise to the defense in this case in the fact that the gentleman brought up evidence, which is a document from the State of California. . . .
>
> I would ask the Chair, is there any procedure where I can make a motion, so that we can handle this in a fair and expeditious manner and give him the opportunity to respond to that and to get the evidence from California? . . .
>
> THE SPEAKER:[4] The only motion available that the Chair would know of, unless the gentleman from Florida would yield, would be the motion for reconsideration, if the gentleman voted on the prevailing side of the motion of the gentleman from California (Mr. Rousselot). That was a motion to postpone to a day certain, which was defeated.
>
> MR. ERTEL: . . . Mr. Speaker, I move to reconsider the vote to postpone. . . .
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> Mr. Speaker, does a motion to reconsider admit of debate?
>
> THE SPEAKER: There is no debate on this reconsideration motion, since the previous question was ordered on the motion to postpone. . . .
>
> The Clerk read as follows:
>
> > Mr. Ertel moves that the House reconsider the vote on the motion to postpone to a day certain. . . .
>
> THE SPEAKER: The question is on the motion offered by Mr. Ertel to reconsider the vote on the motion offered by Mr. Rousselot to postpone consideration. . . .
>
> So the motion to reconsider the vote on the motion to postpone was agreed to. . . .
>
> THE SPEAKER: The question is on the motion offered by the gentleman from California (Mr. Rousselot) to postpone to June 10.
>
> MR. [WYCHE] FOWLER [Jr., of Georgia]: Mr. Speaker, I would like to ask unanimous consent from this body for 10 minutes, to be equally divided between the opposition and the majority party, to debate the motion now before us by the gentleman from California (Mr. Rousselot). . . .

3. 126 CONG. REC. 12663–65, 96th Cong. 2d Sess.

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

THE SPEAKER: Is there objection to the 10 minutes' debate?

The Chair hears none.

The gentleman from California (Mr. Rousselot) is recognized for 5 minutes, and the gentleman from Georgia (Mr. Fowler) is recognized for 5 minutes.

Parliamentarian's Note: The above precedent represents the modern practice. Earlier precedents[5] supported the view that "when a vote taken under the operation of the previous question is reconsidered, the main question stands divested of the previous question, and may be debated and amended without reconsideration of the motion for the previous question." In current practice, separate reconsideration of the motion for the previous question would be required for debate and amendment.

Motion or Resolution To Adjourn

§ 6.52 A concurrent resolution providing for adjournment of Congress to a day certain is not debatable, but the Speaker may in his discretion permit some discussion where no point of order is raised.

On Aug. 28, 1967,[6] Mr. Carl Albert, of Oklahoma, called up House Concurrent Resolution 497, providing for an adjournment to a day certain of the two Houses of Congress. Speaker John W. McCormack, of Massachusetts, ruled that the resolution was not debatable, but permitted Mr. Albert to yield to another Member for a brief statement:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I move to strike the last word.

THE SPEAKER: The Chair will state that this is not a debatable resolution.

MR. GROSS: Mr. Speaker, will the gentleman yield?

MR. ALBERT: I yield to the gentleman from Iowa for the purpose of making a brief statement.

MR. GROSS: Mr. Speaker, I should like to ask the distinguished majority leader why the adjournment resolution was not made effective as of the first of this week, and why the recess was not planned to take in this week as well as next week?

MR. ALBERT: We have discussed this matter with the leadership on both sides, and it was determined it would be impractical to do so. . . .

The concurrent resolution was agreed to.

§ 6.53 A privileged concurrent resolution providing for an adjournment of the House for more than three days to a day certain is not subject to debate, except by unanimous consent.

5. See 5 Hinds' Precedents §§ 5491, 5492.

6. 113 CONG. REC. 24201, 90th Cong. 1st Sess.

On Aug. 16, 1978,[7] the following proceedings occurred in the House:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 696) and ask for its immediate consideration and pending that, Mr. Speaker, I ask unanimous consent that I may proceed for 1 minute.

THE SPEAKER:[8] Is there objection to the request of the gentleman from Texas?

There was no objection.

MR. WRIGHT: Mr. Speaker, the purpose of this concurrent resolution is to permit adjournment for our August district work period. . . .

THE SPEAKER: The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 696

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, August 17, 1978, it stands adjourned until 12 o'clock meridian on Wednesday, September 6, 1978.

§ 6.54 A concurrent resolution providing for an adjournment of more than three days for the House and Senate is not debatable, but the Chair may in his discretion recognize for debate under a reservation of the right to object (to adoption of the resolution).

On Aug. 27, 1980,[9] the following proceedings occurred in the House during consideration of Senate Concurrent Resolution 118:

The Speaker laid before the House the privileged Senate concurrent resolution (S. Con. Res. 118) providing for a recess of the Senate from August 27 to September 3, 1980, and an adjournment of the House from August 28 to September 3, 1980.

The Clerk read the title of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That when the Senate completes its business on Wednesday, August 27, 1980, it stand in recess until 10 o'clock a.m. on Wednesday, September 3, 1980, and that when the House completes its business on Thursday, August 28, 1980, it stand adjourned until 12 o'clock noon on Wednesday, September 3, 1980.

THE SPEAKER:[10] Without objection, the Senate concurrent resolution is concurred in.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, are we permitted to debate this matter?

THE SPEAKER: No, it is not debatable.

MR. BAUMAN: Mr. Speaker, reserving the right to object, I wondered whether

7. 124 CONG. REC. 26437, 95th Cong. 2d Sess.

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

9. 126 CONG. REC. 23459, 96th Cong. 2d Sess.

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

any Member intended to explain the necessity for the recess, in view of the fact there has been some objection quite obviously from the minority about recessing at all because of the announced lameduck session. . . .

THE SPEAKER: The Chair will state that this is a long-announced recess, since the beginning of the year, and Members from both sides of the aisle expect to be home, of course, and in their district through Labor Day. . . .

The leadership, I am sure, was in agreement with this earlier in the year when the schedule for the year was printed.

The question comes on adoption of the Senate concurrent resolution. Without objection——

MR. BAUMAN: Mr. Speaker, I would further reserve the right to object, unless the Chair wants to put the question.

THE SPEAKER: The Chair would like to put the question unless the gentleman desires to say something further. Does the gentleman reserve the right to object to adopting the concurrent resolution by unanimous consent?

MR. BAUMAN: I reserve the right to object, Mr. Speaker.

I am only saying, Mr. Speaker, that the legislative schedule has been changed before. We have been told that we will recess on October 4, as opposed to staying and completing our work, and then we will come back into further session after the election. If that kind of a major change can be made, it seems to me there is still time for us to consider the possibility of staying in session, as has been suggested by the minority leader, the gentleman from Arizona (Mr. Rhodes).

THE SPEAKER: The Chair will put the question, and the Members, if they desire to vote on it, may vote as they see fit.

MR. BAUMAN: I thank the Chair and I urge a vote against the recess so that we can stay here and finish our business and avoid a lameduck session.

THE SPEAKER: The question is on the Senate concurrent resolution.

—*Sine Die Adjournment*

§ 6.55 While a concurrent resolution providing for *sine die* adjournment is not debatable, a Member may, by unanimous consent, be permitted to proceed for one minute during its consideration.

On Dec. 20, 1974,[11] Speaker Carl Albert, of Oklahoma, recognized the Majority Leader, Thomas P. O'Neill, Jr., of Massachusetts, to offer a privileged concurrent resolution:

MR. O'NEILL: Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 697) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 697

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 20, 1974, they

11. 120 CONG. REC. 41815, 93d Cong. 2d Sess.

shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with Section 2 of this resolution, whichever event first occurs.

Sec. 2. The Speaker of the House of Representatives and the President of the Senate or the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority [leader] of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

THE SPEAKER: The question is on the concurrent resolution.

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

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

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

§ 6.56 A concurrent resolution providing for adjournment *sine die* is not debatable except by unanimous consent.

On occasion, unanimous consent has been given for debate on a concurrent resolution providing for adjournment *sine die*. Thus, on Oct. 11, 1984,[12] debate was allowed on House Concurrent Resolution 377:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 377), and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 377

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Thursday, October 11, 1984, and that when they adjourn on said day, they stand adjourned sine die.

THE SPEAKER PRO TEMPORE:[13] Without objection, the gentleman from Texas (Mr. Wright) is recognized.

There was no objection.

MR. WRIGHT: Mr. Speaker, the resolution is quite clear.

§ 6.57 A concurrent resolution providing for a *sine die* adjournment is not subject to debate.

On July 30, 1954,[14] Speaker Joseph W. Martin, Jr., of Massachusetts, stated in response to a parliamentary inquiry that House Concurrent Resolution 266, providing for the adjournment *sine*

12. 130 CONG. REC. 32232, 98th Cong. 2d Sess.

13. Steny H. Hoyer (Md.).

14. 100 CONG. REC. 12810, 12811, 83d Cong. 2d Sess.

die of the Congress on July 31, 1945, was not debatable.[15]

§ 6.58 Although a concurrent resolution providing for an adjournment *sine die* is not debatable, debate has been permitted where no point of order was raised and where the legislative situation warranted some discussion of the resolution.

On Oct. 14, 1968,[16] Mr. Carl Albert, of Oklahoma, called up Senate Concurrent Resolution 83, providing for an adjournment *sine die* of the Congress on Oct. 11, 1968. Mr. Albert moved to amend the resolution by striking out the date and inserting "October 14, 1968" and then yielded five minutes' debate, without objection, to Mr. James G. O'Hara, of Michigan. Mr. O'Hara, who had previously expressed his intention to prevent the adjournment of Congress until the Senate took action on a legislative proposal permitting network TV debates among the major Presidential candidates, announced he would no longer persist in his efforts due to the likelihood of a failure of a quorum in the Senate. Mr. Albert resumed the floor to express support for Mr. O'Hara's statement and then moved the previous question on the amendment to the adjournment resolution.

Parliamentarian's Note: Debate may be conducted on the subject of adjournment resolutions by unanimous consent under the "one-minute" rule prior to offering of the resolution.

Return of Bill to Senate

§ 6.59 A request of the Senate for the return of a bill or resolution is privileged, and the Chair immediately puts the question on the request without debate, but debate may proceed thereon under a reservation of the right to object to agreeing to the request by unanimous consent when put in that form by the Chair.

On Aug. 3, 1977,[17] the following proceedings occurred in the House:

> The Speaker pro tempore laid before the House the following message from the Senate:

15. Neither a resolution of adjournment (see 8 Cannon's Precedents § 3372–3374) nor a motion to adjourn, whether a simple adjournment or an adjournment to a time certain [see Rule XVI clause 4, *House Rules and Manual* § 782 (1995)], is debatable.

Adjournments and debate thereon generally, see Ch. 40, infra.

16. 114 CONG. REC. 31312, 31313, 90th Cong. 2d Sess.

17. 123 CONG. REC. 26538, 95th Cong. 1st Sess.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the concurrent resolution (H. Con. Res. 317) entitled "Concurrent resolution providing for an adjournment of the House from August 5 until September 7, 1977 and an adjournment of the Senate from August 6 until September 7, 1977."

THE SPEAKER PRO TEMPORE:[18] Without objection, the request is agreed to.

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Speaker, I reserve the right to object.

I want to know what that last resolution was. . . .

Mr. Speaker, what is the effect? Who is going to explain it or did the Chair just lay it out? . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, will the gentleman yield?

MR. KAZEN: I yield to the distinguished Speaker.

MR. O'NEILL: Mr. Speaker, may I say with regard to the concurrent resolution, as I understand, we have received a message from the Senate regarding the concurrent resolution. As the gentleman from Texas (Mr. Kazen) knows, we passed a concurrent resolution saying that we would conclude business on Friday night, and the request of the Senate is now to return the concurrent resolution. . . .

MR. KAZEN: Mr. Speaker, I would inquire whether the Senate concurred in the concurrent resolution?

MR. O'NEILL: The Senate did and then there was a motion to reconsider within the proper time in the Senate. The Senate had sent the papers over before the reconsideration had been moved. In view of the fact that the reconsideration has been moved, the House has always proceeded in this fashion, and on that basis we will send the concurrent resolution back.

MR. KAZEN: Mr. Speaker, I thank the gentleman from Massachusetts, and withdraw my reservation of objection.

THE SPEAKER PRO TEMPORE: Without objection the request is agreed to.

There was no objection.

18. Dan Rostenkowski (Ill.).

§ 6.60 Where privileged resolutions of the Senate requesting the return of a bill are laid before the House, a motion requesting compliance with such return is not debatable.

On June 28, 1932,[19] the following privileged order messaged from the Senate was laid before the House:

Ordered, That the House of Representatives be requested to return to the Senate the bill (H.R. 11267) entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", together with all accompanying papers.

Mr. Joseph W. Byrns, of Tennessee, moved that the request of the Senate be complied with, and on that motion he moved the pre-

19. 75 CONG. REC. 14181, 72d Cong. 1st Sess.

vious question, which was ordered by the House.

In response to a parliamentary inquiry by Mr. John J. Cochran, of Missouri, Speaker John N. Garner, of Texas, ruled that the motion to comply with the Senate request was not debatable.

Nondebatable Questions in Senate—Motion To Lay Appeal on the Table

§ 6.61 In the Senate a motion to lay an appeal on the table is not debatable.

On Aug. 2, 1948,[20] President Pro Tempore Arthur H. Vandenberg, of Michigan, ruled that a motion to lay on the table a pending appeal from a decision of the Chair was not debatable:

> MR. [KENNETH S.] WHERRY [of Nebraska]: Mr. President, I propound the following inquiry: If a motion is made to lay the appeal on the table, is that motion subject to debate?
>
> THE PRESIDENT PRO TEMPORE: No motion to table is ever subject to debate.
>
> MR. WHERRY: Certainly.
>
> If the motion to table the appeal is agreed to, then, of course, the result is to sustain the present occupant of the chair in his decision.
>
> THE PRESIDENT PRO TEMPORE: That is correct.[1]

—Motion Requesting House To Return Engrossed Bill

§ 6.62 A motion in the Senate requesting the House to return an engrossed bill is not debatable.

On Aug. 26, 1963,[2] Senator Michael J. Mansfield, of Montana, entered a motion in the Senate to reconsider the votes by which S. 1914 and S. 1942 were passed. He also entered a motion that the House of Representatives be requested to return the papers (the engrossed bills) on those bills to the Senate. In response to a parliamentary inquiry, President Pro Tempore Carl Hayden, of Arizona, stated that the motion for return was not debatable.

—Concurrent Resolution Providing for Adjournment to Day Certain

§ 6.63 A concurrent resolution providing for an adjournment to a day certain is not debatable in the Senate.

On Aug. 7, 1948,[3] Senator Kenneth S. Wherry, of Nebraska, called up Senate Concurrent Reso-

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20. 94 CONG. REC. 9604, 80th Cong. 2d Sess.

1. For a classification of questions not debatable in the Senate, see Riddick, Senate Procedure, 421–24, S. Doc. No. 93–21, 93d Cong. (1974).

2. 109 CONG. REC. 15849, 15850, 88th Cong. 1st Sess.

3. 94 CONG. REC. 10185, 80th Cong. 2d Sess.

lution 63, providing for an adjournment to a day certain. In response to a parliamentary inquiry, the Presiding Officer stated that the resolution was not debatable.

—*Concurrent Resolution Providing for Three-week Adjournment of House*

§ 6.64 A resolution providing for a three-week adjournment of the House is not debatable in the Senate, nor is an appeal from the Vice President's decision to that effect debatable.

On Aug. 24, 1949,[4] House Concurrent Resolution 129 was laid before the Senate. The resolution provided for a three-week adjournment of the House. In response to parliamentary inquiries, Vice President Alben W. Barkley, of Kentucky, stated that the resolution was not debatable except by unanimous consent, and that such a unanimous-consent request would not be debatable. He also stated that an appeal from the Chair's decision on that point would not be debatable. The Senate adopted the resolution (and rejected an amendment thereto).

Debate Not in Order in Senate in Absence of Quorum

§ 6.65 No debate is in order in the Senate in the absence of a quorum.

On July 28, 1962,[5] the Senate met at 10 o'clock a.m., after having recessed the prior evening without a quorum. Vice President Lyndon B. Johnson, of Texas, stated that no business could be transacted without a quorum present. Following a roll call disclosing the lack of a quorum, a motion was agreed to directing the Sergeant at Arms to request the attendance of absent Senators.

Senator Hubert H. Humphrey, of Minnesota, attempted to debate a proposed motion to invoke the rule of arrest, and the Vice President advised him that no debate was in order.

§ 7. Opening and Closing Debate; Right To Close

Rule XIV clause 3 of the House rules provides:

> The Member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall

4. 95 Cong. Rec. 12137–39, 81st Cong. 1st Sess.

5. 108 Cong. Rec. 14952, 87th Cong. 2d Sess.

be entitled to one hour to close, notwithstanding he may have used an hour in opening.[6]

The opening and closing of debate on any proposition depends on the procedure under which the proposition was brought to the floor and who was recognized to move or offer the proposition. For example, a Member bringing a matter before the House, and recognized for that purpose, is entitled to control one hour of debate under the rules of the House, and to close debate on his proposition.[7] Generally, the proponent of a bill (the Member who calls it up) or the mover of a motion have the right to open and close debate thereon.[8]

Where the Committee of the Whole considers a bill or resolution pursuant to a resolution from the Committee on Rules, the manager designated in the resolution opens and closes general debate.[9] In one instance pursuant to a special rule reported from the Committee on Rules providing for immediate consideration of an unreported measure in Committee of the Whole and dividing control of general debate between a Member supporting and a Member opposing the measure, the Chair recognized the opponent (the chairman of the discharged committee) to close general debate, reasoning that the proponent had no responsibility as "manager" of the bill.[10] The better practice is to permit the proponent of the bill, rather than the chairman of the discharged committee, to close debate. It would seem proper that the proponent of the measure be permitted to close general debate, and not an opponent, since the House by discharging the com-

6. *House Rules and Manual* § 759 (1995). See also Rule XIV clause 6, *House Rules and Manual* § 762 (1995) (mover, proposer, or introducer entitled to speak in reply to pending matter).

In some instances, one-third of the debate time on a proposition may be allotted to a Member opposed to the proposition if the majority and minority party Members who would ordinarily divide the time are both supporters of the proposition. The right to close debate where the time has been divided three ways is discussed in § 26, infra.

7. See § 68, infra, for the hour rule in House debate. See also, e.g., §§ 8 et seq., infra, discussing recognition, and §§ 24 et seq., infra, discussing control and distribution of time.

8. See § 7.1, infra. The right to close twenty-minute debate on a motion to discharge a committee is reserved to the proponents of the motion. See 7 Cannon's Precedents § 1010a.

9. See § 7.2, infra. The proponent of the question, the first Member named in the Committee on Rules resolution, opens and closes debate (see § 7.3, infra).

10. See 128 CONG. REC. 27202, 97th Cong. 2d Sess., Oct. 1, 1982.

mittee has agreed to permit consideration of the measure, even though the proponent has no "management" responsibility to make any motions.

The proponent of a proposition may cut off debate, even before the expiration of allotted time, by moving the previous question in the House[11] and in the House as in the Committee of the Whole,[12] or by moving that the Committee rise or to limit five-minute debate in the Committee of the Whole.[13]

Resolutions from the Committee on Rules providing for the consideration of a bill in the Committee of the Whole commonly provide that when the Committee rises the previous question shall be ordered, thereby precluding further debate in the House.[14]

Where the pending text includes a provision recommended by a committee of sequential referral, a member of that committee is entitled to close debate against an amendment thereto.[15]

By recommending an amendment in the nature of a substitute, a reporting committee implicitly opposes a further amendment that could have been included therein, such that a committee representative who controls time in opposition may close debate thereon.[16]

Under certain circumstances, however, the proponent of the amendment may close debate, as where he represents the reporting committee position;[17] where no committee representative opposes the amendment;[18] where no representative from the reporting committee opposes an amendment to a multi-jurisdictional bill;[19] or where an unreported measure is being considered and there is no "manager" under the terms of a special rule.[20]

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11. See § 7.8, infra. See, generally, § 72, infra, discussing the closing of debate in the House.

12. See § 7.6, infra.

13. See § 7.12, infra. See, generally, § 78, infra, for discussion of closing or limiting debate in Committee of the Whole.

Under the five-minute rule in the Committee of the Whole (or in the House as in the Committee of the Whole), recognition for debate is within the discretion of the Chair. A Member recognized to offer an amendment controls five minutes of debate thereon, and then another Member in opposition thereto is recognized.

14. See § 7.9, infra.

15. 135 CONG. REC. 12084–87, 101st Cong. 1st Sess., June 15, 1989.

16. 138 CONG. REC. p. ____, 102d Cong. 2d Sess., June 4, 1992; 141 CONG. REC. p. ____, 104th Cong. 1st Sess., June 13, 1995.

17. 132 CONG. REC. 21718, 99th Cong. 2d Sess., Aug. 14, 1986.

18. 132 CONG. REC. 22057, 99th Cong. 2d Sess., Aug. 15, 1986.

19. See § 7.39, infra.

20. 131 CONG. REC. 9206, 99th Cong. 1st Sess., Apr. 24, 1985.

Forms

Form of resolution providing for control of time for general debate in the Committee of the Whole, providing that the Committee rise (closing debate) after the consideration of amendments and providing that the previous question be ordered (closing further debate in the House).

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10710) . . . . After general debate, which shall be confined to the bill and shall continue not to exceed seven hours, six hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and one hour to be controlled by Representative John H. Dent, of Pennsylvania, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments . . . . At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.[1]

Form of unanimous-consent request to close House debate.

> Mr. Speaker, I ask unanimous consent that debate on the bill be limited to two hours, one-half to be controlled by the gentleman from ——— and one-half by the gentleman from ———, and at the end of that time [the gentleman from ——— shall have leave to offer a substitute for ———] [it shall be in order to ———] [and the] previous question shall be considered as ordered on the bill [and the substitute] to final passage.[2]

Form of motion to close general debate in Committee of the Whole.

> Mr. Speaker, pending the motion to go into the Committee of the Whole for further consideration of . . . I move that general debate in the Committee of the Whole House [on the State of the Union] be now closed.

Note: The motion is not in order in the House until some debate has been had in the Committee and the Committee has risen.[3] Prior to some general debate on a measure in Committee of the Whole, the House may limit that debate by unanimous consent only.

Cross References

Control passing to opposition where manager fails to close debate, see § 34, infra.

Effect of special orders on opening and closing debate, see § 28, infra.

Management by reporting committee and opening and closing debate, see § 26, infra.

Role of manager as to opening and closing debate, see § 24, infra.

Member Making Motion Opens

§ 7.1 Where a question is called up for consideration or a mo-

1. 119 Cong. Rec. 40489, 93d Cong. 1st Sess., Dec. 10, 1973.

2. Cannon's Procedure in the House of Representatives 161, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

3. For general discussion of closing debate in the House, see § 72, infra.

tion is made, and the motion or question is in order and is debatable, the Member so moving or proposing is recognized to open debate.[4]

Special Rule Designating Member To Control General Debate

§ 7.2 Where the House resolves into the Committee of the Whole to consider a bill pursuant to a resolution designating who shall control general debate, the designated Member, committee chairman, or ranking committee member is recognized to open general debate in the Committee of the Whole.

On Apr. 26, 1955,[5] the House adopted House Resolution 214 for the consideration of a bill in the Committee of the Whole:

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5645) to authorize the Atomic Energy Commission to construct a modern office building in or near the District of Columbia to serve as its principal office, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the vice chairman and ranking House minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the 5-minute rule. . . .

Carl T. Durham, of North Carolina, the committee Vice Chairman designated in the resolution, moved that the House resolve itself into the Committee of the Whole to consider the bill. When the Committee of the Whole commenced sitting, Mr. Durham was immediately recognized to open debate.

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4. See, for example, 114 CONG. REC. 30217, 90th Cong. 2d Sess., Oct. 8, 1968 (special order from Committee on Rules); 113 CONG. REC. 14, 90th Cong. 1st Sess., Jan. 10, 1967 (prior to adoption of rules); 111 CONG. REC. 23608, 89th Cong. 1st Sess., Sept. 13, 1965 (motion to reconsider); 105 CONG. REC. 11599, 86th Cong. 1st Sess., June 23, 1959 (conference report); 96 CONG. REC. 1514, 81st Cong. 2d Sess., Feb. 6, 1950 (question of privilege); 89 CONG. REC. 7051, 78th Cong. 1st Sess., July 2, 1943 (override of veto); 87 CONG. REC. 3917, 77th Cong. 1st Sess., May 12, 1941 (District of Columbia bills); 80 CONG. REC. 7025–27, 74th Cong. 2d Sess., May 11, 1936 (motion to discharge a committee); 78 CONG. REC. 4931, 73d Cong. 2d Sess., Mar. 20, 1934 (unanimous-consent consideration of bill); and § 18.9, infra (motion to discharge committee from further consideration of resolution disapproving a reorganization plan).

5. 101 CONG. REC. 5119, 84th Cong. 1st Sess.

On July 23, 1942,[6] the House adopted House Resolution 528, providing for the consideration of a bill in the Committee of the Whole and dividing control of debate between the chairman and ranking minority member of the Committee on Election of the President, Vice President, and Representatives in Congress.

Mr. John E. Rankin, of Mississippi, raised a parliamentary inquiry as to recognition to open and control debate, since the chairman and ranking minority member so designated were absent. Speaker Sam Rayburn, of Texas, stated as follows:

> The Chair thinks the Chair has a rather wide range of latitude here. The Chair could hold and some future Speaker might hold that since the chairman and ranking minority member of the committee are not here there could be no general debate because there was nobody here to control it, but the present occupant of the chair is not going to rule in such a restricted way.
>
> The Chair is going to recognize the next ranking majority member and the next ranking minority member when the House goes into the Committee of the Whole.

Manager of Bill May Close General Debate

§ 7.3 The majority floor manager can always close general debate in the Committee of the Whole.

During debate on the Department of Defense authorization for fiscal 1989 (H.R. 4264) in the Committee of the Whole on May 5, 1988,[7] the Chair responded to a parliamentary inquiry, as indicated below:

> MR. [JON] KYL [of Arizona]: . . . First of all, who has the opportunity to close debate? . . .
>
> THE CHAIRMAN PRO TEMPORE:[8] . . . Under the rule, the gentleman from South Carolina (Mr. Spratt) upholding the [majority] committee position will have the right to close.

§ 7.4 The chairman of the committee reporting and calling up a measure has the right to close general debate thereon.

On Mar. 26, 1985,[9] the following exchange occurred in the Committee of the Whole during consideration of House Joint Reso-

6. 88 CONG. REC. 6542–46, 77th Cong. 2d Sess. In current practice, the chairman and ranking minority member indicated in the resolution may designate other Members—typically the chairman and ranking minority member of the relevant subcommittee—to control debate.

7. 134 CONG. REC. 9948, 9949, 100th Cong. 2d Sess.

8. Kenneth J. Gray (Ill.).

9. 131 CONG. REC. 6283, 99th Cong. 1st Sess. See Rule XIV, clause 3, *House Rules and Manual* § 759 (1995).

lution 180 (authorizing release of funds for MX missile):

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I have a parliamentary inquiry.

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

MR. DICKINSON: Just for clarification purposes, if I might, Mr. Chairman, am I correct in my belief that the proponents will have the closing debate on this matter?

THE CHAIRMAN: The Chair would like to advise the gentleman from Alabama (Mr. Dickinson) that the gentleman from Wisconsin (Mr. Aspin) will close debate.

MR. DICKINSON: He is controlling the time and if he has yielded part of that time to me, he would still determine who would close the debate?

THE CHAIRMAN: The gentleman is correct.

Proponents of Bill Close Debate

§ 7.5 The proponents of a bill before the House have the right to close debate thereon and opponents have no right to be recognized immediately prior to the Member closing debate.

On Nov. 13, 1941,[11] the House discussed division of time for debate on a bill and Speaker Pro Tempore Jere Cooper, of Tennessee, stated in response to a parliamentary inquiry that the proponents of a bill in the House had the right to close debate:

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, we have two speakers on our side in opposition to this important measure. I am informed there are two speakers on the other side. I recognize, of course, that the chairman of the Committee on Foreign Affairs has the right to close the debate, but I insist on the right of the minority that the opposition should be given the next to the last speech on this important measure.

My inquiry is, if I have not correctly stated the situation?

THE SPEAKER PRO TEMPORE: The Chair will state in response to the parliamentary inquiry that under the rules of the House the gentleman from New York [Mr. Bloom], chairman of the committee in charge of the bill, is entitled to close the debate. With reference to recognition of Members prior to close of debate, of course, that is under the control of the gentleman in charge of the time.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MICHENER: With all due respect to the Speaker pro tempore, may I call his attention to the fact that if his ruling is construed literally it will permit the chairman of the committee controlling the time——

MR. [SOL] BLOOM [of New York]: Mr. Speaker, I shall yield to the gentleman

10. William H. Natcher (Ky.).

11. 87 CONG. REC. 8880, 8881, 77th Cong. 1st Sess.

from New York, and will put on a speaker, then he can put on a speaker.

MR. MICHENER: May I finish my parliamentary inquiry?

THE SPEAKER PRO TEMPORE: The gentleman is entitled to complete his parliamentary inquiry.

MR. MICHENER: Reverting to my question before I was interrupted by the gentleman from New York: If the chairman of the committee controlling the time is permitted to close the debate and is not limited to one speaker in closing the debate, would it not be possible for such a chairman to open the debate, for instance, and then compel the opposition to use all of its time before the proponent used any more time?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. MICHENER: That right to close debate means one speech. If it meant two, it might mean three, and if it meant three it might mean four. It might be within the power of the proponents of any bill to compel the other side to put on all their speakers, then wind up with only the speeches of the proponents. Such a precedent should not be set. Am I correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct in the statement that the proponents of the bill have the right to close debate. That has been the holding of the Chair and it is in line with an unbroken line of precedents of the House. The Chair has no way of knowing how many different Members the gentlemen in charge of the time on the two sides may desire to yield time to. The Chair holds that the proponents of the bill are entitled to close debate.[12]

Previous Question as Closing Debate

§ 7.6 Debate in the House as in the Committee of the Whole may be closed by ordering the previous question.

On July 28, 1969,[13] a bill (H.R. 9553) amending the District of Columbia Minimum Wage Act was being considered in the House as in the Committee of the Whole. Mr. John Dowdy, of Texas, moved the previous question on the bill and Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the effect of ordering the previous question:

MR. [PHILLIP] BURTON of California: Mr. Speaker, is the motion before us to close debate or will there be a vote subsequent to the pending motion so that those of us who want a rollcall on this matter can obtain a rollcall vote.

THE SPEAKER: The pending question is on ordering the previous question.

MR. BURTON of California: This is to close debate and not on the passage of the matter? Will this be our last opportunity to receive a rollcall on this matter?

THE SPEAKER: The Chair will state that the question on the passage of the

12. See also § 18.9, infra (discharge motion on resolution disapproving reorganization plan). See generally, for the right of the manager to close debate, § 24, infra (role of manager) and § 26, infra (management by reporting committee).

13. 115 CONG. REC. 20855, 91st Cong. 1st Sess.

bill will come later, if the previous question is ordered.

The question is on ordering the previous question.

Member Controlling Debate May Move Previous Question

§ 7.7 The Member controlling debate on a proposition in the House may move the previous question and cut off further debate.

On Mar. 11, 1941,[14] the House was considering House Resolution 131 under the terms of a unanimous-consent request providing two hours of debate and dividing control of debate between Mr. Sol Bloom, of New York, and Mr. Hamilton Fish, Jr., of New York. Mr. Bloom moved the previous question prior to the expiration of the two hours' time. Mr. Martin J. Kennedy, of New York, then objected on the ground that the unanimous-consent agreement was not being complied with in that the previous question had been demanded prematurely. Speaker Sam Rayburn, of Texas, ruled that the previous question could be moved at any time in the discretion of the Members controlling debate on the resolution.

§ 7.8 The Member controlling debate on a proposition in the House may close debate by moving the previous question.

On Jan. 4, 1965,[15] at the convening of the 89th Congress and before the adoption of rules, Mr. Carl Albert, of Oklahoma, offered a resolution and after some debate moved the previous question to close debate:

MR. ALBERT: Mr. Speaker, I offer a resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 2

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from New York, Mr. Richard L. Ottinger.

MR. ALBERT: Mr. Speaker, again this is a resolution involving a Member whose certificate of election in due form is on file in the Office of the Clerk. I ask for the adoption of the resolution.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. ALBERT: I yield for a parliamentary inquiry.

MR. CLEVELAND: If this resolution is adopted, will it be impossible for me to offer my own resolution pertaining to the same subject matter, either as an amendment or a substitute?

THE SPEAKER:[16] If the resolution is agreed to, it will not be in order for the

14. 87 CONG. REC. 2177, 2178, 77th Cong. 1st Sess.
See also § 7.8, infra.

15. 111 CONG. REC. 20, 89th Cong. 1st Sess.

16. John W. McCormack (Mass.).

gentleman to offer a substitute resolution or an amendment, particularly if the previous question is ordered.

MR. CLEVELAND: Is it now in order, Mr. Speaker?

THE SPEAKER: Not unless the gentleman from Oklahoma yields to the gentleman for that purpose.

MR. CLEVELAND: Mr. Speaker, will the gentleman yield?

MR. ALBERT: The gentleman from Oklahoma does not yield for that purpose.

MR. CLEVELAND: Mr. Speaker, a parliamentary inquiry. Will there be any opportunity to discuss the merits of this case prior to a vote on the resolution offered by the gentleman from Oklahoma?

THE SPEAKER: The gentleman from Oklahoma has control over the time. Not unless the gentleman from Oklahoma yields for that purpose.

MR. CLEVELAND: Will the gentleman from Oklahoma yield for that purpose?

MR. ALBERT: Mr. Speaker, I yield for a question and a very brief statement. I do not yield for a speech.

MR. CLEVELAND: May I inquire if the gentleman will yield so that I may ask for unanimous consent that certain remarks of mine pertaining to this matter be incorporated in the Record?

MR. ALBERT: No. Mr. Speaker, I move the previous question.

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

THE SPEAKER: Does the gentleman from Oklahoma yield to the gentleman from Mississippi for the purpose of submitting a parliamentary inquiry?

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

THE SPEAKER: The question is on the motion.

The previous question was ordered.

The resolution was agreed to.

Previous Question Considered as Ordered

§ 7.9 When the Chairman of the Committee of the Whole reports a bill to the House pursuant to a resolution providing that the previous question shall be considered as ordered, further debate or amendments in the House are thereby precluded.

On Aug. 31, 1960,[17] there being no amendments offered to S. 2917 under consideration in the Committee of the Whole, the Committee rose and the bill was reported back to the House. Pursuant to the resolution under which the bill was being considered, Speaker Sam Rayburn, of Texas, stated that the previous question was ordered. In response to a parliamentary inquiry by Mr. H. Carl Andersen, of Minnesota, the Speaker stated that the previous question having been ordered by the resolution, no further debate or amendments were in order.

Previous Question Vacated

§ 7.10 The House by unanimous consent vacated the or-

17. 106 CONG. REC. 18748, 86th Cong. 2d Sess.

dering of the previous question in order to permit further debate.

On Aug. 26, 1960,[18] the House was considering Senate amendments to H.R. 12619, making appropriations for the mutual security program. Mr. Silvio O. Conte, of Massachusetts, arose to discuss a Senate amendment, but Mr. Otto E. Passman, of Louisiana, moved the previous question, and Speaker Sam Rayburn, of Texas, advised Mr. Conte that no further debate was in order. The House then agreed to a unanimous-consent request by Mr. Passman that "the action of the House by which the previous question was ordered be vacated." Mr. Passman then yielded two minutes of debate to Mr. Conte.

Motion To Table as Closing Debate

§ 7.11 In response to a parliamentary inquiry, the Speaker indicated that adoption of the nondebatable motion to lay a resolution on the table would result in the final adverse disposition of the resolution (and close further debate).

On Dec. 14, 1970,[19] the previous question was demanded on House Resolution 1306, asserting the privileges of the House in printing and publishing a report of the Committee on Internal Security. Mr. Louis Stokes, of Ohio, then offered the preferential motion to lay on the table. Speaker John W. McCormack, of Massachusetts, responded as follows to a parliamentary inquiry:

> MR. [ALBERT W.] WATSON [of South Carolina]: Mr. Speaker, if the motion to table prevails, there can be no further consideration at all of this matter. Is that not correct? Does it not apply the clincher?
>
> THE SPEAKER: If the motion to table is agreed to, then the resolution is tabled.
>
> MR. WATSON: Then that ends it.

Parliamentarian's Note: The motion to lay on the table takes precedence over the previous question and may be used to close all debate and adversely dispose of a proposition.[20]

Motion To Rise as Interrupting Five-minute Debate

§ 7.12 The motion that the Committee of the Whole rise is not debatable and may

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18. 106 CONG. REC. 17869, 17870, 86th Cong. 2d Sess.

19. 116 CONG. REC. 41372, 91st Cong. 2d Sess.

20. See Rule XVI clause 4, *House Rules and Manual* § 782 (1995).

have the effect of interrupting debate until the Committee meets again.

On June 16, 1948,[1] Mr. George W. Andrews, of Alabama, was handling the consideration of H.R. 6401 in the Committee of the Whole under the five-minute rule. He moved that the Committee rise, and Chairman Francis H. Case, of South Dakota, ruled that the motion, which was within Mr. Andrews' discretion to offer, would, if adopted, effectively terminate further debate at that time, although Members scheduled to be recognized would be recognized when the Committee meets again.

Motion To Suspend Rules

§ 7.13 The Member recognized to offer a motion to suspend the rules has the right to close debate thereon.

The following exchange occurred in the House on Sept. 21, 1981,[2] during consideration of House Concurrent Resolution 183 (expressing the sense of Congress that the national rugby team of South Africa should not play in the United States):

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Speaker, I have only one remaining speaker.

THE SPEAKER PRO TEMPORE:[3] The gentleman from Michigan (Mr. Broomfield) has 1 minute remaining, and the gentleman from Wisconsin (Mr. Zablocki) has 2 minutes remaining.

The gentleman from Wisconsin has declared that he has only one remaining speaker to close debate.

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Speaker, I desire to reserve that one until debate has concluded.

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin has the right to close debate.

MR. BROOMFIELD: Mr. Speaker, in view of that, I yield back the balance of my time.

MR. ZABLOCKI: Mr. Speaker, I yield the remaining 2 minutes to the gentleman from Iowa (Mr. Bedell).

§ 7.14 While the Member who (under a former rule) demanded a second on a motion to suspend the rules was recognized for 20 minutes of debate, it was still customary for the Speaker to recognize the Member making the motion to conclude the debate.

On Dec. 30, 1970,[4] Mr. Wright Patman, of Texas, moved to suspend the rules and pass S. 4268, to amend the Export-Import Bank Act of 1945. Speaker John W. McCormack, of Massachusetts, recognized Mr. H. R. Gross, of

1. 94 CONG. REC. 8521, 80th Cong. 2d Sess.
2. 127 CONG. REC. 21420, 97th Cong. 1st Sess.
3. James C. Wright, Jr. (Tex.).
4. 116 CONG. REC. 44170, 44176, 91st Cong. 2d Sess.

Iowa, to demand a second and thereby to gain recognition for the 20 minutes of debate in opposition to the motion. At the conclusion of Mr. Gross' remarks, the Speaker recognized Mr. Patman to conclude the debate.

Parliamentarian's Note: Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from the rule in the 102d Congress. (See H. Res. 5, Jan. 3, 1991, 102d Cong. 1st Sess.)

§ 7.15 While the manager of a motion to suspend the rules has the right to close debate thereon, the Chair attempts to evenly alternate recognition between the majority and minority in order that a comparable amount of time remains for closing speakers on both sides.

On Oct. 2, 1984,[5] during consideration of the balanced budget bill (H.R. 6300) in the House, the following proceedings occurred:

> MR. [JUDD] GREGG [of New Hampshire]: Mr. Speaker, I have a parliamentary inquiry.
>
> I have 9 minutes remaining. The chairman of the Committee on the Budget has 13 more minutes remaining. After I yield this next point, I will have 7 minutes remaining.
>
> I would request the Chair, in fairness, to proceed with the other side until the time is in more balance as we get closer to the closing of debate.
>
> THE SPEAKER PRO TEMPORE:[6] The Chair would announce that the Chair is not trying to have this debate conducted in an unfair manner. The Chair will allow the gentleman from Oklahoma to have the chance to yield to a speaker to close debate and, therefore, the Chair will try to keep the division of time as near even as possible, given the consideration that the gentleman from Oklahoma have the opportunity to end the debate.

House Conferee in Opposition to Motion To Reject Portion of Conference Report

§ 7.16 The House conferee who has been recognized for 20 minutes in opposition to a motion to reject a nongermane portion of a conference report is entitled to close debate on the motion to reject.

On Jan. 29, 1976,[7] the House had under consideration the conference report on H.R. 5247, the Local Public Works Capital Development and Investment Act of 1975. Mr. James C. Wright, Jr., of

5. 130 CONG. REC. 28517, 98th Cong. 2d Sess.

6. Richard A. Gephardt (Mo.).

7. 122 CONG. REC. 1582, 1584, 1594, 94th Cong. 2d Sess.

Texas, was the chairman of the conference committee that had brought the bill to the floor. Mr. Jack Brooks, of Texas, made the point of order that title II of the conference report constituted a nongermane Senate amendment to the bill in violation of Rule XXVIII clause 4. The Chair sustained the point of order, whereupon Mr. Brooks offered the motion that the House reject title II. Time for debate on the motion was divided as prescribed in the rule, the Chair stating in response to a parliamentary inquiry that the "division of time is between those in favor and those opposed to the motion." Mr. Wright, in opposition to the motion, made the following inquiry:

MR. WRIGHT: Mr. Speaker, I have one other speaker, the majority leader. I do not know what the courtesy is, or the appropriate protocol, in a matter of this kind.

THE SPEAKER PRO TEMPORE:[8] The Chair will rule that the gentleman from Texas [Mr. Wright] may close debate.

Proponent of Motion To Instruct Conferees

§ 7.17 The proponent of a motion to instruct conferees has the right to close debate thereon.

On July 28, 1994,[9] the Speaker Pro Tempore addressed the issue of the right to close debate on a motion to instruct conferees.

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4619) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate. . . .

There was no objection. . . .

MR. [JAMES T.] WALSH [of New York]: Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Walsh of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 4619, be instructed to insist on the House position on amendment numbered 16, reducing the D.C. budget by $150 million.

THE SPEAKER PRO TEMPORE:[10] The gentleman from New York (Mr. Walsh) will be recognized for 30 minutes, and the gentleman from California (Mr. Dixon) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. Walsh).

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

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8. Carl Albert (Okla.).

9. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.

10. Ted Strickland (Ohio).

Mr. Speaker, do we have the right to close debate?

THE SPEAKER PRO TEMPORE: The proponents of the motion will have the right to close the debate.

Debate on Amendments—Manager of Bill May Close

§ 7.18 The manager of a bill in Committee of the Whole, or another Member, who is controlling time in opposition to an amendment, and not the proponent of an amendment, has the right to close debate on the amendment, whether debate is proceeding under the five-minute rule or under a special procedure whereby debate has been limited and equally divided between the proponent of the amendment and a Member opposed thereto (the Chair indicating further that he could not anticipate who would obtain recognition to control the time in opposition to every amendment).

On Apr. 4, 1984,[11] the following proceedings occurred in the Committee of the Whole during consideration of the first budget resolution for fiscal year 1985 and revising the budget resolution for fiscal year 1984 (H. Con. Res. 280):

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute.

THE CHAIRMAN:[12] The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

> Amendment in the nature of a substitute offered by Mr. Dannemeyer: Strike everything after the resolving clause and insert in lieu thereof the following:
>
> (a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985 and October 1, 1986:
>
> (1) The recommended levels of Federal revenues are as follows: . . .

THE CHAIRMAN: Pursuant to House Resolution 476, the amendment is considered as having been read.

The gentleman from California (Mr. Dannemeyer) will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California (Mr. Dannemeyer). . . .

MR. [JAMES R.] JONES of Oklahoma: Mr. Chairman, I rise in opposition to the Dannemeyer amendment, and I yield myself such time as I may consume. . . .

MR. DANNEMEYER: Mr. Chairman, I reserve the balance of my time. Do I have the privilege of closing, since it is my budget alternative?

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11. 130 CONG. REC. 7829, 7834, 7837, 7840, 7841, 98th Cong. 2d Sess.

12. John Joseph Moakley (Mass.).

THE CHAIRMAN: No, the gentleman from Oklahoma (Mr. Jones) has the privilege of closing debate. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, does that mean we are going to operate from here on with the idea that on all budgets that the opposition to them are going to have the right to close?

THE CHAIRMAN: Under the rule, these are amendments made in order by the Rules Committee. As under the 5-minute rule, the opponents have the right to close debate.

MR. WALKER: Further parliamentary inquiry. So I understand then, that on all the budget presentations that will be out here, that the opposition to those budgets will have the opportunity to close debate?

THE CHAIRMAN: The gentleman is correct. . . .

MR. DANNEMEYER: Mr. Chairman, are we operating under the 5-minute rule right now?

THE CHAIRMAN: We are operating under a special procedure, but it is under the principle of the 5-minute rule. . . .

MR. DANNEMEYER: Under that procedure, I, as the proponent of this measure, with the burden of going forward, am not entitled to close? Is that what is being disclosed?

THE CHAIRMAN: The gentleman is correct. As the gentleman may remember, the gentleman from Illinois (Mr. Michel) was opposed to the last amendment and he closed debate. . . .

MR. WALKER: Then I understand that under the process, because the gentleman from Oklahoma (Mr. Jones) will be opposing most of the amendments that come out here other than the committee amendment, the gentleman from Oklahoma (Mr. Jones), the committee chairman, is going to be virtually given the chance to close all debate on all amendments out here?

THE CHAIRMAN: The Chair is not aware of who is going to rise in opposition to all the amendments. Those who rise in opposition to the amendments will be the persons who will be entitled to close the debates. . . .

MR. WALKER: On the minority side, if we are in opposition to some of the budgets that are going to come out, and the gentleman from Oklahoma (Mr. Jones) is in opposition to the budgets that come out, which side will be given the opportunity to close at that point?

THE CHAIRMAN: It all depends upon who is controlling the time, like all the other amendments. The rule specifically states that it is a person opposed who is controlling the time. . . .

MR. WALKER: When the minority side has a half hour of time, as I assume we will have on some of these amendments, then we will get a chance to close the debate, rather than the gentleman from Oklahoma (Mr. Jones)?

THE CHAIRMAN: If the gentleman from Oklahoma (Mr. Jones) offers an amendment, then the minority has the right to close the debate.

§ 7.19 The manager of a bill in the Committee of the Whole, and not the proponent of the pending amendment, is entitled to close debate on an amendment on which debate (by unanimous consent) has

been equally divided and controlled.

On July 9, 1965,[13] the Committee of the Whole was considering H.R. 6400, the Voting Rights Act of 1965, under the terms of a unanimous-consent agreement providing two hours' debate on an amendment, to be divided and controlled by the chairman, Emanuel Celler, of New York, and the ranking minority member, William M. McCulloch, of Ohio, of the Committee on the Judiciary, which had reported the bill. Chairman Richard Bolling, of Missouri, ruled that Mr. Celler, as manager of the bill, and not Mr. McCulloch, the proponent of the pending amendment, had the right to close debate on the amendment:

MR. CELLER: Mr. Chairman, may I ask how much time remains on this side?

THE CHAIRMAN: The gentleman from New York has 4 minutes remaining and the gentleman from Ohio 1 minute.

MR. CELLER: Mr. Chairman, will the gentleman from Ohio yield the 1 minute he has remaining so that we can close debate on this side?

MR. MCCULLOCH: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. MCCULLOCH: Mr. Chairman, since the debate at this time is on the substitute amendment, pursuant to the rule, would not the privilege of closing debate come to this side of the aisle?

THE CHAIRMAN: The closing of debate, the Chair will inform the gentleman from Ohio, would be in the hands of the manager of the bill.

§ 7.20 The right to recognition to close debate under a limitation of debate on an amendment in Committee of the Whole belongs to the manager of the bill and not to the proponent of the amendment.

The following proceedings occurred in the Committee of the Whole on July 21, 1982,[14] during consideration of H.R. 6030 (the military procurement authorization for fiscal year 1983):

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, may I ask, how many minutes do we have remaining?

THE CHAIRMAN PRO TEMPORE:[15] The gentleman from New York (Mr. Stratton) has 7 minutes remaining, and the gentleman from Washington (Mr. Dicks) has 9½ minutes remaining.

MR. STRATTON: Mr. Chairman, I suggest that the gentleman from Washington consume his time because the Committee wants to reserve the final 7 minutes for a windup, as is the proper procedure.

13. 111 CONG. REC. 16228, 89th Cong. 1st Sess.

14. 128 CONG. REC. 17363, 97th Cong. 2d Sess.

15. Les AuCoin (Oreg.).

THE CHAIRMAN PRO TEMPORE: Does the gentleman from Washington (Mr. Dicks) wish to use or yield additional time?

MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, is it not the proper procedure that the Member who offers the amendment gets the last portion of time to close debate?

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman that the usual and customary procedure, and the procedure we are following, is for the Committee to have the prerogative and the right to close.

§ 7.21 The manager from the committee reporting a bill has the right to close debate on an amendment under the five-minute rule, and not the sponsor of the amendment.

On July 29, 1982,[16] during consideration of H.R. 6030 (military procurement authorization for fiscal year 1983) in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding the conclusion of debate, as follows:

MR. [EDWARD J.] MARKEY [of Massachusetts]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[17] The gentleman will state it.

MR. MARKEY: Mr. Chairman, is it not my right as the maker of the amendment to make the concluding statement on the pending amendment?

THE CHAIRMAN: The Committee has the right to close.

§ 7.22 The member of the committee managing a bill, and not the proponent of a pending amendment, has the right to close the debate thereon.

The following exchange occurred in the Committee of the Whole on Sept. 16, 1982,[18] during consideration of House Joint Resolution 562 (urgent supplemental appropriation for the Department of Labor for fiscal year 1982):

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, we only have one speaker on this side who will close debate. The balance of the time will be yielded to the majority leader.

MRS. [LYNN] MARTIN of Illinois: May I ask a question of the Chair? As the sponsor of the amendment, I reserved time so that I could close the debate on this side of the aisle. Certainly if it is the wish of the majority leader to close, I wish to do what is appropriate, however, and I bow to the wishes of the Chair.

THE CHAIRMAN:[19] The Committee has the right to close, and so the gentlewoman will proceed.

§ 7.23 The manager of a bill has the right to close debate on an amendment and amendments thereto in Committee of the Whole under a

16. 128 CONG. REC. 18582, 97th Cong. 2d Sess.
17. Les AuCoin (Oreg.).
18. 128 CONG. REC. 23975, 97th Cong. 2d Sess.
19. Norman Y. Mineta (Calif.).

time limitation, although he may also be the proponent of a pending amendment to the amendment.

The following proceedings occurred in the Committee of the Whole on Mar. 16, 1983,[20] during consideration of House Joint Resolution 13 (nuclear freeze resolution):

> MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendment and amendment thereto end at 9:15 p.m.[1]
>
> THE CHAIRMAN:[2] The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki). . . .
>
> So the motion was agreed to. . . .
>
> THE CHAIRMAN: Under the motion just agreed to, debate has been limited to 9:15. The Chair will exercise discretion and apportion the remaining time.
>
> The Chair will recognize the gentleman from Wisconsin (Mr. Zablocki) for 3 minutes, and the gentleman from New York (Mr. Stratton) for 3 minutes. Each of those gentlemen may apportion their 3 minutes as they wish. . . .
>
> The Chair will inquire, does the gentleman from Wisconsin (Mr. Zablocki) wish to exercise his right to allot time?
>
> MR. ZABLOCKI: The gentleman from Wisconsin reserves his time. I reserve the balance of my time.
>
> THE CHAIRMAN: The gentleman from Wisconsin has the right to terminate debate.

§ 7.24 Where a special rule equally divides debate on an amendment between the proponent and an opponent, and the manager of the bill (the chairman of the committee reporting the bill) has been recognized to control debate in opposition, he has the right to close debate on the amendment.

On Oct. 24, 1985,[3] during consideration of H.R. 3500 (Omnibus Budget Reconciliation Act of 1985) in the Committee of the Whole, the following exchange occurred:

> THE CHAIRMAN:[4] The gentleman from Pennsylvania has requested to utilize the balance of his time in closing, which under the precedents he would have the right to do.
>
> MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I have the right under the procedures of the House, since it is my amendment, to close the debate.
>
> THE CHAIRMAN: The Chair will state to the gentleman that the manager of the bill, under the precedents, has that right, and the Chair so rules.

—*Representative of Committee Position*

§ 7.25 The manager of the bill or other representative of the committee position and not the proponent of the

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20. 129 CONG. REC. 5792, 5793, 98th Cong. 1st Sess.

1. Mr. Zablocki was the manager of the bill and the proponent of the amendment to the amendment.

2. Matthew F. McHugh (N.Y.).

3. 131 CONG. REC. 28824, 99th Cong. 1st Sess.

4. E de la Garza (Tex.).

amendment has the right to close debate on an amendment on which debate has been limited and allocated in the Committee of the Whole.

On May 2, 1988,[5] the following proceedings occurred in the Committee of the Whole during debate on the Department of Defense authorization for fiscal year 1989 (H.R. 4264):

THE CHAIRMAN:[6] . . . It is now in order to consider the amendments relating to Central America printed in section 1 of the House Report 100–590, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) By Representative Foley, which is not subject to amendment except for an amendment offered by Representative Hunter;

(B) By Representative Lowry of Washington; and

(C) By Representative Markey.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Foley: At the end of title IX of division A (page 163, after line 6), insert the following new section: . . .

MR. [MIKE] LOWRY of Washington: Mr. Chairman, pursuant to the rule, I offer an amendment.

THE CHAIRMAN: The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Lowry of Washington: Page 167, strike out lines 6 and 7.

Page 170, line 20, insert ", minus $3,050,000" before "as follows". . . .

THE CHAIRMAN PRO TEMPORE:[7] Pursuant to the rule, the gentleman from Washington (Mr. Lowry) will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

MR. [G. V.] MONTGOMERY [of Mississippi]: Mr. Chairman, I oppose the amendment.

THE CHAIRMAN PRO TEMPORE: The gentleman from Mississippi (Mr. Montgomery) will be recognized for 5 minutes. . . .

The gentleman from Mississippi (Mr. Montgomery) has 2 minutes remaining and the gentleman from Washington (Mr. Lowry) has 30 seconds remaining.

MR. MONTGOMERY: Mr. Chairman, is it not appropriate that a member of the committee, and I being a representative of the committee, would have the opportunity to close debate?

THE CHAIRMAN PRO TEMPORE: The gentleman is correct.

§ 7.26 The minority manager of a bill representing the committee position on an amendment has the right to close debate in lieu of the proponent of the amendment.

On May 5, 1988,[8] during consideration of the Department of

5. 134 CONG. REC. 9633, 9637, 9638, 100th Cong. 2d Sess.

6. Dan Rostenkowski (Ill.).

7. Thomas J. Downey (N.Y.).

8. 134 CONG. REC. 9962, 100th Cong. 2d Sess.

Defense authorization for fiscal 1989 (H.R. 4264) in the Committee of the Whole, the following proceedings occurred:

MR. [NICHOLAS] MAVROULES [of Massachusetts]: Mr. Chairman, pursuant to the rule, I offer an amendment.

THE CHAIRMAN PRO TEMPORE:[9] The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Mavroules: Page 19, after line 11, insert the following new section: . . .

THE CHAIRMAN PRO TEMPORE: Under the rule, the gentleman from Massachusetts (Mr. Mavroules) will be recognized for 5 minutes and a member in opposition will be recognized for 5 minutes. . . .

Does the gentleman from Alabama (Mr. Dickinson) desire to speak in opposition?

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, it is my understanding I have the right to close.

THE CHAIRMAN PRO TEMPORE: Is the gentleman upholding the committee position?

MR. DICKINSON: I am opposing the amendment of the gentleman from Massachusetts which would, I assume, make me in the position of upholding it.

THE CHAIRMAN PRO TEMPORE: The question of who has the right to close would depend on who is espousing the cause of the committee.

MR. DICKINSON: I would assume that the Chair would rule the same on this issue as it did the last time I asked the question and that would mean I have the right to close.

THE CHAIRMAN PRO TEMPORE: The manager of the bill always has the right to close. In this case, since the gentleman is upholding the committee position, he would be entitled to close.

MR. DICKINSON: I am in the same position as the chairman was on the last amendment. I am opposing the amendment to the committee bill.

THE CHAIRMAN PRO TEMPORE: The Chair will assume the gentleman is representing the committee position. He is recognized for 5 minutes.

—*Position of Sequential Committee That Reported Text Being Amended*

§ 7.27 Where the Member controlling time in opposition to an amendment on which debate is limited represents the position of the sequential committee that reported the original text being amended, that Member qualifies as the manager of the pending portion of the bill and is entitled to close debate on the amendment, even over the proponent of the amendment representing the primary committee whose reported version had been replaced in the original text by the sequential committee's version.

9. Kenneth J. Gray (Ill.).

On June 15, 1989,[10] the Committee of the Whole had under consideration H.R. 1278, the Financial Institutions Reform, Recovery and Enforcement Act of 1989. The pending text had been reported as a Judiciary Committee amendment on sequential referral and by special rule was made original text. Thus, members of the Judiciary Committee defending the pending text, rather than members of the Banking Committee seeking by amendments to return to the pre-sequential text, were managers entitled to close controlled debate at this point.

MR. [DOUG] BARNARD [Jr., of Georgia] [of the Committee on Banking, Finance and Urban Affairs]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[11] The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Barnard:

Page 655, before line 21, insert the following new section (and redesignate subsequent sections and amend the table of contents accordingly):

SEC. 965. CRIMINAL DIVISION FRAUD SECTION REGIONAL OFFICES. . . .

THE CHAIRMAN: Under the rule, the gentleman from Georgia (Mr. Barnard) will be recognized for 20 minutes in support of his amendment, and the gentleman from Wisconsin (Mr. Kastenmeier [of the Committee on the Judiciary] will be recognized for 20 minutes in opposition to the amendment. . . .

Subsequently the Chair stated:

THE CHAIRMAN PRO TEMPORE: The gentleman from Georgia (Mr. Barnard) has 4 minutes remaining. The gentleman from Wisconsin (Mr. Kastenmeier) has 9 minutes remaining.

The Chair will rule that because this section of the bill did come from the Judiciary Committee that the gentleman from Wisconsin (Mr. Kastenmeier) in effect is managing this part of the legislation, so the gentleman from Wisconsin will be allowed to close debate. . . .

The question is on the amendment offered by the gentleman from Georgia (Mr. Barnard).

The amendment was agreed to.

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN PRO TEMPORE: The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Annunzio: Page 637, strike out line 22 and all that follows through page 638, line 9, and insert in lieu thereof the following (and redesignate the subsequent paragraph accordingly):

(b) Amount of Penalty.—

(1) Generally.—The amount of the civil penalty shall not exceed $1,000,000. . . .

MR. ANNUNZIO: . . . The Subcommittee on Financial Institutions, which I Chair, did everything in its

10. 135 CONG. REC. 12080, 12081, 12084, 12085, 12087, 101st Cong. 1st Sess.

11. G. V. (Sonny) Montgomery (Miss.).

power to ensure that such crooks got their due—we imposed long prison terms and large penalties for taking advantage of the American taxpayer. The Full Banking Committee, by a 49-to-2 vote, strongly endorsed these provisions. However, the Judiciary Committee has decided to lessen some of these penalties. . . .

THE CHAIRMAN PRO TEMPORE: The gentleman from Illinois (Mr. Annunzio) has 7 minutes remaining and the gentleman from New Jersey (Mr. Hughes) [from the Committee on the Judiciary] has 13 minutes remaining.

The Chair will inform the two managers of the time that under a ruling of the Chair, because this section was handled by the Committee on the Judiciary, the gentleman from New Jersey will have the privilege of closing the debate.

—*Member Controlling Time in Opposition*

§ 7.28 Where debate time has been limited on an amendment and all amendments thereto and equally divided between proponents and opponents, the manager of the bill if he controls time in opposition to the amendments has the right to close debate.

During consideration of the Legal Services Corporation Act Amendments of 1981 (H.R. 3480) in the Committee of the Whole on June 18, 1981,[12] an amendment was offered to the bill, as follows:

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kazen: Page 12, strike out lines 10 through 16 and insert in lieu thereof the following:

"(11) to provide legal assistance for or on behalf of any alien who has not been lawfully admitted for permanent residence in the United States unless the residence of the alien in the United States is authorized by the Attorney General; or . . .

THE CHAIRMAN:[13] Under the prior agreement, by unanimous consent, the Chair allocates 15 minutes to the gentleman from New Jersey (Mr. Rodino) in opposition to this amendment. . . .

The Chair will advise that the gentleman from Texas (Mr. Kazen) has 2 minutes remaining. . . .

The gentleman from New Jersey (Mr. Rodino) has 1 minute remaining.

The gentleman from New Jersey (Mr. Rodino) has the right to conclude debate.

§ 7.29 The Member controlling the time in opposition to an amendment, and not the proponent thereof, is entitled to close debate on the amendment in the Committee of the Whole, under a special rule allocating control of time.

During consideration of House Concurrent Resolution 280 (the first budget resolution for fiscal year 1985 and revising the budget

12. 127 CONG. REC. 12969, 12970, 12976, 12977, 97th Cong. 1st Sess.

13. Matthew F. McHugh (N.Y.).

resolution for 1984) in the Committee of the Whole on Apr. 5, 1984,[14] the following exchange occurred:

MR. [JULIAN C.] DIXON [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute, designated No. 4, consisting of the text of House Concurrent Resolution 281.

THE CHAIRMAN:[15] The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. Dixon: Strike out all after the resolving clause and insert in lieu thereof the following: . . .

THE CHAIRMAN: Pursuant to House Resolution 476, the amendment is considered as having been read.

The gentleman from California (Mr. Dixon) will be recognized for 1 hour and a Member opposed will be recognized for 1 hour.

The Chair now recognizes the gentleman from California (Mr. Dixon) for 1 hour. . . .

MR. DIXON: Mr. Chairman, I inquire of the Chair as to what time is left on both sides.

THE CHAIRMAN: The gentleman from California (Mr. Dixon) has 14 minutes remaining; the gentlewoman from California (Ms. Fiedler) has 21 minutes remaining.

MR. DIXON: Mr. Chairman, I believe I am entitled to close. I do not know if the other side intends to use all of their time.

THE CHAIRMAN: The gentleman is incorrect. The opposition is entitled to close.

§ 7.30 The minority manager of a bill recognized to control the time on behalf of the committee in opposition to an amendment (where debate has been limited and divided) has the right to close the debate on the amendment.

On June 29, 1984,[16] during consideration of H.R. 3678 (Water Resources, Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983) in the Committee of the Whole, Chairman Sam B. Hall, of Texas, responded to a parliamentary inquiry regarding closing debate. The proceedings were as follows:

MR. [BOB] EDGAR [of Pennsylvania]: Mr. Chairman, if the gentleman would yield, I would suggest that we could probably do it in 30 minutes equally divided, 15 minutes for the gentleman from Kentucky (Mr. Hopkins) and 15 minutes for the gentleman from Kentucky (Mr. Snyder) by dividing up the time I think we could probably cover the speakers who wish to speak.

MR. [ROBERT A.] ROE [of New Jersey]: I would have no objection to that.

14. 130 CONG. REC. 7908, 7911, 7913, 98th Cong. 2d Sess.

15. John J. Moakley (Mass.).

16. 130 CONG. REC. 20250, 20253, 98th Cong. 2d Sess.

Mr. Chairman, I ask unanimous consent that the debate conclude at 5:30 and the time be equally divided between Mr. Snyder and Mr. Hopkins.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MR. [LARRY J.] HOPKINS [of Kentucky]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. HOPKINS: Mr. Chairman, since it is my amendment, would it be improper for me to close out the debate on this issue?

THE CHAIRMAN: The gentleman from Kentucky (Mr. Snyder), closes on behalf of the committee.

§ 7.31 Where debate under the five-minute rule in Committee of the Whole has been limited, and controlled by the proponent and an opponent, the opponent of an amendment has the right to close debate if he represents the committee managing the bill.

During consideration of H.R. 1460 (expressing United States opposition to the system of apartheid in South Africa) in the Committee of the Whole on June 5, 1985,[17] the following proceedings occurred:

THE CHAIRMAN:[18] Under the rule, the gentleman from California (Mr. Dellums) will be recognized for 30 minutes and a Member opposed to the amendment will be recognized for 30 minutes.

Is the gentleman from Michigan (Mr. Siljander) opposed to the amendment?

MR. [MARK] SILJANDER [of Michigan]: I am, Mr. Chairman.

THE CHAIRMAN: The gentleman from Michigan (Mr. Siljander) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Dellums). . . .

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, is it customary that the offeror of the amendment close the debate?

THE CHAIRMAN: The Chair would advise the gentleman that the gentleman from Michigan (Mr. Siljander) is in fact representing the committee which opposes the gentleman's amendment, so, therefore, he would have a procedural right to close debate on the amendment.

§ 7.32 Where debate has been limited on an amendment in Committee of the Whole and control allocated between a proponent and an opponent who represents the committee majority reporting the bill, the Member controlling the time in opposition has the right to close debate.

On July 10, 1985,[1] during consideration of H.R. 1555 (International Security and Develop-

17. 131 CONG. REC. 14293, 14302, 99th Cong. 1st Sess.

18. E de la Garza (Tex.).

1. 131 CONG. REC. 18496, 99th Cong. 1st Sess.

ment Cooperation Act of 1985) in the Committee of the Whole, the following exchange occurred:

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Chairman, if I may pose a parliamentary inquiry. I thought I had the right to close the debate on this side; is that not right?

THE CHAIRMAN:[2] The Chair will state that the gentleman from Michigan (Mr. Wolpe) has the right to close debate.

MR. BROOMFIELD: It is our amendment, Mr. Chairman.

THE CHAIRMAN: It may be the gentleman's amendment, but the committee that is managing the bill has the right to close debate.

—*Member of Committee*

§ 7.33 A member of the committee in charge of a bill is entitled to close debate on an amendment under consideration in the Committee of the Whole.

On May 22, 1956,[3] Chairman Jere Cooper, of Tennessee, ruled that a member of the Committee on Appropriations, which reported and was in charge of the pending bill, H.R. 11319, was entitled to close debate on a pending amendment:

THE CHAIRMAN: Under the unanimous-consent agreement, the Chair recognizes the gentleman from New York (Mr. Cole) [to open debate].

MR. [W. STERLING] COLE: Mr. Chairman, I understood that I was to have 5 minutes to close the debate on this amendment.

THE CHAIRMAN: The Chair was not of that understanding. It is the understanding of the Chair that the gentleman from New York (Mr. Taber) would have 5 minutes to close the debate.

MR. COLE: The request was that the gentleman from New York will close the debate. I also qualify under that characterization, being in support of the amendment; and, under the rules of the House, it is my understanding that I would be recognized to close the debate.

THE CHAIRMAN: The Chair will advise the gentleman from New York that a member of the committee is entitled to close the debate if he so desires.

Does the gentleman from New York (Mr. Taber) desire to be recognized to close the debate?

MR. [JOHN] TABER: I desire to close.

THE CHAIRMAN: The Chair recognizes the gentleman from New York (Mr. Cole).

§ 7.34 A member of the committee reporting a bill who supports the committee position and has been recognized to control the time in opposition to an amendment has the right to close the debate thereon.

On Aug. 14, 1986,[4] during consideration of the Department of

2. Les AuCoin (Oreg.).
3. 102 CONG. REC. 8741, 84th Cong. 2d Sess.
4. 132 CONG. REC. 21714, 21718, 99th Cong. 2d Sess.

Defense authorization for fiscal 1987 (H.R. 4428) in the Committee of the Whole, Chairman Pro Tempore Marty Russo, of Illinois, responded to a parliamentary inquiry, as indicated below:

THE CHAIRMAN PRO TEMPORE: Under the rule, the gentleman from Illinois (Mr. Savage) will be recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes.

The Chair will recognize the distinguished gentleman from Alabama (Mr. Dickinson) for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Savage). . . .

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. DICKINSON: Mr. Chairman, does not the gentleman have the right to close, as the proponent?

THE CHAIRMAN PRO TEMPORE: The Chair will state that under the rules, a member of the committee supporting the committee's position has the right to close. The gentleman from Alabama (Mr. Dickinson) has the right to close.

§ 7.35 The chairman of the committee managing the bill representing the committee position has the right to close debate on an amendment in the Committee of the Whole.

The following proceedings occurred in the Committee of the Whole on May 5, 1988,[5] during consideration of the Department of Defense authorization for fiscal 1989 (H.R. 4264):

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I have the right to close debate, it is my understanding, since this is my amendment and it is not against the committee position.

THE CHAIRMAN PRO TEMPORE:[6] The gentleman from Wisconsin (Mr. Aspin) has the right to close debate on behalf of the committee.

MR. DICKINSON: He is not representing the committee position, Mr. Chairman.

MR. [LES] ASPIN [of Wisconsin]: On this amendment, the gentleman from Wisconsin is representing the committee position, which is to be against the Dickinson amendment.

THE CHAIRMAN PRO TEMPORE: The gentleman from Wisconsin (Mr. Aspin), chairman of the committee, does have the right to close debate.

—Member of Committee Offering Amendment Representing Committee Position

§ 7.36 Under Rule XIV, clause 6, a member of the committee reporting a bill offering an amendment thereto which represents the committee position, and not another member of the committee recognized in opposition thereto, is entitled to close debate thereon.

During consideration of the Department of Defense authorization

5. 134 CONG. REC. 9961, 100th Cong. 2d Sess.

6. Kenneth J. Gray (Ill.).

for fiscal year 1987 (H.R. 4428) in the Committee of the Whole on Aug. 14, 1986,[7] the following proceedings occurred:

MR. [G. V.] MONTGOMERY [of Mississippi]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN PRO TEMPORE:[8] The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Montgomery: At the end of title V of division A (page 103, after line 6), add the following new section: . . .

THE CHAIRMAN PRO TEMPORE: Under the rule, the gentleman from Mississippi (Mr. Montgomery) will be recognized for 5 minutes, and a Member of the Committee opposed to the amendment will be recognized for 5 minutes.

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Chairman, I am opposed to the amendment.

THE CHAIRMAN PRO TEMPORE: The gentlewoman from Colorado (Mrs. Schroeder) will be recognized for 5 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. Montgomery).

MR. MONTGOMERY: Mr. Chairman, I yield myself 2 minutes, and I would like to reserve the last minute of the debate for my closing argument.

THE CHAIRMAN PRO TEMPORE: The Chair will state to the gentleman from Mississippi that under the procedure adopted by the Committee, a Member of the committee who is in opposition to the amendment has been recognized to close the debate. . . .

MR. MONTGOMERY: Mr. Chairman, I have a point of order.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. MONTGOMERY: Mr. Chairman, the Member that is opposing this amendment is not reflecting the committee's position. That is not the will of the committee. I am on the committee myself, and I think it is my amendment and I have the right to close the debate. This is not the committee's position at all.

THE CHAIRMAN PRO TEMPORE: The Chair will inform the gentleman from Mississippi that the Member who is entitled to close the debate would be a member of the committee who supports the committee's position. Is the gentleman in support of the committee's position?

MR. MONTGOMERY: Yes, Mr. Chairman; I support the committee position. I am for the amendment, so, therefore, I think I have the right to close debate.

THE CHAIRMAN PRO TEMPORE: If there is no committee position on the amendment, then the gentleman is entitled to close debate.

MR. MONTGOMERY: . . . Mr. Chairman, I yield myself 2 minutes and 30 seconds, and I reserve the balance of my time.

THE CHAIRMAN PRO TEMPORE: The gentleman from Mississippi (Mr. Montgomery) is recognized for 2½ minutes.

—Proponent of Amendment Where There Is No Manager

§ 7.37 Where an unreported joint resolution was being

7. 132 CONG. REC. 21660, 99th Cong. 2d Sess.

8. Marty Russo (Ill.).

considered under a special "modified closed" rule in Committee of the Whole permitting no general debate and the consideration of only two amendments in the nature of a substitute with debate thereon divided between a proponent and an opponent, the proponents of the amendments were permitted to open and close debate pursuant to clause 6 of Rule XIV, since there was no "manager" of the joint resolution.

The following proceedings occurred in the Committee of the Whole on Apr. 24, 1985,[9] during consideration of House Joint Resolution 247 (to promote United States assistance in Central America):

THE CHAIRMAN:[10] No amendments are in order except the following amendments, which shall be considered as having been read, shall be considered only in the following order, and shall not be subject to amendment: First, the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Hamilton of Indiana; and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by Representative Hamilton and a member opposed thereto; and second, the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Michel or his designee, and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by Representative Michel or his designee and a Member opposed thereto.

For what purpose does the gentleman from Indiana (Mr. Hamilton) rise?

MR. [LEE H.] HAMILTON [of Indiana]: Mr. Chairman, pursuant to the rules, I offer an amendment in the nature of a substitute.

THE CHAIRMAN: The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

> Amendment in the nature of a substitute offered by Mr. Hamilton: Strike out all after the resolving clause and insert in lieu thereof the following: . . .

THE CHAIRMAN: The gentleman from Michigan (Mr. Broomfield) has 6 minutes remaining, and the gentleman from Indiana (Mr. Hamilton) has 6 minutes remaining.

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: . . . I yield my remaining time to the gentleman from Mississippi (Mr. Lott). . . .

MR. HAMILTON: Mr. Chairman, I yield the remaining time, 6 minutes, to the chairman of the Subcommittee on Central America and Latin America, the gentleman from Maryland (Mr. Barnes). . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, pursuant to the rule, I

9. 131 CONG. REC. 9206, 9228, 9230–32, 9253, 9255, 99th Cong. 1st Sess.

10. George E. Brown, Jr. (Calif.).

offer an amendment in the nature of a substitute.

THE CHAIRMAN: The Clerk will designate the amendment in the nature of a substitute. . . .

Pursuant to House Resolution 136, the amendment is considered as having been read.

The gentleman from Illinois (Mr. Michel) will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour. . . .

MR. MICHEL: Mr. Chairman, I should like to designate the gentleman from Michigan (Mr. Broomfield) to make the allocation of time on our side of the aisle.

THE CHAIRMAN: The gentleman from Michigan (Mr. Broomfield) is designated to control the time for the gentleman from Illinois (Mr. Michel). . . .

The gentleman from Michigan (Mr. Broomfield) has 7 minutes remaining, and the gentleman from Maryland (Mr. Barnes) has 6¼ minutes remaining.

MR. [MICHAEL D.] BARNES [of Maryland]: Mr. Chairman, we have three very brief speakers. . . .

MR. BROOMFIELD: Mr. Chairman, I would like at this time now to yield the balance of our time to the minority leader, the gentleman from Illinois (Mr. Michel). . . .

THE CHAIRMAN: The time of the gentleman from Illinois (Mr. Michel) has expired. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. Michel).

Parliamentarian's Note: Ordinarily in Committee of the Whole under the five-minute rule, notwithstanding clause 6 of Rule XIV which permits the proponent of a proposition to close debate, the manager of the bill under the precedents is given the right to close debate on an amendment and clause 6 applies only to debate in the House. But in the above instance, there was no manager of the bill under the special rule.

—*No Committee Position in Opposition to Amendment*

§ 7.38 Where no representative from the reporting committee opposes an amendment to a multi-jurisdictional bill, the proponent of the amendment may close debate.

On Mar. 9, 1995,[11] the Committee of the Whole had under consideration H.R. 956, the Common Sense Legal Standards Reform Act of 1995. A parliamentary inquiry arose concerning the right to close debate on an amendment:

THE CHAIRMAN:[12] The Chair will inform the committee that the gentleman from Ohio (Mr. Oxley) is entitled to close debate.

MR. [MELVIN L.] WATT of North Carolina: Mr. Chairman, I have a parliamentary inquiry.

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

12. David Dreier (Calif.).

THE CHAIRMAN: The gentleman will state his inquiry.

MR. WATT of North Carolina: My inquiry has to do with why the gentleman on that side has the right to close debate. We are defending the committee position on this side this time.

THE CHAIRMAN: If the Chair might respond to the inquiry, the gentleman from Ohio is the author of the amendment and there is no official committee position that is being represented here by opposition to the amendment. So the gentleman from Ohio is entitled to close debate on the amendment.

—Proponent of Amendment Where Manager Does Not Oppose Amendment

§ 7.39 While the member of the managing committee controlling debate in opposition to an amendment and substitute therefor, if opposed by the committee, has the right to close debate thereon, the proponent of an amendment (consistent with clause 6, Rule XIV) has the right to close debate if the committee manager does not oppose the amendment or substitute.

The following proceedings occurred in the Committee of the Whole on Aug. 15, 1986,[13] during consideration of the Department of Defense authorization for fiscal 1987 (H.R. 4428):

THE CHAIRMAN PRO TEMPORE:[14] The gentleman from Vermont (Mr. Jeffords) has 4 minutes remaining, the gentleman from Alabama (Mr. Dickinson) has 5 minutes remaining, and the gentleman from California (Mr. Hawkins) has 10½ minutes remaining. . . .

Because there is no committee position on this amendment, under the rules of the House, the proponent of the amendment has the right to close debate.

So, on this amendment, the gentleman from California (Mr. Hawkins), will have the right to close debate.

When we get to the Dickinson substitute, again, there is no committee position, and the gentleman from Alabama (Mr. Dickinson), would have the right to close debate.

So, in fairness to both sides, the gentleman from California (Mr. Hawkins) will have the right to close on this amendment, and the gentleman from Alabama (Mr. Dickinson) will have the right to close on his amendment.

§ 7.40 While ordinarily the manager of a bill and not the proponent of an amendment has the right to close debate on an amendment on which debate time has been limited and allocated under the five-minute rule in the Committee of the Whole, the proponent of an amendment

13. 132 CONG. REC. 22056, 22057, 99th Cong. 2d Sess.

14. Marty Russo (Ill.).

may close, pursuant to clause 6 of Rule XIV, where the manager of the bill or his designee is not controlling time in opposition.

On June 12, 1985, the Committee of the Whole had under consideration H.R. 2577, supplemental appropriations for fiscal 1986, pursuant to a "modified closed" rule which limited and divided debate on a specified amendment and two amendments thereto. Mr. Joseph M. McDade, of Pennsylvania, offered an amendment[15] under the rule, to which Mr. Edward P. Boland, of Massachusetts, rose in opposition.[16] Subsequently, in response to Mr. McDade's inquiry, the Chair[17] indicated that Mr. McDade would be allowed to close debate.[18]

Mr. Boland could not be identified as the "manager" of the bill in this context since he had been the proponent of an unsuccessful amendment[19] to the McDade amendment under the rule, and had not been designated by the chairman of the Committee on Appropriations, Mr. Jamie L. Whitten, of Mississippi, as the manager of the bill during debate on the McDade amendment, but was merely an opponent of the amendment. The proceedings were as follows:

> MR. WHITTEN: Mr. Speaker, I move 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. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes. . . .
>
> The motion was agreed to. . . .
>
> THE CHAIRMAN: . . . Pursuant to House Resolution 186 and today's unanimous-consent agreement, no amendments are in order except the following amendments which shall be considered in the following order only, shall be considered as having been read, shall not be subject to amendment except as specified, and shall be in order even if amending a portion of the bill already passed in the reading of the bill for amendment:
>
> First. The amendment printed in the Congressional Record of June 5, 1985, by Representative Michel, if offered by Representative Michel or Representative McDade, which shall be debatable for 2 hours and 20 minutes, to be equally divided and controlled by the proponent and a Member opposed thereto, and after 2 hours of debate shall be subject to the following two amendments:
>
> Second. The amendment printed in the Congressional Record of June 5, 1985, by, and if offered by, Representative Boland, which shall be debatable

15. 131 CONG. REC. 15380, 99th Cong. 1st Sess.

16. *Id.* at p. 15383.

17. George E. Brown, Jr. (Calif.).

18. 131 CONG. REC. 15432, 99th Cong. 1st Sess.

19. *Id.* at pp. 15408, 15420.

for 1 hour, to be equally divided and controlled by Representative Boland and a Member opposed thereto; . . .

MR. MCDADE: Mr. Chairman, I offer an amendment. . . .

> Amendment offered by Mr. McDade: Page 44, after line 23, insert the following:
>
> For an additional amount for humanitarian assistance . . . to the Nicaraguan democratic resistance, $27,000,000. . . .

THE CHAIRMAN: For what purpose does the gentleman from Massachusetts (Mr. Boland) rise?

MR. BOLAND: Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN: Under the rule, the gentleman from Massachusetts (Mr. Boland) is recognized for 1 hour. . . .

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. MCDADE: Mr. Chairman, I believe that I have the right to close debate. May I say to the Chair that it is my amendment, and I believe as author of the amendment, I have the right to close debate.

THE CHAIRMAN: Under the present circumstances, the Chair agrees with the gentleman that he should be allowed to close.

§ 7.41 Normally the manager of the bill, and not the proponent of an amendment under the five-minute rule, has the right to close debate on the amendment; but where a special rule adopted by the House permits the manager of the bill or his designee to offer an amendment consisting of the text of another bill reported from the reporting committee, and that amendment is not opposed by the manager, the proponent has the right to close debate.

On Aug. 5, 1986,[20] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 4428 (Department of Defense authorization for fiscal 1987):

> THE CHAIRMAN:[1] . . . Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Armed Services . . . is considered by titles as an original bill for the purpose of amendment under the 5-minute rule.
>
> Before the consideration of any other amendments, it shall be in order to consider the amendments designated in section 2 of House Resolution 523. . . .
>
> First, an amendment inserting a new Division D in the committee substitute, as modified, containing the text of the committee amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in H.R. 4370 if offered by the chairman of the Committee on Armed Services or his designee. . . .
>
> MR. [WILLIAM] NICHOLS [of Alabama]: Mr. Chairman, I have been des-

20. 132 CONG. REC. 19031, 19039, 19053, 99th Cong. 2d Sess.

1. Kenneth J. Gray (Ill.).

ignated by the chairman of the Committee on Armed Services to offer an amendment made in order under the rule.

THE CHAIRMAN: The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. Nichols: Page 353, after line 10, insert the following new division (and redesignate division D as division E):
>
> DIVISION D—DEPARTMENT OF DEFENSE REORGANIZATION. . . .

THE CHAIRMAN: Pursuant to House Resolution 523, the gentleman from Alabama (Mr. Nichols) will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I am opposed to the legislation.

THE CHAIRMAN: The Chair will then recognize the gentleman from New York (Mr. Stratton) for 1 hour. . . .

MR. NICHOLS: Mr. Chairman, I would request that 30 minutes of my time be yielded to the ranking minority member of my subcommittee, the gentleman from Kentucky (Mr. Hopkins). . . .

THE CHAIRMAN PRO TEMPORE: The Chair wishes to state that the gentleman from Kentucky (Mr. Hopkins) has 4 minutes remaining; the gentleman from Alabama (Mr. Nichols) has 6½ minutes remaining; and the gentleman from Alabama (Mr. Nichols) is entitled to close the debate. The gentleman from New York (Mr. Stratton) has 36½ minutes remaining.

—Unanimous Consent To Vary Regular Order

§ 7.42 By unanimous consent the Committee of the Whole may vary the regular order of recognition to close debate on an amendment; thus, although the manager of a bill has the right to close controlled debate on an amendment thereto, the Committee of the Whole has by unanimous consent varied that practice.

During consideration of the Defense Savings Act of 1988 (H.R. 4481) in the Committee of the Whole on July 12, 1988,[2] the following proceedings occurred:

> MR. [WILLIAM L.] DICKINSON [of Alabama]: I think that the rule provides a division of time of all those standing and who want to speak. But if it would be proper, Mr. Chairman, I would so move that limitation of time would be within 30 minutes of the present time, the time to be divided equally by the proponents and opponents and that the gentleman from Texas, the author of the amendment, be allowed to close debate.
>
> MR. [DENNIS M.] HERTEL [of Michigan]: . . . I have no problem with the gentleman closing debate. I just do not know if it is proper to put it in a motion. I have no objection to him being the last person to speak. . . .

2. 134 CONG. REC. 17767, 100th Cong. 2d Sess.

THE CHAIRMAN:[3] The gentleman . . . has made a motion. He has moved. But the gentleman should make a unanimous-consent request to allocate time.

MR. DICKINSON: Mr. Chairman, I would ask unanimous consent that all debate on this amendment and all amendments thereto close within 30 minutes, that the 30 minutes be divided half and half between the proponents and the opponents and that the gentleman from Texas be allowed to close.

MR. [G. V.] MONTGOMERY [of Mississippi]: Mr. Chairman, reserving the right to object, I agree with the gentleman's first part with respect to 30 minutes but over the years the House procedure is I believe, and I will have the Chair correct me if I am wrong, that when an amendment is offered and the chairman of the committee objects to that amendment, that he has the right to close debate. Is that proper?

THE CHAIRMAN: Normally when the Committee of the Whole divides the time on an amendment the person handling the bill, the chairman, has the right to end the debate. That is normal.

There has been a unanimous-consent request to alter that, which can be done, to permit the gentleman from Texas to close the debate.

MR. MONTGOMERY: Mr. Chairman, I will not object. I withdraw my reservation of objection. The chairman has no problem with it.

THE CHAIRMAN: Then without objection the unanimous-consent request is granted. All time on the amendment of the gentleman from Texas (Mr. Armey) and all amendments thereto will expire 30 minutes from now; that under the unanimous-consent request the gentleman from Michigan (Mr. Hertel) will be recognized to control time for 15 minutes as an opponent of the amendment and the gentleman from Texas (Mr. Armey) will be recognized for 15 minutes as the proponent of the amendment.

3. Harold L. Volkmer (Mo.).

§ 8. In General; Seeking Recognition

In order to address the House or speak in relation to any matter, or to make a motion or objection, a Member must first secure recognition from the Speaker in the House or from the Chairman in the Committee of the Whole. Rule XIV clause 1 provides the proper method of seeking recognition:

> When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.[4]

4. *House Rules and Manual* § 749 (1995). For parliamentary law on seeking recognition, see Jefferson's Manual, *House Rules and Manual* § 354 (1995). Proper forms of address are discussed in § 42, infra.

As indicated by the rule, a recognized Member may be taken off the floor by a point of order that he is indulging in disorderly or irrelevant language.[5]

A Member may not be interrupted without his consent or taken off his feet for ordinary motions.[6] A Member seeking to interrupt another must secure recognition from the Chair, and the remarks of a Member who has not gained recognition may be stricken from the Record.[7]

Rule XIV clause 2 provides:

> When two or more Members rise at once, the Speaker shall name the Member who is first to speak. . . .[8]

Under the rule, the Speaker or the Chairman of the Committee of the Whole has the power and discretion to determine who will be recognized, and for what purpose.[9] To determine a Member's claim to the floor, the Chair may ask for what purpose a Member rises, and recognition is granted only for the specific purpose indicated.[10]

The Chair's power of recognition is not unlimited, and recognition or refusal thereof may be dictated by House rule or by established practice and precedent.[11]

Recognition is governed in specific instances and in specific parliamentary situations by principles and rules too extensive to be completely covered in this chapter. The reader is advised to consult those portions of this work dealing with the order of business, with motions, and with the relative privilege of motions and questions.

Except at the convening of the Congress, a Member-elect (such as one elected to fill a vacancy) may not be recognized until he has been administered the oath.

Cross References

Effect of special orders on recognition, see § 28, infra.

Interruption of Member with the floor, see § 32, infra.

Manner of address and interruptions generally, see § 42, infra.

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5. See §§ 43 et seq., infra, for disorderly language and §§ 35 et seq., infra, for relevancy in debate.

6. See § 32, infra, for control of debate and interruptions of a Member with the floor.

7. See §§ 8.2, 8.3, 8.10, infra.

8. *House Rules and Manual* § 753 (1995). This rule modified the parliamentary practice that the Member who first rises has the right to be recognized [see Jefferson's Manual, *House Rules and Manual* § 393 (1995)].

9. See, generally, § 9, infra.

10. See §§ 8.9, 8.12, 8.13, infra.

11. For limitations on recognition, see § 11, infra. The order of recognition in specific parliamentary situations is discussed in §§ 12–15, infra.

Recognition before adoption of rules, see Ch. 1, supra.

Recognition in voting, see Ch. 30, infra.

Recognition on questions of privilege, see Ch. 11, supra.

Recognition in relation to quorums and calls of the House, see Ch. 20, supra.

Recognition for specific motions and questions, see §§ 16 et seq., infra.

Member Must Seek Recognition To Obtain Floor

§ 8.1 No Member has the floor until the Chair has recognized him for the purpose of proceeding.

For example, on Mar. 16, 1934,[12] Speaker Henry T. Rainey, of Illinois, ruled that until a Member seeking to make an announcement or to proceed in debate had been recognized by the Chair for that purpose, the Member could not proceed:

> MR. [WILLIAM P.] CONNERY [Jr., of Massachusetts]: Mr. Speaker, the gentleman from Rhode Island, Mr. Condon, and the gentleman from New York, Mr. Mead, are unavoidably absent. If they were here, they would vote "aye."
>
> MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. SNELL: Is there any provision in the rules for such an announcement as has just been made by the gentleman from Massachusetts?
>
> THE SPEAKER: There is no provision in the rules for an announcement of that character.
>
> MR. SNELL: I make the point of order that the gentleman is out of order. If the rules are going to be invoked, let us abide by all of them.
>
> THE SPEAKER: The point of order is sustained.
>
> MR. CONNERY: Mr. Speaker, the Chair just ruled that all remarks uttered on the floor of the House must go in the Record; therefore my announcement must go in the Record.
>
> THE SPEAKER: The Chair cannot recognize the gentleman for that purpose under the rules.
>
> MR. [CARL E.] MAPES [of Michigan]: Mr. Speaker, I make the point of order that a Member has no right to make a speech until he is recognized by the Chair.
>
> THE SPEAKER: The point of order is sustained.

§ 8.2 The Speaker has repeatedly ruled that under the rules and procedures of the House a Member who wishes to interrupt another who has the floor must first obtain recognition from the Chair.

On June 7, 1961,[13] while Mr. Clare E. Hoffman, of Michigan,

12. 78 CONG. REC. 4691, 73d Cong. 2d Sess. See also 78 CONG. REC. 4700, 73d Cong. 2d Sess., Mar. 16, 1934; 77 CONG. REC. 2413, 73d Cong. 1st Sess., Apr. 26, 1933.

13. 107 CONG. REC. 9681, 87th Cong. 1st Sess.

had the floor, he yielded to Mr. Albert Thomas, of Texas, who thereafter attempted to interrupt Mr. Hoffman and to yield to a third Member. Mr. Hoffman made a point of order:

> Mr. Chairman, I make a point of order. It has become customary here—and I only make this because having served under Speaker Byrns, a man of great ability and dignity who said there was a rule in effect—that Members had to address the Chair or the Speaker before making a request that the Member speaking could yield to anyone. Is that right?
>
> THE CHAIRMAN:[14] That is the rule and practice of the House and Committee.
>
> MR. HOFFMAN of Michigan: Pardon me, then. I had not noticed that the practice was being observed.

Similarly, on July 16, 1935,[15] Speaker Joseph W. Byrns, of Tennessee, ruled as follows on a point of order:

> The point of order has already been made, and the Chair is about to make a ruling. . . .
>
> The rules of the House provide that Members of the House shall observe proper decorum in debate. This is the only way in which matters may be discussed in a sound, sensible, sane manner, and a proper conclusion arrived at. Those Members particularly who have been here for years, it seems to the Chair, should be doubly careful to strictly conform to the rule.
>
> The rules provide that when a Member rises to interrupt another he shall address the Chair and do it respectfully and secure the consent of the Member who is talking.

The Speaker then cited Rule XIV clause 1, governing the subject of address.[16]

The Speaker has ruled on numerous other occasions that it is not in order in debate for a Member to interrupt another who has the floor without first addressing the Chair and obtaining consent of the Member who has the floor.[17]

—*Remarks of Member Not Recognized May Be Stricken*

§ 8.3 Members are required to seek recognition from the Chair in order to question a Member or address the House, and the remarks of Members who have not secured recognition are not included in the Record.[18]

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14. Richard Bolling (Mo.).

15. 79 CONG. REC. 11256, 74th Cong. 1st Sess.

16. See *House Rules and Manual* § 749 (1995).

17. See also 102 CONG. REC. 11455, 84th Cong. 2d Sess., June 29, 1956; 83 CONG. REC. 591, 592, 75th Cong. 3d Sess., Jan. 15, 1938; 80 CONG. REC. 2201, 74th Cong. 2d Sess., Feb. 17, 1936; 80 CONG. REC. 1665, 1666, 74th Cong. 2d Sess., Feb. 7, 1936; 79 CONG. REC. 5461, 74th Cong. 1st Sess., Apr. 11, 1935; and 78 CONG. REC. 10630, 73d Cong. 2d Sess., June 6, 1934.

18. See, for example, 91 CONG. REC. 10032, 79th Cong. 1st Sess., Oct. 24,

On Apr. 14, 1936,[19] Speaker Joseph W. Byrns, of Tennessee, ruled in response to a point of order that remarks made by a Member without having secured recognition from the Chair are properly deleted from the *Congressional Record:*

MR. [THOMAS L.] BLANTON [of Texas]: I make the point of order that when a Member is speaking on the floor, as the gentleman from New York was yesterday, and someone attempts to interrupt him and he states he refuses to yield, and he does not yield, no Member then has the right to make remarks and to put them in the Record without being recognized by the Chair or getting permission of the House.

I think the gentleman from New York would have been well within his rights if he had taken a pencil and wiped out the remarks himself, because the gentleman from Washington did not have any right to make a remark in the Record unless he got permission of the House or permission of the Chair. Mr. Speaker, I make that point of order. . . .

THE SPEAKER: The Chair may say to the gentleman that no Member of the House has the right to have his remarks inserted in the Record unless he has obtained the consent of the House or the Chair or the gentleman addressing the House.

The present occupant of the chair was not presiding at the time, but the Chair understands from the gentleman from Washington (Mr. Zioncheck) that when he asked the gentleman from New York (Mr. Boylan) for permission to interrupt him the gentleman from New York declined to yield. Thereupon the gavel fell, and the gentleman's remarks were made after the gavel had fallen and without recognition from the Chair or the permission of the gentleman from New York.

MR. [MARION A.] ZIONCHECK: That is right. I admit I was wrong.

THE SPEAKER: The Chair, under such circumstances, holds that the remarks were not proper for the Record.

On Apr. 19, 1937,[20] Speaker William B. Bankhead, of Alabama, stated in response to a parliamentary inquiry by Mr. Edward W. Curley, of New York, that the Speaker could order stricken, from the notes of the reporters of debates, the remarks of a Member who had not been recognized and to whom the Member having the floor had declined to yield:

THE SPEAKER: This is a rather important inquiry that the gentleman

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1945 (making point of order); 81 CONG. REC. 3588, 75th Cong. 1st Sess., Apr. 19, 1937 (interjecting remarks into another's speech); and 79 CONG. REC. 11256, 74th Cong. 1st Sess., July 16, 1935 (interrogating Member having the floor).

See Rule XIV clause 1, *House Rules and Manual* § 749 (1995): "When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to 'Mr. Speaker,' and, on being recognized, may address the House from any place on the floor or from the Clerk's desk. . . ."

19. 80 CONG. REC. 5478, 74th Cong. 2d Sess.

20. 81 CONG. REC. 3588, 3589, 75th Cong. 1st Sess.

from New York (Mr. Curley) has submitted. It has not been raised, so far as the Chair recalls, during the present session of Congress. In order that the rights of Members may be protected, and that the Members may know what the rules and precedents are with respect to this proposition, the Chair will read from section 3466, volume 8, of Cannon's Precedents of the House of Representatives, the following statement:

> The Speaker may order stricken from the notes of the reporters remarks made by Members who have not been recognized and to whom the Member having the floor has declined to yield.

Before interpreting this statement it is the recollection of the Chair, who was sitting in the Chamber at the time, that when the gentleman from New York now occupying the floor addressed the Chair and asked the gentleman from New York (Mr. Wadsworth) to yield, the gentleman from New York (Mr. Wadsworth) declined to yield to the gentleman from New York (Mr. Curley).

On August 4, 1911, Mr. Charles N. Fowler, of New Jersey, rising to a parliamentary inquiry, asked if remarks made by a Member who had not received recognition from the Chair and to whom the Member having the floor had declined to yield, were properly incorporated in the Record.

The Speaker, Mr. Champ Clark, replied:

> The rule has been that if the gentleman from Illinois, for instance, is addressing the House, and some other Member asks leave to interrupt him, and the gentleman from Illinois declines to be interrupted, and the other Member persists in talking, the Speaker has the right to strike out what the interrupting Member said after he had been notified that interruptions were not desired. . . .

In this particular instance the Speaker did not authorize the reporter to strike out the interjection of the gentleman from New York (Mr. Curley) now occupying the floor, because the Chairman of the Committee of the Whole was at that time presiding.

The Chair may say that in conformity with this precedent, and what the Chair conceives to be sound procedure, the rule should be reiterated that when a Member is occupying the floor and a Member after addressing the Chair and asking the Member then occupying the floor if he will yield for a question or for an interruption, and the gentleman then speaking declines to yield, it is not proper for a Member nevertheless to interject into the Record some remark which he desires to make. . . .

MR. [CASSIUS C.] DOWELL [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. DOWELL: When a Member has the floor and declines to yield, and no one is recognized to propound a parliamentary inquiry or direct an inquiry to the gentleman having the floor, and the other Member, not being recognized by the Chair, makes some statement, has not the Member who has the floor the right to leave those injected remarks out of the Record?

THE SPEAKER: Under the decision referred to by the Chair, undoubtedly the Member interrupted would have the right to strike those remarks from the Record.

How To Seek Recognition

§ 8.4 A Member must be on his feet and must address the Chair at the appropriate time in order to be recognized.

On Dec. 17, 1974,[1] during consideration of the Rice Act of 1975[2] in the House, the principle stated above was demonstrated as follows:

> THE SPEAKER:[3] Under the rule, the previous question is ordered.
>
> The question is on the amendment.
>
> The amendment was agreed to.
>
> THE SPEAKER: The question is on the engrossment and third reading of the bill.
>
> The bill was ordered to be engrossed and read a third time, and was read the third time.
>
> THE SPEAKER: The question is on the passage of the bill.
>
> MR. [BILL] ALEXANDER [of Arkansas]: Mr. Speaker, a parliamentary inquiry. I was on my feet, and I would ask at what point is a demand for a separate vote on the amendment in order.
>
> THE SPEAKER: The Chair will state that the question was put on that, and the action has been taken and has been announced.
>
> MR. ALEXANDER: I was on my feet, Mr. Speaker.
>
> THE SPEAKER: The gentleman from Arkansas did not address the Chair.
>
> MR. ALEXANDER: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. ALEXANDER: Mr. Speaker, I sought a record vote on the amendment that was adopted in the committee, and the Speaker did not announce a separate vote procedure on the committee amendment.
>
> THE SPEAKER: The Speaker followed the proper procedure. He definitely remembers saying:
>
> > The question is on the adoption of the amendment. As many as are in favor, vote aye; those opposed, vote no. The ayes have it. The amendment is agreed to.
>
> That was announced by the Chair, and the Chair then proceeded to put the questions on engrossment and third reading and on final passage, before the gentleman sought recognition.
>
> The Chair acknowledges Members by recognition. However, if he is bound by everybody standing up all over the room, he is bound 100 times.
>
> The question is on the passage of the bill.

§ 8.5 Pursuant to clause 1 of Rule XIV, a Member desiring to speak must rise and address the Chair, and may not remain seated on the committee table while engaging in debate.

On June 28, 1976,[4] the Committee of the Whole was considering the Transportation appro-

1. 120 CONG. REC. 40509, 93d Cong. 2d Sess.
2. H.R. 15263.
3. Carl Albert (Okla.).
4. 122 CONG. REC. 21021, 94th Cong. 2d Sess.

priations for fiscal 1977 (H.R. 14234) when the following exchange occurred:

MR. [BARRY] GOLDWATER [Jr., of California]: Madam Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

(Mr. Goldwater asked and was given permission to revise and extend his remarks.)

MR. GOLDWATER: Madam Chairman, it amuses me that the gentleman from Virginia would seek the supersonic Concorde as the issue on which to wage his campaign against airport noise.

MR. [HERBERT E.] HARRIS [II, of Virginia]: Madam Chairman, I make the point of order the gentleman is not standing.

THE CHAIRMAN:[5] The gentleman from California may proceed, if he should desire to rise as required by the rules.

§ 8.6 A Member must be on his feet and must address the Chair at the appropriate time in order to be recognized.

On Aug. 4, 1978,[6] during consideration of the foreign aid appropriation bill for fiscal 1979 (H.R. 12931) in the Committee of the Whole, it was demonstrated that, in recognizing Members under the five-minute rule, the Chair attempts to give preference to members of the committee reporting the bill; but the Chair may recognize another where a committee member is standing but not actively seeking recognition by addressing the Chair:

THE CHAIRMAN:[7] The Clerk will read.

The Clerk read as follows:

TITLE II—FOREIGN MILITARY CREDIT SALES

FOREIGN MILITARY CREDIT SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of sections 23 and 24 of the Arms Export Control Act, $648,000,000. . . .

THE CHAIRMAN: Are there amendments to title II?

For what purpose does the gentleman from Iowa rise?

MR. [THOMAS R.] HARKIN [of Iowa]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The Chair recognizes the gentleman from Iowa (Mr. Harkin).

MR. [CLARENCE E.] MILLER of Ohio: Mr. Chairman, I am a member of the committee.

THE CHAIRMAN: The Chair has recognized the gentleman from Iowa (Mr. Harkin).

MR. MILLER of Ohio: Mr. Chairman, I was on my feet at the time.

THE CHAIRMAN: The Chair will tell the gentleman that he might have been on his feet, but the Chair was not aware that he addressed the Chair. . . .

5. Barbara Jordan (Tex.).

6. 124 CONG. REC. 24439, 95th Cong. 2d Sess.

7. Abraham Kazen, Jr. (Tex.).

Let the Chair make this announcement for the last time during the consideration of this bill. On yesterday twice the Chair admonished the members of this Committee that if they had amendments pending, it was their duty to be standing and to address the Chair seeking recognition. Otherwise the Chair would have no way of knowing that they had an amendment to offer. The Chair is for the third and last time admonishing the Committee that those who have amendments not only be on their feet but seek recognition. On this particular occasion the gentleman from Ohio (Mr. Miller) did not seek the Chair's attention, and the Chair did recognize the gentleman from Iowa (Mr. Harkin), who did seek the Chair's attention.

Rule on Recognition as Barring Badges Carrying Messages

§ 8.7 Clause 1 of Rule XIV, requiring Members desiring to "speak or deliver any matter to the House" to rise and address the Speaker to be recognized, proscribes, in effect, the wearing of badges by Members to communicate messages; thus, the Speaker, exercising his authority to preserve order and decorum, has advised Members that the wearing of badges is inappropriate under the rules of the House.

The following statement was made by the Speaker[8] during proceedings on Apr. 15, 1986:[9]

> All Members wearing yellow badges should be advised that they are inappropriate under the rules of the House.

The badges in question urged support of military assistance to the Nicaraguan Contras. In recent years, some Members and staff have worn various badges on the floor to convey political messages to their colleagues and to the TV audience. Under the definition of decorum and debate in clause 1 of Rule XIV, a Member must first seek recognition and then speak his message, or use exhibits as provided in Rule XXX subject to approval of the House if objection is made.

Point of Order That Member Has Not Properly Sought Recognition

§ 8.8 A point of order that a Member has not properly sought recognition under the five-minute rule comes too late after that Member has been recognized and has begun debate.

During consideration of the Alaska Natural Gas Transpor-

8. Thomas P. O'Neill, Jr. (Mass.).
9. 132 CONG. REC. 7525, 99th Cong. 2d Sess.

tation Act (S. 3521) in the Committee of the Whole on Sept. 30, 1976,[10] the following proceedings occurred:

THE CHAIRMAN:[11] . . . Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce, now printed in the reported bill as an original bill for the purpose of amendment.

It shall also be in order to consider an amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs if offered as an amendment in the nature of a substitute for the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Alaska Natural Gas Transportation Act of 1976."

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MELCHER

MR. [JOHN] MELCHER [of Montana]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Melcher:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

Section 1. This Act may be cited as the "Alaska Natural Gas Transportation Act of 1976". . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Dingell to the amendment in the nature of a substitute offered by Mr. Melcher: Page 1 of the amendment, strike out line 6 and all that follows down through line 9 on page 35 and insert in lieu thereof the following:

Sec. 2. The Congress finds and declares that—

(1) a natural gas supply shortage exists in the contiguous States of the United States. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I rise in opposition to the Interior Committee substitute, and in support of the Dingell amendment which was offered to it.

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I make a point of order.

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

MR. SEIBERLING: Mr. Chairman, my point of order is that the gentleman from Ohio in the well said that he rose in opposition to the Interior Committee substitute, but the pending amendment is not the Interior Committee substitute but the substitute offered by the gentleman from Michigan (Mr. Dingell), which completely wipes out the Interior Committee substitute.

10. 122 CONG. REC. 34132, 34139, 34145, 94th Cong. 2d Sess.

11. William H. Natcher (Ky.).

THE CHAIRMAN: The gentleman from Ohio has been recognized. The point of order comes too late.

Recognition for a Specific Purpose

§ 8.9 Where the Chair recognizes a Member for a specific purpose, the Member has the right to the floor only for that purpose.

On Jan. 26, 1944,[12] Joseph W. Martin, Jr., of Massachusetts, the Minority Leader, asked unanimous consent to proceed for one minute. When Mr. Martin attempted to ask the unanimous-consent consideration of a bill, Speaker Sam Rayburn, of Texas, held that he had not been recognized for that purpose:

MR. MARTIN of Massachusetts: Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

THE SPEAKER: The Chair will not recognize any other Member at this time for that purpose but will recognize the gentleman from Massachusetts.

MR. MARTIN of Massachusetts: Mr. Speaker, I appreciate the generosity of the Chair.

I take this minute, Mr. Speaker, because I want to make a unanimous-consent request and I think it should be explained.

I agree with the President that there is immediate need for action on the soldiers' vote bill. A good many of us have been hoping we could have action for the last month. To show our sincerity in having action not next week but right now, I ask unanimous consent that the House immediately take up the bill which is on the Union Calendar known as S. 1285, the soldiers' voting bill.

THE SPEAKER: The gentleman from Massachusetts was not recognized for that purpose.

The Chair recognizes the gentleman from Kentucky.

On July 28, 1965,[13] the Committee of the Whole was reading H.R. 77 for amendment. Chairman Leo W. O'Brien, of New York, recognized William H. Ayres, of Ohio, the majority member of the committee reporting the bill, to debate a pro forma amendment to strike out the last word. Mr. Ayres then offered a substantive amendment during his remarks. The Chairman ruled:

The Chair has not recognized the gentleman for that purpose.

Does any other Member offer an amendment at this time?

Parliamentarian's Note: Several majority members of the committee were seeking recognition for amendments.[14]

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12. 90 CONG. REC. 746, 747, 78th Cong. 2d Sess.

13. 111 CONG. REC. 18631, 89th Cong. 1st Sess.

14. Exceptions to the principle that Members are recognized for a specific purpose are the motion to adjourn and the motion that the Com-

§ 8.10 Members are not entitled to the floor until recognized by the Chair for debate even though they may have called up a matter for consideration in the House.

On Feb. 28, 1931,[15] Mr. Thomas A. Jenkins, of Ohio, moved to suspend the rules and pass House Joint Resolution 500, restricting for two years immigration into the United States, and Speaker Nicholas Longworth, of Ohio, recognized Mr. Jenkins for that purpose. Mr. John J. O'Connor, of New York, objected that he had the floor, on a resolution from the Committee on Rules, which had been called up and read but not debated, making in order the consideration of the same measure, House Joint Resolution 500. Mr. O'Connor stated that he had yielded 30 minutes' debate to another Member on the resolution prior to the motion to suspend the rules.

Speaker Longworth ruled that neither Mr. O'Connor nor the Member to whom he had yielded time were entitled to the floor since the Chair had recognized Mr. Jenkins for the motion to suspend the rules but had not recognized Mr. O'Connor for debate on the resolution.

Parliamentarian's Note: Although under the precedents a motion to suspend the rules is in order even while another matter is pending, it is the better practice to first require the withdrawal of the pending matter in order that two proposals not be pending simultaneously.

§ 8.11 A motion is not pending until the Chair has recognized a Member, who then offers the motion.

On Oct. 27, 1983,[16] during consideration of H.R. 4139 (Department of the Treasury and Postal Service appropriations, fiscal 1984) in the Committee of the Whole, the following proceedings occurred:

> MR. [BRUCE A.] MORRISON of Connecticut: Mr. Chairman, my point of order is that this amendment constitutes a limitation on an appropriation and cannot be considered by the House prior to the consideration of a motion by the Committee to rise.
>
> THE CHAIRMAN:[17] The Chair must indicate to the gentleman that no such preferential motion has yet been made.

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mittee of the Whole rise, which are highly privileged and may be made, if in order at the time, by a Member securing recognition for any purpose, except that a Member recognized for purposes of general debate in the Committee of the Whole may not move that the Committee rise, where general debate is governed by the terms of a special rule.

15. 74 CONG. REC. 6575–77, 71st Cong. 3d Sess.

16. 129 CONG. REC. 29630, 29631, 98th Cong. 1st Sess.

17. Philip R. Sharp (Ind.).

The gentleman is correct that a motion that the Committee rise and report the bill to the House with such amendments as may have been adopted takes precedence over an amendment proposing a limitation.

MR. MORRISON of Connecticut: Mr. Chairman, then I move that the committee do now rise.

MR. [EDWARD R.] ROYBAL [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. ROYBAL: Mr. Chairman, where does the committee stand at this moment with regard to the motion that has been made to rise?

THE CHAIRMAN: The Chair must indicate that he had actually recognized the gentleman from Connecticut (Mr. Morrison) on a point of order, and in the process the gentleman concluded his remarks by attempting to offer a simple motion to rise.

It would be more appropriate if a motion to rise and report the bill to the House with such amendments as have been adopted, pursuant to clause 2(d), rule XXI were offered instead.

Does the gentleman have such a motion?

MR. ROYBAL: Mr. Chairman, first of all, the gentleman must withdraw his motion; is that not correct?

THE CHAIRMAN: The gentleman from Connecticut (Mr. Morrison) has not yet been recognized for the purpose of making a motion, to begin with. That is what the Chair is trying to indicate.

MR. ROYBAL: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments.

—Chair May Inquire as to Purpose

§ 8.12 Where two or more Members rise seeking recognition the Speaker may inquire into their purpose and determine from their reply which Member he will recognize.

On Apr. 26, 1933,[18] the following parliamentary situation and ruling by Speaker Henry T. Rainey, of Illinois, occurred:

Mr. Snell and Mr. Rayburn rose.

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, at the appropriate time I desire to be recognized against the motion to recommit. This is the unfinished business before the House.

MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, I move the previous question.

MR. SNELL: Mr. Speaker, I am on my feet demanding recognition. The previous question has not been ordered.

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I certainly shall object to the establishment of any precedent of debating motions to recommit.

MR. SNELL: This is not a precedent. Motion to close debate by ordering the previous question has not been made. This is the unfinished business before the House.

MR. RAYBURN: Mr. Speaker, I move the previous question. I think I have the right to make this motion.

THE SPEAKER: The question is on ordering the previous question on the motion to recommit.

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18. 77 CONG. REC. 2413, 73d Cong. 1st Sess.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RICH: Mr. Speaker, is it proper procedure, when one Member has obtained recognition, for another Member to be recognized? The gentleman from New York [Mr. Snell] had the floor and was recognized.

THE SPEAKER: The Chair recognized the gentleman from New York [only] to ascertain for what purpose he rose.[19]

§ 8.13 The fact that the Speaker or Chairman asks a Member "for what purpose does the gentleman rise" does not confer recognition on the Member.

On Apr. 13, 1946,[20] Mr. Dewey Short, of Missouri, sought recognition from Speaker Sam Rayburn, of Texas, after the engrossment and third reading of the pending bill had been ordered. The Speaker inquired of Mr. Short "for what purpose does the gentleman from Missouri rise?" and Mr. Short stated that he was offering a motion to recommit the bill.

The Speaker recognized Mr. Edward E. Cox, of Georgia, to demand the reading of the engrossed copy of the bill. Mr. Vito Marcantonio, of New York, made the point of order that Mr. Short had been recognized to offer a motion to recommit. The Speaker stated:

The gentleman from Missouri [Mr. Short] was not recognized. The Chair asked the gentleman for what purpose he rose, and then recognized the gentleman from Georgia.

On June 26, 1951,[1] Chairman Albert A. Gore, of Tennessee, ruled in the Committee of the Whole that his inquiry as to the purpose for recognition did not confer recognition:

Mr. Celler rose.

THE CHAIRMAN: For what purpose does the gentleman from New York rise?

MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Chairman, I move——

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, was I not recognized?

THE CHAIRMAN: The Chair inquired for what purpose the gentleman rose; that does not entail recognition.

—Inquiry as to Purpose Does Not Confer Recognition

§ 8.14 The fact that the Chair inquires of a Member for what purpose he seeks recognition does not confer rec-

19. See Rule XIV clause 2, *House Rules and Manual* § 753 (1995): "When two or more Members rise at once, the Speaker shall name the Member who is first to speak. . . ."

20. 92 CONG. REC. 3669, 79th Cong. 2d Sess.

1. 97 CONG. REC. 7174, 82d Cong. 1st Sess.

ognition, and the Chair may recognize another Member who was previously on his feet seeking recognition.

On Apr. 22, 1980,[2] during consideration of House Joint Resolution 521 (making additional funds available by transfer for the Selective Service System), the following exchange occurred in the Committee of the Whole:

THE CHAIRMAN:[3] The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 5, strike "$4,709,000" and insert in lieu thereof "$13,295,000". . . .

MR. [ROBERT] DUNCAN of Oregon: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Duncan of Oregon to the committee amendment: On page 5, line 2:

Strike "$13,295,000" and insert in lieu thereof "$21,000,000."

(Mr. Duncan of Oregon asked and was given permission to revise and extend his remarks.)

THE CHAIRMAN: For what purpose does the gentleman from Texas (Mr. Gonzalez) rise?

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I have an amendment to the amendment offered by the gentleman from Oregon (Mr. Duncan) to the committee amendment.

THE CHAIRMAN: The Chair will state that that would be in the third degree, and that amendment to the Duncan amendment is not proper.

For what purpose does the gentleman from Maryland rise?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have a substitute to the committee amendment at the desk.

MR. GONZALEZ: Mr. Chairman, may I then be recognized to speak against the amendment?

MR. BAUMAN: Mr. Chairman, I believe the Chairman has already recognized the gentleman from Maryland.

THE CHAIRMAN: The Chair has not really recognized the gentleman from Maryland. The Chair is determining whether he could recognize the gentleman from Texas.

MR. BAUMAN: The gentleman from Maryland thought the Chairman said, "For what purpose does the gentleman from Maryland rise?" and then the gentleman from Maryland said, "I have a substitute to the committee amendment at the desk." Perhaps I just misheard all of that.

THE CHAIRMAN: No. The gentleman heard correctly. It does not mean that the Chair has recognized the gentleman for the purpose of offering an amendment. . . .

The Chair recognizes the gentleman from Texas (Mr. Gonzalez).

Seeking Recognition To Offer Amendment

§ 8.15 In order to obtain recognition to offer an amendment, a Member must not

2. 126 CONG. REC. 8596, 8601, 8602, 96th Cong. 2d Sess.
3. Dan Rostenkowski (Ill.).

only be standing but must also actively seek recognition by addressing the Chair at the appropriate time.

The following proceedings occurred in the Committee of the Whole on Oct. 26, 1983,[4] during consideration of the Department of Defense appropriations for fiscal year 1984 (H.R. 4185):

THE CHAIRMAN:[5] The Clerk will read.

The Clerk read as follows: . . .

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance . . . and procurement and installation of equipment, appliances, and machine tools in public and private plants . . . $9,994,245,000. . . .

THE CHAIRMAN: Does the gentleman from Alabama (Mr. Nichols) seek recognition?

MR. [WILLIAM] NICHOLS [of Alabama]: Yes; I do, Mr. Chairman.

Mr. Chairman, I offer an amendment relating to page 20, line 9, of the bill.

The Clerk proceeded to read the page and line numbers of the amendment.

MR. [JOSEPH P.] ADDABBO [of New York] (during the reading): Mr. Chairman, I raise a point of order against the amendment. We have already passed that section.

MR. NICHOLS: Mr. Chairman, I was on my feet at the time.

THE CHAIRMAN: The Chair recognizes the gentleman was on his feet but did not know that he was seeking recognition.

MR. NICHOLS: Mr. Chairman, I was at the microphone. I was standing. I was prepared to offer my amendment had the Chairman recognized me.

THE CHAIRMAN: The Chair will have to make the observation that the gentleman from Alabama was not seeking active recognition. The Chair recognized the gentleman was on his feet but did not notice that he was seeking recognition by any vocal expression. . . .

MR. NICHOLS: Mr. Chairman, I ask unanimous consent that I be permitted to offer my amendment at this point.

[Objection was heard.]

§ 8.16 A Member desiring to offer an amendment under the five-minute rule in Committee of the Whole must seek recognition from the Chair, and a Member recognized under the five-minute rule may not yield to another Member to offer an amendment.

On Sept. 8, 1976,[6] the Committee of the Whole had under consideration the Clean Air Act Amendments of 1976 (H.R. 10498) when the following exchange occurred:

MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I move to strike the requisite number of words.

4. 129 CONG. REC. 29430, 98th Cong. 1st Sess.

5. Dan Rostenkowski (Ill.).

6. 122 CONG. REC. 29243, 94th Cong. 2d Sess.

MR. [ELLIOTT] LEVITAS [of Georgia]: Mr. Chairman, will the gentleman yield?

MR. ROGERS: I yield to the gentleman from Georgia.

MR. LEVITAS: Mr. Chairman, I have an amendment that I would like to offer at this point.

THE CHAIRMAN:[7] The Chair will advise the gentleman from Georgia that the gentleman will have to seek recognition on his own time and in due order.

MR. LEVITAS: I thank the Chairman.

MR. ROGERS: I yield back the balance of my time.

§ 8.17 Where numerous amendments which might be offered to a bill had been left with the Reading Clerk, the Chair requested all Members seeking to offer amendments not only to stand but to address the Chair seeking recognition at the appropriate time.

During consideration of the foreign assistance appropriation bill (H.R. 12931) in the Committee of the Whole on Aug. 3, 1978,[8] Chairman Abraham Kazen, Jr., of Texas, made the following statement:

THE CHAIRMAN: Let the Chair make this request. There are approximately 70 amendments on the desk. This bill will be read paragraph by paragraph. The Chair requests those Members who have amendments not only to be standing, but to address the Chair at the proper time. . . . The Chair has no way of knowing whether or not these amendments will all be presented, so the Chair will request that all Members who have amendments be standing and seek recognition at the proper time.

§ 8.18 As the reading of appropriation bills for amendment is "scientifically" done by heading and appropriation amount in each paragraph, a Member desiring to amend a paragraph must stand and seek recognition when that paragraph is read, but is not too late if the Clerk has not concluded the reading of the heading of the subsequent paragraph.

During consideration of the foreign aid appropriations for 1979 (H.R. 12931) in the Committee of the Whole on Aug. 3, 1978,[9] the following proceedings occurred:

The Clerk read as follows:

MILITARY ASSISTANCE

Military assistance: For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor

7. J. Edward Roush (Ind.).

8. 124 CONG. REC. 24227, 95th Cong. 2d Sess.

9. 124 CONG. REC. 24219, 95th Cong. 2d Sess.

vehicles for replacement only for use outside of the United States, $64,500,000: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States.

MR. [LEO J.] RYAN [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ryan: Page 9, line 13, strike out "$64,500,000" and insert in lieu thereof "$59,500,000". . . .

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I make a point of order.

THE CHAIRMAN:[10] The gentleman will state it.

MR. OBEY: I make a point of order that the gentleman's amendment comes too late. The Clerk had already read through the next section of the bill.

THE CHAIRMAN: The Clerk had begun to read the next section, but he had not completed reading that section. The Chair did observe the gentleman from California (Mr. Ryan) on his feet, and the Chair would hold that he was timely recognized.

The Chair recognizes the gentleman from California (Mr. Ryan).

Seeking Recognition To Offer Motion

§ 8.19 A Member desiring to offer a motion in the House must actively seek recognition from the Chair before another motion to dispose of the pending question has been adopted, and the fact that he may have been standing at that time is not sufficient to confer recognition.

During consideration of House Joint Resolution 357 (further continuing appropriations) in the House on Nov. 22, 1981,[11] the following proceedings occurred:

THE SPEAKER:[12] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37. . . .

MR. [VIC] FAZIO [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Fazio moves that the House insist on its disagreement to the amendment of the Senate numbered 37.

THE SPEAKER: The question is on the motion offered by the gentleman from California (Mr. Fazio). All those in favor say "aye," opposed "no."

The ayes have it. The motion is agreed to.

The Clerk will report the next amendment in disagreement.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I have a motion at the desk. I have a motion. I was standing, Mr. Speaker.

THE SPEAKER: To what amendment does the gentleman have a motion?

MR. CONTE: Senate amendment No. 37.

10. Abraham Kazen, Jr. (Tex.).

11. 127 CONG. REC. 28751, 97th Cong. 1st Sess.

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

THE SPEAKER: The Chair will state that the House has already disposed of that amendment.

MR. CONTE: I was standing here seeking recognition, Mr. Speaker.

Mr. Speaker, what was the decision?

THE SPEAKER: The gentleman may have been standing, but he was not seeking recognition, in the opinion of the Chair.

MR. CONTE: What was the outcome of that, Mr. Speaker?

THE SPEAKER: Senate amendment No. 37 was disagreed to.

MR. CONTE: And I was standing with a motion, Mr. Speaker.

THE SPEAKER: The Chair recognized that there were three or four others standing, and the gentleman was in a conversation with one of his colleagues, and was not asking for recognition.

Seeking Recognition To Demand Recorded Vote

§ 8.20 A Member seeking to demand a recorded vote must actively request recognition from the Chair, and the fact that the Member was merely standing at the time a vote is announced is not sufficient to secure recognition.

On July 9, 1981,[13] during consideration of H.R. 3519 (Department of Defense authorization) in the Committee of the Whole, it was demonstrated that it is too late to demand a recorded vote on an amendment after the Chair has announced the result of a voice vote thereon, where the Member making the demand is not on his feet seeking recognition at the time the result is announced. The proceedings were as follows:

THE CHAIRMAN PRO TEMPORE:[14] The question is on the amendment offered by the gentleman from Utah (Mr. Hansen).

As many as are in favor will say "aye"; as many as are opposed will say "no."

The ayes have it, and the amendment is agreed to.

THE CHAIRMAN PRO TEMPORE: Are there further amendments to title II?

The Chair recognizes the gentleman from Illinois (Mr. Price).

MR. [MELVIN] PRICE [of Illinois]: Madam Chairman, I demand the yeas and nays on the Hansen amendment.

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman that his request for a recorded vote comes too late.

MR. PRICE: The Chairman was on his feet and waiting for the commotion to die down.

THE CHAIRMAN PRO TEMPORE: The Chair wishes to advise the gentleman from Illinois that he may be able to demand a separate vote in the House at a later time but his request comes too late at this time. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Madam Chairman, the House was not in order at the time that the

13. 127 CONG. REC. 15202, 97th Cong. 1st Sess.

14. Marilyn Lloyd Bouquard (Tenn.).

Chair put the vote on the Hansen amendment. Is it in order for a vote to be taken when the chairman of the committee in charge of the bill does not even know that a vote is being taken?

THE CHAIRMAN PRO TEMPORE: The Chair put the question to the committee, looked to the committee, and then announced the result of the vote.

MR. STRATTON: But there had been no final announcement of the vote on the Simon amendment before the vote on the Hansen amendment was taken.

THE CHAIRMAN PRO TEMPORE: The Chair wishes to advise the gentleman that the Chair did announce the vote on the Simon amendment and then on the Hansen amendment and that no Member was standing at the time seeking recognition when the voice vote was announced on the Hansen amendment. . . .

MR. [WILLIAM L.] DICKINSON [of Alabama]: Madam Chairman, I was on my feet. I was deferring to the chairman, who would normally make such a request. I did not make the request.

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman that no one was seeking recognition at the time. Merely standing is not enough.

—*Motion To Recommit*

§ 8.21 While a Member desiring to offer a motion to recommit must normally be on his feet seeking recognition when the Speaker states the question to be on passage of the bill, it is not too late to seek recognition where another minority Member has qualified as opposed to the bill but where his motion has not been read by the Clerk.

On Apr. 24, 1979,[15] during consideration of the State Department authorization bill in the House, it was demonstrated that until a Member desiring to offer a motion to recommit has had his motion read by the Clerk, he is not entitled to the floor so as to prevent another Member from seeking recognition to offer another recommittal motion. The proceedings were as follows:

THE SPEAKER:[16] The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

THE SPEAKER: The question is on the passage of the bill.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a motion at the desk.

THE SPEAKER: The Chair is aware that the gentleman is standing and the Chair intends to recognize the gentleman. . . .

Is there any member of the committee that desires to make a motion to recommit on the minority side? . . .

MR. BAUMAN: Mr. Speaker, I have a motion at the desk.

THE SPEAKER: Is the gentleman opposed to the bill?

15. 125 CONG. REC. 8360, 8361, 96th Cong. 1st Sess.

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

MR. BAUMAN: Mr. Speaker, I am opposed to the bill.

THE SPEAKER: The Clerk will——

MR. BAUMAN: Mr. Speaker, I was recognized.

THE SPEAKER: The Chair under the precedents of the House, will recognize the gentleman from Michigan to make a motion if he qualifies. . . .

MR. BAUMAN: Mr. Speaker, had not the Speaker said to the gentleman from Maryland, "Is the gentleman opposed to the bill?"

And the gentleman from Maryland was thus recognized.

THE SPEAKER: The Chair appreciates that the gentleman is opposed to the bill; but under the precedents of the House, the Clerk has not reported the motion. . . .

MR. BAUMAN: I make a point of order against recognizing the gentleman from Michigan or anyone else, because he did not rise in a timely fashion to make the motion. Once the Chair recognizes a Member, the precedents will support the fact that he has the right to offer the motion.

THE SPEAKER: On the point of order, the gentleman's motion has not been read yet; so the Chair will recognize the gentleman from Michigan, a senior member of the committee, who is standing. . . .

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. BROOMFIELD: Yes, I am, Mr. Speaker. . . .

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

> Mr. Broomfield moves to recommit the bill, H.R. 3363, to the Committee on Foreign Affairs. . . .

MR. BAUMAN: Mr. Speaker, the gentleman makes a point of order that the gentleman is not in order in making the motion, since another Member had already been recognized. The Chair has already conferred that recognition and had inquired whether or not the gentleman from Maryland was opposed.

THE SPEAKER: In the opinion of the Chair, until the motion has been read, the gentleman has not been recognized for that purpose.

MR. BAUMAN: Well, the gentleman did not yield to anyone else to offer a motion.

THE SPEAKER: The gentleman had not been recognized for that purpose and consequently—the Chair asked the gentleman if he was in opposition. The gentleman replied. The gentleman was not then recognized for that purpose. That is the statement and the opinion of the Chair. The Chair did not recognize the gentleman by directing the Clerk to report the motion. The Chair is trying to follow the precedents of the House.

Now, the Chair has ruled on the gentleman's point of order and the gentleman from Michigan is entitled to 5 minutes. The Chair so recognizes the gentleman from Michigan (Mr. Broomfield).

Minority Leader Recognized in Opposition to Motion To Recommit

§ 8.22 The Speaker recognized the Minority Leader to call

up a reported bill in the House, pursuant to unanimous consent previously obtained by the Minority Leader permitting its consideration under the hour rule, and subsequently recognized the Minority Leader in opposition to a motion to recommit with instructions offered by the ranking minority member of the reporting committee.

The following proceedings took place in the House on Sept. 29, 1982,[17] during consideration of the Export Administration Act Amendments (H.R. 6838):

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, under the special order granted on Tuesday, September 28, 1982, I call up the bill (H.R. 6838) to amend the Export Administration Act of 1979 to terminate certain export controls imposed on December 30, 1981, and June 22, 1982, and ask for its immediate consideration. . . .

The Clerk read the bill, as follows:

H.R. 6838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended by adding at the end thereof the following new subsection:

"(1) Termination of Certain Controls.—Those export controls imposed under this section on December 30, 1981, and June 22, 1982, on goods or technology shall not be effective on or after the date of the enactment of this subsection.".

THE SPEAKER:[18] Under the agreement, the gentleman from Illinois (Mr. Michel) is recognized for 1 hour. . . .

MR. MICHEL: Mr. Speaker, I move the previous question.

The previous question was ordered.

THE SPEAKER PRO TEMPORE:[19] The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE: Is the gentleman opposed to the bill?

MR. BROOMFIELD: I am, Mr. Speaker.

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

The gentleman from Michigan (Mr. Broomfield) is recognized for 5 minutes in support of the motion to recommit. . . .

MR. MICHEL: Mr. Speaker, I rise in opposition to the motion to recommit.

§ 8.23 A Member must be on his feet actively seeking recognition to demand a recorded vote when the Chair puts the question on agreeing to an amendment, and the demand comes too late

17. 128 CONG. REC. 26019, 26031–33, 97th Cong. 2d Sess.

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

19. Joseph G. Minish (N.J.).

after the Chair has inquired as to the purpose of another Member rising and an amendment has been tendered.

On July 21, 1983,[20] during consideration of H.R. 2969 (Department of Defense Authorization Act, 1994) the following proceedings occurred in the Committee of the Whole:

The amendment was agreed to.

THE CHAIRMAN PRO TEMPORE:[1] For what purpose does the gentleman from Tennessee (Mr. Gore) rise?

MR. [ALBERT A.] GORE [Jr., of Tennessee]: Mr. Chairman, I have an amendment at the desk.

MR. [RAYMOND J.] MCGRATH [of New York]: Mr. Chairman, I make the point of order that a quorum is not present, and I demand a recorded vote on the last amendment.

THE CHAIRMAN PRO TEMPORE: The gentleman's request comes too late on the last amendment.

MR. MCGRATH: Mr. Chairman, I was standing.

THE CHAIRMAN PRO TEMPORE: The gentleman was not seeking recognition for that specific purpose.

MR. MCGRATH: I was on my feet, Mr. Chairman.

THE CHAIRMAN PRO TEMPORE: The Clerk will report the Gore amendment. The Chair did not see the gentleman on his feet and the gentleman was not actively seeking recognition when the Chair put the question on the amendment.

§ 8.24 A Member must be on his feet seeking recognition to demand a recorded vote when the Chair announces the result of a voice vote on an amendment to an amendment, and the demand comes too late when the Chair has then put the question on an amendment to the substitute.

On Sept. 6, 1979,[2] during consideration of the foreign assistance appropriations for fiscal year 1980 (H.R. 4473) in the Committee of the Whole, the following proceedings occurred:

The Clerk read as follows:

Amendment offered by Mr. Miller of Ohio: On page 23, after line 12, insert the following section:

Sec. 527. Of the total budget authority provided in this Act, for payments not required by law, 5 per centum shall be withheld from obligation and expenditure: . . .

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Obey as a substitute for the amendment offered by Mr. Miller of Ohio: On page 23, after line 12, insert the following:

"Sec. 527. Of the total budget authority provided in this Act, except

20. 129 CONG. REC. 20187, 98th Cong. 1st Sess.

1. Marty Russo (Ill.).

2. 125 CONG. REC. 23351, 23353, 23355, 96th Cong. 1st Sess.

for payments required for law two percentum shall be withheld from obligation and expenditure: . . .

MR. [CLARENCE E.] MILLER of Ohio: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Miller of Ohio to the amendment offered by Mr. Obey as a substitute for the amendment offered by Mr. Miller of Ohio: In line 2, in lieu of "two per centum" insert "five per centum". . . .

MR. [MATTHEW F.] MCHUGH [of New York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. McHugh to the amendment offered by Mr. Miller of Ohio:

Strike out "five" appearing in the first sentence and insert in lieu thereof "two". . . .

THE CHAIRMAN:[3] The question is on the amendment offered by the gentleman from New York (Mr. McHugh) to the amendment offered by the gentleman from Ohio (Mr. Miller).

The amendment to the amendment was agreed to.

THE CHAIRMAN: The question now is on the Miller amendment to the Obey substitute. For what purpose does the gentleman from Ohio (Mr. Miller) rise?

MR. MILLER of Ohio: Mr. Chairman, I demand a recorded vote.

THE CHAIRMAN: The Chair will state to the gentleman that his request comes too late. The Chair held back as long as he could on the announcement, and the gentleman was not on his feet before the Chair put the question on the next amendment.

The question is on the amendment offered by the gentleman from Ohio (Mr. Miller) to the amendment offered by the gentleman from Wisconsin (Mr. Obey) as a substitute for the amendment offered by the gentleman from Ohio (Mr. Miller).

Seeking Recognition To Ask for Yeas and Nays

§ 8.25 Where the Chair has put a question to a voice vote, announced the result and by unanimous consent laid the motion to reconsider on the table, it is then too late to ask for the yeas on that question where the Member was not seeking recognition at the time the question was put.

On Oct. 13, 1978,[4] during consideration of House Resolution 1434 (providing for consideration of several conference reports) in the House, the following proceedings occurred:

H.R. 1434

Resolved, That upon the adoption of this resolution, any rule of the House to the contrary notwithstanding, it shall be in order in the House to consider en bloc the conference reports on

3. Abraham Kazen, Jr. (Tex.).

4. 124 CONG. REC. 36966, 36975, 36976, 95th Cong. 2d Sess.

the bills H.R. 4018, H.R. 5146, H.R. 5037, H.R. 5289 (and H.R. 5263 if first adopted by the Senate), and all points of order against said conference reports are hereby waived. After debate in the House on said conference reports, which shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Ad Hoc Committee on Energy, the first hour of which shall be confined solely to the conference report on the bill H.R. 5289, the previous question shall be considered as ordered on said conference reports to one vote on their final adoption, and the vote on said conference reports shall not be subject to a demand for a division of the question or to a motion to reconsider. . . .

MR. [RICHARD] BOLLING [of Missouri]: . . . Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

THE SPEAKER:[5] The question is on ordering the previous question.

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 207, nays 206. . . .

So the previous question was ordered.

The result of the vote was announced as above recorded.

THE SPEAKER: The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, has the question on the passage of the rule been put?

THE SPEAKER: The Chair will state that the Chair has put the question and announced that the ayes had it and the resolution was agreed to and that the motion to reconsider was laid on the table.

The gentleman from Maryland must be fully aware of what took place.

MR. BAUMAN: Mr. Speaker, the gentleman from Maryland was listening for the question and failed to hear it.

THE SPEAKER: The Chair will state that the Chair waited and nobody asked for a vote on the rule.

MR. BAUMAN: Mr. Speaker, the gentleman from Maryland was on his feet and did not hear the question being put. I wish to ask for the yeas and nays.

THE SPEAKER: The gentleman was given ample time to ask for a vote on the rule. The Chair has been nothing but patient.

The House appreciates the seriousness of the pending motions and would appreciate having the Members take their seats.

Members Seeking Allocation of Time Under Limitation

§ 8.26 Members seeking an allocation of time under a limitation of debate in Committee of the Whole should stand when the limitation is agreed to, and not after a Member recognized before the limitation was agreed to has concluded his remarks.

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

On Aug. 1, 1978,[6] the Committee of the Whole had under consideration the foreign aid authorization bill (H.R. 12514) when the following proceedings occurred:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendments and all amendments thereto conclude at 4:30. . . .

So the motion was agreed to.

THE CHAIRMAN:[7] The gentleman from Pennsylvania (Mr. Yatron) is recognized for 5 minutes.

The Chair will allocate the time to the standing Members after the gentleman from Pennsylvania concludes.

MR. [BENJAMIN S.] ROSENTHAL [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. ROSENTHAL: Mr. Chairman, when is it appropriate for Members requesting time to stand? Now, or at the conclusion of the gentleman's remarks?

THE CHAIRMAN: The Members will stand now.

The gentleman from Pennsylvania (Mr. Yatron) has the floor and may proceed.

Objecting to Unanimous-consent Request

§ 8.27 A Member who is objecting to a unanimous-consent request must stand to be recognized by the Chair.

On Apr. 28, 1976,[8] the following proceedings occurred in the Committee of the Whole during consideration of House Concurrent Resolution 611, the first concurrent resolution on the budget for fiscal year 1977:

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 3 additional minutes.

THE CHAIRMAN PRO TEMPORE:[9] Is there objection to the request of the gentleman from California?

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I object.

THE CHAIRMAN PRO TEMPORE: The gentleman from Maryland is not standing to make the objection.

§ 8.28 A Member must stand and address the Chair to object to a unanimous-consent request.

During consideration of the Nuclear Fuel Assistance Act (H.R. 8401) in the Committee of the Whole on July 30, 1976,[10] the following occurred:

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Chairman, I ask unanimous consent that I may be permitted

6. 124 CONG. REC. 23716, 95th Cong. 2d Sess.
7. Don Fuqua (Fla.).
8. 122 CONG. REC. 11622, 94th Cong. 2d Sess.
9. Gillis W. Long (La.).
10. 122 CONG. REC. 24768, 94th Cong. 2d Sess.

to yield my time to the gentleman from Louisiana (Mr. Waggonner).

THE CHAIRMAN:[11] Is there objection to the request of the gentleman from Texas?

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I make the point of order that the objection is not in order since the gentleman from New York was not standing at the time he made the objection.

THE CHAIRMAN: Is there objection to the unanimous-consent request of the gentleman from Texas (Mr. Kazen) to yield his time to the gentleman from Louisiana (Mr. Waggonner)?

There was no objection.

§ 8.29 A Member must stand when objecting to a unanimous-consent request.

On Oct. 13, 1978,[12] the following proceedings occurred in the Committee of the Whole during consideration of S. 2727 (the Amateur Sports Act of 1978):

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I ask unanimous consent to be allowed to proceed for 2 additional minutes.

THE CHAIRMAN:[13] Is there objection to the request of the gentleman from Missouri?

MR. [JAMES F.] LLOYD of California: Mr. Chairman, I object. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, under the rules of the House, I understand that a Member must stand in order to object.

THE CHAIRMAN: The Chair will state that the gentleman from California (Mr. Lloyd) did stand at the time.

§ 8.30 In order to object to a unanimous-consent request, a Member must rise and be identified.

The following proceedings occurred in the House on Oct. 2, 1984,[14] during consideration of H.R. 6300, the balanced budget bill:

MR. [GUY V.] MOLINARI [of New York]: I would like to ask unanimous consent that the gentleman from Minnesota (Mr. Weber) be permitted to proceed in order.

THE SPEAKER PRO TEMPORE:[15] Is there objection to the request of the gentleman from New York? . . .

[Objection was heard, but the Member making the objection was not identified.]

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, who is the objector? Can we identify the objector, please?

THE SPEAKER PRO TEMPORE: The Chair states that objection was heard.

MR. WALKER: The Record would have to reflect the objection. Who objected, Mr. Speaker?

THE SPEAKER PRO TEMPORE: The Chair placed the request and objection was heard.

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11. Otis G. Pike (N.Y.).

12. 124 CONG. REC. 37071, 95th Cong. 2d Sess.

13. John H. Krebs (Calif.).

14. 130 CONG. REC. 28522, 98th Cong. 2d Sess.

15. Richard A. Gephardt (Mo.).

MR. MOLINARI: A parliamentary inquiry, Mr. Speaker. . . .

Mr. Speaker, we have others in this room besides Members of the House. It is conceivable that somebody who is not a Member of this House could have uttered those statements and I think we are entitled to know who it is, if anybody is a sitting Member of this body that has raised an objection.

THE SPEAKER PRO TEMPORE: The gentleman is correct. Is there objection?

MR. [LEON E.] PANETTA [of California]: Mr. Chairman, I object.

MR. [ANTHONY L.] COELHO [of California]: I object.

§ 8.31 While a Member must be on his feet to object to a unanimous-consent request, the Chair may, in his discretion, entertain a parliamentary inquiry to permit an explanation of a unanimous-consent order to which no Member objected in timely fashion.

The following proceedings occurred in the Committee of the Whole on June 19, 1985,[16] during consideration of H.R. 1872 (Department of Defense authorization for fiscal 1986):

MR. [LES] ASPIN [of Wisconsin]: . . . I would propose that we limit time on these two amendments until 5:30, with the time to be divided equally between the gentleman from Illinois (Mr. Porter) and the gentleman from Florida (Mr. Fascell), who would have half of the time, and the gentleman from Missouri (Mr. Skelton) and the gentlewoman from Maryland (Mrs. Byron), who would have half of the time, and that if additional amendments are offered after that, we have an equal division of time after the amendments are offered, and that there be 10 minutes on that side for the amendment and 10 minutes in opposition to the amendment.

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

MR. [JOHN EDWARD] PORTER [of Illinois]: Mr. Chairman, reserving the right to object, I might suggest to the chairman of the committee that we simply make it an hour on each side rather than try to divide it up in any other way.

MR. ASPIN: In other words, an hour on each side.

THE CHAIRMAN PRO TEMPORE: The unanimous-consent request, then, is that there be 1 hour of debate on each side of the two pending amendments, followed by 20 minutes, equally divided, on any other amendment offered to the Porter amendment or to a substitute therefor.

MR. ASPIN: On the pending amendments, Mr. Chairman, with the gentleman from Illinois (Mr. Porter) and the gentleman from Florida (Mr. Fascell) controlling 1 hour and the gentleman from Missouri (Mr. Skelton) and the gentlewoman from Maryland (Mrs. Byron) controlling 1 hour. At that point we will proceed to vote on

16. 131 CONG. REC. 16367, 16368, 99th Cong. 1st Sess.

1. Richard J. Durbin (Ill.).

those amendments. If at that point other amendments are offered, Members will have 10 minutes on that side to debate those amendments at the time.

THE CHAIRMAN PRO TEMPORE: Is the gentleman proposing that there be 10 minutes allowed for each side for each other amendment to the Porter amendment or to a substitute amendment therefor?

MR. ASPIN: Yes, Mr. Chairman.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Wisconsin?

Hearing none, it is so ordered.

MR. [THOMAS F.] HARTNETT [of South Carolina]: Reserving the right to object, Mr. Chairman——

THE CHAIRMAN PRO TEMPORE: The gentleman was not on his feet seeking recognition when the Chair asked for any objection to the request.

MR. HARTNETT: There are only two microphones, Mr. Chairman, and we cannot have them all. I was on my feet——

THE CHAIRMAN PRO TEMPORE: Even if the gentleman was not at the microphone, if he had been standing on his feet at that time, the Chair would have recognized him, the Chair will say to the gentleman from South Carolina. The Chair was looking in his direction and saw the gentleman sitting in his chair. . . .

MR. HARTNETT: Mr. Chairman, if I might make a parliamentary inquiry. . . .

Mr. Chairman, it is my understanding that when a gentleman or gentlewoman wishes to be recognized, they must rise from their seat. I was in my seat, and I was rising to be heard. I do not think you have to be standing at all times in order to be recognized. I was in my seat, I asked to be recognized, and I rose to a point of recognition. . . .

MR. ASPIN: Mr. Chairman, could I ask the Chair to ask the gentleman from South Carolina if he would tell us what his concern is with the unanimous-consent request?

MR. HARTNETT: I did not understand it, Mr. Chairman. That is what I wanted to ask.

MR. ASPIN: Mr. Chairman, if I could, I would like to try to answer the gentleman's question.

THE CHAIRMAN PRO TEMPORE: For the purpose of clarification of what the unanimous-consent agreement was, the Chair will then ask the gentleman from Wisconsin to restate what his request was. . . .

Just for the clarification of the members of the Committee, the unanimous-consent request was already agreed to. The gentleman from Wisconsin was clarifying the unanimous-consent request for the benefit of the gentleman from South Carolina.

Member Permitted by Unanimous Consent To Take Seat After Yielding for Debate

§ 8.32 A Member recognized to offer an amendment (to a substitute) under the five-minute rule was permitted, by unanimous consent, to take his seat while yielding to another Member for purposes of debate.

On July 28, 1983,[2] during consideration of H.R. 2760 (prohibition on covert assistance to Nicaragua) in the Committee of the Whole, the following proceedings occurred:

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Boland to the amendment offered by Mr. Mica as a substitute for the amendment offered by Mr. Young of Florida: . . .

MR. BOLAND: . . . Mr. Chairman, I yield to the gentleman from New York (Mr. Solarz).

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I thank the gentleman for yielding once more.

Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts (Mr. Boland) may sit while I engage in my remarks.

THE CHAIRMAN:[3] Is there objection to the request of the gentleman from New York?

There was no objection. . . .

MR. [E. THOMAS] COLEMAN of Missouri: Mr. Chairman . . . does the gentleman have the time or does the chairman have the time?

THE CHAIRMAN: The gentleman from Massachusetts (Mr. Boland) has the time.

MR. BOLAND: Mr. Chairman, would the gentleman yield?

MR. COLEMAN of Missouri: I yield.

MR. BOLAND: My understanding is that the gentleman from New York (Mr. Solarz) asked unanimous consent that I be permitted to sit and there was no objection to it. So I yielded the time to the gentleman from New York so he could continue.

Member-elect Permitted by Unanimous Consent To Debate

§ 8.33 During debate on a privileged resolution disposing of the question of the right of a Member-elect to be sworn, the Member-elect may participate in the debate only by unanimous consent.

On Jan. 3, 1985,[4] during the organization of the House, the following proceedings occurred:

THE SPEAKER:[5] According to the precedents, the Chair will swear in all Members of the House at this time.

The Chair recognizes the gentleman from Texas (Mr. Wright).

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, upon my responsibility as a Member-elect of the 99th Congress, I object to the oath being administered to the gentleman from Indiana, Mr. McIntyre, and I base this upon facts and statements which I consider to be reliable. . . .

Mr. Speaker, I have a privileged resolution at the Clerk's desk, and I ask for its immediate consideration.

2. 129 CONG. REC. 21413, 21414, 98th Cong. 1st Sess.

3. William H. Natcher (Ky.).

4. 131 CONG. REC. 380–82, 99th Cong. 1st Sess.

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

The Clerk read the resolution as follows:

H. RES. 1

Resolved, That the question of the right of Frank McCloskey or Richard McIntyre to a seat in the Ninety-ninth Congress from the Eighth Congressional District of Indiana shall be referred to the Committee on House Administration, when elected, and neither Frank McCloskey nor Richard McIntyre shall be sworn until the Committee on House Administration reports upon and the House decides such question. . . .

THE SPEAKER: The gentleman from Texas (Mr. Wright), under the precedents, is recognized for 1 hour.

MR. WRIGHT: Mr. Speaker, for purposes of debate only, I shall yield 30 minutes to the gentleman from Minnesota (Mr. Frenzel), and pending that, I yield myself such time as I may consume. . . .

MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I yield 5 minutes to the gentleman from Indiana, Mr. McIntyre.

THE SPEAKER: The gentleman does not have the right to participate in debate unless the House agrees. If there is an objection from the House, the gentleman may not speak.(6)

Without objection, the gentleman is entitled to 5 minutes.

There was no objection.

MR. [RICHARD] MCINTYRE [of Indiana]: Thank you, Mr. Speaker.

6. See also 1 Hinds' Precedents § 474.

In Seeking Recognition on Point of Personal Privilege, Member Must Inform Chair of the Basis for His Question Before the Chair Will Bestow Recognition

§ 8.34 A Member was recognized for one hour on a question of personal privilege based on violation of his rights as a Member, arising from unauthorized printed alterations in his statements made during subcommittee hearings in the prior Congress.

On June 28, 1983,(7) Mr. Judd Gregg, of New Hampshire, rose to a question of personal privilege, as follows:

MR. GREGG: Mr. Speaker, I rise to a question of personal privilege.

THE SPEAKER PRO TEMPORE:(8) The gentleman will state the question.

MR. GREGG: Mr. Speaker, on July 21 and July 22, of last year, I participated as a member of the Science and Technology Committee in joint hearings before that committee. The printed hearing record of those hearings was not received until April 27, of this year. Upon review of that official record, I discovered that several statements which I had made during the course of those hearings were materially altered in such a way as to reflect upon my in-

7. 129 CONG. REC. 17674, 17675, 98th Cong. 1st Sess.

8. George E. Brown, Jr. (Calif.).

tegrity and conduct during those hearings.

While the falsification of a House document is clearly a matter involving the integrity of the proceedings of this body, the alterations of my remarks, without my permission, affects my rights as an individual Member in my representative capacity. I therefore rise to a question of privilege in order to clarify the record on this matter.

THE SPEAKER PRO TEMPORE: The gentleman states an appropriate point of personal privilege, and the gentleman is therefore recognized for 1 hour.

Parliamentarian's Note: Questions of personal privilege under Rule IX normally involve cases where a Member's reputation has been damaged, particularly in press accounts; but Rule IX describes as the second category of privileged questions, the "rights, reputation, and conduct of Members, individually."

§ 9. Power and Discretion of Speaker or Chairman

The rules of the House give the Chair considerable discretion in deciding whom to recognize, and a decision on recognition is not subject to appeal.(9) The Chair is governed in the exercise of his power of recognition by the standing rules, which in some cases prohibit recognition for specific purposes(10) or which extend priority to Members with certain qualifications.(11) The Chair is also governed by the usages and precedents of the House which establish priorities of recognition based on a fixed order of business.(12)

Cross References

Chair's discretion as to recognition on specific questions and motions, see §§ 16 et seq., infra.

Chair's discretion over recognition for unanimous-consent requests, see § 10, infra.

Chair's discretion over yielding of time, see §§ 29–31, infra.

Chair's recognition for interruptions, see § 32, infra.

Chair's recognition of Member to control debate, see §§ 24 (role of manager), 26 (management by reporting committee),

9. See Rule XIV clause 2, *House Rules and Manual* § 753 (1995). See also §§ 9.5, 9.6, and 9.61, infra, for further discussion of the principle that decisions on recognition are not subject to appeal. For the parameters of the Chair's discretion, see *House Rules and Manual* §§ 753–757 (1995).

10. See, for example, §§ 11.14–11.16, infra.

11. See, for example, Rule XIV clause 3, *House Rules and Manual* § 759 (1995) (right of committee member to open and close debate). For prior rights of committee members to recognition, see § 13, infra.

12. See § 12, infra, for the order of recognition.

27 (designation of manager and opposition), and 28 (effect of special orders), infra.

Chairman of the Committee of the Whole and his authority generally, see Ch. 19, supra.

Chairman's discretion over duration of debate in Committee of the Whole, see § 74, infra.

Clerk's power of recognition before the election of the Speaker at the convening of Congress, see Ch. 1, supra.

Distribution and alternation of time by Chair, see § 25, infra.

Limitations on Chair's power of recognition, see § 11, infra.

Recognition under limitation on five-minute debate as within Chair's discretion, see § 22, infra.

Recognition for one-minute and special-order speeches, see § 73, infra.

Speaker and his authority generally, see Ch. 6, supra.

Speaker's discretion over duration of debate in the House, see § 67, infra.

Generally

§ 9.1 The power of recognition rests with the Speaker and is subject to his discretion.

On Apr. 8, 1964,[13] the House was considering House Resolution 665, providing for taking a House bill with Senate amendments from the Speaker's table and concurring in the amendments. Before consideration of the resolution had been completed, the Speaker declared a recess pursuant to previously granted authority. When the recess expired, the Speaker announced that the unfinished business was the reading of another bill which had just been engrossed.

Mr. Oliver P. Bolton, of Ohio, raised a parliamentary inquiry whether the business properly before the House as uncompleted business was the resolution being considered before the recess. Mr. Richard Bolling, of Missouri, then withdrew the resolution in question. Mr. Bolton objected to the recognition of Mr. Bolling for that purpose, stating that recognition of Mr. Bolling was out of order while Mr. Bolton's inquiry went unanswered.

Speaker John W. McCormack, of Massachusetts, responded that the withdrawal of the resolution terminated the inquiry (becoming merely hypothetical). Mr. Bolton objected that the inquiry was made before the resolution was withdrawn and the Speaker stated: "The Chair will state that the Chair has the power of recognition."

§ 9.2 Although members of the committee reporting a bill under consideration usually have preference of recognition, the power of recogni-

13. 110 CONG. REC. 7302, 7304, 88th Cong. 2d Sess.

tion remains in the discretion of the Chair.

On July 19, 1967,[14] in the Committee of the Whole, Chairman Joseph L. Evins, of Tennessee, recognized Mr. Edmond Edmondson, of Oklahoma, for a parliamentary inquiry and then recognized him to offer an amendment to the pending amendment. Mr. William C. Cramer, of Florida, made the point of order that William M. McCulloch, of Ohio, the Chairman of the Committee on the Judiciary, which had reported the bill, had been on his feet seeking recognition to offer an amendment at the time and that members of the committee reporting the bill had the prior right to be recognized. The Chairman overruled the point of order and stated:

> The Chair is trying to be fair and trying to recognize Members on both sides. The Chair will recognize the gentleman from Ohio (Mr. McCulloch).

The Chairman recognized Mr. McCulloch for a unanimous-consent request and then recognized Mr. Edmondson for debate on his amendment.

§ 9.3 Rule XXV, which provides that "questions as to the priority of business shall be decided by a majority without debate," merely precludes debate on motions to go into Committee of the Whole, on questions of consideration, and on appeals from the Chair's decisions on priority of business, and should not be utilized to permit a motion directing the Speaker to recognize Members in a certain order or to otherwise establish an order of business; thus, the Speaker has declined to recognize a Member who sought to compel recognition of Members for scheduled special orders.

On July 31, 1975,[15] the Speaker[16] declined to recognize a Member who sought to make a motion under Rule XXV to compel recognition of Members for scheduled "special orders":

> MR. PHILLIP BURTON [of California]: Mr. Speaker, I make a point of order that a quorum is not present. . . .
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I make a point of order. . . .
>
> Mr. Speaker, I would like to make the point of order to this effect: Under the new rules of the House, is it not true that once the House has pro-

14. 113 CONG. REC. 19416, 19417, 90th Cong. 1st Sess.

15. 121 CONG. REC. 26249, 26251, 94th Cong. 1st Sess. For further discussion of recognition for special orders, see §§ 9.63–9.65 and § 10, infra.

16. Carl Albert (Okla.).

ceeded to the closing business of the day, granting requests for absences and special orders, that it is no longer in order to make a point of order that a quorum is not present?

THE SPEAKER: The Chair has not started to recognize Members for special orders yet. All the business on the Chair's desk has been completed. . . .

MR. BAUMAN: Mr. Speaker, I make the point of order that the rules preclude a quorum at this point because personal requests have already been read from the desk. A leave of absence was granted to the gentleman from Texas (Mr. Teague).

Under the new rules, Mr. Speaker, a quorum does not lie after this point of business in the day.

THE SPEAKER: If the Chair understands the gentleman's point of order, it relates to the fact, which is a new rule, not the rule we used to follow. The rule is that once a special order has started, the Member who has the special order and is speaking cannot be taken off his feet by a point of order of no quorum. However, there is nothing in the rules of which the Chair is aware that requires the Chair to begin to call a special order at any particular time.

MR. BAUMAN: Mr. Speaker, I move under rule XXV that the House proceed to recognize the Members previously ordered to have special orders today, and on that I ask for a rollcall vote.

MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Speaker, I move that the House do now adjourn.

The question was taken.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 137, nays 202, not voting 95, as follows: . . .

MR. BAUMAN: Mr. Speaker, under rule XXV, I again renew my motion that the Chair proceed to the recognition of other Members who have previously been granted special orders for today.

THE SPEAKER: The Chair recognizes the gentleman from California (Mr. Danielson).

MR. [GEORGE E.] DANIELSON [of California]: Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

MR. BAUMAN: Mr. Speaker, there is a motion pending.

Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I move that the House do now adjourn.

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

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 142, nays 205, not voting 87, as follows: . . . .

Points of Order Against Chair's Exercise of Discretion

§ 9.4 A Member designated in a resolution (discharged from

the Committee on Rules) to call up a bill having died, the Speaker overruled a point of order against his recognition of another Member, in favor of the bill, to call it up.

On Oct. 12, 1942,[17] the following resolution creating a special order of business was called up in the House following adoption of a successful motion to discharge the Committee on Rules from its further consideration:

> *Resolved,* That upon the day succeeding the adoption of this resolution, a special order be, and is hereby, created by the House of Representatives, for the consideration of H.R. 1024, a public bill which has remained in the Committee on the Judiciary for 30 or more days without action. That such special order be, and is hereby, created, notwithstanding any further action on said bill by the Committee on the Judiciary, or any rule of the House. That on said day the Speaker shall recognize the Representative from California, Lee E. Geyer, to call up H.R. 1024, a bill to amend an act to prevent pernicious political activities, as a special order of business, and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of said H.R. 1024. After general debate, which shall be confined to the bill and shall continue not to exceed 4 hours, to be equally divided and controlled by the Member of the House requesting the rule for the consideration of said H.R. 1024 and the Member of the House who is opposed to the said H.R. 1024, to be designated by the Speaker, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill, and the amendments thereto, to final passage, without intervening motion, except one motion to recommit. The special order shall be a continuing order until the bill is finally disposed of.

Mr. Samuel F. Hobbs, of Alabama, made a point of order against consideration of the resolution, on the grounds that the Member named in the resolution, Mr. Geyer, had died and that therefore the resolution should not be in order for consideration by the House. Speaker Sam Rayburn, of Texas, ruled as follows:

> A matter not exactly on all fours with this, but similar to it, was ruled on a few weeks ago. On that occasion both the chairman and the ranking minority member of the committee were absent. A point of order was made against consideration of the bill because of that fact.
>
> In ruling on the point of order at that time the Chair made the following statement:
>
> "The Chair thinks the Chair has rather a wide range of latitude here. The Chair could hold, and some future

17. 88 CONG. REC. 8080, 77th Cong. 2d Sess.

Speaker might hold, that, since the chairman and the ranking minority member of the committee are not here, there could be no general debate because there was nobody here to control it; but the present occupant of the Chair is not going to rule in such a restricted way.

"The Chair is going to recognize the next ranking majority member and the next ranking minority member when the House goes into the Committee of the Whole."

We have here even a stronger case than that. The absence of a living Member may be his or her fault; the absence of a dead signer of this petition is not his fault.

There is a rule followed by the chancery courts which might well be followed here. It is that equity never allows a trust to fail for want of a trustee. Applying that rule to the instant case, the Chair holds that the consideration of this legislation will not be permitted to fail for want of a manager. After all, an act of God ought not, in all good conscience, deprive this House of the right to consider legislation; especially so, since this House has by its vote on the motion to discharge expressed its intent.

The Chair will recognize some Member other than Mr. Geyer to call up the bill on tomorrow; for, if the Chair were to hold that only Mr. Geyer could have called up this motion, Mr. Geyer being absent not through any act of his own but through an act of God, the Chair would be making such a restricted ruling that now and in the future it might prevent the House of Representatives from working its will.

The Chair overrules the point of order made by the gentleman from Alabama.

On the following day, Oct. 13, 1942,[18] the Speaker recognized Mr. Joseph A. Gavagan, of New York, to move that the House resolve itself into the Committee of the Whole pursuant to House Resolution 110; the Speaker reiterated his ruling of the previous day when Mr. Hobbs made a point of order against the motion.

Parliamentarian's Note: Speaker Rayburn had ruled, on July 23, 1942,[19] that where a resolution creating a special order of business provided for general debate in Committee of the Whole to be equally divided and controlled by the chairman and ranking minority member of a committee, and both were absent, the Chairman of the Committee of the Whole could recognize the next ranking majority and minority members of the committee to control the debate in Committee of the Whole. The authority to control the general debate may also be delegated by the chairman and ranking minority member to the chairman and ranking minority member of the subcommittee with jurisdiction over the measure (see Ch. 21, supra).

Appeals From Decision on Recognition

§ 9.5 An appeal from the decision of the Speaker on a

18. *Id.* at p. 8120.

19. *Id.* at pp. 6542–44.

question of recognition does not lie.

On June 2, 1930,[20] Speaker Nicholas Longworth, of Ohio, ruled that the motion to postpone consideration of a vetoed bill was not an essential motion whose defeat required recognition to pass to a Member leading the opposition to the motion. Mr. Charles R. Crisp, of Georgia, and Mr. John N. Garner, of Texas, objected to the ruling, and Mr. Garner attempted to appeal from the Chair's ruling.

Mr. Carl R. Chindblom, of Illinois, made the point of order that an appeal did not lie on a matter of recognition. The Speaker responded:

> This is a matter purely of recognition. The Chair wants to be absolutely fair. If he thought that there was any possible unfairness in recognizing the gentleman from Minnesota (Mr. Knutson), he would be the last one to recognize him. . . .
>
> The question is whether this was an essential motion dealing with the merits of the question. The Chair does not think so, and the Chair recognizes the gentleman from Minnesota.

20. 72 CONG. REC. 9913, 9914, 71st Cong. 2d Sess.

See Rule XIV clause 2, and comments thereto, *House Rules and Manual* § 753 (1995). The rule provides that the Speaker shall decide on recognition, and since 1881 the Chair has declined to entertain appeals from decisions on recognition.

§ 9.6 A decision of the Chair on a matter of recognition is not subject to appeal or to a point of order.

On July 2, 1980,[1] during consideration of the Rail Act of 1980 (H.R. 7235) in the Committee of the Whole, the following proceedings occurred:

> MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.
>
> THE CHAIRMAN:[2] The Clerk will report the amendment to the substitute amendment.
>
> MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, a point of order. . . .
>
> I understand that the procedure is that the members of the subcommittee would be recognized for amendments first. . . .
>
> I further understand that the gentlewoman from Maryland, a member of the subcommittee, was on her feet seeking recognition for the purpose of offering an amendment, as well as the gentleman from North Carolina (Mr. Broyhill). . . .
>
> THE CHAIRMAN: The Chair will respond to the gentleman by saying to him that the normal procedure is to recognize members of the full committee by seniority, alternating from side to side, which the Chair has been doing. The gentleman was recognized under that procedure, and the Chair's

1. 126 CONG. REC. 18292, 96th Cong. 2d Sess.

2. Les AuCoin (Oreg.).

recognition is not in any event subject to challenge.

Therefore, the gentleman is recognized, and any point of order that the gentleman from Illinois would make on that point would not be sustained.

§ 9.7 A decision of the Chair on the exercise of his discretionary power of recognition (in this case, for a unanimous-consent request) is not subject to appeal.

On July 23, 1993,[3] the Chair discussed the appealability of the Chair's refusal to recognize for a unanimous-consent request for consideration of a reported bill.

MR. [STEVE] GUNDERSON [of Wisconsin]: Mr. Speaker, my parliamentary inquiry is this: Is it possible to ask unanimous consent to bring H.R. 2667 for its immediate consideration?

THE SPEAKER PRO TEMPORE:[4] The leadership on both sides of the aisle has to agree to allow that unanimous-consent request. . . .

MR. GUNDERSON: Mr. Speaker, I have [a] parliamentary inquiry.

Is it possible to ask unanimous consent at any time during the day to bring up an appropriation bill for its immediate consideration?

THE SPEAKER PRO TEMPORE: The chairman or his designee could bring the bill up.

MR. GUNDERSON: . . . If, for example, I were to move or ask unanimous consent to do that and the Chair did not recognize me, would it be possible at that point to literally appeal the ruling of the Chair for another Member to bring it up?

THE SPEAKER PRO TEMPORE: Under a previous agreement between the leaderships of the Democrat and Republican side, only the chairman of the committee would be recognized to bring up the bill after agreement of both leaderships by a unanimous-consent request. Another Member would not be recognized for that reason, and the denial of recognition to make a unanimous-consent request is not appealable.

Parliamentarian's Note: The precedents distinguish between discretionary exercises of recognition, the conferral or denial of which is not appealable, and "exercises of interpretive authority," in which the Chair bases his decision on a rule of order. Of course, the distinction blurs in some cases. Thus, even where a decision of the Chair is couched in terms of a denial or conferral of recognition, a decision may be appealable where it is based on an explicit or implicit interpretation of the rules and precedents, or where it is in fact a decision on a question of order. For further discussion of this issue, see Deschler-Brown, *Procedure in the U.S. House of Representatives,* Ch. 31 § 8.

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

4. John P. Murtha (Pa.).

Decision on Recognition Cannot Give Rise to Question of Privilege

§ 9.8 It is not in order to raise as a question of the privileges of the House a proposition to amend or interpret the rules of the House or to impinge on the Chair's power of recognition; thus, where the Speaker Pro Tempore had announced that he would not entertain requests to address the House for one minute prior to legislative business, a resolution directing that the Speaker exercise his prerogative and reinstitute the custom of allowing one-minute speeches at the beginning of the session was held not to raise a question of the privileges of the House.

On July 25, 1980,[5] the following proceedings occurred in the House:

> THE SPEAKER PRO TEMPORE:[6] . . . As the Chair announced yesterday, requests to address the House for 1 minute will be entertained at the conclusion of the legislative business today, rather than at the beginning. . . .
>
> The Chair believes there is genuine value in the 1-minute rule in the exercise of free expression . . . . For all its value, however, the Chair does not believe that the 1-minute rule must necessarily precede, nor be permitted to postpone, the business of the House. . . .
>
> MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, I rise to a point of privilege.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state his privilege.
>
> MR. SHUSTER: Mr. Speaker, I offer a privileged resolution.
>
> THE SPEAKER PRO TEMPORE: The Clerk will report the resolution.
>
> The Clerk read as follows:
>
> > Whereas the custom of allowing one-minute speeches is a long-standing tradition of the House. . . .
> >
> > Whereas the ability of the Minority to be heard rests to a large degree on the one-minute speeches. . . .
> >
> > Now, therefore, be it
> >
> > *Resolved,* That the Speaker exercise his prerogative and reinstitute the custom of allowing one-minute speeches at the beginning of the session.
>
> THE SPEAKER PRO TEMPORE: The Chair must declare that a question of the privileges of the House under rule IX cannot impinge upon the Speaker's right of recognition. The gentleman's proposal is not, under rule IX, a privileged resolution, and the Chair will so rule. The Chair does not entertain the resolution at this time.

Parliamentarian's Note: As further examples of the above principle, Members may not, under the guise of raising a question of the privileges of the House, give

5. 126 CONG. REC. 19762–64, 96th Cong. 2d Sess.

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

directions to the Speaker infringing on his discretionary power of recognition, 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;[7]] 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).[8]

Recognition for General Debate

§ 9.9 Where the time for, and apportionment of, general debate in the Committee of the Whole has not been fixed by the House, the Chair has discretion as to whom he will recognize under the hour rule.

On July 27, 1937,[9] the Committee of the Whole was conducting general debate on a bill, where the House had not fixed the time of debate or how it should be apportioned. Chairman Wright Patman, of Texas, recognized Mr. John Taber, of New York, for one hour of debate. Mr. Bertrand H. Snell, of New York, was refused recognition by the Chair, who stated "the question of recognition is one to be determined by the Chair."

The Chairman then answered a parliamentary inquiry:

> MR. [EARL C.] MICHENER [of Michigan]: Under the rules of the House, when we go into the Committee of the Whole House on the State of the Union, as we have in this instance, without fixing the time for debate, am I correct in saying that anyone recognized by the Chair is recognized for an hour, and has the Chair the discretion of recognizing certain individuals and then permitting those individuals to yield their time to other individuals, to the exclusion of other Members who are seeking recognition?
>
> THE CHAIRMAN: That has been the practice.

§ 9.10 The Chairman of the Committee of the Whole recognized five Members successively for a total of one hour's debate, where such debate had not been fixed by the House.[10]

Announcement of Policies Concerning Recognition

§ 9.11 Recognition is a matter within the discretion of the

7. See 133 CONG. REC. 5403, 100th Cong. 1st Sess., Mar. 11, 1987.
8. See 134 CONG. REC. 20281, 100th Cong. 2d Sess., Aug. 3, 1988.
9. 81 CONG. REC. 7686, 75th Cong. 1st Sess.
10. 87 CONG. REC. 3917–39, 77th Cong. 1st Sess., May 12, 1941.

Chair, and the Chair may refuse to curtail his discretion by announcing in advance whom he will recognize if a certain parliamentary situation develops.

On Mar. 1, 1967,[11] Mr. Joe D. Waggonner, Jr., of Louisiana, stated a lengthy parliamentary inquiry on the procedures for consideration of House Resolution 278, relating to the right of Member-elect Adam C. Powell, of New York, to be sworn in. Part of the inquiry referred to control of debate and recognition for debate and motions if a hypothetical parliamentary situation arose. Speaker John W. McCormack, of Massachusetts, responded as follows to the inquiry on recognition:

> The question of recognition is one that the Chair will pass upon if that time [situation hypothesized by Mr. Waggonner] should arise.

On Oct. 8, 1969,[12] Mr. John D. Dingell, of Michigan, inquired of Speaker John W. McCormack, of Massachusetts, whether, if the previous question were voted down on the pending appropriation bill, he would be recognized to offer an amendment. The Speaker responded:

> The Chair is not going to give a preliminary opinion as to whom the Chair might recognize.

11. 113 CONG. REC. 4997, 90th Cong. 1st Sess.

12. 115 CONG. REC. 29219, 29220, 91st Cong. 1st Sess.

§ 9.12 The Chairman of the Committee of the Whole does not anticipate the order in which amendments may be offered nor does he declare in advance the order of recognition, but where he knows a Member desires recognition to offer an amendment, he may indicate that he will protect the Member's rights.

On Sept. 8, 1966,[13] Chairman Edward P. Boland, of Massachusetts, answered a parliamentary inquiry as to the order of recognition for offering amendments under the five-minute rule:

> MR. [ROBERT G.] STEPHENS [Jr., of Georgia]: It is my understanding that the procedures will be for the Minish amendment to be considered and after the Minish amendment is disposed of then I will offer a substitute and it is my understanding I will be recognized immediately after the amendment for the purpose of submitting that substitute. Is that the correct parliamentary situation?
>
> THE CHAIRMAN: Recognition, of course, is within the discretion of the Chair, but the Chair will protect the gentleman's rights.

§ 9.13 The Speaker on occasion has announced his policy concerning recognition for certain purposes, including

13. 112 CONG. REC. 22020, 89th Cong. 2d Sess.

the times during the legislative day when recognition for such purposes would be granted.

Formerly, Rule XI prohibited committees from sitting at any time when the House was in session; the rule was narrowed to proscribe sittings during the five-minute rule by the Legislative Reorganization Act of 1970.[14] Subsequently, certain committees were exempted from this rule (including the Committees on Appropriations, the Budget, and Rules, the Committee on Standards of Official Conduct, the Committee on Ways and Means and the Committee on House Administration). A provision that special leave to sit be granted if ten Members did not object was added to the rule in the 95th Congress.[15] In the 103d Congress the prohibition against sitting during proceedings under the five-minute rule was stricken altogether[16] but was reinstated in modified form in the 104th.

At the time the rule was in effect, the Speaker[17] stated:

> The Chair announces that he will recognize Members to make requests for committees to sit during the 5-minute rule only at certain times during the legislative day. While the precedents indicate that such requests when pending are not votes requiring the presence of a quorum, the Chair wishes to avoid the need for a call of the House pending such requests but at the same time to assure predictability as to when he will accord recognition. Therefore, the Speaker intends to set up the following guidelines: . . .

The Speaker's guidelines for recognition for requests for committees to sit during the five-minute rule pursuant to clause 2(i), Rule XI, requiring 10 objections to preclude permission following announcement of the legislative schedule, were intended to afford predictability as to when recognition would be granted, to avoid discretionary calls of the House pending such requests, to distinguish between hearing and meeting requests, and to permit meeting requests only on days when legislative votes are scheduled but not after the completion of legislative business.

§ 9.14 Pursuant to the Speaker's policy announced in the

14. Sec. 117(b); 84 Stat. 1140.

15. H. Res. 5, 123 CONG. REC. 53–70, 95th Cong. 1st Sess., Jan. 4, 1977. For the Speaker's announcement in the 98th Congress of his policy concerning recognition for requests for committees to sit during the five-minute rule, see 129 CONG. REC. 3385, 98th Cong. 1st Sess., Mar. 3, 1983.

16. H. Res. 5, 139 CONG. REC. p. ____, 103d Cong. 1st Sess., Jan. 5, 1993.

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

98th Congress in regard to recognition for requests that committees and subcommittees be permitted to sit during the five-minute rule, the Speaker Pro Tempore indicated on a day when no rollcall votes were scheduled, that such a request (except as to hearings) should be withheld until the next day, when Members had been advised there could be rollcall votes.

The following exchange occurred in the House on May 23, 1983:[18]

MR. [NORMAN Y.] MINETA [of California]: Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation and the Committee on Public Works and Transportation have permission to sit during the 5-minute rule in the House on Wednesday, May 25, 1983.

THE SPEAKER PRO TEMPORE:[19] The Chair will advise the gentleman that under the Speaker's statement he will have to make that request tomorrow.

Recognition To Offer Amendments

§ 9.15 Recognition among Members seeking the floor in the Committee of the Whole for the purpose of offering amendments is within the discretion of the Chair.

On Dec. 15, 1937,[20] Mr. Gerald J. Boileau, of Wisconsin, raised a parliamentary inquiry as to whether perfecting amendments had priority over substitute amendments:

MR. BOILEAU: Mr. Chairman, reserving the right to object, and I do so to propound a parliamentary inquiry as to the order in which amendments are to be offered. The amendment offered by the gentlewoman from New Jersey is now pending. Would not perfecting amendments have priority of consideration over a substitute amendment?

THE CHAIRMAN:[1] The Chair has no knowledge of what amendments may be offered; but ordinarily a perfecting amendment has precedence over a motion to substitute insofar as voting is concerned. If the unanimous-consent request is granted, it is the understanding of the Chair that amendments will be offered section by section.

MR. BOILEAU: Nevertheless, it is the amendment offered by the gentlewoman from New Jersey that would be before the House.

THE CHAIRMAN: That is before the Committee now.

MR. BOILEAU: Would not perfecting amendments have priority over an amendment to substitute?

THE CHAIRMAN: So far as voting is concerned, yes.

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18. 129 CONG. REC. 13365, 98th Cong. 1st Sess.

19. John P. Murtha (Pa.).

20. 82 CONG. REC. 1590, 75th Cong. 2d Sess.

1. John W. McCormack (Mass.).

MR. BOILEAU: I appreciate that fact, but may I propound a further parliamentary inquiry, whether or not a Member rising in his place and seeking recognition would not have a prior right to recognition for the purpose of offering a perfecting amendment to the amendment now pending?

THE CHAIRMAN: It does not necessarily follow that such Member would have a prior right. Recognition is in the discretion of the Chair.

MR. BOILEAU: I recognize it does not necessarily follow, but I am trying to have the matter clarified. Therefore I ask the Chair whether or not a Member who qualifies as offering a perfecting amendment does not have prior right of recognition in offering such amendment?

THE CHAIRMAN: . . . [T]he Chair does not feel he should estop himself of his own discretion in the matter of recognitions.

MR. BOILEAU: Does the Chair then rule that is within the discretion of the Chair rather than a right of the Member?

THE CHAIRMAN: In answer to the gentleman's inquiry, the Chair is of the opinion it is within the province of the Chair whom the Chair will recognize, having in mind the general rules of the House.

On June 29, 1939,[2] Chairman Jere Cooper, of Tennessee, indicated that where a Member had been recognized to offer an amendment but not for debate thereon, the Chair could in his discretion refuse to recognize members of the committee reporting the bill to offer amendments if they had not been on their feet seeking recognition:

MR. [HAROLD] KNUTSON [of Minnesota]: Mr. Chairman, I have an amendment at the Clerk's desk which I would like to offer at this time.

The Clerk read as follows:

Amendment offered by Mr. Knutson: Strike out all of section 1 and insert the following——

MR. [HAMILTON] FISH [Jr., of New York] (interrupting the reading of the amendment): Mr. Chairman, would it be in order for the committee members to be recognized first to offer amendments?

MR. KNUTSON: I have already been recognized.

THE CHAIRMAN: If there is any member of the committee seeking recognition, he is entitled to recognition.

MR. FISH: Mr. Chairman, I would like to be recognized.

MR. KNUTSON: I already have the floor, and have been recognized.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, the gentleman from Minnesota [Mr. Knutson] has already been recognized.

THE CHAIRMAN: Recognition is in the discretion of the Chair, and the Chair will recognize members of the committee first. Does the acting chairman of the committee seek recognition?

MR. [SOL] BLOOM [of New York]: Mr. Chairman, I would like to ask whether the committee amendments to section 1 have been agreed to?

THE CHAIRMAN: The only one the Chair knows about is the one appear-

2. 84 CONG. REC. 8311, 76th Cong. 1st Sess.

ing in the print of the bill, and that has been agreed to.

MR. BLOOM: In line 16, there is a committee amendment.

MR. KNUTSON: Mr. Chairman, I was recognized by the Chair.

THE CHAIRMAN: The Chair feels that inasmuch as members of the committee were not on their feet and the gentleman from Minnesota had been recognized, the gentleman is entitled to recognition.

§ 9.16 While recognition of Members to offer amendments is within the Chair's discretion and cannot be challenged on a point of order, the Chair under the precedents alternates recognition between majority and minority members of the committee reporting the bill.

During consideration of the Outer Continental Shelf Act (H.R. 6218) in the Committee of the Whole on June 11, 1976,[3] the following occurred:

THE CHAIRMAN:[4] The question is on the amendment offered by the gentleman from New York (Mr. Murphy).

The amendment was agreed to.

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Murphy of New York; On page 59, lines 12 to 20, strike paragraphs 5(a), (6), (7), and (8) and renumber subsequent paragraphs accordingly.

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Chairman, a point of order.

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

MR. FISH: Mr. Chairman, the minority has amendments to offer, including a substitute amendment to title II. It is my understanding that the minority would have its turn at the same time as the majority in considering the amendments.

THE CHAIRMAN: The Chair would advise the gentleman from New York (Mr. Fish) that that would not come under the category of a point of order; but the Chair would further advise the gentleman from New York (Mr. Fish) that since the gentleman has raised the point, the Chair will alternate from side to side.

§ 9.17 The order of recognition to offer amendments is within the discretion of the Chair, who may either base his initial recognition on committee seniority or upon the preferential voting status of the amendments sought to be offered; thus, where both a pending amendment and a substitute therefor are open to perfecting amendments, the Chair has the discretion of first recognizing either the senior committee member, or a junior committee member whose amendment would be first voted upon, where both

3. 122 CONG. REC. 17764, 94th Cong. 2d Sess.

4. William H. Natcher (Ky.).

amendments could ultimately be pending at the same time.

The following proceedings occurred during consideration of the Alaska National Interest Lands Conservation Act of 1979 in the Committee of the Whole on May 15, 1979:[5]

THE CHAIRMAN:[6] For what purpose does the gentleman from Ohio (Mr. Seiberling) rise?

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: Is this to the Udall substitute?

MR. SEIBERLING: Mr. Chairman, I have an amendment at the desk to the Udall-Anderson bill, which is actually a series of technical amendments which I will ask unanimous consent to offer en bloc. . . .

THE CHAIRMAN: Since there is no other amendment pending to the Udall substitute, the amendment of the gentleman from Ohio may be offered. . . .

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, assuming there is an amendment to be offered to the so-called Breaux-Dingell merchant marine version, that would take precedence over an amendment to the so-called Udall-Anderson interior bill?

THE CHAIRMAN: The Chair has the option either to recognize the senior Member first or to first recognize that Member seeking to offer the amendment which will be preferential and first voted upon.

MR. [THOMAS J.] HUCKABY [of Louisiana]: Mr. Chairman, I have amendments at the desk for the Breaux-Dingell bill.

THE CHAIRMAN: The Clerk will report the amendments.[7]

MR. [DON H.] CLAUSEN [of California]: Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, what is the parliamentary situation? Is there an amendment to be offered by the gentleman from Ohio (Mr. Seiberling) or the gentleman from Louisiana (Mr. Huckaby)?

THE CHAIRMAN: The Chair will state that the gentleman from Ohio (Mr. Seiberling) sought recognition to amend the Udall substitute, but the gentleman from Louisiana (Mr. Huckaby) has an amendment to the Merchant Marine and Fisheries amendment in the nature of a substitute, and he will be recognized. The Chair will recognize the gentleman from Ohio (Mr. Seiberling) later for the purposes of offering his amendment. . . .

MR. HUCKABY: Mr. Chairman, I offer amendments to the amendment in the nature of a substitute.

THE CHAIRMAN: The Clerk will report the amendments.

Parliamentarian's Note: Mr. Huckaby's amendments to the original amendment were subse-

5. 125 CONG. REC. 11135, 11136, 96th Cong. 1st Sess.

6. Paul Simon (Ill.).

7. Mr. Seiberling was senior to Mr. Huckaby on the Committee on Interior and Insular Affairs, but Mr. Huckaby's amendment was to be voted on first and he represented the majority position on the committee.

quently agreed to.[8] Mr. Seiberling then indicated that he had amendments to the substitute, and Mr. Huckaby that he had further amendments to the original amendment. As noted above, the Chair would have discretion to recognize either Member; but the Chair indicated that in either case, the question would not be put on amendments to the substitute until all amendments to the original amendment had been disposed of.

§ 9.18 While alternation of recognition between the majority and minority Members controlling debate in the House, or continued recognition of that Member having the most time remaining, are two customary factors governing recognition by the Chair, neither factor is binding on the Chair, who may exercise discretion in conferring recognition where control has been equally divided, and may entertain a motion for the previous question by the manager of the measure if neither side seeks to yield further time.

On June 23, 1983,[9] Speaker Pro Tempore Jim Moody, of Wisconsin, responded to several parliamentary inquiries regarding procedures for recognition. The proceedings in the House during consideration of House Concurrent Resolution 91 (revising the fiscal 1983 congressional budget and setting forth the fiscal 1984 budget) were as follows:

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

Does the gentlewoman seek recognition?

MRS. [LYNN] MARTIN of Illinois: Mr. Speaker, could the Chair inform us how much time each side of the aisle has remaining?

THE SPEAKER PRO TEMPORE: The gentleman from Oklahoma has 35 minutes left and the gentleman from Ohio has 21½ minutes left.

MRS. MARTIN of Illinois: Then we will allow the other side of the aisle to catch up.

MR. [JAMES R.] JONES of Oklahoma: Does the gentlewoman want to yield back her time?

MRS. MARTIN of Illinois: Mr. Speaker, I am reserving the balance of my time.

MR. JONES of Oklahoma: Our side just spoke. If the gentlewoman does not want to use her time and have her side go forward, the gentlewoman can reserve her time and we can reserve ours and we can dispense with the rest of the debate.

MRS. MARTIN of Illinois: Mr. Speaker, may I ask the outstanding chairman, the gentleman from Oklahoma, will he then yield that time to us?

Well, we will reserve our time for now and await the gentleman's decision.

8. 125 CONG. REC. 11152, 96th Cong. 1st Sess.

9. 129 CONG. REC. 17089, 98th Cong. 1st Sess.

MR. JONES of Oklahoma: Mr. Speaker, I would like to state a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. JONES of Oklahoma: Mr. Speaker, if we reserve our time, is the previous question then in order?

THE SPEAKER PRO TEMPORE: Will the gentleman restate the question?

MR. JONES of Oklahoma: The gentlewoman has reserved her time. If we reserve our time, is the previous question then in order?

THE SPEAKER PRO TEMPORE: If neither side yields time, the Chair will entertain a motion for the previous question from the manager of the motion.

MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. SHUSTER: Mr. Speaker, if not the rules of the House, is it not the tradition of the House that the side with the most time remaining takes the floor?

THE SPEAKER PRO TEMPORE: That is one variable. Alternating from side to side is another tradition of the House.

—*Committee Amendments*

§ 9.19 Where a bill consisting of several titles was considered as read and open to amendment at any point under a special "modified closed rule" permitting germane amendments only to certain portions of titles but permitting committee amendments to any portion of the bill, the Chair first recognized a Member to offer committee amendments to title I and then recognized other Members to offer amendments to that title.

On Aug. 7, 1974,[10] during consideration of the Federal Election Campaign Act of 1974 (H.R. 16090) in the Committee of the Whole, Chairman Richard Bolling, of Missouri, made the following statement:

THE CHAIRMAN: No amendments, including any amendment in the nature of a substitute for the bill, are in order to the bill except the following:

In title 1: Germane amendments to subsection 101(a) proposing solely to change the money amounts contained in said subsection, providing they have been printed in the Congressional Record at least 1 calendar day before being offered; and the text of the amendment to be offered on page 13, following line 4, inserted in the Congressional Record of August 5, 1974, by Mr. Butler.

In title 2: Germane amendments to the provisions contained on page 33, line 17, through page 35, line 11, providing they have been printed in the Record at least 1 calendar day before being offered; and the amendment printed on page E5246 in the Record of August 2, 1974.

In title 4: Germane amendments which have been printed in the Record

10. 120 CONG. REC. 27258, 27259, 93d Cong. 2d Sess.

at least 1 calendar day before they are offered, except that sections 401, 402, 407, 409 and 410 shall not be subject to amendment; and the text of the amendment printed on page H7597 in the Congressional Record of August 2, 1974.

Amendments are in order to any portion of the bill if offered by direction of the Committee on House Administration, but said amendments shall not be subject to amendment.

Are there any Committee on House Administration amendments to title I?

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Chairman, I offer three committee amendments to title I of the bill and I ask unanimous consent that they be considered en bloc.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE CHAIRMAN: The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: . . .

THE CHAIRMAN: The question is on the amendments offered by the gentleman from New Jersey (Mr. Thompson).

The committee amendments were agreed to.

THE CHAIRMAN: Are there further committee amendments to title I?

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, I offer an amendment to title I.

The Clerk read as follows:

Amendment offered by Mr. du Pont: Page 2, line 16, strike "$5,000" and insert in lieu thereof "$2,500".

MR. DU PONT: Mr. Chairman, as required by the rule adopted by the House today, my amendment was published at pages E5306 and E5307 of yesterday's Record.

Yielding for Amendments

§ 9.20 A Member recognized under the five-minute rule may not yield to another Member to offer an amendment (thereby depriving the Chair of his power of recognition), but he may by unanimous consent yield the balance of his time to another Member who may thereafter offer an amendment.

The proposition described above was demonstrated in the Committee of the Whole on Oct. 30, 1975,[11] during consideration of H.R. 8603, the Postal Reorganization Act Amendments of 1975:

(Mr. Cohen asked and was given permission to revise and extend his remarks.)

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, will the gentleman yield?

MR. [WILLIAM S.] COHEN [of Maine]: I yield to the gentleman from Delaware.

MR. DU PONT: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[12] The Chair will state that the gentleman from Maine

11. 121 CONG. REC. 34442, 94th Cong. 1st Sess.

12. Walter Flowers (Ala.).

cannot yield for the purpose of the gentleman from Delaware offering an amendment.

MR. COHEN: Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Delaware (Mr. du Pont).

THE CHAIRMAN: Is there objection to the request of the gentleman from Maine?

There was no objection.

THE CHAIRMAN: The gentleman from Delaware is recognized for 2 minutes.

AMENDMENT OFFERED BY MR. DU PONT

MR. DU PONT: Mr. Chairman, I offer an amendment.

The Clerk read the amendment as follows:

> Amendment offered by Mr. du Pont: Page 32, immediately after line 26, add the following new section:
>
> Sec. 16. (a) Chapter 6 of title 39, United States Code, is amended by adding at the end thereof the following new section: . . .

Effect of Special Rules

§ 9.21 Where a special rule providing for the consideration of a measure provides for the apportionment of time "between those favoring and those opposing" the measure, it is within the discretion of the Chairman of the Committee of the Whole as to those Members he will recognize to control the time.

On Dec. 18, 1929,[13] Speaker Nicholas Longworth, of Ohio, answered a parliamentary inquiry on the procedure of recognition in the Committee of the Whole:

MR. [GEORGE] HUDDLESTON [of Alabama]: Mr. Speaker, the rule under which we are to consider the resolution provides that the time in general debate shall be equally divided and controlled by those favoring and those opposing the resolution. I think it would be informative to the House to know just how that division is to be made.

THE SPEAKER: The Chair would think that that would be in the discretion of the Chairman of the Committee of the Whole.

MR. HUDDLESTON: Then the Chairman of the Committee of the Whole, the Speaker thinks, has discretion to recognize any Member who may gain his attention, and that Member having gained the floor would be entitled to an hour?

THE SPEAKER: Not necessarily.

MR. HUDDLESTON: To what time would he be entitled?

MR. [J. CHARLES] LINTHICUM [of Maryland]: The resolution provides that.

THE SPEAKER: The Chair would think that the Member being recognized in favor of the proposition would be entitled to control half the time and the Member announcing himself opposed to the proposition would be entitled to control half of the time.

MR. HUDDLESTON: The Speaker thinks that that would be the interpretation even though it gave the Member so recognized an hour and a half, when, under the rules of the House, a Member is entitled only to one hour?

THE SPEAKER: The resolution provides that the time for general debate

13. 72 CONG. REC. 907, 908, 71st Cong. 2d Sess.

shall be equally divided and controlled by those favoring and opposing the resolution.

MR. HUDDLESTON: It does not provide that it shall be apportioned to any particular Member.

THE SPEAKER: The Chair would think that the Member announcing his opposition to the resolution would be entitled to control an hour and a half.

§ 9.22 Where a special rule permits both the offering of specified perfecting amendments in a certain order and pro forma amendments, the Chair has discretion to recognize Members to offer pro forma amendments to debate the underlying text between consideration of perfecting amendments.

The following proceedings occurred in the Committee of the Whole on May 26, 1982,[14] during consideration of House Concurrent Resolution 345 (the first concurrent resolution on the budget for fiscal year 1983):

MR. [HENRY A.] WAXMAN [of California]: At the appropriate time after we have completed this amendment, I will seek to strike the last word to make other comments that may be of interest to Members.

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[15] The gentleman will state it.

MR. MADIGAN: Is the procedure that has just been suggested by the gentleman from California one that would be in order?

THE CHAIRMAN: The Chair will entertain pro forma amendments between amendments.

MR. MADIGAN: Further pursuing my parliamentary inquiry, Mr. Chairman, how would the gentleman from California be able to be recognized to speak in behalf of something that he says he is not going to offer?

THE CHAIRMAN: Between amendments, no amendment is pending. That is why a pro forma amendment presumably to one of the substitutes will be allowed. It provides an opportunity for discussion between amendments.

§ 9.23 Where a special rule adopted by the House makes in order a designated amendment to a bill in Committee of the Whole but gives no special priority or precedence to such an amendment, the Chair is not required to extend prior recognition to offer that amendment but may rely on other principles of recognition such as alternation between majority and minority parties and priority of perfecting amendments over motions to strike.

14. 128 CONG. REC. 12141, 97th Cong. 2d Sess.

15. Richard Bolling (Mo.).

On June 21, 1979,[16] during consideration of H.R. 111, the Panama Canal Act of 1979, the Chair, after recognizing the manager of the bill to offer a pro forma amendment under the five-minute rule, recognized the ranking minority member to offer a perfecting amendment, prior to recognizing another majority member seeking recognition on behalf of another committee with jurisdiction over a portion of the bill to move to strike that portion, where the motion to strike was made in order but given no preferential status in the special rule governing consideration of the bill. The proceedings were as follows:

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise at this time with so many Members in the well and on the floor to ask as many Members as possible to try to stay on the floor throughout the next hour and 50 minutes. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bauman: Page 187, strike out line 19 and all that follows through line 20 on page 189 and insert in lieu thereof the following:

CHAPTER 2—IMMIGRATION

Sec. 1611. Special Immigrants.—(a) Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), relating to the definition of special immigrants, is amended—

MS. [ELIZABETH] HOLTZMAN [of New York] (during the reading): Mr. Chairman, I want to raise a point of order. . . .

Mr. Chairman, at the time that the last amendment was voted on, I was on my feet seeking to offer an amendment on behalf of the Committee on the Judiciary with respect to striking in its entirety section 1611 of the bill. The right to offer that amendment is granted under the rule, in fact on page 3 of House Resolution 274. I want to ask the Chair whether I am entitled to be recognized or was entitled to be recognized to make first a motion, which was a motion to strike the entire section before amendments were made to the text of the bill.

THE CHAIRMAN:[17] Unless an amendment having priority of consideration under the rule is offered, it is the Chair's practice to alternate recognition of members of the several committees that are listed in the rule, taking amendments from the majority and minority side in general turn, while giving priority of recognition to those committees that are mentioned in the rule.

The gentlewoman from New York (Ms. Holtzman) is a member of such a committee, but following the adoption of the last amendment the gentleman from New York (Mr. Murphy), the chairman of the Committee on Merchant Marine and Fisheries, sought recognition to strike the last word. Accordingly, the Chair then recognized

16. 125 CONG. REC. 15999, 16000, 96th Cong. 1st Sess.

17. Thomas S. Foley (Wash.).

the gentleman from Maryland (Mr. Bauman) to offer a floor amendment, which is a perfecting amendment to section 1611 of the bill.

The rule mentions that it shall be in order to consider an amendment as recommended by the Committee on the Judiciary, to strike out section 1611, if offered, but the rule does not give any special priority to the Committee on the Judiciary to offer such amendments, over perfecting amendments to that section.

MS. HOLTZMAN: Mr. Chairman, may I be heard further? The gentleman said that he was going to recognize members of the committees that had a right to offer amendments under the rule alternately. I would suggest to the Chair that no member of the Committee on the Judiciary has been recognized thus far in the debate with respect to offering such an amendment and, therefore, the Chair's principle, as I understood he stated it, was not being observed in connection with recognition.

THE CHAIRMAN: The Chair would observe that the Chair is attempting to be fair in recognizing Members alternately when they are members of committees with priority and that the rule permits but does not give the Committee on the Judiciary special priority of recognition over other floor amendments, which under the precedents would take priority over a motion to strike.

Second, the Chair would like to advise the gentlewoman from New York that recognition is discretionary with the Chair and is not subject to a point of order. Does the gentlewoman have any further comment to make on the point of order?

The Chair overrules the point of order and recognizes the gentleman in the well.

Parliamentarian's Note: The amendment offered by Mr. Bauman struck out section 1611 of the bill and inserted a new section, whereas the amendment made in order under the rule on behalf of the Committee on the Judiciary was an amendment to strike that section; thus adoption of the Bauman amendment precluded the offering of the Judiciary Committee amendment. It would have made little difference if Ms. Holtzman was recognized first, since the Bauman amendment could have been offered as a perfecting amendment while the Holtzman motion to strike was pending and if the Bauman amendment was adopted the motion to strike would have necessarily fallen and would not have been voted on.

If the Holtzman amendment, and the amendments to be offered on behalf of the Committees on Foreign Affairs and Post Office and Civil Service, had been committee amendments formally recommended in reports on H.R. 111, they would have been automatically considered by the Committee of the Whole, but only the Committee on Merchant Marine and Fisheries had formally reported H.R. 111.

Effect of Limitation on Five-minute Debate; Allocation of Time

§ 9.24 Priority of recognition under a limitation of time for debate under the five-minute rule is in the complete discretion of the Chair, who may disregard committee seniority and consider amendment sponsorship.

On June 26, 1979,[18] it was demonstrated that where the Committee of the Whole has agreed to a limitation on debate under the five-minute rule on a section of a bill and all amendments thereto, distribution of the time under the limitation is within the discretion of the Chair. The proceedings were as follows:

> MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I move that all debate on section 3 and all amendments thereto cease at 6:40 p.m. . . .
>
> A recorded vote was ordered.
>
> The vote was taken by electronic device, and there were—ayes 209, noes 183, answered "present" 1, not voting 41, as follows: . . .
>
> THE CHAIRMAN:[19] The Chair will attempt to explain the situation.
>
> The Committee has just voted to end all debate on section 3 and all amendments thereto at 6:40. The Chair in a moment is going to ask those Members wishing to speak between now and then to stand. The Chair will advise Members that he will attempt, once that list is determined, to recognize first those Members on the list with amendments which are not protected by having been printed in the Record. . . .
>
> MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, did I understand the Chair correctly that Members who are protected by having their amendments printed in the Record will not be recognized until the time has run so that those Members will only have 5 minutes to present their amendments, but that other Members will be recognized first for the amendments which are not printed in the Record?
>
> THE CHAIRMAN: Those Members who are recognized prior to the expiration of time have approximately 20 seconds to present their amendments. Those Members whose amendments are printed in the Record will have a guaranteed 5 minutes after time has expired. . . .
>
> The Chair will now recognize those Members who wish to offer amendments which have not been printed in the Record.
>
> The Chair will advise Members he will recognize listed Members in opposition to the amendments also for 20 seconds. . . .
>
> MR. [RICHARD] KELLY [of Florida]: Mr. Chairman, is it not regular order that the Members of the Committee with amendments be given preference and recognition?

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18. 125 CONG. REC. 16677, 16678, 96th Cong. 1st Sess.

Under consideration was H.R. 3930, the Defense Production Act Amendments of 1979.

19. Gerry E. Studds (Mass.).

THE CHAIRMAN: The Chair would advise the gentleman once the limitation of time has been agreed to and time divided, that priority of recognition is within the complete discretion of the Chair.

§ 9.25 Where the Committee of the Whole has agreed to a limitation on debate, distribution of the remaining time is largely within the discretion of the Chair.

On June 19, 1975,[20] during consideration of the Energy Conservation and Conversion Act of 1975 (H.R. 6860) in the Committee of the Whole, Chairman William H. Natcher, of Kentucky, exercised his discretion as to recognition for debate, as indicated below:

MR. [AL] ULLMAN [of Oregon]: Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments cease in 2 minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE CHAIRMAN: Under the rule, the Chairman has the right at this time to recognize one Member on each side. The Chair will do that. All debate on the bill is limited to 2 minutes. The Chair would be unable to recognize 40 or 50 Members for 1 second or 2 seconds.

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

MR. [JOHN H.] ROUSSELOT [of California]: Why, on a motion which the gentleman from Wisconsin made, is he not allowed 5 minutes?

THE CHAIRMAN: The Chair would like to state to the gentleman from California that all debate on the bill and all amendments thereto is limited to two minutes. . . .

MR. ROUSSELOT: But he has 5 minutes on a preferential motion.

THE CHAIRMAN: All time has been fixed on the bill, and all amendments thereto, and the time was 2 minutes.

The Chair recognizes the gentleman from California (Mr. Phillip Burton) for 1 minute in opposition to the preferential motion.

§ 9.26 A limitation of debate on a bill and all amendments thereto to a time certain in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition of those Members desiring to speak are largely within the discretion of the Chair, who may defer recognition of listed Members whose amendments have been printed in the Record and who are therefore guaranteed five minutes notwithstanding the limitation.

20. 121 CONG. REC. 19785–87, 94th Cong. 1st Sess.

The following proceedings occurred in the Committee of the Whole on June 4, 1975,[1] during consideration of the Voting Rights Act Extension (H.R. 6219):

MR. [DON] EDWARDS of California: Mr. Chairman, I move that all debate on the bill and all amendments thereto terminate at 6:45 p.m.

THE CHAIRMAN:[2] The question is on the motion offered by the gentleman from California.

The motion was agreed to. . . .

THE CHAIRMAN: With the permission of the Committee, the Chair will briefly state the situation.

There are a number of Members who do not have amendments that were placed in the Record, and the Chair feels that he must try to protect them somewhat, so he proposes to go to a number of Members on the list so they will at least get some time. The time allotted will be less than a minute.

The Chair recognizes the gentleman from Texas (Mr. de la Garza).

§ 9.27 A limitation of debate on amendments in the Committee of the Whole to a time certain in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition are largely within the discretion of the Chair.

As an example of the Chair's exercise of discretion, on June 14, 1977,[3] where the Committee of the Whole had limited debate under the five-minute rule to a time certain, and an equal division of the remaining time among all the Members seeking recognition would have severely restricted each Member in his presentation, the Chair allocated the time equally between two Members on opposing sides of the question, to be yielded by them.

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I move that all debate on these amendments and all amendments thereto, cease at 4 o'clock and 45 minutes p.m.

THE CHAIRMAN:[4] The question is on the motion offered by the gentleman from Alabama (Mr. Bevill).

The motion was agreed to. . . .

THE CHAIRMAN: The Chair has before him a list of more than 25 Members to occupy the next 10 minutes. It has been suggested that it would be possible for the Chair to recognize the gentleman from Alabama (Mr. Bevill) and the gentleman from Massachusetts (Mr. Conte) to allocate those 10 minutes.

Accordingly, the Chair will recognize the gentleman from Massachusetts (Mr. Conte) for 5 minutes, and the gentleman from Alabama (Mr. Bevill) for 5 minutes.

MR. JOHN T. MYERS [of Indiana]: Mr. Chairman, I have a parliamentary inquiry.

1. 121 CONG. REC. 16899, 16901, 94th Cong. 1st Sess.
2. Richard Bolling (Mo.).
3. 123 CONG. REC. 18826, 18833, 95th Cong. 1st Sess.
4. George E. Brown, Jr. (Calif.).

THE CHAIRMAN: The gentleman will state it.

MR. JOHN T. MYERS: How did the Chair make that decision?

THE CHAIRMAN: The Chair has the authority to allocate time under a limitation, and it is obvious to the Chair that this is the most rational way to handle the 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Conte).

§ 9.28 A limitation to a time certain on debate on an amendment in Committee of the Whole in effect abrogates the five-minute rule; recognition is in the discretion of the Chair under such limitation and the Chair may recognize under the limitation a Member who has already spoken on the amendment.

On Aug. 4, 1977,[5] during consideration of the National Energy Act (H.R. 8444) in the Committee of the Whole, a motion was made to limit debate on a pending amendment and the following proceedings occurred:

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, I move that debate on this amendment conclude at 2 o'clock.

THE CHAIRMAN PRO TEMPORE: The question is on the motion offered by the gentleman from Ohio (Mr. Ashley).

The question was taken; and on a division (demanded by Mr. Ashbrook) there were—ayes 37, noes 20.

So the motion was agreed to. . . .

THE CHAIRMAN:[6] . . . The Chair recognizes the gentleman from New Jersey (Mr. Howard).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, a point of order. . . .

Under the rules of the House, are not Members who have already spoken to wait until all other Members are recognized until they speak again on a pending amendment?

THE CHAIRMAN: No one was up at the time the Chair rapped the gavel, and the gentleman from New Jersey was standing at the time the Chair recognized him. We will be going back and forth, but of course, the limitation abrogates the 5-minute rule.

§ 9.29 *Parliamentarian's Note:* When a relatively short period of time for debate under the five-minute rule has been fixed in the Committee of the Whole, the Chairman in his discretion may take note of all those Members seeking recognition and divide the remaining time among them, though each may have less than five minutes to speak. But where the Committee of the Whole fixes debate at a longer period, such as an hour and a half, the Chair may decline to apportion the time among those Members on their feet.

5. 123 CONG. REC. 27006, 27007, 95th Cong. 1st Sess.

6. Richard Bolling (Mo.).

On Feb. 22, 1950,[7] the Committee of the Whole limited debate on a pending amendment and amendments thereto to one hour and a half.

Chairman Francis E. Walter, of Pennsylvania, responded as follows to parliamentary inquiries:

> MR. [JACOB K.] JAVITS [of New York]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. JAVITS: Mr. Chairman, is the Chair disposed to divide the time in view of the fact that it has been limited, and to announce the Members who will be recognized?
>
> THE CHAIRMAN: In view of the fact that one hour and a half remains for debate, and since it was impossible for the Chair to determine the number of Members who were on their feet, I believe it is advisable to follow the strict rule.

§ 9.30 Where the Committee of the Whole has agreed that debate under the five-minute rule close at a certain time on an amendment and all amendments thereto, the Chair attempts to divide the time equally among the Members desiring recognition; but where part of the fixed time is consumed by voting, it may not be possible for the Chair to reach each Member on his list before the time expires, and no point of order lies against the inability of the Chair to recognize each Member on the list.

On June 27, 1977,[8] the situation described above occurred in the Committee of the Whole, as follows:

> MR. [ROBERT W.] KASTENMEIER [of Wisconsin]: Mr. Chairman, I move that all debate on this amendment and all other amendments to the bill close at 5:40 p.m.
>
> THE CHAIRMAN:[9] The question is on the motion offered by the gentleman from Wisconsin (Mr. Kastenmeier).
>
> The question was taken; and on a division (demanded by Mr. Ashbrook) there were—ayes 46, noes 20. . . .
>
> THE CHAIRMAN: The Chair recognizes the gentleman from Wisconsin (Mr. Kastenmeier) to close debate.
>
> MR. KASTENMEIER: Mr. Chairman, this is, of course, the Legal Services Liquidation Act of 1977, as proposed by the gentleman from Ohio (Mr. Ashbrook). It must be rejected. . . .
>
> THE CHAIRMAN: All time has expired.
>
> MR. [ROBERT] MCCLORY [of Illinois]: Mr. Chairman, the Chair has not recognized me yet. The Chair read my name, but the Chair has not recognized me yet.
>
> THE CHAIRMAN: The Chair would advise the gentleman from Illinois that we have run out of time.

7. 96 CONG. REC. 2240, 81st Cong. 2d Sess. See also § 22, infra.

8. 123 CONG. REC. 20916, 20918, 95th Cong. 1st Sess.

9. Bill D. Burlison (Mo.).

MR. MCCLORY: Mr. Chairman, I have a point of order.

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

MR. MCCLORY: Mr. Chairman, when there is a time limitation and Members are standing, it is my understanding that the Chair must divide the time equally among the Members standing.

Mr. Chairman, I was standing and my name was read.

THE CHAIRMAN: The Chair will advise the gentleman that according to the motion, which limited all debate to 5:40 p.m., we are bound by the clock. Time consumed by voting has required the Chair to reallocate time. Therefore, the Chair overrules the point of order.

§ 9.31 Where debate has been limited to a time certain on an amendment and all amendments thereto, the Chairman may utilize his discretion in allocating debate time and continue to recognize Members under the five-minute rule; but he may choose at a later time to divide any remaining debate time among those Members standing and reserve some time for the committee to conclude debate.

The following proceedings occurred in the Committee of the Whole on Nov. 2, 1983,[10] during consideration of the Department of Defense appropriations for fiscal year 1984 (H.R. 4185):

MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 2 o'clock. . . .

THE CHAIRMAN PRO TEMPORE:[11] Is there objection to the unanimous-consent request of the gentleman from New York (Mr. Addabbo) . . . ?

There was no objection.

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I have a parliamentary inquiry. . . .

Under the unanimous-consent agreement, does that mean only those who were standing at the time the agreement was entered into may enter into the debate?

THE CHAIRMAN PRO TEMPORE: The Chair will continue to allow time under the 5-minute rule.[12]

With about 30 minutes remaining under the limitation, the Chair[13] stated:[14]

The Chair recognizes that there are more Members rising that wish to participate in the debate than time will permit.

The Chair has the discretion of dividing the time among Members who wish to participate in the debate, and the Chair would also make a request that those who have already entered into the debate not seek further time.

10. 129 CONG. REC. 30504, 98th Cong. 1st Sess.

11. Abraham Kazen, Jr. (Tex.).

12. Approximately 90 minutes of time for debate remained at this point.

13. Dan Rostenkowski (Ill.).

14. 129 CONG. REC. 30512, 98th Cong. 1st Sess., Nov. 2, 1983.

Those Members who wish to participate in the debate will please rise.

The Chair will reserve 2 minutes for the gentleman from Alabama (Mr. Edwards) to conclude the debate.

Members standing will be recognized for 1½ minutes each.

—*Reallocation of Time*

§ 9.32 Where the Committee of the Whole has limited debate on an amendment to a time certain and the time allocated by the Chair among those initially desiring to speak is not totally consumed, the Chair may either reallocate the remaining time among other Members in his discretion or may proceed again under the five-minute rule.

On Aug. 4, 1977,[15] the Committee of the Whole had under consideration the National Energy Act (H.R. 8444) and had agreed to limit debate on an amendment when the following proceedings occurred:

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry. . . .

The parliamentary inquiry is, Mr. Chairman, did the House not limit itself to debate until 2 o'clock?

THE CHAIRMAN:[16] The gentleman is correct.

MR. GARY A. MYERS: Under that limitation, I would like to ask unanimous consent to speak on the unclaimed time of the gentleman from Ohio (Mr. Whalen).

THE CHAIRMAN: The Chair will state that the gentleman from Pennsylvania may claim his own time. . . .

Does the gentleman from Pennsylvania desire to strike the requisite number of words and be recognized?

MR. GARY A. MYERS: Mr. Chairman, I move to strike the requisite number of words.

THE CHAIRMAN: The Chair recognizes the gentleman from Pennsylvania.

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

THE CHAIRMAN: The gentleman will state it.

MR. KAZEN: Supposing there are 20 of us who want to do the same thing.

THE CHAIRMAN: If there are 20 who want to do the same thing, and they can all do it before 2 o'clock, they will all be recognized, or if feasible, the Chair could divide the remaining time among other Members seeking recognition who were not included in the original limitation.

The gentleman from Pennsylvania (Mr. Gary A. Myers) has now been recognized.

Denial of Recognition for Unanimous-consent Request; Consideration of Bill

§ 9.33 The Chair may, by declining recognition to a Member to make a unanimous-consent request for the con-

15. 123 CONG. REC. 27021, 95th Cong. 1st Sess.

16. Edward P. Boland (Mass.).

sideration of a measure, refuse to permit the request to be entertained, and thus register his personal objection as a Member of the House.

The following proceedings occurred in the House on Jan. 23, 1984:[17]

MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . Mr. Speaker, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 100, the voluntary school prayer constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

THE SPEAKER PRO TEMPORE:[18] The Chair cannot and will not entertain that request.

MR. WALKER: Mr. Speaker, I have made a unanimous-consent request. That is a perfectly proper request by any Member of this body, and it is either objected to or is not objected to. I do not understand the procedure that the Chair is using by not entertaining the unanimous-consent request.

THE SPEAKER PRO TEMPORE: The Chair will inform the gentleman that the Chair can object by declining recognition.

§ 9.34 The Chair himself may object to a unanimous-consent request for the consideration of legislation, by denying recognition for the request, and it is the policy of the Chair to refuse recognition for requests to consider legislation not approved by the leadership.

The following exchange occurred in the House on Nov. 15, 1983:[19]

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent that the resolution introduced by the gentleman from New York (Mr. Fish) specifying a rule for consideration of House Joint Resolution 1 be made in order for consideration by the House on Wednesday or any day thereafter.

THE SPEAKER PRO TEMPORE:[20] The Chair cannot entertain that motion without consultation with the leadership. The Chair will not recognize the gentleman for that purpose.

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

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

MR. WALKER: Mr. Speaker, my parliamentary inquiry is that this is a unanimous-consent request and it is entirely in order.

THE SPEAKER PRO TEMPORE: The Chair has the same right to object as any Member, and I do so object.

§ 9.35 The Chair may refuse to entertain unanimous-consent requests for the consider-

17. 130 CONG. REC. 83, 98th Cong. 2d Sess.

18. Richard B. Ray (Ga.).

19. 129 CONG. REC. 32746, 32747, 98th Cong. 1st Sess.

20. Ronald Coleman (Tex.).

ation of legislation that does not have the approval of the leadership.

On Nov. 16, 1983,[1] the following proceedings occurred in the House:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent that House Resolution 373 be made in order for consideration in the House on Thursday or any day thereafter.

THE SPEAKER PRO TEMPORE: The Chair cannot recognize for that purpose.

MR. WALKER: Mr. Speaker, it is a unanimous-consent request.

MR. [JOHN F.] SEIBERLING [of Ohio]: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Chair cannot recognize for that purpose. There is objection nevertheless.

MR. WALKER: Let it be noted here this evening that the objection to considering the resolution by which we would consider ERA under the rules of the House and with an amendment and in open debate was objected to from the Democratic side of the aisle. Let that be noted.

THE SPEAKER PRO TEMPORE: The Chair will state there is precedent for denying the unanimous-consent request of the gentleman dating back to May of 1982 and yesterday and furthermore there was objection heard.

§ 9.36 The Speaker's authority to decline to recognize individual Members to request unanimous consent for the consideration of bills and resolutions derives from clause 2 of Rule XIV, on the Speaker's general power of recognition, and from the precedents developed under that rule.

The following exchange occurred in the House on Jan. 26, 1984:[2]

MR. [WILLIAM E.] DANNEMEYER [of California]: A parliamentary inquiry, Mr. Speaker. . . .

Mr. Speaker, this is the first time I have heard that we have had some addition to the customs or procedures or even the rules of the House, which seems to say that before I as a Member can ask unanimous-consent requests that I must obtain the approval of the leadership of the majority to pose that request.

My parliamentary inquiry is this, Mr. Speaker. Where in the rules does it say that? What is the specific provision in the rules that authorizes the Speaker to make that kind of a rule for this House? . . .

THE SPEAKER:[3] Clause 2 of rule XIV.[4]

MR. DANNEMEYER: Is it the position of the Speaker that section 2 of rule XIV authorizes what has come to become a gag rule here?

THE SPEAKER: No. The Chair believes that it has been the custom of

1. 129 CONG. REC. 33138, 98th Cong. 1st Sess.

2. 130 CONG. REC. 449, 450, 98th Cong. 2d Sess.

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

4. See *House Rules and Manual* §§ 753–757 (1995).

this body through the years to give the power to the Speaker of the House that the House be run in an efficient manner and that the business of the House should be done in an orderly fashion and that obstruction should be avoided.

§ 9.37 Pursuant to the Speaker's announced policy in the 98th Congress on recognition for unanimous-consent requests for the initial consideration of bills and resolutions, the Chair will decline recognition for such unanimous-consent requests without assurances that the majority and minority leadership and committee and subcommittee chairmen and ranking minority members have no objection thereto.

On Oct. 2, 1984,[5] the Chair having declined recognition for a unanimous-consent request that a balanced budget amendment to the Constitution be brought to the floor for immediate consideration, discussion took place relating to the Speaker's power of recognition[6] and, specifically, to the effect of announced guidelines governing recognition for requests for the initial consideration of bills.

MR. [THOMAS F.] HARTNETT [of South Carolina]: . . . If you are sincere, Mr. Chairman, if your colleagues over there who now say let us have a balanced budget really mean what they say, when you know the American people are not going to be fooled by this move. Let us have companion legislation, the balanced budget amendment.

The Speaker is here. Let us bring by unanimous consent the balanced budget amendment to the Constitution to the floor of the House right now and let us vote on both of these bills if you mean what you say. Mr. Speaker, I ask unanimous consent, to recall or discharge from the committee the balanced budget amendment to the Constitution so that we can bring it to the floor of the House with House Joint Resolution 243.

I ask unanimous consent that it be brought before the House right now.

THE SPEAKER PRO TEMPORE:[7] . . . Under the rules and precedents, the motion is not to be entertained.

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

Mr. Speaker, the gentleman did not make a motion, it is my understanding. The gentleman asked unanimous-consent request. Is the Speaker ruling that unanimous-consent requests are not in order? We have already had one previous unanimous-consent request that was granted during the course of debate. How would this one not be in order?

THE SPEAKER PRO TEMPORE: Under the Speaker's announcement of guidelines for unanimous-consent requests to consider legislative business, this request is not recognized. . . .

5. 130 CONG. REC. 28516–18, 98th Cong. 2d Sess.

6. See Rule XIV, clause 2, *House Rules and Manual* § 753 (1995).

7. Richard A. Gephardt (Mo.).

MS. [BOBBI] FIEDLER [of California]: Mr. Speaker, before you had dialog with the gentleman from South Carolina (Mr. Hartnett) regarding his parliamentary inquiry as it related to the balanced budget amendment and his right to ask for a unanimous-consent request in relationship to it. . . .

I would like to ask of the Chair if the Chair will make the inquiry as to whether the Democratic side leadership will also ask to support his right under unanimous consent to bring the balanced budget amendment, attach it to the existing bill.

THE SPEAKER PRO TEMPORE: The Chair has not been advised that there is an intention to change the guidelines that were announced earlier in the year for the purpose that they were issued. . . .

MS. FIEDLER: Will the Chair inquire as to whether or not the leadership on the Democratic side is willing to change the existing rules? I realize that the Chair has indicated twice now that he has not been informed that they have changed, but I am making a request that he ask the leadership if they will make that change.

THE SPEAKER PRO TEMPORE: The Chair states that this is not a proper parliamentary inquiry. The Chair has not been advised that there is a change in the policy that was issued the first week of the session. . . .

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, we are still trying to sift our way through the Chair's previous ruling with regard to the request of the gentleman from South Carolina.

Can the requirement that the Chair cites, can that requirement be waived by unanimous consent?

THE SPEAKER PRO TEMPORE: The question has to do with whether or not recognition will be granted for that purpose, and the Chair's ruling is based on guidelines that were issued on January 25, 1984, and the Chair would read from the statement that was made at that time by the Speaker.

The Speaker said:

> As indicated on page 476 of the House Rules and Manual, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority leadership and committee and subcommittee chairmen and ranking minority members have no objection.
>
> Consistent with that policy, and with the Chair's inherent power of recognition under clause 2, rule XIV, the Chair and any occupant of the chair appointed as Speaker pro tempore, pursuant to clause 7, rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been cleared by that leadership.
>
> This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed, that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

It is that guideline that the Chair is following in this instance. . . .

MR. WALKER: The guidelines that the Chair has cited, what I am inquiring is, can those guidelines be set aside by unanimous consent?

THE SPEAKER PRO TEMPORE: It is the Chair's power of recognition that is involved, and that is the question that is being decided in conformance with the guidelines, not other questions.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: If the House so deems that we could set aside those guidelines by unanimous consent, is that a proper request? That is the question of this gentleman.

THE SPEAKER PRO TEMPORE: The Chair will again state that what is involved directly or indirectly, is a question of recognition, and not other or further questions, and it is that question that is being decided in conformance with the guidelines.

Demand for Yeas and Nays; Recognition During Division Vote

§ 9.38 The Chair declined to recognize a Member to demand the yeas and nays when the Chair was counting on a division vote.

On June 10, 1937,[8] Speaker William B. Bankhead, of Alabama, declined to recognize a Member while counting on a division vote:

THE SPEAKER: The question is on the motion to recommit offered by the gentleman from Ohio [Mr. Jenkins].

MR. [THOMAS A.] JENKINS of Ohio: Mr. Speaker, I demand a division.

THE SPEAKER: The gentleman from Ohio demands a division. All those in favor of the motion will rise and stand until counted.

MR. JENKINS of Ohio (interrupting the count): Mr. Speaker, I ask for the yeas and nays.

THE SPEAKER: The gentleman's request is not in order while the House is dividing.

MR. [CARL E.] MAPES [of Michigan]: Mr. Speaker, a point of order.

THE SPEAKER: The Chair thinks it has discretion to conclude the count on a division before entertaining another request.

MR. MAPES: I never knew the Chair to make such a ruling before.

THE SPEAKER: The Chair now makes it.

MR. MAPES: As a lawyer said in addressing the court, "If Your Honor says so, that is the law."

The House divided; and there were—ayes 33, noes 176.

THE SPEAKER: The Chair thinks it proper to state to the gentleman from Michigan that he meant no disrespect to the gentleman, and the Chair feels the gentleman was not deprived of any parliamentary privilege.

MR. JENKINS of Ohio: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

Demand for Tellers; Due Diligence

§ 9.39 A demand for tellers on a question in the House is

8. 81 CONG. REC. 5574, 75th Cong. 1st Sess.

entertained by the Chair after a division vote, a quorum count and announcement by the Chair of the result of the division vote, if a Member was on his feet seeking recognition at the proper time.

On June 5, 1940,[9] Speaker Pro Tempore Sam Rayburn, of Texas, ruled that where a recorded vote was refused on a bill, a division vote was had, a point of no quorum was made, a quorum was counted, and the Speaker announced that the bill had passed, a Member could be recognized to demand a teller vote, where he had been on his feet seeking recognition for that purpose.

Demand for Division Vote

§ 9.40 Where a Member was on his feet seeking recognition to demand a division vote on an amendment, the Chair recognized him although the Chair had announced that the ayes had it on a voice vote.

On Feb. 2, 1948,[10] Chairman Charles B. Hoeven, of Iowa, recognized Mr. John D. Dingell, of Michigan, to demand a division vote on the pending amendment, although the Chair had announced that the ayes had it on a voice vote, where Mr. Dingell had shown due diligence:

> MR. DINGELL: Mr. Chairman, I ask for a division.
>
> MR. [HAROLD] KNUTSON [of Minnesota]: Mr. Chairman, the request comes too late.
>
> MR. DINGELL: No; it does not come too late. Let the Chair rule on that.
>
> THE CHAIRMAN: Was the gentleman on his feet when he made the request?
>
> MR. [SAM] RAYBURN [of Texas]: Mr. Chairman, we have always been very liberal in the House about the matter of votes or whether Members were on their feet. We have always been very liberal in the matter of allowing division votes. As far as I am concerned I do not care anything about it.
>
> THE CHAIRMAN: If there is any doubt in the minds of the membership the Chair will resolve the doubt in favor of the gentleman from Michigan.
>
> The question was taken; and there were—ayes 202, noes 37.
>
> So the committee amendment was agreed to.

Recognition for Call of House

§ 9.41 While a point of no quorum is not in order during debate in the House when the Speaker has not put a pending question, he may, in his discretion under Rule XV clause 6, recognize any Member to move a call of the House.

9. 86 CONG. REC. 7626, 76th Cong. 3d Sess.

10. 94 CONG. REC. 922, 80th Cong. 2d Sess.

On Mar. 30, 1977,[11] a resolution (H. Res. 445) providing for the consideration in the House as in the Committee of the Whole of another resolution (H. Res. 433, providing for the continuation of the Select Committee on Assassinations) was called up for immediate consideration following which a point of no quorum was made. The proceedings were as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 445 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 445

Resolved, That upon the adoption of this resolution it shall be in order to consider the resolution (H. Res. 433) to provide for the continuation of the Select Committee on Assassinations, in the House as in the Committee of the Whole.

THE SPEAKER:[12] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. [J. J.] PICKLE [of Texas]: Mr. Speaker, I make the point of order that a quorum is not present. I move a call of the House.

THE SPEAKER: The gentleman's point of order is not in order at this particular time.

MR. PICKLE: Mr. Speaker, I renew my point of order that a quorum is not present.

THE SPEAKER: The Chair recognizes the gentleman from Missouri (Mr. Bolling) to move a call of the House.

Parliamentarian's Note: Rule XI clause 4(b) prohibits dilatory motions during the consideration of a privileged report from the Committee on Rules, but presumably that clause applies only when the report is being considered under the hour rule in the House, and not when the report is considered under the provisions of a special rule allowing debate and amendments. Although no clear precedents exist as to the applicability of "dilatory" motions (e.g., to refer, to recommit, or to lay on the table) to a report of the Committee on Rules being considered in the House as in the Committee of the Whole, the better practice is to view such motions as being in order if properly offered.

Motion That Sergeant at Arms Maintain Presence of Quorum

§ 9.42 During a filibuster by roll calls in the House the Speaker, in response to a parliamentary inquiry, indicated his reluctance to entertain a motion that the Sergeant at Arms take action to keep a quorum present in the Chamber for the remainder of the day.

11. 123 CONG. REC. 9554, 95th Cong. 1st Sess.

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

On Aug. 1, 1946,[13] the House was considering a report from the Committee on Un-American Activities on contempt proceedings against George Morford. Repeated roll calls were made to prevent consideration thereof. Mr. W. Sterling Cole, of New York, raised a parliamentary inquiry whether it was in order to make a motion that the Sergeant at Arms take whatever action was necessary to keep a quorum present in the House Chamber for the remainder of the day, any House rules to the contrary notwithstanding.

Speaker Sam Rayburn, of Texas, stated:

> The Chair would rather not recognize the gentleman for such motion at this time.

Mr. Cole then asked when such a motion would be in order, and the Speaker responded:

> Well, the Chair would like to be the judge of that. Not now.

Dilatory Tactics

§ 9.43 The Speaker announced that he would not hold a motion to be dilatory unless it was "obvious to everybody" that dilatory tactics were being used and that a filibuster was being conducted.

On July 25, 1949,[14] the House was considering House Resolution 276, making in order the consideration of H.R. 3199, the Federal Anti-Poll Tax Act. A series of roll calls was demanded to prevent adoption thereof. After the previous question had been ordered on the resolution, Speaker Sam Rayburn, of Texas, entertained a motion by Mr. Robert L. F. Sikes, of Florida, that the House adjourn. The Speaker then made the following statement:

> The Chair desires to make a statement. Since the present Speaker has occupied the chair he has yet to hold a motion to be dilatory, and will not until it becomes obvious to everybody that dilatory tactics are being indulged in and that a filibuster is being conducted.

§ 9.44 The Speaker declined to recognize a point of no quorum immediately after a vote by yeas and nays which disclosed that 362 Members were present.

On July 25, 1949,[15] a series of roll calls delayed adoption of House Resolution 276, making in order the consideration of H.R. 3199, the Federal Anti-Poll Tax Act. A motion to adjourn was

13. 92 Cong. Rec. 10639, 10640, 79th Cong. 2d Sess.

14. 95 Cong. Rec. 10096, 81st Cong. 1st Sess.

15. 95 Cong. Rec. 10096, 81st Cong. 1st Sess.

made and entertained by Speaker Sam Rayburn, of Texas, and the yeas and nays were had on the motion, resulting in 110 yeas and 252 nays.

Mr. Tom Pickett, of Texas, immediately made the point of order that a quorum was not present. The Speaker declined to entertain the point of no quorum and stated:

> The roll call just disclosed that there were 362 Members present, quite a substantial quorum.

Parliamentarian's Note: The Speaker's declination to entertain the point of no quorum came shortly after he had made the statement that he had yet to hold a motion to be dilatory, and would not so hold until it was obvious to everybody that dilatory tactics were being indulged in and that a filibuster was being conducted.

§ 9.45 The Speaker, on a Calendar Wednesday, recognized the chairman of a committee to call up a bill in spite of repeated motions to adjourn, thereby inferentially holding such motions dilatory.

On Feb. 15, 1950,[16] which was a Calendar Wednesday, Speaker Sam Rayburn, of Texas, directed the Clerk to call the roll of committees and recognized the Chairman of the Committee on the District of Columbia to call up a bill, ignoring repeated motions to adjourn.

> THE SPEAKER: The Clerk will call the committees.
>
> The Clerk called the Committee on the District of Columbia.
>
> MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The Chair does not yield to the gentleman for a parliamentary inquiry at this time.
>
> MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, I move that the House do now adjourn.
>
> THE SPEAKER: The Clerk has called the Committee on the District of Columbia. The Chair recognizes the gentleman from South Carolina [Mr. McMillan].
>
> MR. SMITH of Virginia: Mr. Speaker, I move that the House do now adjourn. That motion is always in order.
>
> THE SPEAKER: The Chair has recognized the gentleman from South Carolina [Mr. McMillan].
>
> MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, I offer a preferential motion.
>
> THE SPEAKER: The gentleman from South Carolina [Mr. McMillan] has been recognized.
>
> MR. COLMER: Mr. Speaker, I move that the House do now adjourn.
>
> THE SPEAKER: The gentleman from South Carolina [Mr. McMillan] has been recognized.

16. 96 CONG. REC. 1811, 1812, 81st Cong. 2d Sess.

Demand for Reading of Engrossed Copy of Bill (Under Former Rule); Due Diligence

§ 9.46 A Member who was on his feet and who had shown due diligence was recognized to demand the reading of the engrossed copy of a bill even though the bill had been ordered engrossed and read a third time.

On Apr. 13, 1946,[17] H.R. 6064, extension of the Selective Training and Service Act, was ordered engrossed and read a third time. Mr. Edward E. Cox, of Georgia, then sought recognition to demand the reading of an engrossed copy of the bill. Speaker Sam Rayburn, of Texas, recognized Mr. Cox for that purpose, stating that he had been on his feet seeking recognition at the proper time (when the question was put on the engrossment and third reading).

Parliamentarian's Note: A Member may no longer demand the reading of an engrossed bill.

Debate on Points of Order

§ 9.47 Debate on points of order against an amendment is within the discretion of the Chair and does not come out of debate time on the merits of the amendment under the five-minute rule; thus, the proponent of an amendment against which a point of order has been reserved does not reserve a portion of his time under the five-minute rule to oppose any points of order if made, as separate debate time is permitted on points of order at the discretion of the Chair.

During consideration of H.R. 7014, the Energy Conservation and Oil Policy Act of 1975, on Aug. 1, 1975,[18] the proposition described above was demonstrated in the Committee of the Whole.

> THE CHAIRMAN:[19] Are there further amendments to title III?
>
> MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Brown of Ohio: Strike out Title III, as amended, and reinsert all except for Section 301, as amended.
>
> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I reserve a point of order against the amendment.
>
> MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I also reserve a point of order.
>
> MR. BROWN of Ohio: Mr. Chairman, the thrust of this amendment is to

17. 92 CONG. REC. 3669, 79th Cong. 2d Sess.

18. 121 CONG. REC. 26945, 94th Cong. 1st Sess.

19. Richard Bolling (Mo.).

strike from the bill the provisions of the Staggers pricing amendment, section 301, by revising title III to strike the whole title and to reinsert all in the title, except section 301.

Mr. Chairman, may I speak on the amendment?

THE CHAIRMAN: The gentleman has been recognized for 5 minutes, so the gentleman may proceed.

MR. BROWN of Ohio: Mr. Chairman, may I reserve 2 minutes of my time to speak on the points of order?

THE CHAIRMAN: The Chair will recognize the gentleman to speak on the points of order at the appropriate time.

MR. DINGELL: Mr. Chairman, I have not yet made the point of order. I reserved it.

THE CHAIRMAN: The Chair has recognized the gentleman from Ohio to speak on the gentleman's amendment for 5 minutes. Then the gentlemen who reserved the points of order may press them or they may not.

Reservation of Point of Order

§ 9.48 Reservation of a point of order against an amendment is within the discretion of the Chair, who may permit debate to be had by the proponent on the merits of his amendment before hearing arguments on the point of order.

The following proceedings occurred in the Committee of the Whole on May 12, 1981,[20] during consideration of H.R. 3512 (supplemental and continuing appropriations, rescissions and deferrals for fiscal year 1981):

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94–163), $3,883,408,000, to become available for obligation October 1, 1981, and to remain available until expended.

MR. [JAMES R.] JONES of Oklahoma: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jones of Oklahoma: Page 63, line 19, strike out "$3,883,408,000" and insert in lieu thereof "$883,408,000".

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I reserve a point of order on the amendment. . . .

MR. [TIMOTHY E.] WIRTH [of Colorado]: I ask unanimous consent the gentleman have 3 additional minutes.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Colorado (Mr. Wirth)?

MR. [JOSEPH M.] MCDADE [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. MCDADE: Is there not a point of order pending?

THE CHAIRMAN PRO TEMPORE: As soon as the time of the gentleman from Oklahoma (Mr. Jones) has expired, the point of order will be disposed of.

MR. MCDADE: Mr. Chairman, there is a point of order pending which the Chair has yet to rule upon. I have a substitute which I would like to offer to this matter. My understanding of

20. 127 CONG. REC. 9320, 9323, 97th Cong. 1st Sess.

the precedents is that when a point of order is pending, there cannot be discussions on matters other than the point of order.

THE CHAIRMAN PRO TEMPORE: The point of order has only been reserved and debate on the merits of the amendment has begun. It will be disposed of momentarily as soon as the time of the gentleman from Oklahoma (Mr. Jones) has expired.

Debate Under Reservation of Objection

§ 9.49 Recognition for a reservation of objection to a unanimous-consent request is within the discretion of the Speaker and sometimes he refuses to permit debate under such a reservation and immediately puts the question on the request.

On Dec. 3, 1969,[1] Speaker John W. McCormack, of Massachusetts, recognized Mrs. Edith S. Green, of Oregon, to make a unanimous-consent request for the granting of a special order to address the House. Mr. Roman C. Pucinski, of Illinois, attempted to reserve the right to object and to debate the matter, but the Speaker immediately put the question on the request:

The Chair will state that it will not recognize anyone else at this moment. Either the gentlewoman receives permission, or she does not.

Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Recognition for Hypothetical Questions

§ 9.50 The Chair does not recognize Members for hypothetical questions.

On Sept. 14, 1944,[2] Mr. Clare E. Hoffman, of Michigan, raised a parliamentary inquiry as to why a report on the amounts of money requested by military establishments, sent to the Committee on Appropriations, had been concealed from Members of Congress. Speaker Pro Tempore Orville Zimmerman, of Missouri, responded that he had no knowledge of any such report and was not in a position to answer the inquiry.

Mr. Hoffman then stated his inquiry in the form of a "hypothetical question." The Speaker Pro Tempore stated:

The Chair does not entertain a hypothetical question.

On Mar. 1, 1967,[3] the House was considering House Resolution 278, relating to the right to be

1. 115 CONG. REC. 36748, 91st Cong. 1st Sess.

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

3. 113 CONG. REC. 4997, 90th Cong. 1st Sess.

sworn of challenged Member-elect Adam C. Powell, of New York. Mr. Joe D. Waggonner, Jr., of Louisiana, stated a lengthy parliamentary inquiry on the procedure for recognition should the previous question be voted down on the resolution. Speaker John W. McCormack, of Massachusetts, declined to answer that part of the parliamentary inquiry that involved a hypothetical parliamentary situation:

> THE SPEAKER: . . . Both the chairman and the ranking minority member of the select committee control the allocation of time. The question of recognition is one that the Chair will pass upon if that time should arise.
>
> On the other questions of the gentleman from Louisiana the Chair will determine them as they arise in accordance with the rules of the House and the precedents.

Motion To Discharge Bill

§ 9.51 The Speaker may recognize any Member who has signed a discharge petition to move to discharge the bill in question.

On Oct. 12, 1942,[4] Mr. Joseph A. Gavagan, of New York, who had signed a petition to discharge a bill from committee, moved the discharge of the bill and was recognized by Speaker Sam Rayburn, of Texas, for 10 minutes on the motion. Mr. Sam Hobbs, of Alabama, made a point of order against the motion on the ground that Mr. Gavagan did not have the authority to call it up.

The Speaker declared:

> The rule states that the Chair may recognize any Member who signed the petition to make the motion just made by the gentleman from New York [Mr. Gavagan], whom the Chair has recognized for that purpose.

Suspension of Rules

§ 9.52 Recognition for a motion to suspend the rules is entirely within the discretion of the Speaker.

On Mar. 16, 1964,[5] Mr. Chet Holifield, of California, moved to suspend the rules and pass the bill S. 2448, to amend the Atomic Energy Act. He moved to pass that bill instead of H.R. 9711, which was on the suspension list and which dealt with the same subject matter. Speaker John W. McCormack, of Massachusetts, responded to a parliamentary inquiry as indicated below:

> MR. [JOHN P.] SAYLOR [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state the parliamentary inquiry.

4. 88 CONG. REC. 8066, 77th Cong. 2d Sess.

5. 110 CONG. REC. 5291, 88th Cong. 2d Sess.

MR. SAYLOR: Mr. Speaker, the House Calendar lists a bill to come up under suspension and it is a House bill. Does it not require unanimous consent to suspend the rules and take up a Senate bill?

THE SPEAKER: The Chair will advise the gentleman from Pennsylvania, under the rules of the House, the Speaker may recognize a Member on a motion to suspend the rules.[6]

§ 9.53 Pursuant to Rule XXVII clause 1, the Speaker may in his discretion decline to recognize a Member to move to suspend the rules.

On Mar. 5, 1974,[7] the proceedings described above were as follows:

REQUEST TO SUSPEND RULES AND CONSIDER HOUSE RESOLUTION 807

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I move that the rules be suspended and the House proceed to the consideration of the resolution, House Resolution 807, disapproving pay increases.

THE SPEAKER:[8] The Chair will state that the gentleman from Iowa has not consulted the Chair and the Chair is not going to recognize the gentleman from Iowa for that purpose.

The Chair would like to state further that the request of the gentleman from Iowa violates the "Gross" rule whereby he has requested that notification of suspensions be given 24 hours in advance.

MR. GROSS: What kind of a rule is that?

THE SPEAKER: The Gross rule.

Privileged Questions

§ 9.54 The Speaker announced his intention to recognize a Member to call up resolutions disapproving certain Presidential reorganization plans before recognizing another Member to call up a conference report, pending the arrival from the Senate of the original papers accompanying the conference report.

On Sept. 28, 1970,[9] Speaker John W. McCormack, of Massachusetts, made the following announcement:

The Chair has been informed and understands that the original papers on the next conference report have not been messaged over to the House as yet. They will be here shortly.

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6. See also 80 CONG. REC. 2239, 2240, 74th Cong. 2d Sess., Feb. 17, 1936.

The Committee on Rules has reported and the House has adopted resolutions authorizing the Speaker to recognize Members for motions to suspend the rules on days other than regular suspension days. See, for example, H. Res. 422, 107 CONG. REC. 16562, 16563, 87th Cong. 1st Sess., Aug. 21, 1961.

7. 120 CONG. REC. 5316, 93d Cong. 2d Sess.

8. Carl Albert (Okla.).

9. 116 CONG. REC. 33870, 91st Cong. 2d Sess.

The Chair will recognize the gentleman from California (Mr. Holifield) in connection with the first reorganization plan [H. Res. 1209], and if the papers arrive between consideration of the first and second reorganization plans, the Chair will recognize the gentleman from West Virginia [on the conference report] at that time.

§ 9.55 In response to a parliamentary inquiry, the Speaker stated that where matters of equal privilege are pending, the order of their consideration is subject to the Speaker's recognition.

On Sept. 22, 1966,[10] Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry as follows:

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

Under the rules of the House, as I understand them, this rule, House Resolution 1007, to bring up the so-called House Un-American Activities Committee bill, is a privileged matter, and if it is not programed, then the gentleman handling the rule or any member of the Rules Committee, may call it up as a privileged matter. Is my understanding correct about that?

THE SPEAKER: The gentleman's understanding is correct. Of course, the question of recognition is with the Chair, where there are two similar preferential matters, but the gentleman's understanding is correct that after 7 legislative days a member of the Rules Committee could call it up.

If it were a question of recognition, if the same preferential status existed at the same time, recognition rests with the Chair.

§ 9.56 When more than one Member seeks recognition to call up privileged business it is within the discretion of the Speaker as to whom he shall recognize.

On Aug. 27, 1962, which was District of Columbia Monday,[11] Mr. Emanuel Celler, of New York, moved to suspend the rules and pass Senate Joint Resolution 29, proposing an amendment to the Constitution of the United States. Mr. Thomas G. Abernethy, of Mississippi, made a point of order against recognition of Mr. Celler on the ground that he (Mr. Abernethy) wanted to offer a District of Columbia bill and that pursuant to Rule XXIV clause 8 of the House rules, District of Columbia business was privileged. He alleged that the Speaker was permitted only to recognize for District of Columbia business.

Speaker John W. McCormack, of Massachusetts, ruled as follows:

Several days ago on August 14 unanimous consent was obtained to transfer

10. 112 CONG. REC. 23691, 89th Cong. 2d Sess.

11. 108 CONG. REC. 17654, 17655, 87th Cong. 2d Sess.

the consideration of business under suspension of the rules on Monday last until today. That does not prohibit the consideration of a privileged motion, and a motion to suspend the rules today is a privileged motion. The matter is within the discretion of the Chair as to the matter of recognition.

§ 9.57 The Speaker declined to recognize a Member to call up a resolution calling on the Office of Price Administration to furnish certain information, the resolution not being privileged.

On July 17, 1946,[12] Mr. Albert Thomas, of Texas, offered a "privileged" resolution calling on the Office of Price Administration to furnish certain information. In response to an inquiry by Speaker Sam Rayburn, of Texas, Mr. Thomas stated that a similar resolution was pending before the Committee on Banking and Currency.

The Speaker refused to recognize Mr. Thomas to call up the resolution for consideration:

THE SPEAKER: The Clerk may read the resolution, if there is no objection, but it is not a privileged resolution and the Chair will not recognize for its consideration at this time because it is not privileged.

If the gentleman desires, and if there is no objection, the Clerk may read the resolution.

Parliamentarian's Note: The resolution was not privileged as it was directed to the OPA and not to the head of a department.

§ 9.58 When a Member asserts that he rises to a question of the privileges of the House, the Speaker may hear the question and may then refuse recognition if the resolution is not admissible as a question of privilege under Rule IX.

On June 27, 1974,[13] it was demonstrated that a Member may not, by raising a question of the privileges of the House under Rule IX, attach privilege to a question not otherwise in order under the rules of the House.

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I offer a resolution (H. Res. 1203) involving a question of privileges of the House, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1203

Whereas on January 31, 1973, the House of Representatives voted to establish a ten-member, bipartisan Select Committee on Committees charged with conducting a "thorough and complete study of rules X and XI of the Rules of the House of Representatives; and

Whereas the select committee was further "authorized and directed to report to the House . . .

12. 92 CONG. REC. 9246, 79th Cong. 2d Sess. For the privilege of resolutions of inquiry, see Ch. 15, § 2, supra.

13. 120 CONG. REC. 21596–98, 93d Cong. 2d Sess.

Whereas on March 21, 1974, the select committee reported House Resolution 988 in conformance with its mandate; and

Whereas the chairman of the select committee has failed to seek a rule making House Resolution 988 in order for consideration by the House; and

Whereas, clause 27(d)(1) of House Rule XI states, "It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote;" . . .

Resolved, That the chairman of the select committee be directed to forthwith seek a rule making in order for consideration by the House, House Resolution 988; and be it further

Resolved, That the House Committee on Rules be directed to give immediate consideration to such request. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I make the point of order that the resolution offered by the gentleman from Illinois does not raise the question of privilege. . . .

MR. ANDERSON of Illinois: Mr. Speaker, I desire to be heard on the point of order. My question of privilege arises under rule IX which provides that, and I quote:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings. . . .

Mr. Speaker, I rest my question of privilege on that clause which declares those questions privileged which relate to the integrity of the proceedings of the House. It is my contention that there has been a deliberate attempt to delay House consideration of House Resolution 988, the so-called Bolling-Martin Committee Reform Amendments of 1974, and that this intentional delay not only interferes with and flouts the integrity of the proceedings of this body, but is in clear violation of clause 27(d)(1) of rule XI of the Rules of the House.

Under that rule, and I quote:

It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. . . .

THE SPEAKER:[14] The Chair is ready to rule.

The gentleman from Illinois (Mr. Anderson) has submitted a resolution which he asserts involves a question of the privileges of the House under rule IX. Following the preamble of the resolution, the resolution provides that:

Resolved, That the chairman of the Select Committee be directed to forthwith seek a rule making in order for consideration by the House, House Resolution 988, and be it further

Resolved, That the House Committee on Rules be directed to give immediate consideration to such request.

As indicated in "Hinds' Precedents," volume III, section 2678, Speakers are authorized to make a preliminary determination as to those questions presented which may involve privileges. As reaffirmed by Speaker McCormack on October 8, 1968 (Record p. 30214 to 30216) when a Member asserts that he

14. Carl Albert (Okla.).

rises to a question of the privileges of the House, the Speaker may hear the question and then, if the matter is not one admissible as a question of privilege of the House he can refuse recognition.

The Chair has listened to the arguments concerning the privileged status of this resolution and has examined the precedents of the House in this regard. It will be noted that the gentleman from Illinois has relied heavily on section 2609, volume III of "Hinds' Precedents," in which it was held by Speaker Reed that a report having been ordered to be made by a select committee but not being made within a reasonable time, a resolution directing the report to be made raised a question of the privileges of the House.

That case is distinguishable from the present instance in that in this instance the chairman has made the report and the resolution is pending on the calendar of the House and it does not become privileged until the House has adopted a resolution reported from the Committee on Rules providing for the consideration of House Resolution 988. The Chair does not feel that a question of privilege of the House under rule IX should be used as a mechanism for giving privilege to a motion which would not otherwise be in order under the Rules of the House, in this case, namely, a motion to direct the Committee on Rules to take a certain action.

The Chair now would refer to Hinds' Precedents, volume III, section 2610, wherein Speaker Crisp ruled that a charge that a committee had been inactive in regard to a subject committed to it did not constitute a question of privilege of the House. . . .

The rules did not provide at the time of Speaker Reed's ruling, as is now the case in clause 27(d)(2) of Rule XI, for a mandatory filing of the reports within 7 calendar days after the measure has been ordered reported upon signed request by a committee majority.

In the instant case, however, the Select Committee on Committees has filed its report and the Chair is not aware that the chairman of the Select Committee on Committees has in any sense violated the rule cited by the gentleman from Illinois. For these reasons, the Chair holds that the gentleman's resolution does not present a question of the privileges of the House under [rule] IX and the resolution may not be considered.

One-minute Speeches

§ 9.59 Recognition for one-minute speeches is within the discretion of the Speaker, and he sometimes withholds such recognition in the hopes of expediting the business of the House.

On June 17, 1970,[15] after the disposition of a voting rights bill, Speaker John W. McCormack, of Massachusetts, recognized a Member for a unanimous-consent request to address the House for one minute. Mr. H. R. Gross, of Iowa, stated, under a reservation of objection to the request, that the Speaker had announced at the

15. 116 CONG. REC. 20245, 91st Cong. 2d Sess.

beginning of the day that he was not recognizing for one-minute speeches, in order to expedite the legislative business of the House. Mr. Gross suggested that the refusal to so recognize was motivated by a desire to prevent debate on the bill to be considered.

The Speaker responded:

> The Chair will state to the gentleman from Iowa that earlier in the day the Chair did make the statement that the Chair would not entertain unanimous-consent requests for 1-minute speeches to be delivered until later on in the day.
>
> I am sure that the gentleman from Iowa clearly understood that statement on the part of the Speaker. At that particular time the Chair stated that the Chair would recognize Members for unanimous-consent requests to extend their remarks in the Record or unanimous-consent requests to speak for 1 minute with the understanding that they would not take their time but would yield back their time.
>
> I think the Chair clearly indicated that the Chair would recognize Members for that purpose at a later time during the day. As far as the Chair is concerned the custom of the 1-minute speech procedure is adhered to as much as possible because the Chair thinks it is a very healthy custom.
>
> The Chair had the intent, after the disposition of the voting rights bill, to recognize Members for 1-minute speeches or further unanimous-consent requests if they desired to do so.[16]

§ 9.60 Recognition for one-minute speeches is within the discretion of the Speaker; and when the House has a heavy legislative schedule, he sometimes refuses to recognize Members for that purpose until the completion of legislative business.

On July 24, 1980,[17] Speaker Pro Tempore James C. Wright, Jr., of Texas, made an announcement regarding one-minute speeches, as follows:

> THE SPEAKER PRO TEMPORE: The Chair desires to announce that in view of the need to complete the legislative schedule, which has been long delayed, the Chair will recognize Members at this time only for unanimous-consent requests to revise and extend their remarks and not for 1-minute speeches.
>
> Members will be recognized for 1-minute speeches at the conclusion of the legislative business today.
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.

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16. See also 114 CONG. REC. 22633, 22634, 90th Cong. 2d Sess., July 22, 1968, for a colloquy between the Speaker and minority Members on the importance of the "one-minute" speech and recognition by the Speaker for that purpose.

For a discussion of the use of the "one-minute" speech in the practice of the House, see § 73, infra.

17. 126 CONG. REC. 19386, 19387, 96th Cong. 2d Sess.

MR. BAUMAN: Mr. Speaker, it has, of course, been traditional in the House to allow 1-minute speeches at the discretion of the Chair, as the Chair has just indicated.

Is this denial of 1-minute speeches to be the policy for the remainder of the session, or is it just for today?

THE SPEAKER PRO TEMPORE: The Chair cannot and would not attempt to set a policy for the remainder of the session. For the remainder of this week, today and tomorrow, the Chair desires to complete the legislative program that is scheduled for this week and to allow Members to leave at 3 o'clock tomorrow.

Subsequently, a Member took the floor for a special-order speech to criticize the decision of the Speaker Pro Tempore to refuse to recognize for one-minute speeches prior to legislative business on that day:[18]

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from Maryland (Mr. Bauman) is recognized for 60 minutes.

(Mr. Bauman asked and was given permission to revise and extend his remarks.)

MR. BAUMAN: Mr. Speaker, I take this time to observe with sorrow the events that occurred earlier today. I did not wish to explore them at length during the 1-minute speech which I was finally permitted, but I do think they deserve some comment. I will try to confine myself to the 1-hour the House permits me under special order.

I happen to believe that the conduct of the President's brother, Billy Carter, has raised valid questions that need to be answered. . . .

So I would just suggest that we all re-examine our position and only put aside the traditions of the House and the free speech of Members if it is absolutely necessary for good reason.

§ 9.61 A point of order against the manner in which the Chair is conducting the proceedings of the House may interrupt the reading of an enrolled bill (by title) by the Clerk; but in this instance, the Chair's refusal to recognize for unanimous-consent requests to address the House before legislative business was held not to be subject to a point of order, since such question of recognition is within the discretion of the Chair, who may refuse to entertain such requests at all.

The proceedings of the House on July 25, 1980,[19] wherein a point of order was overruled, were as follows:

THE SPEAKER PRO TEMPORE:[20] . . . As the Chair announced yesterday, requests to address the House for 1 minute will be entertained at the conclusion of the legislative business today, rather than at the beginning. . . .

The Chair believes there is genuine value in the 1-minute rule in the exer-

18. *Id.* at pp. 19445, 19446.

19. 126 CONG. REC. 19762–64, 96th Cong. 2d Sess.

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

cise of free expression . . . . For all its value, however, the Chair does not believe that the 1-minute rule must necessarily precede, nor be permitted to postpone, the business of the House.

Subsequently, a resolution was offered relating to structural deficiencies in the West Front of the Capitol, and a motion to table the resolution was agreed to. Thereupon the following point of order was raised:

THE SPEAKER PRO TEMPORE: The Chair lays before the House the following enrolled bill.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I make a point of order at this point. . . .

The Clerk proceeded to read the enrolled bill.

MR. BAUMAN: Mr. Speaker, I make a point of order.

THE SPEAKER PRO TEMPORE: The Clerk will suspend.

A Member is seeking recognition to make a point of order. . . . [T]he Chair will ask the gentleman to state his point of order.

MR. BAUMAN: Mr. Speaker, prior to the privileged or nonprivileged motions just offered by the gentleman from Pennsylvania, the Chair unilaterally issued a ruling regarding the 1-minute speeches and stated in essence, if I recall, that these speeches would not be permitted today or during his tenure as Speaker pro tempore because of the press of legislative business in the remainder of the session. . . .

I make a point of order against the ruling of the Chair. I make a point of order that the Chair cannot in fact deny the 1-minute speeches on the ground which he stated, and as authority for that, I cite chapter 21, section 7 of Deschler's, wherein there are several instances, including those referring to July 22, 1968; June 17, 1970; and October 19, 1966, where the Chair declined to recognize Members for 1-minute speeches because of the press of business, a heavy legislative schedule, which is Deschler's phrase, and proceeding to unfinished business.

Mr. Speaker, my point of order is that the traditions of the House, as evidenced in these precedents, indicate the Chair has the discretion to deny 1-minute speeches on those grounds, but that the ruling of the gentleman from Texas (Mr. Wright), the Speaker pro tempore, has, in fact, allowed an arbitrary ground to be used at a time when there is no press of heavy legislative business manifested by the fact that the Speaker and others have announced that we will adjourn today at 3 o'clock when we can easily stay here and deal with any pressing legislative business if that exists.

Further my point of order is that the Speaker has departed from past traditions and, therefore, has exceeded his discretion in regard to 1-minutes as supported by the traditions of the House.

THE SPEAKER PRO TEMPORE: The Chair is prepared to rule on the point of order, unless other Members insist on being heard. The Chair is prepared to rule.

The gentleman's point of order in the first place comes too late. But the Chair is prepared to state that in any event it is not a sustainable point of order.

The gentleman from Maryland is aware, because he is a scholar of the rules of the House, and he is aware of the great thrust of the very section to which he made reference, paragraph 7 of chapter 21 of Deschler's Procedure.

The Chair would simply recite one or two of the precedents therein reported. Recognition for 1-minute speeches is within the discretion of the Speaker, and his evaluation of the time consumed is a matter for the Chair and is not subject to challenge or question by parliamentary inquiry.

Parliamentarian's Note: In the above instance, the Chair entertained an appeal from his ruling that no point of order lay against his refusal to entertain unanimous-consent requests to address the House before legislative business, even though such a point of order, addressed to a question of recognition, is not ordinarily subject to appeal.[1] The appeal was laid on the table.[2]

§ 9.62 Recognition is within the discretion of the Chair, who may deny a Member recognition to speak under the "one-minute rule" in order to uphold order and decorum in the House as required under clause 2 of Rule I; thus, the Speaker inquired of a Member in the well seeking recognition, as to his purpose in utilizing an object for demonstration in debate, and then denied that Member recognition pursuant to his authority under clause 2 of Rule XIV, when he determined that the object might subject the House to ridicule.

On Aug. 27, 1980,[3] the following proceedings occurred in the House:

THE SPEAKER:[4] The Chair would ask the gentleman from Pennsylvania (Mr. Shuster) what he intends to do with the doll. The Chair is not going to allow the Congress to be held up to ridicule and will object to any such exhibit being used in debate.

MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, if I may respond, I simply want to introduce this duck as a symbol of the lameduck session that I want to speak to.

THE SPEAKER: The Chair is of the opinion the Member would be holding the House up to ridicule and would ask the gentleman to make the speech without utilizing the apparatus or the doll or anything of that nature.

MR. SHUSTER: Mr. Speaker, this is certainly not the intention.

THE SPEAKER: That is the way the Chair feels about it and the Chair so rules.

1. See 2 Hinds' Precedents §§ 1425–1428; 6 Cannon's Precedents § 292; and 8 Cannon's Precedents §§ 2429, 2646, 2762.
2. 126 CONG. REC. 19764, 96th Cong. 2d Sess., July 25, 1980.
3. 126 CONG. REC. 23456, 96th Cong. 2d Sess.
4. Thomas P. O'Neill, Jr. (Mass.).

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

Parliamentarian's Note: The original transcript shows that the Speaker first inquired as to Mr. Shuster's purpose and then denied him recognition, and that Mr. Shuster was then recognized for one minute. Thus, the Speaker was exercising his power of recognition, and was not unilaterally preventing the use of a demonstration during debate, which would be a matter to be determined by a vote of the House, under Rule XXX.

Special-order Speeches

§ 9.63 The Speaker is not required to recognize Members for scheduled "special order" speeches immediately upon completion of legislative business but may continue to recognize other Members for unanimous-consent requests and permissible motions.

On July 31, 1975,[5] the proposition stated above was demonstrated in the House as follows:

MR. JOHN L. BURTON [of California]: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER:[6] The motion is not in order since we just had a vote on a similar motion and there has been no intervening business or debate. . . .

The Chair will take unanimous-consent requests.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I move that the House recess subject to the call of the Chair.

THE SPEAKER: The Chair will state to the gentleman that is not a privileged motion. The Chair cannot entertain that motion at this time.

MR. [WILLIAM L.] ARMSTRONG [of Colorado]: Mr. Speaker, I have a parliamentary inquiry. Mr. Speaker, my parliamentary inquiry is will the Chair state what is the pending business before the House?

THE SPEAKER: The Chair will state there is no pending business. . . .

MR. ARMSTRONG: Mr. Speaker, under a previous order of the House I have been granted a special order for 60 minutes. I ask to be recognized at this time for that purpose.

THE SPEAKER: The gentleman from Colorado does not have the first special order.

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Speaker, I believe I have the first special order, and I ask to be recognized.

THE SPEAKER: The Chair is not going to recognize any special order at this time, and the Chair has that authority. . . .

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: . . . Mr. Speaker, is it not correct to say that if a unanimous-consent request to allow the Committee on Rules until midnight to file a report on

5. 121 CONG. REC. 26243–47, 94th Cong. 1st Sess.

6. Carl Albert (Okla.).

the Turkish aid issue now being debated by the other body, was granted, that the House could then adjourn and at the same time work its will because then, if the Committee on Rules files a report, it could be considered then under the rules of the House, and if they did not file a report, the issue would be moot?

THE SPEAKER PRO TEMPORE: The Chair will state that that is an accurate statement of the situation, as the Chair understands it. . . .

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, there have been some remarks made that the House would be denied its will and there would be no way to consider the matter in the event the other body agreed to some legislation tonight. Am I correct in the proposition that if a bill is passed by the other body tonight, there is a procedure under the rules whereby the matter could be considered tomorrow? . . .

THE SPEAKER: The Chair will state this. The regular rule is that a report from the Rules Committee has to go over 1 day or it takes a two-thirds vote for consideration on the day reported. The other way is that a unanimous-consent request can be made, and if the Committee on Rules can file it by 10 o'clock tomorrow, and the House adjourns tonight, then it will take a majority vote for consideration tomorrow after the House meets, just as it always does on a subsequent legislative day.

§ 9.64 The Speaker may not be compelled by a motion under Rule XXV to recognize Members for scheduled "special orders" immediately upon completion of scheduled legislative business, but rather may continue to exercise his power of recognition under Rule XIV clause 2 to recognize other Members for unanimous-consent requests and permissible motions; thus, the Speaker has declined to recognize a Member who sought to invoke Rule XXV to interfere with the Speaker's power of recognition.

Rule XXV, which provides that "questions as to the priority of business shall be decided by a majority without debate," merely precludes debate on motions to go into Committee of the Whole, on questions of consideration, and on appeals from the Chair's decisions on priority of business, and should not be utilized to permit a motion directing the Speaker to recognize Members in a certain order or to otherwise establish an order of business. Thus, for example, on July 31, 1975,[7] the Speaker[8] refused to recognize a Member who sought to make a motion to direct recognition of Members for special orders.

MR. PHILLIP BURTON [of California]: Mr. Speaker, I make a point of order that a quorum is not present.

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7. 121 CONG. REC. 26249, 26251, 94th Cong. 1st Sess.

8. Carl Albert (Okla.).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I make a point of order. . . .

Mr. Speaker, I would like to make the point of order to this effect: Under the new rules of the House, is it not true that once the House has proceeded to the closing business of the day, granting requests for absences and special orders, that it is no longer in order to make a point of order that a quorum is not present?

THE SPEAKER: The Chair has not started to recognize Members for special orders yet. All the business on the Chair's desk has been completed. . . .

MR. BAUMAN: Mr. Speaker, I make the point of order that the rules preclude a quorum at this point because personal requests have already been read from the desk. A leave of absence was granted to the gentleman from Texas (Mr. Teague).

Under the new rules, Mr. Speaker, a quorum does not lie after this point of business in the day.

THE SPEAKER: If the Chair understands the gentleman's point of order, it relates to the fact, which is a new rule, not the rule we used to follow. The rule is that once a special order has started, the Member who has the special order and is speaking cannot be taken off his feet by a point of order of no quorum. However, there is nothing in the rules of which the Chair is aware that requires the Chair to begin to call a special order at any particular time.

MR. BAUMAN: Mr. Speaker, I move under rule XXV that the House proceed to recognize the Members previously ordered to have special orders today, and on that I ask for a rollcall vote.

MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Speaker, I move that the House do now adjourn.

The question was taken.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 137, nays 202, not voting 95, as follows: . . .

MR. BAUMAN: Mr. Speaker, under rule XXV, I again renew my motion that the Chair proceed to the recognition of other Members who have previously been granted special orders for today.

THE SPEAKER: The Chair recognizes the gentleman from California (Mr. Danielson).

MR. [GEORGE E.] DANIELSON [of California]: Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

MR. BAUMAN: Mr. Speaker, there is a motion pending.

Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I move that the House do now adjourn.

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

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 142, nays 205, not voting 87, as follows: . . . .

§ 9.65 Once special orders have begun, it is customary not to resume legislative business, however this custom is not binding on the House and the Speaker has the authority to recognize for further business; thus, on occasion the Speaker has announced that he would begin to call the special orders, which action would not prejudice calling up of further legislative business later that day.

On Aug. 1, 1975,[9] Speaker Carl Albert, of Oklahoma, made the following statement:

> THE SPEAKER: . . . The normal procedure, as the Members know, special orders are called when the legislative business has ended. We have not called special orders yet.
>
> We have at least three bills, to my knowledge, that may come over here from the Senate.
>
> The Chair would like to take the special orders and reserve the authority to call up these bills at a later time. . . .
>
> ANNOUNCEMENT BY THE SPEAKER
>
> THE SPEAKER: Without prejudice to calling up other legislative business which might come over to the House from the Senate, the Chair will call the special orders at this time.

Recognition for Legislative Business After Special-order Speeches

§ 9.66 The Speaker announced, after a point of order had been sustained against the consideration of further scheduled legislative business for the day (necessitating consideration of a resolution by the Committee on Rules and by the House), that he had the prerogative and intention to recognize Members for consideration of further legislative business after special-order speeches had been conducted in order to complete the schedule for the day, notwithstanding the customary, but non-binding, practice that legislative business is not conducted once special-order speeches have begun.

The following proceedings occurred in the House on Mar. 22, 1983:[10]

9. 121 CONG. REC. 26952–54, 94th Cong. 1st Sess.

10. 129 CONG. REC. 6501, 6503, 98th Cong. 1st Sess.

POINT OF ORDER AGAINST CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 91, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

MR. [TOM] LOEFFLER [of Texas]: Mr. Speaker, I have a point of order against consideration of this budget resolution.

THE SPEAKER PRO TEMPORE:[11] The gentleman will state his point of order.

MR. LOEFFLER: Mr. Speaker, I make a point of order against the consideration of House Concurrent Resolution 91, which is the House concurrent budget resolution for fiscal year 1984, on the grounds that its consideration would violate the provisions of clause 2(l)(6) of rule XI of the rules of the House [prohibiting the consideration of any measure or matter in the House reported by any committee (except the Committee on Rules) unless copies of the report and reported measure have been available to Members for at least three days]. . . .

THE SPEAKER PRO TEMPORE: The Chair believes that while House Resolution 144 was intended to permit immediate consideration of House Concurrent Resolution 91, the provisions of clause 2(l)(6), rule XI do technically—under the second sentence of that clause—separately require a 3-day availability of the Budget Committee's report. That part of the rule was not separately waived, and although the 10-day rule was waived effectively, the Chair will sustain the point of order and advise that under that rule the Rules Committee may immediately report out and call up a special order waiving the 3-day rule.

THE SPEAKER:[12] The Chair's understanding now is that the Rules Committee will meet and will report back somewhere around the time of 8:30. The Chair will go to Special Orders at this particular time and we could ask for a recess subject to the call of the Chair and the reporting of the Rules Committee.

Following a parliamentary inquiry that interceded at this point, the Speaker made the following announcement:

THE SPEAKER: The Chair announces, it is the intention and the prerogative of the Speaker after special orders to call up business, in case there is anybody lingering out there that thinks the Speaker does not have that power.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I had understood that it is not formalized by the rules, but there is an informal arrangement that had been agreed to early in the Congress that we would not take up business after special orders had been started.

Is that now going to be canceled at the discretion of the Chair, is that my understanding of what the Speaker is saying?

THE SPEAKER: I am sure as the gentleman appreciates, it is the special duty of the Speaker to see that the program of the day is put through. When the occasion arises when there is an exception, the Speaker would act in the best interests of the majority of the House and not just an individual or

11. Charles E. Bennett (Fla.).

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

two in the eyes of the Speaker, and consequently it would be understood by the precedents that that is the way the Speaker would act and the Speaker would recognize for consideration of legislation.

Motion To Recommit

§ 9.67 The Chair will generally recognize a minority Member (who is opposed to the measure) to offer a motion to recommit, but is not required to recognize any particular minority Member where no minority committee member seeks recognition.

On Feb. 3, 1944,[13] the Committee of the Whole was considering S. 1285, providing voting for members of the armed services. A discussion about recognition for a motion to recommit ensued, and Speaker Sam Rayburn, of Texas, took the floor to explain the Chair's position:

MR. [JOSEPH W.] MARTIN [Jr.], of Massachusetts: I might say to the gentleman from Missouri there has been a good deal of discussion about this motion to recommit. We have had one contest which was wrongly interpreted in which we fought to preserve the integrity of the rules of the House and to protect a right that has always belonged to the minority. . . .

I am perfectly willing for the Chairman to recognize the gentleman from California [Mr. Anderson] to make that motion, and he is, I know, opposed to the bill. . . .

MR. [JOHN J.] COCHRAN [of Missouri]: Unless he is opposed to the bill he is not qualified.

MR. [JOHN Z.] ANDERSON of California: Mr. Chairman, will the gentleman yield?

MR. COCHRAN: I yield to the gentleman from California.

MR. ANDERSON of California: I will say to the gentleman from Missouri that I have a motion to recommit which will request the Committee on Election of President, Vice President, and Representatives in Congress to report back the bill forthwith with the Worley bill in it. I trust that I will be recognized. . . .

MR. RAYBURN: Mr. Chairman, will the gentleman yield?

MR. COCHRAN: I yield to the distinguished Speaker of the House.

MR. RAYBURN: I trust that this colloquy will not take away from the Speaker what has always been his prerogative, to recognize any member of the minority to offer a motion to recommit when no member of the committee offers a motion.

MR. COCHRAN: In my opinion no Member on the minority side who is a member of the committee can stand up, in view of the fact that they all signed the report, and say he is opposed to the bill. Therefore some person outside of the committee will have to do it.

MR. MARTIN of Massachusetts: Mr. Chairman, will the gentleman yield?

MR. COCHRAN: I yield.

MR. MARTIN of Massachusetts: There will be no minority member of the com-

13. 90 CONG. REC. 1221, 1222, 78th Cong. 2d Sess.

mittee, in my opinion, who can stand up and say he is opposed to the bill, but I would like to address a word or two to my beloved friend, the Speaker. I realize it rests with the Speaker to recognize the Member to make the motion to recommit. The clear intent of the rule, however, in my opinion, is to give that weapon of recommitment to the minority and not to any minority of the minority.

MR. RAYBURN: I just wanted to make it entirely clear that I always recognize somebody in the minority if they qualify, but I could not allow anybody to commit me to recognize any particular member of the minority.

Motion To Adjourn

§ 9.68 Where the two Houses have adopted a concurrent resolution permitting an adjournment of the House to a day certain in excess of three days upon motion made by the Majority Leader or a Member designated by him, the Speaker may recognize the Member so designated to move to adjourn pursuant to the concurrent resolution, over another Member whose motion to adjourn if agreed to would only permit the House to adjourn overnight.

On Aug. 4, 1983,[14] the following proceedings occurred in the House:

THE SPEAKER PRO TEMPORE:[15] The Chair recognizes the gentleman from Texas.

MR. [HANK] BROWN of Colorado: Mr. Speaker, I have a privileged motion. I move the House adjourn.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Texas.

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Speaker, pursuant to House Concurrent Resolution 153, I move that the House do now adjourn.

The motion was agreed to.

Recognition for Debate Under Reservation of Right To Object to Adoption of Adjournment Resolution

§ 9.69 A concurrent resolution providing for an adjournment of more than three days for the House and Senate is not debatable, but the Chair may in his discretion recognize for debate under a reservation of the right to object (to adoption of the resolution).

On Aug. 27, 1980,[16] the following proceedings occurred in the House during consideration of Senate Concurrent Resolution 118:

The Speaker laid before the House the privileged Senate concurrent reso-

14. 129 CONG. REC. 23244, 98th Cong. 1st Sess.

15. William H. Gray, 3d (Pa.).

16. 126 CONG. REC. 23459, 96th Cong. 2d Sess.

lution (S. Con. Res. 118) providing for a recess of the Senate from August 27 to September 3, 1980, and an adjournment of the House from August 28 to September 3, 1980.

The Clerk read the title of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That when the Senate completes its business on Wednesday, August 27, 1980, it stand in recess until 10 o'clock a.m. on Wednesday, September 3, 1980, and that when the House completes its business on Thursday, August 28, 1980, it stand adjourned until 12 o'clock noon on Wednesday, September 3, 1980.

THE SPEAKER:[17] Without objection, the Senate concurrent resolution is concurred in.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, are we permitted to debate this matter?

THE SPEAKER: No, it is not debatable.

MR. BAUMAN: Mr. Speaker, reserving the right to object, I wondered whether any Member intended to explain the necessity for the recess, in view of the fact there has been some objection quite obviously from the minority about recessing at all because of the announced lameduck session. . . .

THE SPEAKER: The Chair will state that this is a long-announced recess, since the beginning of the year, and Members from both sides of the aisle expect to be home, of course, and in their district through Labor Day. . . .

The leadership, I am sure, was in agreement with this earlier in the year when the schedule for the year was printed.

The question comes on adoption of the Senate concurrent resolution. Without objection——

MR. BAUMAN: Mr. Speaker, I would further reserve the right to object, unless the Chair wants to put the question.

THE SPEAKER: The Chair would like to put the question unless the gentleman desires to say something further. Does the gentleman reserve the right to object to adopting the concurrent resolution by unanimous consent?

MR. BAUMAN: I reserve the right to object, Mr. Speaker.

I am only saying, Mr. Speaker, that the legislative schedule has been changed before. We have been told that we will recess on October 4, as opposed to staying and completing our work, and then we will come back into further session after the election. If that kind of a major change can be made, it seems to me there is still time for us to consider the possibility of staying in session, as has been suggested by the minority leader, the gentleman from Arizona (Mr. Rhodes).

THE SPEAKER: The Chair will put the question, and the Members, if they desire to vote on it, may vote as they see fit.

MR. BAUMAN: I thank the Chair and I urge a vote against the recess so that we can stay here and finish our business and avoid a lameduck session.

THE SPEAKER: The question is on the Senate concurrent resolution.

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

§ 10. Recognition for Unanimous-consent Requests; One-minute and Special-order Speeches

The Speaker or Chairman of the Committee of the Whole has discretion whether or not to entertain unanimous-consent requests. Requests are not entertained which are prohibited by rule,[18] which unduly delay legislative business,[19] or which affect legislation and the order of business without the consent of the leadership and of relevant committees.[20]

The Chair has entertained a unanimous-consent request which limits the Chair's power of recognition,[1] but either the Speaker or Chairman of the Committee of the Whole may make his own objection to any unanimous-consent request by refusing to entertain it.[2]

Recognition for one-minute speeches (by unanimous consent) and the order of such recognition[3] are entirely within the discretion of the Speaker; and when the House has a heavy legislative schedule, the Speaker may refuse to recognize Members for that purpose until the completion of legislative business.[4] It is not in order to raise as a question of the privileges of the House a resolution directing the Speaker to recognize for such speeches, since a question of privilege cannot amend or interpret the rules of the House.[5]

Since the 98th Congress, the Speaker has announced a policy for recognition for one-minute and special-order speeches as follows: (1) alternation of recognition between majority and minority Members; (2) recognition first for special-order speeches of five minutes or less, alternating between majority and minority Members, in the order in which requests were granted; and (3) final recognition for special-order speeches of between five minutes and one hour, alternating between majority and minority Members, in the order in which requests were granted.[6] In the 101st Congress, the Chair continued the practice of alternating recognition, but

18. See §§ 10.34, 11.14–11.17, infra.

19. See §§ 10.7, 10.8, 10.32, 10.34, infra.

20. See §§ 10.9, 10.14–10.25, 10.27, infra.

1. See §§ 10.1 and 11.4, infra.

2. See §§ 10.1, 10.6, infra. For a discussion of recognition for unanimous-consent requests which waive the requirements of existing rules, see § 11.1, infra.

3. See § 10.55, infra.

4. See §§ 10.58–10.60, infra.

5. See § 10.58, infra.

6. See § 10.48, infra.

began a practice of recognizing Members in an order as suggested by their party leadership, for one-minute speeches, before others seeking such recognition in the well. While the Chair's calculation of time consumed under one-minute speeches is not subject to challenge, the Chair endeavors to recognize majority and then minority Members by allocating time in a non-partisan manner.[7] Prior to legislative business, the Speaker will traditionally recognize a Member only once by unanimous consent for a one-minute speech, and will not entertain a second request.[8]

When Members are addressing the House during "one-minute speeches," the Chair declines to entertain unanimous-consent requests for extensions of that time; Members who continue beyond the expiration of that time as announced by the Chair are not engaging in proper debate.

Since Feb. 23, 1994, the Speaker's announced policies for recognition for special-order speeches have been as follows:[9] (1) recognition does not extend beyond midnight; (2) recognition is granted first for speeches of five minutes or less;[10] (3) recognition for longer speeches is limited (except on Tuesdays) to four hours equally divided between the majority and minority; (4) the first hour for each party is reserved to its respective Leader or his designees; (5) time within each party is allotted in accordance with a list submitted to the Chair by the respective Leader; (6) the first recognition within a category alternates between the parties from day to day, regardless of when requests were granted; (7) Members may not enter requests for five-minute special orders earlier than one week in advance; and (8) the respective Leaders may establish additional guidelines for entering requests.

Beginning in the second session of the 103d Congress, the House by unanimous consent agreed (without prejudice to the Speaker's ultimate power of recognition) to convene 90 minutes early on Mondays and Tuesdays for morning-hour debate.[11] On May 12, 1995,[12] the House extended and modified this order, changing morning-hour debates on Tuesdays after May 14 of each year in the following manner: (1) the

7. See § 10.50, infra.

8. See § 10.61, infra.

9. See § 10.64, infra.

10. The Chair will not entertain a unanimous-consent request to extend a five-minute special order. See the proceedings of Mar. 7, 1995.

11. See § 10.64, infra.

12. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

House convenes one hour early (rather than 90 minutes); (2) time for debate is limited to 25 minutes for each party; and (3) in no event is morning-hour debate to continue beyond 10 minutes before the House is to convene.

Also in the 103d Congress,[13] the House agreed by unanimous consent to conduct, at a time designated by the Speaker, "Oxford-style" debates: structured debate on a mutually agreeable topic announced by the Speaker with four participants from each party in a format announced by the Speaker.

Members may obtain permission to address the House by requests made by the acting Majority and Minority Leaders at the end of the day through their respective Cloak Rooms, or by individual requests agreed to on the floor for that day or for a future day. For the request to be entertained, it should seek "permission to address the House at the conclusion of legislative business, consistent with the Speaker's announced policy of recognition."[14]

While the House customarily does not consider legislation after the Speaker has begun to recognize Members for "special-order speeches," there is no House rule prohibiting consideration of legislative business at any time the House is in session; thus, for example, the Speaker has recognized a Member between "special-order speeches" to request consideration of a House concurrent resolution by unanimous consent.[15]

Time taken during points of order raised during a special-order speech does not come out of the time of the Member speaking, and so a Member is not deprived of his allotted time.

Cross References

Chair's power of recognition generally, see § 9, supra.

Unanimous-consent agreements on control and distribution of time, see §§ 25 (distribution and alternation), 28 (effect of special orders), 29 (yielded time), infra.

Unanimous-consent agreements on duration of debate, see §§ 71 (in the House) and 80 (in Committee of the Whole), infra.

Unanimous-consent consideration of bills, see § 16, infra.

Unanimous-consent consideration in House as in Committee of the Whole, see § 4, supra.

Unanimous-consent consideration of Senate amendments, see § 17, infra.

Unanimous-consent withdrawals and explanations in relation to calls to order, see § 51, infra.

Yielding for unanimous-consent requests, see § 29, infra.

13. See § 10.64, infra.

14. See § 10.48, infra. For discussion of special-order speeches generally, see §§ 10.65 et seq., infra.

15. See § 18.25, infra. See also §§ 10.69–10.71, infra.

Agreement That Member Be Allowed To Speak at Certain Time as Not Infringing on Chair's Power

§ 10.1 An agreement by the Committee of the Whole to a unanimous-consent request that a Member be allowed to speak at a certain time is not necessarily an infringement of the Chair's power of recognition, but the Chairman may, just as any other Member, interpose an objection to such a request.

On Dec. 9, 1947,[16] Chairman Earl C. Michener, of Michigan, presiding in the Committee of the Whole, made the following statement on a proposed unanimous-consent request to allow a certain Member to speak at a certain time:

> As the Chair understands the rule, the presiding officer in the Committee is in a dual capacity. First, he is selected to be the presiding officer during the consideration of the bill. But by accepting such appointment he does not lose his right to vote and object as any other Member. That is, his district is not deprived of its rights by virtue of the Chairman selection. That being true, the Chair not making any objection, I cannot see how the rights of the Chair are infringed upon if the Committee, by unanimous consent, wants to provide that a certain individual may speak at a certain hour during the Committee consideration. If the Chair is agreeable and all Members are agreeable.

One Request Pending at a Time

§ 10.2 Only one unanimous-consent request may be pending at one time; thus, while there is pending in Committee of the Whole a unanimous-consent request that a Member be allowed additional time under the five-minute rule, the Chair will dispose of that request before recognizing another Member to ask unanimous consent to limit debate on the pending amendment.

On May 10, 1977,[17] the proceedings described above occurred in the Committee of the Whole as follows:

> THE CHAIRMAN:[18] The time of the gentleman from Oregon has again expired.
>
> MR. [MARK W.] HANNAFORD [of California]: Mr. Chairman, I ask unanimous consent that the gentleman from Oregon be allowed to proceed for an additional 2 minutes.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from California?

16. 93 CONG. REC. 11231, 80th Cong. 1st Sess.

17. 123 CONG. REC. 14111, 95th Cong. 1st Sess.

18. Gerry E. Studds (Mass.).

MR. [GARRY] BROWN of Michigan: Mr. Chairman, reserving the right to object, I wonder if we could get an understanding with the chairman of the subcommittee, the gentleman from Ohio (Mr. Ashley) on a time limit.

MR. [THOMAS L.] ASHLEY [of Ohio]: . . . Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto conclude at 10 minutes to 4.

THE CHAIRMAN: The Chair will state that originally there is also a unanimous-consent request that the gentleman from Oregon (Mr. AuCoin) be granted an additional 2 minutes.

Is there objection to the request of the gentleman from California?

There was no objection.

Obtaining Recognition To Reserve Right To Object

§ 10.3 In order to obtain recognition to reserve the right to object to a unanimous-consent request, a Member must be on his feet seeking recognition for that purpose when the Chair inquires whether there is an objection to the request; but a Member who was seeking recognition at the proper time may be recognized by the Chair even if the Chair has already stated he heard no objection.

On June 23, 1977,[19] the Committee of the Whole having under consideration the foreign assistance and related agencies appropriation bill for 1978 (H.R. 7797), the following proceedings occurred:

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

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

There being no objection——

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I reserve the right to object. I wonder if we could try and get a limitation on debate. I wonder if the gentleman could cut that down to a couple of minutes.

MR. MURPHY of New York: I think that if my colleague would bear with me, 5 minutes is a small amount of time to address ourselves to a vital area of interest in the Americas . . . .

MR. LONG of Maryland: Further reserving the right to object, at the conclusion of the gentleman's testimony I would like——

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. [MARIO] BIAGGI [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. BIAGGI: The time for objecting has passed. If the Chair will read back, he has stated no objections were heard.

THE CHAIRMAN: The Chair will indicate to the gentleman from New York that the gentleman from Maryland was

19. 123 CONG. REC. 20583, 20584, 95th Cong. 1st Sess.

1. Abraham Kazen, Jr. (Tex.).

on his feet seeking to reserve the right to object.

Member Must Stand When Objecting

§ 10.4 A Member must stand when objecting to a unanimous-consent request.

On Oct. 13, 1978,[2] the following proceedings occurred in the Committee of the Whole during consideration of S. 2727 (the Amateur Sports Act of 1978):

> MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I ask unanimous consent to be allowed to proceed for 2 additional minutes.
>
> THE CHAIRMAN:[3] Is there objection to the request of the gentleman from Missouri?
>
> MR. [JAMES F.] LLOYD of California: Mr. Chairman, I object. . . .
>
> MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, under the rules of the House, I understand that a Member must stand in order to object.
>
> THE CHAIRMAN: The Chair will state that the gentleman from California (Mr. Lloyd) did stand at the time.

Objecting Where Another Has Floor Under Reservation of Right To Object

§ 10.5 Where a Member has the floor under a reservation of the right to object to a unanimous-consent request, any other Member may object to the request.

The proceedings of June 23, 1977,[4] during consideration of H.R. 7797, appropriations for agencies relating to foreign assistance, are discussed in § 10.3, supra.

Chair May Decline To Recognize for Unanimous-consent Request

§ 10.6 The Chair may decline to recognize a Member for the purpose of submitting a unanimous-consent request, thereby interposing his own objection.

On Dec. 15, 1937,[5] while the Committee of the Whole was considering S. 2475, a wages and hours bill, Mr. Schuyler Otis Bland, of Virginia, asked unanimous consent that any substitute offered and adopted be open to amendment as if it were the original bill. Chairman John W. McCormack, of Massachusetts, responded that he had already requested another Member to temporarily withhold such a request,

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2. 124 CONG. REC. 37071, 95th Cong. 2d Sess. See also the discussion of "seeking recognition" in § 8, supra, particularly §§ 8.4–8.6.

3. John H. Krebs (Calif.).

4. 123 CONG. REC. 20583, 20584, 95th Cong. 1st Sess.

5. 82 CONG. REC. 1517, 75th Cong. 2d Sess.

and declined to recognize Mr. Bland to make the request.

Parliamentarian's Note: Mr. Bland was actually referring not to substitutes, but to amendments in the nature of a substitute.

—*Request That House Take Recess for Party Conference*

§ 10.7 The Speaker declined to recognize for a unanimous-consent request of the Minority Leader that the House take a recess for a Republican Conference.

On Apr. 11, 1951,[6] shortly after the convening of the House, Speaker Sam Rayburn, of Texas, stated in response to a parliamentary inquiry by the Minority Leader that he would decline to entertain a unanimous-consent request for a recess:

> MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. MARTIN of Massachusetts: I inquire if the Speaker would agree that the House would take a recess of 2 hours. I make this request because of the tragic situation that prevails in the world. I should like, if I could, to have a Republican conference. If the Speaker will permit me to make that request, I shall do so.
>
> THE SPEAKER: The Chair will say that that is a very unusual request. The Chair does not think it has ever been made in the history of the Congress.
>
> MR. MARTIN of Massachusetts: Of course, these are very unusual conditions.
>
> THE SPEAKER: The Chair is perfectly willing to agree with the gentleman from Massachusetts on that point. However, there is an amendment coming up to the bill that the Chair thinks will take some hours, in all probability.
>
> MR. MARTIN of Massachusetts: The Chair understands that in accordance with his policies and the policies I have previously agreed with, too, we desire all our membership to be on the floor when these various bills are being read for amendment. Because of the tremendous importance of the situation in the world today, I should like to submit that request, but, of course, I shall not insist on it if the Speaker is not agreeable to it.
>
> THE SPEAKER: The gentleman from Massachusetts poses a very hard question for the Chair. For the moment the Chair thinks he will not entertain the request.

Note: The House was to consider the 1951 amendments to the Universal Military Training and Service Act.

—*Pending Disposition of Conference Report*

§ 10.8 The Speaker announced that he would not recognize Members for unanimous-consent requests pending the

6. 97 CONG. REC. 3673, 82d Cong. 1st Sess.

disposition of a conference report where the floor manager of the report had been in an accident and required medical attention.

On Oct. 6, 1962,[7] Speaker John W. McCormack, of Massachusetts, made the following announcement:

> The Chair desires to make a brief statement that the Chair will not recognize any Member for unanimous-consent requests until after the foreign assistance appropriations conference report is disposed of.
>
> In order that Members may understand the reason why the Chair is doing this, last night our dear friend and distinguished colleague, the gentleman from Louisiana [Mr. Passman] had an accident. He was sent to the Naval Hospital. He is in his office. He is going to handle the conference report this morning.
>
> . . . The Chair, and I know the Members, will all agree with the thoughts and the action of the Chair to have the conference report disposed of as quickly as possible so that the gentleman from Louisiana may go back to the hospital for further treatment.

Request To Rerefer Bill

§ 10.9 The Speaker declined to recognize the chairman of a committee for a unanimous-consent request to rerefer a bill where the chairman of the other committee involved had not been consulted.

On Mar. 25, 1948,[8] Mrs. Edith Nourse Rogers, of Massachusetts, asked unanimous consent for the rereferral of a bill from the Committee on Veterans' Affairs to the Committee on the Judiciary. Speaker Joseph W. Martin, Jr., of Massachusetts, inquired whether Mrs. Rogers, chairwoman of the Committee on Veterans' Affairs, had consulted with the chairman of the Committee on the Judiciary. Mrs. Rogers responded that she had not and the Speaker stated:

> It is customary to consult with the chairman of the committee to whom the bill is to be referred. No harm will come if this matter is delayed until Monday.

Mrs. Rogers withdrew the request.

Speaker May Decline Recognition for Request for Consideration of Measure

§ 10.10 The Chair may, by declining recognition to a Member to make a unanimous-consent request for the consideration of a measure, refuse to permit the request to be entertained, and thus reg-

7. 108 Cong. Rec. 22709, 87th Cong. 2d Sess.

8. 94 Cong. Rec. 3573, 80th Cong. 2d Sess.

ister his personal objection as a Member of the House.

The following proceedings occurred in the House on Jan. 23, 1984:[9]

MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . Mr. Speaker, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 100, the voluntary school prayer constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

THE SPEAKER PRO TEMPORE:[10] The Chair cannot and will not entertain that request.

MR. WALKER: Mr. Speaker, I have made a unanimous-consent request. That is a perfectly proper request by any Member of this body, and it is either objected to or is not objected to. I do not understand the procedure that the Chair is using by not entertaining the unanimous-consent request.

THE SPEAKER PRO TEMPORE: The Chair will inform the gentleman that the Chair can object by declining recognition.

§ 10.11 The Speaker's authority to decline to recognize individual Members to request unanimous consent for the consideration of bills and resolutions derives from clause 2 of Rule XIV, on the Speaker's general power of recognition, and from the precedents developed under that rule.

The following exchange occurred in the House on Jan. 26, 1984:[11]

MR. [WILLIAM E.] DANNEMEYER [of California]: A parliamentary inquiry, Mr. Speaker. . . .

Mr. Speaker, this is the first time I have heard that we have had some addition to the customs or procedures or even the rules of the House, which seems to say that before I as a Member can ask unanimous-consent requests that I must obtain the approval of the leadership of the majority to pose that request.

My parliamentary inquiry is this, Mr. Speaker. Where in the rules does it say that? What is the specific provision in the rules that authorizes the Speaker to make that kind of a rule for this House? . . .

THE SPEAKER:[12] Clause 2 of rule XIV.[13]

MR. DANNEMEYER: Is it the position of the Speaker that section 2 of rule XIV authorizes what has come to become a gag rule here?

THE SPEAKER: No. The Chair believes that it has been the custom of this body through the years to give the power to the Speaker of the House that the House be run in an efficient manner and that the business of the House should be done in an orderly fashion and that obstruction should be avoided.

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9. 130 CONG. REC. 83, 98th Cong. 2d Sess.

10. Richard B. Ray (Ga.).

11. 130 CONG. REC. 449, 450, 98th Cong. 2d Sess.

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

13. See *House Rules and Manual* §§ 753–757 (1995).

§ 10.12 In recognizing Members to ask unanimous consent for the consideration of bills, the Speaker takes into account the complexity and importance of the bills involved.

On July 1, 1932,[14] Speaker John N. Garner, of Texas, made the following statement in relation to the unanimous-consent consideration of bills:

> In order that gentlemen may understand the situation, let the Chair state how it is the Chair recognizes certain gentlemen. The Chair must decline to recognize a great many gentlemen who have meritorious matters, because the Chair must have some yardstick that can be applied to every Member of the House. The gentleman from Minnesota [Mr. Pittenger] had a bill that had passed the House unanimously, had gone to the Senate, and had an amendment placed on it there, adding one name. The Chair thinks in a case of that kind, where unanimous consent has to be given, it is well enough for the Chair to recognize the Member for that purpose; but the Chair will not recognize gentlemen to take up as an original proposition private claims or other matters unless they are of an emergency nature and apply to the general public rather than to one individual.

§ 10.13 Where a Member who had been recognized to proceed for one minute asked for the unanimous-consent consideration of a bill, the Speaker held that the Member was not recognized for that purpose.

On Jan. 26, 1944,[15] Joseph W. Martin, Jr., of Massachusetts, the Minority Leader, asked unanimous consent to proceed for one minute, and on being recognized attempted to obtain unanimous consent for the consideration of a bill.

> MR. MARTIN of Massachusetts: Mr. Speaker, I ask unanimous consent to proceed for 1 minute.
>
> THE SPEAKER:[16] The Chair will not recognize any other Member at this time for that purpose but will recognize the gentleman from Massachusetts.
>
> MR. MARTIN of Massachusetts: Mr. Speaker, I appreciate the generosity of the Chair.
>
> I take this minute, Mr. Speaker, because I want to make a unanimous-consent request and I think it should be explained.
>
> I agree with the President that there is immediate need for action on the soldiers' vote bill. A good many of us have been hoping we could have action for the last month. To show our sincerity in having action not next week but right now, I ask unanimous consent that the House immediately take

14. 75 CONG. REC. 14511, 72d Cong. 1st Sess.

15. 90 CONG. REC. 746, 747, 78th Cong. 2d Sess.

16. Sam Rayburn (Tex.).

up the bill which is on the Union Calendar known as S. 1285, the soldiers' voting bill.

THE SPEAKER: The gentleman from Massachusetts was not recognized for that purpose.

The Chair recognizes the gentleman from Kentucky.

§ 10.14 The Speaker declined to recognize a Member for a unanimous-consent request to take a bill from the Speaker's table and concur in the Senate amendments, where such a request was made without the authorization of the chairman of the committee involved and where Members had been informed there would be no further legislative business for the day.

On July 31, 1969,[17] Mr. Hale Boggs, of Louisiana, asked unanimous consent to take the bill H.R. 9951 from the Speaker's table and to concur in the Senate amendments thereto. Speaker John W. McCormack, of Massachusetts, refused recognition for that purpose:

The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

The chairman of the Committee on Ways and Means is at present appearing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.

The Chair does not want to enter into an argument with any Member, particularly the distinguished gentleman from Louisiana whom I admire very much. But the Chair has stated that the Chair does not recognize the gentleman for that purpose.

—Bills on Former Consent Calendar

§ 10.15 On former Consent Calendar days only eligible bills on the calendar were called, and the Speaker could decline to recognize Members with unanimous-consent requests for the consideration of other bills on the calendar.

On May 6, 1946, which was Consent Calendar Day,[18] Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry by Mr. Overton Brooks, of Louisiana, relative to the call of a bill on the Consent Calendar prior to the expiration of the three-day requirement by the rules.

MR. BROOKS: Mr. Speaker, would it be in order to ask unanimous consent for the immediate consideration of the bill H.R. 2325, which is No. 419 on the Consent Calendar that was called today?

17. 115 CONG. REC. 21691, 91st Cong. 1st Sess.

18. 92 CONG. REC. 4527, 79th Cong. 2d Sess.

THE SPEAKER: The Chair announced some time ago that since those known as the objectors had examined only the eligible bills on the Consent Calendar the Chair would not recognize Members to take up the remaining bills, unless they involved emergencies.

Parliamentarian's Note: The Consent Calendar was abolished in the 104th Congress. The Corrections Calendar was established in its place. See Rule XIII, clause 4.[19]

—*Where Leadership Has Not Been Consulted*

§ 10.16 Under an extension of guidelines announced by the Speaker on the opening day of the Congress, the Chair will decline to recognize for a unanimous-consent request for the consideration of a (reported) bill unless given assurance of clearances from both majority and minority floor and committee leaderships (guidelines heretofore applicable to consideration of unreported measures).

On July 23, 1993,[20] the Chair discussed the role of the leadership in determining whether requests for the consideration of bills would be allowed:

MR. [STEVE] GUNDERSON [of Wisconsin]: Mr. Speaker, my parliamentary inquiry is this: Is it possible to ask unanimous consent to bring H.R. 2667 for its immediate consideration?

THE SPEAKER PRO TEMPORE:[1] The leadership on both sides of the aisle has to agree to allow that unanimous-consent request.

MR. GUNDERSON: . . . Is it possible to bring an appropriation bill to the floor for consideration without a rule?

THE SPEAKER PRO TEMPORE: Yes, if it is privileged and it has been reported and available for 3 days and is called up by the committee.

MR. GUNDERSON: Can the 3-day rule be waived?

THE SPEAKER PRO TEMPORE: By unanimous consent, yes.

MR. GUNDERSON: Mr. Speaker, is it possible to move that H.R. 2667 be brought up for immediate consideration?

THE SPEAKER PRO TEMPORE: Only the committee can make that motion.

MR. GUNDERSON: Any member of the committee, Mr. Speaker, could make that motion?

THE SPEAKER PRO TEMPORE: The chairman or a member authorized by the committee. . . .

MR. GUNDERSON: Mr. Speaker, I have one further parliamentary inquiry.

Is it possible to ask unanimous consent at any time during the day to bring up an appropriation bill for its immediate consideration?

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19. See *House Rules and Manual* §§ 745a, 746 (1995).

20. 139 CONG. REC. p. ____, 103d Cong. 1st Sess.

1. John P. Murtha (Pa.).

THE SPEAKER PRO TEMPORE: The chairman or his designee could bring the bill up.

MR. GUNDERSON: . . . If, for example, I were to move or ask unanimous consent to do that and the Chair did not recognize me, would it be possible at that point to literally appeal the ruling of the Chair for another Member to bring it up?

THE SPEAKER PRO TEMPORE: Under a previous agreement between the leaderships of the Democrat and Republican side, only the chairman of the committee would be recognized to bring up the bill after agreement of both leaderships by a unanimous-consent request. Another Member would not be recognized for that reason, and the denial of recognition to make a unanimous-consent request is not appealable.

MR. GUNDERSON: . . . The chairman of the Appropriations Committee can bring up H.R. 2667 for immediate consideration at any time?

THE SPEAKER PRO TEMPORE: Prior to the 3-day availability, he could bring it up by unanimous consent, but as the gentleman knows, these things are traditionally handled with the concurrence of both leaderships and very carefully orchestrated before unanimous consent is requested in order to be sure that it is adhered to.

§ 10.17 Pursuant to the Speaker's announced policy in the 98th Congress on recognition for unanimous-consent requests for the initial consideration of bills and resolutions, the Chair will decline recognition for such unanimous-consent requests without assurances that the majority and minority leadership and committee and subcommittee chairmen and ranking minority members have no objection thereto.

On Oct. 2, 1984,[2] the Chair having declined recognition for a unanimous-consent request that a balanced budget amendment to the Constitution be brought to the floor for immediate consideration, discussion took place relating to the Speaker's power of recognition[3] and, specifically, to the effect of announced guidelines governing recognition for requests for the initial consideration of bills.

MR. [THOMAS F.] HARTNETT [of South Carolina]: . . . If you are sincere, Mr. Chairman, if your colleagues over there who now say let us have a balanced budget really mean what they say, when you know the American people are not going to be fooled by this move. Let us have companion legislation, the balanced budget amendment.

The Speaker is here. Let us bring by unanimous consent the balanced budget amendment to the Constitution to the floor of the House right now and let us vote on both of these bills if you mean what you say. Mr. Speaker, I ask

2. 130 CONG. REC. 28516–18, 98th Cong. 2d Sess.

3. See Rule XIV, clause 2, *House Rules and Manual* § 753 (1995).

unanimous consent, to recall or discharge from the committee the balanced budget amendment to the Constitution so that we can bring it to the floor of the House with House Joint Resolution 243.

I ask unanimous consent that it be brought before the House right now.

THE SPEAKER PRO TEMPORE:[4] . . . Under the rules and precedents, the motion is not to be entertained.

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

Mr. Speaker, the gentleman did not make a motion, it is my understanding. The gentleman asked unanimous-consent request. Is the Speaker ruling that unanimous-consent requests are not in order? We have already had one previous unanimous-consent request that was granted during the course of debate. How would this one not be in order?

THE SPEAKER PRO TEMPORE: Under the Speaker's announcement of guidelines for unanimous-consent requests to consider legislative business, this request is not recognized. . . .

MS. [BOBBI] FIEDLER [of California]: Mr. Speaker, before you had dialog with the gentleman from South Carolina (Mr. Hartnett) regarding his parliamentary inquiry as it related to the balanced budget amendment and his right to ask for a unanimous-consent request in relationship to it. . . .

I would like to ask of the Chair if the Chair will make the inquiry as to whether the Democratic side leadership will also ask to support his right under unanimous consent to bring the balanced budget amendment, attach it to the existing bill.

THE SPEAKER PRO TEMPORE: The Chair has not been advised that there is an intention to change the guidelines that were announced earlier in the year for the purpose that they were issued. . . .

MS. FIEDLER: Will the Chair inquire as to whether or not the leadership on the Democratic side is willing to change the existing rules? I realize that the Chair has indicated twice now that he has not been informed that they have changed, but I am making a request that he ask the leadership if they will make that change.

THE SPEAKER PRO TEMPORE: The Chair states that this is not a proper parliamentary inquiry. The Chair has not been advised that there is a change in the policy that was issued the first week of the session. . . .

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, we are still trying to sift our way through the Chair's previous ruling with regard to the request of the gentleman from South Carolina.

Can the requirement that the Chair cites, can that requirement be waived by unanimous consent?

THE SPEAKER PRO TEMPORE: The question has to do with whether or not recognition will be granted for that purpose, and the Chair's ruling is based on guidelines that were issued on January 25, 1984, and the Chair would read from the statement that was made at that time by the Speaker.

The Speaker said:

4. Richard A. Gephardt (Mo.).

As indicated on page 476 of the House Rules and Manual, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority leadership and committee and subcommittee chairmen and ranking minority members have no objection.

Consistent with that policy, and with the Chair's inherent power of recognition under clause 2, rule XIV, the Chair and any occupant of the chair appointed as Speaker pro tempore, pursuant to clause 7, rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been cleared by that leadership.

This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed, that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

It is that guideline that the Chair is following in this instance. . . .

MR. WALKER: The guidelines that the Chair has cited, what I am inquiring is, can those guidelines be set aside by unanimous consent?

THE SPEAKER PRO TEMPORE: It is the Chair's power of recognition that is involved, and that is the question that is being decided in conformance with the guidelines, not other questions.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: If the House so deems that we could set aside those guidelines by unanimous consent, is that a proper request? That is the question of this gentleman.

THE SPEAKER PRO TEMPORE: The Chair will again state that what is involved directly or indirectly, is a question of recognition, and not other or further questions, and it is that question that is being decided in conformance with the guidelines.

Parliamentarian's Note: An announcement that the above policies concerning recognition for requests for the consideration of bills and resolutions would be continued in the 100th Congress was made by the Chair on Jan. 6, 1987.[5]

§ 10.18 The Speaker may decline to recognize unanimous-consent requests for consideration of bills if the Member making such request has not consulted the leadership.

On July 11, 1946,[6] Mrs. Clare Boothe Luce, of Connecticut, asked for the unanimous-consent consideration of House Joint Resolution 372, to reinstate rent control. Speaker Sam Rayburn, of Texas, refused to recognize her to make the request after she disclosed that she had not consulted or notified the leadership.

Mr. John Phillips, of California, later objected to the refusal of rec-

5. See 133 CONG. REC. 21, 100th Cong. 1st Sess.

6. 92 CONG. REC. 8726, 8728, 79th Cong. 2d Sess.

ognition as based on a "technicality." The Speaker then made the following statement:

> . . . For a long time, ever since 1937 at least, the present occupant of the chair knows that when Members intend to ask unanimous consent to bring up a bill they have always properly consulted with both the majority and minority leaders of the House and with the Speaker. That has been the unfailing custom. The Chair is exercising that right and intends to continue to exercise it as long as he occupies the present position because the Chair wants the House to proceed in an orderly fashion.
>
> MRS. LUCE: Mr. Speaker, may I now ask unanimous consent to bring up the bill tomorrow?
>
> THE SPEAKER: The Chair will meet that question when the time comes.
>
> The Chair would certainly like the courtesy of being consulted in advance.

§ 10.19 Recognition for unanimous-consent requests to consider legislation is within the discretion of the Chair, who normally refuses recognition for legislative requests at a time when the membership has been advised that no further business would be scheduled, and who may inquire whether the majority leadership has been notified of and has assented to the making of the request at a particular time before bestowing recognition.

The following proceedings occurred in the House on Dec. 17, 1982,[7] during consideration of H.R. 5536 (authorizing the Secretary of the Interior to engage in a feasibility study of water resources development in Nebraska):

> THE SPEAKER PRO TEMPORE:[8] For what purpose does the gentleman from California (Mr. Burton) rise?
>
> MR. PHILLIP BURTON [of California]: Mr. Speaker, I rise for the purpose of making a unanimous-consent request which has been cleared from the other side, and the unanimous-consent request is as follows.
>
> THE SPEAKER PRO TEMPORE: The Chair would direct a question to the gentleman from California and state that at this late hour, at 5 minutes to 1 o'clock in the morning, the Chair was unaware that any further substantive business would come up before the House. The Chair was only aware of the business which has just been concluded, which is the general debate on the Immigration Reform and Control Act. The Chair was unaware of this matter and has not had a chance to consult with leadership on whether or not this matter would fit within the array of legislation. . . .
>
> The Chair would ask the gentleman, has the gentleman had an opportunity to check with the leadership of the House? . . .
>
> MR. PHILLIP BURTON: Mr. Speaker, I am unaware of any Member in our

7. 128 CONG. REC. 32033–35, 97th Cong. 2d Sess.

8. Romano L. Mazzoli (Ky.).

leadership who is opposed to this. I am aware of about a 20th of the Members of the House who are for this proposal.

THE SPEAKER PRO TEMPORE: The Chair understands. The Chair would suggest that, because of the membership of the House having left the House thinking the only matter before it would be the Immigration Reform and Control Act under general debate, is at a disadvantage in being unable to be aware of the gentleman's motion.

MR. PHILLIP BURTON: Mr. Speaker, it is not a motion. It is a unanimous-consent request and I would urge regular order to see if there is objection to the request.

THE SPEAKER PRO TEMPORE: The Chair would ask the gentleman's indulgence. Given the nature of the circumstance, the Chair would ask if the gentleman would kindly withhold his motion. . . .

The Chair is suggesting that the gentleman might under the circumstances, given the peculiar nature and the hour, which is 1 o'clock, might under the circumstances withhold his unanimous-consent request until the Chair has had an opportunity to check with the leadership. . . .

MR. PHILLIP BURTON: . . . I will demand regular order, the request being I ask unanimous consent to take from the Speaker's table the bill (H.R. 5536), an act to authorize the Secretary of the Interior to engage in a feasibility study of water resource development and for other purposes in the Central Platte Valley, Nebr., with a Senate amendment thereto and concur in the Senate amendment with an amendment. . . .

THE SPEAKER PRO TEMPORE: . . . I believe that the Chair might be able to help the two gentlemen who are trying to struggle to find a solution by suggesting that the Chair could guarantee that the gentleman would be the first order of business tomorrow when the House does convene. I could give that assurance and would communicate that to the Speaker of the House of Representatives.

If that would be satisfactory to the gentleman from California and the gentleman from Pennsylvania, then it would give us time to check with our respective leadership.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Further reserving the right to object, I would say the gentleman from Pennsylvania is in some way here trying to be helpful to the Chair since I have no minority Members on this side with whom to consult with on this request.

I certainly think that that suggestion would be acceptable to this gentleman if the gentleman from California would agree to that.

THE SPEAKER PRO TEMPORE: Does the gentleman from California find that satisfactory under these difficult circumstances?

MR. PHILLIP BURTON: . . . I will yield . . . because of our distinguished gentleman from Pennsylvania's suggestion.

So I would ask this be put over until the first order of business tomorrow.

THE SPEAKER PRO TEMPORE: I thank the gentleman.

MR. WALKER: Mr. Speaker, I thank the gentleman and I withdraw my reservation of objection.

§ 10.20 The Speaker on occasion has reiterated his pol-

icy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority- and minority-elected floor leadership and committee and subcommittee chairmen and ranking minority members have no objection.

Several Members having propounded unanimous-consent requests to permit consideration of various legislative measures by a day certain under an "open rule" procedure, the Speaker on Jan. 25, 1984,[9] reiterated the Chair's policy of conferring recognition upon Members to permit consideration of bills and resolutions only when assured that the majority and minority floor and committee and subcommittee leaderships have no objection. This policy was intended in part to prevent the practice whereby one side might force the other to go on record as objecting to propositions regarding which they have only procedural or technical objections rather than substantive opposition.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 100, the voluntary school prayer constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

MR. [BILL] ALEXANDER [of Arkansas]: Mr. Speaker, I object.

THE SPEAKER:[10] Objection is heard.

The Chair will read the following statement:

> As indicated on page 476 of the House Rules and Manual, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with that policy, and with the Chair's inherent power of recognition under clause 2, rule XIV, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 7, rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been cleared by that leadership. This denial of recognition by the chair will not reflect, necessarily, any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed, that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle. . . .

MR. WALKER: Mr. Speaker, do I understand now that the unanimous-consent procedure cannot be used by anyone to bring legislation to the floor unless that has been specifically cleared by both the majority and the minority leadership; is that correct?

9. 130 CONG. REC. 354, 355, 98th Cong. 2d Sess.

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

THE SPEAKER: That has been the custom and it will continue to be the custom. . . .

MR. WALKER: I just want to clarify then that the entire matter then of utilizing unanimous-consent requests for any kind of legislative business, such as bringing up legislation, will be denied to all parties.

THE SPEAKER: Unless the Chair has assurances that proper clearance has taken place. . . .

MR. [NEWT] GINGRICH [of Georgia]: . . . The Speaker mentioned fairness on both sides and both sides be knowledgeable. . . . [C]ould the Chair describe how fairness to both sides and how both sides might be knowledgeable might proceed? . . .

THE SPEAKER: The Chair intends to go through the legitimate leadership of the gentleman's side of the aisle, and the elected leadership on the other side of the aisle.

MR. GINGRICH: So in the future the legitimate leadership on our side of the aisle might legitimately expect to be informed?

THE SPEAKER: The Chair considers the legitimate leadership as the leadership that was elected, not caucuses within the party.

§ 10.21 The Chair himself may object to a unanimous-consent request for the consideration of legislation, by denying recognition for the request, and it is the policy of the Chair to refuse recognition for requests to consider legislation not approved by the leadership.

The following exchange occurred in the House on Nov. 15, 1983:[11]

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent that the resolution introduced by the gentleman from New York (Mr. Fish) specifying a rule for consideration of House Joint Resolution 1 be made in order for consideration by the House on Wednesday or any day thereafter.

THE SPEAKER PRO TEMPORE:[12] The Chair cannot entertain that motion without consultation with the leadership. The Chair will not recognize the gentleman for that purpose.

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

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

MR. WALKER: Mr. Speaker, my parliamentary inquiry is that this is a unanimous-consent request and it is entirely in order.

THE SPEAKER PRO TEMPORE: The Chair has the same right to object as any Member, and I do so object.

§ 10.22 The Chair may refuse to entertain unanimous-consent requests for the consideration of legislation that does not have the approval of the leadership.

On Nov. 16, 1983,[13] the following proceedings occurred in the House:

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11. 129 CONG. REC. 32746, 32747, 98th Cong. 1st Sess.

12. Ronald Coleman (Tex.).

13. 129 CONG. REC. 33138, 98th Cong. 1st Sess.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent that House Resolution 373 be made in order for consideration in the House on Thursday or any day thereafter.

THE SPEAKER PRO TEMPORE: The Chair cannot recognize for that purpose.

MR. WALKER: Mr. Speaker, it is a unanimous-consent request.

MR. [JOHN F.] SEIBERLING [of Ohio]: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Chair cannot recognize for that purpose. There is objection nevertheless.

MR. WALKER: Let it be noted here this evening that the objection to considering the resolution by which we would consider ERA under the rules of the House and with an amendment and in open debate was objected to from the Democratic side of the aisle. Let that be noted.

THE SPEAKER PRO TEMPORE: The Chair will state there is precedent for denying the unanimous-consent request of the gentleman dating back to May of 1982 and yesterday and furthermore there was objection heard.

§ 10.23 In enforcing the Speaker's announced policy regarding recognition of Members requesting unanimous consent for the consideration of bills and resolutions, the Chair indicated that the Speaker would accept the word of any Member that he had obtained the clearance of the majority and minority floor and committee leaderships and that such permission need not be reduced to writing.

On Jan. 31, 1984,[14] the following proceedings occurred in the House:

MR. [GEORGE W.] GEKAS [of Pennsylvania]: Mr. Speaker, a point of parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[15] The gentleman will state it.

MR. GEKAS: Mr. Speaker, yesterday I had a colloquy with Speaker O'Neill in which I asserted to him and represented to him that I had had the clearance of the minority leadership in order to gain unanimous consent to bring to the House's attention legislation on the line-item veto, the line-item veto which is in controversy today as a measure of controlling spending.

During that colloquy the Speaker, Speaker O'Neill, interrupted my representation that I had the clearance of the minority and said, "Do you have it in writing?"

The point of my parliamentary inquiry, Mr. Speaker, is whether or not that requirement, as was implicit in that question posed by Speaker O'Neill, is a rule of the House or in conformity with or in concordance with the Speaker's own pronouncement in that regard?

THE SPEAKER PRO TEMPORE: The inquiry should properly be addressed to the Speaker but the Chair, of course, takes the word of the Member.

MR. GEKAS: I thank the Speaker.

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14. 130 CONG. REC. 1063, 98th Cong. 2d Sess.

15. Jim Bates (Calif.).

§ 10.24 On one occasion, a unanimous-consent request for the consideration of legislation (a joint resolution making urgent supplemental appropriations) was made and then withdrawn because the Chair had not previously received assurances that the request had been cleared by the necessary parties (in this case, the Minority Leader).

The following exchange occurred in the House on Feb. 29, 1984:[16]

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I ask unanimous consent that it be in order on Tuesday next or any day thereafter to consider the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984, in the House.

THE SPEAKER PRO TEMPORE:[17] The Chair has not received assurances that this has been cleared by the minority leader.

MR. WHITTEN: Mr. Speaker, I discussed it with the Speaker and the assistant majority leader, and I also have advised the gentleman from Massachusetts (Mr. Conte) on the Republican side.

THE SPEAKER PRO TEMPORE: The Chair will state that the matter has to be cleared by the minority leader.

MR. WHITTEN: I presume it was, but personally I do not know; I have not seen him.

THE SPEAKER PRO TEMPORE: The Chair has not received that assurance.

Will the gentleman withhold his request until assurance is received?

MR. WHITTEN: I will be glad to, Mr. Speaker.

§ 10.25 Pursuant to the Speaker's previously announced policy, the Chair declined to recognize a Member to request unanimous consent for the consideration of an unreported measure, where the request had not been cleared with the minority leadership.

On June 6, 1984,[18] the following proceedings occurred in the House:

MRS. [KATIE] HALL of Indiana: Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of House joint resolution (H.J. Res. 247) to designate April 24, 1984, as National Day of Remembrance of Man's Inhumanity to Man, and ask for its immediate consideration.

Mr. Speaker, I have an amendment at the desk.

MR. [ROBERT S.] WALKER [of Pennsylvania]: A parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE:[19] The Chair understands that this has not

16. 130 CONG. REC. 3895, 98th Cong. 2d Sess.

17. Esteban E. Torres (Calif.).

18. 130 CONG. REC. 15174, 98th Cong. 2d Sess.

19. John P. Murtha (Pa.).

been cleared by the leadership on the minority side. Since the Speaker has made the statement that those types of requests would not be entertained, under such circumstances the Chair does not recognize the gentlewoman.

—*Recognition for Request To Dispose of Senate Amendments Accorded to Committee Chairman*

§ 10.26 In response to a parliamentary inquiry, the Chair announced guidelines for recognition for unanimous-consent requests to dispose of Senate amendments to House-passed bills on the Speaker's table, indicating that the Chair will entertain a unanimous-consent request for the disposition of a Senate amendment to a House-passed bill on the Speaker's table, only if made by the chairman of the committee with jurisdiction, or by another member of the committee where the Chair has been advised by the chairman of the committee that such member has been authorized formally or informally by the committee to make the request.

The following exchange occurred in the House on Apr. 26, 1984:[20]

MR. [DANIEL E.] LUNGREN [of California]: . . . Mr. Speaker, since we have moved with such dispatch on the question dealing with the labor unions' concern, I would like to direct to the Chair a parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE:[1] The gentleman will state it.

MR. LUNGREN: Mr. Speaker, it deals with a piece of legislation that has come out of the same committee and is a variation of H.R. 3635, the Child Protection Act of 1983, which we passed 400 to 1 on November 11, 1983.

There was an agreement worked out between the Members of the House and the Senate for a compromise. That went to the Senate. They passed our version, with an amendment in the nature of a substitute and it is my information that H.R. 3635 was sent to the Speaker's desk from the Senate on April 2 or 3 of this year.

My parliamentary inquiry, Mr. Speaker, is: Is H.R. 3635 presently at the Speaker's desk?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. LUNGREN: Mr. Speaker, does that mean that the Senate amendment, H.R. 3635, has not yet been referred to a committee?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. LUNGREN: And can the Chair inform me at this time and inform the

20. 130 CONG. REC. 10193, 10194, 98th Cong. 2d Sess.

1. Thomas S. Foley (Wash.).

House as to what procedure might be available to us at this time to allow for immediate consideration of that Senate amendment?

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that the Chair would only recognize for a request by the chairman or another member if authorized by the committee.

MR. LUNGREN: Authorization of the committee, that means authorization of the Democratic leadership?

THE SPEAKER PRO TEMPORE: Authorization of the committee.

MR. LUNGREN: Does the Chair mean that it takes an official vote of the committee or an agreement by the chairman of the committee itself?

THE SPEAKER PRO TEMPORE: The Speaker would look to the chairman of the committee.

Request for Restoration of Bills to Private Calendar

§ 10.27 The Speaker declines to recognize Members for unanimous-consent requests that bills stricken from the Private Calendar be restored thereto where they have not consulted with the official objectors for that calendar.

On Apr. 19, 1948,[2] Mr. Thomas J. Lane, of Massachusetts, asked unanimous consent that a bill stricken from the Private Calendar be restored thereto. Speaker Joseph W. Martin, Jr., of Massachusetts, inquired whether Mr. Lane had consulted with the objectors and Mr. Lane responded that he had not. The Speaker stated that the Chair could not entertain the request until Mr. Lane had taken up the matter with the objectors.

Permission for Majority Leader To Announce Legislative Program Pending Motion To Adjourn

§ 10.28 While the motion to adjourn takes precedence over any other motion under clause 4 of Rule XVI, the Speaker may through his power of recognition recognize the Majority Leader by unanimous consent for one minute to announce the legislative program prior to entertaining the motion to adjourn; and on one occasion, the Speaker recognized the Majority Leader to announce the program for the remainder of the day and declined to recognize a Member to offer a motion to adjourn pending that announcement, although the Majority Leader had neglected to obtain unanimous consent to address the House for one minute, and the Speaker

2. 94 CONG. REC. 4573, 80th Cong. 2d Sess.

then suggested that decorum would best be maintained by unanimous-consent permission to announce the leadership program pending a motion to adjourn.

On Dec. 14, 1982,[3] the following proceedings occurred in the House:

THE SPEAKER:[4] The Chair recognizes the majority leader, the gentleman from Texas (Mr. Wright).

MR. [DENNY] SMITH of Oregon: Mr. Speaker, I have a preferential motion I send to the desk.

THE SPEAKER: The gentleman will be seated. The Speaker has the right of recognition.

MR. SMITH of Oregon: Mr. Speaker, I have a preferential motion.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Regular order, Mr. Speaker.

THE SPEAKER: The Chair recognizes the majority leader, the gentleman from Texas (Mr. Wright).

LEGISLATIVE PROGRAM

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, let me simply announce for the benefit of the Members that it is our intention now to have no further votes tonight. We plan to take up the things that we put off last night in order that Members might go and attend the reception in the White House, the remaining suspension, as was agreed with the Republican leadership and our leadership last night, but we will not have any votes. We will roll the votes until tomorrow, let the votes be the first thing tomorrow.

MR. SMITH of Oregon: Mr. Speaker, I offer a preferential motion.

THE SPEAKER: The gentleman will state his preferential motion.

MR. SMITH of Oregon: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER: The question is on the preferential motion offered by the gentleman from Oregon (Mr. Smith).

The question was taken, and the Speaker announced that the noes appeared to have it.

MR. SMITH of Oregon: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 122, nays 202, not voting 109, as follows: . . .

ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER: The Chair will make the following statement:

It is the usual and customary practice in this House that when we come to the end of a proceeding, as we did, that the majority leader then announces the program for the remainder of the night. The majority leader had informed me that he was going to make that announcement. Normally it is a unanimous-consent request, and that is what the Chair anticipated that the majority leader would do.

It is the prerogative and the duty of the Speaker of the House to run this body in an expeditious manner and he should be informed when motions are going to be made, whether they are privileged or otherwise, and when he is suddenly confronted with a privileged

3. 128 CONG. REC. 30549, 30550, 97th Cong. 2d Sess.

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

motion, then it is my opinion, while the Chair appreciates that he follows the rules of the House, it does not improve the decorum of the House. The Speaker at all times tries to be fair, and thought he was being fair with the Members when he was recognizing the majority leader to inform the membership what the program was for the remainder of the evening.

Speaker May Recognize for Unanimous-consent Request Prior to Motion To Discharge

§ 10.29 The rule providing that motions to discharge committees shall be in order "immediately" after the reading of the Journal on appropriate days was construed not to prohibit the Speaker from recognizing for unanimous-consent requests prior to recognition for motions to discharge.

On Oct. 12, 1942,[5] which was Discharge Calendar Day, Mr. Joseph A. Gavagan, of New York, called up a motion to discharge the Committee on Rules from the consideration of a resolution providing for the consideration of a bill. Mr. Howard W. Smith, of Virginia, made a point of order against the motion on the ground that the rule providing for discharge motions on the second and fourth Mondays [Rule XXVII clause 4] directed that such motions shall be in order "immediately" after the reading of the Journal, and that prior to the making of the motion miscellaneous business had intervened, such as sending bills to conference (by unanimous consent) and passing a bill (considered by unanimous consent).

Speaker Sam Rayburn, of Texas, ruled as follows:

> The Chair is ready to rule. . . .
>
> The Chair recognized all the time that the word "immediately" is in this rule, as he has read the rule every day for the past 6 days.
>
> In ruling on a matter similar to this some time ago, the Chair had this to say, although the matter involved was not exactly on all-fours with this point of order, but it is somewhat related:
>
> > The Chair thinks the Chair has a rather wide range of latitude here and could hold, being entirely technical, that a certain point of order might be sustained.
>
> The Chair is not going to be any more technical today than he was at that time. The Chair recognized the gentleman from North Carolina (Mr. Doughton) on a highly important matter in order to expedite the business of the Congress, not only the House of Representatives but the whole Congress.
>
> The Chair does not feel that the intervention of two or three unanimous-consent requests would put him in a position where he could well hold that the word "immediately" in the

5. 88 Cong. Rec. 8066, 8067, 77th Cong. 2d Sess.

rule was not being followed when he recognized the gentleman from New York (Mr. Gavagan).[6]

Request To Address House on Future Date

§ 10.30 The Chair declines to recognize Members for unanimous-consent requests to address the House prior to completion of legislative business on future days.

On June 14, 1935,[7] Speaker Joseph W. Byrns, of Tennessee, responded as follows to a request for recognition for a unanimous-consent request:

> MR. [KENT E.] KELLER [of Illinois]: Mr. Speaker, I ask unanimous consent that on next Monday after the reading of the Journal and the completion of business on the Speaker's desk I may address the House for 15 minutes to answer an attack upon an amendment I proposed to the Constitution made in the Washington Times of June 12 by Mr. James P. Williams, Jr.
>
> THE SPEAKER: Under the custom that prevails and the action of the Chair heretofore, the Chair cannot recognize the gentleman today to make a speech on Monday. The Chair hopes the gentleman will defer his request.

§ 10.31 The Speaker declined to recognize for a unanimous-consent request for two Members to address the House with the privilege of yielding to other Members.

On Oct. 17, 1945,[8] Mr. Hugh De Lacy, of Washington, asked unanimous consent that on the next Tuesday, following legislative business, he and Mr. Emanuel Celler, of New York, be allowed to address the House on the subject of freedom of the air, with the privilege of yielding to other Members. Speaker Sam Rayburn, of Texas, stated that the request was unusual and that he would recognize for requests of Mr. De Lacy and of Mr. Celler to address the House, but would not recognize for the unanimous-consent request as put by Mr. De Lacy. Mr. De Lacy withdrew the request.

Extensions of Remarks

§ 10.32 The Speaker announced that he would refuse recognition to extend remarks in the Record if the request was made after there had been a quorum call and where the House was about

6. For the ruling cited by the Speaker, see 88 CONG. REC. 8120, 77th Cong. 2d Sess., Oct. 13, 1942 (ruling on recognition of a Member to handle a bill where the Member named in the resolution providing for consideration had died).

7. 79 CONG. REC. 9330, 74th Cong. 1st Sess.

8. 91 CONG. REC. 9727, 79th Cong. 1st Sess.

to resolve into the Committee of the Whole.

On Feb. 8, 1945,[9] Speaker Sam Rayburn, of Texas, made the following announcement:

> So many Members who were not on the floor at the proper time have come to the Chair to ask that they be allowed to submit requests to extend remarks that the Chair will now recognize Members to submit unanimous-consent requests to extend remarks or correct the Record.
>
> Hereafter, when there is a legislative program, Members on the floor at the beginning of the session will have an opportunity to submit such requests, but after the roll is called and the House is ready to go into the Committee of the Whole no Member will be recognized for any purpose.

§ 10.33 Where there was no legislative program for the day, the Speaker recognized a Member to extend his remarks "at this point in the Record" regardless of the number of words.

On Feb. 6, 1945,[10] Speaker Sam Rayburn, of Texas, responded as follows to a parliamentary inquiry:

> MR. [ROBERT F.] RICH [of Pennsylvania]: I wish to ask the Chair how it is that if a Member on this side asks for a minute in which to address the House he is permitted to insert 300 words or less, but that when some Members on the other side of the aisle make similar requests they are permitted to put in 7⅓ pages, or some 8,000 words? How does the discrimination come about?
>
> THE SPEAKER: There is no discrimination because there was no legislative program on yesterday and anyone had the right to extend his remarks "at this point" in the Record.[11]

§ 10.34 The Speaker may decline to recognize Members to extend their remarks where a motion to discharge a committee is pending.

On June 11, 1945,[12] Mr. Vito Marcantonio, of New York, called up a motion to discharge the Committee on Rules from the further consideration of a resolution providing an order of business. Mr. John E. Rankin, of Mississippi, moved that the motion be laid on the table, but Speaker Sam Rayburn, of Texas, ruled that the motion to table was not in order. Mr. Rankin then asked unanimous consent to extend his remarks at "this point in the Record." The Speaker ruled:

> The Chair cannot recognize Members to extend their remarks until this matter has been disposed of.[13]

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9. 91 CONG. REC. 929, 79th Cong. 1st Sess.

10. 91 CONG. REC. 839, 79th Cong. 1st Sess.

11. Extending remarks in the Record generally, see Ch. 5, supra.

12. 91 CONG. REC. 5892, 5895, 5896, 79th Cong. 1st Sess.

13. See Rule XXVII clause 3, *House Rules and Manual* § 908 (1995):

§ 10.35 Where a Member had requested permission to insert certain remarks in the Record but had delayed submission thereof to the printer, the Speaker declined to recognize another Member to make the same request.

On Nov. 17, 1943,[14] Mr. John E. Rankin, of Mississippi, asked unanimous consent to extend his remarks and to print therein a radio address of Mr. Wright Patman, of Texas. Speaker Sam Rayburn, of Texas, responded that he would not recognize Mr. Rankin for the request, Mr. Patman having previously asked unanimous consent to insert the address in the Record.

Request That Speech Made to Joint Meeting Be Printed as House Document

§ 10.36 The Speaker declined to entertain a unanimous-consent request that a speech made to a joint meeting by the General of the Army be printed as a House document.

On May 2, 1951,[15] Speaker Sam Rayburn, of Texas, refused to entertain a request that a speech be printed as a House document:

> MRS. [EDITH NOURSE] ROGERS of Massachusetts: Mr. Speaker, I ask unanimous consent, in view of the great interest in the speech of Gen. Douglas MacArthur, that it may be ordered printed as a House document.
>
> THE SPEAKER: The Chair thinks the gentlewoman from Massachusetts should refer to the Joint Committee on Printing.
>
> MRS. ROGERS of Massachusetts: Mr. Speaker, I introduced a bill for that purpose, but I had hoped we could get it done by unanimous consent.
>
> THE SPEAKER: The Chair does not like to start doing things like that; it is very unusual. We do have a Joint Committee on Printing.
>
> The Chair cannot entertain the request.

Request To Revoke Special Rule; Consideration of Conference Reports

§ 10.37 The Speaker declined to recognize a Member to ask unanimous consent for the revocation of a special rule, previously agreed to, permitting the consideration of conference reports on the same day reported.

On Sept. 25, 1961,[16] Speaker Pro Tempore John W. McCor-

"[T]he House shall proceed to its consideration (motion to discharge) in the manner herein provided without intervening motion except one motion to adjourn."

14. 89 CONG. REC. 9626, 78th Cong. 1st Sess.

15. 97 CONG. REC. 4755, 4756, 82d Cong. 1st Sess.

16. 107 CONG. REC. 21183, 21184, 87th Cong. 1st Sess.

mack, of Massachusetts, declined to recognize for a unanimous-consent request:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I have a unanimous-consent request to make concerning the procedure of the House. I ask unanimous consent that the action by which clause 2 of rule XXVIII was suspended a week ago last Saturday be revoked, and that clause 2, rule XXVIII of the Rules of the House of Representatives be restored.

Mr. Speaker, I should like to be heard briefly on my reasons for so doing.

THE SPEAKER PRO TEMPORE: Under the circumstances the Chair declines to recognize the gentleman from Iowa to submit the request.

Special Rule Providing for Reading Committee Amendment by Sections; Request To Read Substitute by Sections

§ 10.38 Where the House has by special rule provided for reading by sections in Committee of the Whole of a committee amendment in the nature of a substitute as an original bill, any amendment offered thereto must be read in its entirety; the Committee may not by unanimous consent order that an amendment in the nature of a substitute for the committee amendment be in turn read by sections for amendment.

The proceedings of Mar. 25, 1975,[17] demonstrate that, while the Chair may through the power of recognition encourage the orderly offering of amendments to a pending amendment in the nature of a substitute which has been read in its entirety, a unanimous-consent request to read the substitute for amendment by sections is not in order:

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. O'Hara: In lieu of the matter proposed to be inserted by the Committee to the text of the bill, H.R. 4222, insert the following:

That this Act may be cited as "The National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975".

SCHOOL BREAKFAST PROGRAM

Sec. 2: Section 4(a) of the Child Nutrition Act of 1966 is amended by inserting immediately after "and June 30, 1975," the following: "and subsequent fiscal years".

MR. O'HARA (during the reading): Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

THE CHAIRMAN:[18] Is there objection to the request of the gentleman from Michigan?

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17. 121 CONG. REC. 8490, 8491, 94th Cong. 1st Sess. Under consideration was H.R. 4222, to amend the National School Lunch Act and Child Nutrition Act.

18. Otis G. Pike (N.Y.).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, reserving the right to object. For all intents and purposes it now appears that the original committee substitute, made in order by the rule, is to be junked and instead we are being asked to consider this new substitute which the gentleman from Michigan has just now offered. The original rule on this bill provided that the committee substitute be read for purposes of amendment, as is usual. If the gentleman now obtains unanimous consent to consider his substitute as read and open to amendment, all sorts of confusion can result. No one will have any control over what amendments will be presented and in which order and debate may be cut off.

MR. O'HARA: Mr. Chairman, will the gentleman yield?

MR. BAUMAN: I yield to the gentleman.

MR. O'HARA: Mr. Chairman, while it is being read in the Record it will not be open to amendment section by section. It would be open to amendment when the entire amendment is read.

MR. BAUMAN: That is precisely what we object to. . . .

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, this is significant to what the gentleman is talking about. If the substitute is read, it is my understanding of the rules of the House that we cannot stop at the end of each section for amendments, but the entire substitute has to be read before it would be open for amendments.

May I inquire of the Chairman, is that right?

THE CHAIRMAN: The gentleman is correct.

MR. BAUMAN: Mr. Chairman, reserving the right to object, I wonder if the gentleman from Michigan would make a unanimous-consent request that his amendment be read section by section. This would accomplish the purpose we are after.

THE CHAIRMAN: The Chair will state that the Chair would not entertain a request of that nature. The amendment must be read in its entirety under the rules of the House, if the gentleman from Maryland insists upon his objection. The Chair would encourage that amendments be made to each section once it has been read, but it cannot be open for amendment prior to the reading.

Request To Add Members as Co-sponsors of Bill

§ 10.39 Although the Chair, in accordance with Rule XXII, clause 4(b)(1), under which only the chief sponsor of a bill may add cosponsors, may decline to entertain a unanimous-consent request on the floor by a Member not the chief sponsor to add all Members as cosponsors of a bill under consideration, the Chair may permit instead a listing in the Record of the Members' names.

On Dec. 18, 1985,[19] the following proceedings occurred in the House during consideration of House Resolution 345 (concerning

19. 131 CONG. REC. 37762, 37763, 37765, 99th Cong. 1st Sess.

the deaths of members of the 101st Air-Assault Division in an airplane crash):

MR. [WILLIAM] NICHOLS [of Alabama]: Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 345) to express the sentiment of Congress regarding the deaths of members of the 101st Air Assault Division in an airplane crash on December 12, 1985, at Gander, Newfoundland, Canada, while en route home for the season's holiday, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

THE SPEAKER PRO TEMPORE:[20] Is there objection to the request of the gentleman from Alabama?

MR. [LARRY J.] HOPKINS [of Kentucky]: Mr. Speaker, reserving the right to object, I do so so that the chairman might have an opportunity to explain his position.

I yield to the gentleman from Alabama (Mr. Nichols).

MR. NICHOLS: . . . Mr. Speaker, the resolution merely expresses our sorrow at the deaths of the 248 members of the 101st Airborne Division. . . .

MR. HOPKINS: Mr. Speaker, in withdrawing my reservation of objection, I ask that all Members' of the House of Representatives names be added to this resolution.

THE SPEAKER PRO TEMPORE: . . . Did the gentleman ask that all Members' names be listed in the Record as cosponsors?

MR. HOPKINS: That is correct, Mr. Speaker, that all Members' names be listed in the Record as cosponsors of this resolution. I ask unanimous consent for that permission.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The list of Members' names referred to is as follows: . . .

Limitation on Debate—Request Not Entertained Until Resolution Read or Considered as Read

§ 10.40 The Chair may decline to entertain a unanimous-consent request that all debate on a pending measure be limited, in advance of completion of reading of that measure in its entirety and in the absence of a unanimous-consent agreement to consider the measure as having been read.

On July 16, 1975,[1] during consideration of House Resolution 591 (establishing a Select Committee on Intelligence) in the Committee of the Whole, Mr. Richard Bolling, of Missouri, made a unanimous-consent request, as follows:

MR. BOLLING: Mr. Chairman, I move to strike the necessary number of

20. Dale E. Kildee (Mich.).

1. 121 CONG. REC. 23112, 94th Cong. 1st Sess.

words. . . . I am going to ask unanimous consent that the resolution be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN:[2] Is there objection to the request of the gentleman from Missouri?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. BOLLING: Mr. Chairman, then I can only ask unanimous consent that all debate on the resolution and all amendments thereto close at 2:30.

THE CHAIRMAN: The gentleman should be advised that that request cannot be made until the resolution has been read.

—Request Not Entertained During Reading of Amendment

§ 10.41 The Chair will not entertain a unanimous-consent request regarding the limitation of time for debate on an amendment during the reading of the amendment.

During consideration of the Energy Conservation and Oil Policy Act of 1975 (H.R. 7014) in the Committee of the Whole on Sept. 18, 1975,[3] the proceedings described above occurred as follows:

MR. [JAMES M.] JEFFORDS [of Vermont]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jeffords: Page 331, after line 10, add the following:

TITLE VI—ENERGY LABELING AND EFFICIENCY STANDARDS FOR BEVERAGE CONTAINERS

DEFINITIONS AND COVERAGE

Sec. 601.—For purposes of this part—

(1) The term "beverage container" means a bottle, jar, can, or carton of glass, plastic, or metal, or any combination thereof, used for packaging or marketing beer . . . or a carbonated soft drink of any variety in liquid form which is intended for human consumption. . . .

MR. JEFFORDS (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record due to the fact that it was printed in the Record with the exception of two words which I shall explain. . . .

MR. [PHILLIP H.] HAYES of Indiana: Mr. Chairman, I object. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to make a unanimous consent request with regard to a limitation of time. . . .

THE CHAIRMAN:[4] The Chair will state to the gentleman from Michigan that the reading of the amendment has not been completed and we should dispose of the reading of the amendment prior to such a request.

The Clerk will proceed to read the amendment.

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2. Frank E. Evans (Colo.).

3. 121 CONG. REC. 29322, 29323, 94th Cong. 1st Sess.

4. Richard Bolling (Mo.).

Request That Debate End Ten Minutes After Subsequent Amendment Offered

§ 10.42 Where there was pending an amendment and a substitute therefor, the Chair declined to entertain a unanimous-consent request that debate end ten minutes after another Member "has had an opportunity to offer" a further substitute, where the offering of such substitute might be precluded by the adoption of the pending substitute.

During consideration of the Defense Production Act Amendments of 1979 (H.R. 3930) in the Committee of the Whole on June 26, 1979,[5] the following proceedings occurred:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I offer amendments as a substitute for the amendments.

The Clerk read as follows:

Amendments offered by Mr. Michel as a substitute for the amendments offered by Mr. Wright of Texas: On page 5, line 2, strike out the period after "section" and insert in lieu thereof "and at least 2,000,000 barrels per day crude oil equivalent of synthetic fuels . . . .

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I see only about five or six Members standing. I ask unanimous consent that all debate on the Wright amendment and all amendments thereto close in 15 minutes.

THE CHAIRMAN:[6] Is there objection to the request of the gentleman from Pennsylvania?

MR. [JAMES M.] JEFFORDS [of Vermont]: Reserving the right to object, the gentleman knows I have a substitute which I think ought to be considered . . . and I just cannot agree to 15 minutes unless I am sure I am going to have 5 minutes myself in order to be able to explain the substitute.

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I ask unanimous consent that all debate on the Wright amendment and all amendments thereto close 10 minutes after the gentleman has had an opportunity to offer his substitute amendment.

THE CHAIRMAN: The Chair would advise the gentleman that in the event the amendment offered as a substitute by the gentleman from Illinois (Mr. Michel) were adopted, no other substitute would be in order and the request would be unworkable.

Request To Extend Debate Time—Not Entertained Pending Demand for Recorded Vote

§ 10.43 A time limitation on debate imposed by the Committee of the Whole, pursuant to Rule XXIII clause 6, may be rescinded or modi-

5. 125 CONG. REC. 16670, 16672, 96th Cong. 1st Sess.

6. Gerry E. Studds (Mass.).

fied only by unanimous consent; and a unanimous-consent request to extend debate time on an amendment may not be entertained while there is pending a demand for a recorded vote on that amendment.

During consideration of the Energy Conservation and Oil Policy Act of 1975 (H.R. 7014) in the Committee of the Whole on Sept. 17, 1975,[7] the following proceedings occurred:

THE CHAIRMAN:[8] When the Committee rose on Friday, August 1, 1975, all time for debate on title III of the committee amendment in the nature of a substitute and all amendments thereto had expired and there was pending the amendment offered by the gentleman from Ohio (Mr. Brown) to title III on which a recorded vote had been requested by the gentleman from Ohio.

Without objection, the Clerk will again read the amendment offered by the gentleman from Ohio (Mr. Brown).

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Brown of Ohio: Strike out sections 301, 302, 303.

Renumber the succeeding sections of title III accordingly. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I have a parliamentary inquiry. . . . The parliamentary inquiry, Mr. Chairman is, Would it be in order at this point while the vote is pending to ask unanimous consent of the House that 2 minutes may be granted on either side of the aisle for a discussion at this point of the pending vote?

THE CHAIRMAN: Such a request would be in order only if the gentleman first withdrew his request for a recorded vote. . . .

MR. BROWN of Ohio: Mr. Chairman, then I ask unanimous consent to withdraw my request for a recorded vote at this point.

THE CHAIRMAN: That does not require unanimous consent. The gentleman withdraws his request for a recorded vote.

Does the gentleman now ask unanimous consent for debate time? . . .

MR. BROWN of Ohio: Mr. Chairman, I ask unanimous consent that 1 minute be granted to the Democratic side in the hands of the gentleman from Michigan (Mr. Dingell) and 1 minute to the Republican side to be in the hands of the gentleman from Ohio (Mr. Brown).

THE CHAIRMAN: Is there objection to the request of the gentleman from Ohio?

There was no objection.

Consideration of Resolution Inviting Non-members To Address House

§ 10.44 The Speaker has declined to recognize Members proposing the unanimous-consent consideration of res-

7. 121 CONG. REC. 28904, 94th Cong. 1st Sess.

8. Richard Bolling (Mo.).

olutions inviting non-members to address the House.

On Feb. 23, 1943,[9] Speaker Sam Rayburn, of Texas, declined to recognize Mr. John E. Rankin, of Mississippi, to request unanimous consent for the consideration of a resolution inviting Captain Eddie Rickenbacker to address a joint session of Congress. The Speaker stated that in any event the resolution would have to be referred to the Committee on Rules.

On Oct. 11, 1943,[10] Speaker Rayburn stated that he would decline to recognize a Member to ask unanimous consent for the consideration of a resolution inviting certain Senators to address the House:

> THE SPEAKER: . . . The Chair does not intend to recognize a Member to ask unanimous consent for the present consideration of a resolution inviting Senators to address the House in open or executive session, because the Chair thinks that is tantamount to an amendment to the rules of the House and, therefore, is a matter for the House to determine. If resolutions like that are introduced, they will be sent to the proper committee.
>
> MR. RANKIN: A parliamentary inquiry, Mr. Speaker.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. RANKIN: Of course, the Speaker has a right to refuse to recognize me for that purpose, but I think if the Speaker will investigate the rules he will find that we have a right to invite those men to come here to address the Members in the House.
>
> THE SPEAKER: The Chair has already investigated that and finds it otherwise. Members of the Senate have the privilege of the floor, but they do not have the privilege of addressing the House of Representatives.

Request That Committee Be Permitted To Sit (Under Former Practice)

§ 10.45 Pursuant to the Speaker's policy announced in the 98th Congress in regard to recognition for requests that committees and subcommittees be permitted to sit during the five-minute rule, the Speaker Pro Tempore indicated on a day when no rollcall votes were scheduled, that such a request (except as to hearings) should be withheld until the next day, when Members had been advised there could be rollcall votes.

The following exchange occurred in the House on May 23, 1983:[11]

> MR. [NORMAN Y.] MINETA [of California]: Mr. Speaker, I ask unanimous

9. 89 CONG. REC. 1212, 78th Cong. 1st Sess.

10. *Id.* at p. 8197.

11. 129 CONG. REC. 13365, 98th Cong. 1st Sess.

consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation and the Committee on Public Works and Transportation have permission to sit during the 5-minute rule in the House on Wednesday, May 25, 1983.

THE SPEAKER PRO TEMPORE:[12] The Chair will advise the gentleman that under the Speaker's statement he will have to make that request tomorrow.

Parliamentarian's Note: The provision prohibiting committees from sitting during proceedings under the five-minute rule was stricken by H. Res. 5, 103d Cong. 1st Sess., Jan. 5, 1993. The prohibition of Rule XI, clause 2(i), was reinstated in modified form in the 104th Congress and also applies to committee meetings during joint sessions and joint meetings. *House Rules and Manual* § 710 (1995).

Request To Withdraw Disorderly Words

§ 10.46 Although a Member whose words have been taken down as disorderly must take his seat, the Speaker may recognize him for a unanimous-consent request to withdraw the words in question.

On June 12, 1947,[13] Mr. Chet Holifield, of California, referred in debate to the Committee on Un-American Activities as the "Un-American Committee." Mr. John E. Rankin, of Mississippi, demanded that those words be taken down and Mr. Holifield attempted to deliver further remarks. Mr. Rankin objected that "the gentleman cannot speak until this matter is disposed of." Speaker Joseph W. Martin, Jr., of Massachusetts, responded "the gentleman is correct, unless he (Mr. Holifield) makes a unanimous-consent request." When Mr. Rankin asserted that a Member whose words were being taken down could make no unanimous-consent request under the rules, the Speaker declared:

> The Chair can always recognize anyone to propound a unanimous-consent request. Of course, it would be within the province of the gentleman from Mississippi to object, but the Chair can put unanimous-consent requests at any time.

Request To Be Allowed To Proceed for One Minute Pending Demand That Another Member's Words Be Taken Down

§ 10.47 The Chair does not entertain a unanimous-consent request that a Member be allowed to proceed for one minute pending a demand that another Member's words be taken down.

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12. John P. Murtha (Pa.).

13. 93 CONG. REC. 6895, 80th Cong. 1st Sess.

On Jan. 21, 1964,[14] while the House was in the Committee of the Whole, certain words used in debate by a Member were demanded to be taken down and reported to the House. Before the Committee rose, Mr. James Roosevelt, of California, asked unanimous consent to proceed for one minute. Chairman William S. Moorhead, of Pennsylvania, refused to entertain the request.[15]

Speaker Announced Policy for Recognition for One-minute and Special-order Speeches

§ 10.48 The Speaker, in announcing a new policy for recognition for one-minute speeches and for special-order requests indicated that he would: (1) alternate recognition between majority and minority Members in the order in which they seek recognition; (2) recognize Members for special-order speeches first who want to address the House for five minutes or less, alternating between majority and minority Members, otherwise in the order in which permission was granted; and (3) then recognize Members who wish to address the House for longer than five minutes and up to one hour, alternating between majority and minority Members in the order in which permission was granted by the House.

On Aug. 8, 1984,[16] Speaker Thomas P. O'Neill, Jr., of Massachusetts, made the following announcement:

> THE SPEAKER: After consultation with and concurrence by the minority leader, the Chair announces that he will institute a new policy of recognition for "1-minute" speeches and for special order requests. Beginning September 5, the Chair will alternate recognition for 1-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit 1-minute speeches to a certain period of time or to a special place in the pro-

14. 110 CONG. REC. 756, 757, 88th Cong. 2d Sess.

15. Pending a demand to take down words, no debate is in order and recognition may not be sought (except to permit the Member called to order to withdraw the disorderly words by unanimous consent). See §§ 48 et seq., infra.

16. 130 CONG. REC. 22963, 98th Cong. 2d Sess. Recognition for one-minute speeches is discussed in §§ 10.48–10.63, infra; for special orders in §§ 10.64–10.78, infra.

gram on any given day, with notice to the leadership.

With respect to recognition for "special-order speeches" at the end of legislative business of the day, the Chair will recognize first those Members who wish to address the House for 5 minutes or less, alternating between majority and minority members, otherwise in the order in which those permissions were granted by the House. Thereafter, the Chair will recognize those Members who wish to address the House for longer than 5 minutes up to 1 hour, alternating between majority and minority members in the order in which those permissions were granted by the House.

Thus all Members can continue to obtain permissions to address the House in the same ways as are presently utilized, either by requests made by the acting majority and minority leaders at the end of the day through their respective Cloak Rooms or by individual requests agreed to on the floor for that day or for a future day. For the request to be entertained, it should state "permission to address the House at the conclusion of legislative business, consistent with the Speaker's announced policy of recognition". Thus, Members should be on notice that a special order for more than 5 minutes, although agreed to at a prior time, may be preceded by a series of special orders of 5 minutes or less, or by a longer special order of a Member of the other party.

Further refinements of this policy based upon experience may be announced by the Chair in the future after consultation with the minority leader.

The Speaker implemented the above stated policy for the first time on Sept. 5, 1984:[17]

> THE SPEAKER: This is the day on which a new precedent will be established. We will call one Member from the majority side on the 1-minute speeches and then one Member from the Republican side, as the Chair so notified the House at an earlier date.
>
> The Chair recognizes the gentleman from New York (Mr. Stratton).

Parliamentarian's Note: An announcement that the above policies concerning recognition for one-minute and special-order speeches would be continued in the 100th Congress was made by the Chair on Jan. 6, 1987.[18]

One-minute Speeches—Chair Announced Procedure

§ 10.49 The Speaker announced the procedure whereby (and the time at which) Members would be recognized to make speeches up to one minute in length.

On Jan. 23, 1975,[19] Speaker Carl Albert, of Oklahoma, made the following statement:

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17. 130 CONG. REC. 24289, 98th Cong. 2d Sess.

18. See 133 CONG. REC. 21, 22, 100th Cong. 1st Sess.

19. 121 CONG. REC. 1163, 94th Cong. 1st Sess.

ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER: May the Chair state, particularly for the benefit of new Members, that we generally open the proceedings, after the prayer and disposition of the Journal and things which are immediately on the Speaker's desk, by recognizing Members for individual requests and for speeches up to 1 minute.

The Chair habitually and regularly starts at the extreme right and goes all the way around; then comes back and starts over. If Members want to be heard, the Chair wants to take them in that order. So, Members will be recognized in the order from the first seat to the Speaker's right to the last seat on the Speaker's left, and then the process will be repeated, if other Members come in.

—*Chair Endeavors To Be Nonpartisan*

§ 10.50 While the Chair's calculation of time under the "one-minute rule" is not subject to challenge, the Chair endeavors to recognize majority and then minority Members by allocating time in a nonpartisan manner.

The following exchange occurred in the House on Aug. 4, 1982:[20]

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

[C]an the Chair tell me how long 1 minute is?

THE SPEAKER PRO TEMPORE:[1] Does the gentleman request additional time?

MR. WALKER: Mr. Speaker, I am just inquiring. We have had several long speeches here this morning. I thought that we were limited in the 1-minute time frame to 1 minute each. . . .

I am making a parliamentary inquiry of the Chair as to whether or not that is the rule of the House that is supposed to be obeyed.

THE SPEAKER PRO TEMPORE: It is, by precedent, and since the Chair wants to be fair, the Chair would like to extend to the gentleman and his side of the aisle any additional 1-minute speeches that they require immediately. Would the gentleman like to use it now?

MR. WALKER: Mr. Speaker, I thank the Chair. I think there are a number of Members who are waiting yet to speak, and I would certainly yield such time as I might consume to Members on the Republican side who have yet to speak so that everyone has an opportunity to speak this morning.

I thank the Chair.

THE SPEAKER PRO TEMPORE: The Chair will recognize them after recognizing Members on the right side of the aisle, and the Chair will in fairness extend to them as much time under the 1-minute rule as they need.

—*Recognition Is Within Discretion of Chair*

§ 10.51 Recognition for one-minute speeches is within

20. 128 CONG. REC. 19319, 97th Cong. 2d Sess.

1. Cecil Heftel (Ha.).

the discretion of the Speaker who may continue to recognize Members appearing in the well on the majority side prior to recognizing minority Members (although at that time the Speaker customarily recognized first those Members who were in the Chamber at the beginning of the daily session and then those arriving later).

During the period for one-minute speeches in the House on Mar. 18, 1981,[2] Speaker Pro Tempore George E. Danielson, of California, in responding to a parliamentary inquiry, reiterated the rule that recognition was within the discretion of the Speaker. The proceedings were as follows:

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

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, the American administration in El Salvador makes little sense either politically or geopolitically. . . .

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

MR. [EDWARD J.] MARKEY [of Massachusetts]: Mr. Speaker, over 13,000 deaths have been reported in the past 15 months in El Salvador, a country just larger than my own State of Massachusetts. A majority of these deaths have been attributed to the rightist government in power since 1979. . . .

MR. [KENNETH B.] KRAMER [of Colorado]: Mr. Speaker, I have a parliamentary inquiry.

Are we still proceeding under the normal rules for 1-minute speeches?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman from Colorado that recognition at this time is within the total discretion of the Speaker.

The House is proceeding under the 1-minute practice.

The gentleman will be recognized.

The Chair assures the gentleman that he will be recognized. . . .

MR. [LAWRENCE J.] DENARDIS [of Connecticut]: Mr. Speaker, I positioned myself here 55 minutes ago to speak on an education and labor matter, and I want to say, for the record, that my associates on the minority side of the aisle, who were here promptly at 3 o'clock, have had to wait, I would say unnecessarily and unfairly long, to have our opportunity to speak.

§ 10.52 Recognition of Members for "one-minute speeches" prior to legislative business is within the discretion of the Speaker, who may announce his intention to alternate recognition between majority and minority Members for one hour before recognizing a Member to call up scheduled legislative business.

2. 127 CONG. REC. 4617–19, 97th Cong. 1st Sess.

On June 26, 1981,[3] Speaker Thomas P. O'Neill, Jr., of Massachusetts, made the following statement in the House:

THE SPEAKER: The Chair desires to make the following announcement:

There are a considerable number of requests for 1-minute speeches. Following the doctrine of fairness, the Chair will recognize one Member from the Democratic side and then one from the Republican side, and at the hour of 11 o'clock will recognize the chairman of the Budget Committee to offer a motion to resolve into the Committee of the Whole.

§ 10.53 While at one time the Chair normally conferred recognition from his right to his left upon those Members who are standing in the well when the time for one-minute speeches prior to legislative business begins, the order of recognition is within the discretion of the Chair who may continue to recognize majority Members arriving at a later time before recognizing minority Members.

On Apr. 20, 1978,[4] Speaker Pro Tempore James C. Wright, Jr., of Texas, responded to a parliamentary inquiry regarding the order of recognition for one-minute speeches:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, a parliamentary inquiry.

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

MR. BAUMAN: Mr. Speaker, the gentleman has been observing this House for about 25 years now in various capacities and was under the impression that the Speaker's normal custom was to recognize Members for 1-minute speeches from his right to left allowing those Members who were there from the beginning to speak. This morning we have seen a parade of Members on the majority side of the aisle fill up the seats of Members who have already taken their 1-minute speeches while several other Members on the minority side of the aisle have been sitting here for more than an hour. I just wondered if that is not still the custom of the House?

THE SPEAKER PRO TEMPORE: The Chair is advised that recognition lies within the discretion of the Chair. This Member has observed the Chair, I think without exception, recognizing from his right side to his left. The Chair has no control of the number of Members who might seek recognition. But the Chair is seeking to protect the rights of all Members of the House and the gentleman from Maryland (Mr. Bauman) may be assured that the rights of all Members will be protected.

§ 10.54 While the Chair strives for fairness in recognizing Members for one-minute

3. 127 CONG. REC. 14351, 97th Cong. 1st Sess.

4. 124 CONG. REC. 10987, 10988, 95th Cong. 2d Sess.

speeches prior to legislative business and has recognized minority Members prior to later arriving majority Members, the order of recognition for one-minute speeches is in the discretion of the Chair.

On June 28, 1983,[5] Speaker Pro Tempore George E. Brown, Jr., of California, responded to a parliamentary inquiry of Mr. Gerald B. Solomon, of New York, as follows:

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

MR. SOLOMON: Mr. Speaker, I am just concerned with fairness. We have heard a lot about it on the floor here this morning, but I understand it is the Speaker's policy to recognize those Members who wish to address the House for 1 minute in the order in which they came.

We naturally give the Democrats first preference, but it seems in recent days we see Members sitting here, like myself, for an hour and 10 minutes now and then we have other Members coming in on the Democratic side in the last 5 minutes. I would hope that the Speaker would continue his policy of once the Democrats have been recognized in the order in which they came, follow through with the Republicans in the act of fairness and then go back to those who came in later.

Is that the policy of the Chair, Mr. Speaker?

THE SPEAKER PRO TEMPORE: It is in the discretion of the Chair to recognize Members as he sees fit; however, the Chair invariably seeks to be fair in his procedures.

§ 10.55 The order of recognition for one-minute speeches prior to legislative business is within the discretion of the Chair and is not subject to challenge on a point of order.

On Nov. 15, 1983,[6] during the time for one-minute speeches in the House, the following exchange occurred:

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Speaker, I make a point of order.

I noticed in the recognition of Members as they sat around the room here to be recognized for 1-minute speeches that one Member was just recognized who had not been sitting in order to participate.

I would inquire of the Speaker if it is his intention now to continue to recognize the Republican Members before accepting any more Democrats who are not currently sitting to be recognized.

THE SPEAKER PRO TEMPORE:[7] The Chair would state that this is not really a point of order. Recognition is within the discretion of the Chair, and the Chair is attempting to be fair.

It was the Chair's present intention to recognize a minority Member gen-

5. 129 CONG. REC. 17671, 98th Cong. 1st Sess.

6. 129 CONG. REC. 32657, 32658, 98th Cong. 1st Sess.

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

tleman from Ohio, who stands seeking recognition at this time. This is what the Chair intends to do.

Parliamentarian's Note: Various protocols have been enunciated by Speakers regarding the order of one-minute speech recognition. See § 10.48, supra.

§ 10.56 Recognition for one-minute speeches is within the discretion of the Chair, who may decline recognition until a later time in the legislative day.

On May 16, 1984,[8] pursuant to clause 5 of Rule I, the Speaker postponed the vote on his approval of the Journal until a time certain that day, in order to permit a period of one-minute speeches and then a quorum call or record vote on the Journal prior to declaring a recess for a joint meeting. Questions arose during the proceedings as to whether one-minute speeches would be resumed after the recess:

THE SPEAKER:[9] The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof. . . .

MR. [VIN] WEBER [of Minnesota]: Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on the Speaker's approval of the Journal.

THE SPEAKER: The Chair intends to have a quorum call before the President of Mexico comes, at about 10:25.

Does the gentleman withhold his motion?

MR. WEBER: No, I will not, Mr. Speaker.

THE SPEAKER: The question is on the Chair's approval of the Journal.

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

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

THE SPEAKER: The Chair will postpone the vote on the Journal until 10:25 a.m. . . .

The Chair will recognize 1-minute speeches.

The Chair recognizes the gentleman from Texas (Mr. Wright). . . .

THE SPEAKER PRO TEMPORE:[10] The Chair will announce that it intends to take one more Member on the Democratic side, and then, because the House intends to vote at 10:25, the Chair will move to the Republican side. . . .

MR. [DANIEL E.] LUNGREN [of California]: Mr. Speaker, does this mean that when we come back after we have received the President of Mexico, we will resume 1-minutes?

THE SPEAKER PRO TEMPORE: That is a possibility.

MR. LUNGREN: Well, Mr. Speaker, that is really not an answer to my question. Are we or are we not going to do it? Because we have had 20 minutes of Democratic one minutes, and per-

8. 130 CONG. REC. 12481, 12483, 12484, 98th Cong. 2d Sess.

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

10. Pat Williams (Mont.).

haps 4 minutes of Republican 1-minutes.

THE SPEAKER PRO TEMPORE: The Chair will answer the gentleman that that is a possibility because it will be up to the judgment of the Speaker. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, the gentleman in the chair is the Speaker at this point. What we need is a ruling as to whether or not the minority side is going to be accorded the right to 1-minutes, since many of us have been sitting here after, or before members of the majority side were recognized. Now, it seems to us that we deserve our opportunity to have our 1-minutes considered here, too.

Is the Chair going to allow 1-minutes or not?

THE SPEAKER PRO TEMPORE: The Chair will again tell the gentleman of the minority that the decision as to the earlier gentleman's request as to whether or not 1-minutes will proceed immediately after the recess, the Chair announces that decision will be the Speaker's.

The Chair will also announce that the Republican side of the aisle, as well as the Democratic side, will have an opportunity for 1-minutes sometime during the course of the day. . . .

MR. WEBER: Mr. Speaker, does the Chair mean that the Republicans will be given the opportunity to do the 1-minutes prior to the beginning of legislative business?

THE SPEAKER PRO TEMPORE: No, some time during the day.

MR. WEBER: Perhaps at the end of legislative business?

THE SPEAKER PRO TEMPORE: That will be a decision for the Speaker.

§ 10.57 Recognition is within the discretion of the Chair, who may deny a Member recognition to speak under the "one-minute rule" in order to uphold order and decorum in the House as required under clause 2 of Rule I; thus, the Speaker inquired of a Member in the well seeking recognition, as to his purpose in utilizing an object for demonstration in debate, and then denied that Member recognition pursuant to his authority under clause 2 of Rule XIV, when he determined that the object might subject the House to ridicule.

On Aug. 27, 1980,[11] the following proceedings occurred in the House:

THE SPEAKER:[12] The Chair would ask the gentleman from Pennsylvania (Mr. Shuster) what he intends to do with the doll. The Chair is not going to allow the Congress to be held up to ridicule and will object to any such exhibit being used in debate.

MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, if I may respond, I simply want to introduce this duck as a symbol of the lameduck session that I want to speak to.

THE SPEAKER: The Chair is of the opinion the Member would be holding

11. 126 CONG. REC. 23456, 96th Cong. 2d Sess.

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

the House up to ridicule and would ask the gentleman to make the speech without utilizing the apparatus or the doll or anything of that nature.

MR. SHUSTER: Mr. Speaker, this is certainly not the intention.

THE SPEAKER: That is the way the Chair feels about it and the Chair so rules.

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

Parliamentarian's Note: The original transcript shows that the Speaker first inquired as to Mr. Shuster's purpose and then denied him recognition, and that Mr. Shuster was then recognized for one minute. Thus, the Speaker was exercising his power of recognition, and was not unilaterally preventing the use of a demonstration during debate, which would be a matter to be determined by a vote of the House, under Rule XXX.

—*Chair May Recognize After Legislative Business*

§ 10.58 The elected Speaker Pro Tempore (the Majority Leader) reiterated his policy announced on the previous day to refuse to entertain unanimous-consent requests to address the House for one minute before legislative business because of the press of legislative business during the remainder of the week, but stated that any policy for the remainder of the session with respect to one-minute speeches would be a matter for the Speaker to determine.

During the proceedings of the House on July 25, 1980,[13] the Speaker Pro Tempore made the following statement regarding recognition for one-minute speeches:

THE SPEAKER PRO TEMPORE:[14] . . . As the Chair announced yesterday, requests to address the House for 1 minute will be entertained at the conclusion of the legislative business today, rather than at the beginning. . . .

The Chair believes there is genuine value in the 1-minute rule in the exercise of free expression . . . . For all its value, however, the Chair does not believe that the 1-minute rule must necessarily precede, nor be permitted to postpone, the business of the House. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, a parliamentary inquiry. . . .

Mr. Speaker, yesterday the gentleman from Maryland heard the Chair answer a question regarding 1-minute speeches. The gentleman from Maryland asked the Chair whether or not limits on such speeches is to be a policy to be followed for the remainder of the session, and the Chair, as recorded

13. 126 CONG. REC. 19762–64, 96th Cong. 2d Sess.

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

on page H6404, said that the Chair was not announcing a policy for the remainder of the session, but only for Thursday and Friday.

Do I take the Chair's announcement this morning to mean that this will be the policy for the remainder of this session?

THE SPEAKER PRO TEMPORE: No; as the Chair stated yesterday in response to a question from the gentleman from Maryland, the present occupant of the chair is not in a position to announce a policy for the remainder of the session, and so stated.

The policy for the remainder of the session would be more appropriately determined and stated by Speaker O'Neill. At this present time, that is all the Chair has to say, or all that he properly should or could say.

Parliamentarian's Note: In the above instance, a resolution directing that the Speaker "exercise his prerogative and reinstitute the custom of allowing one-minute speeches at the beginning of the session" was held not to raise a question of the privileges of the House.[15] In general, it is not in order to raise as a question of the privileges of the House a proposition to amend or interpret the rules of the House or to impinge on the Chair's power of recognition.

§ 10.59 On occasion the Speaker has announced his intention to recognize for one-minute speeches after completion of the first item of legislative business, rather than at the beginning of the day.

On Nov. 10, 1983,[16] after putting the question on approval of the Journal, the Speaker made an announcement:

THE SPEAKER:[17] The question now is on the approval of the Journal. . . .

The Chair will announce that following the vote we will go directly to consideration of the continuing resolution. Following the completion of the continuing resolution, we will then take the 1-minute addresses for the day.

§ 10.60 Recognition for one-minute speeches is within the discretion of the Speaker; and when the House has a heavy legislative schedule, he sometimes refuses to recognize Members for that purpose until the completion of legislative business.

On July 24, 1980,[18] Speaker Pro Tempore James C. Wright, Jr., of Texas, made an announcement regarding one-minute speeches, as follows:

THE SPEAKER PRO TEMPORE: The Chair desires to announce that in view

15. 126 CONG. REC. 19762, 96th Cong. 2d Sess., July 25, 1980.

16. 129 CONG. REC. 32097, 98th Cong. 1st Sess.

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

18. 126 CONG. REC. 19386, 19387, 96th Cong. 2d Sess.

of the need to complete the legislative schedule, which has been long delayed, the Chair will recognize Members at this time only for unanimous-consent requests to revise and extend their remarks and not for 1-minute speeches.

Members will be recognized for 1-minute speeches at the conclusion of the legislative business today.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, it has, of course, been traditional in the House to allow 1-minute speeches at the discretion of the Chair, as the Chair has just indicated.

Is this denial of 1-minute speeches to be the policy for the remainder of the session, or is it just for today?

THE SPEAKER PRO TEMPORE: The Chair cannot and would not attempt to set a policy for the remainder of the session. For the remainder of this week, today and tomorrow, the Chair desires to complete the legislative program that is scheduled for this week and to allow Members to leave at 3 o'clock tomorrow.

Subsequently, a Member took the floor for a special-order speech to criticize the decision of the Speaker Pro Tempore to refuse to recognize for one-minute speeches prior to legislative business on that day:[19]

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from Maryland (Mr. Bauman) is recognized for 60 minutes.

(Mr. Bauman asked and was given permission to revise and extend his remarks.)

MR. BAUMAN: Mr. Speaker, I take this time to observe with sorrow the events that occurred earlier today. I did not wish to explore them at length during the 1-minute speech which I was finally permitted, but I do think they deserve some comment. I will try to confine myself to the 1-hour the House permits me under special order.

I happen to believe that the conduct of the President's brother, Billy Carter, has raised valid questions that need to be answered. . . .

So I would just suggest that we all re-examine our position and only put aside the traditions of the House and the free speech of Members if it is absolutely necessary for good reason.

—*Second Request Not Entertained*

§ 10.61 Under the Speaker's power of recognition as traditionally exercised prior to legislative business, a Member may be recognized for a "one-minute speech" only once, and a second unanimous-consent request on that day will not be entertained.

On May 1, 1985,[20] the following exchange occurred in the House:

19. *Id.* at pp. 19445, 19446.

20. 131 CONG. REC. 9995, 99th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:[1] For what purpose does the gentleman from New York rise?

MR. [THOMAS J.] DOWNEY of New York: Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

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

MR. WALKER: Mr. Speaker, am I not correct that, having given one 1-minute speech, the gentleman is not entitled to a second 1-minute speech today?

THE SPEAKER PRO TEMPORE: That is the custom, if the gentleman from New York (Mr. Downey) has had a 1-minute speech. . . .

(Mr. [Byron L.] Dorgan of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. DOWNEY of New York: Mr. Speaker, will the gentleman yield to me?

MR. DORGAN of North Dakota: I yield to the gentleman from New York.

—*On Calendar Wednesday*

§ 10.62 Although the call of committees on Calendar Wednesday should precede unanimous-consent requests for the conduct of other business, the Speaker has on occasion recognized Members by unanimous consent for one-minute speeches prior to the call of committees.

While the precedents[2] indicate that the call of committees should ordinarily precede unanimous-consent requests for the conduct of other business, the Speaker may make exceptions. Thus, on Mar. 21, 1984,[3] the Speaker recognized a Member for a unanimous-consent request:

MR. [ROBERT S.] WALKER [of Pennsylvania]: I ask unanimous consent to proceed for 1 minute, Mr. Speaker.

THE SPEAKER:[4] What has the gentleman got in his hand?

MR. WALKER: Mr. Speaker, this is a demonstration of what I have. I am not certain I am going to be able to use it under the rules.

THE SPEAKER: If the gentleman does not think so, why is he trying?

MR. WALKER: I will explain that in my speech, but I certainly would not want to violate the rules.

THE SPEAKER: Without objection, the Speaker recognizes the gentleman and will be watching carefully.

MR. WALKER: I thank the Speaker, and I know that the Speaker always watches very carefully everything that I do. . . .

Mr. Speaker, we have to be amused by an article in this morning's Washington Post . . . .

1. John P. Murtha (Pa.).

2. See 7 Cannon's Precedents §§ 882–888.

3. 130 CONG. REC. 6187, 6188, 98th Cong. 2d Sess.

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

THE SPEAKER: This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

—*Recognition During Reading of Journal*

§ 10.63 A Member by unanimous consent secured recognition during the reading of the Journal.

On Apr. 9, 1964,[5] during the reading of the Journal, Mr. Charles A. Halleck, of Indiana, raised a parliamentary inquiry whether there was any method by which he could be recognized for one minute. Speaker John W. McCormack, of Massachusetts, responded that unanimous consent could be granted for such recognition, and the House granted unanimous consent for the purpose of that recognition.

Recognition and Limitation of Time for Special Order Speeches; "Oxford-style" Debates

§ 10.64 Pursuant to several unanimous-consent requests, the House agreed to a 90-day trial period from February 23 through May 23, 1994, [subsequently extended on several occasions] and agreed on a format of recognition and limitation of time for each party for special-order speeches, including periodic "Oxford style" structured debates and morning-hour debates; the Speaker then announced the applicable guidelines for recognition during such speeches and debate.

The following unanimous-consent request was agreed to on Feb. 11, 1994:[6]

MR. [RICHARD A.] GEPHARDT [of Missouri]: Mr. Speaker, following my unanimous-consent request to put in place an agreed upon format for recognitions to address the House during a 90-day trial period beginning February 23, 1994, including a morning hour debate, an oxford style debate and a restriction on special order speeches, the Speaker will announce his guidelines for recognition. In so doing it is stipulated that the establishment of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 1, rule XIV should circumstances so warrant.

Mr. Speaker, I ask unanimous consent that the special orders previously granted by the House to address the House on dates through May 23, 1994 be vacated;

Further that during the period beginning February 23, 1994 and for 90

5. 110 CONG. REC. 7356, 88th Cong. 2d Sess.

6. CONG. REC. p. ____, 103d Cong. 2d Sess.

days thereafter, on Mondays and Tuesdays of each week the House convene 90 minutes earlier than the time otherwise established by order of the House solely for the purpose of conducting morning hour debates to be followed by a recess declared by the Speaker pursuant to clause 12, rule I under the following conditions:

(1) Prayer by the Chaplain, approval of the Journal and the pledge of allegiance to the flag to be postponed until the resumption of the House session following the completion of morning hour debate;

(2) Debate to be limited not to exceed 30 minutes allocated to each party, with initial and subsequent recognition alternating daily between parties to be conferred by the Speaker only pursuant to lists submitted by the majority leader and minority leaders respectively (no Member on such lists to be permitted to address the House for longer than 5 minutes except for the majority leader and minority leader respectively);

Further, that on (every third) Wednesday, beginning on a day to be designated by the Speaker and mutually agreed upon by the majority leader and minority leader, it shall be in order, at a time to be determined by the Speaker, for the Speaker to recognize the majority leader and minority leader (or their designees), jointly, for a period of not to exceed 2 hours, for the purpose of holding a structured debate. The topic of the debate, when mutually agreed upon by the majority leader and minority leader, shall be announced by the Speaker. The format of the debate, which shall allow for participation by four Members of the majority party and four from the minority party in the House, chosen by their respective party leaders, with specified times for presentations and rebuttals by all participants, and periods of questioning of each Member by others participating, shall be announced to the House by the Speaker.

THE SPEAKER:[7] Is there objection to the request of the gentleman from Missouri?

There was no objection.

Subsequently, the Speaker announced the following guidelines for implementation of the unanimous-consent agreement:

THE SPEAKER: With respect to special orders to address the House for up to 1 hour at the conclusion of legislative business or on days when no legislative business is scheduled, the Chair announces that:

First, Tuesdays, following legislative business, there will be an unlimited period of special orders not extending beyond midnight, with recognition for 5-minute and then for longer special orders alternating between the parties and with initial recognition, for longer special orders, rotating on a daily basis between the parties, and with the first hour of recognition on each side reserved to the House leadership—majority leader and whip and minority leader or their designee;

Second, on Mondays, Wednesdays, except those Wednesdays when Oxford style debates are in order, Thursdays and Fridays, the Chair will recognize Members from each party for up to 2 hours of special order debate at the conclusion of legislative business and

7. Thomas S. Foley (Wash.).

5-minute special orders, or when no legislative business is scheduled, not extending beyond midnight, again with initial recognition alternating between the parties on a daily basis and with the allocation of time within each 2-hour period, or short period if pro rated to end by midnight, to be determined by a list submitted to the Chair by the House leadership, majority leader and whip and minority leader or designees, respectively, and with the first hour of recognition on each side reserved to the House leadership, majority leader and whip and minority leader or their designees. Members will be limited to signing up for all such special orders no earlier than 1 week prior to the special order, and additional guidelines may be established for such sign-ups by the majority and minority leaders, respectively. One-minute speeches on those days both prior to and at the conclusion of legislative business shall be at the discretion of the Speaker;

Third, pursuant to clause 9(b)(1) of rule I, during this trial period the television cameras will not pan the Chamber, but a crawl indicating morning hour or that the House has completed its legislative business and is proceeding with special order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair;

Fourth, special orders to extend beyond the 4-hour period may be permitted at the discretion of the Chair with advance consultation between the leaderships and notification to the House.

Parliamentarian's Note: On subsequent occasions, the House extended the above unanimous-consent agreement.[8] On May 12, 1995, the House extended the agreement by unanimous consent, but changed the Tuesday morning hour to 9 a.m.

The proceedings of May 12, 1995, were as follows:

MR. [RICHARD K.] ARMEY [of Texas]: Mr. Speaker, I ask unanimous consent that the order of the House of January 4, 1995, relating to morning hour debates be continued through the adjournment of the 2d session of the 104th Congress sine die, except that on Tuesdays the House shall convene for such debate 1 hour earlier than the time otherwise established by order of the House rather than 90 minutes earlier; and the time for such debates shall be limited to 25 minutes allocated to each party rather than 30 minutes to each; but in no event shall such debates continue beyond the time that falls 10 minutes before the appointed hour for the resumption of legislative business, and with the understanding that the format for recognition for special order speeches first instituted on February 23, 1994, be continued for the same period. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Texas?

There was no objection.

Meetings of the leadership following the February 11 proceedings produced further guide-

8. See the proceedings of May 23, 1994; June 10, 1994; Jan. 4, 1995; Feb. 16, 1995; and May 12, 1995.

lines for implementation of the special-order and morning-hour procedures. The guidelines provided, among other matters, for alternation of recognition between the parties, and for procedures whereby Members sign up in advance for special orders, the majority in the Majority Leader's office and the minority in the cloakroom, the lists to be approved on the floor. For the Oxford-style debates, each leader would designate four participants for the debate every third Wednesday, to be held on a mutually agreeable topic announced by the Speaker. Guidelines for the morning hour on every Monday and Tuesday also provided for allocation of time and for the procedure of signing up with the party leaders.[9]

Recognition for Special-order Speeches—Speaker's Guidelines

§ 10.65 Pursuant to the Speaker's guidelines of Aug. 8, 1984, recognition for special-order speeches of five minutes occurred in the order in which they were requested, alternating between majority and minority Members with each Member controlling his own time (in the absence of unanimous consent to permit recognition out of that order).

On Oct. 21, 1985,[10] during the period designated for special-order speeches, the Chair responded to a parliamentary inquiry regarding the order of recognition:

> THE SPEAKER PRO TEMPORE:[11] Under a previous order of the House, the gentleman from Arizona (Mr. [Eldon D.] Rudd) is recognized for 5 minutes. . . .
>
> MR. [GEORGE W.] GEKAS [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> Mr. Speaker, since the gentleman from Arizona (Mr. Rudd), the gentleman from North Carolina (Mr. Coble), and myself are all going to engage in the same discussion, is it possible to amalgamate the special orders entered into for the three of us into one block of time and allow us to yield back and forth so that we can complete a three-way dialog on it?
>
> THE SPEAKER PRO TEMPORE: The Chair will call the Members' names in the order they appear here. No other Members are seeking special orders today. We will call Members' names in order. . . .
>
> Under a previous order of the House, the gentleman from North Carolina (Mr. [Howard] Coble) is recognized for 5 minutes. . . .

9. See the procedures agreed to in meetings of the leadership for special orders, Oxford debates, and morning hours (Feb. 17, 1994).

10. 131 CONG. REC. 28129, 28130, 99th Cong. 1st Sess.

11. Glenn English (Okla.).

Under a previous order of the House, the gentleman from Pennsylvania (Mr. Gekas) is recognized for 5 minutes.

MR. GEKAS: Mr. Speaker, I yield to my colleague, the gentleman from Arizona (Mr. Rudd), and I would only ask that he give me a chance to say something in response to the gentleman who is in the well.

Parliamentarian's Note: In this case, the Chair observed that Representative Morris K. Udall, of Arizona, a Democrat, was listed after Representative Coble, but was not present, and so the three Republican Members (Mr. Rudd, Mr. Coble, and Mr. Gekas) would be recognized in sequence, each to control his own time, and unanimous consent was not required to permit Mr. Gekas to be recognized ahead of Mr. Udall.

—*Discretion of Speaker*

§ 10.66 The Speaker may not be compelled by a motion under Rule XXV to recognize Members for scheduled "special orders" immediately upon completion of scheduled legislative business, but rather may continue to exercise his power of recognition under Rule XIV clause 2 to recognize other Members for unanimous-consent requests and permissible motions; thus, the Speaker has declined to recognize a Member who sought to invoke Rule XXV to interfere with the Speaker's power of recognition.

Rule XXV, which provides that "questions as to the priority of business shall be decided by a majority without debate," merely precludes debate on motions to go into Committee of the Whole, on questions of consideration, and on appeals from the Chair's decisions on priority of business, and should not be utilized to permit a motion directing the Speaker to recognize Members in a certain order or to otherwise establish an order of business. Thus, for example, on July 31, 1975,[12] the Speaker[13] refused to recognize a Member who sought to make a motion to direct recognition of Members for special orders.

MR. PHILLIP BURTON [of California]: Mr. Speaker, I make a point of order that a quorum is not present.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I make a point of order. . . .

Mr. Speaker, I would like to make the point of order to this effect: Under the new rules of the House, is it not true that once the House has proceeded to the closing business of the day, granting requests for absences and special orders, that it is no longer

12. 121 CONG. REC. 26249, 26251, 94th Cong. 1st Sess.

13. Carl Albert (Okla.).

in order to make a point of order that a quorum is not present?

THE SPEAKER: The Chair has not started to recognize Members for special orders yet. All the business on the Chair's desk has been completed. . . .

MR. BAUMAN: Mr. Speaker, I make the point of order that the rules preclude a quorum at this point because personal requests have already been read from the desk. A leave of absence was granted to the gentleman from Texas (Mr. Teague).

Under the new rules, Mr. Speaker, a quorum does not lie after this point of business in the day.

THE SPEAKER: If the Chair understands the gentleman's point of order, it relates to the fact, which is a new rule, not the rule we used to follow. The rule is that once a special order has started, the Member who has the special order and is speaking cannot be taken off his feet by a point of order of no quorum. However, there is nothing in the rules of which the Chair is aware that requires the Chair to begin to call a special order at any particular time.

MR. BAUMAN: Mr. Speaker, I move under rule XXV that the House proceed to recognize the Members previously ordered to have special orders today, and on that I ask for a rollcall vote.

MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Speaker, I move that the House do now adjourn.

The question was taken.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 137, nays 202, not voting 95, as follows: . . .

MR. BAUMAN: Mr. Speaker, under rule XXV, I again renew my motion that the Chair proceed to the recognition of other Members who have previously been granted special orders for today.

THE SPEAKER: The Chair recognizes the gentleman from California (Mr. Danielson).

MR. [GEORGE E.] DANIELSON [of California]: Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

MR. BAUMAN: Mr. Speaker, there is a motion pending.

Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I move that the House do now adjourn.

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

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 142, nays 205, not voting 87, as follows: . . . .

§ 10.67 The Speaker is not required to recognize Members for scheduled "special-order" speeches immediately upon completion of legislative business but may continue to recognize other Members for unanimous-con-

sent requests and permissible motions.

On July 31, 1975,[14] the proposition stated above was demonstrated in the House as follows:

MR. JOHN L. BURTON [of California]: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER:[15] The motion is not in order since we just had a vote on a similar motion and there has been no intervening business or debate. . . .

The Chair will take unanimous-consent requests.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I move that the House recess subject to the call of the Chair.

THE SPEAKER: The Chair will state to the gentleman that is not a privileged motion. The Chair cannot entertain that motion at this time.

MR. [WILLIAM L.] ARMSTRONG [of Colorado]: Mr. Speaker, I have a parliamentary inquiry. Mr. Speaker, my parliamentary inquiry is will the Chair state what is the pending business before the House?

THE SPEAKER: The Chair will state there is no pending business. . . .

MR. ARMSTRONG: Mr. Speaker, under a previous order of the House I have been granted a special order for 60 minutes. I ask to be recognized at this time for that purpose.

THE SPEAKER: The gentleman from Colorado does not have the first special order.

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Speaker, I believe I have the first special order, and I ask to be recognized.

THE SPEAKER: The Chair is not going to recognize any special order at this time, and the Chair has that authority. . . .

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: . . . Mr. Speaker, is it not correct to say that if a unanimous-consent request to allow the Committee on Rules until midnight to file a report on the Turkish aid issue now being debated by the other body, was granted, that the House could then adjourn and at the same time work its will because then, if the Committee on Rules files a report, it could be considered then under the rules of the House, and if they did not file a report, the issue would be moot?

THE SPEAKER PRO TEMPORE: The Chair will state that that is an accurate statement of the situation, as the Chair understands it. . . .

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, there have been some remarks made that the House would be denied its will and there would be no way to consider the matter in the event the other body agreed to some legislation tonight. Am I correct in the proposition that if a bill is passed by the other body tonight, there is a procedure under the rules whereby the matter could be considered tomorrow? . . .

THE SPEAKER: The Chair will state this. The regular rule is that a report from the Rules Committee has to go over 1 day or it takes a two-thirds vote for consideration on the day reported. The other way is that a unanimous-consent request can be made, and if the Committee on Rules can file it by

14. 121 CONG. REC. 26243–47, 94th Cong. 1st Sess.

15. Carl Albert (Okla.).

10 o'clock tomorrow, and the House adjourns tonight, then it will take a majority vote for consideration tomorrow after the House meets, just as it always does on a subsequent legislative day.

—*Previous Order of House: Veterans Day Speeches*

§ 10.68 After a recess of approximately six hours and eleven minutes, the Speaker called the House to order, and under a previous order of the House, recognized a majority and minority member of the Committee on Veterans' Affairs for special-order speeches in commemoration of Veterans Day.

The following proceedings occurred in the House on Nov. 11, 1983:[16]

The recess having expired, the House was called to order by the Speaker at 6 o'clock p.m.

IN COMMEMORATION OF VETERANS DAY

THE SPEAKER:[17] Under a previous order of the House, the gentleman from California (Mr. Edwards) will be recognized for 30 minutes; and the gentleman from Arkansas (Mr. Hammerschmidt) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Edwards).

16. 129 CONG. REC. 32289, 98th Cong. 1st Sess.

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

—*Before or After Legislative Business*

§ 10.69 Once special orders have begun, it is customary not to resume legislative business, however this custom is not binding on the House and the Speaker has the authority to recognize for further business; thus, on occasion the Speaker has announced that he would begin to call the special orders, which action would not prejudice calling up of further legislative business later that day.

On Aug. 1, 1975,[18] Speaker Carl Albert, of Oklahoma, made the following statement:

THE SPEAKER: . . . The normal procedure, as the Members know, special orders are called when the legislative business has ended. We have not called special orders yet.

We have at least three bills, to my knowledge, that may come over here from the Senate.

The Chair would like to take the special orders and reserve the authority to call up these bills at a later time. . . .

ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER: Without prejudice to calling up other legislative business

18. 121 CONG. REC. 26952–54, 94th Cong. 1st Sess.

which might come over to the House from the Senate, the Chair will call the special orders at this time.

§ 10.70 The Speaker announced that he was awaiting a message from the Senate, and that he would recognize for requests and special orders while reserving the right to call up the Senate message on its arrival.

On Nov. 20, 1975,[19] Speaker Carl Albert, of Oklahoma, made the following statement:

THE SPEAKER: The House is waiting for a message from the Senate but the Chair will take requests from the acting floor leaders at this time, reserving the right to call up the message whenever it gets here.

§ 10.71 The Chair announced, having consulted with both sides of the aisle, that he would entertain one or more special-order speeches previously granted for the day, not necessarily in the order in which granted, with the understanding that further legislative business scheduled for the day, and possible rollcall votes, would follow such speeches, and that other special-order speeches might follow all legislative business.

On Oct. 4, 1984,[20] the Chair made an announcement regarding proceedings in the House for the remainder of the day:

THE SPEAKER PRO TEMPORE:[1] The Chair desires to make an announcement. After consultation with both sides of the aisle, the Chair will entertain one or more special order speeches previously granted at this time, not necessarily in the order in which granted, with the understanding that further legislative business scheduled for the day, and possible rollcall votes, will follow those speeches for which the Chair recognizes. Other special orders may follow all legislative business.

—*Entertaining Unanimous-consent Request, Concerning Legislative Business, During Special Orders*

§ 10.72 While the Chair will not ordinarily entertain unanimous-consent requests involving legislative business during "special-order speeches" when no further legislative business is scheduled, he may entertain a request for late filing of a report when assured that the minority has no objection to the request or to its being made during special orders.

The following proceedings occurred in the House on Nov. 21,

19. 121 CONG. REC. 37301, 94th Cong. 1st Sess.

20. 130 CONG. REC. 30015, 98th Cong. 2d Sess.

1. Theodore S. Weiss (N.Y.).

1985,[2] during the period designated for special-order speeches:

THE SPEAKER PRO TEMPORE:[3] Under a previous order of the House, the gentleman from Florida (Mr. Nelson) is recognized for 5 minutes.

MR. [BILL] NELSON [of Florida]: Mr. Speaker, due to official business, I was unable to be present and voting for rollcall Nos. 414 through 416 on November 20, 1985. . . .

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from Oregon (Mr. Weaver) is recognized for 5 minutes.

MR. [JAMES] WEAVER [of Oregon]: . . . Mr. Speaker, according to estimates prepared by the Congressional Budget Office, my bill will save the American taxpayers $30 billion over the next 5 years. . . .

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a joint resolution making further continuing appropriations for the fiscal year 1986.

THE SPEAKER PRO TEMPORE: Does the Chair understand that this has been cleared with the other side?

MR. NATCHER: This has been cleared, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Kentucky?

There was no objection.

2. 131 CONG. REC. 32946, 32947, 99th Cong. 1st Sess.

3. Kenneth J. Gray (Ill.).

—Committee on Rules Filing Privileged Report During Special Orders

§ 10.73 The Committee on Rules has on occasion filed a privileged report during special-order speeches, unanimous consent not being required.

Although it is true that legislative business generally does not take place after special-order speeches have begun, the practice has not been considered as prohibiting the filing of special rules. Thus, on Nov. 4, 1983,[4] a privileged report from that committee was submitted:

Mr. [Tony P.] Hall of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 98–487) on the resolution (H. Res. 362) providing for the consideration of the joint resolution (H.J. Res. 403) making further continuing appropriations for the fiscal year 1984, which was referred to the House Calendar and ordered to be printed.

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from Pennsylvania (Mr. Walker) is recognized for 60 minutes.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, it has been generally accepted in the House that we operate under certain comity principles that permits us to operate in an

4. See 129 CONG. REC. 30954, 30956, 30957, 98th Cong. 1st Sess.

orderly fashion. We try around here to do certain things that move the House forward, and on some irregular occasions there have been, and I have been a part of many of those, attempts to slow down the procedures of the House simply by utilizing the rules. . . .

Well, we do have a standing commitment in the House that we will conduct no substantive business after special orders have been arrived at. I would say to the gentleman it was his staff who reminded me of that last winter when I stood on the floor and protected just that procedure here late one evening. I think it was around 1 o'clock in the morning, as a matter of fact. That is precisely what this gentleman is referring to.

The filing of the rule, which is a controversial rule, is in my mind a piece of business that violates that comity procedure . . . .

MR. [JAMES C.] WRIGHT [Jr., of Texas]: That would have been substantive business of a type that manifestly is not considered to be in order generally after you have begun special orders because the unanimous consent by which a special order is granted is usually predicated upon the request that upon completion of all business, the gentleman from Pennsylvania, or wherever, might be permitted to address the House for 60 minutes, or for however long.

But I think what the gentleman may not be aware of is that the filing of rules is a matter separate and apart from the taking up of legislative business. The filing of rules has occurred on numerous occasions after special orders have begun.

—*Recognition Before or After Recess*

§ 10.74 Where legislative business has been completed prior to the announced time for a recess, the Speaker has in his discretion recognized some Members for special-order speeches until the declaration of a recess and then recognized other Members for special orders following the recess (for a joint session to receive a message from the President).

On Jan. 25, 1984,[5] the Speaker responded to several parliamentary inquiries regarding special-order speeches:

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from California (Mr. Lungren) is recognized for 60 minutes.

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

THE SPEAKER:[6] The gentleman will state his parliamentary inquiry.

MR. WALKER: Do not the special orders normally come at the end of the legislative day, and would we not be entitled to a special order at the end of the legislative day?

THE SPEAKER: Of course, if the gentleman wants the time, some Member of his party can speak up for him; no problem. We are not doing anything that is unusual.

Does the gentleman desire his time?

MR. [DANIEL E.] LUNGREN [of California]: Mr. Speaker, I have a parliamentary inquiry at this point. . . .

5. 130 CONG. REC. 372, 373, 98th Cong. 2d Sess.

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

It is my understanding the Speaker announced when he took the chair this morning that we have to, for security reasons, leave no later than 5 o'clock today.

THE SPEAKER: The gentleman is correct.

MR. LUNGREN: And since my special order is for an hour, I would like to have that hour and not interfere with the sweep of the House. I would be here immediately after the President's speech.

THE SPEAKER: Does the gentleman want 20 minutes now and the remainder later on this evening?

MR. LUNGREN: That is a very, very nice suggestion on the part of the Speaker, but I would like to collect my thoughts after the President's speech.

THE SPEAKER: The Chair will be happy to grant the gentleman's request.

MR. LUNGREN: I thank the Speaker.

THE SPEAKER: Under a previous order of the House, the gentleman from Pennsylvania (Mr. Walker) is recognized for 60 minutes.

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

THE SPEAKER: The gentleman will state it.

MR. WALKER: Mr. Speaker, would I also be entitled to collect my thoughts so that I might utilize the time later on this evening? It may take me a little time.

THE SPEAKER: Well, if that is the gentleman's request, I would be happy to grant it.

MR. WALKER: I thank the Speaker for that very much.

THE SPEAKER: Under a previous order of the House, the gentleman from Georgia (Mr. Gingrich) is recognized for 20 minutes.

Does the gentleman wish to take 20 minutes now?

MR. [NEWT] GINGRICH [of Georgia]: The Speaker has been so generous to us today and is, as always, such an able man in presiding over this body and it is such a joy to work with him that if the Speaker would not mind my taking 20 minutes now, I would be very honored to take some time now.

THE SPEAKER: The gentleman may have the 20 minutes now and is so recognized.

Parliamentarian's Note: Representatives Lungren and Walker had one-hour special orders, which would run longer than the remaining time prior to the 5 p.m. recess. Thus, the Speaker recognized Representative Gingrich, who had a 20-minute special order, and returned to the other Members after the joint session.

—*Question of Personal Privilege Takes Precedence*

§ 10.75 Under Rule IX, a question of personal privilege takes precedence over a special-order speech previously scheduled at the conclusion of legislative business; on one occasion, a Member who had received, by unanimous consent, permission to address the House under a "special order" rose instead to a question of personal

privilege based on a press account criticizing him in his official capacity and was recognized for one hour.

On Sept. 21, 1979,[7] the following proceedings occurred in the House:

MR. [JACK] BRINKLEY [of Georgia]: . . . [P]rior to the convening of the 96th Congress . . . [Mr. Claude D. Pepper, of Florida] agreed to hold the record open on a proposed report from the staff of the Select Committee on the Aging—in order to include a presentation from American Family Life Assurance Co. headquartered in my congressional district.

A Knight-Ridder reporter, noting my connection, made something sinister of it. I had attended the conference with Congressman Pepper; my public disclosure statement showed that I was a stockholder.

—*One Hour Limit*

§ 10.76 A Member may not control more than one hour of debate in the House (on a special order), even by unanimous consent.

On Oct. 16, 1979,[8] the following proceedings occurred in the House:

THE SPEAKER:[9] Under a previous order of the House, the gentleman from Arizona (Mr. Rhodes) is recognized for 60 minutes.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, the purpose of this special order is to outline what Congress should be doing to help our Nation turn back inflation. It has been said that inflation is the neutron bomb of our economy. . . .

THE SPEAKER PRO TEMPORE:[10] The time of the gentleman from Arizona (Mr. Rhodes) has expired.

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I ask unanimous consent that the gentleman proceed for 5 additional minutes.

THE SPEAKER PRO TEMPORE: That request is not in order.

—*Relevancy in Debate; Principle as Applicable*

§ 10.77 Unanimous-consent requests to address the House for up to one hour may specify the subject of the "special order", and the occupant of the Chair during that special order may enforce the rule of relevancy in debate if the special order has been permitted only on that subject.

Most special-order requests do not specify the subject to be debated, and if granted by the House the Member recognized may speak on any subject. Under Rule XIV, clause 1, however, if the question under debate has

7. 125 CONG. REC. 25656, 96th Cong. 1st Sess.

8. 125 CONG. REC. 28508, 28515, 96th Cong. 1st Sess.

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

10. John G. Fary (Ill.).

been specified by the House, the Member must confine his remarks to that subject. On Jan. 23, 1984,[11] a Member indicated the subject of special orders requested, and another Member asked for a ruling that the special orders be strictly limited to those subjects:

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include extraneous material:

Ms. Oakar, for 15 minutes;

Mr. Annunzio, for 5 minutes;

Mr. Gonzalez, for 30 minutes . . . .

THE SPEAKER PRO TEMPORE:[12] . . . Is there objection to the request of the gentlewoman from Colorado? . . .

MRS. SCHROEDER: Mr. Speaker, I also ask unanimous consent that following legislative business on the following days, these special orders be allowed so that Members may revise and extend their remarks, and include therein extraneous material:

Mrs. Schroeder, to honor the prior Congressman, Mr. Rogers——

MR. [ROBERT S.] WALKER [of Pennsylvania]: Regular order, Mr. Speaker.

MRS. SCHROEDER: Mr. Speaker, may I make a point? These are requests for the honoring of members who were deceased over the period that we have been adjourned.

MR. WALKER: Regular order, Mr. Speaker.

The unanimous-consent request is simply for time, and it is not supposed to include the title of what it is that is being done. . . .

MRS. SCHROEDER: Yes, Mr. Speaker. There is precedent for restating why we want special days assigned, and several Members, prior Members of this body, were deceased during this period while we have been adjourned.

Many Members would like to participate in the special orders, and Members have requested certain days in advance so that we could know that and send out a "Dear Colleague" in order to do that. . . .

The three orders dealing with that are these:

Myself, representing the memory of Byron Rogers, which we hope to do on January 30 for 60 minutes; and

Mr. Kastenmeier and Mr. Fascell on January 31, both wanting 60 minutes to the memory of our deceased prior chairman, Mr. Zablocki.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentlewoman from Colorado?

MR. WALKER: Mr. Speaker, reserving the right to object, I do so to request of the Chair whether or not these special orders will be absolutely limited to those subject matters. I ask whether the Chair will rule at this point that those special orders being entered into will be absolutely limited to those subject matters that were suggested by the gentlewoman from Colorado.

THE SPEAKER PRO TEMPORE: The Chair will state that the occupant of

11. 130 CONG. REC. 90–93, 98th Cong. 2d Sess.

12. Richard B. Ray (Ga.).

the chair at the time would have to rule on such matters.

—*Yielding During Special-order Speeches*

§ 10.78 By unanimous consent, a Member recognized for one hour in the House for a "special-order speech" may yield a designated portion of that time to another Member, to be yielded in turn by that Member.

The following proceedings occurred in the House on July 17, 1985:[13]

MR. [WILLIAM F.] CLINGER [Jr., of Pennsylvania]: Mr. Speaker, I am delighted to be joined in this special order by my distinguished chairman, the chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey (Mr. Howard), and by my distinguished leader of the Economic Development Subcommittee, the gentleman from New York (Mr. Nowak).

Mr. Speaker, I ask unanimous consent to yield to the gentleman from New Jersey (Mr. Howard) 30 minutes of my special order time.

THE SPEAKER PRO TEMPORE:[14] Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MR. CLINGER: Mr. Speaker, I yield to my chairman.

MR. [JAMES J.] HOWARD [of New Jersey]: Mr. Speaker, I ask unanimous consent that I be permitted to yield a portion of the time yielded to me by the gentleman from Pennsylvania (Mr. Clinger) to other Members of the House.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

§ 11. Limitations on Power of Recognition; Basis for Denial

Some limitations on the Speaker's power of recognition are inherent in certain House rules (see Rule XIV and XXXII). Other restrictions have developed in longstanding practices to which the Speaker adheres.

Cross References

Chair's interpretation of special rules as to recognition, see § 28, infra.

Chair's power of recognition limited by rules as to duration of debate, see §§ 67 et seq., infra (in the House) and §§ 74 et seq., infra (in Committee of the Whole).

Order of recognition as limitation on Chair's power, see §§ 12–15, infra.

Limitations on Power of Speaker

§ 11.1 In response to parliamentary inquiries, the Chair

13. 131 CONG. REC. 19474, 19475, 99th Cong. 1st Sess.

14. Richard A. Gephardt (Mo.).

indicated that the Speaker's power of recognition is subject to any limitations imposed by the House rules.

On July 29, 1970,[15] the Committee of the Whole was considering H.R. 17654, the Legislative Reorganization Act of 1970. A pending amendment thereto would have required the *Congressional Record* to contain a verbatim account of floor proceedings. The amendment also contained a provision authorizing Members to insert remarks not spoken on the floor but requiring their printing in distinctive type.

Mr. Dante B. Fascell, of Florida, made a number of parliamentary inquiries as to the effect of the pending amendment on the Chair's power of recognition. Chairman William H. Natcher, of Kentucky, indicated: (1) that unless specifically restricted by a rule of the House, the Speaker retains the right of recognition; (2) that the Speaker may recognize for unanimous-consent requests to waive the requirements of an existing rule unless the rule in question specifies that it is not subject to waiver, even by unanimous consent; and (3) that there are certain rules (such as the prohibition against reference to gallery occupants in Rule XIV, clause 8, and Rule XXXII, clause 1, regarding admission to the floor) which the Speaker himself cannot waive and which are not subject to waiver by unanimous consent.

Recognizing for Questions of Privilege

§ 11.2 While one question of privilege is pending, the Chair does not recognize a Member to present another question of privilege.

On Apr. 20, 1936,[16] Speaker Joseph W. Byrns, of Tennessee, ruled that while one Member had stated a question of privilege and that question was pending, another Member could not rise to another question of privilege:

> MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, I rise to a question of the privilege of the whole House and offer a privileged resolution, which I ask the Clerk to read.
>
> The Clerk read as follows:
>
> HOUSE RESOLUTION 490
>
> Whereas during the House proceedings on April 17, 1936, the gentleman from Washington [Mr. Zioncheck] attempted to speak out of order and to indulge in personalities, when he was admonished by the Chair, as follows——
>
> MR. [MARION A.] ZIONCHECK: Mr. Speaker, I rise to a point of personal privilege.

15. 116 CONG. REC. 26419, 91st Cong. 2d Sess.

16. 80 CONG. REC. 5704–06, 74th Cong. 2d Sess.

THE SPEAKER: The gentleman cannot do that while another question of privilege is pending.

MR. ZIONCHECK: A point of order, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. ZIONCHECK: The point of order is this: I know what the contents are. I have no objection to them.

THE SPEAKER: The gentleman is not stating a point of order. The gentleman will please remain quiet while this resolution is being read for the information of the House.[17]

Recognition During Reading of Presidential Messages

§ 11.3 The Chair declines to recognize Members to submit parliamentary inquiries during the reading of a message from the President.

On Jan. 21, 1946,[18] Speaker Pro Tempore John W. McCormack, of Massachusetts, laid before the House the message of the President on the state of the Union and transmitting the budget. Mr. Robert F. Rich, of Pennsylvania, interrupted the reading of the message to raise a parliamentary inquiry. The Speaker Pro Tempore ruled that a parliamentary inquiry could not be entertained during the reading of the message.

Recognition on Questions of Equal Privilege

§ 11.4 Where two propositions of equal privilege are pending it is for the Chair to decide whom he will recognize to call up one of the propositions, but the House may by unanimous consent determine such precedence.

On Sept. 11, 1945,[19] Speaker Sam Rayburn, of Texas, recognized Mr. Alfred L. Bulwinkle, of North Carolina, to make the unanimous-consent request that when the House meets on the following day, it immediately proceeds to the consideration of H.R. 3974. Mr. Robert F. Rich, of Pennsylvania, stated under a reservation of objection that he was under the impression that another bill was to be the first order of business on the following day. The Speaker responded:

> That is a question for the Chair, as to whether the Chair will recognize the gentleman from Illinois to call up the rule or recognize the gentleman from Oklahoma to call up the bill repealing war time. The request being made at this time is for the war time repeal bill to take precedence.

17. See *House Rules and Manual* § 665 (1995) for the principle that two questions of privilege may not be pending at one time.

18. 92 CONG. REC. 164, 79th Cong. 2d Sess.

19. 91 CONG. REC. 8510, 8511, 79th Cong. 1st Sess.

Recognition for Point of No Quorum

§ 11.5 The Speaker does not recognize Members for a point of no quorum before the prayer is offered in the House.

On Apr. 12, 1946,[20] the House met at 10 o'clock a.m. Mr. Clare E. Hoffman, of Michigan, immediately made the point of order that a quorum was not present but Speaker Sam Rayburn, of Texas, declined to recognize him. The prayer was offered and the Speaker then inquired of Mr. Hoffman whether he desired to insist on his point of order, and Mr. Hoffman withdrew it.

Parliamentarian's Note: The prayer is not considered in House practice as business requiring the presence of a quorum.[1]

Recognition During Absence of Quorum

§ 11.6 The Chair refuses to recognize Members for business after the absence of a quorum has been announced by the Chair, and no business is in order until a quorum has been established.

On June 8, 1960,[2] Mr. Clare E. Hoffman, of Michigan, made a point of no quorum. Speaker Sam Rayburn, of Texas, counted and announced that a quorum was not present. A call of the House was ordered. Mr. Hoffman then attempted to seek recognition. The Speaker declined, saying:

> The Chair cannot recognize the gentleman because a point of order of no quorum has been made, and the Chair announced that there was no quorum.

§ 11.7 Pending a point of order of no quorum, the Chair may not recognize a Member to propound a parliamentary inquiry unrelated thereto.

On July 23, 1942,[3] Mr. Wright Patman, of Texas, made the point of order that a quorum was not present, and Mr. Earl C. Michener, of Michigan, immediately attempted to state a parliamentary inquiry. Speaker Sam Rayburn, of Texas, ruled:

> The Chair doubts the authority of the Chair to recognize the gentleman to propound a parliamentary inquiry when a point of order is made, unless the gentleman from Texas withholds it.

§ 11.8 The Chair does not recognize for a demand for a

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20. 92 Cong. Rec. 3567, 79th Cong. 2d Sess.

1. See 6 Cannon's Precedents § 663.

2. 106 Cong. Rec. 12142, 86th Cong. 2d Sess.

3. 88 Cong. Rec. 6540, 77th Cong. 2d Sess.

teller vote pending his count of a quorum.

On Aug. 21, 1950,[4] in the Committee of the Whole, Chairman Carl T. Durham, of North Carolina, ruled that he would not entertain a demand for a teller vote while counting for a quorum.

Recognition Pending Call to Order

§ 11.9 The Chair does not recognize for debate pending the demand that a Member's words be taken down.

On Jan. 21, 1964,[5] while the House was in the Committee of the Whole, certain words used in debate by a Member were demanded to be taken down and reported to the House. Before the Committee rose, Mr. James Roosevelt, of California, asked unanimous consent to proceed for one minute and Chairman William S. Moorhead, of Pennsylvania, refused to entertain the request.[6]

Recognition To Refer to Visitors

§ 11.10 The Chair declines to recognize Members to refer to gallery occupants or to ask unanimous consent for that purpose.[7]

On July 27, 1954,[8] during debate on a bill, Mr. Clarence Cannon, of Missouri, yielded to Mr. Walter H. Judd, of Minnesota, who stated his intention to call attention to a "French nurse who is in the gallery." Chairman Benjamin F. James, of Pennsylvania, ordered Mr. Judd to suspend since the rules of the House prohibited references to persons in the gallery. Mr. Judd then asked for unanimous consent to proceed out of order, and the Chairman answered as follows:

> The gentleman may not proceed out of order for the purpose for which he manifestly intends to use the time. The Chair regrets extremely that he must so hold under the rules of procedure of

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4. 96 Cong. Rec. 12960, 81st Cong. 2d Sess.

5. 110 Cong. Rec. 756, 757, 88th Cong. 2d Sess.

6. Pending the demand, no debate is in order and recognition may not be sought for any purpose (except the unanimous-consent request of the Member called to order to withdraw the disorderly words). See §§ 48 et seq., infra.

7. Rule XIV clause 8, *House Rules and Manual* § 764 (1995) provides "It shall not be in order for any Member to introduce or to bring to the attention of the House during its sessions any occupant in the galleries of the House; nor may the Speaker entertain a request for the suspension of this rule by unanimous consent or otherwise." See § 45, infra.

8. 100 Cong. Rec. 12253, 83d Cong. 2d Sess.

the House. We are all conscious of the great heroism of the person to whom the Chair knows that the gentleman wishes to allude, but it is a matter of extreme regret that because of the rules of the House, reference may not be made to anyone in the gallery.

Recognition for Reference to the Senate

§ 11.11 The Chair declines to recognize a Member proposing to refer to Senators or to proceedings of the Senate.

On May 25, 1937,[9] while the Committee of the Whole was considering House Joint Resolution 361, for relief appropriations, Mr. Alfred F. Beiter, of New York, stated his intention to read from letters he had from members of the Senate, stating their sympathy with a movement. Chairman John J. O'Connor, of New York, made a point of order, on his own responsibility, against the reading of the letters.[10]

Recognition for Motion To Adjourn

§ 11.12 The Chair cannot refuse to recognize a Member having the floor for a motion to adjourn.

On Mar. 16, 1945,[11] Mr. Robert F. Jones, of Ohio, objected to the vote on a motion to recommit a general appropriations bill on the ground that a quorum was not present. An automatic rollcall was ordered, but a quorum failed to respond. Mr. Clare E. Hoffman, of Michigan, was recognized for a parliamentary inquiry and then stated his intention to move that the House adjourn. Speaker Sam Rayburn, of Texas, asked him to withhold his request and Mr. Hoffman responded: "If the Chair is refusing recognition, I will." The Speaker stated that he could not so refuse recognition for a motion to adjourn. Mr. John W. McCormack, of Massachusetts, then moved adjournment and the motion was agreed to.[12]

Parliamentarian's Note: This bill was considered under the general rules of the House, since privileged for consideration. The special order for consideration of a typical non-privileged bill provides

9. 81 CONG. REC. 5013, 75th Cong. 1st Sess.

10. For the prohibition against references in debate to the Senate and for the duty of the Chair in relation to such references, see Jefferson's Manual, *House Rules and Manual* §§ 371–374 (1995), and § 44, infra.

11. 91 CONG. REC. 2379, 2380, 79th Cong. 1st Sess. For an occasion where the Speaker inferentially treated the motion to adjourn as dilatory, see § 9.45, supra.

12. The Chair may refuse to recognize for a motion to adjourn where the motion is obviously dilatory (see § 9.45, supra).

that "the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit." While that language would ordinarily preclude an intervening motion to adjourn, the failure of a quorum to vote on recommital or passage allows a motion to adjourn to intervene.

Requests Prohibited by Rule

§ 11.13 During the consideration of an omnibus private bill the Chair refused to recognize Members for unanimous-consent requests to extend the time for debate.

On July 20, 1937,[13] the House was considering omnibus bills on the Private Calendar. Mr. Alfred F. Beiter, of New York, was speaking for five minutes in opposition to an amendment which had been offered and asked unanimous consent to address the House for an additional minute when his time expired. Speaker William B. Bankhead, of Alabama, ruled that such a request could not be made, the rule limiting each side to five minutes' debate.[14]

§ 11.14 The Speaker stated that he would not recognize a Member to request an off-the-record meeting of Members in the House Chamber.

On Oct. 18, 1943,[15] John W. McCormack, of Massachusetts, the Majority Leader, announced that an off-the-record meeting of Members would be held in the auditorium of the Library of Congress in order to hear the Chief of Staff of the Army and other generals on the war situation. Mr. John E. Rankin, of Mississippi, objected that the meeting was an executive session of the House which should be held in the House Chamber. Mr. McCormack responded that the meeting was not an "executive session of Congress."

Mr. Rankin asked Mr. McCormack to modify his announcement to ask unanimous consent that the meeting be had in the House Chamber, but Speaker Sam Rayburn, of Texas, stated that he would not recognize a Member to make such a request.[16]

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13. 81 CONG. REC. 7293–95, 75th Cong. 1st Sess.

14. For the rule on consideration of omnibus private bills, see Rule XXIV clause 6 and comments thereto, *House Rules and Manual* §§ 893–895 (1995).

15. 89 CONG. REC. 8433, 78th Cong. 1st Sess.

16. See Rule XXXI, *House Rules and Manual* § 918 (1995) for the prohibition against suspending require-

§ 11.15 The Speaker has on occasion declined to recognize for unanimous-consent requests that committees may sit during sessions of the House while bills are being read for amendment.

On July 1, 1947,[17] Speaker Joseph W. Martin, Jr., of Massachusetts, refused to recognize a Member for a unanimous-consent request:

> MR. [SAMUEL K.] MCCONNELL [Jr., of Pennsylvania]: Mr. Speaker, I ask unanimous consent that a subcommittee of the Committee on Education and Labor holding hearings on minimum wages be allowed to sit tomorrow during the session of the House.
>
> THE SPEAKER: The Chair cannot recognize the gentleman for that purpose. Tomorrow the House will be reading the civil functions appropriation bill for amendment, and committees cannot sit during sessions of the House while bills are being read for amendment; only during general debate.[18]

§ 11.16 During the consideration of the Private Calendar, no reservation of objection is in order and the Chair does not recognize Members for requests to make statements.

On May 5, 1936,[19] objection was made to the consideration of a bill on the Private Calendar. Mr. Theodore Christianson, of Minnesota, made the following request:

> Mr. Speaker, will not the gentlemen withhold their objection for a moment? Mr. Speaker, I ask unanimous consent to make a statement regarding this bill.

Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

> The Chair cannot recognize the gentleman for that purpose under the express provisions of the rule. Otherwise the Chair would be glad to hear the gentleman.[20]

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ments as to the use of the Hall of the House.

Rule XXIX, providing for executive sessions, has rarely been utilized in modern times. See § 1, supra.

17. 93 CONG. REC. 8054, 80th Cong. 1st Sess.

18. See then Rule XI clause 3, *House Rules and Manual* § 739 (1973): "No committee of the House (except the Committee on Appropriations, the Committee on Government Operations, the Committee on Internal Security, the Committee on Rules, and the Committee on Standards of Official Conduct) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule." The present rule (Rule XI clause 2, *House Rules and Manual* § 710 (1995) states: "No committee of the House may sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress."

19. 80 CONG. REC. 6691, 74th Cong. 2d Sess.

20. See Rule XXIV clause 6, *House Rules and Manual* § 893 (1995) for the

Control of Debate Time Prescribed by Statute

§ 11.17 Debate on an implementing revenue bill must be equally divided and controlled among those favoring and those opposing the bill under section 151(f)(2) of the Trade Act of 1974, and unanimous consent is required to divide the time between the chairman and ranking minority member of the committee if both favor the bill; in the absence of such a unanimous-consent agreement, a Member opposed to the bill is entitled to control 10 hours of debate in opposition, with priority of recognition to opposing members of the Committee on Ways and Means; and the Member recognized to control the time in opposition may not be compelled to use less than that amount of time unless the Committee rises and the House limits further debate in the Committee of the Whole.

During consideration of the Trade Agreement Act of 1979 (H.R. 4537) in the House on July 10, 1979,[1] the following proceedings occurred:

> MR. [AL] ULLMAN [of Oregon]: Mr. Speaker, pursuant to Section 151(f) of Public Law 93–618, the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4537) to approve and implement the trade agreements negotiated under the Trade Act of 1974, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be equally divided and controlled between the gentleman from New York (Mr. Conable) and myself. . . .
>
> THE SPEAKER:[2] Is there objection to the request of the gentleman from Oregon (Mr. Ullman)?
>
> MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, reserving the right to object. . . .
>
> I take this reservation for the purpose of propounding a parliamentary inquiry to the Chair.
>
> The rule, section 151, before consideration says:
>
> > Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 hours which shall be divided equally between those fa-

basis for the Speaker's ruling: "Should objection be made by two or more Members to the consideration of any bill or resolution so called (from the Private Calendar), it shall be recommitted to the committee which reported the bill or resolution, and no reservation of objection shall be entertained by the Speaker."

1. 125 CONG. REC. 17812, 17813, 96th Cong. 1st Sess.
2. Thomas P. O'Neill, Jr. (Mass.).

voring and those opposing the bill or resolution. . . .

My query to the Chair as a part of my reservation is, if the unanimous-consent request of the chairman is granted can the chairman then move to terminate debate at any time during the course of debate before the 20 hours have expired?

THE SPEAKER: Reading the statute a motion further to limit the debate shall not be debatable, and that would be made in the House, either now or later, and not in the Committee of the Whole.

MR. ASHBROOK: Mr. Speaker, further reserving the right to object, if the gentleman from Ohio were to be recognized as opposing the bill, does the gentleman have the absolute right to the 10 hours regardless of the time that would be taken on the other side?

THE SPEAKER: Unless all general debate were further limited by the House a member of the Committee on Ways and Means who is opposed to the bill could seek to control the 10 hours of time. The gentleman would be entitled to the 10 hours unless a request came from a member of the Committee on Ways and Means who would be in opposition. . . .

MR. ASHBROOK: I thank the Speaker.

I ask this for a very specific purpose. Further reserving the right to object, it is my understanding then that the gentleman from Oregon could not foreclose debate as long as whoever controls the opposition time still has part of the 10 hours remaining. Is that correct, under the statute providing for consideration of this trade bill? . . .

THE SPEAKER: Not unless the committee rose and the House limited all debate.

A motion to limit general debate would not be entertained in the Committee of the Whole and the Chair cannot foresee something of that nature happening.

Member Recognized in Opposition Yielding Back Time

§ 11.18 Where debate on an amendment has been limited and equally divided between the proponent and a Member opposed, and the Chair has recognized the only Member seeking recognition in opposition to the amendment, no objection lies against that Member subsequently yielding back all the time in opposition.

On May 4, 1983,[3] the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons. House Joint Resolution 13 was being considered pursuant to a special rule agreed to on Mar. 16,[4] and a special rule providing for additional procedures for consideration, agreed to on May 4.[5] Mr. William S. Broomfield, of

3. 129 CONG. REC. 11077, 11078, 98th Cong. 1st Sess.
4. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.
5. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.

Michigan, rose in opposition[6] to an amendment[7] offered by Mr. Henry J. Hyde, of Illinois, to a substitute amendment:

MR. BROOMFIELD: Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN:[8] The gentleman is recognized for 15 minutes in opposition to the amendment, for purposes of debate only.

MR. BROOMFIELD: Mr. Chairman, I yield back the balance of my time.

MR. HYDE: Mr. Chairman, I yield back the balance of my time and request a vote.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, we have 15 minutes in order to oppose the amendment?

THE CHAIRMAN: No one stood up on that side of the aisle, and the gentleman from Michigan (Mr. Broomfield) represented to the Chair that he opposed the amendment and was recognized for 15 minutes in opposition, and he yielded back the balance of his time, as did the gentleman from Illinois (Mr. Hyde). . . .

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I have a parliamentary inquiry. . . .

Mr. Chairman, my inquiry is this: This side, which opposes the amendment, has been foreclosed an opportunity, not on this amendment but on the previous amendment, to have 15 minutes in opposition to the amendment because a Member on that side who voted against an amendment that was hostile to the exact amendment said he was opposed to it.

My parliamentary inquiry is, Mr. Chairman, is that in order?

THE CHAIRMAN: As the Chair previously explained, no one on the majority side of the aisle rose in opposition to that amendment. The Chair looked to the other side of the aisle and the gentleman from Michigan (Mr. Broomfield) rose, represented that he was in opposition to the amendment and was recognized.

Parliamentarian's Note: Had another Member also been seeking to control time in opposition at the time the first Member was recognized and yielded back, the Chair could have allocated the time to that Member so that it could have been utilized.

Member May Not Proceed After Debate Time Expires

§ 11.19 Where a Member has been notified by the Chair that his debate time has expired, he is thereby denied further recognition in the absence of permission of the House to proceed, and he has no right to further address the House after that time.

On Mar. 16, 1988,[9] at the expiration of his one-minute speech, a Member who persisted in address-

6. 129 CONG. REC. 11078, 98th Cong. 1st Sess.
7. *Id.* at p. 11077.
8. Matthew F. McHugh (N.Y.).
9. 134 CONG. REC. 4081, 4084, 100th Cong. 2d Sess.

ing the House was repeatedly notified by the Chair that his time had expired and he had no further right to continue. The proceedings were as follows:

MR. [ROBERT K.] DORNAN of California: In 10 years . . . I have never heard on this floor so obnoxious a statement as I heard from Mr. Coelho, which means "rabbit" in Portuguese, as ugly a statement as was just delivered. Mr. Coelho said that we on our side of the aisle and those conservative Democrats, particularly those representing States which border the Gulf of Mexico, sold out the Contras. That is absurd . . . . Panama is in chaos and Communists in Nicaragua, thanks to the liberal and radical left leadership in this House are winning a major victory, right now.

THE SPEAKER PRO TEMPORE:[10] The time of the gentleman from California [Mr. Dornan] has expired.

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

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

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

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

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

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

MR. DORNAN of California: People are dying.

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

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

MR. [JUDD] GREGG [of New Hampshire]: . . . Under what rule does the Speaker decide to close down the debate and pursue a policy of shutting up the opposition by [not] allowing us access to the public and to the media and to our own microphones, the microphones of this House? . . .

THE SPEAKER PRO TEMPORE: . . . Mr. Dornan grossly exceeded the limits and abused the privilege far in excess of 1 minute, and the Chair proceeded to restore order and decorum to the House. . . .

The Chair will state that unless a person receives permission to address the House, under the rules of the House he is not addressing the House. . . .

MR. GREGG: . . . I have not heard the Chair respond to my inquiry which is what ruling is the Chair referring to which allows him to turn off the microphone of a Member who has the floor?

THE SPEAKER PRO TEMPORE: Clause 2 of rule I. . . .[11]

The Chair repeatedly rapped the gavel quite loudly for all to hear and told the gentleman from California

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

11. Rule XIV, clause 4, would also be applicable. It reads, 2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. . . .

[Mr. Dornan] that his time had expired.

§ 12. Priorities in Recognition

The order in which Members are recognized, or whether they are recognized at all, on matters before the House depends substantially on the application of the standing rules and the precedents to each specific motion or question. The purpose of this division is to delineate the general principles governing recognition during the deliberations of the House.

The discretion of the Speaker to determine the order of recognition is based on Rule XIV clause 2:

> When two or more Members rise at once, the Speaker shall name the Member who is first to speak . . . .[12]

The Speaker or the Chairman of the Committee of the Whole has the power and discretion to decide the order of recognition,[13] without the right of appeal,[14] but he is governed in his decisions by the usages and precedents of the House.[15]

When a Member rises to seek recognition, the Chair first ascertains the purpose for which he seeks recognition.[16] If recognition for the purpose stated is required under the rules and precedents to be first extended to a Member with certain qualifications, such as being opposed to a measure, the Chair may further inquire whether the Member meets those qualifications.[17] The Chair generally takes judicial notice of the committee rank and party alignment of a Member.

Generally, prior recognition is extended to a member of the committee which has reported the bill—often the chairman or senior member or other committee member who has been designated as manager of the bill.[18]

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12. *House Rules and Manual* § 753 (1995). For the parliamentary law, see Jefferson's Manual, *House Rules and Manual* § 356 (1995).

13. See, for example, § 12.1, infra.

14. See §§ 9.5, 9.6, supra.

15. For a discussion of practices and precedents on the order of and right to recognition, see Cannon's Procedure in the House of Representatives 150–155, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

16. See § 8, supra. The inquiry "for what purpose does the gentleman rise" does not confer recognition.

17. For examples of the Chair's inquiry whether a Member is opposed, see §§ 15.11, 15.12, 15.14, 15.15, infra. For discussion of recognition of one opposed in order of rank, see § 12.4, infra.

18. See *House Rules and Manual* §§ 754, 756 (1995).

The rules provide that a committee manager may open and close debate; see Rule XIV clause 3, *House*

Where the committee or Member in charge offers an "essential" motion and the motion is rejected by the House, recognition passes to the opposition for controlling debate and for offering amendments and motions on the pending matter.[19]

The Chair endeavors to alternate recognition to offer pro forma amendments between majority and minority Members (giving priority to committee members) rather than between sides of the question.[20]

Cross References

Order of recognition on questions and motions, see §§ 16 et seq., infra.

Order of recognition determined by rules and principles on control and management, see §§ 24–27, infra.

Members of Committee; Discretion of Chair

§ 12.1 Although members of the committee reporting a bill under consideration usually have preference in recognition, the power of recognition remains in the discretion of the Chair.

On July 19, 1967,[1] Chairman Joseph L. Evins, of Tennessee, recognized in the Committee of the Whole Mr. Edmond Edmondson, of Oklahoma, for a parliamentary inquiry and then recognized him to offer an amendment to the pending amendment. Mr. William C. Cramer, of Florida, made the point of order that William M. McCulloch, of Ohio, the ranking minority member of the Committee on the Judiciary, which had reported the bill, had been on his feet seeking recognition to offer an amendment at the time and that members of the committee reporting the bill had the prior right to be recognized. The Chairman declared:

> The Chair is trying to be fair and trying to recognize Members on both sides. The Chair will recognize the gentleman from Ohio [Mr. McCulloch].

The Chairman recognized Mr. McCulloch for a unanimous-consent request, and then recognized Mr. Edmondson to debate his amendment.

Chairman of Committee

§ 12.2 In bestowing recognition under the five-minute rule in

Rules and Manual § 759 (1995). For instances where the priority of committee recognition was discussed, see §§ 13.1 et seq., infra.

Usually, the Member in charge has been authorized by the reporting committee, but on rare occasions a matter has been brought directly before the House by a Member, who is entitled to prior recognition. See *House Rules and Manual* § 754 (1995).

19. See § 15, infra, and *House Rules and Manual* § 755 (1995).

20. See § 12.6, infra.

1. 113 CONG. REC. 19416, 19417, 90th Cong. 1st Sess.

the Committee of the Whole, the Chair gives preference to the chairman of the legislative committee reporting the bill under consideration.

On Nov. 15, 1967,[2] the Committee of the Whole was considering under the five-minute rule a bill reported from the Committee on Education and Labor, chaired by Mr. Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition and when Chairman John J. Rooney, of New York, asked for what purpose he rose, he stated that he sought recognition to offer an amendment. The Chairman then recognized Mr. Perkins, the chairman of the committee, to submit a unanimous-consent request to limit debate before recognizing Mr. Gurney to offer his amendment.

Seniority as Affecting Priority of Recognition

§ 12.3 Recognition of Members to offer amendments under the five-minute rule in the Committee of the Whole is within the discretion of the Chair and he extends preference to members of the committee which reported the bill according to seniority.

On July 21, 1949,[3] Chairman Eugene J. Keogh, of New York, answered a parliamentary inquiry on the order of recognition for amendments under the five-minute rule:

> MR. [JAMES P.] SUTTON [of Tennessee]: Mr. Chairman, I offer an amendment.
>
> MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. H. CARL ANDERSEN: Mr. Chairman, is it not the custom during debate under the 5-minute rule for the Chair in recognizing Members to alternate from side to side? At least I suggest to the Chair that that would be the fair procedure. The Chair has recognized three Democrats in a row.
>
> THE CHAIRMAN: The Chair will say to the gentleman that the matter of recognition of members of the committee is within the discretion of the Chair. The Chair has undertaken to follow as closely as possible the seniority of those Members.
>
> MR. [CLIFFORD R.] HOPE [of Kansas]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HOPE: For the information of the Chair, the gentleman from Wisconsin, who has been seeking recogni-

2. 113 CONG. REC. 32655, 90th Cong. 1st Sess.

3. 95 CONG. REC. 9936, 81st Cong. 1st Sess.

tion, has been a Member of the House for 10 years, and the gentleman from Tennessee is a Member whose service began only this year.

THE CHAIRMAN: The Chair would refer the gentleman to the official list of the members of the committee, which the Chair has before him.

The Clerk will report the amendment offered by the gentleman from Tennessee.

§ 12.4 In recognizing Members to move to recommit, the Speaker gives preference first to the ranking minority member of the committee reporting the bill, if opposed to the bill, and then to the remaining minority members of that committee in the order of their rank.

On June 18, 1957,[4] the House was considering H.R. 6127, the Civil Rights Act of 1957. In response to a parliamentary inquiry, Speaker Sam Rayburn, of Texas, stated that the order of recognition for a motion to recommit would be in the order of rank of minority members of the committee reporting the bill, the Committee on the Judiciary. When two minority members of the committee arose to offer the motion, the Speaker recognized the member higher in rank:

MR. [JOSEPH W.] MARTIN [Jr., of Massachusetts]: Mr. Speaker, on a motion to recommit, for over 20 years it has been the custom for the minority leader to select the Member who shall make that motion. The leader has selected a member of the committee who is absolutely opposed to the bill. My parliamentary inquiry is, does he have preference over someone who would move to recommit with instructions but who at the same time would not vote for the bill even if the motion to recommit should prevail? So I propound the inquiry whether a gentleman who is absolutely opposed to the bill, who led the fight for the jury trial amendment in the committee, would have preference over someone who would not vote for the bill even in the event a motion to recommit prevailed.

THE SPEAKER: The Chair in answer to that will ask the Clerk to read the holding of Mr. Speaker Champ Clark, which is found in volume 8 of Cannon's Precedents of the House of Representatives, section 2767.

The Clerk read as follows:

> The Chair laid down this rule, from which he never intends to depart unless overruled by the House, that on a motion to recommit he will give preference to the gentleman, at the head of the minority list, provided he qualifies, and then go down the list of the minority of the committee until it is gotten through with. And then if no one of them offer a motion to recommit the Chair will recognize the gentleman from Kansas [Mr. Murdock], as the leader of the third party in the House. Of course he would have to qualify. The Chair will state it again. The present occupant of the chair laid down a rule here about a year ago that in making this preferential motion for recommitment the Speaker would

4. 103 CONG. REC. 9516, 9517, 85th Cong. 1st Sess. See also § 12.21, infra.

recognize the top man on the minority of the committee if he qualified—that is, if he says he is opposed to the bill—and so on down to the end of the minority list of the committee.

MR. MARTIN: Will the Clerk continue the reading of the section? I think there is a little more to it than that.

THE SPEAKER: If the gentleman desires, the Clerk will read the entire quotation. The Clerk will continue to read.

The Clerk read as follows:

Then, if no gentleman on the committee wants to make the motion, the Speaker will recognize the gentleman from Illinois, Mr. Mann, because he is the leader of the minority. Then, in the next place, the Speaker would recognize the gentleman from Kansas, Mr. Murdock. But in this case, the gentleman from Kansas, Mr. Murdock, is on the Ways and Means Committee, which would bring him in ahead, under that rule, of the gentleman from Illinois, Mr. Mann.

MR. MARTIN: The Chair does not think that preference should be given to an individual who was going to make a motion to recommit and who was absolutely opposed to the bill?

THE SPEAKER: The Chair is not qualified to answer a question like that. The Chair in response to the parliamentary inquiry of the gentleman from Massachusetts will say that the decision made by Mr. Speaker Champ Clark has never been overturned, and it has been upheld by 1 or 2 Speakers since that time, especially by Mr. Speaker Garner in 1932.

In looking over this list, the Chair has gone down the list and will make the decision when someone arises to make a motion to recommit. The Chair does not know entirely who is going to seek recognition.

MR. [RICHARD H.] POFF [of Virginia]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. POFF: I am, Mr. Speaker.

MR. [RUSSELL W.] KEENEY [of Illinois]: Mr. Speaker, I also offer a motion to recommit, and I, too, am opposed to the bill.

THE SPEAKER: In this instance the Chair finds that no one has arisen who is a member of the minority of the Committee on the Judiciary until it comes down to the name of the gentleman from Virginia [Mr. Poff]. He ranks the gentleman from Illinois [Mr. Kenney] and is therefore senior. Under the rules and precedents of the House, the Chair therefore must recognize the gentleman from Virginia [Mr. Poff].[5]

§ 12.5 Priority of recognition under a limitation of time for debate under the five-minute rule is in the complete discretion of the Chair, who may disregard committee seniority and consider amendment sponsorship.

On June 26, 1979,[6] it was demonstrated that where the Com-

5. Where recognition is required by rule or precedent to pass to the opposition, the Speaker inquires whether the Member seeking recognition is opposed in fact to the measure or motion (see §§ 15.11, 15.12, 15.14, 15.15, infra).

6. 125 CONG. REC. 16677, 16678, 96th Cong. 1st Sess.

mittee of the Whole has agreed to a limitation on debate under the five-minute rule on a section of a bill and all amendments thereto, distribution of the time under the limitation is within the discretion of the Chair. The proceedings were as follows:

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I move that all debate on section 3 and all amendments thereto cease at 6:40 p.m. . . .

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 183, answered "present" 1, not voting 41, as follows: . . .

THE CHAIRMAN:[7] The Chair will attempt to explain the situation.

The Committee has just voted to end all debate on section 3 and all amendments thereto at 6:40. The Chair in a moment is going to ask those Members wishing to speak between now and then to stand. The Chair will advise Members that he will attempt, once that list is determined, to recognize first those Members on the list with amendments which are not protected by having been printed in the Record. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, did I understand the Chair correctly that Members who are protected by having their amendments printed in the Record will not be recognized until the time has run so that those Members will only have 5 minutes to present their amendments, but that other Members will be recognized first for the amendments which are not printed in the Record?

THE CHAIRMAN: Those Members who are recognized prior to the expiration of time have approximately 20 seconds to present their amendments. Those Members whose amendments are printed in the Record will have a guaranteed 5 minutes after time has expired. . . .

The Chair will now recognize those Members who wish to offer amendments which have not been printed in the Record.

The Chair will advise Members he will recognize listed Members in opposition to the amendments also for 20 seconds. . . .

MR. [RICHARD] KELLY [of Florida]: Mr. Chairman, is it not regular order that the Members of the Committee with amendments be given preference and recognition?

THE CHAIRMAN: The Chair would advise the gentleman once the limitation of time has been agreed to and time divided, that priority of recognition is within the complete discretion of the Chair.

Alternation Between Majority and Minority

§ 12.6 In recognizing Members to offer "pro forma amendments" under the five-minute rule, the Chair endeavors to alternate between majority and minority Members, giving priority of recognition

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Under consideration was H.R. 3930, the Defense Production Act Amendments of 1979.

7. Gerry E. Studds (Mass.).

to committee members and, having no knowledge of whether specific Members oppose or support the pending proposition, does not endeavor to alternate between both sides of the question.

On Mar. 21, 1994,[8] the Committee of the Whole had under consideration H.R. 6 (Improving America's Schools Act of 1994). The following exchange took place:

MR. [CHARLES H.] TAYLOR of North Carolina: Mr. Chairman, I move to strike the requisite number of words.

THE CHAIRMAN:[9] The Chair recognizes the gentleman from California (Mr. Cunningham), a member of the committee.

MR. TAYLOR of North Carolina: Mr. Chairman, is it possible to have some support statements made on the floor, since most have been negative?

THE CHAIRMAN: The Chair is to give priority to members of the committee and does not confer recognition by stated position on the issue. The gentleman will be recognized in due course.

MR. [RANDY] CUNNINGHAM [of California]: Mr. Chairman, I move to strike the requisite number of words.

§ 12.7 The Chairman of the Committee of the Whole attempts to alternate recognition during the five-minute rule between the majority and minority, with preference being given to senior members of the reporting committee; and a senior committee majority member has no precedence in recognition over the minority manager of the bill.

On Sept. 9, 1980,[10] during consideration of the Rail Act of 1980 in the Committee of the Whole, the following exchange occurred:

THE CHAIRMAN:[11] For what purpose does the gentleman from Illinois (Mr. Madigan) rise?

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I have an amendment at the desk.

MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, am I not entitled to recognition as a senior Member on the floor?

THE CHAIRMAN: For what purpose does the gentleman from Texas (Mr. Eckhardt) rise?

MR. ECKHARDT: To offer an amendment, Mr. Chairman.

THE CHAIRMAN: The Chair will state to the gentleman from Texas that the gentleman from Illinois (Mr. Madigan) was on his feet. The Chair heard the gentleman from Illinois first, and the Chair recognized him first. The Chair has the prerogative of recognizing Members at his discretion. The Chair is attempting to be fair. I think the Chair has been fair in this instance.

8. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.

9. David E. Price (N.C.).

10. 126 CONG. REC. 24865, 96th Cong. 2d Sess.

11. Les AuCoin (Oreg.).

MR. ECKHARDT: The gentleman from Texas was on his feet also.

THE CHAIRMAN: The Chair recognizes the gentleman from Illinois (Mr. Madigan).

§ 12.8 The Chairman of the Committee of the Whole announced that during consideration of an appropriation bill under the five-minute rule he would alternate recognition between the majority and minority sides of the aisle.

On July 30, 1969,[12] Chairman Chet Holifield, of California, made an announcement on the order of recognition during consideration under the five-minute rule of H.R. 13111, appropriations for the Health, Education, and Welfare and Labor Departments:

> The Chair might state, under the procedures of the House, he is trying to recognize first members of the subcommittee on appropriations handling the bill and second general members of the Committee on Appropriations. It is his intention to go back and forth to each side of the aisle to recognize Members who have been standing and seeking recognition the longest. The gentlewoman from Hawaii sought recognition all yesterday afternoon, and the Chair was unable to recognize her because of the procedures of the House, having to recognize Members on both sides of the aisle who are members of the committee. I wish the Members to know that the Chair will recognize them under the normal procedures.[13]

—Principle as Affected by Recognition for Parliamentary Inquiry

§ 12.9 The fact that the Chair has recognized a Member to raise a parliamentary inquiry does not prohibit the Chair from then recognizing the same Member to offer an amendment, and the principle of alternation of recognition does not require the Chair to recognize a Member from the minority to offer an amendment after recognizing a Member from the majority to raise a parliamentary inquiry.

On July 2, 1980,[14] during consideration of the Rail Act of 1980 (H.R. 7235) in the Committee of the Whole, it was demonstrated that a decision of the Chair on a matter of recognition is not subject to challenge. The proceedings were as follows:

> MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

12. 115 CONG. REC. 21420, 91st Cong. 1st Sess.

13. For the practice of alternation of recognition, see *House Rules and Manual* § 756 (1995).

14. 126 CONG. REC. 18292, 96th Cong. 2d Sess.

THE CHAIRMAN:[15] The gentleman will state his inquiry.

MR. ECKHARDT: Mr. Chairman, I was not aware at the time that this amendment was offered that it would purport to deal with a number of very different subjects. I assume that it would not be in order to raise a point of order concerning germaneness at this late time, not having reserved it, but I would like to ask if the question may be divided. There are several subjects that are quite divisible in the amendment offered here, and that deal with different matters.

THE CHAIRMAN: The Chair will advise the gentleman from Texas that he is correct, it is too late to raise a point of order on the question of germaneness.

The Chair will further advise the gentleman from Texas that a substitute is not divisible.

MR. ECKHARDT: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

THE CHAIRMAN: The Clerk will report the amendment to the substitute amendment.

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, a point of order. . . .

I understand that the procedure is that the members of the subcommittee would be recognized for amendments first, and that the gentleman from Texas sought recognition for the purpose of making a parliamentary inquiry and was recognized for that purpose, and was not recognized for the purpose of offering an amendment. . . .

THE CHAIRMAN: The Chair will respond to the gentleman by saying to him that the normal procedure is to recognize members of the full committee by seniority, alternating from side to side, which the Chair has been doing. The gentleman was recognized under that procedure, and the Chair's recognition is not in any event subject to challenge. . . .

MR. MADIGAN: Further pursuing my point of order, and with all due respect to the Chair, am I incorrect in assuming that the gentleman from Texas was recognized for the point of raising a parliamentary inquiry?

THE CHAIRMAN: The gentleman is correct. He was recognized for that purpose; then separately for the purpose of the amendment that he is offering, which the Clerk will now report.

Members Simultaneously Seeking Recognition

§ 12.10 Where more than one Member seeks recognition, the Speaker recognizes the Member in charge or a member of the reporting committee, if he seeks recognition.

On Sept. 11, 1945,[16] Mr. Robert F. Rich, of Pennsylvania, and Mr. Adolph J. Sabath, of Illinois, arose at the same time seeking recognition during the five-minute rule on a bill being handled by Mr. Sabath. Speaker Sam Ray-

15. Les AuCoin (Oreg.).

16. 91 CONG. REC. 8510, 79th Cong. 1st Sess.

burn, of Texas, recognized Mr. Sabath since he had priority of recognition as the Member in charge and then answered parliamentary inquiries on the order of recognition:

> MR. RICH: After the reading of section 4 of the bill which contained subsections (a), (b), and (c), could not a Member have risen to strike out the last word and have been recognized?
>
> THE SPEAKER: The gentleman did not state for what purpose he rose. The gentleman from Illinois who is in charge of the resolution was on his feet at the same time. The Chair recognized the gentleman from Illinois, and the gentleman from Illinois made a preferential motion.
>
> MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. HOFFMAN: Must a Member on the floor addressing the Speaker state the purpose for which he addresses the Speaker before he may be recognized?
>
> THE SPEAKER: Two Members rose. The Speaker always has the right to recognize whichever Member he desires. The Chair recognized the gentleman from Illinois who was in charge of the resolution. The gentleman from Illinois made a preferential motion; the Chair put the motion and it was adopted.

On Nov. 15, 1967,[17] the Committee of the Whole was considering under the five-minute rule a bill reported from the Committee on Education and Labor, chaired by Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition and when Chairman John J. Rooney, of New York, asked for what purpose he rose, he stated that he sought recognition to offer an amendment. The Chairman then recognized Mr. Perkins, the chairman of the committee, to submit a unanimous-consent request to limit debate before recognizing Mr. Gurney to offer his amendment.[18]

In Absence of Agreement as to Control of Time

§ 12.11 During general debate on District of Columbia business in Committee of the Whole, where there has been no agreement in the House as to control of time, the Chair alternates in recognizing between those for and against the pending legislation, giving preference to members of the Committee on the District of Columbia.

17. 113 CONG. REC. 32655, 90th Cong. 1st Sess.

18. See Rule XIV clause 2, *House Rules and Manual* § 753 (1995): "When two or more Members rise at once, the Speaker shall name the Member who is first to speak. . . ." See *id.* at §§ 754–757 for the usages and priorities which govern the Chair when two or more Members rise.

On Apr. 11, 1932,[19] Chairman Thomas L. Blanton, of Texas, answered a parliamentary inquiry on recognition in the Committee of the Whole during general debate on a District of Columbia bill:

> MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Chairman, when the Committee on the District of Columbia has the call and the Committee of the Whole House on the state of the Union is considering legislation, is it necessary, in gaining recognition, that a Member has to be in opposition to the bill or is any Member whatsoever entitled to one hour's time for general debate?
>
> THE CHAIRMAN: From the Chair's experience, gained through having been a member of this committee for over 10 years, he will state that where a bill is called up for general debate on District day in the Committee of the Whole House on the state of the Union, and the chairman of the committee has yielded the floor, a member of the committee opposed to the bill is entitled to recognition over any other member opposed to the bill, and it was the duty of the Chair to ascertain whether there were any members of the committee opposed to the bill who would be entitled to prior recognition. The Chair, having ascertained there were no members of the committee opposed to the bill, took pleasure, under the direction of the gentleman from Wisconsin, in recognizing the gentleman from Mississippi.

Parliamentarian's Note: Ordinarily, consideration of District of Columbia business in Committee of the Whole is preceded by a unanimous-consent agreement in the House as to division and control of general debate.

Announcement by Chair as to Recognition Under Five-minute Rule

§ 12.12 The Chairman of the Committee of the Whole announced that during consideration of an appropriation bill under the five-minute rule he would alternate recognition between the majority and minority sides of the aisle and would follow the following priorities: first, members of the committee or subcommittee handling the bill; second, members of the full Committee on Appropriations; and finally, other Members of the House.

On July 30, 1969,[20] Chairman Chet Holifield, of California, made an announcement on the order of recognition during consideration under the five-minute rule of H.R. 13111, appropriations for the

19. 75 CONG. REC. 7990, 72d Cong. 1st Sess.

20. 115 CONG. REC. 21420, 91st Cong. 1st Sess.

Health, Education, and Welfare and Labor Departments:

> The Chair might state, under the procedures of the House, he is trying to recognize first members of the subcommittee on appropriations handling the bill and second general members of the Committee on Appropriations. It is his intention to go back and forth to each side of the aisle to recognize Members who have been standing and seeking recognition the longest. The gentlewoman from Hawaii sought recognition all yesterday afternoon, and the Chair was unable to recognize her because of the procedures of the House, having to recognize Members on both sides of the aisle who are members of the committee. I wish the Members to know that the Chair will recognize them under the normal procedures.

Recognition for Motion To Strike Enacting Clause Where Another Had Been Recognized To Offer Amendment

§ 12.13 Under Rule XXIII clause 7, a motion to strike out the enacting clause takes precedence over a motion to amend, and may be offered where another Member has been recognized to offer an amendment but prior to reading of the amendment by the Clerk.

During consideration of H.R. 6096, the Vietnam Humanitarian and Evacuation Act, in the Committee of the Whole on Apr. 23, 1975,[1] the principle described above was demonstrated as follows:

> MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I offer an amendment.
>
> THE CHAIRMAN:[2] The Clerk will read.
>
> PREFERENTIAL MOTION OFFERED BY MR. BLOUIN
>
> MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Blouin moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.
>
> MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Chairman, I have a parliamentary inquiry. . . .
>
> I recognize that the gentleman has a preferential motion, but is it not so that the Chair had recognized the gentleman from Texas to offer his amendment?
>
> THE CHAIRMAN: The Chair had recognized the gentleman from Texas, to offer an amendment but the preferential motion supersedes that amendment.
>
> MR. WAGGONNER: Even after the gentleman had been recognized to proceed?
>
> THE CHAIRMAN: He had not been recognized. The amendment had not been read.

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1. 121 CONG. REC. 11513, 94th Cong. 1st Sess.
2. Otis G. Pike (N.Y.).

MR. WAGGONNER: The gentleman had been recognized.

THE CHAIRMAN: The gentleman had been recognized only for the purpose of finding out the reason for which he sought recognition. The gentleman stated that he had an amendment at the desk. The Chair asked the Clerk to report the amendment, and before the amendment was reported, a preferential motion was made.

The gentleman from Iowa (Mr. Blouin) is recognized.

Amendments to General Appropriation Bill

§ 12.14 When a general appropriation bill has been read, or considered as read, for amendment in its entirety, the Chair (after entertaining points of order) first entertains amendments which are not prohibited by clause 2(c) of Rule XXI, and then recognizes for amendments proposing limitations not contained or authorized in existing law pursuant to clause 2(d) of Rule XXI, subject to the preferential motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been agreed to.

The following proceedings occurred in the Committee of the Whole on Oct. 27, 1983,[3] during consideration of H.R. 4139 (Department of Treasury and Postal Service appropriations for fiscal 1984):

MR. [CHRISTOPHER H.] SMITH of New Jersey: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[4] The gentleman will state his parliamentary inquiry.

MR. SMITH of New Jersey: Mr. Chairman, would it be in order at this time to offer a change in the language that would not be considered under the House rules to be legislating on an appropriations bill?

THE CHAIRMAN: The Chair will first entertain any amendment to the bill which is not prohibited by clause 2(c), rule XXI, and will then entertain amendments proposing limitations pursuant to clause 2(d), rule XXI.

MR. SMITH of New Jersey: Mr. Chairman, I offer an amendment.

MR. [BRUCE A.] MORRISON of Connecticut: Mr. Chairman, I reserve a point of order against the amendment.

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New Jersey: On page 49, immediately after line 2, add the following new section:

"Sec. 618. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program

3. 129 CONG. REC. 29630, 29631, 98th Cong. 1st Sess.

4. Philip R. Sharp (Ind.).

which provides any benefits or coverages for abortions. . . .

MR. MORRISON of Connecticut: Mr. Chairman, I would like to be heard on my point of order. . . .

Mr. Chairman, my point of order is that this amendment constitutes a limitation on an appropriation and cannot be considered by the House prior to the consideration of a motion by the Committee to rise.

THE CHAIRMAN: The Chair must indicate to the gentleman that no such preferential motion has yet been made.

The gentleman is correct that a motion that the Committee rise and report the bill to the House with such amendments as may have been adopted takes precedence over an amendment proposing a limitation.

MR. MORRISON of Connecticut: Mr. Chairman, then I move that the committee do now rise. . . .

THE CHAIRMAN: . . . It would be more appropriate if a motion to rise and report the bill to the House with such amendments as have been adopted, pursuant to clause 2(d), rule XXI were offered instead. . . .

MR. [EDWARD R.] ROYBAL [of California]: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that bill, as amended, do pass.

[The motion was rejected.]

MR. SMITH of New Jersey: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New Jersey: On page 49, immediately after line 2, add the following new section:

"Sec. 618. No funds appropriated by this Act shall be available to pay for an abortion. . . .

Parliamentarian's Note: Mr. Smith was the only Member seeking recognition to offer a limitation after the preferential motion was rejected and could have been preempted by a member of the Appropriations Committee or a more senior member offering an amendment since principles governing priority of recognition would remain applicable. A Member who has attempted to offer a limitation before the motion to rise and report is rejected is not guaranteed first recognition for a limitation amendment.

Member of Minority Opposed to Bill Has Priority Over Majority Member Opposed To Control Time in Opposition to Motion To Suspend Rules

§ 12.15 To control the time in opposition to a motion to suspend the rules and pass a bill (on which a second is not required), the Speaker recognizes a minority Member who is opposed to the bill, and if no minority member of the reporting committee qualifies to control the time in opposition, a minority Member who is opposed may be recognized.

The following proceedings occurred in the House on May 4, 1981,[5] during consideration of the Cash Discount Act (H.R. 3132):

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3132) to amend the Truth in Lending Act to encourage cash discounts, and for other purposes. . . .

THE SPEAKER:[6] Pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois (Mr. Annunzio) will be recognized for 20 minutes, and the gentleman from Delaware (Mr. Evans) will be recognized for 20 minutes.

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

THE SPEAKER: The gentleman will state it.

MR. WALKER: May I inquire, Mr. Speaker, is the gentleman from Delaware (Mr. Evans) opposed to the bill?

THE SPEAKER: Is the gentleman from Delaware (Mr. Evans) opposed to the bill?

MR. [THOMAS B.] EVANS [Jr.] of Delaware: No; Mr. Speaker, I am not opposed to the bill.

THE SPEAKER: Is the gentleman from Pennsylvania (Mr. Walker) opposed to the bill?

MR. WALKER: Yes; Mr. Speaker, I am.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Walker) is entitled to the time that the gentleman from Delaware (Mr. Evans) would have had.

So the gentleman from Illinois (Mr. Annunzio) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. Walker) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Annunzio).

Parliamentarian's Note: Representative Barney Frank, of Massachusetts, a majority party member of the Banking Committee, desired recognition to control the time in opposition, but a minority member opposed is entitled to recognition over a majority member even if on the committee.

Special Rule—Control of Time in Opposition

§ 12.16 Where a special rule limiting debate on an amendment under the five-minute rule requires the time thereon to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, the Chair has discretion in determining which Member to control the time in opposition, and may recognize the majority chairman of the subcommittee with jurisdiction over the subject matter of an amendment which has been offered by a member of the minority, over the rank-

5. 127 CONG. REC. 8323, 8324, 97th Cong. 1st Sess.

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

ing minority member of the full committee managing the bill, to control the time in opposition under the principle of alternation of recognition.

On Sept. 24, 1984,[7] the Committee of the Whole had under consideration House Joint Resolution 648 (continuing appropriations) when an amendment was offered as indicated below:

MR. [HANK] BROWN of Colorado: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[8] The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Brown of Colorado: Page 2, line 24, strike out the period at the end of section 101(b) and insert in lieu thereof the following: ": *Provided,* That 2 percent of the aggregate amount of new budget authority provided for in each of the first three titles of H.R. 6237 shall be withheld from obligation. . . .

THE CHAIRMAN: Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Colorado (Mr. Brown) will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Colorado (Mr. Brown). . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I rise in opposition to the amendment.

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN: The Chair is required to choose between these two distinguished gentlemen and would prefer to alternate the parties in this case.

The Chair will recognize the gentleman from Maryland (Mr. Long). The gentleman from Maryland is recognized for 15 minutes in opposition to the amendment.

§ 12.17 Where a special rule limited debate time on amendments to be controlled by a proponent and opponent, the Chair accorded priority of recognition in opposition to an amendment to a minority member of one of the reporting committees over a majority Member not on any reporting committee.

The following proceedings occurred in the Committee of the Whole on Apr. 29, 1987,[9] during consideration of the Trade Reform Act of 1987 (H.R. 3):

MR. [CLAUDE] PEPPER [of Florida]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[10] The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Pepper: On page 278, after line 23, add the following section:

7. 130 CONG. REC. 26769, 26770, 98th Cong. 2d Sess.

8. George E. Brown, Jr. (Calif.).

9. 133 CONG. REC. 10488, 100th Cong. 1st Sess.

10. Anthony C. Beilenson (Calif.).

Sec. 199. The USTR shall request that all relevant agencies prepare appropriate recommendations for improving the enforcement of restrictions on importation of articles from Cuba. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Chairman, would the Chair state how the time will be divided on the amendment that has been read?

THE CHAIRMAN: The gentleman from Florida [Mr. Pepper] will be entitled to 15 minutes and a Member in opposition will be entitled to 15 minutes.

MR. ALEXANDER: Mr. Chairman, I am opposed to the amendment, and I would request that that time be assigned to me, if some Member of the committee is not opposed.

THE CHAIRMAN: The Chair will advise the gentleman from Arkansas if there is someone else on the committee who seeks time in opposition, the Chair would designate that person in opposition.

Does the gentleman from Minnesota [Mr. Frenzel] seek time in opposition?

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, I am opposed to the amendment, and I also seek time in opposition.

THE CHAIRMAN: The gentleman from Minnesota [Mr. Frenzel] will have 15 minutes in opposition.

—*All Amendments Except Pro Forma Amendments Prohibited*

§ 12.18 Where the Committee of the Whole resumed consideration of a bill under a special rule prohibiting amendments to a pending amendment except pro forma amendments for debate, the Chair announced that he would first recognize Members who had not offered pro forma amendments on the preceding day, priority of recognition being given to members of the reporting committee.

On Aug. 3, 1977,[11] the following proceedings occurred in the Committee of the Whole during consideration of the National Energy Act (H.R. 8444):

THE CHAIRMAN:[12] The Chair would like to make a statement for the information of the Members of the Committee of the Whole.

The Chair has before it a list of those who spoke on this amendment yesterday. The Chair will recognize those who have not spoken on this amendment first and, of course, preference will be given to the members of the ad hoc committee and any Member, of course, under the rule has the right to offer pro forma amendments. The Chair will adhere to that direction.

The gentleman from Michigan (Mr. Dingell) did not speak on this amendment yesterday, so as a member of the ad hoc committee, for what purpose does the gentleman from Michigan (Mr. Dingell) [rise]?

11. 123 CONG. REC. 26444, 95th Cong. 1st Sess.

12. Edward P. Boland (Mass.).

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move to strike the last word.

—*Permitting Simultaneous Pendency of Three Amendments in Nature of Substitute Then Perfecting Amendments in Specified Order*

§ 12.19 Where a special rule permitted the simultaneous pendency of three amendments in the nature of a substitute and then permitted the offering of pro forma amendments and of perfecting amendments in a specified order, the Chair indicated that he would recognize the proponent of each substitute under the five-minute rule and for unanimous-consent extensions of time, then Members offering pro forma amendments to debate any of the substitutes once pending, and then Members designated to offer perfecting amendments.

The House having agreed to a special rule[13] for the consideration of House Concurrent Resolution 345, the first concurrent resolution on the budget for fiscal 1983, a discussion of the effect of the rule took place on May 25, 1982. The special rule stated in part:

H. RES. 477

Resolved, That upon the adoption of this resolution it shall be in order, section 305(a)(1) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 345) revising the congressional budget for the United States Government for the fiscal year 1982. . . . No amendment to the concurrent resolution shall be in order except those listed in categories A and B as follows: (A) four amendments in the nature of a substitute printed in the Congressional Record of May 21, 1982 . . . (B) after all amendments in category A above are disposed of, the following three amendments in the nature of a substitute printed in the Congressional Record of May 21, 1982, which shall be offered and voted on only in the following order but which shall if offered be pending simultaneously as amendments in the first degree and said amendments shall be in order any rule of the House to the contrary notwithstanding: (1) an amendment in the nature of a substitute by, and if offered by, Representative Latta of Ohio; (2) an amendment in the nature of a substitute by, and if offered by, Representative Aspin of Wisconsin; and (3) an amendment in the nature of a substitute consisting of the text of H. Con. Res. 345 if offered by Representative Jones of Oklahoma. None of the

13. H. Res. 477, 128 CONG. REC. 11085, 11093, 97th Cong. 2d Sess., May 21, 1982.

said substitutes in category B shall be subject to amendment except by pro forma amendments for the purpose of debate only and by the following perfecting amendments printed in the Congressional Record of May 21, 1982:

(1) the amendment by Representative Pease; . . .

(67–68) the amendments by Representative Clausen in the order in which printed.

These perfecting amendments, if offered, shall be considered only in the order listed in this resolution and shall be in order any rule of the House to the contrary notwithstanding.

The discussion of the effect of the rule was as follows:[14]

MR. [TRENT] LOTT [of Mississippi]: . . . As I understand it, we have now completed the four substitutes under the so-called category A substitutes, and we are prepared to move into category B, where three substitutes may be offered.

I would like to inquire as to the order in which those three would be offered and what then would be the parliamentary situation.

THE CHAIRMAN:[15] Perhaps it would be helpful if the Chair re-read an earlier statement. . . .

The Chair proposes to recognize and allow debate by the three Members proposing to whatever amount of time the committee approves, each in order, until all are pending before the Committee of the Whole. In other words, Mr. Latta will be recognized first. He will have as much debate as is allowed to him under the 5-minute rule by the Committee. Then Mr. Aspin will be recognized, if he rises, to go through the same process. Then Mr. Jones will be third on that list for the same process. Then, the Committee will go back and all the amendments in the nature of a substitute will be subject to amendment in the manner described. . . .

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, in listening to what the Chair has just explained to the minority whip, I assume the procedure will be, after I yield the floor in introducing my substitute, then we will go immediately to Mr. Aspin, and as soon as he yields the floor we will then go to Mr. Jones.

THE CHAIRMAN: That is correct.

MR. LATTA: So we will not have any intervening debate at that point.

THE CHAIRMAN: No. The only possible exception to that is that by unanimous consent—and the Chair tried to imply this—by unanimous consent if the gentleman seeks additional time over 5 minutes of that provided, that he will be given that opportunity. No other debate will intervene.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Chairman, a parliamentary inquiry. . . . Suppose an amendment is offered by the proponent to one substitute but not to other substitutes. At that particular time, as I understand the rule, the amendment would then be available to other Members to offer to the substitutes which had not been considered previous to that time. The question occurs as to whether or not, after the amendment has been disposed of once, whether another Mem-

14. 128 CONG. REC. 11681, 11682, 97th Cong. 2d Sess., May 25, 1982.

15. Richard Bolling (Mo.).

ber could come back to that amendment to offer it to another substitute, or are all Members precluded from using an amendment printed in the Record after the amendment which comes after that in sequence, has been considered?

THE CHAIRMAN: The Chair has consulted with the Parliamentarian, and agrees that if one proposal is made and there is nobody who rises when the request by the Chair is made, "Is there an additional offering of that amendment," then that amendment will be closed off.

Amendment No. 1 will be over, and then the Committee will move to amendment No. 2, and move to amendment No. 3 in exactly that same fashion. In other words, each amendment will be dealt with by itself and finally.

MR. RHODES: If I understand the Chair correctly, then if amendment No. 1 is offered to Latta and disposed of, and amendment No. 1 is not then offered to the other substitutes and no other Member other than the proponent desires to offer it, then the Committee goes to amendment No. 2, and any further offerings of amendment No. 1 would be precluded?

THE CHAIRMAN: That is correct.

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

As I recall the rule, there is a slight variation. If, in the situation the Chairman just explained, if say amendment No. 5 is offered to our substitute and does not prevail, and then they offer it to the Aspin substitute, or to the Jones substitute, then there are only 10 minutes of debate allowed under the rule.

THE CHAIRMAN: That is correct. The second and third offerings would be under a 10-minute rule. . . .

MR. [LES] ASPIN [of Wisconsin]: Mr. Chairman, if we go through the series where Mr. Latta offers his substitute and maybe asks for additional time to explain it, and then explains his substitute; then we go to the coalition substitute and I may ask for additional time, and so forth; we finish the presentation of all three substitutes, is it the intention of the Chair to recognize additional Members for general debate on the substitutes, or is it the intention of the Chair to go directly to the amendments at that point?

THE CHAIRMAN: The Chair will entertain pro forma amendments for a time, and at the conclusion of that, he will go to numbered amendments. . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, a parliamentary inquiry one more time. . . .

The question is prompted by the question of the gentleman from Wisconsin (Mr. Aspin) because under normal procedure there would be a presentation of a Member, and joined in by either cosponsors or other Members. Would it make a more orderly process if at least a selected few or limited number be recognized in general support of the proposition that was introduced before getting to that amendment stage?

THE CHAIRMAN: The gentleman from Ohio (Mr. Latta) can yield for that purpose if he gets extra time, but it would make for a more orderly process to get all three substitutes presented, with only the principal proponent being allowed debate at that point. At the end of those three being set in and available simultaneously, then, as the Chair just said, he would entertain pro forma amendments by Members who desire

to support or oppose any one of the three, and at the conclusion of a reasonable time, then proceed to the numbered amendments.

After Rejection of Previous Question

§ 12.20 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down, the resolution would be open to further consideration and debate, and that the Chair, under the hour rule, would recognize the Member who appeared to be leading the opposition.

On Oct. 19, 1966,[16] Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour and offered a committee amendment to the resolution, which amendment was agreed to. Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries on the order of recognition should Mr. Pepper move the previous question and should the motion be defeated:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. WAGGONNER: Mr. Speaker, under the rules of the House, is it not equally so that a motion to table would then be in order?

THE SPEAKER: At that particular point, that would be a preferential motion. . . .

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Speaker, if the previous question is refused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?

THE SPEAKER: The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.

MR. FULTON of Pennsylvania: What would be the time for debate?

THE SPEAKER: Under those circumstances the Member recognized in opposition would have 1 hour at his disposal, or such portion of it as he might desire to exercise.[17]

16. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

17. For the practice of recognizing Members opposed after rejection of an es-

For Motion To Recommit

§ 12.21 In response to a parliamentary inquiry the Speaker stated that recognition to offer a motion to recommit is the prerogative of a Member opposed to the bill, that the Speaker will first look to minority members of the committee reporting the bill in their order of seniority on the committee, second to other Members of the minority and finally to majority Members opposed to the bill; thus, a minority Member opposed to a bill but not on the committee reporting it is entitled to recognition to offer a motion to recommit over a majority Member who is also a member of the committee.

On July 10, 1975,[18] during consideration of H.R. 8365 (Department of Transportation appropriations) in the House, the Speaker put the question on passage of the bill and then recognized Mr. William A. Steiger, of Wisconsin, a minority Member, to offer a motion to recommit. The proceedings were as follows:

> THE SPEAKER:[19] The question is on the passage of the bill.
>
> MR. STEIGER of Wisconsin: Mr. Speaker, I offer a motion to recommit.
>
> THE SPEAKER: Is the gentleman opposed to the bill?
>
> MR. STEIGER of Wisconsin: I am, Mr. Speaker.
>
> THE SPEAKER: The gentleman qualifies. The Clerk will report the motion to recommit.
>
> MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> Mr. Speaker, the gentleman is not a member of the Committee on Appropriations. As I understand the rule, a member of the Committee on Appropriations must offer a motion to recommit.
>
> The gentleman who offered the motion is not on the Committee on Appropriations.
>
> THE SPEAKER: A member of the minority has priority over all the members of the majority, regardless of whether he is on the committee.
>
> MR. YATES: Mr. Speaker, may I continue with my statement on the point of order.
>
> THE SPEAKER: You may.
>
> MR. YATES: "Cannon's Precedents" states, Mr. Speaker, that if a motion is offered by a person other than a member of the committee, a member of the committee takes precedence in offering a motion to recommit.
>
> THE SPEAKER: A motion to recommit is the prerogative of the minority, and

sential motion, see *House Rules and Manual* § 755 (1995).

18. 121 CONG. REC. 22014, 22015, 94th Cong. 1st Sess. See also § 12.4, supra.

19. Carl Albert (Okla.).

the Chair so rules and so answers the parliamentary inquiry.

MR. YATES: Mr. Speaker, may I refer the attention of the Chair to page 311.

I am quoting from page 311 of "Cannon's Precedents."

> A member of the committee reporting the measure and opposed to it is entitled to recognition to move to recommit over one not a member of the committee but otherwise qualified.

And, Mr. Speaker, it cites volume 8, page 2768.

THE SPEAKER: The Chair desires to call the attention of the gentleman on the question of the motion to "Deschler's Procedure" chapter 23, section 13. It provides that in recognizing Members who move to recommit, the Speaker gives preference to the minority Member, and these recent precedents are consistent with the one cited by the gentleman from Illinois.

What the gentleman is saying is that because he is a member of the Committee on Appropriations, he is so entitled. The Chair has not gone over all the precedents, but the Chair can do it if the gentleman desires him to do so.

The rule is not only that a member of the minority on the Committee on Appropriations has preference over a majority member, but any Member from the minority is recognized by the Speaker over any Member of the majority, regardless of committee membership.

MR. YATES: Mr. Speaker, if the Speaker will permit me to continue——

THE SPEAKER: The only exception is when no Member of the minority seeks to make a motion to recommit.

MR. YATES: Mr. Speaker, in that respect may I say that "Cannon's Precedents" is clear on that point; that where none of those speaking, seeking recognition, are members of the committee and otherwise equally qualified, the Speaker recognizes the Member from the minority over the majority.

But the point is, Mr. Speaker, that I am a member of the committee where the gentleman offering the motion to recommit on the minority side is not a member of the committee.

I suggest, therefore, that under the precedents, I should be recognized.

THE SPEAKER: The Chair will state that in order that there can be no mistake the Chair will ask the Clerk to read the following passage from the rules and manual of the House.

The Clerk read as follows (from section 788):

> Recognition to offer the motion to recommit, whether in its simple form or with instructions, is the prerogative of a Member who is opposed to the bill (Speaker Martin, Mar. 29, 1954, p. 3692); and the Speaker looks first to minority members of the committee reporting the bill, in order of their rank on the committee (Speaker Garner, Jan. 6, 1932, p. 1396; Speaker Byrns, July 2, 1935, p. 10638), then to other Members on the minority side (Speaker Rayburn, Aug. 16, 1950, p. 12608). If no Member of the minority qualifies, a majority Member who is opposed to the bill may be recognized (Speaker Garner, Apr. 1, 1932, p. 7327).

THE SPEAKER: The Chair states that that definitely settles the question, and the Chair recognizes the gentleman from Wisconsin to offer the motion to recommit.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Steiger of Wisconsin moves to recommit the bill H.R. 8365 to the Committee on Appropriations.

—Conference Report; Bill Reported by Two Committees

§ 12.22 On one occasion, the Speaker Pro Tempore recognized the ranking minority member of one of the two committees which had originally reported a bill in the House, who was not a conferee on the bill, to move to recommit a conference report, rather than the second highest ranking minority member of the other committee which had reported the bill, who was a conferee (although the highest ranking minority member of a select committee normally has the right to recognition to move to recommit a bill reported from a select committee).

The following proceedings occurred in the House on June 27, 1980,[20] during consideration of the conference report on S. 1308 (Energy Mobilization Board):

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT

THE SPEAKER PRO TEMPORE:[1] For what reason does the gentleman from Ohio (Mr. Devine) rise?

MR. [SAMUEL L.] DEVINE [of Ohio]: Mr. Speaker, I offer a motion to recommit.

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Speaker, I am a member of the conference committee, and I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Ohio (Mr. Devine).

MR. DEVINE: Mr. Speaker, I offer a motion to recommit, and I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The gentleman qualifies.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LUJAN: Mr. Speaker, does not a member of the conference committee have preference in recognition to the ranking minority member on the standing committee working on the bill?

THE SPEAKER PRO TEMPORE: The gentleman from Ohio (Mr. Brown) was on his feet at the time of the recommital motion. Does the gentleman from Ohio, the second ranking minority member of the conference committee, have a motion?

MR. [CLARENCE J.] BROWN of Ohio: I am unqualified for the motion to recommit. I was standing, however, to make sure that the motion to recommit was protected for the minority, and when the Chair recognized the gen-

20. 126 CONG. REC. 17371, 96th Cong. 2d Sess.

1. John P. Murtha (Pa.).

tleman from Ohio (Mr. Devine), the ranking minority member of the Commerce Committee, I took my seat. . . .

MR. LUJAN: Mr. Speaker, I did not hear an answer to my parliamentary inquiry.

THE SPEAKER PRO TEMPORE: As the gentleman knows, the Chair's control over recognition is not subject to challenge and the Chair recognized the gentleman from Ohio (Mr. Devine).

The gentleman from Ohio (Mr. Devine) is recognized for a motion.

MR. DEVINE: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE: Is the gentleman opposed to the conference report?

MR. DEVINE: I am opposed to the bill, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Devine moves to recommit the conference report to accompany the Senate bill, S. 1308, to the committee of conference.

Parliamentarian's Note: Ordinarily, the prior right to recognition to move to recommit should belong to a member of a conference committee (the committee reporting the bill).

For Motion To Refer

§ 12.23 While recognition to offer a motion to recommit a bill or joint resolution (previously referred to committee) under clause 4 of Rule XVI is the prerogative of the minority party if opposed to the bill, recognition to offer a motion to refer under clause 1 of Rule XVII after the previous question has been moved or ordered on a resolution (not previously referred to committee) does not depend on party affiliation or upon opposition to the resolution.

During consideration of House Resolution 1042 (directing the Committee on Standards of Official Conduct to investigate the unauthorized publication of the report of the Select Committee on Intelligence) in the House on Feb. 19, 1976,[2] the following proceedings occurred:

MR. [SAMUEL S.] STRATTON [of New York]: I rise to a question involving the privileges of the House, and I offer a privileged resolution.

The Clerk read the resolution as follows:

H. RES. 1042

Resolution requiring that the Committee on Standards of Official Conduct inquire into the circumstances leading to the public publication of a report containing classified material prepared by the House Select Committee on Intelligence

Whereas the February 16, 1976, issue of the Village Voice, a New

2. 122 CONG. REC. 3914–21, 94th Cong. 2d Sess.

York City newspaper, contains the partial text of a report or a preliminary report prepared by the Select Committee on Intelligence of the House, pursuant to H. Res. 591, which relates to the foreign activities of the intelligence agencies of the United States and which contains sensitive classified information . . . Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct be and it is hereby authorized and directed to inquire into the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence, and to report back to the House in a timely fashion its findings and recommendations thereon.

THE SPEAKER:[3] The gentleman from New York (Mr. Stratton) is recognized for 1 hour. . . .

MR. STRATTON: I yield for the purposes of debate only to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'Neill). . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, some of the Members have been curious as to why the gentleman from New York (Mr. Stratton) has the floor at this time and why the resolution is privileged.

It is privileged because he believes that the rules of the House and the processes of the integrity of the House have been transgressed.

I believe that Mr. Stratton's motion to usurp the normal procedure is transgressing on the rights of all our membership here, and especially the rights of the members of the Rules Committee which normally would have jurisdiction over this issue. We should demand the normal course. We should not just say, "Here, we will send this to the Ethics Committee and the Ethics Committee will make an investigation, because we are going to bypass the Committee on Rules." That is exactly what Mr. Stratton desires. I want the Members to know that when the time comes, after the hour provided to the gentleman from New York (Mr. Stratton) is over, and after that gentleman has moved the previous question, that I will rise, and I will expect that the Speaker will recognize me and I will then move, at that time, that, pursuant to clause 1 of rule XVII, that the resolution be referred to the Committee on Rules. . . .

MR. STRATTON: Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

MR. O'NEILL: Mr. Speaker, pursuant to rule XVII, clause 1, I move to refer the resolution to the Committee on Rules.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman from Maryland will state the point of order.

MR. BAUMAN: Mr. Speaker, I make the point of order that the gentleman's motion comes too late. The Chair has already put the previous question and it has been moved.

THE SPEAKER: The motion to refer a resolution is in order after the previous question is ordered under clause 1, rule XVII. . . .

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, the gentleman from Mas-

3. Carl Albert (Okla.).

sachusetts, the distinguished majority leader, has offered, in effect, a motion to recommit the original resolution. Is it not true that under the practices and procedures of this House one who is opposed to the motion and who is on the minority side of the aisle is entitled to control of the motion to recommit? Would I not be entitled to preference over the gentleman from Massachusetts in offering a motion to recommit which is, in effect, what the gentleman from Massachusetts has offered?

THE SPEAKER: The gentleman is referring to the procedure under rule XVI. In this rather unique situation, the resolution has not been before a committee and the House technically cannot recommit a resolution that has never been previously referred to committee. This is a motion to commit or refer under rule XVII and not a motion to recommit under clause 4, rule XVI.[4]

Parliamentarian's Note: If the Majority Leader had offered the motion to refer under clause 1 of Rule XVII when the previous question was moved but before it was ordered, the motion to refer would itself have been debatable as well as amendable.

Under Motion To Suspend Rules

§ 12.24 Alternation of recognition is not followed during the 40 minutes of debate on a motion to suspend the rules.

On Sept. 20, 1961,[5] Mr. William R. Poage, of Texas, moved to suspend the rules and pass a bill. After a second was ordered, Mr. H. R. Gross, of Iowa, stated:

I understand that under the rules it is not necessary to rotate time under a suspension of the rules.

Speaker Pro Tempore John W. McCormack, of Massachusetts, responded "That is correct."

On Apr. 16, 1962,[6] Mr. James Roosevelt, of California, moved to suspend the rules and pass a bill. Speaker Pro Tempore Carl Albert, of Oklahoma, stated, in response to a parliamentary inquiry by Mr. Gross, that under suspension of the rules it was not necessary to rotate the time between opposing and favoring sides of the question.[7]

§ 12.25 In recognizing a Member to demand a second (under a former rule) on a

4. See also 2 Hinds' Precedents § 1456.

5. 107 CONG. REC. 20491, 87th Cong. 1st Sess.

6. 108 CONG. REC. 6682, 87th Cong. 2d Sess.

7. The practice of alternation is not followed where a limited time is controlled by Members in the House, as in the 40 minutes' debate provided for suspension of the rules and where the previous question has been moved without debate on a debatable question (see 2 Hinds' Precedents § 1442).

motion to suspend the rules and pass a bill or agree to an amendment, the Speaker gave preference to a majority Member opposed to the bill or amendment over a minority Member who did not qualify as being opposed.

During consideration of House Joint Resolution 644 (further continuing appropriations for fiscal year 1981) in the House on Dec. 15, 1980,[8] the following proceedings occurred:

THE SPEAKER:[9] Is a second demanded?

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I demand a second.

THE SPEAKER: The gentleman from Illinois demands a second.

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Speaker, a point of order. Does the gentleman object to the resolution?

THE SPEAKER: There is no objection. This is for suspension of the rules.

MR. STRATTON: Well, he fails to qualify for a second. I demand a second.

MR. MICHEL: I recognize the gentleman's prerogative, Mr. Speaker. I am not opposed to the joint resolution.

THE SPEAKER: The gentleman from New York has the second, since he qualifies as being opposed to the motion.

Without objection, a second will be considered as ordered.

There was no objection.

THE SPEAKER: The gentleman from Mississippi (Mr. Whitten) will be recognized for 20 minutes, and the gentleman from New York (Mr. Stratton) will be recognized for 20 minutes.

Parliamentarian's Note: Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from Rule XXVII in the 102d Congress (see H. Res. 5, Jan. 3, 1991).

§ 12.26 A Member of the minority who was opposed to a bill considered under suspension of the rules had the right to recognition, over a majority Member opposed to the bill, to demand a second thereon (under a former rule) and to control the twenty minutes of debate in opposition thereto.

On Nov. 17, 1980,[10] the House had under consideration S. 885 (Pacific Northwest Electric Power Planning and Conservation Act of 1980) when the following proceedings occurred:

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 885) to assist the electrical con-

8. 126 CONG. REC. 34191, 96th Cong. 2d Sess.

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

10. 126 CONG. REC. 29788–801, 96th Cong. 2d Sess.

sumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes, as amended.

The Clerk read as follows:

Strike out all after the enacting clause of S. 885 and insert the text of H.R. 8157 as amended.

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act, together with the following table of contents, may be cited as the "Pacific Northwest Electric Power Planning and Conservation Act". . . .

THE SPEAKER:[11] Is a second demanded?

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I demand a second.

MR. [JAMES] WEAVER [of Oregon]: Mr. Speaker, I demand a second.

THE SPEAKER: The gentleman from Wisconsin from the minority is entitled to the second.

MR. WEAVER: Mr. Speaker, is the gentleman opposed to the bill? I am opposed to the bill.

THE SPEAKER: Is the gentleman from Wisconsin opposed to the bill?

MR. SENSENBRENNER: I am opposed to the bill.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection.

THE SPEAKER: The gentleman from Texas (Mr. Kazen) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. Sensenbrenner) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. Kazen).

Parliamentarian's Note: Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from Rule XXVII in the 102d Congress (see H. Res. 5, Jan. 3, 1991).

§ 13.—Of Members of Committee

Cross References

Committee management and amendments, see Ch. 27, supra.

House committees, their powers and jurisdiction, see Ch. 17, supra.

Opening and closing debate as prerogative of committee members, see § 7, supra.

Priority of committee members on specific questions and motions, see §§ 16 et seq., infra.

Recognition of members of Committee on Rules on special orders, see Ch. 21, supra.

Recognition of members of conference committees, see Ch. 33, infra.

Seniority and derivative rights, see Ch. 7, supra.

Special orders vesting control in committee members, see § 28, infra.

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

Generally

§ 13.1 As a customary practice and in the absence of other considerations, members of the committee which reported a bill are entitled to prior recognition thereon.

On Feb. 10, 1941,[12] Chairman Clarence Cannon, of Missouri, responded to a parliamentary inquiry on the practice of extending priority for recognition to members of the committee reporting a bill:

> MR. [LYLE H.] BOREN [of Oklahoma]: Mr. Chairman, I rise to a parliamentary inquiry. I want it thoroughly understood that I recognize fully the custom of members of the committee being recognized ahead of any other Member on the floor, not a member of the committee. I am quite willing to withdraw my amendment for that purpose, but as I understood it the gentleman from Tennessee [Mr. Cooper] rose to make the point of order that my recognition at that time was not in order. I understood the Chair sustained the point of order and recognized the gentleman from New York [Mr. Crowther]. I should like to be enlightened as to under what rule of the House that point of order is sustained after the Chair had recognized me for the purpose of offering an amendment.
>
> THE CHAIRMAN: The gentleman from New York [Mr. Crowther] is a member of the committee reporting the bill and, therefore, entitled to prior recognition.
>
> MR. [JACK] NICHOLS [of Oklahoma]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. NICHOLS: Is there a rule of the House that gives the members of the committee the right to recognition ahead of other Members of the House? Is that a rule of the House?
>
> THE CHAIRMAN: It is a procedure of long standing.
>
> MR. NICHOLS: It is not a rule of the House.
>
> THE CHAIRMAN: In the absence of other considerations, members of the committee in charge of the bill are entitled to prior recognition. The rule is essential to expedition in legislation and its importance is too obvious to require justification.

Parliamentarian's Note: No point of order was actually made or sustained relative to recognition. The Chair simply gave priority of recognition to a committee member, Mr. Crowther, to offer an amendment.

§ 13.2 During amendment of a bill in Committee of the Whole, the Chairman first recognizes members of the committee reporting the bill, if on their feet seeking recognition.

On June 29, 1939,[13] Chairman Jere Cooper, of Tennessee, ruled

12. 87 CONG. REC. 875, 876, 77th Cong. 1st Sess.

13. 84 CONG. REC. 8311, 76th Cong. 1st Sess.

that a Member who had been recognized to offer an amendment could not be deprived of recognition by members of the committee reporting the bill, if not on their feet seeking recognition:

MR. [HAROLD] KNUTSON [of Minnesota]: Mr. Chairman, I have an amendment at the Clerk's desk which I would like to offer at this time.

The Clerk read as follows:

Amendment offered by Mr. Knutson: Strike out all of section 1 and insert the following——

MR. [HAMILTON] FISH [Jr., of New York] (interrupting the reading of the amendment): Mr. Chairman, would it be in order for the committee members to be recognized first to offer amendments?

MR. KNUTSON: I have already been recognized.

THE CHAIRMAN: If there is any member of the committee seeking recognition, he is entitled to recognition.

MR. FISH: Mr. Chairman, I would like to be recognized.

MR. KNUTSON: I already have the floor, and have been recognized.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, the gentleman from Minnesota [Mr. Knutson] has already been recognized.

THE CHAIRMAN: Recognition is in the discretion of the Chair, and the Chair will recognize members of the committee first. Does the acting chairman of the committee seek recognition?

MR. [SOL] BLOOM [of New York]: Mr. Chairman, I would like to ask whether the committee amendments to section 1 have been agreed to?

THE CHAIRMAN: The only one the Chair knows about is the one appearing in the print of the bill, and that has been agreed to.

MR. BLOOM: In line 16, there is a committee amendment.

MR. KNUTSON: Mr. Chairman, I was recognized by the Chair.

THE CHAIRMAN: The Chair feels that inasmuch as members of the committee were not on their feet and the gentleman from Minnesota had been recognized, the gentleman is entitled to recognition.

Priority Over Member Who Introduced Bill

§ 13.3 Members of the committee reporting a bill are entitled to prior recognition over the Member who introduced the bill.

On July 8, 1937,[14] Chairman Marvin Jones, of Texas, answered a parliamentary inquiry on the order of recognition on the pending bill:

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, what is the order of priority on the bill? Does the author of the bill precede a member who is not a member of the committee?

THE CHAIRMAN: If the Chair understands the rule correctly, the members of the committee which report the bill have preference. After that all members of the Committee of the Whole are on equal standing.

14. 81 CONG. REC. 6946, 75th Cong. 1st Sess.

Opposition to Substitute Amendment—Proponent of Amendment Does Not Have Priority

§ 13.4 The proponent of an amendment may be recognized to control the time in opposition to a substitute offered therefor, but a member of the committee reporting the bill has priority of recognition to control such time.

On May 4, 1983,[15] during consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding priority of recognition for debate:

> MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, I offer an amendment as a substitute for the amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Dicks as a substitute for the amendment offered by Mr. Levitas: In view of the matter proposed to be inserted, insert the following: "with negotiators proceeding immediately to pursuing reductions.". . . .
>
> MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a parliamentary inquiry. . . .
>
> My parliamentary inquiry is twofold, Mr. Chairman.
>
> The first is that under the rule if I am opposed to the amendment being offered as a substitute for my amendment, can I be recognized in opposition thereto?
>
> My second inquiry is: Is the substitute open for amendment?
>
> THE CHAIRMAN:[16] The answer to the second question is the substitute is open for amendment.
>
> It is appropriate under the rules to offer an amendment. In terms of whom the Chair recognizes in opposition, the Chair would be inclined to recognize a member of the committee, if a member of the committee seeks recognition in opposition to the amendment.
>
> If a committee member does not seek recognition for that purpose the Chair would be inclined to recognize the gentleman.

Members of Committee or Subcommittee

§ 13.5 The Chair, in giving preference of recognition on appropriation bills, does not distinguish between members of the full committee and members of the subcommittee which handled the bill.

On Apr. 7, 1943,[17] Chairman Luther A. Johnson, of Texas, recognized Mr. Frank B. Keefe, of Wisconsin, in opposition to a pro forma amendment. Mr. Keefe was

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15. 129 CONG. REC. 11074, 98th Cong. 1st Sess.

16. Matthew F. McHugh (N.Y.).

17. 89 CONG. REC. 3067, 78th Cong. 1st Sess.

a member of the Committee on Appropriations, which had reported the pending bill. Mr. John H. Kerr, of North Carolina, objected that he asked to be recognized, as a member of the subcommittee which had handled the bill. The Chairman stated as follows on the priority of recognition:

> As the Chair understands it, a member of the Committee on Appropriations has the same right as those who are members of that committee who happen to be members of a subcommittee. That is the parliamentary procedure, as the Chair understands it. The Chair has recognized the gentleman from Wisconsin. Had he not done so, he certainly would have recognized the gentleman from North Carolina.

§ 13.6 Priority of recognition to offer amendments under the five-minute rule in Committee of the Whole is extended to members of the full committee reporting the bill, alternating between the majority and minority, and the Chair does not distinguish between members of the subcommittee which considered the bill and other members of the full committee.

On July 2, 1980,[18] during consideration of the Rail Act of 1980 (H.R. 7235) in the Committee of the Whole, it was demonstrated that a decision of the Chair on a matter of recognition is not subject to a point of order. The proceedings were as follows:

> MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN:[19] The gentleman will state his inquiry.
>
> MR. ECKHARDT: Mr. Chairman, I was not aware at the time that this amendment was offered that it would purport to deal with a number of very different subjects. I assume that it would not be in order to raise a point of order concerning germaneness at this late time, not having reserved it, but I would like to ask if the question may be divided. There are several subjects that are quite divisible in the amendment offered here, and that deal with different matters.
>
> THE CHAIRMAN: The Chair will advise the gentleman from Texas that he is correct, it is too late to raise a point of order on the question of germaneness.
>
> The Chair will further advise the gentleman from Texas that a substitute is not divisible.
>
> MR. ECKHARDT: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.
>
> THE CHAIRMAN: The Clerk will report the amendment to the substitute amendment.
>
> MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, a point of order.

18. 126 CONG. REC. 18292, 96th Cong. 2d Sess.

19. Les AuCoin (Oreg.).

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

MR. MADIGAN: Mr. Chairman, I understand that the procedure is that the members of the subcommittee would be recognized for amendments first, and that the gentleman from Texas sought recognition for the purpose of making a parliamentary inquiry and was recognized for that purpose, and was not recognized for the purpose of offering an amendment.

I further understand that the gentlewoman from Maryland, a member of the subcommittee, was on her feet seeking recognition for the purpose of offering an amendment, as well as the gentleman from North Carolina (Mr. Broyhill). . . .

THE CHAIRMAN: The Chair will respond to the gentleman by saying to him that the normal procedure is to recognize members of the full committee by seniority, alternating from side to side, which the Chair has been doing. The gentleman was recognized under that procedure, and the Chair's recognition is not in any event subject to challenge.

Therefore, the gentleman is recognized, and any point of order that the gentleman from Illinois would make on that point would not be sustained.

MR. MADIGAN: Further pursuing my point of order, and with all due respect to the Chair, am I incorrect in assuming that the gentleman from Texas was recognized for the point of raising a parliamentary inquiry?

THE CHAIRMAN: The gentleman is correct. He was recognized for that purpose; then separately for the purpose of the amendment that he is offering, which the Clerk will now report.

§ 13.7 The Chairman of the Committee of the Whole announced that in recognizing Members under the five-minute rule for consideration of an appropriation bill, he would alternate recognition between the majority and minority sides of the aisle and would follow these priorities: first, members of the subcommittee handling the bill; second, members of the full Committee on Appropriations; and finally, other Members of the House.

On July 30, 1969,[20] Chairman Chet Holifield, of California, made an announcement on the order of recognition during consideration under the five-minute rule of H.R. 13111, appropriations for the Health, Education, and Welfare and Labor Departments:

> The Chair might state, under the procedures of the House, he is trying to recognize first members of the subcommittee on appropriations handling the bill and second general members of the Committee on Appropriations. It is his intention to go back and forth to each side of the aisle to recognize Members who have been standing and seeking recognition the longest. The gentlewoman from Hawaii sought recognition all yesterday afternoon, and the Chair was unable to recognize her

20. 115 CONG. REC. 21420, 91st Cong. 1st Sess.

because of the procedures of the House, having to recognize Members on both sides of the aisle who are members of the committee. I wish the Members to know that the Chair will recognize them under the normal procedures.

Parliamentarian's Note: The Chair normally follows the list of full committee seniority and is not bound by subcommittee rankings.

Alternation Between Majority and Minority

§ 13.8 While recognition of Members to offer amendments is within the Chair's discretion and cannot be challenged on a point of order, the Chair under the precedents alternates recognition between majority and minority members of the committee reporting the bill.

During consideration of the Outer Continental Shelf Act (H.R. 6218) in the Committee of the Whole on June 11, 1976,[1] the following occurred:

THE CHAIRMAN: V[2] The question is on the amendment offered by the gentleman from New York (Mr. Murphy).

The amendment was agreed to.

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Murphy of New York; On page 59, lines 12 to 20, strike paragraphs 5(a), (6), (7), and (8) and renumber subsequent paragraphs accordingly.

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Chairman, a point of order.

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

MR. FISH: Mr. Chairman, the minority has amendments to offer, including a substitute amendment to title II. It is my understanding that the minority would have its turn at the same time as the majority in considering the amendments.

THE CHAIRMAN: The Chair would advise the gentleman from New York (Mr. Fish) that that would not come under the category of a point of order; but the Chair would further advise the gentleman from New York (Mr. Fish) that since the gentleman has raised the point, the Chair will alternate from side to side.

§ 13.9 While the Chair endeavors to alternate recognition for the purpose of offering amendments, and controlling time in opposition thereto, between majority and minority Members, members of the committee reporting a pending bill are entitled to prior recognition over non-committee members regardless of their party affiliation.

On May 4, 1983,[3] during consideration of House Joint Resolu-

1. 122 CONG. REC. 17764, 94th Cong. 2d Sess.
2. William H. Natcher (Ky.).
3. 129 CONG. REC. 11068, 98th Cong. 1st Sess.

tion 13 (nuclear weapons freeze) in the Committee of the Whole, the Chair, in responding to an inquiry, indicated that priority in recognition is with the committee reporting the pending legislation:

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Solarz to the amendment offered by Mr. Levitas: Strike out the matter proposed to be added to the resolution by the Levitas amendment and insert in lieu thereof the following: ", with reductions to be achieved as soon as possible after the achievement of a mutual and verifiable freeze".

THE CHAIRMAN PRO TEMPORE:[4] The gentleman from New York (Mr. Solarz) is recognized for 15 minutes, for purposes of debate only, on his amendment.

MR. [JAMES G.] MARTIN of North Carolina: Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

MR. SOLARZ: Certainly. I am happy to yield for that purpose.

MR. MARTIN of North Carolina: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. MARTIN of North Carolina: Mr. Chairman, I would appreciate if the Chair would put a little time over here.

Is it customary and is it correct order for the business of the House of Representatives for the Chair to sequentially recognize only Members of the majority party time and time again, both to make an amendment, to take the position opposing that amendment, and then to offer the next amendment; is that regular order?

THE CHAIRMAN PRO TEMPORE: Under the precedents the priority in this instance is with the committee members to offer an amendment to the amendment.

MR. MARTIN of North Carolina: I beg pardon?

THE CHAIRMAN PRO TEMPORE: Priority in this instance by the Chair is with the committee members, regardless of party.

MR. MARTIN of North Carolina: That means the Chair will not recognize anyone on the Republican side until after all this has been disposed of, is that what the Chair is saying? Is that the Chair's prerogative?

THE CHAIRMAN PRO TEMPORE: The Chair has indicated its position on recognition up to this point.

§ 13.10 In recognizing members of the committee reporting a bill to offer amendments in the Committee of the Whole, the Chairman has discretion whether to first recognize a minority or majority member.

On June 4, 1948,[5] while the Committee of the Whole was considering H.R. 6801, the foreign aid appropriation bill, for amendment, Chairman Albert M. Cole, of Kan-

4. Leon E. Panetta (Calif.).

5. 94 CONG. REC. 7189, 80th Cong. 2d Sess.

sas, recognized Everett M. Dirksen, of Illinois (a majority member), to offer an amendment. Mr. Clarence Cannon, of Missouri, objected that the minority was entitled to recognition to move to amend the bill. The Chairman responded:

> Under the rules of the House, any member of the committee may offer an amendment, and it is in the discretion of the Chair as to which member shall be recognized.

§ 13.11 While the Chair endeavors to alternate recognition for the purpose of offering amendments between majority and minority Members, members of the committee reporting a pending bill are entitled to prior recognition over noncommittee members regardless of their party affiliation.

On July 22, 1974,[6] during consideration of the Surface Mining Control and Reclamation Act of 1974,[7] the Chairman[8] of the Committee of the Whole indicated that he would continue to accord prior recognition to minority members of the Committee on Interior and Insular Affairs to offer amendments to a bill reported from that committee over majority noncommittee Members, but that he would alternate between parties if majority committee members sought recognition. The proceedings were as follows:

> MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I offer an amendment to the amendment offered by Mrs. Mink as a substitute for the amendment offered by Mr. Hosmer to the committee amendment in the nature of a substitute.
>
> MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, I do not know whether a point of order or a parliamentary inquiry is in order; but I would like to make one or the other.
>
> THE CHAIRMAN: The gentleman will state his parliamentary inquiry.
>
> MR. HAYS: It is my understanding that under the long-standing rules of the House and the Committee of the Whole that we alternate from the Democratic side to the Republican side, or vice versa, whichever the case may be.
>
> Now, there are Members on this side who want to offer amendments. If the Chair is going to consistently listen to three in a row that the gentleman from California has had, we do not know where we stand.
>
> THE CHAIRMAN: The Chair understands the gentleman's parliamentary inquiry; but the Chair believes that as long as members of the committee seek recognition, they are entitled to recognition first; at least, up to a certain point, and if a member of the committee from the majority side stands, he could be recognized.

6. 120 CONG. REC. 24454, 24457, 93d Cong. 2d Sess.

7. H.R. 11500.

8. Neal E. Smith (Iowa).

Subjects Beyond Jurisdiction of Committee

§ 13.12 Where the Committee of the Whole was considering, under a special rule waiving points of order, a bill that extended to a number of legislative subjects that were beyond the jurisdiction of the reporting committee (a general appropriations bill containing a variety of legislative provisions), the Chairman ruled that he would not limit recognition to the members of the committee reporting a bill, but that his decision was not to be taken as a precedent for other bills.

On Mar. 5 and 6, 1941,[9] the Committee of the Whole was considering H.R. 3737, a general appropriation bill, pursuant to House Resolution 126, waiving all points of order against the bill. As to distribution of recognition for debate on the bill, Chairman John E. Rankin, of Mississippi, ruled that, contrary to normal practice, recognition would not be limited to members of the Committee on Appropriations.

THE CHAIRMAN: Permit the Chair to make a statement.

On yesterday the question of recognizing members of the committee to the exclusion of other Members of the House was raised. The Chair stated that since we were operating under a rule that makes in order legislation on an appropriation bill, the Chair did not feel the policy that has grown up in recent years of recognizing members of the committee to the exclusion of other Members of the House should be followed. The Chair does not know what attitude future Chairmen of the Committee of the Whole may assume, but the present occupant of the chair wishes to lay down what the Chair believes to be a sound principle in this respect.

There are 40 members of the Committee on Appropriations. They have control of all the time for general debate on bills coming from that committee just as members of the Committee on Foreign Affairs, members of the Committee on Ways and Means, or other committees have control of the time under general debate on bills coming from their respective committees. There is no written or adopted rule of this House giving members of the committee in control of the bill the exclusive right to recognition under the 5-minute rule over other Members of the House, but a custom to that effect seems to have grown up in recent years which the Chair thinks is wrong.

It is all right to give preference to the chairman of a subcommittee or to the ranking minority member on that subcommittee in connection with important amendments under the 5-minute rule, but the Chair does not think it is fair to the rest of the membership of the House to follow a policy, and gradually petrify it into the rules of the House, of recognizing all mem-

9. 87 CONG. REC. 1846, 1921, 1922, 77th Cong. 1st Sess.

bers of a committee handling the bill under the 5-minute rule to the exclusion of other Members of the House.

MR. [CLARENCE] CANNON of Missouri: Mr. Chairman, I trust the Chair has no intention of announcing a formal decision, which would be in contravention of the practice of the House, which has been in effect for a hundred years. From time immemorial the members of the committee in control of the bill and charged with its passage have been given precedence in recognition, other things being equal.

MR. [CLIFTON A.] WOODRUM of Virginia: Will the gentleman yield?

MR. CANNON of Missouri: I yield to the gentleman from Virginia.

MR. WOODRUM of Virginia: That does not apply alone to the Appropriations Committee; it applies to all committees.

MR. CANNON of Missouri: The gentleman is correct. There is no code applying to any one committee more than to any other committee. And that rule—like all rules of the House—is justified by reason and logic. There is a reason for it. The members of a committee through months—sometimes years—of work on a certain class of legislation or a recurring bill are naturally more familiar with it, and under the rules of the House are responsible for its disposition. And it naturally follows that they must be in position to secure the floor and must be accorded priority of recognition when that subject or that bill is under consideration in order to expedite the business of the House. There is no specific provision in the body of the rules, but the practice has not only been established in the long history of the American Congress but came down to us from the English Parliament from which we received originally our parliamentary code. And as Speaker Cannon and Speaker Reed both said authoritatively, the greater portion of our procedure is the unwritten law—more binding than the letter of the law—because not subject to amendment save through the long processes of evolution.

In all the years I have been on the floor, 30 years next month, I have never heard from the Chair a decision questioning this rule, nor a suggestion that it was not a reasonable rule, or a rule that should not be strictly enforced. As I understand it, the Chairman is about to decide that while this is the rule and practice of the House, that due to the fact that a resolution was adopted when this bill was brought in, the Chair is warranted for the time being in recognizing another priority; but does not pass on the rule itself under normal circumstances. I realize the Chairman would not at this late date propose to set aside, even temporarily, a rule which has been in effect from the beginning of the Republic and which is based upon sound parliamentary logic.

THE CHAIRMAN: Let the Chair say in reply to the gentleman from Missouri, whom the Chair regards as one of the greatest parliamentarians on earth, that the Chair is not setting aside any rule.

MR. WOODRUM of Virginia: Mr. Chairman, I would like to withdraw my request for recognition.

THE CHAIRMAN: The Chair is not discussing that.

MR. WOODRUM of Virginia: Mr. Chairman, I will withdraw my request for recognition.

THE CHAIRMAN: The Chair desires to finish his statement.

The Chair may say to the gentleman from Missouri [Mr. Cannon] that there is no written rule on this subject, but within the last two or three decades appropriations have been taken away from other committees and concentrated in the hands of one committee. The Chair is not speaking any more with reference to the Committee on Appropriations than any other committee. It is perfectly fair for a committee to have charge of general debate and probably debate under the 5-minute rule to a large extent, but the Chair does not think it is fair—especially under conditions such as we have here, where a rule has been adopted making legislation that ordinarily comes from the Committee on Agriculture and from other committees of the House in order on the bill—the Chair does think it fair to the rest of the membership of the House to recognize members of the Committee on Appropriations under the 5-minute rule to the exclusion of the other Members of the House.

So far as the present occupant of the chair individually is concerned, if the time should come when that matter is presented, the Chair might go a step further and apply it to all measures coming before the House and considered under the 5-minute rule. If we are going to have legislation by the entire Congress we will have to come to that decision ultimately.

MR. [JOHN] TABER [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. TABER: Would the Chair feel the same way with reference to a bill being considered from the Committee on Agriculture or from the Committee on World War Veterans?

THE CHAIRMAN: Yes.

MR. TABER: Or from the Committee on Foreign Affairs?

THE CHAIRMAN: Yes. The Chair is not singling out any committee. A great many Members of the House are vitally interested in the various provisions of these bills, and the Chair does not think it is right to exclude them until the committee has exhausted and closed debate.

MR. [EVERETT M.] DIRKSEN [of Illinois]: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DIRKSEN: Is this to be regarded as a ruling today, or is it merely an observation of the Chair?

THE CHAIRMAN: It is a ruling as far as this bill is concerned.

The Chair recognizes the gentleman from South Carolina.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Will the gentleman yield for a parliamentary inquiry.

MR. [HAMPTON P.] FULMER [of South Carolina]: I yield to the gentleman from Massachusetts.

MR. MCCORMACK: Mr. Chairman, is it my understanding that the ruling just made by the Chair confines itself to the pending bill?

THE CHAIRMAN: That is right.

MR. MCCORMACK: And by reason of the rule adopted making in order certain provisions which are legislative, the Chair feels, under those circumstances, that the broader application should be applied to this bill only?

THE CHAIRMAN: Yes. The Chair may say to the gentleman from Massachusetts that if the present occupant were in the chair when one of these relief bills came in, which also covers a multitude of various phases of legislation, the Chair would assume the same attitude.

MR. MCCORMACK: May I say that the Chair is absolutely correct so far as this bill is concerned, but may I say for the Record, so that some future Chairman might not construe the broad remarks of the Chair as a precedent, that the present Chairman is confining himself in his ruling to the present bill.

THE CHAIRMAN: That is correct.

The Chair recognizes the gentleman from South Carolina [Mr. Fulmer].

May Lose Priority

§ 13.13 Members of the committee reporting a bill under consideration usually have preference of recognition, but such preference may be lost if they do not seek recognition in a timely manner.

On Aug. 8, 1967,[10] Chairman Daniel D. Rostenkowski, of Illinois, recognized under the five-minute rule a Member not on the committee which reported the bill because a committee member's request for recognition was untimely.

THE CHAIRMAN: For what purpose does the gentleman from Michigan rise?

MR. [JAMES G.] O'HARA of Michigan: Mr. Chairman, I offer an amendment.

MR. [CLARK] MACGREGOR [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. MACGREGOR: Mr. Chairman, is it not customary when two Members rise at approximately the same time that the Chairman recognizes a member of the committee first?

THE CHAIRMAN: The Chair will state that the gentleman from Michigan was on his feet, and the Chair recognized the gentleman from Michigan.

MR. MACGREGOR: Mr. Chairman, the gentleman from Minnesota was on his feet, and had asked for recognition before the teller vote was taken.

THE CHAIRMAN: The Chair will state that the Chair saw the gentleman from Michigan on his feet first, and the Chair recognized the gentleman from Michigan.

Where Committee Member Does Not Seek Recognition

§ 13.14 In recognizing Members under the five-minute rule, the Chair attempts to give preference to members of the committee reporting the bill; but the Chair may recognize another where a committee member is standing but not actively seeking recognition by addressing the Chair.

On Aug. 4, 1978,[11] during consideration of the foreign aid ap-

10. 113 CONG. REC. 21842, 21843, 90th Cong. 1st Sess.

11. 124 CONG. REC. 24439, 95th Cong. 2d Sess.

propriation bill for fiscal 1979 (H.R. 12931) in the Committee of the Whole, it was demonstrated that, in order to be recognized, a Member must be on his feet and must address the Chair at the appropriate time:

THE CHAIRMAN:[12] The Clerk will read.

The Clerk read as follows:

TITLE II—FOREIGN MILITARY CREDIT SALES

FOREIGN MILITARY CREDIT SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of sections 23 and 24 of the Arms Export Control Act, $648,000,000. . . .

THE CHAIRMAN: Are there amendments to title II?

For what purpose does the gentleman from Iowa rise?

MR. [THOMAS R.] HARKIN [of Iowa]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The Chair recognizes the gentleman from Iowa (Mr. Harkin).

MR. [CLARENCE E.] MILLER of Ohio: Mr. Chairman, I am a member of the committee.

THE CHAIRMAN: The Chair has recognized the gentleman from Iowa (Mr. Harkin).

MR. MILLER of Ohio: Mr. Chairman, I was on my feet at the time.

THE CHAIRMAN: The Chair will tell the gentleman that he might have been on his feet, but the Chair was not aware that he addressed the Chair. . . .

Let the Chair make this announcement for the last time during the consideration of this bill. On yesterday twice the Chair admonished the members of this Committee that if they had amendments pending, it was their duty to be standing and to address the Chair seeking recognition. Otherwise the Chair would have no way of knowing that they had an amendment to offer. The Chair is for the third and last time admonishing the Committee that those who have amendments not only be on their feet but seek recognition. On this particular occasion the gentleman from Ohio (Mr. Miller) did not seek the Chair's attention, and the Chair did recognize the gentleman from Iowa (Mr. Harkin), who did seek the Chair's attention.

Absence of Chairman

§ 13.15 Where the chairman and ranking minority member of the reporting committee, named in a resolution to control debate on the bill, are absent, the Speaker or Chairman of the Committee of the Whole may recognize the next ranking majority and minority members (if the chairman and ranking minority member have not designated other members to control the time).

On July 23, 1942,[13] the House adopted a resolution from the

12. Abraham Kazen, Jr. (Tex.).

13. 88 CONG. REC. 6542–46, 77th Cong. 2d Sess.

Committee on Rules providing for debate on a bill to be divided between the Chairman and the ranking minority member of the reporting committee—the Committee on Election of the President, Vice President, and Representatives in Congress. The chairman and ranking minority member both being absent, Speaker Sam Rayburn, of Texas, declared, in response to a parliamentary inquiry, that the Chair would recognize the next ranking majority member and the next ranking minority member to control debate:

MR. [JOHN E.] RANKIN of Mississippi: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN of Mississippi: Mr. Speaker, we have been unable to find a man in the House on either side who was present when this bill was voted out. A majority of the members of the committee who are here are opposed to the bill. We feel that the time ought to be divided not between the Members who are for the bill but know nothing about it any more than the rest of us, but between the members of the committee who are for the bill and the members of the committee who are opposed to the bill. I would like to have the Chair's ruling on that proposition.

THE SPEAKER: The Chair thinks the Chair has a rather wide range of latitude here. The Chair could hold and some future Speaker might hold that since the chairman and ranking minority member of the committee are not here there could be no general debate because there was nobody here to control it, but the present occupant of the chair is not going to rule in such a restricted way.

The Chair is going to recognize the next ranking majority member and the next ranking minority member when the House goes into the Committee of the Whole.

When the House had resolved itself into the Committee of the Whole, Chairman Jere Cooper, of Tennessee, responded as follows to a similar inquiry:

MR. RANKIN of Mississippi: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RANKIN of Mississippi: Mr. Chairman, there is not a member of the committee present who was present when this bill was voted out. A majority of the members of the committee who are present are opposed to this bill. . . .

THE CHAIRMAN: The Chair will say in response to the parliamentary inquiry, that the Speaker held only a few moments ago that the ranking majority Member, acting as chairman of the committee, and the ranking minority Member present, would have control of the time under the rule that has been adopted for the consideration of the bill.

Recognition for Points of Order

§ 13.16 Members of the committee reporting a bill have

priority of recognition to make points of order against proposed amendments to the bill.

On Mar. 30, 1949,[14] Mr. Henry M. Jackson, of Washington, and Mr. Carl T. Curtis, of Nebraska, simultaneously arose in the Committee of the Whole to make a point of order against a pending amendment on the ground that it constituted legislation on an appropriation bill. Chairman Jere Cooper, of Tennessee, recognized Mr. Jackson in preference over Mr. Curtis since Mr. Jackson was a member of the committee which had reported the bill.

Pro Forma Amendments

§ 13.17 Where the Committee of the Whole resumed consideration of a bill under a special rule prohibiting amendments to a pending amendment except pro forma amendments for debate, the Chair announced that he would first recognize Members who had not offered pro forma amendments on the preceding day, priority of recognition being given to members of the reporting committee.

On Aug. 3, 1977,[15] the following proceedings occurred in the Committee of the Whole during consideration of the National Energy Act (H.R. 8444):

> THE CHAIRMAN:[16] The Chair would like to make a statement for the information of the Members of the Committee of the Whole.
>
> The Chair has before it a list of those who spoke on this amendment yesterday. The Chair will recognize those who have not spoken on this amendment first and, of course, preference will be given to the members of the ad hoc committee and any Member, of course, under the rule has the right to offer pro forma amendments. The Chair will adhere to that direction.
>
> The gentleman from Michigan (Mr. Dingell) did not speak on this amendment yesterday, so as a member of the ad hoc committee, for what purpose does the gentleman from Michigan (Mr. Dingell) [rise]?
>
> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move to strike the last word.

Opposition to Motion To Discharge

§ 13.18 The chairman of a committee having jurisdiction over a bill is entitled to prior recognition for debate in opposition to a motion to dis-

14. 95 CONG. REC. 3520, 81st Cong. 1st Sess.

15. 123 CONG. REC. 26444, 95th Cong. 1st Sess.

16. Edward P. Boland (Mass.).

charge the committee, and if the chairman is not opposed to the motion the next ranking member of the committee is recognized for that purpose, and so on, in order of rank.

On Jan. 13, 1936,[17] Mr. Wright Patman, of Texas, moved to discharge the Committee on Ways and Means from the further consideration of H.R. 1, for the immediate cash payment of adjusted service certificates. Speaker Joseph W. Byrns, of Tennessee, stated that 20 minutes' debate would be had on the motion, to be equally divided between those for and against the motion. He stated that he would recognize Robert L. Doughton, of North Carolina (chairman of the Committee on Ways and Means), to control half the time. Mr. Hamilton Fish, Jr., of New York, stated that he wished to be heard in opposition to the motion. The Speaker responded:

> The chairman of the committee before which the bill is pending is entitled to be recognized in opposition, if he desires.

On May 23, 1938,[18] Mrs. Mary T. Norton, of New Jersey, moved to discharge the Committee on Rules from the further consideration of House Resolution 478, making in order the consideration of a bill. Speaker William B. Bankhead, of Alabama, stated that Mrs. Norton would control 10 minutes' debate in favor of the motion. The Speaker further stated:

> Does the gentleman from New York, chairman of the Committee on Rules, desire recognition in opposition to the resolution?
>
> MR. [JOHN J.] O'CONNOR of New York: Mr. Speaker, I cannot qualify in opposition because I am wholeheartedly in favor of the bill.
>
> THE SPEAKER: The gentleman from Georgia [the next ranking member on the committee]?
>
> MR. [EDWARD E.] COX [of Georgia]: Mr. Speaker, I am proud to say I am in position to qualify. I claim the time and will yield to the gentleman from Texas.
>
> THE SPEAKER: The Chair will recognize the gentleman from Georgia for 10 minutes in opposition to the resolution, and the gentlewoman from New Jersey is now recognized for 10 minutes.[19]

17. 80 CONG. REC. 336, 337, 74th Cong. 2d Sess.

18. 83 CONG. REC. 7274, 7275, 75th Cong. 3d Sess.

19. See also 96 CONG. REC. 12543, 81st Cong. 2d Sess., Aug. 15, 1950; 96 CONG. REC. 12441, 12442, 81st Cong. 2d Sess., Aug. 14, 1950; 89 CONG. REC. 4807, 4808, 78th Cong. 1st Sess., May 24, 1943; and 88 CONG. REC. 8067, 8068, 77th Cong. 2d Sess., Oct. 12, 1942.

Where Portion of Bill Is Considered Read and Open to Amendment

§ 13.19 Where a pending title of a bill is open to amendment and a unanimous-consent request is made that the next two succeeding titles also be considered as open to amendment, all three titles would be open to amendment, with priority in recognition being given to members of the committee reporting the bill.

The following proceedings occurred in the Committee of the Whole on Jan. 29, 1980,[20] during consideration of the Water Resources Development Act (H.R. 4788):

MR. [RAY] ROBERTS [of Texas]: Mr. Chairman, I ask unanimous consent that titles III and IV be considered as read and open for amendment at any point.

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

MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Chairman, am I under the understanding at this point that titles II, III, and IV are now open to amendment?

THE CHAIRMAN: That is correct, if no objection is heard.

MR. ERTEL: I have no objection.

MR. [DON H.] CLAUSEN [of California]: Mr. Chairman, reserving the right to object, I want to make sure we are going to be proceeding in an orderly manner. I am assuming we will proceed through title II for the consideration of the amendment and then follow on with the consideration of titles III and IV.

THE CHAIRMAN: The Chair will advise the gentleman that if the unanimous-consent request is adopted without objection, titles II, III, and IV will be open for amendment at any point. Committee members will, of course, have priority in recognition.

MR. ERTEL: Mr. Chairman, I reserve the right to object, and I do object. I think we ought to go by title II, then go to title III and title IV. I object.

THE CHAIRMAN: Objection is heard.

Recognition To Offer Substitute—Previous Recognition To Debate Original Amendment

§ 13.20 While recognition during the five-minute rule is within the discretion of the Chair and is not subject to a point of order, the Chair will ordinarily recognize a member of a committee reporting a bill to offer a substitute before recognizing a non-committee member, although that committee member may already have been recognized to debate the original amendment.

20. 126 CONG. REC. 973, 96th Cong. 2d Sess.

1. Matthew F. McHugh (N.Y.).

During consideration of the Department of Energy Authorization Act (H.R. 3000) in the Committee of the Whole on Oct. 18, 1979,[2] the following proceedings occurred:

THE CHAIRMAN PRO TEMPORE:[3] Are there further amendments to title IV? If not, the Clerk will designate title V.

Title V reads as follows:

TITLE V—NUCLEAR ASSESSMENT, SPENT FUEL DISPOSITION OPERATIONS, AND DECONTAMINATION AND DECOMMISSIONING . . .

MR. [JOHN W.] WYDLER [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wydler: On page 56, line 21 and 22, substitute the following new title: . . .

MR. [PHILIP R.] SHARP [of Indiana]: Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, there are two things we have to recognize: First, we are moving ahead to deal with the question of away-from-reactor storage for domestic spent fuel.

After further debate, Mr. Sharp was recognized to offer an amendment:

MR. SHARP: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Sharp as a substitute for the amendment offered by Mr. Wydler: On page 56, line 21 and 22, substitute the following new title: "TRANSITIONAL STORAGE OF SPENT FUEL."

On page 57, after line 7, insert the following new subsections: . . .

MR. WYDLER: Mr. Chairman, I make a point of order. I believe the gentleman from Indiana was already recognized on this amendment and there were other people standing on the amendment.

THE CHAIRMAN PRO TEMPORE: The gentleman from Indiana has been recognized to offer a substitute for the gentleman's amendment, and the Clerk is reporting the substitute amendment.

MR. WYDLER: The gentleman had already been recognized on my amendment. Is the Chairman aware of that?

THE CHAIRMAN PRO TEMPORE: The Clerk will report the amendment. The gentleman is on the committee which considered the pending title and is entitled to separate recognition to offer an amendment, and the Clerk will report the substitute.

Chairman Requesting Conference

§ 13.21 The Speaker indicated, in response to a parliamentary inquiry, that only the chairman of the committee having jurisdiction of the subject matter of a bill would be recognized to ask unanimous consent to take the bill from the table, disagree to a

2. 125 CONG. REC. 28765, 28767, 28768, 28770, 96th Cong. 1st Sess.

3. Gerry E. Studds (Mass.).

Senate amendment and ask for a conference.

On the legislative day of Aug. 31, 1960,[4] Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry as follows:

> MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. HALLECK: Would it be in order for a unanimous-consent request to be made to send the bill that has just come from the Senate to conference?
>
> THE SPEAKER: That would be up to the gentleman from North Carolina [Mr. Cooley] [chairman of the committee with jurisdiction].

District of Columbia Business

§ 13.22 During the consideration of District of Columbia business in the Committee of the Whole, in the absence of a special agreement controlling time for general debate, the Chair alternates in recognizing between those for and against the pending legislation, giving preference to members of the Committee on the District of Columbia.

The above-stated principle is set out in detail in another section.[5]

Private Calendar

§ 13.23 Recognition for debate in opposition to an amendment to a bill on the Private Calendar goes to a member of the committee reporting the bill in preference to a Member who is not on that committee.

On Dec. 14, 1967,[6] during the call of the Private Calendar, Speaker John W. McCormack, of Massachusetts, extended recognition to oppose an amendment to a private bill to Mr. Michael A. Feighan, of Ohio, a member of the reporting committee, over Mr. Durward G. Hall, of Missouri, not a member of the committee, and stated "a member of the committee is entitled to recognition."

Calendar Wednesday

§ 13.24 In recognizing for five minutes' debate in opposition to a motion to dispense with business under the Calendar Wednesday call of committees, the Speaker extends preference to a member of the committee having the call.

On Feb. 22, 1950,[7] Mr. Dwight L. Rogers, of Florida, moved to

4. 106 CONG. REC. 18920, 86th Cong. 2d Sess., Sept. 1, 1960 (Calendar Day).
5. See § 12.11, supra.
6. 113 CONG. REC. 36535–37, 90th Cong. 1st Sess.
7. 96 CONG. REC. 2157–59, 81st Cong. 2d Sess.

dispense with the call of committees on Calendar Wednesday. When the five minutes' debate by Mr. Rogers in favor of the motion, provided for by rule, had expired, Speaker Sam Rayburn, of Texas, refused to recognize Mr. Andrew J. Biemiller, of Wisconsin, who was not a member of the committee who had the call. He then recognized Thruston Ballard Morton, of Kentucky, who was a member of the committee next to be called on the Calendar Wednesday list of committees.

§ 13.25 In recognizing a Member to control time in opposition to a bill on Calendar Wednesday in the Committee of the Whole, the Chair recognizes minority members in the order of their seniority on the committee reporting the bill.

On Apr. 14, 1937,[8] the House resolved itself into the Committee of the Whole for the consideration of H.R. 1668, to amend the Interstate Commerce Act, called up by the Committee on Interstate and Foreign Commerce under the Calendar Wednesday call of committees. Chairman J. Mark Wilcox, of Florida, answered a parliamentary inquiry on the order of recognition for debate in opposition to the bill:

> MR. [PEHR G.] HOLMES [of Massachusetts]: Am I to understand that 1 hour will be extended me in opposition to the bill as a minority member of the committee?
>
> THE CHAIRMAN: Is the gentleman from Massachusetts opposed to the bill?
>
> MR. HOLMES: I am, Mr. Chairman.
>
> THE CHAIRMAN: Is the gentleman from Massachusetts the ranking minority member of the committee?
>
> MR. HOLMES: I am the ranking minority member opposed to the bill.
>
> THE CHAIRMAN: The gentleman is entitled to recognition in opposition to the bill unless a minority member of the committee outranking the gentleman desires recognition.

Minority Committee Member Offered Amendment in Nature of Substitute From Floor

§ 13.26 Pursuant to a special rule providing for the consideration of the text of a bill as an amendment in the nature of a substitute, to be read by titles as an original bill immediately after the reading of the enacting clause of the bill to which offered, the Chair recognized a minority member of the committee to offer the amendment in the nature of a substitute from the floor before it could be considered under the rule.

8. 81 CONG. REC. 3456, 75th Cong. 1st Sess.

On Sept. 19, 1974,[9] Chairman Thomas M. Rees, of California, recognized James T. Broyhill, of North Carolina, who then offered an amendment in the nature of a substitute:

> The Clerk read the title of the bill.
>
> THE CHAIRMAN: When the Committee rose on Tuesday, September 17, 1974, all time for general debate had expired.
>
> Pursuant to the rule, immediately after the reading of the enacting clause, it shall be in order to consider the text of the bill H.R. 16327 as an amendment in the nature of a substitute for the bill, and said substitute shall be read for amendment by title.
>
> The Clerk will read the enacting clause.
>
> The Clerk read as follows:
>
> > *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. . . .*
>
> MR. BROYHILL of North Carolina: Mr. Chairman, under the rule, I offer the following amendment in the nature of a substitute, which is to the text of the bill (H.R. 7917).
>
> The Clerk read as follows:
>
> > Amendment in the nature of a substitute offered by Mr. Broyhill of North Carolina: That this Act may be cited as the "Consumer Product Warranties-Federal Trade Commission Improvements Act".
>
> TITLE I—CONSUMER PRODUCT WARRANTIES
>
> DEFINITION

Parliamentarian's Note: Mr. Broyhill was a minority member of the committee and had introduced the bill made in order by the rule. The Chair recognized him when the chairman of the then Committee on Interstate and Foreign Commerce did not immediately seek recognition. It should be noted that the Chair could have considered the amendment to be pending and could have directed that it be read by title as an original bill without being offered from the floor.

Suspension of Rules

§ 13.27 In recognizing a Member to demand a second on a motion to suspend the rules (under a former rule), the Speaker gave preference to a member of the reporting committee who was opposed to the bill; that Member was then recognized to speak in opposition to the motion.

On Feb. 20, 1967,[10] Speaker John W. McCormack, of Massachusetts, ruled as follows on recognition to demand a second on the motion to suspend the rules:

> THE SPEAKER: Is a second demanded?
>
> MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I demand a second.
>
> THE SPEAKER: For what reason does the gentleman from Michigan [Mr.

9. 120 CONG. REC. 31727, 93d Cong. 2d Sess.

10. 113 CONG. REC. 3829, 90th Cong. 1st Sess.

Nedzi], a member of the committee, stand?

MR. [LUCIEN N.] NEDZI: Mr. Speaker, I demand a second.

MR. YATES: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. YATES: The distinguished gentleman from Michigan is my good friend. Is it in order to inquire as to whether the gentleman from Michigan is opposed to the bill?

MR. NEDZI: I will allay the gentleman's fears. He is.

MR. YATES: I will withdraw.

THE SPEAKER: The Chair had not reached that point yet. The Chair would have asked that question.

Is the gentleman from Michigan opposed to the bill?

MR. NEDZI: I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies. Without objection, a second will be considered as ordered.

Parliamentarian's Note: The Member demanding a second on the motion to suspend the rules was entitled to recognition for debate against the motion.[11] Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from Rule XXVII in the 102d Congress (see H. Res. 5, Jan. 3, 1991).

§ 13.28 A member of the committee reporting a bill, who is opposed to the bill, has prior right to recognition to demand a second on a motion to suspend the rules.

On Dec. 1, 1941,[12] Mr. J. Harry McGregor, of Ohio, and Mr. Pehr G. Holmes, of Massachusetts, arose simultaneously to demand a second on a motion to suspend the rules and pass a bill. Mr. Holmes responded to the inquiry of Speaker Sam Rayburn, of Texas, by saying that he was not opposed to the bill. Mr. McGregor was recognized to demand a second after he stated that he was opposed to the bill and was a member of the committee which reported it.

Parliamentarian's Note: Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from Rule XXVII in the 102d Congress (see H. Res. 5, Jan. 3, 1991).

§ 13.29 The Speaker accords priority of recognition to demand a second on a motion to suspend the rules to a minority member of the committee reporting the bill who qualifies as being opposed to the motion.

11. See 105 CONG. REC. 17600, 86th Cong. 1st Sess., Sept. 1, 1959.

12. 87 CONG. REC. 9276, 9277, 77th Cong. 1st Sess.

On Sept. 20, 1976,[13] during consideration of H.R. 14319 (the Clinical Laboratory Improvement Act) in the House, the following proceedings occurred:

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14319) to amend the Public Health Service Act and the Social Security Act to revise and improve the authorities under those acts for the regulation of clinical laboratories, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Clinical Laboratory Improvement Act of 1976". . . .

THE SPEAKER PRO TEMPORE:[14] Is a second demanded?

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Speaker, I demand a second.

MR. [TIM LEE] CARTER [of Kentucky]: Mr. Speaker, I demand a second.

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Speaker, I demand a second.

THE SPEAKER PRO TEMPORE: Is each of the gentlemen who request a second opposed to the bill?

MR. SYMMS: I am opposed to the bill, Mr. Speaker.

MR. BROYHILL: I am opposed to the bill, Mr. Speaker.

MR. CARTER: Mr. Speaker, so am I, in its present form.

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

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

MR. SYMMS: Mr. Speaker, did the gentleman from Kentucky (Mr. Carter) say that he is opposed to the bill?

THE SPEAKER PRO TEMPORE: The Chair will state that the gentleman from Kentucky (Mr. Carter) did say he is opposed to the bill, in its present form.

MR. CARTER: Mr. Speaker, I withdraw my demand for a second.

MR. BROYHILL: Mr. Speaker, I demand a second.

THE SPEAKER PRO TEMPORE: Is the gentleman from North Carolina opposed to the bill?

MR. BROYHILL: I am, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Without objection, a second will be considered as ordered.

There was no objection.

Parliamentarian's Note: Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from Rule XXVII in the 102d Congress (see H. Res. 5, Jan. 3, 1991).

Seniority as Factor

§ 13.30 Recognition of Members to offer amendments

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13. 122 CONG. REC. 31328, 31333, 94th Cong. 2d Sess.

All three Members demanding a second were minority Members, with Mr. Carter ranking on the committee reporting the bill, Mr. Broyhill junior on that committee, and Mr. Symms not on the committee.

14. John J. McFall (Calif.).

under the five-minute rule in the Committee of the Whole is within the discretion of the Chair, and he extends preference to members of the committee which reported the bill according to seniority.

On July 21, 1949,[15] Chairman Eugene J. Keogh, of New York, answered a parliamentary inquiry on the order of recognition for amendments under the five-minute rule:

MR. [JAMES P.] SUTTON [of Tennessee]: Mr. Chairman, I offered an amendment.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. H. CARL ANDERSEN: Mr. Chairman, is it not the custom during debate under the 5-minute rule for the Chair in recognizing Members to alternate from side to side? At least I suggest to the Chair that that would be the fair procedure. The Chair has recognized three Democrats in a row.

THE CHAIRMAN: The Chair will say to the gentleman that the matter of recognition of members of the committee is within the discretion of the Chair. The Chair has undertaken to follow as closely as possible the seniority of those Members.

MR. [CLIFFORD R.] HOPE [of Kansas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HOPE: For the information of the Chair, the gentleman from Wisconsin, who has been seeking recognition, has been a Member of the House for 10 years, and the gentleman from Tennessee is a Member whose service began only this year.

THE CHAIRMAN: The Chair would refer the gentleman to the official list of the members of the committee, which the Chair has before him.

The Clerk will report the amendment offered by the gentleman from Tennessee.

§ 13.31 Recognition under the five-minute rule in the Committee of the Whole is within the discretion of the Chair, and the Chair is not required in every instance to recognize members of the legislative committee reporting the bill in order of their seniority.

On Oct. 2, 1969,[16] the Committee of the Whole was considering under the five-minute rule H.R. 14000, military procurement authorization. Chairman Daniel D. Rostenkowski, of Illinois, recognized Robert C. Wilson, of California, a minority member of the Committee on Armed Services which had reported the bill, to offer an amendment. Mr. Lucien

15. 95 CONG. REC. 9936, 81st Cong. 1st Sess.

16. 115 CONG. REC. 28101, 28102, 91st Cong. 1st Sess.

N. Nedzi, of Michigan, inquired whether members of the committee were not supposed to be recognized in the order of their seniority. The Chairman responded "That is a matter for the Chair's discretion" and proceeded to recognize Mr. Wilson for his amendment.

§ 13.32 The Chairman of the Committee of the Whole gives priority in recognition, in opposition to an amendment printed in the Record and offered after debate is limited, to senior members of the committee reporting the bill regardless of party affiliation.

On June 7, 1977,[17] during consideration of the Federal Employees' Political Activities Act of 1977 (H.R. 10) in the Committee of the Whole, Chairman James R. Mann, of South Carolina, responded to a parliamentary inquiry, as follows:

> MR. [EDWARD J.] DERWINSKI [of Illinois]: The Chairman just referred to the situation whereby debate was limited, which is under clause 6, rule XXIII, and under that procedure any Member who has filed and published an amendment is protected in his right to call up the amendment and is entitled to 5 minutes to explain the amendment.
>
> My parliamentary inquiry is: How will the Chair determine the appropriate Member to speak in opposition to the amendment? In other words, what will qualify a Member to speak in opposition to these pending amendments?
>
> THE CHAIRMAN: The Chair will endeavor to recognize committee members who are opposed, and if there is more than one committee member desiring to speak in opposition to the amendment, the Chair will seek to recognize the most senior of the committee members. The matter of party affiliation will not be controlling.

§ 13.33 While the matter of recognition to offer amendments in Committee of the Whole under the five-minute rule is within the discretion of the Chairman, members of the reporting committee(s) are normally accorded prior recognition in order of committee seniority.

During consideration of House Resolution 1186 (providing for consideration of H.R. 39, the Alaska National Interest Lands Conservation Act) in the House on May 17, 1978,[18] the following proceedings occurred:

> MR. [CHRISTOPHER J.] DODD [of Connecticut]: Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1186 and ask for its immediate consideration. . . .

17. 123 CONG. REC. 17700, 95th Cong. 1st Sess.

18. 124 CONG. REC. 14139–45, 95th Cong. 2d Sess.

The Clerk read the resolution. . . .

MR. DODD: Mr. Speaker, House Resolution 1186 provides for the consideration of H.R. 39, the Alaska National Interest Lands Conservation Act of 1978. This resolution provides for an open rule with 3 hours of general debate; 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. . . .

MR. [MORRIS K.] UDALL [of Arizona]: The Chair will tell us, will he not, that the rules and customs of the House would ordinarily indicate that the floor managers of the bill or members of the appropriate committees would be recognized ahead of other Members in case there were more than one substitute to be offered?

THE SPEAKER PRO TEMPORE:[19] The Chair will state that recognition of Members will be under the control of the Chair at the time that the House is in the Committee of the Whole.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BAUMAN: I would like to ask the Chair whether it is not true, under the precedents of the House, that any member of either committee has a right to be recognized to offer amendments; of course, the chairman and ranking minority member first and other Members after that, may be recognized to offer amendments, so that no restriction is imposed on any Member's right to offer amendments under this rule?

THE SPEAKER PRO TEMPORE: The Chair will state that the gentleman has correctly stated the general principles relating to recognition.

—Chair May Base Recognition on Seniority or on Preferential Status of Amendments

§ 13.34 The order of recognition to offer amendments is within the discretion of the Chair, who may either base his initial recognition on committee seniority or upon the preferential voting status of the amendments sought to be offered; thus, where both a pending amendment and a substitute therefor are open to perfecting amendments, the Chair has the discretion of first recognizing either the senior committee member, or a junior committee member whose amendment would be first voted upon, where both amendments could ultimately be pending at the same time.

The following proceedings occurred during consideration of the Alaska National Interest Lands Conservation Act of 1979 in the

19. Charles A. Vanik (Ohio).

Committee of the Whole on May 15, 1979:[20]

THE CHAIRMAN:[1] For what purpose does the gentleman from Ohio (Mr. Seiberling) rise?

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: Is this to the Udall substitute?

MR. SEIBERLING: Mr. Chairman, I have an amendment at the desk to the Udall-Anderson bill, which is actually a series of technical amendments which I will ask unanimous consent to offer en bloc. . . .

THE CHAIRMAN: Since there is no other amendment pending to the Udall substitute, the amendment of the gentleman from Ohio may be offered. . . .

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, assuming there is an amendment to be offered to the so-called Breaux-Dingell merchant marine version, that would take precedence over an amendment to the so-called Udall-Anderson interior bill?

THE CHAIRMAN: The Chair has the option either to recognize the senior Member first or to first recognize that Member seeking to offer the amendment which will be preferential and first voted upon.

MR. [THOMAS J.] HUCKABY [of Louisiana]: Mr. Chairman, I have amendments at the desk for the Breaux-Dingell bill.

THE CHAIRMAN: The Clerk will report the amendments.[2]

MR. [DON H.] CLAUSEN [of California]: Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, what is the parliamentary situation? Is there an amendment to be offered by the gentleman from Ohio (Mr. Seiberling) or the gentleman from Louisiana (Mr. Huckaby)?

THE CHAIRMAN: The Chair will state that the gentleman from Ohio (Mr. Seiberling) sought recognition to amend the Udall substitute, but the gentleman from Louisiana (Mr. Huckaby) has an amendment to the Merchant Marine and Fisheries amendment in the nature of a substitute, and he will be recognized. The Chair will recognize the gentleman from Ohio (Mr. Seiberling) later for the purposes of offering his amendment. . . .

MR. HUCKABY: Mr. Chairman, I offer amendments to the amendment in the nature of a substitute.

THE CHAIRMAN: The Clerk will report the amendments.

Parliamentarian's Note: Mr. Huckaby's amendments to the original amendment were subsequently agreed to.[3] Mr. Seiberling then indicated that he had amendments to the substitute, and Mr. Huckaby that he had further amendments to the original amendment. As noted above, the Chair would have discretion to

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20. 125 CONG. REC. 11135, 11136, 96th Cong. 1st Sess.

1. Paul Simon (Ill.).

2. Mr. Seiberling was senior to Mr. Huckaby on the Committee on Interior and Insular Affairs, but Mr. Huckaby's amendment was to be voted on first and he represented the majority position on the committee.

3. 125 CONG. REC. 11152, 96th Cong. 1st Sess.

recognize either Member; but the Chair indicated that in either case, the question would not be put on amendments to the substitute until all amendments to the original amendment had been disposed of.

Limitation on Debate Under Five-minute Rule as Affecting Priority of Recognition

§ 13.35 Where the Committee of the Whole has limited to 5 minutes the remaining time for debate on an amendment, the five-minute rule is in effect abrogated and the Chair may in his discretion recognize two Members to equally control the time in support of and in opposition to the amendment (granting priority of recognition to control the time in opposition to a member of the committee handling a bill).

On June 22, 1977,[4] during consideration of H.R. 7797 (the foreign assistance and related agencies appropriation bill for fiscal 1978) in the Committee of the Whole, the Chair made an announcement regarding debate under the five-minute rule. The proceedings were as follows:

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I move that all debate on this amendment and any amendments thereto close in 5 minutes.

The motion was agreed to.

THE CHAIRMAN:[5] Let the Chair make this announcement. There is no way that the Chair can divide 5 minutes among all who wish to speak. Therefore, under the prerogative of the Chair, the Chair will recognize one proponent and one opponent each for 2½ minutes.

The Chair at this time recognizes the proponent, the gentleman from New York (Mr. Wolff). . . .

THE CHAIRMAN: Is there any member of the committee who wishes to be recognized in opposition to the amendment?

If not, the Chair recognizes the gentleman from New York (Mr. Weiss) as an opponent of the amendment.

§ 13.36 A limitation on debate abrogates the five-minute rule and the ordinary criteria for priority of recognition, and the Chair may extend priority of recognition under a limitation to Members seeking to offer amendments not printed in the Record, before members of the reporting committee.

On June 27, 1979,[6] it was demonstrated that, where time had been limited for debate under the five-minute rule in Committee of

4. 123 CONG. REC. 20291, 20292, 95th Cong. 1st Sess.

5. Abraham Kazen, Jr. (Tex.).

6. 125 CONG. REC. 17018, 17029, 96th Cong. 1st Sess.

the Whole, the Chair could continue to recognize Members under the five-minute rule and then as the expiration time approached allocate the remaining time among Members seeking to offer amendments not printed in the *Congressional Record*, and Members opposing such amendments. The proceedings during consideration of H.R. 4389 (the Departments of Labor, and Health, Education, and Welfare appropriations) were as follows:

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, I ask unanimous consent that the balance of the bill be considered as read, open to amendment at any point, and that all debate on the bill and all amendments thereto close at 8:30 p.m.

THE CHAIRMAN:[7] Is there objection to the request of the gentleman from Kentucky?

There was no objection. . . .

THE CHAIRMAN: The Chair would like to make an announcement. We have less than 45 minutes of the allocated time. The Chair would like for all those Members who have amendments which are not printed in the Record—not printed in the Record—to please rise and remain standing so that the Chair can get the names of the Members and try to recognize them for the offering of their amendments.

The Chair recognizes the gentleman from California (Mr. Miller) for approximately 3 minutes.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MICHEL: Mr. Chairman, is it not normal practice to recognize members of the committee before we recognize other Members?

THE CHAIRMAN: Not when a time limitation has been imposed. That rule does not apply, but the Chair will try to protect all the Members who do not have amendments printed in the Record.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. CONTE: If some member of the committee opposes one of these amendments, may that Member rise and speak against an amendment?

THE CHAIRMAN: Certainly.

§ 13.37 Where the Committee of the Whole has limited debate on a bill and all amendments thereto, the five-minute rule may be abrogated at any time the Chair in his discretion deems it necessary to divide the remaining time; and if such limitation is to a time certain several hours in the future, the Chair may in his discretion continue to proceed under the five-minute rule until he desires to allocate remaining time on possible amendments, and may then divide that time between proponents and com-

7. Don Fuqua (Fla.).

mittee opponents of amendments before they are offered.

During consideration of the Department of Defense authorization bill (H.R. 3519) in the Committee of the Whole on July 16, 1981,[8] the following proceedings occurred:

MR. [WILLIAM L.] DICKINSON [of Alabama]: . . . I was wondering if we could agree that we would limit the debate on this bill and all amendments thereto until 5 o'clock tonight, so we would then know whether or not we have to come back tomorrow. I think that would give the Members ample time and ample opportunity to speak. That still allows 6½ hours more time for amendment and debate.

So, Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto terminate at 5 p.m. today.

THE CHAIRMAN:[9] Is there objection to the request of the gentleman from Alabama?

There was no objection. . . .

THE CHAIRMAN: Under the precedents of the House, the Chairman has the power in this situation to allocate time, a limitation having been imposed. The Chair will on the Moffett amendment, if offered, allocate 9 minutes to the gentleman from Connecticut (Mr. Moffett) and 9 minutes to the opposition. Following that the Chair will, if time remains, allocate 2 minutes to the gentleman from Washington (Mr. Foley) and if he offers an amendment to any opposition if there is any, and then what time may be remaining the Chair will allocate to the gentleman from New Jersey (Mr. Minish) if he offers an amendment, 1 minute, to be divided equally between any proponents or opponents.

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

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

MR. DICKINSON: I was just wondering if the Chair could clear up for us the definition of "opponents." The Chair is going to recognize the proponent for 9 minutes and the opponent for 9 minutes. Does that mean the committee, or does that mean some identified person?

THE CHAIRMAN: That means a senior member of the committee in opposition.

§ 13.38 Where there was pending an amendment in the nature of a substitute for a bill and the permissible degree of amendments thereto, the Chair indicated in response to parliamentary inquiries that a motion to limit debate on the amendment in the nature of a substitute and all amendments thereto was in order although the bill itself had not been read, and that all Members would be allocated equal time under the limitation regardless of com-

8. 127 CONG. REC. 16005, 16044, 97th Cong. 1st Sess.

9. Paul Simon (Ill.).

mittee membership but that Members seeking to offer amendments could be first recognized.

On June 10, 1976,[10] the Committee of the Whole having under consideration a bill relating to the State and Local Fiscal Assistance Act of 1972 (H.R. 13367), a motion to limit debate was offered and the proceedings that followed were as indicated below:

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I move that all debate on the Brooks amendment and all amendments thereto end by 6 p.m. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . I do not remember the bill being open at any point to amendment.

THE CHAIRMAN:[11] The motion of the gentleman from New York, as the Chair understood it, was that all debate on the Brooks amendment and all amendments thereto end at 6 p.m.

MR. BAUMAN: So that the motion is in order?

THE CHAIRMAN: The motion is in order. It is limited to the Brooks amendment and amendments thereto. . . .

MR. [J. J.] PICKLE [of Texas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. PICKLE: Mr. Chairman, under the proposed time limitation, would the Chair tend to recognize a Member who is not a member of the committee? For instance, the gentleman from Washington (Mr. Adams) has an important amendment, and if he is not recognized within the time limitation, would the chairman of the committee let the gentleman be recognized?

MR. [JACK] BROOKS [of Texas]: I do not have control of the time. I think the answer, obviously, is that he will be recognized.

THE CHAIRMAN: The Chair will state that under limitation of time committee members no longer have priority in seeking recognition. Time is equally allocated.

So the motion was agreed to.

§ 13.39 Where debate under the five-minute rule on a bill and all amendments thereto has been limited by motion to a time certain (with approximately 90 minutes remaining) the Chair may in his discretion continue to recognize Members under the five-minute rule, according priority to members of the committee reporting the bill, instead of allocating time between proponents and opponents or among all Members standing, where it cannot be determined what amendments will be offered.

On July 29, 1983,[12] during consideration of the International

10. 122 CONG. REC. 17380, 17381, 94th Cong. 2d Sess.

11. Gerry E. Studds (Mass.).

12. 129 CONG. REC. 21649, 21650, 21659, 21660, 98th Cong. 1st Sess.

Monetary Fund authorization (H.R. 2957) in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding recognition following agreement to a motion to limit debate to a time certain:

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I ask unanimous consent that the remainder of the bill, H.R. 2957, be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The text of title IV and title V is as follows:

TITLE IV—INTERNATIONAL LENDING SUPERVISION

Sec. 401. This title may be cited as the "International Lending Supervision Act of 1983". . . .

MR. ST GERMAIN: I have a motion, Mr. Chairman. . . .

I now move that all debate on the bill, H.R. 2957, and all amendments thereto, cease at 12 o'clock noon. . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, a parliamentary inquiry. . . .

Mr. Chairman, the parliamentary inquiry is for the Chair to please state the process by which we will do our business from now until the time is cut off. . . .

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, would it not be in order at this time to ask that the time be divided between the proponents and the opponents of this measure, since there is a limitation on the time?

THE CHAIRMAN:[13] The Chair believes not, because the time has been limited on the entire bill. It would be very difficult to allocate time to any one particular party or two parties when the Chair has no knowledge of the amendments that will be offered.

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

THE CHAIRMAN: The gentleman will state it.

MR. NEAL: Mr. Chairman, is it not true that members of the committee should be given preference in terms of recognition?

THE CHAIRMAN: That is true. At the time the gentleman from Pennsylvania was recognized, he was the only one seeking recognition.

§ 13.40 Where under a time limitation only five minutes of debate is available in opposition both to an amendment and to a substitute therefor printed in the Record, one Member cannot simultaneously be recognized for 10 minutes in opposition to both amendments, but must be separately recognized on each amendment, with preference of recognition being accorded to members of the committee reporting the bill.

The following proceedings occurred in the Committee of the

13. Donald J. Pease (Ohio).

Whole on June 27, 1985,[14] during consideration of H.R. 1872 (Department of Defense authorization for fiscal 1986):

Amendment offered by Mr. Markey: Insert the following new section at the end of title X (page 200, after line 4): . . .

(a) Limitation of Funds Authorized for Fiscal Year 1986.—None of the funds appropriated pursuant to the authorizations of appropriations in this or any other Act may be used for the production of the 155-millimeter artillery-fired, atomic projectile. . . .

MR. [VIC] FAZIO [of California]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Fazio as a substitute for the amendment offered by Mr. Markey: Insert the following new section at the end of title X (page 200, after line 4): . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and the amendment to the amendment.

MR. [ROBERT E.] BADHAM [of California]: Mr. Chairman, at this time, I would ask a parliamentary inquiry of the Chair. . . .

My inquiry is that since there were two offerings, an amendment and an amendment to the amendment in the form of a substitute, would the opposition now be exercising its prerogative in using 10 minutes in opposition to both?

THE CHAIRMAN PRO TEMPORE:[15] That is correct, except that the gentleman from New York rose in opposition to the Markey amendment. There would be 5 minutes of debate left in opposition to the Fazio substitute. . . .

MR. STRATTON: Mr. Chairman, I rose in opposition to both amendments, both the Markey amendment and the Fazio amendment.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the gentleman can only rise in opposition to one amendment at a time, and when he rose, the Chair understood him to rise first in opposition to the Markey amendment. That leaves only 5 minutes in opposition to the Fazio substitute amendment.

Any Member wishing to rise in opposition to the Fazio substitute amendment may, and a member of the committee is recognized before other Members.

Motion To Recommit

§ 13.41 In response to a parliamentary inquiry the Speaker stated that recognition to offer a motion to recommit is the prerogative of a Member opposed to the bill, that the Speaker will first look to minority members of the committee reporting the bill in their order of seniority on the committee, second to other Members of the minority and finally to majority Members opposed to the bill;

14. 131 CONG. REC. 17799–802, 99th Cong. 1st Sess.

15. Marty Russo (Ill.).

thus, a minority Member opposed to a bill but not on the committee reporting it is entitled to recognition to offer a motion to recommit over a majority Member who is also a member of the committee.

On July 10, 1975,[16] during consideration of H.R. 8365 (Department of Transportation appropriations) in the House, the Speaker put the question on passage of the bill and then recognized Mr. William A. Steiger, of Wisconsin, a minority Member, to offer a motion to recommit. The proceedings were as follows:

THE SPEAKER:[17] The question is on the passage of the bill.

MR. STEIGER of Wisconsin: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. STEIGER of Wisconsin: I am, Mr. Speaker.

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

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, the gentleman is not a member of the Committee on Appropriations. As I understand the rule, a member of the Committee on Appropriations must offer a motion to recommit.

The gentleman who offered the motion is not on the Committee on Appropriations.

THE SPEAKER: A member of the minority has priority over all the members of the majority, regardless of whether he is on the committee.

MR. YATES: Mr. Speaker, may I continue with my statement on the point of order.

THE SPEAKER: You may.

MR. YATES: "Cannon's Precedents" states, Mr. Speaker, that if a motion is offered by a person other than a member of the committee, a member of the committee takes precedence in offering a motion to recommit.

THE SPEAKER: A motion to recommit is the prerogative of the minority, and the Chair so rules and so answers the parliamentary inquiry.

MR. YATES: Mr. Speaker, may I refer the attention of the Chair to page 311.

I am quoting from page 311 of "Cannon's Precedents."

> A member of the committee reporting the measure and opposed to it is entitled to recognition to move to recommit over one not a member of the committee but otherwise qualified.

And, Mr. Speaker, it cites volume 8, page 2768.

THE SPEAKER: The Chair desires to call the attention of the gentleman on the question of the motion to "Deschler's Procedure" chapter 23, section 13. It provides that in recognizing Members who move to recommit, the Speaker gives preference to the minority Member, and these recent precedents are consistent with the one cited by the gentleman from Illinois.

What the gentleman is saying is that because he is a member of the Com-

16. 121 CONG. REC. 22014, 22015, 94th Cong. 1st Sess.

17. Carl Albert (Okla.).

mittee on Appropriations, he is so entitled. The Chair has not gone over all the precedents, but the Chair can do it if the gentleman desires him to do so.

The rule is not only that a member of the minority on the Committee on Appropriations has preference over a majority member, but any Member from the minority is recognized by the Speaker over any Member of the majority, regardless of committee membership.

MR. YATES: Mr. Speaker, if the Speaker will permit me to continue——

THE SPEAKER: The only exception is when no Member of the minority seeks to make a motion to recommit.

MR. YATES: Mr. Speaker, in that respect may I say that "Cannon's Precedents" is clear on that point; that where none of those speaking, seeking recognition, are members of the committee and otherwise equally qualified, the Speaker recognizes the Member from the minority over the majority.

But the point is, Mr. Speaker, that I am a member of the committee where the gentleman offering the motion to recommit on the minority side is not a member of the committee.

I suggest, therefore, that under the precedents, I should be recognized.

THE SPEAKER: The Chair will state that in order that there can be no mistake the Chair will ask the Clerk to read the following passage from the rules and manual of the House.

The Clerk read as follows (from section 788):

> Recognition to offer the motion to recommit, whether in its simple form or with instructions, is the prerogative of a Member who is opposed to the bill (Speaker Martin, Mar. 29, 1954, p. 3692); and the Speaker looks first to minority members of the committee reporting the bill, in order of their rank on the committee (Speaker Garner, Jan. 6, 1932, p. 1396; Speaker Byrns, July 2, 1935, p. 10638), then to other Members on the minority side (Speaker Rayburn, Aug. 16, 1950, p. 12608). If no Member of the minority qualifies, a majority Member who is opposed to the bill may be recognized (Speaker Garner, Apr. 1, 1932, p. 7327).

THE SPEAKER: The Chair states that that definitely settles the question, and the Chair recognizes the gentleman from Wisconsin to offer the motion to recommit.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Steiger of Wisconsin moves to recommit the bill H.R. 8365 to the Committee on Appropriations.

§ 13.42 In recognizing Members to move to recommit, the Speaker gives preference first to the ranking minority member of the committee reporting the bill, and then to the remaining minority members of that committee in the order of their rank.

On June 18, 1957,[18] the House was considering H.R. 6127, the Civil Rights Act of 1957. In response to a parliamentary inquiry, Speaker Sam Rayburn, of Texas, stated that the order of recogni-

18. 103 CONG. REC. 9516, 9517, 85th Cong. 1st Sess.

tion for a motion to recommit would be determined by the order of rank of minority members of the committee reporting the bill, the Committee on the Judiciary. When two minority members of the committee arose to offer the motion, the Speaker recognized the member higher in rank:

> MR. [RICHARD H.] POFF [of Virginia]: Mr. Speaker, I offer a motion to recommit.
>
> THE SPEAKER: Is the gentleman opposed to the bill?
>
> MR. POFF: I am, Mr. Speaker.
>
> MR. [RUSSELL W.] KEENEY [of Illinois]: Mr. Speaker, I also offer a motion to recommit, and I, too, am opposed to the bill.
>
> THE SPEAKER: In this instance the Chair finds that no one has arisen who is a member of the minority of the Committee on the Judiciary until it comes down to the name of the gentleman from Virginia [Mr. Poff]. He ranks the gentleman from Illinois [Mr. Keeney] and is therefore senior. Under the rules and precedents of the House, the Chair therefore must recognize the gentleman from Virginia [Mr. Poff].[19]

§ 13.43 Recognition for a motion to recommit is accorded to the ranking minority member of the committee reporting a bill, even though that member is opposed to the measure merely "in its present form."

On Mar. 12, 1964,[20] Mr. Robert J. Corbett, of Pennsylvania, offered a motion to recommit a pending bill reported from the Committee on Post Office and Civil Service, of which he was a minority member. Speaker John W. McCormack, of Massachusetts, inquired whether he was opposed to the measure, and he stated he was opposed to the bill "in its present form." Mr. H. R. Gross, of Iowa, also a minority member of the committee, but lower in rank than Mr. Corbett, stated that he should be recognized to offer the motion to recommit, being unqualifiedly opposed to the bill. The Speaker declined to recognize Mr. Gross and recognized Mr. Corbett for the motion.

§ 13.44 A minority member of a committee reporting a bill is entitled to recognition to offer a motion to recommit, if opposed to the bill, over a minority Member not on the committee, although the Speaker may have failed to notice the committee member seeking recognition at the time the noncommittee Member sought to offer a mo-

19. See also 110 CONG. REC. 5147, 88th Cong. 2d Sess., Mar. 12, 1964; and 105 CONG. REC. 11372, 86th Cong. 1st Sess., June 19, 1959.

20. 110 CONG. REC. 5147, 88th Cong. 2d Sess.

tion but before it was reported by the Clerk.

During consideration of the Department of Agriculture appropriation bill for fiscal 1976 (H.R. 8561) in the House on July 14, 1975,[1] the following proceedings occurred:

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[2] Is the gentleman opposed to the bill?

MR. ROUSSELOT: Yes, I am, Mr. Speaker.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: The gentleman from Illinois is the ranking member of the Committee on Appropriations.

MR. ROUSSELOT: Mr. Speaker, I believe I was recognized.

THE SPEAKER: The Chair did not see the gentleman from Illinois.

MR. MICHEL: Mr. Speaker, I was on my feet and I was standing right here. I had the motion at the desk. I was just standing here as a matter of courtesy.

THE SPEAKER: The Chair was at fault in that the Chair did not see the gentleman from Illinois because the gentleman from California was addressing the Chair and the Chair was looking in that direction.

The Chair now recognizes the gentleman from Illinois (Mr. Michel).

MR. ROUSSELOT: Mr. Speaker, I believe I was recognized and the Clerk was proceeding with the motion to recommit.

THE SPEAKER: The Chair did not see the gentleman from Illinois (Mr. Michel) who was entitled to recognition being the senior member on the Committee on Appropriations and entitled to recognition, and the motion to recommit had not been reported by the Clerk.

The Chair recognizes the gentleman from Illinois (Mr. Michel).

§ 13.45 In granting recognition to offer a motion to recommit, the Chair first recognizes minority members of the committee reporting the bill who are opposed in order of their seniority, and then other minority Members who are opposed; and in one instance, the Chair recognized a senior member of the committee to offer a motion to recommit even though another Member had sought recognition to offer the motion and had been asked by the Chair if he was opposed to the bill and had responded that he was, the Chair ruling in response to a point of order that recognition in such an instance is not conferred until the Chair has directed the Clerk to report the motion.

1. 121 CONG. REC. 22620, 94th Cong. 1st Sess.
2. Carl Albert (Okla.).

On Apr. 24, 1979,[3] during consideration of the State Department authorization (H.R. 3303) in the House, the following exchange occurred:

THE SPEAKER:[4] The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

THE SPEAKER: The question is on the passage of the bill.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a motion at the desk.

THE SPEAKER: The Chair is aware that the gentleman is standing and the Chair intends to recognize the gentleman. . . .

Is there any member of the committee that desires to make a motion to recommit on the minority side? . . .

MR. BAUMAN: Mr. Speaker, I have a motion at the desk.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. BAUMAN: Mr. Speaker, I am opposed to the bill.

THE SPEAKER: The Clerk will——

MR. BAUMAN: Mr. Speaker, I was recognized.

THE SPEAKER: The Chair under the precedents of the House, will recognize the gentleman from Michigan to make a motion if he qualifies. . . .

MR. BAUMAN: Mr. Speaker, had not the Speaker said to the gentleman from Maryland, "Is the gentleman opposed to the bill?"

And the gentleman from Maryland was thus recognized.

THE SPEAKER: The Chair appreciates that the gentleman is opposed to the bill; but under the precedents of the House, the Clerk has not reported the motion. . . .

MR. BAUMAN: I make a point of order against recognizing the gentleman from Michigan or anyone else, because he did not rise in a timely fashion to make the motion. Once the Chair recognizes a Member, the precedents will support the fact that he has the right to offer the motion.

THE SPEAKER: On the point of order, the gentleman's motion has not been read yet; so the Chair will recognize the gentleman from Michigan, a senior member of the committee, who is standing. . . .

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. BROOMFIELD: Yes, I am, Mr. Speaker. . . .

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

> Mr. Broomfield moves to recommit the bill, H.R. 3363, to the Committee on Foreign Affairs. . . .

MR. BAUMAN: Mr. Speaker, the gentleman makes a point of order that the gentleman is not in order in making the motion, since another Member had already been recognized. The Chair has already conferred that recognition and had inquired whether or not the gentleman from Maryland was opposed.

THE SPEAKER: In the opinion of the Chair, until the motion has been read,

3. 125 CONG. REC. 8360, 8361, 96th Cong. 1st Sess.

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

the gentleman has not been recognized for that purpose.

MR. BAUMAN: Well, the gentleman did not yield to anyone else to offer a motion.

THE SPEAKER: The gentleman had not been recognized for that purpose and consequently—the Chair asked the gentleman if he was in opposition. The gentleman replied. The gentleman was not then recognized for that purpose. That is the statement and the opinion of the Chair. The Chair did not recognize the gentleman by directing the Clerk to report the motion. The Chair is trying to follow the precedents of the House.

Now, the Chair has ruled on the gentleman's point of order and the gentleman from Michigan is entitled to 5 minutes. The Chair so recognizes the gentleman from Michigan (Mr. Broomfield).

—*By Minority Leader*

§ 13.46 On one occasion, the Minority Leader asserted a "preemptory right" over other minority Members to offer a motion to recommit a reprimand resolution to the Committee on Standards of Official Conduct with instructions to report back forthwith an amendment proposing the more severe punishment of censure (although the ranking minority member of that committee opposed to the reported resolution would ordinarily have been entitled to recognition to offer the motion under Rule XVII, clause 1).

On July 20, 1983,[5] Minority Leader Robert H. Michel, of Illinois, was recognized to offer a motion to recommit House Resolution 266 (reprimanding Mr. Daniel B. Crane, of Illinois). The proceedings in the House were as follows:

MR. MICHEL: . . . I am going to exercise my preemptory right of taking the motion to recommit for myself and it will read as follows. Those of you who want to vote for it can, and those who will not I am certainly not going to have any quarrel with you because, frankly, I think the committee recommendations are good and sound and were based on fundamental good reason. . . .

Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[6] Is the gentleman opposed to the resolution?

MR. MICHEL: I am, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Mr. Michel of Illinois moves to recommit House Resolution 266 to the Committee on Standards of Official Conduct with instructions to report the resolution back to the House forthwith with the following amendment: Strike all after the resolving

5. 129 CONG. REC. 20028, 20029, 98th Cong. 1st Sess.

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

clause and insert in lieu thereof the following:

(1) That Representative Daniel B. Crane be censured. . . .[7]

[The motion to recommit was agreed to.]

Parliamentarian's Note: Mr. Michel's assertion of "preemptory right" as Minority Leader was valid only if no member of the Committee on Standards of Official Conduct qualified as opposed to the resolution in its reported form. Apart from members of the committee who are opposed to the bill or resolution, however, the Minority Leader can preempt all other minority Members of the House in recognition for recommittal of a reported bill or resolution.

Opposition to Recommendation To Strike Enacting Clause

§ 13.47 In recognizing a Member in opposition to a motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken, the Chair extends preference to a member of the committee handling the bill.

On Mar. 1, 1950,[8] Mr. Clare E. Hoffman, of Michigan, offered the preferential motion that the Committee of the Whole rise and report back the bill under consideration with the recommendation that the enacting clause be stricken. Chairman Clark W. Thompson, of Texas, ruled that a member of the committee reporting the bill had priority of recognition in debate to oppose the motion:

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, I object, and claim time in opposition to the motion.

MR. [CARL] HINSHAW [of California]: Mr. Chairman, I rise in opposition to the motion.

MR. [OREN] HARRIS [of Arkansas]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. HARRIS: This is a preferential motion to strike out the enacting clause, and I believe a committee member is entitled to recognition.

THE CHAIRMAN: The gentleman is correct. The Chair recognizes the gentleman from California [Mr. Hinshaw].

MR. CASE of South Dakota: Mr. Chairman, a parliamentary inquiry.

7. The Committee on Standards of Official Conduct had recommended that Mr. Crane be reprimanded for sexual misconduct. Mr. Michel offered the recommittal motion to give Members the opportunity to vote on a more stringent penalty (censure) and to prevent other motions, such as postponement as part of recommittal. (Expulsion would not have been germane to reprimand.)

8. 96 CONG. REC. 2597, 2598, 81st Cong. 2d Sess.

THE CHAIRMAN: The gentleman will state it.

MR. CASE of South Dakota: The gentleman from South Dakota was recognized, was he not?

THE CHAIRMAN: The gentleman was recognized by the Chair to make an objection, but not to speak.

MR. HINSHAW: Mr. Chairman, if the gentleman from South Dakota desires time, I will be glad to yield to him for a minute or so.

Parliamentarian's Note: Mr. Case had objected to a unanimous-consent request to withdraw the motion.

§ 13.48 When no member of the committee from which a bill is reported seeks recognition in opposition to a motion to strike the enacting clause, the Chair may recognize for that purpose a Member from the party other than that of the Member making the motion.

On Aug. 2, 1955,[9] the Committee of the Whole was considering under the five-minute rule H.R. 7718, reported from the Committee on the District of Columbia. Mr. Clare E. Hoffman, of Michigan, a Republican, offered the motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken. When no member of the Committee on the District of Columbia rose to seek recognition in opposition to the motion, Chairman Aime J. Forand, of Rhode Island, declined to recognize Mr. H. R. Gross, of Iowa, also a Republican, and recognized a Member of the opposite party.

§ 13.49 Priority of recognition in opposition to a preferential motion to recommend that the enacting clause be stricken is accorded to a member of the committee reporting the bill.

During consideration of the Clean Air Act Amendments of 1976 (H.R. 10498) in the Committee of the Whole on Sept. 15, 1976,[10] the following proceedings occurred:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

THE CHAIRMAN:[11] The gentleman from Texas (Mr. Wright) is recognized

9. 101 CONG. REC. 12997, 84th Cong. 1st Sess.

10. 122 CONG. REC. 30469, 30470, 94th Cong. 2d Sess.

11. J. Edward Roush (Ind.).

for 5 minutes in support of his preferential motion. . . .

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, I rise in opposition to the motion.

THE CHAIRMAN: Is the gentleman on the committee?

MR. MCCORMACK: No, I am not; but I rise in opposition to the motion.

THE CHAIRMAN: For what purpose does the gentleman from Florida (Mr. Rogers) seek recognition? . . .

MR. MCCORMACK: Mr. Chairman, I make a point of order.

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

MR. MCCORMACK: Mr. Chairman, there is a motion on the floor. I rise in opposition to it.

As I understand, under the rules, one Member is allowed 5 minutes to speak in opposition to a motion like this.

THE CHAIRMAN: The Chair will state that what the gentleman says is absolutely true.

However, the Chair recognizes the gentleman from Florida [Mr. Rogers, a member of the committee and manager of the bill] who is on his feet, if he seeks recognition in opposition to the preferential motion.

§ 13.50 Members of the committee managing the bill have priority of recognition for debate in opposition to a preferential motion that the Committee of the Whole rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The following proceedings occurred in the Committee of the Whole on May 5, 1988,[12] during consideration of the Department of Defense authorization for fiscal 1989 (H.R. 4264):

THE CHAIRMAN PRO TEMPORE:[13] Does any Member desire to rise in opposition to the preferential motion? Members of the committee have priority.

MR. [JOHN G.] ROWLAND of Connecticut: Mr. Chairman, I rise in opposition to the motion.

THE CHAIRMAN PRO TEMPORE: The gentleman from Connecticut is recognized for 5 minutes.

Debate on Committee Amendment

§ 13.51 When a bill is being considered under a closed rule permitting only committee amendments, only two five-minute speeches are in order on an amendment—one in support and one against the amendment—and the Chair gives preference in recognition to members of the committee reporting the bill.

On May 18, 1960,[14] the Committee of the Whole was consid-

12. 134 CONG. REC. 9955, 100th Cong. 2d Sess.
13. Kenneth J. Gray (Ill.).
14. 106 CONG. REC. 10576, 86th Cong. 2d Sess.

ering H.R. 5, amending the Internal Revenue Code, pursuant to House Resolution 468, permitting only amendments offered by the reporting committee, the Committee on Ways and Means. Mr. Cleveland M. Bailey, of West Virginia, not a member of the committee, stated a parliamentary inquiry on whether he could gain recognition under the five-minute rule:

> MR. BAILEY: I rise in opposition to the amendment, and I oppose the legislation in general.
>
> Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN:[15] The gentleman will state it.
>
> MR. BAILEY: On what ground may I get recognition for the purpose of opposing the legislation?
>
> THE CHAIRMAN: The Chair recognized the gentleman from Louisiana [Mr. Boggs] for 5 minutes in support of the committee amendment, so the gentleman from Louisiana would have to yield to the distinguished gentleman from West Virginia.
>
> MR. BAILEY: At the expiration of the 5 minutes allowed the gentleman from Louisiana, may I be recognized to discuss the amendment?
>
> THE CHAIRMAN: If no other member of the committee rises in opposition to the amendment, the Chair will recognize the gentleman.

§ 13.52 In recognizing members of the committee reporting a bill, the Chair generally recognizes a member in favor of a committee amendment prior to recognizing a member thereof who is opposed.

On Jan. 30, 1957,[16] the Committee of the Whole was considering House Joint Resolution 1311, to authorize the President to cooperate with nations of the Middle East, under a resolution permitting only committee amendments. A committee [Foreign Affairs] amendment was offered, and Mr. Brooks Hays, of Arkansas, a member of the committee, rose in opposition to the amendment. Pursuant to a point of order, Chairman Jere Cooper, of Tennessee, extended recognition to Mr. Frank M. Coffin, of Maine, a member of the committee who authored and supported the amendment.

Opposition to More Than One Amendment

§ 13.53 Where the Committee of the Whole fixes the time for debate on amendments to a substitute amendment, the Chair in counting those seeking recognition may in his discretion allot a portion of

15. William H. Natcher (Ky.).

16. 103 CONG. REC. 1311, 85th Cong. 1st Sess.

the opposition time to the reporting committee, and may recognize the same committee member in opposition to each amendment.

On Feb. 8, 1950,[17] the Committee of the Whole fixed time for debate on amendments to a committee substitute. Chairman Chet Holifield, of California, then stated, in response to a parliamentary inquiry, that the Chair could recognize the same committee member in opposition to each amendment offered where no other member of the committee sought such recognition:

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

THE CHAIRMAN: The gentleman will state it.

MR. CASE of South Dakota: Under what precedent or ruling is the Chair recognizing a certain member of the committee for 1 minute in opposition to each amendment being offered? That was not included in the motion. Had it been included in the motion, it would have been subject to a point of order.

THE CHAIRMAN: The Chair is trying to be fair in the conduct of the committee, and the only gentleman that has arisen on the opposite side has been the gentleman from Tennessee [Mr. Murray]. There was no point of order raised at the time that I announced that I would recognize the committee for 1 minute in rebuttal to each amendment.

MR. CASE of South Dakota: But the gentleman from South Dakota got up at the time the Chair proposed to recognize the gentleman from Tennessee a second time. Obviously, when the committee avails itself of the opportunity to make a motion to limit debate it, in a sense, is closing debate, and unless it does seek to limit time and is successful in so doing, in principle it forfeits that courtesy. The Members who have proposed amendments here have been waiting all afternoon to be heard, and if the committee adopted the procedure of seeking to close debate on 20 minutes' notice, with 10 amendments pending, it would seem as a matter of courtesy that the committee should restrain itself to one member of the committee who might have been on his feet, but to recognize one gentleman a succession of times seems entirely out of keeping with the spirit of closing debate.

THE CHAIRMAN: The Chairman, in the list of names, also read the name of the committee. If the Chair was so inclined, the Chair could recognize two Members for 5 minutes each on amendments, on each side, and that would preclude the others from having any voice in the amendments that are pending, or in the debate.

MR. CASE of South Dakota: That, of course, is true, the Chair could do that. But, ordinarily, under the precedents always followed in the House, when time is closed on amendments, the time is divided among those who are seeking to offer amendments, and unless the motion specifically reserves time to the committee, it has been the precedent to divide the time among

17. 96 CONG. REC. 1691, 81st Cong. 2d Sess.

those who are seeking to offer amendments.

THE CHAIRMAN: The Chair feels that the committee is entitled to a rebuttal on any amendment that is offered, and has so announced, and there was no point of order made at the time. The Chair sustains its present position.

Debate Provisions of Trade Act

§ 13.54 Debate on an implementing revenue bill must be equally divided and controlled among those favoring and those opposing the bill under section 151(f)(2) of the Trade Act of 1974, and unanimous consent is required to divide the time between the chairman and ranking minority member of the committee if both favor the bill; in the absence of such a unanimous-consent agreement, a Member opposed to the bill is entitled to control 10 hours of debate in opposition, with priority of recognition to opposing members of the Committee on Ways and Means; and the Member recognized to control the time in opposition may not be compelled to use less than that amount of time unless the Committee rises and the House limits further debate in the Committee of the Whole.

During consideration of the Trade Agreement Act of 1979 (H.R. 4537) in the House on July 10, 1979,[18] the following proceedings occurred:

MR. [AL] ULLMAN [of Oregon]: Mr. Speaker, pursuant to Section 151(f) of Public Law 93–618, the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4537) to approve and implement the trade agreements negotiated under the Trade Act of 1974, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be equally divided and controlled between the gentleman from New York (Mr. Conable) and myself. . . .

THE SPEAKER:[19] Is there objection to the request of the gentleman from Oregon (Mr. Ullman)?

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, reserving the right to object. . . .

I take this reservation for the purpose of propounding a parliamentary inquiry to the Chair.

The rule, section 151, before consideration says:

> Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 hours which shall be divided equally between those favoring and those opposing the bill or resolution. . . .

My query to the Chair as a part of my reservation is, if the unanimous-

18. 125 CONG. REC. 17812, 17813, 96th Cong. 1st Sess.

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

consent request of the chairman is granted can the chairman then move to terminate debate at any time during the course of debate before the 20 hours have expired?

THE SPEAKER: Reading the statute a motion further to limit the debate shall not be debatable, and that would be made in the House, either now or later, and not in the Committee of the Whole.

MR. ASHBROOK: Mr. Speaker, further reserving the right to object, if the gentleman from Ohio were to be recognized as opposing the bill, does the gentleman have the absolute right to the 10 hours regardless of the time that would be taken on the other side?

THE SPEAKER: Unless all general debate were further limited by the House a member of the Committee on Ways and Means who is opposed to the bill could seek to control the 10 hours of time. The gentleman would be entitled to the 10 hours unless a request came from a member of the Committee on Ways and Means who would be in opposition. . . .

MR. ASHBROOK: I thank the Speaker.

I ask this for a very specific purpose. Further reserving the right to object, it is my understanding then that the gentleman from Oregon could not foreclose debate as long as whoever controls the opposition time still has part of the 10 hours remaining. Is that correct, under the statute providing for consideration of this trade bill? . . .

THE SPEAKER: Not unless the committee rose and the House limited all debate.

A motion to limit general debate would not be entertained in the Committee of the Whole and the Chair cannot foresee something of that nature happening.

§ 14. —Of Member in Control

Cross References

Designation of manager and opposition, see § 27, infra.

Interruptions of Member in control, see § 32, infra.

Management by reporting committee, see § 26, infra.

Manager losing or surrendering control, see § 33, infra.

Member in control and amendments, see Ch. 27, supra.

Member in control closing debate, see §§ 72 (House debate), 76 (general debate in Committee of the Whole), 78 (five-minute debate in Committee of the Whole), infra.

Member in control as member of committee in control, see § 13, supra.

Priority of Member in control on specific motions and questions, see §§ 16 et seq., infra.

Role of manager, see § 24, infra.

Special orders and Members in control, see § 28, infra.

Yielding of time by Member in control, see §§ 29–31, infra.

Generally

§ 14.1 Where more than one Member seeks recognition under the five-minute rule in the House as in the Com-

mittee of the Whole, the Speaker recognizes the Member in charge of the bill or resolution if he seeks recognition.

On Sept. 11, 1945,[20] Mr. Robert F. Rich, of Pennsylvania, and Mr. Adolph J. Sabath, of Illinois, arose at the same time seeking recognition on a resolution called up by Mr. Sabath and being considered (by special order) in the House as in the Committee of the Whole. Speaker Sam Rayburn, of Texas, recognized Mr. Sabath, since he had priority of recognition as the Member in charge, and then answered parliamentary inquiries on the order of recognition:

> MR. RICH: After the reading of section 4 of the bill which contained subsections (a), (b), and (c), could not a Member have risen to strike out the last word and have been recognized?
>
> THE SPEAKER: The gentleman did not state for what purpose he rose. The gentleman from Illinois who is in charge of the resolution was on his feet at the same time. The Chair recognized the gentleman from Illinois, and the gentleman from Illinois made a preferential motion.
>
> MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. HOFFMAN: Must a Member on the floor addressing the Speaker state the purpose for which he addresses the Speaker before he may be recognized?
>
> THE SPEAKER: Two Members rose. The Speaker always has the right to recognize whichever Member he desires. The Chair recognized the gentleman from Illinois who was in charge of the resolution. The gentleman from Illinois made a preferential motion; the Chair put the motion and it was adopted.

§ 14.2 Where the Member handling a bill on the floor and a minority Member both seek recognition, the Chair gives preference to the former.

On Nov. 15, 1967,[1] the Committee of the Whole was considering under the five-minute rule H.R. 2388, economic opportunity amendments, reported by the Committee on Education and Labor, and under the management of its Chairman, Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition from the Chair to offer an amendment, but Chairman John J. Rooney, of New York, recognized Mr. Perkins to submit a unanimous-consent request (to close debate at a certain hour). Mr. Gurney's point of order against recognition of Mr. Perkins was overruled.

§ 14.3 The member of the committee in charge of a bill is

20. 91 CONG. REC. 8510, 79th Cong. 1st Sess.

1. 113 CONG. REC. 32655, 90th Cong. 1st Sess.

entitled to prior recognition over other Members of the Committee of the Whole.

On July 8, 1937,[2] Chairman Marvin Jones, of Texas, answered a parliamentary inquiry on the order of recognition on the pending bill and indicated that the legislative committee member in charge of the bill would be entitled to recognition over other Members of the Committee of the Whole.

Recognition Under Five-minute Rule

§ 14.4 In bestowing recognition under the five-minute rule in the Committee of the Whole, the Chair gives preference to the chairman of the legislative committee reporting the bill under consideration.

On Nov. 15, 1967,[3] the Committee of the Whole was considering under the five-minute rule a bill reported from the Committee on Education and Labor, chaired by Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition and started to offer an amendment. The Chairman then recognized Mr. Perkins, the chairman of the committee and manager of the bill, to submit a unanimous-consent request on closing debate, and then subsequently recognized Mr. Gurney to offer his amendment.

§ 14.5 Under the five-minute rule in the Committee of the Whole, the Member handling a bill has preference in recognition for debate but the power of recognition remains with the Chair and the Member cannot "yield" himself time for debate.

On Mar. 26, 1965,[4] Mr. Adam C. Powell, of New York, was the Member in charge of debate on H.R. 2362, the Elementary and Secondary Education Act of 1965, which was being considered for amendment under the five-minute rule in the Committee of the Whole. Mr. Powell arose and stated "I yield myself 5 minutes." Chairman Richard Bolling, of Missouri, stated as follows:

> The gentleman cannot yield himself 5 minutes. The Chair assumes he moves to strike out the last word.

Mr. Melvin R. Laird, of Wisconsin, objected that Mr. Powell had not moved to strike out the last word, and then made such motion himself. However, the

2. 81 Cong. Rec. 6946, 75th Cong. 1st Sess.

3. 113 Cong. Rec. 32655, 90th Cong. 1st Sess.

4. 111 Cong. Rec. 6113, 89th Cong. 1st Sess.

Chairman recognized Mr. Powell for that motion, since he was the manager of the bill and chairman of the Committee on Education and Labor.

§ 14.6 In recognizing Members to offer amendments, the Chair gives preference to the chairman of the committee reporting the bill.

On July 12, 1962,[5] Chairman Wilbur D. Mills, of Arkansas, stated in response to a parliamentary inquiry by Mr. Michael A. Feighan, of Ohio, that he would be recognized at the proper time to offer a substitute to a pending amendment. The Chairman then extended prior recognition to Mr. Thomas E. Morgan, of Pennsylvania, Chairman of the Committee on Foreign Affairs, which had reported the pending bill, to offer an amendment.

§ 14.7 Recognition to offer amendments is first extended to the manager of a bill, and the fact that the Committee of the Whole has just completed consideration of one amendment offered by the manager does not preclude his being recognized to offer another.

On Apr. 6, 1967,[6] Mr. Robert W. Kastenmeier, of Wisconsin, was the Member in charge of H.R. 2512, being considered for amendment in the Committee of the Whole. Mr. Kastenmeier had offered an amendment, which was adopted by the Committee. He then immediately offered another amendment. Mr. Byron G. Rogers, of Colorado, made a point of order against recognition for that purpose, and Chairman John H. Dent, of Pennsylvania, overruled the point of order:

> MR. ROGERS of Colorado: The gentleman from Wisconsin just offered an amendment, and certainly I as a member of the committee ought to have the privilege of offering an amendment.
>
> THE CHAIRMAN: The gentleman from Wisconsin is manager of the bill. The Chair recognizes the gentleman from Wisconsin.

—*After Limitation on Debate*

§ 14.8 The Committee of the Whole having agreed to limit debate under the five-minute rule on an amendment and all amendments thereto, the Member in charge of the bill may be recognized to speak under the limitation although he has already spoken on the amendment.

5. 108 CONG. REC. 13391, 87th Cong. 2d Sess.

6. 113 CONG. REC. 8617, 8618, 90th Cong. 1st Sess.

On June 25, 1952,[7] during consideration of amendments to a bill in the Committee of the Whole, a motion was adopted to close debate on a pending amendment and all amendments thereto at a certain time. Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry as to the right to recognition, under the limitation, of the Member in charge of the bill:

> MR. [CLARE E.] HOFFMAN of Michigan: Under this limitation is the chairman of the committee, who has already spoken once on this amendment, entitled to be heard again under the rule?
>
> THE CHAIRMAN: The chairman of the committee could rise in opposition to a pro forma amendment and be recognized again.
>
> MR. HOFFMAN of Michigan: Under the limitation?
>
> THE CHAIRMAN: Yes; under the limitation.

Parliamentarian's Note: A limitation on debate abrogates the five-minute rule, and the Chair may allocate the remaining time among those Members desiring recognition, including Members who have already spoken. If sufficient time remains under the limitation to allow the five-minute rule to continue to operate, a Member who has spoken on an amendment may again be recognized to speak in opposition to an amendment thereto (including a pro forma amendment).

Manager Designated by Committee

§ 14.9 Where the Committee on Rules designates a member to call up a report from the committee, only that member may be recognized for that purpose, unless the resolution has been on the calendar for seven legislative days without action.

On June 6, 1940,[8] Mr. Hamilton Fish, Jr., of New York, sought recognition to call up for consideration a special resolution from the Committee on Rules providing for the consideration of a bill. Speaker William B. Bankhead, of Alabama, inquired whether Mr. Fish had been authorized to call up the resolution and Mr. Fish stated he had not. He asserted that calling up such a resolution was "the privilege of any member of the Rules Committee."

The Speaker, in declining to recognize Mr. Fish for that purpose, stated:

> The Chair cannot recognize the gentleman from New York to call up the

7. 98 CONG. REC. 8028, 82d Cong. 2d Sess.

8. 86 CONG. REC. 7706, 76th Cong. 3d Sess.

resolution unless the Record shows he was authorized to do so by the Rules Committee. The Chair would be authorized to recognize the gentleman from Mississippi [Mr. Colmer] to call up the rule in the event the resolution offered by the gentleman from New York, which was the unfinished business, is not called up.

MR. FISH: Will the Chair permit me to read this rule?

THE SPEAKER: The Chair would be glad to hear the gentleman.

MR. FISH: Rule XI reads as follows:

> It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting).

I submit, according to that rule and the reading of that rule, Mr. Speaker, that any member of the Rules Committee can call up the rule, but it would require the membership of the House to act upon it by a two-thirds vote in order to obtain consideration.

THE SPEAKER: The precedents are all to the effect that only a Member authorized by the Rules Committee can call up a rule, unless the rule has been on the calendar for 7 legislative days without action.

MR. FISH: Of course, there is nothing to that effect in the reading of the rule.

THE SPEAKER: The Chair is relying upon the precedents in such instances.

—*Calendar Wednesday Bill*

§ 14.10 Where a committee designates a member thereof to call up a bill on Calendar Wednesday, no other Member may take such action.

On Feb. 24, 1937,[9] Speaker Pro Tempore William J. Driver, of Arkansas, answered a parliamentary inquiry preceding the call of committees on Calendar Wednesday:

> MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.
>
> MR. MICHENER: Mr. Speaker, where a bill has been reported favorably by a committee, and the chairman of the committee is authorized to call the bill up on Calendar Wednesday, when the chairman absents himself from the floor, and when other members of the committee are present, is it proper for one of the other members to call up the bill?
>
> THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that under the rules only the chairman or the member designated by the committee is authorized to call up a bill.

Privileged Resolution

§ 14.11 Debate on a privileged resolution is under the hour rule and the Member in charge of the resolution has control of the time.

On Feb. 27, 1963,[10] Mr. Samuel N. Friedel, of Maryland, called

9. 81 CONG. REC. 1562, 1563, 75th Cong. 1st Sess.
10. 109 CONG. REC. 3051, 3052, 88th Cong. 1st Sess.

up, by direction of the Committee on House Administration, House Resolution 164, a privileged resolution providing funds for the Committee on Armed Services. Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry as to control of the time for debate:

MR. [CHARLES A.] HALLECK [of Indiana]: As I understand it, the gentleman from Maryland [Mr. Friedel] has said that he would yield time to Members on the minority side, and that is what we want. If there is another minority Member who wants to be recognized at this time, it would be in order under the rules for that Member to be granted time in order that he might make such statement as he might want to make.

THE SPEAKER: The Chair will state that under the rules of the House and pursuant to custom that has existed from time immemorial, on a resolution of this kind the Member in charge of the resolution has control of the time and he, in turn, yields time. The gentleman from Maryland [Mr. Friedel] in charge of the resolution has yielded 10 minutes to the gentleman from Ohio. If the gentleman from Ohio desires to yield to some other Member, he may do so but he may not yield a specific amount of time.

Mr. Carl Albert, of Oklahoma, the Majority Leader, then made the following statement on distribution of time to the minority:

MR. ALBERT: . . . Of course, the principle is well established under the rules of the House and has been observed by both parties from time immemorial, that the Member recognized to call up the resolution has control of the time under the 1-hour rule. But, I would like to advise the gentleman, as the gentleman from Maryland has, I am sure the gentleman from Maryland will yield at least half of the time to the minority.

On Feb. 25, 1954,[11] Speaker Joseph W. Martin, Jr., of Massachusetts, answered parliamentary inquiries on the control of debate on a privileged resolution called up by the Member in charge—the chairman of the Committee on House Administration:

MR. [KARL M.] LECOMPTE [of Iowa]: Under the rules the Chairman has control of the time.

THE SPEAKER: The gentleman has 1 hour to yield to whomsoever he desires.

MR. LECOMPTE: And he has control of the matter of offering amendments.

THE SPEAKER: A committee amendment is now pending. No other amendment can be offered unless the gentleman yields the floor for that purpose.

MR. LECOMPTE: A motion to recommit, of course, belongs to some member of the minority opposed to the resolution. Would any motion except a motion to recommit be in order except by the gentleman in charge of the bill?

THE SPEAKER: Not unless the gentleman yields for that purpose.

11. 100 CONG. REC. 2282, 83d Cong. 2d Sess.

The gentleman from Iowa is recognized for 1 hour.

Absence or Death of Manager

§ 14.12 Where the chairman and ranking minority member, named in a resolution to control debate on a bill, are absent and have not designated Members to control the time, the Speaker or Chairman of the Committee of the Whole recognizes the next ranking majority and minority members for control of such debate.

On July 23, 1942,[12] the House adopted a resolution from the Committee on Rules providing for debate on a bill to be divided between the chairman and the ranking minority member of the reporting committee. The chairman and ranking minority member both being absent, Speaker Sam Rayburn, of Texas, declared, in response to a parliamentary inquiry, that the Chair would recognize the next ranking majority member and the next ranking minority member to control debate:

MR. [JOHN E.] RANKIN of Mississippi: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: . . . We feel that the time ought to be divided not between the Members who are for the bill but know nothing about it any more than the rest of us, but between the members of the committee who are for the bill and the members of the committee who are opposed to the bill. I would like to have the Chair's ruling on that proposition.

THE SPEAKER: The Chair thinks the Chair has a rather wide range of latitude here. The Chair could hold and some future Speaker might hold that since the chairman and ranking minority member of the committee are not here there could be no general debate because there was nobody here to control it, but the present occupant of the chair is not going to rule in such a restricted way.

The Chair is going to recognize the next ranking majority member and the next ranking minority member when the House goes into the Committee of the Whole.

§ 14.13 Where a Member designated in a resolution to call up a bill dies, the Speaker may recognize another Member in favor of the bill.

On Oct. 12, 1942,[13] Speaker Sam Rayburn, of Texas, overruled a point of order against consideration of a resolution discharged from the Committee on Rules, where the resolution named as manager a Member no longer living:

THE SPEAKER: If no Member wishes to be heard on the point of order the Chair is ready to rule.

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12. 88 CONG. REC. 6542–46, 77th Cong. 2d Sess.

13. 88 CONG. REC. 8080, 77th Cong. 2d Sess.

A matter not exactly on all fours with this, but similar to it, was ruled on a few weeks ago. On that occasion both the chairman and the ranking minority member of the committee were absent. A point of order was made against consideration of the bill because of that fact.

In ruling on the point of order at that time the Chair made the following statement:

> The Chair thinks the Chair has rather a wide range of latitude here. The Chair could hold, and some future Speaker might hold, that since the chairman and the ranking minority member of the committee are not here there could be no general debate because there was nobody here to control it; but the present occupant of the Chair is not going to rule in such a restricted way.
>
> The Chair is going to recognize the next ranking majority member and the next ranking minority member when the House goes into the Committee of the Whole.

We have here even a stronger case than that. The absence of a living Member may be his or her fault; the absence of a dead signer of this petition is not his fault.

There is a rule followed by the chancery courts which might well be followed here. It is that equity never allows a trust to fail for want of a trustee. Applying that rule to the instant case, the Chair holds that the consideration of this legislation will not be permitted to fail for want of a manager. After all, an act of God ought not, in all good conscience, deprive this House of the right to consider legislation; especially so, since this House has by its vote on the motion to discharge expressed its intent. . . .

The Chair overrules the point of order made by the gentleman from Alabama.[14]

Unanimous-consent Consideration of Bill

§ 14.14 Where the House has agreed to consider a bill called up by unanimous consent, the Member calling up the bill is recognized for one hour, and amendments may not be offered by other Members unless the Member in charge yields for that purpose.

On Oct. 5, 1962,[15] Mr. Francis E. Walter, of Pennsylvania, asked for the unanimous-consent consideration of a bill in the House. Mr. Arch A. Moore, Jr., of West Virginia, a minority Member, sought recognition to offer an amendment. Since Mr. Walter was recognized to control time (one hour) on the bill, Speaker John W. McCormack, of Massachusetts, asked Mr. Walter whether he was willing to accept the amendment, and Mr. Walter answered in the affirmative.

Parliamentarian's Note: Ordinarily a Member in charge of a

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14. See the similar rulings of Speaker Rayburn, on the same bill, at 88 CONG. REC. 8066, 8120, 77th Cong. 2d Sess., Oct. 12, 1942.

15. 108 CONG. REC. 22606–09, 87th Cong. 2d Sess.

bill considered in the House loses the floor if he yields for an amendment. In this instance, the amendment was non-controversial and the Speaker put the question on the amendment and on the bill.

—*Private Bill*

§ 14.15 When a private bill is called up by unanimous consent for consideration in the House, the Member making the request is recognized for one hour.

On Mar. 12, 1963,[16] Mr. Emanuel Celler, of New York, asked unanimous consent for the immediate consideration of private bill H.R. 4374, to proclaim Sir Winston Churchill an honorary citizen of the United States, in the House. Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the control and time for debate:

> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, under what circumstances will this resolution be considered? Will there be any time for discussion of the resolution, if unanimous consent is given?
>
> THE SPEAKER: In response to the parliamentary inquiry of the gentleman from Iowa, if consent is granted for the present consideration of the bill, the gentleman from New York [Mr. Celler] will be recognized for 1 hour and the gentleman from New York may yield to such Members as he desires to yield to before moving the previous question.
>
> MR. GROSS: Mr. Speaker, further reserving the right to object, is some time to be allocated to this side of the aisle?
>
> MR. CELLER: I intend to allocate half of the time to the other side.
>
> MR. GROSS: Mr. Speaker, I withdraw my reservation of objection.

Parliamentarian's Note: Normally a Private Calendar bill called up by unanimous consent is considered under the five-minute rule in the Committee of the Whole, unless the request specifies consideration "in the House" (discharging the Committee of the Whole).

Recognition for Motion or Request To Limit Debate

§ 14.16 During five-minute debate in the Committee of the Whole, the Member managing the bill is entitled to prior recognition to move to close debate on a pending amendment over other Members who desire to debate the amendment or to offer amendments thereto.

16. 109 CONG. REC. 3993, 88th Cong. 1st Sess. The Journal indicates that Mr. Eller asked for consideration in the House, although the Record does not. H. Jour. 279, 88th Cong. 1st Sess.

On Nov. 25, 1970,[17] the Committee of the Whole was conducting five-minute debate on H.R. 19504, which was being handled by Mr. John C. Kluczynski, of Illinois. Mr. Kluczynski was recognized by Chairman Chet Holifield, of California, to move to close all debate on the pending amendment immediately. The motion was adopted. Mr. Jonathan B. Bingham, of New York, then attempted to offer another amendment, and Mr. Andrew Jacobs, Jr., of Indiana, attempted to debate the amendment on which debate had been closed. The Chairman stated:

> The Chair has not recognized the gentleman from New York or the gentleman from Indiana. The Chair had recognized the gentleman from Illinois (Mr. Kluczynski). The gentleman from Indiana misunderstood the Chair had recognized him. The Chair had to recognize the gentleman from Illinois as chairman of the subcommittee.

§ 14.17 While it is customary for the Chair to recognize the manager of the pending bill to offer motions to limit debate, any Member may, pursuant to Rule XXIII clause 6, move to limit debate at the appropriate time in Committee of the Whole.

17. 116 Cong. Rec. 38990, 91st Cong. 2d Sess.

The following proceedings occurred in the House on July 31, 1975:[18]

> Mr. [Wayne L.] Hays of Ohio: Mr. Speaker, I have a parliamentary inquiry.
>
> The Speaker:[19] The gentleman will state it.
>
> Mr. Hays of Ohio: Would it be in order for a person not a member of the committee to move to close debate on whatever pending amendment there might be, and all amendments thereto, to this bill when we go into the Committee of the Whole?
>
> The Speaker: It is the practice and custom of the House that the Chair looks to the manager of the bill for motions relating to the management of the bill.
>
> Mr. Hays of Ohio: If I made the motion—and I will make it more specific—would it be out of order or in violation of the rules?
>
> The Speaker: A proper motion could be entertained at the proper time.
>
> Mr. Hays of Ohio: I am prepared to make such a motion and I will seek the proper time.

§ 14.18 Although any Member may move, or request unanimous consent, to limit debate under the five-minute rule in the Committee of the Whole, the manager of the bill has the prior right to recognition for such purpose.

18. 121 Cong. Rec. 26223, 94th Cong. 1st Sess.

19. Carl Albert (Okla.).

The following proceedings occurred in the Committee of the Whole on June 19, 1984,[20] during consideration of the Immigration Reform and Control Act (H.R. 1510):

MR. [DANIEL E.] LUNGREN [of California]: Mr. Chairman, I ask unanimous consent that all debate on this amendment end at 7:15.

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

MR. [THEODORE S.] WEISS [of New York]: Objection, Mr. Chairman.

THE CHAIRMAN: Objection is heard.

MR. LUNGREN: Mr. Chairman, I move——

MR. [ROMANO L.] MAZZOLI [of Kentucky]: Mr. Chairman, I should be recognized as the floor manager.

THE CHAIRMAN: The Chair recognizes the gentleman from Kentucky (Mr. Mazzoli).

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

THE CHAIRMAN: The gentleman will state it.

MR. MAZZOLI: Mr. Chairman, I believe under the rule, the gentleman from Kentucky, the floor manager, is entitled to be heard and to be recognized on matters limiting debate.

Let me just respectfully suggest to my friend, the gentleman from California, the House has made it clear we are not going to protract the debate tonight. . . .

MR. LUNGREN: Mr. Chairman, if I might reclaim my time, I indulged the gentleman from Texas and asked him to withdraw his motion on the pretext that I would make a motion, as I have the ability to do under the rule, that debate on this amendment shall end in a half hour. Since I had the gentleman agree to withdraw it, I feel bound that I will then continue with this motion, and I so move.

MR. MAZZOLI: Mr. Chairman, can the gentleman say 45 minutes? I understand 45 minutes will be enough.

THE CHAIRMAN: If the gentleman from Kentucky has no motion, the gentleman from California is entitled to make his motion. Does the gentleman offer a motion?

MR. LUNGREN: Yes, Mr. Chairman.

Mr. Chairman, I move that debate on the amendment offered by the gentleman from Texas (Mr. Wright) be concluded at 7:30.

THE CHAIRMAN: The question is on the motion offered by the gentleman from California (Mr. Lungren).

The motion was agreed to.

§ 14.19 A Member is not entitled to five minutes of debate on a pro forma amendment in Committee of the Whole until the Chair has recognized him for that purpose; and the subcommittee chairman who is managing the bill is entitled to prior recognition to move to limit debate over a Member seeking recognition to offer a pro forma amendment.

During consideration of the foreign assistance and related agen-

20. 130 CONG. REC. 17055, 98th Cong. 2d Sess.

1. William H. Natcher (Ky.).

cies appropriation bill for fiscal year 1978 (H.R. 7797) in the Committee of the Whole on June 22, 1977,[2] the following proceedings occurred:

MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Chairman, I move to strike the requisite number of words.

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I was on my feet seeking recognition.

THE CHAIRMAN:[3] For what purpose does the gentleman from Maryland rise?

MR. LONG of Maryland: Mr. Chairman, I rise to ask unanimous consent for a limitation on the debate.

THE CHAIRMAN: Will the gentleman make his request.

MR. LONG of Maryland: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto cease in 10 minutes.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I object.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. LONG of Maryland: Mr. Chairman, I move that all debate on this amendment and all amendments thereto cease in 10 minutes.

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ASHBROOK: Mr. Chairman, my understanding is that the Chairman recognized the gentleman from New York (Mr. Bingham) and he was halfway down the aisle.

THE CHAIRMAN: The Chair saw both gentlemen at the same time, and he did recognize the gentleman from Maryland because the Chair had to, by custom and rule, I believe, recognize the chairman of the subcommittee. . . .

The question is on the motion offered by the gentleman from Maryland (Mr. Long).

The motion was agreed to.

Recognition for Motion That Committee Rise

§ 14.20 The motion that the Committee of the Whole rise is always within the discretion of the Member handling the bill before the Committee.

On June 16, 1948,[4] Mr. George W. Andrews, of Alabama, was managing the consideration in the Committee of the Whole of a bill being read for amendment under the five-minute rule, and moved that the Committee rise, several Members desiring recognition being absent. Mr. George A. Smathers, of Florida, interjected that he would like to be heard on the motion. Chairman Francis H. Case, of South Dakota, ruled:

That is not a debatable motion. It is always within the discretion of the

2. 123 CONG. REC. 20288, 95th Cong. 1st Sess.

3. Abraham Kazen, Jr. (Tex.).

4. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

gentleman handling the bill to move that the Committee rise.

Parliamentarian's Note: Any Member may be recognized under the five-minute rule to offer the preferential motion that the Committee rise. Under general debate, only a Member controlling time for general debate may make the motion.

—*Minority Member in Control Where Chairman Opposed to Concurrent Resolution*

§ 14.21 On one occasion, the ranking minority member of a subcommittee who had introduced and controlled general debate in favor of a concurrent resolution being considered in Committee of the Whole, moved that the Committee rise and report the resolution to the House favorably, where the chairman who had reported the resolution had offered the motion for its consideration but had controlled time in opposition.

The following proceedings occurred in the Committee of the Whole on May 24, 1983,[5] during consideration of House Concurrent Resolution 113 (approving MX missile funds):

THE CHAIRMAN:[6] All time has expired.

The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 113

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and the Senate of the United States approve the obligation and expenditure of funds appropriated in Public Law 97–377 for MX missile procurement. . . .

MR. [JACK] EDWARDS of Alabama [ranking minority member of the Subcommittee on Defense of the Committee on Appropriations]: Mr. Chairman, I move that the Committee do now rise and report the concurrent resolution back to the House with the recommendation that the concurrent resolution be agreed to.

The motion was agreed to.

Parliamentarian's Note: Although Mr. Joseph P. Addabbo, of New York, chairman of the Subcommittee on Defense, arguably had the responsibility under Rule XI, clause 2(l)(1)(a) to take all necessary steps to bring the matter to a vote, he did not want to move that the Committee of the Whole rise and report the concurrent resolution favorably, since he opposed that motion.

5. 129 CONG. REC. 13594, 98th Cong. 1st Sess.

6. Norman Y. Mineta (Calif.).

Recognition in Opposition to Motion Recommending That Enacting Clause Be Stricken

§ 14.22 The Chair normally recognizes the manager of a bill for five minutes if he rises in opposition to a preferential motion that the enacting clause be stricken, and no preference in recognition is granted to the minority.

An illustration of the proposition described above occurred on Apr. 23, 1975,[7] in the Committee of the Whole during consideration of the Vietnam Humanitarian Assistance Act (H.R. 6096):

> MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. O'Neill moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.
>
> THE CHAIRMAN:[8] The Chair recognizes the gentleman from Massachusetts (Mr. O'Neill) in support of his preferential motion. . . .
>
> MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I rise in opposition to the preferential motion offered by the gentleman from Massachusetts (Mr. O'Neill).
>
> MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state his parliamentary inquiry.
>
> MR. DU PONT: Mr. Chairman, my parliamentary inquiry is this: Does the grant of time by the Chairman to the gentleman from Pennsylvania (Mr. Morgan) preclude anyone on the minority side from rising in opposition to the preferential motion and being heard?
>
> THE CHAIRMAN: The Chair will say that that is correct.
>
> MR. DU PONT: Under the rules, is not time designated to the minority side?
>
> THE CHAIRMAN: The Chair will state that is not a prerogative of the minority on a preferential motion of this sort.

§ 14.23 The chairman of a committee managing a bill is entitled to recognition for debate in opposition to a motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, over the minority manager of the bill.

The following proceedings occurred in the Committee of the Whole on Apr. 28, 1983,[9] during consideration of House Joint Resolution 13 (nuclear weapons freeze):

> THE CHAIRMAN:[10] When the Committee of the Whole rose on Thursday,

7. 121 CONG. REC. 11505, 11506, 94th Cong. 1st Sess.
8. Otis G. Pike (N.Y.).
9. 129 CONG. REC. 10425, 98th Cong. 1st Sess.
10. Matthew F. McHugh (N.Y.).

April 21, 1983, pending was the committee amendment in the nature of a substitute which is considered as an original resolution for the purpose of amendment. All time for debate on the text of the resolution had expired.

Are there further amendments?

PREFERENTIAL MOTION OFFERED BY MR. AU COIN

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. AuCoin moves that the committee do now rise and report the resolution back to the House with the recommendation that the resolving clause be stricken out.

THE CHAIRMAN: The gentleman from Oregon (Mr. AuCoin) is recognized for 5 minutes in support of his preferential motion. . . .

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Chairman, I rise in opposition to the preferential motion.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin] [Chairman of Committee on Foreign Affairs]: Mr. Chairman, I rise in opposition to the preferential motion and ask for a vote.

THE CHAIRMAN: The gentleman from Wisconsin (Mr. Zablocki) is recognized for 5 minutes in opposition to the preferential motion.

Where Committee Discharged From Consideration of Privileged Resolution

§ 14.24 If a motion to discharge a committee from the further consideration of a privileged resolution is agreed to, the resolution is debatable under the hour rule, and the proponent of the resolution is entitled to prior recognition.

The principle described above was illustrated on Sept. 29, 1975,[11] during proceedings in the House relating to House Resolution 718 (a resolution of inquiry, directing the Secretary of the Department of Health, Education, and Welfare to furnish documents relating to public school systems to the House):

MR. [JAMES M.] COLLINS of Texas: Mr. Speaker, I offer a privileged motion to discharge the Committee on Education and Labor from consideration of the resolution (H. Res. 718).

THE SPEAKER:[12] The Clerk will report the motion.

The Clerk read the motion as follows:

> Mr. Collins of Texas moves to discharge the Committee on Education and Labor from consideration of House Resolution 718.

THE SPEAKER: The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 718

Resolved, That the Secretary of Health, Education, and Welfare, to the extent not incompatible with the

11. 121 CONG. REC. 30748, 94th Cong. 1st Sess.
12. Carl Albert (Okla.).

public interest, is directed to furnish to the House of Representatives, not later than sixty days following the adoption of this resolution, any documents containing a list of the public school systems in the United States which, during the period beginning on August 1, 1975, and ending on June 30, 1976, will be receiving Federal funds and will be engaging in the busing of schoolchildren to achieve racial balance, and any documents respecting the rules and regulations of the Department of Health, Education, and Welfare with respect to the use of any Federal funds administered by the Department for the busing of schoolchildren to achieve racial balance.

THE SPEAKER: The question is on the privileged motion to discharge.

The motion was agreed to.

MR. COLLINS of Texas: Mr. Speaker, basically, what I am concerned with here is full documentation from the Secretary of HEW.

I filed this in the Congressional Record and have met the necessary requirements for a resolution of inquiry. . . .

The other body at this time is discussing the appropriation bill on HEW and has raised the subject over and over again regarding transportation of students to achieve racial balance and how that is affecting the budget. Therefore, it is absolutely essential to us, in our deliberations here in this House, that we have a concise, clear, complete, and factual statement from the Secretary of HEW as defined in my House Resolution 718.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Moving the Previous Question

§ 14.25 A Member calling up a privileged resolution in the House may move the previous question at any time, except to take another Member from his feet, notwithstanding his prior allocation of debate time to another Member.

On Mar. 9, 1977,[13] it was demonstrated that the Member recognized to control debate in the House may, by moving the previous question, terminate utilization of debate time he has previously yielded:

THE SPEAKER:[14] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), for the minority, pending which I yield myself 5 minutes. . . .

Mr. Speaker, the other amendment that the gentleman offers proposes to give the House the opportunity to vote up or down in a certain period of time regulations proposed by the select committee. What that does, and it really demonstrates an almost total lack of understanding of the rules, is to upgrade regulations into rules. The Members of the House will have the opportunity to deal with all laws and

13. 123 CONG. REC. 6816, 95th Cong. 1st Sess.

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

rules. That is provided in the resolution. . . .

Mr. Speaker, I move the previous question on the resolution. . . .

MR. [JOHN B.] ANDERSON of Illinois: I have time remaining. Do I not have a right to respond to the gentleman from Missouri?

THE SPEAKER: Not if the previous question has been moved, and it has been moved.

MR. ANDERSON of Illinois: Even though the gentleman mentioned my name and made numerous references to me for the last 10 minutes?

THE SPEAKER: The Chair is aware of that.

The question is on ordering the previous question.

§ 15. — Of Opposition After Rejection of Essential Motion

Right of recognition to offer a motion to recommit pending final passage, which is the prerogative of the minority if opposed, should be distinguished from the right of recognition for a motion to refer under Rule XXIII clause 7 pending a vote in the House on a motion to strike out the enacting clause. In the latter case, a Member seeking recognition need not be opposed to the bill, since the motion to refer in this case is a measure designed to avert final adverse disposition of the bill. As stated by Speaker Frederick H. Gillett, of Massachusetts, on May 19, 1924,[15] "apparently the provision for a motion to refer was inserted so that the friends of the original bill might avert its permanent death by referring it again to the committee, where it could again be considered in the light of the action of the House." By the same reasoning, Speaker Gillett pointed out, rejection of the motion to refer should not give the right of recognition to sponsors of the bill, but to one supporting the motion to strike the enacting clause.

The right to recognition upon rejection of the previous question is not necessarily a prerogative of the minority.

Cross References

Distribution and alternation of time between proponent and opposition, see § 25, infra.

Effect of special orders on control of opposing time, see § 28, infra.

Losing or surrendering control to opposition, see §§ 33, 34, infra.

Practice of House committees as to time for opposition, see § 26, infra.

Rights of opposition on specific questions and motions, see §§ 16 et seq., infra.

Time for opposition in debate, see §§ 67 et seq., infra (duration of debate in the House) and §§ 74 et seq., infra (duration of debate in the Committee of the Whole).

Yielding time by or to opposition, see §§ 29–31, infra.

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15. See 8 Cannon's Precedents § 2629.

Generally

§ 15.1 When an essential motion made by the Member in charge of a bill is decided adversely, the right to prior recognition passes to the Member leading the opposition to the motion.[16]

Motion To Postpone Consideration to Day Certain Not "Essential" Motion

§ 15.2 A motion to postpone consideration to a day certain (of a vetoed bill) is not an essential motion whose defeat requires recognition to pass to a Member opposed.

On June 2, 1930,[17] the House was considering the passage of a vetoed bill. A motion to postpone consideration of the bill had been made by the chairman of the committee managing the bill and had been rejected. Mr. John N. Garner, of Texas, raised a parliamentary inquiry whether that motion was an essential motion whose defeat required recognition to pass to the minority. Speaker Nicholas Longworth, of Ohio, discussed the principle raised and ruled that the motion to postpone consideration was not an essential motion within the meaning of the rule.

MR. GARNER: Mr. Speaker, the only issue involved was the question of whether the consideration of the President's veto should be postponed until Thursday. Does the Chair agree with the gentleman from Missouri [Mr. Cannon] that a motion for the previous question being defeated, transfers the right of recognition?

THE SPEAKER: It does; but that is not the question.

MR. GARNER: Then may I follow that up with this statement? That was the motion of the gentleman from South Carolina. If he is recognized now, he will move the previous question on the matter of consideration.

THE SPEAKER: The Chair does not know what the gentleman from South Carolina would do.

MR. GARNER: He did not have the opportunity to do that, but the Chair recognized the gentleman from Minnesota. He moved to postpone until next Thursday, and moved the previous question. The previous question was ordered. The House overwhelmingly declined to let the matter go over until Thursday, indicating that it

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16. For the rule and its application, see *House Rules and Manual* § 755 (1995). For an exception to the rule, as related to intervening adjournment, see § 15.22, infra.

Voting down the previous question on a conference report merely extends the time for debate and does not afford the opportunity to amend the report. See 84 CONG. REC. 8459, 76th Cong. 1st Sess., June 30, 1939; and 84 CONG. REC. 2085, 2086, 76th Cong. 1st Sess., Mar. 1, 1939. Generally, see Ch. 33, infra.

17. 72 CONG. REC. 9913, 9914, 71st Cong. 2d Sess.

wants to vote on the matter immediately. And now the Chair proposes to continue the recognition of the gentleman from Minnesota?

THE SPEAKER: Precisely. The House has indicated its desire to vote immediately, but the gentleman from Minnesota is the chairman of the Committee on Pensions, and it seems to the Chair that he is entitled as chairman of the committee to discuss the matter on the merits. We have had no vote that has gone to the merits of the bill at all.

MR. GARNER: I understand that, but that is not the question involved in recognizing the gentleman from Minnesota. The question is, under the practice and rules of the House, Does this vote automatically transfer to the opposition the right of recognition?

THE SPEAKER: The Chair does not think so in this case.

Mr. Garner attempted to appeal the Speaker's ruling on recognition but the Speaker ruled that an appeal did not lie to a decision on recognition.

Motion To Table Resolution of Inquiry

§ 15.3 Where a motion to lay a resolution on the table is made by the Member in charge of the resolution, and that motion is defeated, the right to prior recognition passes to the Member leading the opposition to the motion.

On Feb. 20, 1952,[18] Mr. James P. Richards, of South Carolina, called up, by direction of the Committee on Foreign Affairs, a resolution of inquiry (H. Res. 514) directed to the Secretary of State. Mr. Richards had sent to the Clerk's desk an adverse report of the committee, recommending that the resolution not pass. Mr. Richards immediately moved the privileged and nondebatable motion to lay the resolution on the table. The motion was defeated.

Mr. John M. Vorys, of Ohio, the Member leading the opposition to the motion, was then recognized by Speaker Sam Rayburn, of Texas, who explained the parliamentary situation:

> The gentleman from Ohio [Mr. Vorys] is in charge of the time, the gentleman being with the majority in this instance, and on that side of the issue which received the most votes.

Mr. Vorys controlled debate on the resolution, which was agreed to by the House.

Parliamentarian's Note: If the manager's motion to table is defeated and no other Member seeks recognition, the manager may retain control over the remaining time for debate.[19]

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18. 98 CONG. REC. 1205–07, 82d Cong. 2d Sess.

19. See 125 CONG. REC. 15027, 15029, 15030, 96th Cong. 1st Sess., June 15, 1979, discussed in § 34.2, infra.

§ 15.4 The Member calling up for consideration a privileged resolution of inquiry reported adversely from committee is recognized for one hour and may move to lay the resolution on the table at any time; and where the Member calling up the resolution uses part of his hour of debate and then offers a motion to table the resolution which is defeated, the Chair will normally recognize another Member for an hour of debate but may recognize the Member who called up the resolution to control the remainder of his hour of debate, if no other Member seeks recognition.

On June 15, 1979,[20] during consideration of House Resolution 291 (a resolution of inquiry directing the President to provide Members of the House with certain information) the following proceedings occurred in the House:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I call up the resolution (H. Res. 291), a resolution of inquiry directing the President to provide Members of the House with information on the energy situation, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, That the President, to the extent possible, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, full and complete information on the following:

(1) the existence and percentage of shortages of crude oil and refined petroleum products within the United States and administrative regions; . . .

THE SPEAKER PRO TEMPORE:[1] The gentleman from Michigan (Mr. Dingell) is recognized for 1 hour.

Subsequently in the proceedings, Mr. Dingell made a motion to table the resolution:

MR. DINGELL: Mr. Speaker, at this time I move to table the resolution of inquiry now before the House.

THE SPEAKER PRO TEMPORE: The question is on the motion to table offered by the gentleman from Michigan (Mr. Dingell). . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 4, nays 338, not voting 92, as follows: . . .

So the motion to table was rejected. . . .

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Michigan (Mr. Dingell).

MR. DINGELL: Mr. Speaker, may I inquire as to how much time remains?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that he has 48 minutes remaining.

20. 125 CONG. REC. 15027, 15029, 15030, 96th Cong. 1st Sess.

1. John Brademas (Ind.).

MR. DINGELL: Mr. Speaker, I will, then, at this time yield 24 minutes to my distinguished friend, the gentleman from Ohio (Mr. Devine), for purposes of debate only.

Motion To Dispose of Senate Amendment

§ 15.5 Where a motion is made by the Member in charge of a bill to recede and concur in a Senate amendment with an amendment and the motion is defeated, recognition for a motion to further insist on disagreement passes to a Member opposed.

On June 26, 1942,[2] Mr. Malcolm C. Tarver, of Georgia, the Member in charge of a general appropriations bill reported from conference with amendments in disagreement, moved that the House recede and concur with an amendment to one of the Senate amendments in disagreement. The motion was rejected.

Mr. Clarence Cannon, of Missouri, a Member opposed to the motion, then arose to make the motion to further insist on its disagreement to the Senate amendment; at the same time, Mr. Tarver arose to make the same motion. After the question of recognition was discussed, Speaker Sam Rayburn, of Texas, recognized Mr. Cannon to make the motion:

MR. TARVER: Mr. Speaker, I desire to submit a parliamentary inquiry. It was my purpose to offer a motion as I have done in connection with the same subject matter on previous occasions. I had risen for the purpose of offering a motion to further insist upon the disagreement of the House to Senate amendments Nos. 90 and 91. I wish to inquire whether or not I am privileged, as chairman of the House conferees, to offer that motion?

MR. CANNON of Missouri: Mr. Speaker, my motion is to further insist.

MR. TARVER: Mr. Speaker, I was on my feet before the gentleman from Missouri rushed over between me and the microphone and offered his motion.

MR. CANNON of Missouri: Mr. Speaker, it is a long-established rule of procedure that when a vital motion made by the Member in charge of a bill is defeated, the right to prior recognition passes to the opposition. That is the position in which the gentleman finds himself. He has made a major motion. The motion has been defeated. Therefore the right of recognition passes to the opposition, and I ask to be recognized to move to further insist.

MR. TARVER: Mr. Speaker, may I be heard with regard to that statement?

THE SPEAKER: The Chair will hear the gentleman.

MR. TARVER: The question has never been raised so far as I have known in the course of my experience of some 16 years upon an appropriation bill conference report, but if as the gentleman

2. 88 CONG. REC. 5642, 5643, 77th Cong. 2d Sess. Generally, see Ch. 33, infra.

states the right of making the motion passes to the opposition, it should pass to my Republican colleague the gentleman from Kansas [Mr. Lambertson] with whom the gentleman from Missouri has been associated in the defeat of the motion offered by the chairman of the subcommittee. I have desired to offer the motion myself in the absence of the exercise of that privilege by the gentleman from Kansas.

MR. [WILLIAM P.] LAMBERTSON: Mr. Speaker, I ask for recognition.

THE SPEAKER: The gentleman from Georgia has the floor.

MR. TARVER: I have completed all I desire to say except that I desire to offer the motion if it is permissible; otherwise, I insist that the right should pass to the opposition and to the gentleman from Kansas [Mr. Lambertson].

THE SPEAKER: The Chair is of the opinion that the gentleman from Missouri has been properly recognized to offer a motion. The gentleman will state his motion.

MR. CANNON of Missouri: Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments.

The motion was agreed to.

§ 15.6 Where a vital motion made by the Member in charge of a bill is defeated, the right to prior recognition passes to a Member opposed; thus, where a motion made by the Member in charge of a bill to recede and concur in a Senate amendment with an amendment had been defeated, recognition for a motion to recede and concur with another amendment passed to a Member opposed to the defeated motion.

During consideration of H.J. Res. 1131, a further continuing appropriation for fiscal year 1975, in the House on Oct. 7, 1974,[3] the proceedings described above were as follows:

THE SPEAKER:[4] The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: On page 2, line 9, strike out: "to the Government of Turkey until the President certifies to the Congress that substantial progress toward agreement has been made regarding military forces in Cyprus" and insert "or for the transportation of any military equipment or supplies to any country which uses such defense articles or services in violation of the Foreign Assistance Act of 1961 or the Foreign Military Sales Act, or any agreement entered into under such Acts."

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert: "or for the trans-

3. 120 CONG. REC. 34151, 34157–59, 93d Cong. 2d Sess.

4. Carl Albert (Okla.).

portation of any military equipment or supplies to the Government of Turkey unless and until the President determines and certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, or any agreement entered into under such Acts by making good faith efforts to reach a negotiated settlement with respect to Cyprus."

THE SPEAKER: The gentleman from Texas (Mr. Mahon) will be recognized for 30 minutes and the gentleman from Michigan (Mr. Cederberg) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Texas (Mr. Mahon).

MR. MAHON: Mr. Speaker, I should just like to say a word and then I will yield to my colleague, the gentleman from New York (Mr. Rosenthal). . . .

THE SPEAKER: The question pending is on the motion of the gentleman from Texas. Those in favor of it will vote "yea."

MR. [BENJAMIN S.] ROSENTHAL [of New York]: Is this vote on the previous question?

THE SPEAKER: The vote is on the motion.

The vote was taken by electronic device, and there were—yeas 69, nays 291, not voting 74. . . .

So the motion was rejected. . . .

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

The Clerk read as follows:

Mr. Rosenthal moves that the House recede from its disagreement to Senate amendment numbered 3 and concur therein with an amendment as follows: In lieu of the matter proposed to be inserted by Senate amendment numbered 3, insert the following: "or for the transportation of any military equipment or supplies to Turkey until and unless the President certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military force in Cyprus."

THE SPEAKER: The gentleman from New York is recognized for 1 hour.

MR. ROSENTHAL: Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Delaware (Mr. du Pont), pending which I yield myself 5 minutes. . . .

MR. ROSENTHAL: Mr. Speaker, I move the previous question on the motion.

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

THE SPEAKER: The question is on the motion offered by the gentleman from New York (Mr. Rosenthal).

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

So the motion was agreed to.

Parliamentarian's Note: Pursuant to Rule XXVIII, clause 2(b), time for debate on a motion to dispose of a Senate amendment reported from conference in disagreement is equally divided between majority and minority parties. When the Mahon motion was defeated and Mr. Rosenthal was recognized for one hour, he yielded one-half of his time to a

minority party Member pursuant to that rule.

§ 15.7 Where a motion to dispose of an amendment reported from conference in disagreement, offered by the manager of the conference report, is rejected, the Speaker recognizes a Member leading the opposition to offer another motion to dispose of the amendment.

During consideration of the conference report on H.R. 7554 (Housing and Urban Development and independent agencies appropriations for fiscal year 1978) in the House on July 19, 1977,[5] the following proceedings occurred:

THE SPEAKER PRO TEMPORE:[6] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: Page 17, line 11, strike out "$2,943,600,000" and insert "$3,013,000,000".

MR. [EDWARD P.] BOLAND [of Massachusetts] [manager of the conference report]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,995,300,000".

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Boland) is recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Coughlin) is recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

MR. BOLAND: Mr. Speaker, I yield myself such time as I may consume. . . .

MR. [DON] FUQUA [of Florida]: Mr. Speaker, I rise in opposition to amendment No. 24. . . .

[After debate, the motion was rejected.]

THE SPEAKER PRO TEMPORE: The gentleman from Florida (Mr. Fuqua) is recognized for 60 minutes. . . .

MR. FUQUA: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

§ 15.8 While a motion offered by the manager of a conference report to dispose of an amendment reported from conference in disagreement is debatable for one hour, equally divided between the majority and minority parties (under Rule XXVIII clause 2(b)), rejection of that motion causes recognition to pass to a Member opposed thereto to offer another motion to dispose of the amendment, and that Member controls the entire hour of debate on his motion.

5. 123 CONG. REC. 23668, 23669, 23678, 95th Cong. 1st Sess.

6. Norman Y. Mineta (Calif.).

During consideration of the foreign assistance appropriation bill (H.R. 7797) in the House on Oct. 18, 1977,[7] a motion was offered and the proceedings that followed were as indicated below:

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Long of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein.

THE SPEAKER PRO TEMPORE:[8] Without objection, the motion offered by the gentleman from Maryland (Mr. Long) will be agreed to.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, reserving the right to object, if objection is heard to agreeing to the Senate amendment, then 1 hour would be allotted to the manager of the bill (Mr. Long of Maryland), half of which time would be yielded to the gentleman from Florida (Mr. Young). Is that correct?

THE SPEAKER PRO TEMPORE: There would be 30 minutes allotted to each party, the Chair would advise the gentleman.

MR. BAUMAN: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

The gentleman from Maryland (Mr. Long) is recognized for 30 minutes.

[The motion was rejected.]

MR. [C. W.] YOUNG of Florida: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Young of Florida moves that the House insist on its disagreement to the amendment of the Senate No. 47.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Florida (Mr. Young) for 1 hour.

§ 15.9 The House having rejected a motion offered by the manager of a conference report in disagreement to recede and concur with an amendment in the Senate amendment reported from conference in disagreement, a Member who has opposed that motion may be recognized to offer a motion to recede and concur with a different amendment, and the hour of debate on said motion is pursuant to clause 2(b), Rule XXVIII, divided between the majority and minority parties.

On May 29, 1980,[9] the following proceedings occurred in the House:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I call up the conference report on the concurrent resolution (H. Con. Res. 307) setting forth the congressional budget for the U.S. Government for the fiscal years

7. 123 CONG. REC. 34108, 34109, 34111, 95th Cong. 1st Sess.

8. William H. Natcher (Ky.).

9. 126 CONG. REC. 12678, 12680, 12709, 12710, 12712, 96th Cong. 2d Sess.

1981, 1982, and 1983 and revising the congressional budget for the U.S. Government for the fiscal year 1980, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

THE SPEAKER:[10] The Clerk will read the conference report. . . .

Pursuant to the rule, the Senate amendment is considered as having been read.

The Senate amendment reads as follows:

> Strike out all after the resolving clause, and insert:
>
> That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that: . . .

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

The Clerk read as follows:

> Mr. Giaimo moves that the House recede from its disagreement to the Senate amendment and to concur therein with an amendment, as follows: . . .

MR. GIAIMO: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Connecticut (Mr. Giaimo).

[The motion was rejected.]

MR. [LEON E.] PANETTA [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Panetta moves that the House recede from its disagreement to the Senate amendment to House Concurrent Resolution 307 and to concur therein with two amendments, as follows:
>
> In the engrossed Senate amendment to House Concurrent Resolution 307, strike out section 1 and sections 14–20 and insert in lieu thereof the following: . . .

THE SPEAKER: The gentleman from California (Mr. Panetta) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Panetta).

Where Manager Had Not Offered the Rejected Motion

§ 15.10 A preferential motion to concur in a Senate amendment reported from conference in disagreement having been rejected, and a motion to disagree to the Senate amendment being then in order, the manager of the conference report maintained the prior right to recognition where he had not been the one to offer the motion to concur.

On Nov. 3, 1977,[11] the proceedings relating to consideration of H.R. 7555 (the Departments of Labor and Health, Education, and Welfare appropriations for fiscal

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

11. 123 CONG. REC. 36959, 36966, 95th Cong. 1st Sess.

1978) in the House were as follows:

THE SPEAKER PRO TEMPORE:[12] The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, pursuant to the resolution just agreed to, I call up the conference report on the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82 to the bill (H.R. 7555) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes. . . .

THE SPEAKER PRO TEMPORE: The Clerk will report the amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 28: Sec. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. . . .

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Mahon moves that the House concur in the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82.

THE SPEAKER PRO TEMPORE: The gentleman from Texas (Mr. Mahon) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Michel) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. Mahon). . . .

So the preferential motion was rejected. . . .

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

The Clerk read as follows:

> Mr. Flood moves that the House disagree to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82.

THE SPEAKER PRO TEMPORE: The gentleman from Pennsylvania (Mr. Flood) is recognized for 30 minutes.

Parliamentarian's Note: Had Mr. Flood offered the motion to concur, recognition would have passed to the opponents upon rejection of that motion.

Previous Question Rejected

§ 15.11 Where the previous question was voted down on a resolution before the House, recognition passed to the opponents of the resolution, and the Speaker declared that a minority Member was entitled to recognition, if opposed.

On July 20, 1939,[13] Mr. Howard W. Smith, of Virginia, managing on behalf of the Committee on Rules a resolution to authorize an investigation, moved the previous question on the resolution.

12. K. Gunn McKay (Utah).

13. 84 CONG. REC. 9591, 9592, 76th Cong. 1st Sess.

Speaker William B. Bankhead, of Alabama, then answered parliamentary inquiries on the order of recognition to be followed should the previous question be rejected:

> MR. [VITO] MARCANTONIO [of New York]: If the previous question is voted down, will that open up the resolution to amendment?
>
> THE SPEAKER: Undoubtedly.
>
> MR. SMITH of Virginia: A further parliamentary inquiry, Mr. Speaker.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. SMITH of Virginia: If I understand the situation correctly, if the previous question is voted down, the control of the measure would pass to the gentleman from Illinois [Mr. Keller]; and the resolution would not be open to amendment generally, but only to such amendments as the gentleman from Illinois might yield for. Is my understanding correct, Mr. Speaker?
>
> THE SPEAKER: If the previous question is voted down it would not necessarily pass to the gentleman from Illinois; it would pass to the opponents of the resolution. Of course a representative of the minority would have the first right of recognition.

Parliamentarian's Note: A majority Member could be recognized, after defeat of the previous question, to offer a preferential motion, such as to table, postpone or recommit (the prohibition against dilatory motions on a privileged resolution from the Committee on Rules no longer applying).

§ 15.12 A minority Member, who had led the opposition, was recognized after the House had refused to order the previous question on a resolution offered by the majority and providing for the seating of a Member-elect.

On Mar. 1, 1967,[14] Mr. Emanuel Celler, of New York, a Member of the majority, moved the previous question on House Resolution 278, which he had offered, and which provided for the seating of challenged Member-elect Adam C. Powell, of New York. The previous question was rejected.

Speaker John W. McCormack, of Massachusetts, then recognized Thomas B. Curtis, of Missouri, a Member of the minority, to offer a substitute amendment excluding Member-elect Powell from membership in the House.

§ 15.13 The motion for the previous question on a resolution being voted down, recognition for control of debate on the resolution passes to a Member opposed.

On Mar. 13, 1939,[15] Mr. Howard W. Smith, of Virginia, called

14. 113 CONG. REC. 5019, 5020, 90th Cong. 1st Sess.

15. 84 CONG. REC. 2663, 76th Cong. 1st Sess. *Parliamentarian's Note:* Pend-

up at the direction of the Committee on the District of Columbia House Resolution 113, authorizing an investigation of the milk industry in the District of Columbia. Mr. Smith moved the previous question on the resolution. After the motion was rejected, Speaker William B. Bankhead, of Alabama, stated:

> Under the rules of procedure, the recognition passes to the gentleman from Michigan [Mr. Mapes] if he desires to claim it.

The Speaker declared, in response to parliamentary inquiries, that Mr. Carl E. Mapes, who had been leading the opposition to the resolution, would control one hour of debate and would lose the floor if he yielded to another Member to offer an amendment.

Qualification of Member as Opposed

§ 15.14 After determining that a Member was qualified as opposed to the pending resolution, the Speaker recognized him to offer a motion to table the resolution after the previous question had been rejected.

On Oct. 19, 1966,[16] the House rejected the previous question moved by Mr. Claude D. Pepper, of Florida, the Member in control of a resolution from the Committee on Rules (establishing a Select Committee on Standards and Conduct). Speaker John W. McCormack, of Massachusetts, then recognized Mr. Joe D. Waggonner, Jr., of Louisiana, to offer a motion to lay the resolution on the table, after determining whether Mr. Waggonner was entitled to recognition as being opposed to the resolution:

> MR. WAGGONNER: Mr. Speaker, I offer a motion.
>
> THE SPEAKER: Is the gentleman from Louisiana opposed to the resolution?
>
> MR. WAGGONNER: I am, in its present form, Mr. Speaker.
>
> THE SPEAKER: Has the gentleman participated actively in the debate in opposition?
>
> MR. WAGGONNER: I did, Mr. Speaker.
>
> THE SPEAKER: The Chair recognizes the gentleman.
>
> The Clerk read as follows:
>
> Mr. Waggonner moves to lay House Resolution 1013 on the table.

Parliamentarian's Note: Normally, the Speaker determines opposition from his observations of

ing a vote on ordering the previous question, the Chair may decline to indicate whom he might recognize or what form of amendment might be in order if the previous question were rejected. 115 CONG. REC. 29219, 29220, 91st Cong. 1st Sess., Oct. 8, 1969.

16. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

debate and not by requiring a Member to "qualify".

Resolution Called Up Prior to Adoption of Rules

§ 15.15 Recognition to offer an amendment to a resolution called up prior to the adoption of rules passes to a Member leading the opposition to the resolution if the previous question is rejected.

On Jan. 10, 1967,[17] at the convening of the 90th Congress and before the adoption of standing rules, Mr. Morris K. Udall, of Arizona, called up a resolution (H. Res. 1) authorizing Speaker John W. McCormack, of Massachusetts, to administer the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Pending debate on the resolution, Speaker McCormack answered parliamentary inquiries on the procedure of consideration and recognition for the resolution:

> MR. [JOE D.] WAGGONNER [of Louisiana]: Mr. Speaker, if the previous question is voted down would, then, under the rules of the House, amendments or substitutes be in order to the resolution offered by the gentleman from Arizona [Mr. Udall]?
>
> THE SPEAKER: The Chair will state to the gentleman from Louisiana [Mr. Waggonner] that any germane amendment [would] be in order. . . .
>
> MR. WAGGONNER: Mr. Speaker, one further parliamentary inquiry. . . .
>
> Mr. Speaker, under the rules of the House would the option or priority or a subsequent amendment or a substitute motion lie with the minority?
>
> THE SPEAKER: The Chair will pass upon that question based upon the rules of the House. That would be a question that would present itself to the Chair at that particular time.
>
> . . . However, the usual procedure of the Chair has been to the effect that the Member who led the fight against the resolution will be recognized.

§ 15.16 The motion for the previous question on a resolution having been rejected before the adoption of rules, the Speaker recognized the Minority Leader to offer an amendment to the resolution.

On Jan. 10, 1967,[18] at the convening of the 90th Congress and before the adoption of the rules, Mr. Morris K. Udall, of Arizona, moved the previous question on House Resolution 1, which he had called up and which related to the right of Member-elect Adam C. Powell, of New York, to be sworn. The previous question was rejected. Speaker John W. McCor-

17. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

18. 113 CONG. REC. 24–26, 90th Cong. 1st Sess.

mack, of Massachusetts, then recognized Gerald R. Ford, of Michigan, the Minority Leader, to offer an amendment in the nature of a substitute to the resolution.

Rejection of Previous Question on Privileged Resolution

§ 15.17 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down: (1) the resolution would be open to further consideration, amendment, and debate; (2) the resolution would be subject to a motion to table; and (3) the Chair, under the hour rule, would recognize the Member who appeared to be leading the opposition.

On Oct. 19, 1966,[19] Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour and offered a committee amendment to the resolution, which amendment was agreed to. Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries on the order of recognition should Mr. Pepper move the previous question and should the motion be defeated:

> MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?
>
> THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate.
>
> MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. WAGGONNER: Mr. Speaker, under the rules of the House, is it not equally so that a motion to table would then be in order?
>
> THE SPEAKER: At that particular point, that would be a preferential motion. . . .
>
> MR. [JAMES C.] FULTON of Pennsylvania: Mr. Speaker, if the previous question is refused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?
>
> THE SPEAKER: The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.
>
> MR. FULTON of Pennsylvania: What would be the time for debate?
>
> THE SPEAKER: Under those circumstances the Member recognized in opposition would have 1 hour at his

19. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

disposal, or such portion of it as he might desire to exercise.

§ 15.18 Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the fight against the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.

The proceedings of May 29, 1980, relating to House Resolution 682, providing for consideration of H.R. 7428 (public debt limit extension) are discussed in § 34.6, infra.

§ 15.19 Where the House rejects the previous question, the Member who led the opposition thereto is entitled to one hour of debate and is entitled to close debate where he has yielded half of his time to another Member.

The following proceedings occurred in the House on June 25, 1981,[20] during consideration of House Resolution 169 (providing for consideration of H.R. 3982, Omnibus Budget Reconciliation Act of 1981):

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 169 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 169

Resolved, That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the fiscal year 1982. . . .

THE SPEAKER:[1] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour. . . .

After debate, Mr. Bolling moved the previous question on the resolution.

THE SPEAKER: The question is on ordering the previous question.

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

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, on that I demand the yeas and nays.

[The previous question was rejected.]

MR. LATTA: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following: . . .

20. 127 CONG. REC. 14065, 14078, 14079, 14081, 97th Cong. 1st Sess.

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

THE SPEAKER PRO TEMPORE:[2] The gentleman from Ohio (Mr. Latta) is recognized for 1 hour.

MR. LATTA: Mr. Speaker, for purposes of debate only, I yield to my good friend, the Speaker of the House. . . .

THE SPEAKER PRO TEMPORE: Let the Chair inquire of the gentleman from Ohio, did he . . . yield 30 minutes of the hour to the Speaker?

MR. LATTA: Right. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: I reserve my right until such time as the gentleman wants to move the previous question.

MR. LATTA: We have the right under the rules of procedure to close debate.

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. LATTA: We have the right to close debate on this issue.

MR. O'NEILL: I have no requests for time on this side.

Previous Question and Motion To Lay Resolution on Table Rejected

§ 15.20 The previous question and a motion to lay a resolution on the table having been rejected, the Chair, under the hour rule, recognized a Member in opposition to the resolution.

On Oct. 19, 1966,[3] Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper moved the previous question and the motion was rejected. Mr. Joe D. Waggonner, Jr., of Louisiana who assured Speaker John W. McCormack, of Massachusetts, of his opposition to the resolution, was recognized to move to lay the resolution on the table. The motion was rejected.

The Speaker then recognized, for one hour of debate, Mr. Wayne L. Hays, of Ohio, who opposed the resolution.

Motion in House May Be Amended if Member in Control Yields or Previous Question Rejected

§ 15.21 A pending motion being considered in the House is not subject to amendment unless the Member in control specifically yields for that purpose or unless the previous question is rejected.

On Oct. 31, 1983,[4] during consideration of a motion to instruct conferees on H.R. 3222 (Departments of Commerce, State, and Justice appropriations for fiscal 1984) in the House, the following proceedings occurred:

MR. [GEORGE M.] O'BRIEN [of Illinois]: Mr. Speaker, I offer a motion.

---

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

3. 112 CONG. REC. 27713–26, 89th Cong. 2d Sess.

4. 129 CONG. REC. 29963, 29964, 98th Cong. 1st Sess.

The Clerk read as follows:

> Mr. O'Brien moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the bill, H.R. 3222, be instructed to insist on the House position on the amendment of the Senate numbered 93.

THE SPEAKER PRO TEMPORE:[5] The gentleman from Illinois (Mr. O'Brien) is recognized for 1 hour.

MR. O'BRIEN: Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion instructs the House conferees to insist on the House position on Senate amendment 93, which earmarks $70,155,000 in the bill for the juvenile justice program. . . .

MR. [HANK] BROWN of Colorado: Mr. Speaker, will the gentleman yield?

MR. O'BRIEN: I am happy to yield to the gentleman from Colorado.

MR. BROWN of Colorado: Mr. Speaker, I have a motion at the desk that I would like to offer in order to amend the motion.

THE SPEAKER PRO TEMPORE: Does the gentleman from Illinois (Mr. O'Brien) yield for that purpose?

MR. O'BRIEN: I yield not for the purposes of amendment.

THE SPEAKER PRO TEMPORE: Does the gentleman yield for debate only?

MR. O'BRIEN: For debate only, Mr. Speaker.

MR. BROWN of Colorado: Mr. Speaker, I believe I was yielded to without that limitation, and I would like to offer my amendment No. 1 as an amendment to the motion to instruct.

MR. O'BRIEN: In my naivete, I did not anticipate the amendment, Mr. Speaker. However my statement still prevails. I yielded only for comment.

THE SPEAKER PRO TEMPORE: The Chair recognizes that the gentleman yielded only for comment, so the Chair is going to sustain the position of the gentleman from Illinois (Mr. O'Brien). . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: A parliamentary inquiry, Mr. Speaker.

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

MR. WALKER: Mr. Speaker, if the gentleman from Colorado wishes to offer his amendment as an amendment to the instructions offered by the gentleman from Illinois (Mr. O'Brien), could that be done by defeating the previous question on the motion, thereby giving the gentleman from Colorado an opportunity to offer an amendment?

THE SPEAKER PRO TEMPORE: If the previous question is voted down, an amendment would be in order. . . .

MR. O'BRIEN: Mr. Speaker, I move the previous question on the motion.

[The previous question was defeated and Mr. Brown offered an amendment.]

—Effect of Adjournment Following Intervention of Other Business After Rejection of Previous Question

§ 15.22 The rule that recognition passes to the opposition after rejection of the previous question was once held subject to the following exception: where other business intervenes and occupies

5. Robert A. Roe (N.J.).

the remainder of the day immediately after defeat of the previous question, the bill on which the previous question was rejected must be subsequently called up as unfinished business by a Member directed by his committee to call up that special class of business on a day when that business is in order, since the Speaker does not lay such special bills before the House as unfinished business. Once that Member has called up the bill, however, the Speaker would recognize a Member opposed if he immediately seeks to offer an amendment.

On Feb. 8, 1932,[6] Mr. Vincent L. Palmisano, of Maryland, Chairman of the Committee on the District of Columbia, called up as unfinished business S. 1306, to provide for the incorporation of the District of Columbia Commission on the George Washington Bicentennial.

Mr. Fiorello H. LaGuardia, of New York, raised an inquiry as to the parliamentary situation. He stated that the bill had previously been before the House (on the preceding District of Columbia Monday) and that the previous question had been rejected, requiring recognition to offer amendments or motions to pass to the opposition. [On the preceding District of Columbia Monday, the Chair had recognized another Member, immediately after rejection of the previous question on S. 1306, to call up a general appropriation bill, which was considered until adjournment on that day.]

Mr. LaGuardia and Mr. William H. Stafford, of Wisconsin, both asserted that the parliamentary situation remained the same as when the previous question was rejected, requiring the Chair to grant recognition to the opposition on the bill.

Speaker Pro Tempore Thomas L. Blanton, of Texas, ruled that the chairman of the reporting committee was entitled to recognition since the bill could come before the House only by being called up as unfinished business.

The proceedings were as follows:

> MR. PALMISANO: Mr. Speaker, I call up the bill (S. 1306) to provide for the incorporation of the District of Columbia Commission, George Washington Bicentennial.
>
> THE SPEAKER PRO TEMPORE: The gentleman from Maryland calls up a Senate bill, which the Clerk will report.
>
> The Clerk read the title of the bill.
>
> MR. LAGUARDIA: Mr. Speaker, a parliamentary inquiry.

6. 75 CONG. REC. 3548–50, 72d Cong. 1st Sess.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LAGUARDIA: The bill which the gentleman calls up was before the House two weeks ago.

THE SPEAKER PRO TEMPORE: This is unfinished business. We have had a second reading of the bill at the former meeting when the bill was considered on last District day.

MR. LAGUARDIA: But the previous question was voted down.

THE SPEAKER PRO TEMPORE: The previous question was then voted down. It is before the House now for further consideration, just where we left off before.

MR. LAGUARDIA: I ask recognition in opposition.

THE SPEAKER PRO TEMPORE: The gentleman from Maryland [Mr. Palmisano], who is the ranking majority member of the committee, is entitled to recognition first to offer committee amendments, and then the gentleman from New York will be recognized.

MR. STAFFORD: Mr. Speaker, I assume that when this bill is now brought up we are brought back to the same legislative situation we were in when it was last considered.

THE SPEAKER PRO TEMPORE: That is the situation.

MR. STAFFORD: The previous question was then voted down. At that moment any person who wished to propose an amendment would have had the privilege of being recognized. I claim that any person who wishes to offer an amendment has prior recognition to the gentleman from Maryland.

THE SPEAKER PRO TEMPORE: But the previous question having been voted down, it did not take off the floor the gentleman from Maryland, who stands in the position of chairman of the committee, so the parliamentarian informs the Chair.

MR. STAFFORD: The very fact that the previous question was voted down granted the right to the opposition to offer an amendment and have control of the time.

THE SPEAKER PRO TEMPORE: This is another date on this legislation, and while it is in the same situation the Chair will recognize the gentleman from Maryland first, as acting chairman of his committee, and after that will recognize some Member who is opposed to the bill.

MR. [LAFAYETTE L.] PATTERSON [of Alabama]: Mr. Speaker, a further parliamentary inquiry. Do we understand that the gentleman from Maryland will be recognized for one hour and then the opponents of the bill be recognized for one hour?

THE SPEAKER PRO TEMPORE: The gentleman from Maryland, as acting chairman of the committee, is recognized first to offer committee amendments, and if some Member does not move the previous question——

MR. STAFFORD: Oh, Mr. Speaker, I take issue with the ruling of the Chair, because the House has affirmatively decided that the opposition is entitled to recognition, the previous question having been voted down. In the consideration of this bill we are placed in the same situation as we were when it was last considered.

THE SPEAKER PRO TEMPORE: The Chair will state the parliamentary situation. On a previous District day when this bill was up for consideration, the previous question was moved

and the House voted down that motion. Then the opposition clearly was entitled to recognition. This is another legislative day; and that being true, it is the duty of the Chair to recognize the one standing as chairman of the committee, who is the gentleman from Maryland, to offer committee amendments. Then the Chair will recognize someone in opposition to the bill. The Chair is advised by the parliamentarian that such is the correct procedure.

MR. LAGUARDIA: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LAGUARDIA: I can not follow the statement of the Chair that the bill is coming before the House de novo. The Chair properly stated that the bill now is the unfinished business. A bill can not change its status because it is the unfinished business and carried over to another day. The previous question having been voted down, the bill is now open to the House for amendment, and on that I have asked for recognition by the Chair to offer an amendment.

THE SPEAKER PRO TEMPORE: The Chair will rule that the one acting for the committee in calling up the bill has a right to first offer committee amendments. If the proceedings had continued on the day the previous question was voted down, then any Member opposing the bill gaining recognition could have offered an amendment; but this being another legislative day, it is the duty of the Chair to recognize the acting chairman of the committee in calling up the bill to offer committee amendments, and the Chair has done that. Regardless of his own opinion, the Chair is guided by the parliamentarian. When a parliamentary situation arises whereby the Chair can recognize some one opposed to the bill, the Chair will do that.

Parliamentarian's Note: Bills which are in order on certain days under the rules of the House do not automatically come before the House, but must be called up by an authorized committee member. Therefore, in this instance, the Chair recognized the Chairman of the Committee on the District of Columbia to bring the bill before the House. Once recognized for that purpose, the chairman of the committee could offer committee amendments not printed in the bill, but if an opposition Member immediately sought to offer an amendment, the Chair indicated that he would first be recognized if he immediately had stated his intention.[7]

7. See also Ch. 21, § 3, supra, for discussion of unfinished business.

C. RECOGNITION ON PARTICULAR QUESTIONS

§ 16. As to Bills

Generally, members of a committee reporting a bill are entitled to prior recognition thereon in the House or in the Committee of the Whole,[8] debate usually being controlled by the chairman and ranking minority members.[9] Factors affecting recognition or control of debate also include special rules,[10] the chairman's opposition to a measure,[11] and consideration under a discharge procedure.[12]

This section includes discussion of principles of recognition affecting consideration of Calendar Wednesday,[13] Private Calendar,[14] and District of Columbia[15] bills.

Cross References

Amendments to bills, see § 19, infra and Ch. 27, supra.

Bill-passage procedure, see Ch. 24, supra.

Consideration of bills in Committee of the Whole, see Ch. 19, supra.

Control and distribution of time for debate on bills, see §§ 24 et seq., infra.

Discharging bills from committee consideration, see Ch. 18, supra.

Effect of special orders on debate on bills, see § 28, infra.

Factors bearing on consideration; special orders and unanimous-consent agreements, see § 2, supra.

Losing or surrendering control on bills, see §§ 33, 34, infra.

Management of bills by reporting committee, see § 26, infra.

Points of order, waiver of, see Ch. 31, infra.

Prior rights of Member in control of bill, see § 14, supra.

Prior rights to recognition of committee in control of bill, see § 13, supra.

Special orders, varying order of business, see Ch. 21, supra.

Priority of Members of Reporting Committee

§ 16.1 Under a practice of long standing, members of a committee reporting a bill are ordinarily entitled to prior recognition thereon in the House or in the Committee of the Whole.

On Jan. 12, 1933,[16] in the Committee of the Whole, Chairman Lindsay C. Warren, of North Carolina, recognized Mr. William

8. See § 16.1, infra.
9. For further discussion of control of debate time, see §§ 24 et seq., infra.
10. See §§ 16.2, 16.3, infra.
11. See § 16.16, infra.
12. See §§ 16.13–16.15, infra.
13. See §§ 16.17–16.21, infra.
14. See §§ 16.11, 16.25–16.30, infra.
15. See §§ 16.22–16.24, infra.
16. 76 CONG. REC. 1679, 72d Cong. 2d Sess.

J. Granfield, of Massachusetts, to offer an amendment to the pending bill. Mr. Bertrand H. Snell, of New York, made the point of order that recognition should have been granted to a member of the committee reporting the bill who was on his feet. The following discussion and ruling by the Chair ensued:

MR. SNELL: Mr. Chairman, there is no written rule in the book, but it has been the unbroken precedent, as far as I know anything about the practice in this House, that a member of a committee demanding recognition in debate is recognized in preference to anyone not a member of the committee. I would like to call the attention of the Chair to section 750 of the Manual—

> In debate members of the committee, except the Committee of the Whole, are entitled to priority of recognition in debate. . . .

I respectfully submit to the Chair, as the gentleman from Maine [Mr. Snow] is a member of that committee, he is entitled to recognition before the gentleman from Massachusetts [Mr. Granfield]. I trust the present Chair will so hold, as it is certainly in interest of orderly procedure in the consideration of legislation.

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: If the Chair will indulge me for just a moment, the precedent referred to by the gentleman from New York has been recognized from time immemorial. It has always been the practice first to recognize members of the committee. It is bottomed upon the idea of advancing the consideration of legislation in an orderly way. It is presumed that members of the committee, who have given consideration to the bill under consideration, have given more thorough consideration to the bill than Members outside the committee; and to advance the orderly working of the House is the real reason why in the long-established practice of the House the Speaker and Chairman have recognized members of the committee in priority over other Members—to the end that orderly procedure would be advanced thereby.

THE CHAIRMAN: The Chair understands the precedents of the House. The Chair has uniformly given preference to members of the committee on each occasion when he has presided. The Chair agreed to recognize the gentleman from Massachusetts [Mr. Granfield]. The gentleman was on his feet and asking for recognition before any member of the committee. However, the Chair will follow the precedents and recognize the gentleman from Maine [Mr. Snow] to offer an amendment, which the Clerk will report.

On Feb. 10, 1941,[17] Chairman Clarence Cannon, of Missouri, responded to a parliamentary inquiry on the nature of the practice of extending priority for recognition to members of the committee reporting a bill:

MR. [LYLE H.] BOREN [of Oklahoma]: Mr. Chairman, I rise to a parliamentary inquiry. I want it thoroughly understood that I recognize fully the custom of members of the committee being

17. 87 CONG. REC. 875, 876, 77th Cong. 1st Sess.

recognized ahead of any other Member on the floor, not a member of the committee. I am quite willing to withdraw my amendment for that purpose, but as I understood it the gentleman from Tennessee [Mr. Cooper] rose to make the point of order that my recognition at that time was not in order. I understood the Chair sustained the point of order and recognized the gentleman from New York [Mr. Crowther]. I should like to be enlightened as to under what rule of the House that point of order is sustained after the Chair had recognized me for the purpose of offering an amendment.

THE CHAIRMAN: The gentleman from New York [Mr. Crowther] is a member of the committee reporting the bill and, therefore, entitled to prior recognition.

MR. [JACK] NICHOLS [of Oklahoma]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. NICHOLS: Is there a rule of the House that gives the members of the committee the right to recognition ahead of other Members of the House? Is that a rule of the House?

THE CHAIRMAN: It is a procedure of long standing.

MR. NICHOLS: It is not a rule of the House.

THE CHAIRMAN: In the absence of other considerations, members of the committee in charge of the bill are entitled to prior recognition. The rule is essential to expedition in legislation and its importance is too obvious to require justification.[18]

Parliamentarian's Note: Although the Chair extends priority of recognition to members of the reporting committee, no point of order lies against the manner in which the Chair exercises the power of recognition.

Consideration Under Special Rule—Bill Must Be Called Up by Member Designated by Committee

§ 16.2 The adoption of a resolution making in order the consideration of a bill does not necessarily make such bill the unfinished business the next day and such bill can only be called up by a Member designated by the committee to do so.

On July 19, 1939,[19] after the House had adopted a resolution from the Committee on Rules making in order the consideration of a bill, Speaker William B. Bankhead, of Alabama, answered a parliamentary inquiry:

MR. [CLAUDE V.] PARSONS [of Illinois]: Mr. Speaker, a parliamentary inquiry.

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18. For more detailed discussion of the priority of committee members in debate, see § 13, supra.

See, generally, *House Rules and Manual* §§ 753–757 (1995). For the opening and closing of debate by the Member reporting a measure from committee, see Rule XIV clause 3, *House Rules and Manual* § 759 (1995).

19. 84 CONG. REC. 9541, 76th Cong. 1st Sess.

THE SPEAKER: The gentleman will state it.

MR. PARSONS: Mr. Speaker, the House having adopted the rule, is not this bill the unfinished business of the House on tomorrow?

THE SPEAKER: Not necessarily. The rule adopted by the House makes the bill in order for consideration, but it is not necessarily the unfinished business. It can only come up, after the adoption of the rule, by being called up by the gentleman in charge of the bill.

—*Special Rule Allowing Speaker To Recognize Any Member of Committee*

§ 16.3 Where a resolution provides that general debate on a bill be "equally divided and controlled by the majority and minority members" of a committee, instead of specifying, as is usual practice, that control of debate be by the chairman and ranking minority member of the committee, the Speaker may recognize any member of the committee to call up the bill and control the time.

On Sept. 26, 1966,[1] the House adopted House Resolution 923, making in order the consideration of H.R. 1511, the economic opportunity amendments for 1966. The resolution provided that eight hours of general debate would be "equally divided and controlled by the majority and minority members of the Committee on Education and Labor," without specifying, as such resolutions usually do, that debate be controlled by the chairman and ranking minority member of the committee.

Following the adoption of the resolution, Speaker John W. McCormack, of Massachusetts, recognized Adam C. Powell, of New York, Chairman of the Committee on Education and Labor, to move that the House resolve itself into the Committee of the Whole for the consideration of the bill.

In the Committee of the Whole, Chairman Jack B. Brooks, of Texas, made the following decision on recognition for control of general debate:

> Under the rule, the gentleman from New York [Mr. Powell] will be recognized for four hours to control the time for the majority, and the gentleman from Ohio [Mr. Ayres] will be recognized to control the time for the minority.

Parliamentarian's Note: Mr. Ayres was the ranking minority member of the committee and supported the views of Mr. Powell, the chairman, that the resolution was an affront to the authority of committee chairmen. Mr. Powell had indicated, prior to the offering of the resolution on the floor of

1. 112 CONG. REC. 23762, 89th Cong. 2d Sess.

the House, that if he were recognized to move that the House resolve into the Committee of the Whole, and recognized to control debate, he would not oppose the resolution.

—*Absence of Chairman and Ranking Minority Member*

§ 16.4 In the absence of the chairman and ranking minority member, named in a resolution to control debate on a bill, the Speaker or Chairman of the Committee of the Whole recognizes the next ranking majority and minority members for control of such debate (where the chairman and ranking minority member have not designated other Members to control the time).

On July 23, 1942,[2] the House adopted a resolution from the Committee on Rules providing for debate on a bill to be divided between the chairman and the ranking minority member of the reporting committee—the Committee on Election of the President, Vice President, and Representatives in Congress. The chairman and ranking minority member both being absent, Speaker Sam Rayburn, of Texas, declared in response to a parliamentary inquiry, that the Chair would recognize the next ranking majority member and the next ranking minority member to control debate.

—*Death of Designated Manager*

§ 16.5 Where a Member designated in a resolution (discharged from the Committee on Rules) to call up a bill had died, the Speaker recognized another Member in favor of the bill to call it up.

On Oct. 13, 1942,[3] Speaker Sam Rayburn, of Texas, rejected a point of order that he had improperly recognized a Member to call up a bill, the resolution providing for consideration having named as manager a Member no longer living (the resolution had been brought up pursuant to a successful motion to discharge). The Speaker reiterated his ruling of the previous day that the resolution could properly be considered and that another Member in favor of the bill could be recognized to manage the bill.[4]

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2. 88 Cong. Rec. 6542–46, 77th Cong. 2d Sess.

3. 88 Cong. Rec. 8120, 77th Cong. 2d Sess.

4. See the similar rulings of Speaker Rayburn, on the same bill, at 88

—*Special Rule Waiving Points of Order Against Legislation on Appropriation Bill*

§ 16.6 On one occasion, the Chairman ruled that while members of the Committee on Appropriations are ordinarily entitled to recognition in debate on a general appropriation bill, where a rule is adopted waiving points of order against legislative provisions in the bill, recognition would be divided between members of the committee and other Members interested in the bill.

On Mar. 5 and 6, 1941,[5] the Committee of the Whole was considering H.R. 3737, a general appropriations bill, pursuant to House Resolution 126, waiving all points of order against the bill. Chairman John E. Rankin, of Mississippi, made the following statement on the matter of recognition under the five-minute rule:

> The gentleman from Georgia [Mr. Pace] has been seeking recognition. The Chair realizes that this is an appropriation bill, and that ordinarily members of that committee would be entitled to preference, but under the rule adopted yesterday we make this part of it a legislative bill by making certain legislation in order. The Chair is going to divide the time between the members of the Appropriations Committee and the other Members of the House who are vitally interested in this proposition. . . .
>
> . . . It is perfectly fair for a committee to have charge of general debate and probably debate under the 5-minute rule to a large extent, but the Chair does not think it is fair—especially under conditions such as we have here, where a rule has been adopted making legislation that ordinarily comes from the Committee on Agriculture and from other committees of the House in order on the bill—the Chair does think it fair to the rest of the membership of the House to recognize members of the Committee on Appropriations under the 5-minute rule to the exclusion of the other Members of the House.

Parliamentarian's Note: Chairman Rankin indicated that his ruling was not to be taken as a precedent, differing as it did from customary practice extending priority of recognition to members of the committee reporting a bill.

Unanimous-consent Request for Consideration

§ 16.7 In extending recognition for unanimous-consent requests for the consideration of bills, the Speaker may take into account the stage of consideration, whether the bill is of an emergency na-

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CONG. REC. 8066, 8080, 77th Cong. 2d Sess., Oct. 12, 1942.

5. 87 CONG. REC. 1846, 1921, 1922, 77th Cong. 1st Sess.

ture, and whether the bill is public or private.

On July 1, 1932,[6] Speaker John N. Garner, of Texas, made the following statement regarding recognition for the unanimous-consent consideration of bills:

> In order that gentlemen may understand the situation, let the Chair state how it is the Chair recognizes certain gentlemen. The Chair must decline to recognize a great many gentlemen who have meritorious matters, because the Chair must have some yardstick that can be applied to every Member of the House. The gentleman from Minnesota [Mr. Pittenger] had a bill that had passed the House unanimously, had gone to the Senate, and had an amendment placed on it there, adding one name. The Chair thinks in a case of that kind, where unanimous consent has to be given, it is well enough for the Chair to recognize the Member for that purpose; but the Chair will not recognize gentlemen to take up as an original proposition private claims or other matters unless they are of an emergency nature and apply to the general public rather than to one individual.

§ 16.8 The Speaker declines to recognize for a unanimous-consent request for the consideration of a measure until the Member making such request has consulted the leadership.

On July 11, 1946,[7] Speaker Sam Rayburn, of Texas, refused to recognize Mrs. Clare Boothe Luce, of Connecticut—who sought to ask for the unanimous-consent consideration of a rent-control measure (H.J. Res. 372)—because she had not consulted with or notified the Speaker of the request. Following remarks by Mr. John Phillips, of California, that consideration of the measure was being refused on a "technicality," the Speaker made the following comments:

> . . . [T]he present occupant of the chair knows that when Members intend to ask unanimous consent to bring up a bill they have always properly consulted with both the majority and minority leaders of the House and with the Speaker. That has been the unfailing custom. The Chair is exercising that right and intends to continue to exercise it as long as he occupies the present position because the Chair wants the House to proceed in an orderly fashion.
>
> MRS. LUCE: Mr. Speaker, may I now ask unanimous consent to bring up the bill tomorrow?
>
> THE SPEAKER: The Chair will meet that question when the time comes.
>
> The Chair would certainly like the courtesy of being consulted in advance.

§ 16.9 In recognizing a Member to ask unanimous consent for the consideration of a vitally important measure, the

6. 75 CONG. REC. 14511, 72d Cong. 1st Sess.

7. 92 CONG. REC. 8726, 8728, 79th Cong. 2d Sess.

Speaker declared that if any amendments were to be offered he would ask the Member to withdraw the request and move to suspend the rules and pass the bill.

On July 5, 1943,[8] just prior to an adjournment of two months, Mr. John D. Dingell, of Michigan, asked unanimous consent for the immediate consideration of S. 35, to authorize the use of certain metals for war purposes. Mr. Frederick C. Smith, of Ohio, raised a parliamentary inquiry as to whether the bill would be subject to amendment. Speaker Sam Rayburn, of Texas, indicated that time was of the essence and declared:

> The gentleman is correct, it would be subject to amendment, but the Chair is going to be very frank with the gentleman. If there are going to be amendments offered to this bill the Chair will request the gentleman from Michigan to withdraw his request, and then the Chair will recognize the gentleman from Michigan to move to suspend the rules and pass the bill. The Chair thinks it vitally important.

—*Member Had Been Recognized for Different Purpose*

§ 16.10 The Minority Leader having been recognized to proceed for one minute and in that time having asked unanimous consent for the consideration of a bill, the Speaker held that the gentleman was not recognized for that purpose.

On Jan. 26, 1944,[9] Joseph W. Martin, Jr., of Massachusetts, the Minority Leader, asked unanimous consent to proceed for one minute. When Mr. Martin attempted to ask for the consideration of a bill, Speaker Sam Rayburn, of Texas, held he had not been recognized for that purpose:

> MR. MARTIN of Massachusetts: Mr. Speaker, I ask unanimous consent to proceed for 1 minute.
>
> THE SPEAKER: The Chair will not recognize any other Member at this time for that purpose but will recognize the gentleman from Massachusetts.
>
> MR. MARTIN of Massachusetts: Mr. Speaker, I appreciate the generosity of the Chair.
>
> I take this minute, Mr. Speaker, because I want to make a unanimous-consent request and I think it should be explained.
>
> I agree with the President that there is immediate need for action on the soldiers' vote bill. A good many of us have been hoping we could have action for the last month. To show our sincerity in having action not next week but right now, I ask unanimous con-

8. 89 CONG. REC. 7213, 7214, 78th Cong. 1st Sess.

9. 90 CONG. REC. 746, 747, 78th Cong. 2d Sess.

sent that the House immediately take up the bill which is on the Union Calendar known as S. 1285, the soldiers' voting bill.

THE SPEAKER: The gentleman from Massachusetts was not recognized for that purpose.

The Chair recognizes the gentleman from Kentucky.

Private Bill Called Up by Unanimous Consent

§ 16.11 When a private bill is called up by unanimous consent in the House, the Member making the request is recognized for one hour.

On Mar. 12, 1963,[10] Mr. Emanuel Celler, of New York, asked for the unanimous-consent consideration in the House of a private bill, H.R. 4374, conferring honorary citizenship on Sir Winston Churchill. In response to a parliamentary inquiry, Speaker John W. McCormack, of Massachusetts, stated that if consent were granted for the consideration of the bill, Mr. Celler would be recognized for one hour with the right to yield to other Members and to move the previous question.

Parliamentarian's Note: Normally a Private Calendar bill called up by unanimous consent is considered under the five-minute rule, since private bills when reported are referred to the Calendar of the Committee of the Whole House.

Recognition Where House Has Agreed To Consider Bill by Unanimous Consent

§ 16.12 Where the House has agreed to consider in the House a bill called up by unanimous consent, the Member calling up the bill is recognized for one hour, and amendments may not be offered by other Members unless he yields for that purpose.

On Oct. 5, 1962,[11] Mr. Francis E. Walter, of Pennsylvania, called up S. 3361, relating to entry of alien skilled specialists and asked unanimous consent for its "immediate consideration in the House." When there was no objection to the request, Speaker John W. McCormack, of Massachusetts, recognized Mr. Walter for one hour. Mr. Arch A. Moore, Jr., of West Virginia, attempted to offer an amendment, and the Speaker inquired of Mr. Walter whether he would accept the amendment since he was in control. Mr. Walter accepted the amendment.

Parliamentarian's Note: The procedure is otherwise if unani-

10. 109 CONG. REC. 3993, 88th Cong. 1st Sess.

11. 108 CONG. REC. 22606–09, 87th Cong. 2d Sess.

mous consent is requested only for the "immediate consideration" of a bill which belongs on the Union Calendar. In that case the bill is considered in the House as in Committee of the Whole, and Members may be recognized to offer amendments under the five-minute rule unless the previous question is ordered.

Discharged Bill

§ 16.13 Where a motion to discharge a committee from a resolution providing for consideration of an unreported bill has been agreed to, the proponents of that motion are entitled to prior recognition for the purpose of managing the bill.

On June 14, 1932,[12] Speaker Pro Tempore Henry T. Rainey, of Illinois, answered a parliamentary inquiry on the order of recognition on a bill discharged from committee:

> MR. [CHARLES R.] CRISP [of Georgia]: The House yesterday discharged the Committee on Rules from the consideration of a resolution making it a special order to consider the adjusted-service compensation bill. The House then adopted the resolution which makes it today in order as a special order to consider that bill. The House having voted in favor of the proponents of the legislation and the Ways and Means Committee having made an adverse report on it, the effect of the vote of the House is to turn down the Ways and Means Committee and place control of that legislation in the hands of its friends. Under these circumstances and under the parliamentary rules and procedure of the House, are not the friends of the legislation entitled to have charge of the bill when we go into Committee of the Whole to consider it and to have the management of the measure on the floor?
>
> THE SPEAKER PRO TEMPORE: The proponents and the friends of the bill will, of course, have charge of it from now on.[13]

Parliamentarian's Note: The discharge "rule" read as follows:

> HOUSE RESOLUTION 220
>
> *Resolved,* That upon the day succeeding the adoption of this resolution a special order be, and is hereby, created by the House of Representatives for the consideration of H.R. 7726, notwithstanding the adverse report on said bill. That on said day the Speaker shall recognize the Representative from the first district of Texas, Wright Patman, to call up H.R. 7726, a bill to provide for the immediate payment to veterans of the face value of their adjusted-service certificates, as a special order of business, and to move that the House resolve itself into the Com-

12. 75 CONG. REC. 12911, 72d Cong. 1st Sess.

13. Consideration of bills on which a motion to discharge has prevailed is governed by Rule XXVII clause 3, *House Rules and Manual* § 908 (1995).

mittee of the Whole House on the State of the Union for the consideration of the said H.R. 7726. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the Member of the House requesting a rule for the considering of the said H.R. 7726 and a Member of the House who is opposed to the said H.R. 7726, to be designated by the Speaker, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit. The special order shall be a continuing order until the bill is finally disposed of.

§ 16.14 So as not to interfere with the right of a Member to move to go into the Committee of the Whole for consideration of a bill before the House as a result of a motion to discharge, the Speaker announced he would entertain unanimous-consent requests only for extensions of remarks.

On Apr. 26, 1948,[14] the House agreed to a motion to discharge a committee from the further consideration of a bill. The motion had been offered by Mr. L. Mendel Rivers, of South Carolina. Speaker Joseph W. Martin, Jr., of Massachusetts, then made the following announcement:

> Without interfering with the rights of the gentleman from South Carolina to move to go into the Committee of the Whole, the Chair will entertain consent requests for extensions of remarks only.

§ 16.15 In recognizing a Member to control time for debate in opposition to a bill taken away from a committee through the operation of the discharge rule, the Speaker recognizes the chairman of the committee having jurisdiction of the subject matter if he be opposed (where the rule provides for general debate in opposition to be controlled by "the Member of the House who is opposed" to the bill).

On Aug. 14, 1950, the House agreed to a motion to discharge the Committee on Rules from the further consideration of a resolution making in order the consideration of a bill within the jurisdiction of the Committee on Post Office and Civil Service. The resolution, which was then adopted, provided that the bill be considered on the following day, and provided

14. 94 CONG. REC. 4841, 4842, 80th Cong. 2d Sess.

that general debate be "equally divided and controlled by the Member of the House requesting the rule for the consideration of said H.R. 8195 and the Member of the House who is opposed to the said H.R. 8195, to be designated by the Speaker." On Aug. 15, 1950, Speaker Sam Rayburn, of Texas, ruled as follows on recognition to control time for debate in opposition to the bill:

> Pursuant to the provisions of House Resolution 667, the Chair designates the gentleman from Tennessee [Mr. Murray], chairman of the Committee on Post Office and Civil Service, to control time for debate in opposition to the bill H.R. 8195.[15]

Committee Chairman Opposed Reported Bill

§ 16.16 On one occasion, the chairman of a committee, acting at the President's request, introduced a bill, presided over the hearings in committee, reported the bill, applied to the Committee on Rules for a special order, and moved that the House resolve itself into the Committee of the Whole; when recognized to control one-half of the debate in the Committee, he then announced his opposition to the measure and turned over management of the bill to the ranking majority member of the committee.

On June 14, 1967,[16] Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce, moved that the House resolve itself into the Committee of the Whole for the consideration of House Joint Resolution 559, providing for the settlement of a railroad labor dispute. The House had adopted House Resolution 511 making in order the consideration of the bill and providing that general debate be controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce.

In the Committee of the Whole, Chairman Wilbur D. Mills, of Arkansas, recognized Mr. Staggers to control one-half the time on the bill. Mr. Staggers made the following statement:

> Mr. Chairman, I am here today in a most unusual position. I was requested by the President to introduce the bill we have before us today, and because of my responsibilities as chairman of the committee, I introduced the bill. If the House was to be given an opportunity to work its will on this legisla-

15. 96 Cong. Rec. 12543, 81st Cong. 2d Sess.

16. 113 Cong. Rec. 15822, 15823, 90th Cong. 1st Sess.

tion, it was necessary that hearings begin promptly and continue as expeditiously as possible, and I think the record will bear me out, that the hearings before our committee have been prompt, they have not been delayed in any respect.

In fact we interrupted consideration of a very important piece of health legislation in order to take up this bill. We have heard every witness who wanted to be heard on the legislation. I did this because I felt it to be my responsibility to the House as chairman of the committee.

Following the conclusion of our hearings I promptly scheduled executive sessions for consideration of the bill and we met as promptly as possible both morning and afternoon and the committee reported the bill to the House.

Yesterday I went before the Rules Committee as chairman of the committee to present the facts to the Rules Committee and attempt to obtain a rule so that the bill would be considered by the House. I have done these things because I felt it is my responsibility to do so as chairman of the committee.

Unfortunately, Mr. Chairman, I was opposed to this bill when I introduced it, and having heard all the witnesses and all the testimony, I am still opposed to it. For that reason I have asked the gentleman from Maryland [Mr. Friedel] to handle the bill in Committee of the Whole, so that I would be free to express my opposition to it. . . .

Mr. Chairman, this concludes the presentation I desire to make on the bill. At this time I request the gentleman from Maryland [Mr. Friedel], the ranking majority member on the Interstate and Foreign Commerce Committee, to take charge of managing the bill on the floor.

Parliamentarian's Note: The chairman of each committee in the House has the responsibility of reporting or causing to be reported any measure approved by his committee, and of taking or causing to be taken steps to have the matter considered and voted upon in the House, regardless of his personal opposition to the measure.[17]

Calendar Wednesday Bills

§ 16.17 On Calendar Wednesday, debate on bills considered in the Committee of the Whole is limited to two hours, one hour controlled by the Member in charge of the bill and one hour by the ranking minority member of the committee who is opposed to the bill.

On Apr. 14, 1937,[18] Chairman J. Mark Wilcox, of Florida, stated in response to a parliamentary inquiry that debate on a bill (called up under the Calendar Wednesday procedure) in the Committee

17. See Rule XI clause 2(l)(1)(A), *House Rules and Manual* § 713a (1995).

18. 81 CONG. REC. 3456, 75th Cong. 1st Sess.

of the Whole would be limited to two hours, one hour to be controlled by the chairman of the Committee on Interstate and Foreign Commerce, and one hour to be controlled by the ranking minority committee member opposed to the bill.[19]

§ 16.18 In recognizing a Member to control time in opposition to a bill on Calendar Wednesday in the Committee of the Whole, the Chair recognizes minority members, if opposed, in the order of their seniority on the committee reporting a bill.

On Apr. 14, 1937,[20] the House resolved itself into the Committee of the Whole for the consideration of a bill called up under the Calendar Wednesday procedure by the Committee on Interstate and Foreign Commerce. Chairman J. Mark Wilcox, of Florida, answered a parliamentary inquiry as to the order of recognition on the bill.

> MR. [PEHR G.] HOLMES [of Massachusetts]: Am I to understand that 1 hour will be extended me in opposition to the bill as a minority member of the committee?
>
> THE CHAIRMAN: Is the gentleman from Massachusetts opposed to the bill?
>
> MR. HOLMES: I am, Mr. Chairman.
>
> THE CHAIRMAN: Is the gentleman from Massachusetts the ranking minority member of the committee?
>
> MR. HOLMES: I am the ranking minority member opposed to the bill.
>
> THE CHAIRMAN: The gentleman is entitled to recognition in opposition to the bill unless a minority member of the committee outranking the gentleman desires recognition.
>
> MR. [CARL E.] MAPES [of Michigan]: Mr. Chairman, the gentleman from Massachusetts [Mr. Holmes] is the only minority member of the committee who is opposed to the bill.
>
> THE CHAIRMAN: Then the gentleman from Massachusetts will be recognized in opposition to the bill.

§ 16.19 A Member calling up a bill on Calendar Wednesday must be authorized and directed to do so by the committee having jurisdiction over the bill.

On Feb. 24, 1937,[1] Speaker Pro Tempore William J. Driver, of Arkansas, responded to a parliamentary inquiry during the Calendar Wednesday call of committees:

> MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, where a bill has been reported favorably by a committee, and the chairman of the committee is authorized to call the bill up

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19. Rule XXIV clause 7, *House Rules and Manual* § 897 (1995), governs the consideration of bills called up by committees under the Calendar Wednesday procedure.

20. 81 CONG. REC. 3456, 75th Cong. 1st Sess.

1. 81 CONG. REC. 1562, 1563, 75th Cong. 1st Sess.

on Calendar Wednesday, when the chairman absents himself from the floor, and when other members of the committee are present, is it proper for one of the other members to call up the bill?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that under the rules only the chairman or the member designated by the committee is authorized to call up a bill.[2]

§ 16.20 Members of a committee having jurisdiction of a bill on the Union Calendar called up on Calendar Wednesday are entitled to prior recognition to oppose it, but if no member of the committee rises to oppose the bill, any Member may be recognized for the hour in opposition.

On May 14, 1930,[3] Chairman Scott Leavitt, of Montana, ruled that since no member of a committee calling up a bill on Calendar Wednesday sought recognition to oppose the bill, any Member of the House could be recognized to control one hour's debate in opposition to the bill.

—Duty of Chair To Report Bill

§ 16.21 A provision of the Legislative Reorganization Act of 1946, later adopted as a House rule, requiring the chairman of each committee to report or cause to be reported promptly any measure approved by his committee or to take or cause to be taken necessary steps to bring a matter to a vote, was cited by the Speaker in overruling a point of order that a committee member did not have authority to call up a bill on Calendar Wednesday.

On Feb. 22, 1950,[4] John Lesinski, of Michigan, Chairman of the Committee on Education and Labor, called up a bill under the Calendar Wednesday procedure. Mr. Tom Pickett, of Texas, made the point of order that Mr. Lesinski was not entitled to recognition for that purpose, not having been expressly authorized by the committee to call up the bill under that procedure.

Speaker Sam Rayburn, of Texas, overruled the point of order, saying:

> The gentleman from Michigan [Mr. Lesinski] has already stated that the committee did give him this authority. The present occupant of the chair has read the minutes of the committee and thinks the gentleman from Michigan is correct.

2. See also 92 CONG. REC. 8590, 79th Cong. 2d Sess., July 10, 1946; and 87 CONG. REC. 5047, 77th Cong. 1st Sess., June 11, 1941.
3. 72 CONG. REC. 8938, 8939, 71st Cong. 2d Sess.
4. 96 CONG. REC. 2161, 2162, 81st Cong. 2d Sess.

Also the latest rule on this matter is section 133, paragraph (c), of the Legislative Reorganization Act, and there is very good reason for this rule because in times past the chairmen of committees have been known to carry bills around in their pockets for quite a while and not present them.

The rule is as follows:

> It shall be the duty of the chairman of each such committee to report or cause to be reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.

The Chair overrules the point of order.[5]

District of Columbia Bills

§ 16.22 During general debate on District of Columbia business in the Committee of the Whole, in the absence of a unanimous-consent agreement in the House allocating control of general debate, the Chair alternates in recognizing between those for and those against the pending legislation, giving preference to members of the Committee on the District of Columbia.

On Apr. 11, 1932,[6] Chairman Thomas L. Blanton, of Texas, answered a parliamentary inquiry on recognition in the Committee of the Whole during general debate on a District of Columbia bill.[7]

—Privileged Resolution and Other Business Was Considered Before District Business

§ 16.23 On a District of Columbia Monday, the Speaker recognized a member of the Committee on Rules to call up a privileged resolution relating to the order of business, and later recognized the chairman of another committee to call up the business made in order thereby, prior to recognizing the chairman of the Committee on the District of Columbia to call up District business.

On Sept. 24, 1962,[8] which was District of Columbia Monday, the Committee on the District of Columbia did not assert its right to call up District business. Speaker

5. The statute cited was later adopted as part of the standing rules; see Rule XI clause 2(l)(1)(A), *House Rules and Manual* § 713a (1995).

6. For the proceedings dealing with this principle, see § 12.11, supra.

7. For District of Columbia business, see Rule XXIV clause 8, *House Rules and Manual* § 899 (1995).

8. 108 CONG. REC. 20489, 87th Cong. 2d Sess.

John W. McCormack, of Massachusetts, recognized Mr. William M. Colmer, of Mississippi, of the Committee on Rules to call up House Resolution 804 (privileged resolution making in order the consideration of S.J. Res. 224, authorizing the President to call up armed forces reservists). Following the adoption of the House resolution, the Speaker recognized Carl Vinson, of Georgia, Chairman of the Committee on Armed Services, to call up and control debate on the measure made in order thereby. Thereafter, the Speaker announced it was District of Columbia day and then recognized John L. McMillan, of South Carolina, Chairman of the Committee on the District of Columbia, to call up District business.

—*Motion To Suspend Rules Is of Equal Privilege*

§ 16.24 Where a Member seeks recognition to call up District of Columbia business, privileged on District of Columbia Monday, and another Member seeks recognition to suspend the rules and agree to a bill made privileged by unanimous consent, it is within the discretion of the Speaker as to which of the two Members he shall recognize.

On Aug. 27, 1962,[9] which was District of Columbia Monday, Mr. Emanuel Celler, of New York, moved to suspend the rules and pass Senate Joint Resolution 29, proposing an amendment to the United States Constitution (to prohibit the use of a poll tax as a qualification for voting). Thomas G. Abernethy, of Mississippi, a member of the Committee on the District of Columbia, made a point of order against the motion on the ground that under the rules of the House District of Columbia business was privileged and mandatory on District of Columbia day. Mr. Carl Albert, of Oklahoma, asked to be heard on the point of order and stated that suspension motions had been transferred to the present day by a unanimous-consent agreement several days prior. Mr. Abernethy debated the point of order, as did Mr. Howard W. Smith, of Virginia, asserting that Rule XXIV clause 8 required the Speaker to recognize for District of Columbia business. Speaker John W. McCormack, of Massachusetts, ruled as follows:

> Several days ago on August 14 unanimous consent was obtained to transfer the consideration of business under suspension of the rules on Monday last until today. That does not prohibit the

9. 108 Cong. Rec. 17654, 17655, 87th Cong. 2d Sess.

consideration of a privileged motion and a motion to suspend the rules today is a privileged motion. The matter is within the discretion of the Chair as to the matter of recognition.

The Chair overrules the point of order.

Private Calendar Bills

§ 16.25 Under clause 6 of Rule XXIV, the call of the Private Calendar on the third Tuesday of a month is entirely within the discretion of the Speaker.

On Oct. 16, 1990,[10] the Chair responded to a parliamentary inquiry regarding the Private Calendar:

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, pursuant to clause 6 of rule XXIV, today is the day for the call of the Private Calendar. Is the Private Calendar not going to be called today?

THE SPEAKER PRO TEMPORE:[11] The Chair will notify the gentleman from Wisconsin [Mr. Sensenbrenner] that the Chair has complete discretion on the third Tuesday whether to call the Private Calendar.

§ 16.26 The rules do not permit pro forma amendments to bills on the Private Calendar.

On Feb. 16, 1954,[12] during consideration of the Private Calendar, Mr. Clare E. Hoffman, of Michigan, moved to strike out the last word and asked unanimous consent to revise and extend his remarks. There was no objection to the request and Mr. Hoffman was recognized. Speaker Joseph W. Martin, Jr., of Massachusetts, then made a statement:

The Chair wishes to make a statement in order to clarify the rules of procedure during the calling of the Private Calendar. Inadvertently, the Chair recognized the gentleman from Michigan to strike out the last word. Under the rules of the House, of course, that may be done on bills on the Consent Calendar, but not on the Private Calendar.[13]

—Recognition To Request Extension of Time Declined

§ 16.27 During amendment of omnibus private bills the Chair refuses to recognize Members for the purpose of requesting an extension of time under the five-minute rule.

On July 20, 1937,[14] the House was considering under the five-

10. 136 CONG. REC. 29646, 101st Cong. 2d Sess.

11. John P. Murtha (Pa.).

12. 100 CONG. REC. 1826, 1827, 83d Cong. 2d Sess.

13. See also 113 CONG. REC. 36535–37, 90th Cong. 1st Sess., Dec. 14, 1967; and 81 CONG. REC. 7295, 75th Cong. 1st Sess., July 20, 1937.

The consideration of bills on the Private Calendar is governed by Rule XXIV clause 6, *House Rules and Manual* § 893 (1995).

14. 81 CONG. REC. 7293–95, 75th Cong. 1st Sess.

minute rule omnibus bills on the Private Calendar. Mr. Alfred F. Beiter, of New York, who had the floor, asked unanimous consent to proceed for one additional minute when his five minutes expired. Speaker William B. Bankhead, of Alabama, ruled:

> Under the rule governing the consideration of these bills, 5 minutes on each side is the limit for debate.

The Speaker then ruled that Mr. Beiter could not be recognized to offer a pro forma amendment to the pending bill.[15]

—*Unanimous-consent Request To Address House*

§ 16.28 During consideration of bills on the Private Calendar, the Chair refuses to recognize Members for unanimous-consent requests to address the House on such bills.

On May 7, 1935,[16] the Clerk called a bill on the Private Calendar and Mr. Charles V. Truax, of Ohio, asked unanimous consent to "proceed for five minutes." Speaker Pro Tempore John J. O'Connor, of New York, refused to recognize Mr. Truax for that purpose.

—*Recognition in Opposition to Amendment*

§ 16.29 Recognition in opposition to an amendment to a bill on the Private Calendar goes first to a member of the committee reporting the bill.

On Dec. 14, 1967,[17] the House was considering a private bill under the five-minute rule. Mr. Durward G. Hall, of Missouri, rose to be heard in opposition to an amendment, but Speaker John W. McCormack, of Massachusetts, extended recognition for that purpose to Mr. Michael A. Feighan, of Ohio, a member of the committee reporting the bill.

—*Unanimous-consent Requests To Take Up Similar Senate Bills*

§ 16.30 Where an omnibus private bill is passed containing House bills similar to Senate bills on the Speaker's table, the Speaker recognizes Mem-

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15. For the basis of the Speaker's ruling, see Rule XXIV clause 6, and comments thereto, *House Rules and Manual* §§ 893–895 (1995).

See also 113 CONG. REC. 36535–37, 90th Cong. 1st Sess., Dec. 14, 1967; 80 CONG. REC. 5900, 74th Cong. 2d Sess., Apr. 22, 1936; and 80 CONG. REC. 3890, 74th Cong. 2d Sess., Mar. 17, 1936.

16. 79 CONG. REC. 7100, 74th Cong. 1st Sess.

17. 113 CONG. REC. 36535–37, 90th Cong. 1st Sess.

bers for unanimous-consent requests to take up such Senate bills for consideration.

On Aug. 21, 1935,[18] Speaker Joseph W. Byrns, of Tennessee, made the following statement:

> Permit the Chair to make a statement. In the omnibus bills which were passed on yesterday there were included several bills which had previously passed the Senate and were on the Speaker's table. The Chair feels that those Members who are interested in those particular bills should have an opportunity to ask unanimous consent for the immediate consideration of the Senate bills, so that they can be taken out of the omnibus bills when they are reported to the Senate. The Chair will therefore first recognize Members who have such bills. . . .

The Speaker then recognized Mr. William A. Pittenger, of Minnesota, to ask unanimous consent for the consideration of one of the Senate bills.

§ 17. As to Conference Reports and Other House-Senate Matters

The chairman of the committee with jurisdiction of the subject matter of a bill is ordinarily recognized for requests for a conference, motions and resolutions relating to disposition of Senate amendments, or calling up conference reports.[19]

One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and the Speaker recognizes the Member calling up the report to control 30 minutes and a Member from the other party, preferably the senior conferee from that party, to control 30 minutes.[20] Under customary practice, the Members controlling the time for debate on a conference report are among those who served as House managers in the conference.[1]

Rule XXVIII, clause 1(b)[2] provides that the time allotted for debate on any motion to instruct House conferees shall be equally divided between the majority and minority parties, except that if the proponent of the motion and the Member from the other party are both supporters of the motion, one third of such debate time shall be allotted to a Member who is opposed to said motion.

Similarly, the time allotted for debate in the consideration of a

18. 79 CONG. REC. 13993, 74th Cong. 1st Sess.

19. See §§ 17.29 et seq., infra.

20. See § 17.9, infra.

1. For division of debate on a conference report, see Rule XXVIII clause 2(a), *House Rules and Manual* § 912a (1995).

2. *House Rules and Manual* § 909a (1995).

conference report is equally divided between the majority party and the minority party, except that if the floor manager for the majority and the floor manager for the minority are both supporters of the conference report, one third of such debate time shall be allotted to a Member who is opposed to said conference report.[3] A similar provision applies specifically to consideration of amendments in disagreement.[4]

The offering of a preferential motion does not deprive the Member making the original motion to dispose of a Senate amendment of control of the floor for debate, and the Chair will recognize the Member controlling the floor when the preferential motion is offered.[5] For example, where the manager of a conference report has offered a motion to insist on disagreement to a Senate amendment, a motion to recede and concur therein is preferential and is voted on first, but the manager retains control of the majority time on the amendment.[6]

On the other hand, where the House rejects a motion by the manager of a bill to dispose of a Senate amendment remaining in disagreement, recognition to offer another motion is accorded to a Member who led the opposition to the rejected motion.[7] Accordingly, where a motion by the Member in charge of a conference report to recede and concur in a Senate amendment with an amendment is defeated, recognition for a motion to further insist on disagreement passes to a Member opposed.[8]

A motion to concur in a Senate amendment to a House amendment to a Senate amendment to a House measure, the stage of disagreement having been reached, is preferential to a motion to disagree and request a conference and is debatable under the provisions of Rule XXVIII, clause 2.[9]

The prior right to recognition to move to recommit a conference report ordinarily belongs to a member of the conference committee, although on one occasion, the Chair recognized the ranking minority member of one of the two committees which had originally reported the bill, even though the member was not a conferee on the bill.[10]

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3. Rule XXVIII, cl. 2(a), *House Rules and Manual* § 912a (1995).

4. Rule XXVIII, cl. 2(b)(1), *House Rules and Manual* § 912b (1995).

5. See, for example, § 17.44, infra.

6. See § 17.48, infra.

7. See § 17.54, infra.

8. See § 17.57, infra.

9. See the proceedings of Nov. 6, 1985, discussed in § 24.46, infra.

10. See § 17.62, infra.

Cross References

Conferences and disposition of conference reports, see Ch. 33, infra.

Disposition of amendments between the Houses, see Ch. 32, infra.

Distribution and alternation of time on conference reports, see § 25, infra.

Duration of time for debate on conference reports and amendments between the Houses, see § 68, infra.

Yielding time on conference reports, see § 29, infra.

Motion To Send Bill to Conference

§ 17.1 The motion to send a bill to conference pursuant to Rule XX clause 1 is privileged at any time the House is in possession of the papers if the appropriate committee has authorized the motion and the Speaker in his discretion recognizes for that purpose.

On Mar. 20, 1975,[11] the following proceedings pertaining to consideration of the foreign assistance appropriations (H.R. 4592) occurred in the House:

MR. [OTTO E.] PASSMAN [of Louisiana]: Mr. Speaker, in accordance with rule XX of the House rules and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 4592) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1975, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

THE SPEAKER:[12] The question is on the motion offered by the gentleman from Louisiana (Mr. Passman).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object.

THE SPEAKER: The Chair will state that no objection is in order.

The motion was agreed to.

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

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. BAUMAN: Mr. Speaker, does this report not have to lay over for a period of time prior to the request being made for conferees?

THE SPEAKER: Not for the appointment of conferees.

MR. BAUMAN: Then, Mr. Speaker, it is in order today?

THE SPEAKER: The motion to send the bill to conference is in order today.

Further Debate by Unanimous Consent After Previous Question on Motion To Instruct Conferees

§ 17.2 By unanimous consent, further debate may be permitted on a motion to instruct conferees on which the previous question has been ordered.

11. 121 CONG. REC. 7646, 94th Cong. 1st Sess.

12. Carl Albert (Okla.).

During consideration of a motion to instruct House conferees on the conference with the Senate on H.R. 3919 (crude oil windfall profits tax) on Feb. 20, 1980,[13] the following proceedings occurred:

MR. [NORMAN E.] D'AMOURS [of New Hampshire]: Mr. Speaker, I offer a motion.

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

> Mr. D'Amours moves that, pursuant to the provisions of clause 1(b) of Rule XXVIII, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3919 be instructed to agree to the provisions contained in parts 1, 2 and 4 of title II of the Senate amendment to the text of the bill.

THE SPEAKER PRO TEMPORE:[14] The gentleman from New Hampshire (Mr. D'Amours) is recognized for 1 hour. . . .

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, I have a parliamentary inquiry. . . . [T]here may have been some confusion on the last vote, given what appeared on the screens in Members' offices. . . .

This question . . . we will vote on now is a vote on the motion to instruct the conferees?

THE SPEAKER PRO TEMPORE: The question that will occur now is on the motion to instruct the conferees.

(By unanimous consent Mr. Gibbons was allowed to speak out of order.)

MR. [SAM M.] GIBBONS [of Florida]: Mr. Speaker, I cannot believe the last vote. It is absolutely astounding.

What my colleagues voted for was to instruct the conferees to throw away $26 billion on some tax credits of doubtful value. . . .

But, please, do not instruct us. We are about to complete this conference. We are about to get things wound up and get it out here where we can either accept it or reject it.

Special Rule Providing for Debate on Conference Reports Considered En Bloc

§ 17.3 Pursuant to a special rule providing for four hours of debate on five conference reports considered en bloc in the House, equally divided between the majority and minority, with one hour to be confined to debate on one of the five reports (natural gas policy), the Speaker recognized the chairman and ranking minority member of the Ad Hoc Committee on Energy for one-half hour each for the first hour, to be confined to debate on the natural gas conference report, and then recognized them for one and one-half

13. 126 CONG. REC. 3322, 3337, 96th Cong. 2d Sess.

14. Benjamin S. Rosenthal (N.Y.).

hour each on the remaining reports.

On Oct. 14, 1978,[15] the following proceedings occurred in the House:

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Speaker, pursuant to House Resolution 1434, I call up the conference reports on the bills [H.R. 4018, Public Utility Rates; H.R. 5037, Energy Conservation; H.R. 5146, Coal Conversion; H.R. 5289, Natural Gas Policy; and H.R. 5263, Energy Tax]. . . .

The Clerk read the titles of the bills.

THE SPEAKER PRO TEMPORE:[16] Pursuant to House Resolution 1434, the gentleman from Ohio (Mr. Ashley) will be recognized for 2 hours and the gentleman from Illinois (Mr. Anderson) will be recognized for 2 hours.

The Chair will recognize the gentleman from Ohio (Mr. Ashley) and the gentleman from Illinois (Mr. Anderson) for 30 minutes to debate the conference report on H.R. 5289. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: May I . . . inquire of the Chair whether the first hour of debate is to be directed to the natural gas conference report and not to the other four conference reports?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. BAUMAN: Only to the natural gas conference report?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. BAUMAN: Would it be out of order to discuss the other parts during that time?

THE SPEAKER PRO TEMPORE: The Chair would like to advise the gentleman that the Chair would have to rule as points along that line are brought to the attention of the Chair.

MR. BAUMAN: I thank the Speaker.

THE SPEAKER PRO TEMPORE: The Chair would like to advise the gentleman that the resolution provides the first hour of which shall be confined solely to the conference report on the bill H.R. 5289.

The House Has, by Use of a Special Order, Deemed a Conference Report, Not Yet Before the House, To Be Adopted

§ 17.4 A special order providing for consideration of a bill included an additional provision specifying a contingent order of the House—the adoption of a conference report pending in the Senate, if the Senate notified the House before a date certain that it had agreed thereto.

On Mar. 28, 1996,[17] the House adopted H. Res. 391, a special rule providing for consideration of the bill (H.R. 3136) to provide for consideration of the Senior Citizens' Right to Work Act of 1996. The rule also provided a "contingent order" relating to title II which contained the text of the

15. 124 CONG. REC. 38349, 38350, 95th Cong. 2d Sess.

16. William H. Natcher (Ky.).

17. 142 CONG. REC. p. ____, 104th Cong. 2d Sess.

"Line Item Veto" bill previously passed by the House. The text of title II was the same as that agreed upon by House and Senate managers in the conference on the previously-passed Line Item Veto bill, S. 4. If the House were to be informed by a message from the Senate that the conference report on S. 4 had been approved by the Senate, then that conference report would be "deemed adopted" by the House, and the Clerk, in enrolling the bill H.R. 3136, would strike the then superfluous title II.

This rather complicated special order was drafted to make it possible for the House to adjourn for its Easter break, scheduled for Mar. 29-Apr. 15. Otherwise, there would have been an effort to remain in session until the Senate completed action on the conference report.

The Senate actually informed the House of the adoption of the conference agreement later on the same day (Mar. 28), and so the contingencies in H. Res. 391 were executed that same day. Title II of H.R. 3136, containing the line item veto provisions identical to those in S. 4, was stricken in the engrossment of the bill. The conference agreement on S. 4 was deemed adopted by the House. S. 4 was enrolled and sent to the President. It because Public Law 104–130.

PROVIDING FOR CONSIDERATION OF H.R. 3136, CONTRACT WITH AMERICA ADVANCEMENT ACT OF 1996

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Chairman, by direction of the Committee on Rules, I call up House Resolution 391 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 391

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974) to consider in the House the bill (H.R. 3136) to provide for the enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit. The amendments specified in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) a further amendment, if offered by the chairman of the Committee on Ways and Means, which shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974) or demand for division of the question, shall be considered as read, and

shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit, which may include instructions only if offered by the Minority Leader or his designee.

Sec. 2. If, before March 30, 1996, the House has received a message informing it that the Senate has adopted the conference report to accompany the bill (S. 4) to grant the power to the President to reduce budget authority, and for other purposes, then—

(a) in the engrossment of H.R. 3136 the Clerk shall strike title II (unless it has been amended) and redesignate the subsequent titles accordingly; and

(b) the House shall be considered to have adopted that conference report.

THE SPEAKER PRO TEMPORE:[18] The gentleman from New York [Mr. Solomon] is recognized for 1 hour.

MR. SOLOMON: Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. Beilenson], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. Solomon asked and was given permission to include extraneous material.)

AMENDMENT OFFERED BY MR. SOLOMON

MR. SOLOMON: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Solomon:

Page 2, line 9, strike "one hour" and all that follows through "Means" on line 12, and insert in lieu thereof the following:

"80 minutes of debate on the bill, as amended, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight or their designees".

MR. SOLOMON: Mr. Speaker, I ask unanimous consent that the amendment be agreed to.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New York?

There was no objection. . . .

MR. SOLOMON: . . . Mr. Speaker, this rule provides for consideration in the House of H.R. 3136, as modified by the amendments designated in the Committee on Rules report on this resolution. The rule provides for the adoption of two amendments. The first amendment is to title III of the bill relating to regulatory reform, and the second amendment is to title I of this bill relating to the Social Security earnings test limit. Both amendments address specific concerns of the administration and have been included in the bill in the spirit of bipartisan cooperation. It is hoped that the final product will meet the concerns of all parties involved. . . .

Finally, Mr. Speaker, the rule provides that if before March 30, 1996, the House has received a Senate message stating that the Senate has adopted the conference report on S. 4, which is the Line-Item Veto Act, then following House passage and engrossment of H.R. 3136, the Clerk shall be

18. Richard Hastings (Wash.).

instructed to strike title II unless amended from this bill. This title contains the exact text of the conference report of Senate bill 4.

Furthermore, upon the actions of the House, it will be deemed to have adopted the conference report on S. 4, which is the line-item veto conference report. This final procedure has been included in the rule as part of our continuing efforts to expedite the consideration of this terribly, terribly important piece of legislation.

The rule also sets up a highly unusual procedure, which the gentleman from New York [Mr. Solomon] described a few minutes ago, for disposing of the Line Item Veto Act. The rule provides that if the other body approves the conference report on this bill before Saturday and the House passes H.R. 3136, the conference report shall be sent to the President as a free-standing bill.

Because the Senate approved the conference report last night, that part of this bill will in fact be separated upon passage of this legislation. We believe it is unnecessary and unwise to construct final action on the Line Item Veto Act in this convoluted manner. There is no good reason why this matter should not be considered in the same way other conference reports are normally considered; that is, as free-standing legislation and without reference to action by the other body. For that matter, there is no good reason why any of the extraneous legislation included in this increase in the debt limit must be included.

Later the same day:

MESSAGE FROM THE SENATE . . .

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4) "An act to grant the power to the President to reduce budget authority."

(For text of conference report deemed adopted pursuant to Resolution 391, see proceedings of the House of March 21, 1996, at page H2640.)

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 4. An act to give the President line item veto authority with respect to appropriations, new direct spending, and limited tax benefits.

TITLE II—LINE ITEM VETO

Sec. 201. Short Title.

This title may be cited as the "Line Item Veto Act".

High Privilege of Conference Report

§ 17.5 The rules provide that conference reports shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition;[19] and the Chair may recognize a Member to call up a conference report before pro-

19. Rule XXVIII, cl. 1(a), *House Rules and Manual* § 909 (1995).

ceeding to other business mandated by the rules.

Under a former rule,[20] the call of the Consent Calendar was mandatory on the first and third Mondays of the month immediately after the approval of the Journal. (The Consent Calendar was replaced in the 104th Congress by the Corrections Calendar.)[1] The proceedings of May 4, 1970,[2] which was Consent Calendar Monday, are illustrative of the high privilege of conference reports. On that day, Speaker John W. McCormack, of Massachusetts, first recognized Mr. Carl D. Perkins, of Kentucky, to call up a conference report before directing the Clerk to call the Consent Calendar.

Chairman of Committee Opposed to Bill

§ 17.6 The Speaker recognized the ranking majority member of a committee, and not the chairman thereof, also a conferee, to call up a conference report.

On July 17, 1967,[3] Speaker John W. McCormack, of Massachusetts, recognized Samuel N. Friedel, of Maryland, ranking majority member of the Committee on Interstate and Foreign Commerce, to call up a conference report on Senate Joint Resolution 81, providing for a railway labor dispute settlement.

Parliamentarian's Note: Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce and a conferee on the bill, was not recognized to call up the report because he was opposed to the bill.[4]

Manager Called Up Conference Report Although He Was Opposed

§ 17.7 The senior manager on the part of the House at a conference called up for consideration and managed the debate on the conference report, although he had not signed the report and was opposed to it.

On Dec. 6, 1967,[5] William R. Poage, of Texas, Chairman of the Committee on Agriculture and senior manager for the House in

20. See Rule XIII, cl. 4, *House Rules and Manual* § 746 (1993).

1. See Rule XIII, cl. 4, *House Rules and Manual* § 745a (1995).

2. 116 CONG. REC. 13991–95, 91st Cong. 2d Sess.

3. 113 CONG. REC. 19032, 90th Cong. 1st Sess.

4. See Mr. Staggers' statement at 113 CONG. REC. 15822, 15823, 90th Cong. 1st Sess., June 14, 1967, cited at § 16.16, supra.

5. 113 CONG. REC. 35144–55, 90th Cong. 1st Sess.

conference on H.R. 12144, the Federal Meat Inspection Act of 1967, called up the conference report on that bill and managed the debate thereon. Mr. Poage delivered the following remarks when calling up the report:

> MR. POAGE: Mr. Speaker, I yield myself 5 minutes.
>
> Mr. Speaker, today I find myself in the same position which I occupied when we sent this bill to conference. I have no desire to interfere with or delay consideration of the bill. I full well recognize the very proper desire of every Member of this House to secure and maintain the very best possible meat inspection program for the United States. I join in that desire. The conference report which our committee brings you is intended to achieve that result. I hope it will.
>
> This report is signed by all of the conferees on the part of the Senate and all but two of the conferees on the part of the House. I am one of those two.

Conference Report Within Jurisdiction of Two Committees

§ 17.8 A conference report on a bill with two titles was called up by the chairman of one committee, who controlled one-half hour on one title of the bill, and who then yielded to the chairman of another committee to control one-half hour on the other title and to move the previous question.

On May 13, 1970,[6] Mr. Harley O. Staggers, of West Virginia, called up a conference report on H.R. 14465, the Airport and Airway Development and Revenue Acts of 1970. The managers on the part of the House had been appointed from two House committees, since title I of the bill dealt with airport authorizations, within the jurisdiction of the Committee on Interstate and Foreign Commerce, and title II dealt with raising revenue for airport construction, within the jurisdiction of the Committee on Ways and Means.

The Committee on Interstate and Foreign Commerce had reported the bill in the House, and Mr. Staggers, Chairman of that committee, therefore called up the conference report for consideration. He controlled one-half hour of debate on title I, which was within the jurisdiction of his committee. He then yielded to Wilbur D. Mills, of Arkansas, Chairman of the Committee on Ways and Means, to control one-half hour of debate on title II of the bill. Mr. Mills moved the previous question on the report.

Parliamentarian's Note: The hour of debate on a conference report is now equally divided be-

6. 116 CONG. REC. 15291–97, 91st Cong. 2d Sess.

tween the majority and minority parties. See § 17.9, infra.

Debate on Conference Report—How Divided

§ 17.9 One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and the Speaker recognizes the Member calling up the report to control 30 minutes and a Member from the other party (preferably the senior conferee from that party) to control 30 minutes.

On Jan. 19, 1972,[7] Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, called up the conference report on S. 382, the Federal Election Campaign Act of 1972. Speaker Carl Albert recognized Mr. Hays to control 30 minutes of debate on the report and Mr. William L. Springer, of Illinois (ranking minority member of the Committee on Interstate and Foreign Commerce and a conferee) to handle the other 30 minutes.

Conferees had been appointed from both the Committees on House Administration and Interstate and Foreign Commerce, since the bill was the work product of both committees.

Parliamentarian's Note: Rule XXVIII, clause 2(a) was amended in the 92d Congress, 1st Session (H. Res. 5) to require a division of the hour for debate on a conference report. Prior to that time, debate on a conference report was under the hour rule, with the Member recognized to call up the report in control of the time.[8] The rule now also provides that if the floor managers for the majority and minority both support the conference report, one-third of the debate time shall be allotted to a Member opposed.[9]

Debate on Motion To Reject Nongermane Portion of Conference Report

§ 17.10 Pursuant to Rule XXVIII clause 4, 40 minutes for debate on a motion to reject a nongermane portion of a conference report is equally divided between the proponent and an opponent of the motion to reject, and recognition is not based upon party affiliation; and

7. 118 Cong. Rec. 319, 320, 92d Cong. 2d Sess.

8. See, for example, 115 Cong. Rec. 40451, 91st Cong. 1st Sess., Dec. 20, 1969; 108 Cong. Rec. 4247–51, 87th Cong. 2d Sess., Mar. 15, 1962.

9. See *House Rules and Manual* § 912a (1995).

the House conferee who has been recognized for 20 minutes in opposition to a motion to reject a nongermane portion of a conference report is entitled to close debate on the motion to reject.

H.R. 5247, a bill reported from the Committee on Public Works and Transportation, consisted of one title relating to grants to state and local governments for local public works construction projects. A new title added by the Senate and contained in a conference report provided grants to state and local governments to assist them in providing public services. On Jan. 29, 1976,[10] a point of order was made in the House, pursuant to Rule XXVIII clause 4, against the title added by the Senate. The title was held to be not germane, because it proposed a revenue-sharing program within the jurisdiction of the Committee on Government Operations, and because the approach taken in the Senate version was not closely related to the methods used to combat unemployment as delineated in the House bill.[11] After the Speaker had ruled on the point of order, a motion was made:

MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Brooks moves that the House reject title II of H.R. 5247, as reported by the committee of conference.

THE SPEAKER:[12] The gentleman from Alabama (Mr. Jones) will be recognized for 20 minutes, and the gentleman from Texas (Mr. Brooks) will be recognized for 20 minutes.

MR. BROOKS: Mr. Speaker, I yield myself such time as I may consume.

MR. [FRANK] HORTON [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. HORTON: Mr. Speaker, my parliamentary inquiry is this: Do we have 20 minutes on the minority side?

THE SPEAKER: The Chair will state that the division of time is between those in favor and those opposed to the motion to reject title II. The gentleman from Alabama (Mr. Jones) has 20 minutes and the gentleman from Texas (Mr. Brooks) has 20 minutes.

MR. [JAMES C.] WRIGHT [Jr., of Texas, on behalf of Mr. Jones]: Mr. Speaker, I have one other speaker, the majority leader. I do not know what the courtesy is, or the appropriate protocol, in a matter of this kind.

THE SPEAKER PRO TEMPORE: The Chair will rule that the gentleman from Texas [Mr. Wright] may close debate.[13]

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10. 122 CONG. REC. 1582, 94th Cong. 2d Sess.

11. For further discussion of the ruling on the issue of germaneness, see Ch. 28, § 4.99, supra.

12. Carl Albert (Okla.).

13. For another instance in which the Speaker acknowledged that the House conferee who has been recognized for 20 minutes in opposition to a motion to reject a nongermane portion of a conference report is entitled

Parliamentarian's Note: Where the House agrees to a motion to reject a nongermane portion of a conference report pursuant to Rule XXVIII clause 4, the pending question, in the form of a motion offered by the manager of the conference report, is to recede from disagreement to the Senate amendment and concur with an amendment consisting of the remaining portions of the conference report not rejected on the separate vote, and one hour of debate, equally divided between the majority and minority parties, is permitted on that pending question.[14]

Debate on Conference Report After Section Containing Nongermane Senate Matter Agreed to

§ 17.11 Pursuant to a special rule and to clause 1 of Rule XX, in effect in the 92d Congress, the House agreed to a section of a conference report (containing nongermane Senate matter) following 40 minutes of debate; the House then considered the entire conference report, the Member calling up the report and a Member of the minority party each being recognized for 30 minutes under Rule XXVIII clause 2.

On Nov. 10, 1971,[15] pursuant to a special rule, a separate vote was demanded on a section of a conference report, and the House agreed to the section after 40 minutes of debate divided between the manager of the report and the Member demanding the separate vote.[16]

The House then considered the entire conference report, and the Speaker stated that one hour of debate would be had, the Member calling up the report, F. Edward Hébert, of Louisiana, to be recognized for 30 minutes, and a Member of the minority party, Leslie C. Arends, of Illinois, to be recognized for 30 minutes.

Debate Controlled by Conferees Appointed From Two Committees

§ 17.12 One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and where conferees have been appointed from two committees of the House, the Speaker

to close debate on the motion to reject, see Ch. 28, § 26.23, supra.

14. See § 68.24, infra.

15. 117 CONG. REC. 40489, 40490, 92d Cong. 1st Sess.

16. See § 17.34, infra.

recognizes one of the minority committee members (not necessarily a member of the same committee as the Member controlling the majority time) to control 30 minutes of debate.

On Jan. 19, 1972,[17] Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, called up a conference report on S. 382, the Federal Election Campaign Act of 1972. Conferees on the part of the House had been appointed from two House committees with jurisdiction over the bill, the Committee on House Administration and the Committee on Interstate and Foreign Commerce.

Speaker Carl Albert, of Oklahoma, recognized Mr. Hays for 30 minutes of debate to control time for the majority. He recognized William L. Springer, of Illinois, ranking minority member of the Committee on Interstate and Foreign Commerce, to control 30 minutes of debate for the minority.

Parliamentarian's Note: Mr. Springer controlled the minority time although he had resigned as a conferee on the bill, even though Samuel L. Devine, of Ohio, ranking minority member of the Committee on House Administration and a conferee on the bill, was on the floor and participated in debate. Under customary practice, however, the Members controlling the time for debate on a conference report are among those who served as House managers in the conference.[18]

Rule XXVIII, clause 2(a) now provides that if the floor manager for the majority and minority both support the conference report, one-third of the debate time shall be allotted to a Member opposed.[19]

Permitting Additional Debate on Conference Report; Special Order

§ 17.13 While debate on a conference report is limited to one hour[20] to be equally divided between majority and minority parties,[1] the House

17. 118 Cong. Rec. 319, 320, 92d Cong. 2d Sess.

18. For division of debate on a conference report, see Rule XXVIII clause 2(a), *House Rules and Manual* § 912a (1995).

19. See *House Rules and Manual* § 912a (1995).

20. See Rule XIV clause 2, *House Rules and Manual* § 758 (1995).

1. See Rule XXVIII clause 2, *House Rules and Manual* § 912a (1995). The rule also provides that if the majority and minority floor managers both support the conference report, one-third of the debate time shall be allotted to a Member opposed.

may, by unanimous consent, either extend that time or permit debate by "special order" on the conference report prior to actual consideration thereof; thus, on one occasion, by unanimous consent, two Members, the chairman and ranking minority member of the House conferees, were permitted "special orders" of one hour each to debate a conference report following adoption of a resolution making in order the consideration of the report but prior to actual consideration of the report.

On Mar. 26, 1975,[2] the following proceedings occurred in the House during consideration of a resolution waiving points of order against consideration of a conference report not yet filed or printed. The manager of the rule, Mr. Matsunaga, during debate on the rule, yielded to the chairman of the House conferees (Mr. Ullman) to file the conference report. After filing, Mr. Ullman then requested a special order to explain the report while awaiting copies to reach the floor; the ranking minority member of the House conferees also received permission for a special order.

MR. [SPARK M.] MATSUNAGA [of Hawaii]: Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. Ullman).

CONFERENCE REPORT ON H.R. 2166, TAX REDUCTION ACT OF 1975

MR. [AL] ULLMAN [of Oregon] submitted the following conference report and statement on the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 . . . to increase the investment credit and the surtax exemption, and for other purposes:

CONFERENCE REPORT (H. REPT. 94–120)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 . . . having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Reduction Act of 1975". . . .

MR. ULLMAN: Mr. Speaker, I ask unanimous consent that upon the adoption of the rule I be granted a 60-minute special order.

2. 121 CONG. REC. 8899, 8900, 8916, 94th Cong. 1st Sess.

THE SPEAKER:[3] Is there objection to the request of the gentleman from Oregon?

MR. [ROBERT E.] BAUMAN [of Maryland]: Reserving the right to object, Mr. Speaker, we have in the rules of the House an adequate rule for the consideration of conference reports . . . . I have no way of knowing, nor does any Member in this Chamber know, who will control the time during a special order, except the gentleman from Oregon, whether questions, once raised, will be answered, or whether or not debate will deteriorate into partisan debate.

THE SPEAKER: The gentleman is very effectively but improperly stating the rules. The minority has 30 minutes and the majority has 30 minutes on the conference report.

MR. BAUMAN: I am talking about the lack of protection contained in the request for the 1-hour special order that was just made by the gentleman from Oregon.

THE SPEAKER: Any Member of the House may make a request for a special order.

MR. BAUMAN: I withdraw my reservation of objection.

MR. [HERMAN T.] SCHNEEBELI [of Pennsylvania]: Mr. Speaker, further reserving the right to object, I also ask for a 60-minute special order following that of the gentleman from Oregon (Mr. Ullman).

THE SPEAKER: Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

3. Carl Albert (Okla.).

Conference Report on Budget Resolution—Debate Is Under Hour Rule on Amendments in Disagreement

§ 17.14 While under section 305(a)(4) [now section 305 (a)(6)] of the Congressional Budget Act[4] there can be up to five hours of debate on a conference report on a concurrent resolution on the budget equally divided between the majority and minority parties, where the conferees have reported in total disagreement, debate on the motion to dispose of the amendment in disagreement is not covered by the statute and is therefore under the general "hour" rule in the House.

During consideration of the first concurrent resolution on the budget for fiscal year 1978 (S. Con. Res. 19) in the House on May 17, 1977,[5] the following exchange occurred:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I call up the conference report on the Senate concurrent resolution (S. Con. Res. 19) setting forth the congressional budget for the U.S. Government for the fiscal

4. *House Rules and Manual* § 1007 (1995) at p. 893.

5. 123 CONG. REC. 15126, 15127, 95th Cong. 1st Sess.

year 1978 (and revising the congressional budget for fiscal year 1977), and ask for its immediate consideration.

THE SPEAKER PRO TEMPORE:[6] The Clerk will read the conference report.

The Clerk read the conference report. . . .

THE SPEAKER PRO TEMPORE: The Clerk will report the Senate amendment to the House amendment.

The Clerk read the Senate amendment to the House amendment as follows:

> In lieu of the matter proposed to be inserted by the House engrossed amendment, insert: . . .

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

The Clerk read as follows:

> Mr. Giaimo moves to concur in the Senate amendment to the House amendment.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Connecticut (Mr. Giaimo) for 1 hour.

Parliamentarian's Note: Since the Senate amendment to the House amendment had not been reported from conference in disagreement, but had been subsequently added by the Senate after consideration of the conference report in that body, the requirement for equal division of time on a motion to dispose of a Senate amendment reported from conference in disagreement was not applicable.

On May 13, 1976,[7] the conferees' report on Senate Concurrent Resolution 109, the first concurrent resolution on the budget for fiscal 1977, was called up in the House. The conferees reported in total disagreement on a House amendment in the nature of a substitute for the resolution.

The Senate had amended the House amendment to incorporate the provisions informally agreed upon in conference but outside the scope of the differences with respect to three functional categories. In accordance with the procedure applicable when conferees report that they are unable to agree, the report was called up in the House but not acted upon. The Speaker then directed the Clerk to report the pending Senate amendment to the House amendment for disposition by motion.

> MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, I call up the conference report on the Senate concurrent resolution (S. Con. Res. 109) setting forth the congressional budget for the U.S. Government for the fiscal year 1977—and revising the congressional budget for the transition quarter beginning July 1, 1976—and ask for its immediate consideration.

The conference report stated in part:[8]

> The managers on the part of the House and the Senate at the con-

6. William H. Natcher (Ky.).

7. 122 CONG. REC. 13756, 94th Cong. 2d Sess.

8. See 122 CONG. REC. 13026, 94th Cong. 2d Sess., May 7, 1976, for text of conference report.

ference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 109) setting forth the congressional budget for the United States Government for the fiscal year 1977 (and revising the congressional budget for the transition quarter beginning July 1, 1976), report that the conferees have been unable to agree. This is a technical disagreement, necessitated by the fact that in three instances the substitute language agreed to by the conferees includes figures which (for purely technical reasons) would fall outside the permissible range between the corresponding House and Senate provisions.

It is the intention of the conferees that the managers on the part of the Senate will offer a motion in the Senate to recede and concur in the House amendment to the Senate-passed resolution with an amendment (in the nature of a substitute) consisting of the language agreed to in conference, and that upon the adoption of such amendment in the Senate the managers on the part of the House will offer a motion in the House to concur therein.

THE SPEAKER:[9] The Chair lays before the House the Senate amendment to the House amendment, which the Clerk will read.

The Clerk read the Senate amendment to the House amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House insert:

That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1976—

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

The Clerk read as follows:

Mr. Adams moves that the House concur in the Senate amendment to the House amendment.

THE SPEAKER: The gentleman from Washington (Mr. Adams) is recognized for 1 hour.

MR. ADAMS: Mr. Speaker, I yield 30 minutes to the gentleman from Ohio for purposes of debate only, pending which I yield myself such time as I may consume.[10]

On May 17, 1978,[11] the conferees' report on Senate Concurrent Resolution 80, the first concurrent resolution on the budget for fiscal 1979, was called up in the House. The conferees reported in total disagreement, and

9. Carl Albert (Okla.).

10. *Parliamentarian's Note:* Since the Senate amendment to the House amendment had not been reported from conference in disagreement, but had been subsequently added by the Senate after consideration of the conference report in that body, the requirement for equal division of time on a motion to dispose of a Senate amendment "reported from conference" [see Rule XXVIII, clause 2(b)] in disagreement was not applicable.

11. 124 CONG. REC. 14116, 14117, 95th Cong. 2d Sess.

the conference report stated in part:[12]

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 80) setting forth the congressional budget for the United States Government for the fiscal year 1979, having met, after full and free conference have been unable to agree on a conference report because the conference decisions have reduced certain budget figures, including the deficit and the public debt, below the provisions enacted by either House. As set forth in the accompanying Joint Explanatory Statement, the conferees do propose a congressional budget, containing the lower figures, incorporated in a further amendment for the consideration of the two Houses.

In accordance with the procedure applicable when conferees report that they are unable to agree, the report was called up in the House but not acted upon. The Senate having added an amendment to the House amendment after its consideration of the conference report, the Speaker then directed the Clerk to report the pending Senate amendment to the House amendment for disposition by motion.

> The Clerk read the Senate amendment to the House amendment, as follows:
>
> In lieu of the matter proposed to be inserted by the House engrossed amendment, insert:
>
> That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1978—
>
> (1) the recommended level of Federal revenues is $447,900,000,000 and the amount by which the aggregate level of Federal revenues should be decreased is $24,700,000,000. . . .

MR. [ROBERT N.] GIAIMO [of Connecticut] (during the reading): Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment be considered as read and printed in the Record.

THE SPEAKER PRO TEMPORE:[13] Is there objection to the request of the gentleman from Connecticut?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, reserving the right to object, could the gentleman tell us in what parliamentary form this budget comes before us? Are we dealing with a conference report or a motion to agree to the Senate amendment with an amendment?

MR. GIAIMO: We are in technical disagreement on the conference report, because of the questions of scope, both as to the aggregates and as to the functional categories.

We have before us an amendment to the House amendment to the original Senate resolution. The amendment to the House amendment is the substitute amendment which was agreed upon in conference by the conferees.

It is our intention to move to concur in the Senate amendment to the House amendment.

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12. See 124 CONG. REC. 13615, 95th Cong. 2d Sess., May 15, 1978.

13. Dan Rostenkowski (Ill.).

MR. BAUMAN: Mr. Speaker, further reserving the right to object, it is my recollection that when the Budget Act was originally passed, the law contemplated bringing before the House a conference report, parts of which could be attacked through the ordinary parliamentary rules of the House, so that individual changes made in the conference report could be dealt with. It appears to me the parliamentary avenue the gentleman has chosen to bring this before us precludes the rights of Members of the House and forces us to swallow the whole thing in one gulp without adequate deliberation and a chance to work our will.

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Speaker, will the gentleman yield?

MR. BAUMAN: I yield to the gentleman from New York.

MR. CONABLE: Mr. Speaker, does this result in us not having the statutory period of time to debate the conference report?

MR. BAUMAN: The full 5 hours the Budget Act allows.

MR. GIAIMO: Mr. Speaker, if the gentleman will yield, not 5 hours, we have 1 hour, as I understand the parliamentary situation.

MR. CONABLE: Why is it brought up in this way, Mr. Chairman?

MR. GIAIMO: As I understand the rules, this is the only way it can be brought up and it has been done in this way in the past.

MR. CONABLE: Why do we have the 5-hour rule statutorily, if it has been brought up under a 1-hour rule in the past?

MR. GIAIMO: The 5-hour rule provides where the conference report is not in technical disagreement, because of questions of scope.

MR. CONABLE: Mr. Speaker, if the gentleman will yield further, is it in technical disagreement, because so many of the items in dispute between the House and the Senate were settled outside the parameters set by the two bodies?

MR. GIAIMO: Either above or below the parameters.

MR. CONABLE: Then when we make such a settlement, we always avoid the statutory requirement of 5 hours of debate; is that the conclusion?

MR. GIAIMO: The gentleman can draw whatever inference he wishes.

MR. BAUMAN: Mr. Speaker, further reserving the right to object, I think it is still worth making the point. . . . Now we come back and are offered a parliamentary motion that circumvents the rules of the House and does not allow us to attack individual categories of spending or actions of the conferees. This appears to confirm the charges and again calls into question the entire budget process.

Mr. Speaker, I withdraw my reservation of objection.

Parliamentarian's Note: Rule XXVIII clause 2(b), requiring division of time for debate on an amendment reported from conference in disagreement, does not apply to a motion to dispose of a Senate amendment added after consideration of a conference report in disagreement in that body.

Recognition To Move Adoption of Part of Conference Report Denied

§ 17.15 A Member cannot be recognized to move the adop-

tion of a conference report only with respect to certain amendments included therein.

On Aug. 22, 1940,[14] Mr. Andrew J. May, of Kentucky, called up a conference report on a Senate joint resolution. Mr. Walter G. Andrews, of New York, moved the adoption of the report "insofar as amendments numbered 1 to 14 are concerned." Speaker William B. Bankhead, of Alabama, ruled that Mr. Andrews could not be recognized for that motion, since conference reports must be acted upon as a whole.

Recognition for Motion To Recede and Concur With Amendment After Rejection of Nongermane Matter

§ 17.16 Pursuant to Rule XXVIII clause 4, where the House adopts a motion to reject a portion of a conference report containing a modification of a nongermane Senate amendment, the conference report is considered as rejected and the manager is recognized to offer a motion (considered to be the pending question) to recede and concur in the Senate amendment with an amendment consisting of the remainder of the conference report.

The proceedings of Dec. 2, 1982, relating to rejection of matter found to be nongermane in the conference report on H.R. 2330 (the Nuclear Regulatory Commission authorization), are discussed in more detail in Ch. 28, §§ 26.34 and 26.35, supra. The following exchange[15] occurred after adoption of the motion to reject a portion of the conference report:

> THE SPEAKER PRO TEMPORE [William H. Natcher, of Kentucky]: Pursuant to clause 4, rule XXVIII, a motion to reject section 23 of the conference report having been adopted, the conference report is considered as rejected and the gentleman from Arizona (Mr. Udall) is recognized to offer an amendment consisting of the remainder of the conference report.
>
> MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, pursuant to clause 4, rule XXVIII, and the action of the House, I move that the House recede from its disagreement and concur in the Senate amendment with an amendment which I send to the desk.
>
> THE SPEAKER PRO TEMPORE: The Clerk will report the motion.
>
> The Clerk read as follows:
>
> > Mr. Udall moves that the House recede and concur in the Senate amendment with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following.

14. 86 CONG. REC. 10763, 76th Cong. 3d Sess.

15. 128 CONG. REC. 28552, 97th Cong. 2d Sess.

Time for Debate Divided Three Ways

§ 17.17 In certain instances, under Rule XXVIII, where Members of the majority and minority who would otherwise divide the time for debate do not oppose a proposition, one who does oppose such proposition may be recognized to control one-third of the time.

Provisions of Rule XXVIII apply to debate on motions to instruct conferees, conference reports, and Senate amendments in disagreement. Application of these provisions is discussed in §§ 17.18–17.20, and in § 26, infra.

§ 17.18 Pursuant to clause 2(b) of Rule XXVIII, debate on a motion to dispose of an amendment reported from conference in disagreement is equally divided between the majority and minority parties, unless the minority Member favors the motion, in which event one-third of the time is allocated to a Member opposed.

The following exchange occurred in the House on Aug. 1, 1985,[16] during consideration of the conference report on Senate Concurrent Resolution 32 (the First Concurrent Resolution on the Budget for fiscal year 1986):

> THE SPEAKER:[17] Under the rules, the gentleman from Pennsylvania (Mr. Gray) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.
>
> MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. FRANK: Mr. Speaker, is the gentleman from Ohio (Mr. Latta) opposed to the bill?
>
> MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I am not opposed to the bill.
>
> MR. FRANK: Mr. Speaker, I believe then that under rule XXVIII, a Member in opposition to the bill is entitled to 20 minutes.
>
> THE SPEAKER: The gentleman is correct. Under the rule, the gentleman is entitled to one-third of the time.
>
> The gentleman from Pennsylvania (Mr. Gray) will be recognized for 20 minutes, the gentleman from Ohio (Mr. Latta) will be recognized for 20 minutes, and the gentleman from Massachusetts (Mr. Frank) will be recognized for 20 minutes.

§ 17.19 Pursuant to clause 2(a) of Rule XXVIII, where the floor managers for the majority and minority parties on a conference report are both

16. 131 CONG. REC. 22638, 99th Cong. 1st Sess.

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

supporters thereof, a Member opposed may be recognized for one-third of the debate time and it is within the discretion of the Chair as to which Member is recognized in opposition; such recognition does not depend upon party affiliation, and the time in opposition may be divided by unanimous consent or yielded by the Member recognized.

The following proceedings occurred in the House on Dec. 11, 1985,[18] during consideration of the conference report on House Joint Resolution 372 (the public debt limit increase):

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, pursuant to the order of the House of Tuesday, December 10, 1985, I call up the conference report on the joint resolution (H.J. Res. 372), increasing the statutory limit on the public debt.

The Clerk read the title of the joint resolution.

THE SPEAKER PRO TEMPORE:[19] Pursuant to the order of the House of Tuesday, December 10, 1985, the conference report is considered as having been read. . . .

The gentleman from Illinois (Mr. Rostenkowski) will be recognized for 30 minutes and the gentleman from Tennessee (Mr. Duncan) will be recognized for 30 minutes.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. OBEY: Mr. Speaker, did I hear the Speaker say that the time would be divided between the gentleman from Illinois (Mr. Rostenkowski) and the gentleman from Tennessee (Mr. Duncan)?

THE SPEAKER PRO TEMPORE: The gentleman heard correctly.

MR. OBEY: Mr. Speaker, [is the gentleman] from Tennessee opposed to the legislation?

MR. [JOHN J.] DUNCAN [of Tennessee] Mr. Speaker, I am not opposed to the legislation.

MR. OBEY: Mr. Speaker, that being the case, I ask under rule XXVIII, since the rules provide that those in opposition be entitled to 20 minutes, I would ask that I be assigned that 20-minute time block.

THE SPEAKER PRO TEMPORE: The Chair advises that the gentleman is correct, and the gentleman from Illinois (Mr. Rostenkowski) will be recognized for 20 minutes, the gentleman from Tennessee (Mr. Duncan) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. Obey) will be recognized for 20 minutes.

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

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

MR. DUNCAN: Mr. Speaker, did I understand there is to be additional time assigned to those who oppose the conference report? If I understand correctly, we have some people on our side.

18. 131 CONG. REC. 36069, 99th Cong. 1st Sess.

19. Lawrence J. Smith (Fla.).

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin (Mr. Obey) is opposed, and he will control the 20 minutes time.

MR. DUNCAN: Mr. Speaker, Mr. Crane is also opposed. We would expect equal time, Mr. Speaker. Mr. Crane is on the committee, and he would expect equal time.

THE SPEAKER PRO TEMPORE: The Chair would advise that the gentleman from Wisconsin is also on the conference committee.

MR. DUNCAN: No, Mr. Speaker, he is not on the Committee on Ways and Means. Mr. Crane is.

We would expect, and I am for the proposal, and he is in opposition.

THE SPEAKER PRO TEMPORE: Under the rule, 60 minutes is allotted: 20 minutes to the gentleman from Illinois, 20 minutes to the gentleman from Tennessee (Mr. Duncan), and 20 minutes to one Member opposed, in this case the gentleman from Wisconsin (Mr. Obey).

MR. [PHILIP M.] CRANE [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. CRANE: Mr. Speaker, I am on the committee; I rose, registered my objection, and I do not know whether that was heard in the din of the crowd here tonight, but I would at least ask the Speaker to permit a division of that time. I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The Chair will advise that the gentleman from Wisconsin was on his feet and was recognized, in the Chair's discretion and was granted the 20 minutes of the 60.

MR. DUNCAN: Mr. Speaker, under the rules of the House, I think that the gentleman would be entitled to half of that; otherwise, I think everyone wants to be fair; that I would ask unanimous consent that he be granted that.

THE SPEAKER PRO TEMPORE: The Chair would advise that the gentleman from Wisconsin (Mr. Obey) can yield whatever time that he may desire.

MR. DUNCAN: Would Mr. Obey yield half of that to our side?

THE SPEAKER PRO TEMPORE: The gentleman from Tennessee poses a question to the gentleman from Wisconsin.

The gentleman from Wisconsin has the 20 minutes; the gentleman from Tennessee wishes to know if he would grant half of that to the minority.

MR. OBEY: Mr. Speaker, I do not think the rule requires that those who are opposed grant the time to the opposition party. I will certainly make certain that people are recognized, but I would appreciate it if they could come to me and let me know that they want to speak.

MR. DUNCAN: Mr. Speaker, I ask unanimous consent that Mr. Crane have the same amount of time that the majority has and that he may control that time.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Tennessee?

MR. OBEY: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Objection is heard.

The Chair recognizes the gentleman from Illinois (Mr. Rostenkowski).

§ 17.20 Pursuant to clause 2(a) of Rule XXVIII, it is within

the discretion of the Speaker as to which Member is recognized to control 20 minutes of debate in opposition to a conference report (where the minority manager is not opposed), and such recognition does not depend on party affiliation.

On Dec. 16, 1985,[20] after the conference report on House Joint Resolution 456 (making further continuing appropriations for fiscal 1986) was called up in the House, the Speaker Pro Tempore allocated time for debate in support and in opposition, as indicated below:

> MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the joint resolution (H.J. Res. 456) making further continuing appropriations for the fiscal year 1986, and for other purposes, and ask for its immediate consideration. . . .
>
> THE SPEAKER PRO TEMPORE:[1] This conference report is being considered pursuant to the unanimous consent request granted earlier today, which the Clerk will read.
>
> The Clerk read as follows:
>
> > Mr. Whitten asked unanimous consent that it shall be in order, any rule of the House to the contrary notwithstanding, at any time on Monday, December 16, or any day thereafter, to consider the conference report and amendments in disagreement and motions to dispose of said amendments on House Joint Resolution 456 subject to the availability of said conference report and motions to dispose of amendments in disagreement for at least 1 hour, that all points of order be waived against the conference report and amendments in disagreement and motions to dispose of said amendments, and that said conference report and amendments in disagreement be considered as having been read when called up for consideration. . . .
>
> THE SPEAKER PRO TEMPORE: The gentleman from Mississippi (Mr. Whitten) will be recognized for 30 minutes and the gentleman from Massachusetts (Mr. Conte) will be recognized for 30 minutes.
>
> MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I ask for 20 minutes recognition in opposition because the gentleman from Massachusetts (Mr. Conte) is for the bill. . . .
>
> Mr. Speaker, since the gentleman from Massachusetts is for the bill, under the rule I ask for the 20 minutes to be allotted to a Member in opposition, when both the chairman and the ranking minority Member are in support of the bill.
>
> THE SPEAKER PRO TEMPORE: The gentleman has that right.
>
> The time will be divided in this fashion: The gentleman from Mississippi (Mr. Whitten) will be recognized for 20 minutes; the gentleman from Massachusetts (Mr. Conte) will be recognized for 20 minutes; and the gentleman from Massachusetts (Mr. Frank) will be recognized for 20 minutes.
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

20. 131 CONG. REC. 36716, 36717, 99th Cong. 1st Sess.

1. Dale E. Kildee (Mich.).

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, the minority has just been effectively frozen out of controlling any of the time, when I was seeking recognition to take the 20 minutes. The Chair has denied, then, the minority the opportunity to control our portion of the time.

Can the Chair explain why Members on this side were not recognized? I, too, am opposed to the bill and should have been entitled to the 20 minutes.

THE SPEAKER PRO TEMPORE: The Chair will state that recognition of one Member who is opposed is in the Speaker's discretion, and the Speaker tries always to be fair.

The gentleman from Massachusetts (Mr. Frank) may yield time as he wishes. . . .

The gentleman from Massachusetts (Mr. Conte), the minority side, will be recognized for 20 minutes; the gentleman from Massachusetts (Mr. Frank), who is opposed, will be recognized for 20 minutes; and the gentleman from Mississippi (Mr. Whitten) will be recognized for 20 minutes.

The procedure under which we are proceeding was agreed upon earlier today, and the Chair will be guided by the will of the House, which was stated earlier today.

Division of Time Under Former Practice

§ 17.21 Under the former practice, the offeror of a motion to instruct conferees controlled one hour of debate and could yield half of that time to an opponent.

During consideration of House Joint Resolution 372 (public debt limit increase) in the House on Oct. 11, 1985,[2] a motion was made by Robert H. Michel, of Illinois, as follows:

MR. MICHEL: Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. Michel moves that the managers on the part of the House at the conference on the disagreeing votes on the two Houses on the joint resolution, H.J. Res. 372, be instructed to promptly report amendments to the Budget Control and Impoundment Act which provide mechanisms for deficit reductions, including specific and mandatory budget goals for achieving a balanced budget within the next 6 years.

THE SPEAKER:[3] The gentleman from Illinois (Mr. Michel) is recognized for 1 hour.

MR. MICHEL: Mr. Speaker, I would not expect to use the complete hour.

THE SPEAKER: Will the gentleman yield a half hour to the Democratic side?

MR. MICHEL: Mr. Speaker, I would like to yield 15 minutes for the moment and 15 minutes for our side and let us see where we go.

THE SPEAKER: Does the gentleman want to ask unanimous consent that the debate be 30 minutes instead of 1 hour?

MR. MICHEL: Mr. Speaker, I do not want to do anything that is going to upset some Members here, but if we can put a little bit of restraint——

2. 131 CONG. REC. 27366, 27367, 99th Cong. 1st Sess.

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

THE SPEAKER: Does the gentleman intend to yield equal time to the opponents of the motion, if there is opposition?

MR. MICHEL: Mr. Speaker, I would certainly intend that the time be equally divided.

THE SPEAKER: The gentleman from Illinois (Mr. Michel) is recognized for 30 minutes and the gentleman from Illinois (Mr. Rostenkowski) is recognized for 30 minutes.

Parliamentarian's Note: Rule XXVIII, clause 1(b)[4] now provides that the time allotted for debate on any motion to instruct House conferees shall be equally divided between the majority and minority parties, except that if the proponent of the motion and the Member from the other party are both supporters of the motion, one third of such debate time shall be allotted to a Member who is opposed to said motion.

§ 17.22 Under the former practice, a motion to instruct conferees was debatable for one hour within the control of the proponent of the motion, and another Member could not obtain recognition from the Chair to speak in opposition, unless yielded time by the proponent (or unless the previous question was rejected).

Parliamentarian's Note: Under a rule adopted in the 101st Congress, time for debate on a motion to instruct conferees is divided. (H. Res. 5, Jan. 3, 1989).

During consideration of H.R. 12930 (the Treasury, Postal Service, general government appropriation bill) in the House on Sept. 7, 1978,[5] the following exchange occurred:

MR. [TOM] STEED [of Oklahoma]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12930) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1979, and for other purposes, with Senate amendments therefor, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

THE SPEAKER:[6] Is there objection to the request of the gentleman from Oklahoma?

There was no objection

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Brown of Ohio moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill, H.R. 12930, the "Treasury, Postal Service, and General Government Appropriations, 1979," be instructed

4. *House Rules and Manual* § 909a (1995).

5. 124 CONG. REC. 28362, 28363, 95th Cong. 2d Sess.

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

to agree to the amendment of the Senate numbered 7.

THE SPEAKER: Under the rules, the gentleman from Ohio (Mr. Brown) is recognized for one hour.

For what purpose does the gentleman from Ohio (Mr. Vanik) rise?

MR. [CHARLES A.] VANIK [of Ohio]: Mr. Speaker, I desire to be heard in opposition to the motion.

THE SPEAKER: The Chair will state that the time is under the control of the gentleman from Ohio (Mr. Brown).

The gentleman from Ohio (Mr. Brown) is recognized for one hour. . . .

MR. BROWN of Ohio: Mr. Speaker, I yield to the gentleman from Ohio (Mr. Vanik), for the purpose of debate only.

Senate Amendments—Actively Seeking Recognition

§ 17.23 A Member desiring to offer a motion in the House to dispose of a Senate amendment must actively seek recognition from the Chair before another motion to dispose of the amendment has been adopted, and the fact that he may have been standing at that time is not sufficient to confer recognition.

During consideration of House Joint Resolution 357 (further continuing appropriations) in the House on Nov. 22, 1981,[7] the following proceedings occurred:

THE SPEAKER:[8] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37 . . . .

MR. [VIC] FAZIO [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Fazio moves that the House insist on its disagreement to the amendment of the Senate numbered 37.

THE SPEAKER: The question is on the motion offered by the gentleman from California (Mr. Fazio). All those in favor say "aye," opposed "no."

The ayes have it. The motion is agreed to.

The Clerk will report the next amendment in disagreement.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I have a motion at the desk. I have a motion. I was standing, Mr. Speaker.

THE SPEAKER: To what amendment does the gentleman have a motion?

MR. CONTE: Senate amendment No. 37.

THE SPEAKER: The Chair will state that the House has already disposed of that amendment.

MR. CONTE: I was standing here seeking recognition, Mr. Speaker.

Mr. Speaker, what was the decision?

THE SPEAKER: The gentleman may have been standing, but he was not seeking recognition, in the opinion of the Chair.

MR. CONTE: What was the outcome of that, Mr. Speaker?

THE SPEAKER: Senate amendment No. 37 was disagreed to.

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7. 127 CONG. REC. 28751, 97th Cong. 1st Sess.

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

MR. CONTE: And I was standing with a motion, Mr. Speaker.

THE SPEAKER: The Chair recognized that there were three or four others standing, and the gentleman was in a conversation with one of his colleagues, and was not asking for recognition.

—*Full Committee Chairmen*

§ 17.24 Where the Member calling up a conference report in disagreement does not seek recognition to offer a motion to dispose of the matter in disagreement, the majority Member recognized to offer a motion controls one-half the time thereon, and the minority the other half, pursuant to Rule XXVIII clause 2; thus, in the present instance, where the chairman of the subcommittee of the Committee on Appropriations calling up a conference report in disagreement on a Senate amendment to a House amendment to a Senate amendment to a House bill did not seek recognition to offer a motion, the Chair recognized the chairman of the Committee on Appropriations to offer the preferential motion to concur in the Senate amendment and divided the time between the majority and minority.

On Nov. 3, 1977,[9] the proceedings relating to the consideration of H.R. 7555 (the Departments of Labor and Health, Education, and Welfare appropriations) in the House were as follows:

THE SPEAKER PRO TEMPORE:[10] The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, pursuant to the resolution just agreed to, I call up the conference report on the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82 to the bill (H.R. 7555) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes. . . .

THE SPEAKER PRO TEMPORE: The Clerk will report the amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 28: Sec. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term . . . .

MR. [GEORGE H.] MAHON [of Texas] [Chairman of the Committee on Appropriations]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Mahon moves that the House concur in the amendment of the Sen-

9. 123 CONG. REC. 36959, 36966, 95th Cong. 1st Sess.

10. K. Gunn McKay (Utah).

ate to the amendment of the House to the amendment of the Senate numbered 82.

THE SPEAKER PRO TEMPORE: The gentleman from Texas (Mr. Mahon) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Michel) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. Mahon).

—*Manager of Conference Report Recognized*

§ 17.25 Where a conference report in disagreement, which has been available for three days as required by clause 2 of Rule XXVIII, is called up, the conference report and the Senate amendment in disagreement are considered as having been read, and the Chair recognizes the manager of the conference report to offer a motion to dispose of the Senate amendment; the motion is debatable for one hour, equally divided between the majority and minority parties.

On May 29, 1980,[11] during consideration of the conference report on a House concurrent resolution, the following proceedings took place in the House:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I call up the conference report on the concurrent resolution (H. Con. Res. 307) setting forth the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983 and revising the congressional budget for the U.S. Government for the fiscal year 1980, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

THE SPEAKER:[12] The Clerk will read the conference report.

The Clerk read the conference report. . . .

THE SPEAKER: Pursuant to the rule, the Senate amendment is considered as having been read.

The Senate amendment reads as follows:

Strike out all after the resolving clause, and insert:

"That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that: . . .

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

The Clerk read as follows:

Mr. Giaimo moves that the House recede from its disagreement to the Senate amendment and to concur therein with an amendment, as follows: . . .

THE SPEAKER: The gentleman from Connecticut (Mr. Giaimo) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

MR. GIAIMO: Mr. Speaker, I ask unanimous consent for 2 hours of debate on my motion.

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11. 126 CONG. REC. 12678, 12680, 12684, 96th Cong. 2d Sess.

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

THE SPEAKER: Is there objection to the request of the gentleman from Connecticut?

MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

—Manager of Conference Report May Defer to Another To Offer Motion To Dispose of Amendment

§ 17.26 The manager of a conference report and amendments reported from conference in disagreement may defer to another member of the committee to offer the initial motion to dispose of an amendment reported in disagreement.

On May 24, 1984,[13] during consideration of the conference report on House Joint Resolution 492 (urgent supplemental appropriations for the Department of Agriculture) in the House, the following proceedings occurred:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: . . .

THE SPEAKER PRO TEMPORE:[14] The question is on the motion offered by the gentleman from Mississippi (Mr. Whitten).

The motion was agreed to.

THE SPEAKER PRO TEMPORE: The Clerk will designate amendment No. 14.

The amendment reads as follows:

Senate amendment No. 14: Page 2, after line 17, insert:

CENTRAL INTELLIGENCE AGENCY

For activities of the Central Intelligence Agency . . . not to exceed $21,000,000. . . .

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Mississippi (Mr. Whitten).

MR. WHITTEN: Mr. Speaker, on this amendment I yield to the gentleman from Massachusetts (Mr. Boland).

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

No funds are appropriated herein for the Central Intelligence Agency in fiscal year 1984 for the purpose . . . of supporting, directly or indirectly, military or paramilitary operations in Nicaragua. . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I yield our time to my good friend from Virginia (Mr. Robinson).

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Boland) will be recognized for 30 min-

13. 130 CONG. REC. 14254, 98th Cong. 2d Sess.

14. George E. Brown, Jr. (Calif.).

utes and the gentleman from Virginia (Mr. Robinson) will be recognized for 30 minutes.

Parliamentarian's Note: Mr. Whitten technically could not "yield" to Mr. Boland in this instance, since he did not have the floor between motions, but simply defer and not seek recognition.

—*When Preferential Motion To Dispose of Senate Amendment May Be Offered*

§ 17.27 Where a Member offering a motion to dispose of a Senate amendment in disagreement controls one-half hour of debate, a preferential motion to dispose of the Senate amendment may not be offered while he has the floor unless yielded for that purpose, but may be offered pending recognition of a Member from the other political party to control one-half the time on the initial motion; moreover, the previous question may not be moved by the Member first recognized so as to prevent the Member from the other party from controlling half the debate and from offering a proper preferential motion to dispose of the Senate amendment.

On July 2, 1980,[15] during consideration of the supplemental appropriations and rescission bill for fiscal year 1980 (H.R. 7542) in the House, the following proceedings occurred:

THE SPEAKER PRO TEMPORE:[16] The question is on the motion offered by the gentleman from Maryland (Mr. Long), to concur with the Senate amendment numbered 95.

The motion was rejected.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Bauman moves to recede and concur in the amendment of the Senate (No. 95) with an amendment as follows: . . .

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I have a preferential motion.

MR. BAUMAN: Mr. Speaker, I have been recognized, I believe. . . .

MR. LONG of Maryland: Mr. Speaker, I was on my feet for a preferential motion.

THE SPEAKER PRO TEMPORE: On this motion the gentleman from Maryland (Mr. Bauman) has the time. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: . . . I offer a preferential motion that is at the desk. . . .

MR. BAUMAN: Well, I did not yield for that purpose, Mr. Speaker. I control the time, do I not?

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15. 126 CONG. REC. 18357, 18359–61, 96th Cong. 2d Sess.

16. Paul Simon (Ill.).

THE SPEAKER PRO TEMPORE: The gentleman from Maryland (Mr. Bauman) has 30 minutes, the majority side has 30 minutes. . . .

MR. BAUMAN: Mr. Speaker, I move the previous question on the motion.

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman from Massachusetts (Mr. O'Neill) seek recognition?

MR. O'NEILL: Mr. Speaker, I offer a preferential motion.

MR. BAUMAN: Mr. Speaker, a point of order. I moved the previous question on the pending motion.

THE SPEAKER PRO TEMPORE: The motion for the previous question does not rule out a preferential motion, if moved while time is remaining to the opposite party. The previous question is not yet in order.

Recognition for Unanimous-consent Request To Dispose of Senate Amendment

§ 17.28 In response to a parliamentary inquiry, the Chair announced guidelines for recognition for unanimous-consent requests to dispose of Senate amendments to House-passed bills on the Speaker's table, indicating that the Chair will entertain a unanimous-consent request for the disposition of a Senate amendment to a House-passed bill on the Speaker's table, only if made by the chairman of the committee with jurisdiction, or by another member of the committee where the Chair has been advised by the chairman of the committee that such member has been authorized formally or informally by the committee to make the request.

The following exchange occurred in the House on Apr. 26, 1984:[17]

MR. [DANIEL E.] LUNGREN [of California]: . . . Mr. Speaker, since we have moved with such dispatch on the question dealing with the labor unions' concern, I would like to direct to the Chair a parliamentary inquiry, Mr. Speaker.

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

MR. LUNGREN: Mr. Speaker, it deals with a piece of legislation that has come out of the same committee and is a variation of H.R. 3635, the Child Protection Act of 1983, which we passed 400 to 1 on November 11, 1983.

There was an agreement worked out between the Members of the House and the Senate for a compromise. That went to the Senate. They passed our version, with an amendment in the nature of a substitute and it is my information that H.R. 3635 was sent to the Speaker's desk from the Senate on April 2 or 3 of this year.

My parliamentary inquiry, Mr. Speaker, is: Is H.R. 3635 presently at the Speaker's desk?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

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17. 130 CONG. REC. 10193, 10194, 98th Cong. 2d Sess.

18. Thomas S. Foley (Wash.).

MR. LUNGREN: Mr. Speaker, does that mean that the Senate amendment, H.R. 3635, has not yet been referred to a committee?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. LUNGREN: And can the Chair inform me at this time and inform the House as to what procedure might be available to us at this time to allow for immediate consideration of that Senate amendment?

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that the Chair would only recognize for a request by the chairman or another member if authorized by the committee.

MR. LUNGREN: Authorization of the committee, that means authorization of the Democratic leadership?

THE SPEAKER PRO TEMPORE: Authorization of the committee.

MR. LUNGREN: Does the Chair mean that it takes an official vote of the committee or an agreement by the chairman of the committee itself?

THE SPEAKER PRO TEMPORE: The Speaker would look to the chairman of the committee.

§ 17.29 The Speaker, in response to a parliamentary inquiry, indicated that only the chairman of the committee having jurisdiction of the subject matter of a bill would be recognized to ask unanimous consent to take it from the Speaker's table, disagree to a Senate amendment, and ask for a conference.

On Sept. 1, 1960,[19] Mr. Charles A. Halleck, of Indiana, raised a parliamentary inquiry on the disposition of a House bill with a Senate amendment which had been returned to the House and was on the Speaker's table. Mr. Halleck inquired whether it would be in order to submit a unanimous-consent request to take the bill from the table, disagree to the Senate amendment, and send the bill to conference. Speaker Sam Rayburn, of Texas, responded that such a request could only be made by Chairman Harold D. Cooley, of North Carolina, of the committee with jurisdiction over the bill, the Committee on Agriculture.

—Unanimous-consent Request To Call House Bill With Senate Amendments From Speaker's Table

§ 17.30 House bills with Senate amendments may be called from the Speaker's table by unanimous consent for disposition of the Senate amendments or for a request to go to conference, and the Speaker recognizes the Member in charge of the bill for that purpose.

19. 106 CONG. REC. 18920, 86th Cong. 2d Sess.

On July 11, 1932,[20] Speaker John N. Garner, of Texas, made the following statement:

> The Chair asks the attention of the House for a moment. Where a House bill has been passed, has gone to the Senate, and the Senate has amended it, the Chair thinks it is the duty of the Chair to recognize the Member in charge of the bill to ask unanimous consent for its present consideration either to go to conference or concur in the Senate amendment. If any of the gentlemen have bills under such circumstances, the Chair will recognize them for the purpose of asking unanimous consent for the consideration of the Senate amendment at this time.[21]

Parliamentarian's Note: A privileged motion to disagree with Senate amendments or insist on House amendments, and request or agree to a conference, is in order (at the Speaker's discretion) if authorized by the reporting committee, under clause 1 of Rule XX, and may be offered by the chairman of the committee or another member designated by the committee. Otherwise, Senate amendments requiring consideration in Committee of the Whole are not subject to disposition by privileged motion under clause 1, Rule XX before the stage of disagreement has been reached.

20. 75 CONG. REC. 15034, 72d Cong. 1st Sess.

21. The disposition of House bills with Senate amendments on the Speaker's table is governed by Rule XXIV clause 2, *House Rules and Manual* § 882 (1995) and Rule XX clause 1, *House Rules and Manual* § 827 (1995). Generally, see Chs. 32, 33, infra.

§ 17.31 The Speaker declined to recognize a Member for a unanimous-consent request to take a bill from the Speaker's table and concur in the Senate amendments, where such a request was made without the authorization of the chairman of the committee with jurisdiction and where Members had been informed there would be no further legislative business for the day.

On July 31, 1969,[1] Speaker John W. McCormack, of Massachusetts, refused to recognize Mr. Hale Boggs, of Louisiana, for a unanimous-consent request:

> MR. BOGGS: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9951), to provide for the collection of the Federal unemployment tax in quarterly installments . . . and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.
>
> THE SPEAKER: The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

1. 115 CONG. REC. 21691, 91st Cong. 1st Sess.

The chairman of the Committee on Ways and Means is at present appearing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.

—*Committee Chairman Moves To Suspend Rules*

§ 17.32 The Speaker recognizes the chairman of the committee with jurisdiction of a bill to move to suspend the rules and agree to a resolution taking the bill with Senate amendments from the Speaker's table, disagreeing to Senate amendments, and requesting a conference.

On Oct. 1, 1962,[2] Speaker John W. McCormack, of Massachusetts, recognized Thomas J. Murray, of Tennessee, Chairman of the Committee on Post Office and Civil Service, to suspend the rules and agree to House Resolution 818:

> *Resolved*, That immediately upon the adoption of this resolution the bill H.R. 7927, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same hereby is, disagreed to and a conference is requested with the Senate upon the disagreeing votes of the two Houses thereon.

Parliamentarian's Note: H.R. 7927, the Postal Rate and Postal Pay Act of 1962, was within the jurisdiction of the Committee on Post Office and Civil Service.

§ 17.33 The Speaker recognizes the chairman of the committee with jurisdiction over the subject matter of a bill to move to suspend the rules and agree to a resolution taking the bill with Senate amendments from the Speaker's table and agreeing to the Senate amendments.

On Aug. 27, 1962,[3] Speaker John W. McCormack, of Massachusetts, recognized Oren Harris, of Arkansas, Chairman of the Committee on Interstate and Foreign Commerce, to move to suspend the rules and agree to House Resolution 269:

> *Resolved*, That immediately upon the adoption of this resolution the bill H.R. 11040, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table, to the end that the Senate amendment be, and the same is hereby, agreed to.

Parliamentarian's Note: H.R. 11040, the Communications Satellite Act of 1962, was within the jurisdiction of the Committee on Interstate and Foreign Commerce.

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2. 108 CONG. REC. 21528, 87th Cong. 2d Sess.

3. 108 CONG. REC. 17671, 87th Cong. 2d Sess.

Debate on Nongermane Senate Amendments

§ 17.34 Where a Member opposed to a section of a conference report demanded a separate vote on that section pursuant to a special order permitting such procedure and pursuant to Rule XX, clause 1, that Member and the Member calling up the conference report were each recognized for 20 minutes of debate as required by Rule XX clause 1.

On Nov. 10, 1971,[4] Mr. F. Edward Hébert, of Louisiana, called up a conference report on H.R. 8687, military procurement authorization. Speaker Carl Albert, of Oklahoma, stated that the special order under which the report was being considered, House Resolution 696, provided that a separate vote could be demanded on certain sections of the conference report (containing nongermane portions of the Senate amendment). Mr. Donald M. Fraser, of Minnesota, demanded a separate vote on section 503 of the report pursuant to the special order and pursuant to Rule XX clause 1 of the House rules.

The Speaker then stated the order of recognition pending the separate vote:

> Under clause 1 of Rule XX, 40 minutes of debate are permitted before a separate vote is taken on a nongermane Senate amendment, one-half of such time in favor of, and one-half in opposition to the amendment.
>
> Pursuant to that rule, the gentleman from Louisiana [Mr. Hébert] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. Fraser] will be recognized for 20 minutes.

Debate on Motion To Dispose of Amendment in Disagreement

§ 17.35 Debate on a motion to dispose of an amendment reported from conference in disagreement is equally divided between the majority and minority parties under Rule XXVIII clause 2(b),[5] and where the manager of the conference report making the motion does not immediately seek recognition for debate, the Chair nevertheless allocates 30 minutes to him and may recognize a minority Member at that time for 30 minutes.

The House having under consideration the bill H.R. 7797 (relating to foreign assistance appropriations for fiscal year 1978) on

4. 117 Cong. Rec. 40483, 92d Cong. 1st Sess.

5. The rule now makes provision for a three-way division of debate where the majority and minority floor managers support the motion. See § 17.17, supra.

Oct. 18, 1977,[6] the following proceedings occurred:

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Long of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"Sec. 503C. Of the funds appropriated or made available pursuant to this Act, not more than $18,100,000 shall be used for military assistance, not more than $1,850,000 shall be used for foreign military credit sales, and not more than $700,000 shall be used for international military education and training to the Government of the Philippines.". . .

THE SPEAKER PRO TEMPORE:[7] . . . Does the gentleman from Maryland (Mr. Long) seek recognition?

MR. LONG of Maryland: Mr. Speaker, I do not, at this time.

THE SPEAKER PRO TEMPORE: Does the gentleman from Florida (Mr. Young) desire to be recognized.

MR. [C. W.] YOUNG of Florida: Mr. Speaker, I do.

THE SPEAKER PRO TEMPORE: The gentleman from Maryland (Mr. Long) and the gentleman from Florida (Mr. Young) will be recognized for 30 minutes each.

§ 17.36 Where conferees report in disagreement, their report is read but not acted on when called up; the Speaker directs the Clerk to report the (Senate) amendment in disagreement and recognizes the manager of the report for a motion to dispose of said amendment; and said motion is debatable for one hour, equally divided between the majority and minority pursuant to clause 2(b) of Rule XXVIII.

On Sept. 15, 1977,[8] the procedure for consideration of a conference report in total disagreement was demonstrated as follows:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, pursuant to the order of the House of September 15, 1977, I call up the conference report on the concurrent resolution (H. Con. Res. 341) revising the congressional budget for the U.S. Government for the fiscal year 1978, and ask for its immediate consideration.

THE SPEAKER:[9] The Clerk will read the conference report. . . .

The Clerk will report the Senate amendment [in disagreement]. . . .

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

6. 123 CONG. REC. 34112, 95th Cong. 1st Sess.

7. William H. Natcher (Ky.).

8. 123 CONG. REC. 29424, 29425, 95th Cong. 1st Sess. Rule XXVIII, cl. 2(b) now provides for a three-way division of debate where the majority and minority floor managers support the motion. See § 17.17, supra.

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

The Clerk read as follows:

Mr. Giaimo moves to recede from disagreement to the Senate amendment and to concur therein with an amendment as follows:

In lieu of the matter proposed by the Senate, insert the following: . . .

THE SPEAKER: The gentleman from Connecticut (Mr. Giaimo) and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

During consideration of the first concurrent resolution on the budget for fiscal year 1980 (H. Con. Res. 107) in the House on May 23, 1979,[10] the following proceedings occurred:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, pursuant to the order of the House of May 22, 1979, I call up the conference report on the concurrent resolution (H. Con. Res. 107) setting forth the Congressional Budget for the U.S. Government for the fiscal year 1980 and revising the Congressional Budget for the U.S. Government for the fiscal year 1979. . . .

THE SPEAKER PRO TEMPORE:[11] The Clerk will read the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

That the Congress hereby determines and declares [that]

(a) In order to achieve a balanced budget in fiscal year 1981, the following budgetary levels are appropriate for the fiscal years beginning on October 1, 1979, October 1, 1980, and October 1, 1981— . . .

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

The Clerk read as follows:

Mr. Giaimo moves that the House recede from its disagreement to the Senate amendment and to concur therein with an amendment, as follows: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Connecticut (Mr. Giaimo) will be recognized for 30 minutes [and] the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

Former Practice as to Debate on Amendments in Disagreement

§ 17.37 Prior to the amendment to Rule XXVIII, clause 2(b) in the 92d Congress (providing that debate on an amendment in disagreement be divided between the majority and minority parties), debate on an amendment reported from conference in disagreement was under the hour rule and the Member calling up the conference report was in control of the debate thereon.

10. 125 CONG. REC. 12469, 12471, 12472, 96th Cong. 1st Sess.

11. John Brademas (Ind.).

On Aug. 1, 1962,[12] Mr. John E. Fogarty, of Rhode Island, called up a conference report together with certain Senate amendments in disagreement. During consideration of the amendments, Speaker Pro Tempore Carl Albert, of Oklahoma, answered a parliamentary inquiry put to him by Mr. H. R. Gross, of Iowa:

> MR. GROSS: Is the gentleman from Rhode Island [Mr. Fogarty] going to explain any of these amendments?
>
> THE SPEAKER PRO TEMPORE: That is within the discretion of the gentleman.
>
> MR. GROSS: A further parliamentary inquiry. Does not the gentleman have an hour on each of these amendments?
>
> THE SPEAKER PRO TEMPORE: The gentleman has if he desires to use it.[13]

Parliamentarian's Note: House Resolution 1153, which was adopted on Oct. 13, 1972, 92d Cong. 2d Sess., to become effective at the end of the 92d Congress, amended Rule XXVIII by requiring that debate on amendments reported from conference in disagreement be equally divided and controlled by the majority and minority parties. Thus the hour of debate on a motion offered to dispose of an amendment in disagreement is equally controlled by the Member calling up the report and a Member of the minority, typically the senior conferee of that party. Language in Rule XXVIII, clause 2(b)(1) now provides further that if the managers for the majority and minority both support a motion to dispose of an amendment one-third of the debate time shall be allotted to a Member opposed to the motion.

Recognition for Motions To Dispose of Amendments in Disagreement

§ 17.38 As each amendment in disagreement is reported, the Chair recognizes the Member handling the conference report to offer a motion relating to that amendment; and even though another Member offers a preferential motion relating to that amendment, the Member handling the report remains in control of the debate under the hour rule (subject to the division of time required by clause 2(b) of Rule XXVIII).

On Oct. 24, 1967,[14] Mr. Joseph L. Evins, of Tennessee, was han-

12. 108 CONG. REC. 15294, 87th Cong. 2d Sess.

13. See also 108 CONG. REC. 23432–43, 87th Cong. 2d Sess., Oct. 12, 1962.

For consideration of amendments in disagreement, see Rule XXVIII, cl. 2(b)(1), *House Rules and Manual* § 912(b) (1995), and Chs. 32, 33, infra.

14. 113 CONG. REC. 29837, 29838, 29842, 90th Cong. 1st Sess.

dling a conference report being considered by the House on H.R. 9960, an appropriation for fiscal year 1968. As each amendment in disagreement was reported, Speaker John W. McCormack, of Massachusetts, recognized Mr. Evins to make a motion in regard to that amendment. On amendments 58 and 59 (considered en bloc by unanimous consent), Mr. Evins moved that the House insist on its disagreement. Mr. Robert N. Giaimo, of Connecticut, then made the preferential motion that the House recede and concur in those amendments. The Speaker recognized Mr. Evins as the Member in control of the report to control one hour of debate on both motions, and the preferential motion was rejected.

§ 17.39 Where a Senate amendment reported from conference in disagreement remains in disagreement following subsequent action by the House and Senate, a further motion to dispose of the Senate amendment in the House is privileged and subject to one hour of debate, equally divided, under Rule XXVIII, clause 2(b), between majority and minority parties (subject to the division of time required by Rule XXVIII, clause 2(b) when the majority and minority floor managers support the motion).

On Feb. 22, 1978,[15] during consideration of H.R. 9375 (supplemental appropriations for 1978) in the House, the following proceedings occurred:

> MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 9375) making supplemental appropriations for the fiscal year ending September 30, 1978, and for other purposes, with the remaining amendment in disagreement thereto, and that the House recede from its disagreement to Senate amendment numbered 43 and concur therein.
>
> The Clerk read the title of the bill.
>
> The Clerk read the Senate amendment, as follows:
>
> > Senate amendment No. 43: Page 14, after line 4, insert:
> >
> > Appropriations provided under this heading in the Department of Defense Appropriation Act, 1977, are rescinded in the amount of $462,000,000.
>
> THE SPEAKER:[16] The gentleman from Texas (Mr. Mahon) is recognized for 30 minutes, and the gentleman from Michigan (Mr. Cederberg) is recognized for 30 minutes.

Proponent of Motion To Recede and Concur Did Not Seek Recognition

§ 17.40 Where the proponent of a motion to recede and con-

15. 124 CONG. REC. 4061, 95th Cong. 2d Sess.

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

cur in a Senate amendment failed to seek recognition to debate the motion, the Chair recognized the Member handling the conference report (who did not then have a motion pending).

On May 14, 1963,[17] the House was considering a conference report and Senate amendments in disagreement, called up and managed by Mr. Albert Thomas, of Texas. Mr. Robert R. Barry, of New York, offered a preferential motion that the House recede and concur in a certain amendment in disagreement (after a motion to recede and concur with an amendment offered by Mr. Thomas was ruled out on a point of order). A division of the question was demanded and Speaker John W. McCormack, of Massachusetts, stated that the question was on receding from disagreement.

Mr. Thomas then raised a parliamentary inquiry:

> Mr. Speaker, is it in order for the chairman of the House conferees to make a short statement at this time on it?

The Speaker answered that the motion was debatable, and since Mr. Barry did not seek recognition, the Speaker recognized Mr. Thomas on the motion. In answer to a parliamentary inquiry by Mr. Barry, the proponent of the motion, the Speaker stated that Mr. Thomas had control of time on the motion since he had been recognized.

Parliamentarian's Note: Where the manager of a conference report with amendments in disagreement has offered a proper motion on an amendment in disagreement, he controls the time even where a preferential motion is offered (see § 17.38, supra).

Motion To Dispose of Amendment Was Preferential in Form Only—Chair Recognized for Subsequent Preferential Motion

§ 17.41 Where a motion, already offered and under debate, to dispose of a Senate amendment appeared to be in form a preferential motion, but was in fact a motion merely re-inserting House text stricken by the Senate amendment (and therefore in effect a motion to insist on disagreement), the Chair could consider the substance of the motion and was not prohibited from recognizing for a subsequent proper preferential motion and putting the question first thereon, a point of order against the

17. 109 Cong. Rec. 8506, 88th Cong. 1st Sess.

initial motion having been reserved.

The following proceedings occurred in the House on July 2, 1980,[18] during consideration of H.R. 7542 (supplemental appropriations and rescission bill for fiscal year 1980):

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Bauman moves to recede and concur in the amendment of the Senate (No. 95) with an amendment as follows: In lieu of the matter stricken and inserted by said amendment insert the following:

CHAPTER VI

FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount to carry out the provisions of Section 491 of the Foreign Assistance Act of 1961, as amended, $43,000,000 to remain available until expended. . . .

MR. [ALLEN E.] ERTEL [of Pennsylvania] (during the reading): Mr. Speaker, I reserve a point of order.

THE SPEAKER PRO TEMPORE:[19] The gentleman from Pennsylvania reserves a point of order. . . .

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I have a preferential motion. . . .

MR. BAUMAN: Mr. Speaker, I have the floor and I do not yield. . . .

THE SPEAKER PRO TEMPORE: On this motion the gentleman from Maryland [Mr. Bauman] has the time. . . .

MR. BAUMAN: My parliamentary inquiry is that the Chair stated a moment ago that the time on a preferential motion to concur with an amendment is divided between the majority and the minority. Is it not controlled by the maker of the motion? . . .

THE SPEAKER PRO TEMPORE: The practice of the House is clearly on a motion of this type after an initial motion has been rejected on an amendment reported from conference in disagreement that the time is divided between the majority and the minority parties.

MR. BAUMAN: The second question I have is, has not the gentleman from Maryland made a preferential motion which is now pending?

THE SPEAKER PRO TEMPORE: The gentleman from Maryland [Mr. Bauman] made a motion which was in form a preferential motion. Upon examination by the Chair, it is in fact a motion to insist upon the original House position rather than a motion to amend the Senate amendment. . . .

MR. BAUMAN: Well, is not the gentleman from Maryland's motion a preferential motion under the rule?

THE SPEAKER PRO TEMPORE: In form it is but upon examination it is in fact a motion to insist upon the House position.

MR. BAUMAN: Well, does not the Chair have to be subjected to a point of order at an appropriate time in order to make that ruling? Does the Chair on

18. 126 CONG. REC. 18357, 18359, 18360, 96th Cong. 2d Sess.

19. Paul Simon (Ill.).

its own inquire behind the form of motion? . . .

Well, but the Chair made a statement a few moments ago, unsolicited by anyone that my motion was not a preferential motion. This gentleman would like to ask upon what authority the Chair is able to rule a preferential motion offered in proper form is nonpreferential when no one has raised the issue.

THE SPEAKER PRO TEMPORE: The Chair has not ruled out the motion of the gentleman from Maryland. It is still pending. The parliamentary inquiry was whether it was a preferential motion. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I offer a preferential motion. . . .

THE SPEAKER PRO TEMPORE: . . . The Clerk will read the preferential motion.

The Clerk read as follows: Mr. O'Neill moves that the House concur in the amendment of Senate numbered 95 with an amendment as follows:

In lieu of the matter deleted and inserted by said amendment, insert the following: . . .

MR. BAUMAN: Mr. Speaker, I make a point of order that this motion is not a preferential motion. It is, in fact, an amendment to the pending motion of the gentleman from Maryland, which sought to concur in the Senate amendment with an amendment. . . .

THE SPEAKER PRO TEMPORE: The Chair is trying to be fair to all Members, but the fact remains that the motion to concur with an amendment takes precedence over a motion to insist on the House petition, and the point is not well taken.

MR. BAUMAN: A point of order, Mr. Speaker.

The gentleman from Maryland has offered a motion to concur in the amendment of the Senate with an amendment, and now another motion to concur in the amendment of the Senate with an amendment is being offered. That additional motion is not in order at this point.

THE SPEAKER PRO TEMPORE: The gentleman from Maryland has offered an amendment which in form was a motion to concur with an amendment. In fact, it is a motion to insist on the original House language.

Proponent of Preferential Motion Does Not Control Debate

§ 17.42 Where amendments have been reported from conference in disagreement, the motion to recede and concur with an amendment has preference over a motion to insist on disagreement, but the proponent of the preferential motion does not thereby gain control of the time for debate.

On May 14, 1975,[20] during consideration of the conference report on H.R. 4881[21] in the House, the following proceedings occurred:

THE SPEAKER:[22] The Clerk will report the next amendment in disagreement.

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20. 121 CONG. REC. 14385, 14386, 94th Cong. 1st Sess.

21. The emergency employment appropriations for fiscal year 1975.

22. Carl Albert (Okla.).

The Clerk read as follows:

Senate amendment No. 61: Page 41, line 9, insert:

"FEDERAL RAILROAD ADMINISTRATION

"RAIL TRANSPORTATION IMPROVEMENT AND EMPLOYMENT

"For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $700,000,000. . . ."

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House insist on its disagreement to the amendment of the Senate numbered 61.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Conte moves that the House recede from its disagreement to Senate amendment number 61 and concur therein with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

"CHAPTER VIII

"DEPARTMENT OF TRANSPORTATION

"FEDERAL RAILROAD ADMINISTRATION

"For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $200,000,000. . . ."

MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SHUSTER: Mr. Speaker, how is the time divided?

THE SPEAKER: The time is divided equally between the gentleman from Texas (Mr. Mahon), who has 30 minutes, and the gentleman from Illinois (Mr. Michel) who has 30 minutes or such small fraction thereof as he may decide to use.

§ 17.43 The stage of disagreement having been reached on a Senate amendment to a House amendment to a Senate amendment to a House bill, the motion to concur in the Senate amendment takes precedence over a motion to disagree and request a conference, but the Member offering the preferential motion does not thereby obtain control of the time which is controlled by the manager of the bill and is equally divided between the majority and minority.

On Oct. 13, 1977,[1] the House had under consideration H.R. 7555 (Departments of Labor and Health, Education, and Welfare appropriation bill for fiscal 1978) when the following proceedings occurred:

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I move to take

1. 123 CONG. REC. 33688, 33689, 33693, 95th Cong. 1st Sess.

from the Speaker's table the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, with a Senate amendment to the House amendment to Senate amendment numbered 82, disagree to the amendment of the Senate, and request a conference with the Senate on the disagreeing votes of the two Houses.

The Clerk read the title of the bill.

THE SPEAKER:[2] The Clerk will report the motion.

The Clerk read as follows:

MOTION OFFERED BY MR. FLOOD

Mr. Flood moves to take from the Speaker's table the bill H.R. 7555, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, with a Senate amendment to the House amendment to Senate amendment numbered 82, disagree to the amendment of the Senate, and request a conference with the Senate on the disagreeing votes of the two Houses.

MR. [NEWTON I.] STEERS [Jr., of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Steers of Maryland moves that the House concur in the Senate Amendment to the House Amendment to the Senate Amendment No. 82.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) is in control of the time, and the gentleman is recognized for 30 minutes.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RHODES: Mr. Speaker, since the gentleman from Maryland (Mr. Steers) made the motion which is being considered by the House, does the gentleman from Maryland not have control of the time?

THE SPEAKER: In response to the parliamentary inquiry, the preferential motion made by the gentleman from Maryland (Mr. Steers) does not take the time from the gentleman from Pennsylvania, the chairman of the committee, who previously had the time under his original motion. The motion was in order. The vote will come first on the preferential motion.

The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

§ 17.44 The offering of a preferential motion cannot deprive the Member making an original motion (to dispose of a Senate amendment) of control of the floor for debate, and the Chair will recognize the Member controlling the floor when a preferential motion is offered.

During consideration of the foreign assistance appropriation bill (H.R. 7797) in the House on Oct. 18, 1977,[3] the following motions were offered:

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

3. 123 CONG. REC. 34112, 95th Cong. 1st Sess.

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Long of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:
>
> "Sec. 503C. Of the funds appropriated or made available pursuant to this Act, not more than $18,100,000 shall be used for military assistance, not more than $1,850,000 shall be used for foreign military credit sales, and not more than $700,000 shall be used for international military education and training to the Government of the Philippines.". . .

MR. [C. W.] YOUNG of Florida: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Young of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein.

THE SPEAKER PRO TEMPORE:[4] The Chair recognizes the gentleman from Maryland (Mr. Long).

Parliamentarian's Note: Although during the above proceedings Mr. Young moved the previous question on his preferential motion, ordinarily the maker of a preferential motion should not be permitted to move the previous question thereon, since he does not gain the floor for any purpose other than to offer the motion. The manager of the bill should be the one recognized to move the previous question on the motion.

Although, as in the above instance, the minority Member controlling half the time on a motion on an amendment in disagreement may make a preferential motion during his time for debate, the more usual practice is that the preferential motion be made either before or after the hour of debate on the initial motion.

§ 17.45 A motion to concur in a Senate amendment (the stage of disagreement having been reached) takes precedence over a motion to disagree, but the proponent of the preferential motion does not gain control of the time for debate, which remains in the control of the Member calling up the bill and offering the initial motion.

On Oct. 14, 1978,[5] the following proceedings occurred in the House during consideration of H.R. 12929 (Departments of Labor and Health, Education, and Welfare appropriations):

> MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I again move to take from the Speaker's desk the bill (H.R. 12929) making appropriations for

4. William H. Natcher (Ky.).

5. 124 CONG. REC. 38230, 38231, 38236, 95th Cong. 2d Sess.

the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1979, and for other purposes, with Senate amendment No. 103 thereto and disagree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read Senate amendment No. 103 as follows:

> Page 40, strike out lines 1 to 4, inclusive, and insert:
>
> Sec. 210. None of the funds in this Act shall be used to perform abortions except . . . where medically necessary . . . .

MR. FLOOD: Mr. Speaker, I have moved to disagree to the Senate amendment.

THE SPEAKER:[6] That motion is now pending.

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Mahon moves that the House concur in the amendment of the Senate.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) is recognized for 1 hour. . . .

MR. FLOOD: Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the preferential motion.

The previous question was ordered.

Parliamentarian's Note: The Member calling up a bill which has been reported from conference and which remains in the stage of disagreement controls one hour of debate on a motion to dispose of an amendment adopted by the Senate after consideration of the conference report in both Houses (and not reported from conference in disagreement), and the division of time between the majority and minority under clause 2(b) of Rule XXVIII does not apply.

§ 17.46 Although the motion to concur in a Senate amendment takes precedence over the motion to disagree where the stage of disagreement has been reached, the Member offering the preferential motion does not thereby gain control of the time for debate, which remains in the control of the manager of the bill under the hour rule.

On Nov. 29, 1977,[7] the following proceedings occurred in the House:

> MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I move to take from the Speaker's desk the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, with the amendment of the Senate to the amendment of the House to the amendment of the Senate No. 82, and disagree thereto.

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

7. 123 CONG. REC. 38033, 95th Cong. 1st Sess.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to the Senate amendment No. 82, as follows:

> In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate numbered 82, insert the following:
>
> Sec. 209. None of the funds contained in this Act shall be used to perform abortions: . . .

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Mahon moves that the House concur in the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82. . . .

THE SPEAKER:[8] The gentleman from Pennsylvania is recognized for 1 hour.

Parliamentarian's Note: Under the former practice, debate on a motion to dispose of a Senate amendment which had not been reported from conference in disagreement but which was otherwise before the House, the stage of disagreement having been reached, was under the control of the manager of the bill under the hour rule and was not divided between the majority and minority parties. The custom has since developed of equally dividing between majority and minority parties the time on all motions to dispose of amendments emerging from conference in disagreement, whether reported in disagreement, or before the House upon rejection of a conference report by a vote or on a point of order.[9]

§ 17.47 During consideration of Senate amendments reported from conference in disagreement, a preferential motion to recede and concur in a Senate amendment takes precedence over a motion offered by the manager of the report to insist on disagreement to the Senate amendment; but the offeror of the preferential motion does not thereby gain control over the time for debate, which continues for one hour equally divided and controlled by the majority and the minority manager of the conference report.

On Aug. 1, 1979,[10] the following proceedings took place in the House during consideration of Senate amendments reported from conference on H.R. 4388 (energy and water development appropriations):

> THE SPEAKER PRO TEMPORE:[11] The Clerk will designate the next amendment in disagreement.

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

9. See § 17.52, infra.

10. 125 CONG. REC. 21994, 96th Cong. 1st Sess.

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

The Clerk read as follows:

Senate amendment No. 30: Page 31, line 8, strike out ": *Provided*, That notwithstanding the provisions of 16 U.S.C., chapter 35 or any other law, the Corporation is authorized and directed to complete construction of, operate and maintain the Tellico Dam . . . .

MR. [TOM] BEVILL [of Alabama]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Bevill moves that the House insist on its disagreement to the amendment of the Senate numbered 30.

PREFERENTIAL MOTION OFFERED BY MR. BREAUX

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Breaux moves that the House recede and concur in the amendment of the Senate numbered 30.

THE SPEAKER PRO TEMPORE: Does the gentleman from Alabama wish to debate this amendment?

MR. BEVILL: Yes, Mr. Speaker, I believe I am allotted 1 hour; is that correct?

THE SPEAKER PRO TEMPORE: The rule would provide 30 minutes on the side. The gentleman from Alabama (Mr. Bevill) is recognized for 30 minutes.

§ 17.48 The manager of a conference report with Senate amendments reported from conference in disagreement having offered a motion to insist on disagreement to a Senate amendment, a motion to recede and concur therein is preferential and is voted on first, but the manager retains control of the thirty minutes of majority time on the amendment.

During consideration of House Joint Resolution 637 (further continuing appropriations for fiscal year 1981) on Dec. 13, 1980,[12] the following proceedings occurred:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House insist on its disagreement to the amendment of the Senate numbered 40.

PREFERENTIAL MOTION OFFERED BY MR. DUNCAN OF OREGON

MR. [ROBERT] DUNCAN of Oregon: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Duncan of Oregon moves that the House recede and concur with the amendment of the Senate numbered 40.

THE SPEAKER PRO TEMPORE:[13] Does the gentleman from Mississippi (Mr. Whitten) desire recognition?

MR. WHITTEN: Not at this time, Mr. Speaker.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I wonder if the

12. 126 CONG. REC. 34087, 96th Cong. 2d Sess.

13. George E. Brown, Jr. (Calif.).

gentleman from Oregon (Mr. Duncan) would explain precisely what his amendment does?

THE SPEAKER PRO TEMPORE: The gentleman from Mississippi (Mr. Whitten) has the time. The Chair recognizes the gentleman from Mississippi (Mr. Whitten) for 30 minutes.

MR. WHITTEN: I yield to the gentleman from Oregon (Mr. Duncan).

—*When Proponent of Preferential Motion May Control Time*

§ 17.49 While the manager of a conference report controls the majority time on all motions with respect to an amendment in disagreement where he has offered an initial motion and sought recognition to control time for debate, he does not necessarily control the majority time on a motion to concur with an amendment offered after the House has voted to recede (a motion to recede and concur having been divided), if (1) the manager's original motion was to insist, which has been preempted by adoption of the motion to recede, and (2) the manager did not seek recognition to control debate time on the motion to recede and concur when it was offered, but allowed the Chair to immediately put the question on receding; in such case, the proponent of the preferential motion to concur with an amendment may be recognized to control one-half the time and a Member of the other party one-half the time under the hour rule as required by Rule XXVIII, clause 2(b).

The following proceedings occurred in the House on Oct. 1, 1982,[14] during consideration of House Joint Resolution 599 (continuing appropriations for fiscal year 1983):

THE SPEAKER PRO TEMPORE:[15] The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 83: Page 19, after line 2, insert:

Sec. 151. (a) Section 4109 of title 5, United States Code is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding subsection (a)(1) of this section, the Administrator, Federal Aviation Administration, may pay an individual training to be an air traffic controller . . . at the applicable rate of basic pay for the hours of training officially ordered or approved in excess of forty hours in an administrative workweek.". . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

14. 128 CONG. REC. 27295–97, 97th Cong. 2d Sess.

15. Norman Y. Mineta (Calif.).

The Clerk read as follows:

Mr. Whitten moves that the House insist on its disagreement to the amendment of the Senate numbered 83.

MR. [LAWRENCE] COUGHLIN [of Pennsylvania]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Coughlin moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein.

MR. [WILLIAM D.] FORD of Michigan: Mr. Speaker, I demand a division of the question.

THE SPEAKER PRO TEMPORE: The question will be divided.

The Chair will state that the gentleman from Mississippi (Mr. Whitten) has the time. Does the gentleman wish to use his time for debate now?

MR. WHITTEN: Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Coughlin).

THE SPEAKER PRO TEMPORE: If the gentleman from Mississippi does not seek to control debate time, the Chair will put the question on receding.

The question is, will the House recede from its disagreement to Senate amendment No. 83?

The House receded from its disagreement to Senate amendment No. 83.

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman from Michigan (Mr. Ford) seek recognition?

MR. FORD of Michigan: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Ford moves that the House concur in Senate amendment numbered 83 with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: . . .

THE SPEAKER PRO TEMPORE: Since the House has receded, the gentleman from Mississippi's original motion has been preempted and he did not seek to control time therefore the gentleman from Michigan (Mr. Ford) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Coughlin) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. Ford).

Recognition After Rejection of Conference Report

§ 17.50 Where a conference report was rejected and the manager of the report did not seek further recognition, the Speaker recognized a minority member of the committee with legislative jurisdiction to move to concur in the Senate amendment with an amendment.

On Dec. 10, 1969,[16] Mr. Wright Patman, of Texas, the manager of a conference report on an export control bill, moved the previous question. When the House rejected the report, and when Mr. Patman did not seek further recognition, Speaker John W. McCormack, of Massachusetts, recognized Gary E. Brown, of Michigan,

16. 115 CONG. REC. 38102–06, 91st Cong. 1st Sess.

a minority member of the Committee on Banking and Currency which had reported the bill. Mr. Brown was recognized to offer a motion to concur in the Senate amendment with an amendment.

§ 17.51 Where a conference report on a House bill with a Senate amendment is rejected, the Chair directs the Clerk to report the Senate amendment; and if the manager of the report does not seek recognition to offer a motion to dispose of the Senate amendment the Chair recognizes the Member who had led the opposition to the conference report to offer a motion to dispose of the amendment.

On Sept. 16, 1977,[17] during proceedings relating to the consideration of the conference report on H.R. 5262 (international financial institutions), the following occurred:

> So the conference report was rejected.
>
> The result of the vote was announced as above recorded.
>
> MR. [TOM] HARKIN [of Iowa]: Madam Speaker, I offer a preferential motion.
>
> The Clerk read as follows:
>
> Mr. Harkin moves that the House recede from its disagreement to the amendment of the Senate to the text of the bill (H.R. 5262) to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Funds, and for other purposes, and agree to the same with an amendment as follows:
>
> In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .
>
> THE SPEAKER PRO TEMPORE:[18] The gentleman from Iowa (Mr. Harkin) will be recognized for 30 minutes in support of his motion, and the gentleman from Ohio (Mr. Stanton) will be recognized for 30 minutes.
>
> The Chair recognizes the gentleman from Iowa (Mr. Harkin).

§ 17.52 Following rejection of a conference report on a point of order, debate on a motion to dispose of the Senate amendment remaining in disagreement is evenly divided between the majority and minority parties under the rationale contained in clause 2(b) of Rule XXVIII requiring such division of time on motions to dispose of amendments reported from conference in disagreement.

On Sept. 30, 1976,[19] Mr. Jack Brooks, of Texas, made the fol-

17. 123 CONG. REC. 29597, 29599, 95th Cong. 1st Sess.

18. Barbara Jordan (Tex.).

19. 122 CONG. REC. 34080, 34085, 94th Cong. 2d Sess.

lowing motion with respect to a Senate amendment to H.R. 13367, extending the State and Local Fiscal Assistance Act of 1972, the Speaker having ruled out the conference report on a point of order and directed the Clerk to report the Senate amendments remaining in disagreement for disposition by motion.

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

The Clerk read as follows:

Mr. Brooks moves that the House recede from its disagreement and concur in the Senate amendment to the House bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972 and for other purposes, with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

SEC. 5. EXTENSION OF PROGRAM AND FUNDING

(a) IN GENERAL.—Section 105 (relating to funding for revenue sharing) is amended—

(1) by inserting "or (c)" immediately after "as provided in subsection (b)" in subsection (a)(1): . . .

MR. [FRANK] HORTON [of New York]: Mr. Speaker, a parliamentary inquiry.

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

MR. HORTON: Mr. Speaker, I would like to ask what the allocation of time is on this particular motion.

THE SPEAKER: The Chair will state that the rule provides, of course, for 30 minutes on a side under consideration of a conference report but the practice has been followed, if the Chair recalls correctly, of allotting 30 minutes to a side on a motion when a conference report is ruled out on a point of order.

Under that procedure, the gentleman from Texas (Mr. Brooks) will be recognized for 30 minutes.

The Chair would inquire who will be handling the matter on the minority side?

MR. HORTON: Mr. Speaker, I will be handling time on this side.

THE SPEAKER: And the gentleman from New York (Mr. Horton) will be recognized for 30 minutes for debate only.

The Chair recognizes the gentleman from Texas (Mr. Brooks) for 30 minutes.

Rejection of Motion To Dispose of Amendment in Disagreement

§ 17.53 Where a motion to dispose of an amendment reported from conference in disagreement, offered by the manager of the conference report, is rejected, the Speaker recognizes a Member leading the opposition to offer another motion to dispose of the amendment; debate on the motion offered by the manager of the conference report is equally divided between the majority and minority parties (pursuant to Rule XXVIII, clause

20. Carl Albert (Okla.).

2(b)); under a former practice, after rejection of such motion, recognition to offer another motion having passed to the opposition, debate on the opposition motion was under the hour rule and within the control of the Member recognized to make such motion.

Parliamentarian's Note: The custom has developed of equally dividing between majority and minority parties the time on all motions to dispose of amendments emerging from conference in disagreement, whether reported in disagreement or, for example, before the House upon rejection of a conference report by a vote or on a point of order,[21] or upon rejection of an initial motion to dispose of the amendment.[22]

During consideration of the conference report on H.R. 7554 (Housing and Urban Development and independent agencies appropriations for fiscal year 1978) in the House on July 19, 1977,[1] the following proceedings occurred:

> THE SPEAKER PRO TEMPORE:[2] The Clerk will report the next amendment in disagreement.
>
> The Clerk read as follows:
>
> Senate amendment No. 24: Page 17, line 11, strike out "$2,943,600,000" and insert "$3,013,000,000".

MR. [EDWARD P.] BOLAND [of Massachusetts] [manager of the conference report]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,995,300,000".

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Boland) is recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Coughlin) is recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

MR. BOLAND: Mr. Speaker, I yield myself such time as I may consume. . . .

MR. [DON] FUQUA [of Florida]: Mr. Speaker, I rise in opposition to amendment No. 24. . . .

[After debate, the motion was rejected.]

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

The Clerk read as follows:

> Mr. Fuqua moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

THE SPEAKER PRO TEMPORE: The gentleman from Florida (Mr. Fuqua) is recognized for 60 minutes. . . .

MR. FUQUA: Mr. Speaker, I move the previous question on the motion.

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21. See § 17.52, supra.

22. See the proceedings of July 2, 1980, at §§ 17.27 and 17.41, supra.

1. 123 CONG. REC. 23668, 23669, 23678, 95th Cong. 1st Sess.

2. Norman Y. Mineta (Calif.).

The previous question was ordered.

The motion was agreed to.

§ 17.54 Where the House rejects a motion by the manager of a bill to dispose of a Senate amendment remaining in disagreement, recognition to offer another motion is accorded to a Member who led the opposition to the rejected motion.

On Sept. 30, 1976,[3] Mr. Jack Brooks, of Texas, made the following motion with respect to a Senate amendment to H.R. 13367, extending the State and Local Fiscal Assistance Act of 1972, the Speaker having ruled out the conference report on a point of order and directed the Clerk to report the Senate amendments remaining in disagreement for disposition by motion.

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

The Clerk read as follows:

Mr. Brooks moves that the House recede from its disagreement and concur in the Senate amendment to the House bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972 and for other purposes, with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

SEC. 5. EXTENSION OF PROGRAM AND FUNDING

(a) IN GENERAL.—Section 105 (relating to funding for revenue sharing) is amended—

(1) by inserting "or (c)" immediately after "as provided in subsection (b)" in subsection (a)(1): . . .

MR. [FRANK] HORTON [of New York]: Mr. Speaker, I would like to ask what the allocation of time is on this particular motion.

THE SPEAKER:[4] The Chair will state that the rule provides, of course, for 30 minutes on a side under consideration of a conference report but the practice has been followed, if the Chair recalls correctly, of allotting 30 minutes to a side on a motion when a conference report is ruled out on a point of order.

Under that procedure, the gentleman from Texas (Mr. Brooks) will be recognized for 30 minutes.

The Chair would inquire who will be handling the matter on the minority side?

MR. HORTON: Mr. Speaker, I will be handling time on this side.

THE SPEAKER: And the gentleman from New York (Mr. Horton) will be recognized for 30 minutes for debate only.

The motion was rejected.[5]

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

The Clerk read as follows:

Mr. Horton moves that the House recede and concur in the Senate amendment to H.R. 13367, with an

3. 122 CONG. REC. 34080, 34085, 94th Cong. 2d Sess.

4. Carl Albert (Okla.).

5. 122 CONG. REC. 34092, 94th Cong. 2d Sess., Sept. 30, 1976.

amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

After Rejection of Previous Question on Motion To Concur, Opponents of Motion Recognized

§ 17.55 The opponents of a motion to concur in a Senate amendment with an amendment are entitled to seek recognition on the amendment after the House rejects the ordering of the previous question on that motion.

On May 14, 1963,[6] the House was considering amendments reported from conference in disagreement on H.R. 5517, making supplemental appropriations for fiscal 1963. The amendments were being managed by Mr. Albert Thomas, of Texas, who had called up the conference report. Mr. Thomas moved the previous question (without debate) on his motion to concur in a Senate amendment with an amendment. The previous question was rejected. Mr. George Meader, of Michigan, who was in opposition to the motion to concur, then sought recognition. He was recognized by Speaker John W. McCormack, of Massachusetts, to control debate on the motion. The motion to concur with an amendment was rejected, a previously pending motion to concur was rejected, and Mr. Meader was then recognized to move that the House insist on its disagreement to the Senate amendment, which was adopted by the House.[7]

Rejection of Motion To Recede and Concur—Effect on Recognition

§ 17.56 Where a vital motion made by the Member in charge of a bill is defeated, the right to prior recognition passes to a Member opposed; thus, where a motion made by the Member in charge of a bill to recede and concur in a Senate amendment with an amendment had been defeated, recognition for a motion to recede and concur with another amendment passed to a Member opposed to the defeated motion.

6. 109 Cong. Rec. 8508–11, 88th Cong. 1st Sess.

7. See § 17.57, infra, for the principle that after defeat of the motion to recede and concur, an essential motion, the right to recognition passes to the opposition to the motion. However, the manager of the conference report retains control over the consideration of the remainder of the amendments in disagreement (see § 17.38, supra).

During consideration of H.J. Res. 1131, a further continuing appropriation for fiscal year 1975, in the House on Oct. 7, 1974,[8] the proceedings described above were as follows:

THE SPEAKER:[9] The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: On page 2, line 9, strike out: "to the Government of Turkey until the President certifies to the Congress that substantial progress toward agreement has been made regarding military forces in Cyprus" and insert "or for the transportation of any military equipment or supplies to any country which uses such defense articles or services in violation of the Foreign Assistance Act of 1961 or the Foreign Military Sales Act, or any agreement entered into under such Acts."

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert: "or for the transportation of any military equipment or supplies to the Government of Turkey unless and until the President determines and certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, or any agreement entered into under such Acts by making good faith efforts to reach a negotiated settlement with respect to Cyprus."

THE SPEAKER: The gentleman from Texas (Mr. Mahon) will be recognized for 30 minutes and the gentleman from Michigan (Mr. Cederberg) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Texas (Mr. Mahon).

MR. MAHON: Mr. Speaker, I should just like to say a word and then I will yield to my colleague, the gentleman from New York (Mr. Rosenthal). . . .

THE SPEAKER: The question pending is on the motion of the gentleman from Texas. Those in favor of it will vote "yea."

MR. [BENJAMIN S.] ROSENTHAL [of New York]: Is this vote on the previous question?

THE SPEAKER: The vote is on the motion.

The vote was taken by electronic device, and there were—yeas 69, nays 291, not voting 74 . . . .

So the motion was rejected. . . .

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

The Clerk read as follows:

Mr. Rosenthal moves that the House recede from its disagreement to Senate amendment numbered 3 and concur therein with an amendment as follows: In lieu of the matter proposed to be inserted by Senate amendment numbered 3, insert the following: "or for the transportation of any military equipment or supplies to Turkey until and unless the President certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and any agreement

8. 120 CONG. REC. 34151, 34157–59, 93d Cong. 2d Sess.

9. Carl Albert (Okla.).

entered into under such Acts, and that substantial progress toward agreement has been made regarding military force in Cyprus."

THE SPEAKER: The gentleman from New York is recognized for 1 hour.

MR. ROSENTHAL: Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Delaware (Mr. du Pont), pending which I yield myself 5 minutes. . . .

MR. ROSENTHAL: Mr. Speaker, I move the previous question on the motion.

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

THE SPEAKER: The question is on the motion offered by the gentleman from New York (Mr. Rosenthal).

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

So the motion was agreed to.

Parliamentarian's Note: Pursuant to Rule XXVIII, clause 2(b), time for debate on a motion to dispose of a Senate amendment reported from conference in disagreement is equally divided between majority and minority parties. (But see § 17.18, supra, for division of time where majority and minority are in agreement on the motion. Provision for a three-way division of the hour was added to the rules in 1985.) When the Mahon motion was defeated and Mr. Rosenthal was recognized for one hour, he yielded one-half of his time to a minority party Member pursuant to that rule.

§ 17.57 Where a motion is made by the Member in charge of a conference report to recede and concur in a Senate amendment with an amendment and the motion is defeated, recognition for a motion to further insist on disagreement passes to a Member opposed.

On June 26, 1942,[10] Mr. Malcolm C. Tarver, of Georgia, the Member in charge of a bill reported from conference in disagreement, moved that the House recede and concur with an amendment. The motion was rejected.

Mr. Clarence Cannon, of Missouri, opposed to the amendment, then arose to make the motion to further insist on disagreement to the Senate amendment, at the same time that Mr. Tarver arose to make the same motion. After the question of recognition was discussed, Speaker Sam Rayburn, of Texas, recognized Mr. Cannon to make the motion:

MR. TARVER: Mr. Speaker, I desire to submit a parliamentary inquiry. It was my purpose to offer a motion as I have done in connection with the same subject matter on previous occasions. I had risen for the purpose of offering a motion to further insist upon the disagreement of the House to Senate

10. 88 CONG. REC. 5642, 5643, 77th Cong. 2d Sess.

amendments Nos. 90 and 91. I wish to inquire whether or not I am privileged, as chairman of the House conferees, to offer that motion?

MR. CANNON of Missouri: Mr. Speaker, my motion is to further insist.

MR. TARVER: Mr. Speaker, I was on my feet before the gentleman from Missouri rushed over between me and the microphone and offered his motion.

MR. CANNON of Missouri: Mr. Speaker, it is a long-established rule of procedure that when a vital motion made by the Member in charge of a bill is defeated, the right to prior recognition passes to the opposition. That is the position in which the gentleman finds himself. He has made a major motion. The motion has been defeated. Therefore the right of recognition passes to the opposition, and I ask to be recognized to move to further insist.

MR. TARVER: Mr. Speaker, may I be heard with regard to that statement?

THE SPEAKER: The Chair will hear the gentleman.

MR. TARVER: The question has never been raised so far as I have known in the course of my experience of some 16 years upon an appropriation bill conference report, but if as the gentleman states the right of making the motion passes to the opposition, it should pass to my Republican colleague the gentleman from Kansas [Mr. Lambertson] with whom the gentleman from Missouri has been associated in the defeat of the motion offered by the chairman of the subcommittee. I have desired to offer the motion myself in the absence of the exercise of that privilege by the gentleman from Kansas.

MR. [WILLIAM P.] LAMBERTSON [of Kansas]: Mr. Speaker, I ask for recognition.

THE SPEAKER: The gentleman from Georgia has the floor.

MR. TARVER: I have completed all I desire to say except that I desire to offer the motion if it is permissible; otherwise, I insist that the right should pass to the opposition and to the gentleman from Kansas [Mr. Lambertson].

THE SPEAKER: The Chair is of the opinion that the gentleman from Missouri has been properly recognized to offer a motion. The gentleman will state his motion.

MR. CANNON of Missouri: Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments.

The motion was agreed to.[11]

§ 17.58 Where a conference report was agreed to and a motion to recede and concur in a Senate amendment was rejected, the manager of the conference report did not seek further recognition and the Speaker Pro Tempore recognized a minority Member who offered a motion to

11. *Id.* at pp. 5642, 5643. For the requirement that recognition pass to the opposition after the rejection of an essential motion made by the Member in charge of a proposition, see § 15, supra.

The opposition is recognized only to offer a motion related to the pending amendment in disagreement; control then passes back to the manager of the conference report (see § 17.38, supra).

further insist on disagreement.

On Dec. 3, 1969,[12] Mr. Joseph W. Evins, of Tennessee, manager of a conference report and amendments in disagreement, moved the previous question and the report was agreed to. Mr. Evins then offered a motion that the House recede and concur in a Senate amendment. The motion was rejected, and Mr. Evins did not seek further recognition on the amendment.

Speaker Pro Tempore Charles M. Price, of Illinois, then recognized Glenn R. Davis, of Wisconsin, a minority Member, to offer a motion to further insist on disagreement.

§ 17.59 Upon rejection of a motion offered by the manager of a conference report in disagreement to recede and concur in the Senate amendment in disagreement with an amendment, the manager may be recognized to offer a motion that the House insist on its disagreement to the amendment with a request for a further conference.

On May 23, 1979,[13] the following proceedings occurred in the House during consideration of the first concurrent resolution on the budget for fiscal year 1980:

> MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, pursuant to the order of the House of May 22, 1979, I call up the conference report on the concurrent resolution (H. Con. Res. 107) setting forth the Congressional Budget for the U.S. Government for the fiscal year 1980 and revising the Congressional Budget for the U.S. Government for the fiscal year 1979. . . .
>
> THE SPEAKER PRO TEMPORE:[14] The Clerk will read the Senate amendment.
>
> The Clerk read the Senate amendment, as follows:
>
> > Strike out all after the resolving clause and insert:
> >
> > That the Congress hereby determines and declares [that]
> >
> > (a) In order to achieve a balanced budget in fiscal year 1981, the following budgetary levels are appropriate for the fiscal years beginning on October 1, 1979, October 1, 1980, and October 1, 1981— . . .
>
> MR. GIAIMO: Mr. Speaker, I offer a motion.
>
> The Clerk read as follows:
>
> > Mr. Giaimo moves that the House recede from its disagreement to the Senate amendment and to concur therein with an amendment, as follows: . . .
>
> [The motion was rejected.]
>
> MR. GIAIMO: Mr. Speaker, I offer a motion.
>
> The Clerk read as follows:
>
> > Mr. Giaimo moves that the House insist upon its disagreement to the

12. 115 CONG. REC. 36759, 36760, 91st Cong. 1st Sess.

13. 125 CONG. REC. 12469, 12471, 12489, 96th Cong. 1st Sess.

14. John Brademas (Ind.).

Senate amendment and request a further conference with the Senate thereon.

The motion was agreed to.

Defeat of Motion To Reject Nongermane Portion of Motion To Recede and Concur—Effect on Recognition

§ 17.60 Upon defeat of a motion to reject a nongermane portion of a motion to recede and concur in a Senate amendment with a further amendment, the Member who had moved to recede and concur with an amendment and a minority Member are each recognized for 30 minutes of debate on that motion.

On July 31, 1974,[15] Speaker Carl Albert, of Oklahoma, recognized Wilbur Mills, of Arkansas, to call up the conference report on H.R. 8217 (exemption from tariff duty of equipment on United States vessels) in the House:

MR. MILLS: Mr. Speaker, I call up the conference report on the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States, and ask unanimous consent that the statement of the managers be read in lieu of the report. . . .

There was no objection.

The Clerk read the statement. . . .

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

The Clerk read as follows:

Mr. Mills moves that the House recede from its disagreement to the Senate amendment to the text of the bill, H.R. 8217, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill (page 2, after line 6), insert the following:

Sec. 3. The last sentence of section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (as added by section 20 of Public Law 93–233 and amended by section 2 of Public Law 93–256 and by section 2 of Public Law 93–329) is amended by striking out "August 1, 1974" and inserting in lieu thereof "April 30, 1975". . . .

MR. [J. J.] PICKLE [of Texas]: Mr. Speaker, I make a point of order on section 3 of this bill because it does not conform to the House germaneness rule, rule 28, clause 5(b)(1). . . .

Section 3 deals with the unemployment compensation program as it relates to extended benefits. This has nothing to do with the "repair of vessels." . . .

MR. MILLS: Mr. Speaker, I must admit that the point of order is well taken. I cannot resist the point of order.

THE SPEAKER: The point of order is sustained.

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

The Clerk read as follows:

Mr. Pickle moves that the House reject section 3 of the proposed amendment to the Senate amend-

15. 120 CONG. REC. 26082, 26083, 26088, 26089, 93d Cong. 2d Sess.

ment to the text of the bill H.R. 8217.

THE SPEAKER: The gentleman from Texas (Mr. Pickle) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. Mills) will be recognized for 20 minutes. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from Texas (Mr. Pickle).

The question was taken, and the Speaker announced that the noes appeared to have it.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I object to the vote on the ground that a quorum is not present. . . .

THE SPEAKER: . . . [T]he Chair does recognize the gentleman from Iowa who objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present, and evidently a quorum is not present. . . .

The vote was taken by electronic device, and there were—yeas 63, nays 336, not voting 35, as follows: . . .

So the motion was rejected. . . .

THE SPEAKER: The Chair desires to state that under the rule the gentleman from Arkansas (Mr. Mills) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Schneebeli) will be recognized for 30 minutes.

Motion To Recede and Concur Divided—Effect of Rejection of Motion To Recede

§ 17.61 Where a motion to recede and concur with an amendment to an amendment reported in disagreement from conference has been divided, and the motion to recede is rejected, the conferee managing the bill is entitled to recognition to offer a motion to insist on disagreement.

The following proceedings occurred in the House on Sept. 24, 1975:[16]

THE SPEAKER:[17] . . . The question is on the motion to recede.

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

MR. [M. G.] SNYDER [of Kentucky]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present. . . .

The vote was taken by electronic device, and there were—yeas 197, nays 203, not voting 33, as follows: . . .

So the motion to recede was rejected. . . .

MR. [JOHN M.] SLACK [of West Virginia]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Slack moves that the House insist on its disagreement to Senate amendment No. 8.

THE SPEAKER: Does the gentleman from West Virginia desire time on the motion?

MR. SLACK: Mr. Speaker, I desire no time.

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16. 121 CONG. REC. 30081, 30082, 94th Cong. 1st Sess.

17. Carl Albert (Okla.).

MR. SNYDER: Mr. Speaker, will the gentleman yield just for 30 seconds?

MR. SLACK: I yield to the gentleman from Kentucky.

MR. SNYDER: Mr. Speaker, I just wanted to say I had the same motion.

The motion was agreed to.

Motion To Recommit Conference Report

§ 17.62 On one occasion, the Speaker Pro Tempore recognized the ranking minority member of one of the two committees which had originally reported a bill in the House, who was not a conferee on the bill, to move to recommit a conference report, rather than the second highest ranking minority member of the other committee which had reported the bill, who was a conferee (although the highest ranking minority member of a select committee normally has the right to recognition to move to recommit a bill reported from a select committee).

The following proceedings occurred in the House on June 27, 1980,[18] during consideration of the conference report on S. 1308 (Energy Mobilization Board):

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT

THE SPEAKER PRO TEMPORE:[19] For what reason does the gentleman from Ohio (Mr. Devine) rise?

MR. [SAMUEL L.] DEVINE [of Ohio]: Mr. Speaker, I offer a motion to recommit.

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Speaker, I am a member of the conference committee, and I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Ohio (Mr. Devine).

MR. DEVINE: Mr. Speaker, I offer a motion to recommit, and I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The gentleman qualifies.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LUJAN: Mr. Speaker, does not a member of the conference committee have preference in recognition to the ranking minority member on the standing committee working on the bill?

THE SPEAKER PRO TEMPORE: The gentleman from Ohio (Mr. Brown) was on his feet at the time of the recommital motion. Does the gentleman from Ohio, the second ranking minor-

18. 126 CONG. REC. 17371, 96th Cong. 2d Sess.

19. John P. Murtha (Pa.).

ity member of the conference committee, have a motion?

MR. [CLARENCE J.] BROWN of Ohio: I am unqualified for the motion to recommit. I was standing, however, to make sure that the motion to recommit was protected for the minority, and when the Chair recognized the gentleman from Ohio (Mr. Devine), the ranking minority member of the Commerce Committee, I took my seat. . . .

MR. LUJAN: Mr. Speaker, I did not hear an answer to my parliamentary inquiry.

THE SPEAKER PRO TEMPORE: As the gentleman knows, the Chair's control over recognition is not subject to challenge and the Chair recognized the gentleman from Ohio (Mr. Devine).

The gentleman from Ohio (Mr. Devine) is recognized for a motion.

MR. DEVINE: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE: Is the gentleman opposed to the conference report?

MR. DEVINE: I am opposed to the bill, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Devine moves to recommit the conference report to accompany the Senate bill, S. 1308, to the committee of conference.

Parliamentarian's Note: Ordinarily, the prior right to recognition to move to recommit should belong to a member of a conference committee (the committee reporting the bill).[20]

20. See 132 CONG. REC. 26294, 99th Cong. 2d Sess., where Mr. William R. Archer, Jr., of Texas, a conferee and member of the Ways and Means Committee, was recognized for a motion to recommit the conference report on the Tax Reform Act of 1986 (H.R. 3838).

§ 18. As to Simple or Concurrent Resolutions; Special Rules

Simple resolutions (headed "H. Res.") are used to express a fact, or to declare the principles, opinions, or purposes of the House. Rules, including "special rules" providing for consideration of bills, are adopted by simple resolution. Special committees are authorized and expenditures made from the contingent fund in this manner. Resolutions of inquiry or disapproval, including resolutions under congressional disapproval procedures prescribed by statute, are generally made by simple resolution; and such resolutions are used to express the sense of the House on various matters.

Concurrent resolutions (headed, e.g., "H. Con. Res.") are used as a means by which the two Houses may concurrently express certain facts, opinions or purposes. A concurrent resolution is not binding on either House until agreed to by both, and is not sent to the President for approval.

Rule XXII clause 2(b)[1] now provides:

1. *House Rules and Manual* § 852 (1995).

> No bill or resolution, and no amendment to any bill or resolution, establishing or expressing any commemoration may be introduced or considered in the House.
>
> For purposes of this paragraph, the term "commemoration" means any remembrance, celebration, or recognition for any purpose through the designation of a specified period of time.

Debate on a privileged resolution is under the hour rule, and the Member recognized to call it up has control of the time.[2] Thus, a Member offering a resolution presenting a question of the privilege of the House is recognized to control one hour of debate on the resolution.[3] Moreover, the Member calling up a privileged resolution from the Committee on Rules controls one hour of debate in the House, and the resolution is not subject to amendment from the floor unless the Member in charge yields for that purpose.[4]

Only a member of the Committee on Rules designated to call up a special rule from the committee may be recognized for that purpose, unless the rule has been on the calendar for seven legislative days without action.[5]

If the previous question on a privileged resolution reported by the Committee on Rules is voted down, the resolution is subject to further consideration, debate, and a motion to table, and the Member leading the opposition to the resolution is recognized under the hour rule.[6]

When a resolution from the Committee on Rules is called up the same day it is reported, recognition for debate is not in order until the House agrees by a two-thirds vote to consider the resolution.[7]

Cross References

Consideration and adoption of resolutions in general, see Ch. 24, supra.

Distribution and alternation of time on certain resolutions, see § 25, infra.

Effect of special rules on control and distribution of debate, see § 28, infra.

Losing or surrendering control of resolutions, see §§ 33, 34, infra.

Management by reporting committee on resolutions, see § 26, infra.

Prior recognition of members of reporting committee on resolutions, see § 13, supra.

Resolutions considered under hour rule, see § 68, infra.

Special rules from the Committee on Rules, see Ch. 21, supra.

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2. See § 18.1, infra.

3. See § 18.12, infra.

4. See § 18.10, infra.

5. See § 18.13, infra. For the privilege and precedence of reports from the Committee on Rules related to the order of business and consideration, see Rule XI, clauses 4(a) and 4(b) and comments thereto, *House Rules and Manual* §§ 726–729d (1995).

6. See § 18.6, infra.

7. See § 18.20, infra.

Special rules from Committee on Rules as effecting consideration, see § 2, supra.

Calling Up Privileged Resolution

§ 18.1 Debate on a privileged resolution is under the hour rule and the Member recognized to call it up has control of the time.

On Feb. 27, 1963,[8] Mr. Samuel N. Friedel, of Maryland, called up by direction of the Committee on House Administration House Resolution 164, a privileged resolution providing funds for the Committee on Armed Services. Speaker John W. McCormack, of Massachusetts, then answered a parliamentary inquiry as to control of the time for debate:

> MR. [CHARLES A.] HALLECK [of Indiana]: As I understand it, the gentleman from Maryland [Mr. Friedel] has said that he would yield time to Members on the minority side, and that is what we want. If there is another minority Member who wants to be recognized at this time, it would be in order under the rules for that Member to be granted time in order that he might make such statement as he might want to make.
>
> THE SPEAKER: The Chair will state that under the rules of the House and pursuant to custom that has existed from time immemorial, on a resolution of this kind the Member in charge of the resolution has control of the time and he, in turn, yields time. The gentleman from Maryland [Mr. Friedel] in charge of the resolution has yielded 10 minutes to the gentleman from Ohio. If the gentleman from Ohio desires to yield to some other Member, he may do so but he may not yield a specific amount of time.

On Feb. 25, 1954,[9] Speaker Joseph W. Martin, Jr., of Massachusetts, answered parliamentary inquiries on the control of debate on a privileged resolution (authorizing the payment of certain committee expenses) called up by Karl M. LeCompte, of Iowa, Chairman of the Committee on House Administration:

> MR. LECOMPTE: Under the rules the Chairman has control of the time.
>
> THE SPEAKER: The gentleman has 1 hour to yield to whomsoever he desires.
>
> MR. LECOMPTE: And he has control of the matter of offering amendments.
>
> THE SPEAKER: A committee amendment is now pending. No other amendment can be offered unless the gentleman yields the floor for that purpose.
>
> MR. LECOMPTE: A motion to recommit, of course, belongs to some member of the minority opposed to the resolution. Would any motion except a motion to recommit be in order except by the gentleman in charge of the bill?

8. 109 CONG. REC. 3051, 3052, 88th Cong. 1st Sess.

9. 100 CONG. REC. 2282, 83d Cong. 2d Sess.

THE SPEAKER: Not unless the gentleman yields for that purpose.

The gentleman from Iowa is recognized for 1 hour.

Offering Privileged Resolution Prior to Adoption of the Rules

§ 18.2 Prior to the adoption of the rules, a Member offering a privileged resolution on the seating of a Member-elect is recognized for one hour of debate.

On Jan. 10, 1967, prior to the adoption of the rules, Mr. Morris K. Udall, of Arizona, offered as privileged House Resolution 1, authorizing Speaker John W. McCormack, of Massachusetts, to administer the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Speaker McCormack ruled that Mr. Udall was entitled to recognition for one hour.[10]

Previous Question Rejected on Resolution Providing for Seating of Member-elect

§ 18.3 Recognition to offer an amendment to a resolution called up prior to the adoption of rules and relating to the seat of a Member-elect passes to a Member leading the opposition to the resolution if the previous question thereon is rejected.

On Jan. 10, 1967,[11] at the convening of the 90th Congress and before the adoption of standing rules, Mr. Morris K. Udall, of Arizona, called up a resolution (H. Res. 1), authorizing Speaker John W. McCormack, of Massachusetts, to administer the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Pending debate on the resolution, Speaker McCormack answered parliamentary inquiries on the procedure for consideration of and recognition on the resolution:

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, if the previous question is voted down would, then, under the rules of the House, amendments or substitutes be in order to the resolution offered by the gentleman from Arizona [Mr. Udall]?

THE SPEAKER: The Chair will state to the gentleman from Louisiana [Mr. Waggonner] that any germane amendment may be in order to that particular amendment. . . .

MR. WAGGONNER: Mr. Speaker, under the rules of the House would the

10. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

As to the privilege and disposition of resolutions before the adoption of rules, see Ch. 1, supra.

11. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

option or priority or a subsequent amendment or a substitute motion lie with the minority?

THE SPEAKER: The Chair will pass upon that question based upon the rules of the House. That would be a question that would present itself to the Chair at that particular time. . . . However, the usual procedure of the Chair has been to the effect that the Member who led the fight against the resolution will be recognized.

Mr. Udall moved the previous question on the resolution, and the motion was rejected.

Speaker McCormack then recognized Gerald R. Ford, of Michigan, the Minority Leader, to offer an amendment to the resolution.[12]

§ 18.4 A minority Member, who had led the opposition, was recognized after the House had refused to order the previous question on a resolution offered by the majority and providing for the seating of a Member-elect.

On Mar. 1, 1967,[13] Emanuel Celler, of New York, a Member of the majority, moved the previous question on House Resolution 278, which he had offered, and which provided for the seating of challenged Member-elect Adam C. Powell, of New York. The previous question was rejected.

Speaker John W. McCormack, of Massachusetts, then recognized Thomas B. Curtis, of Missouri, a Member of the minority, to offer an amendment in the nature of a substitute excluding Member-elect Powell from membership in the House.

Rejection of Previous Question on Resolution From Committee on Rules

§ 18.5 If the previous question is voted down on a Committee on Rules resolution authorizing an investigation, recognition passes to the opponents of the resolution, and the Chair first recognizes a Member of the minority party, if opposed.

On July 20, 1939,[14] Mr. Howard W. Smith, of Virginia, managing a resolution from the Committee on Rules to authorize an investigation, moved the previous question on the resolution. Speaker William B. Bankhead, of Alabama, answered parliamentary inquiries on the order of recognition to be followed should the previous question be rejected:

MR. [VITO] MARCANTONIO [of New York]: If the previous question is voted down, will that open up the resolution to amendment?

THE SPEAKER: Undoubtedly.

12. *Id.* at pp. 24–26.

13. 113 CONG. REC. 5019, 5020, 90th Cong. 1st Sess.

14. 84 CONG. REC. 9591, 9592, 76th Cong. 1st Sess.

MR. SMITH of Virginia: A further parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. SMITH of Virginia: If I understand the situation correctly, if the previous question is voted down, the control of the measure would pass to the gentleman from Illinois [Mr. Keller]; and the resolution would not be open to amendment generally, but only to such amendments as the gentleman from Illinois might yield for. Is my understanding correct, Mr. Speaker?

THE SPEAKER: If the previous question is voted down, it would not necessarily pass to the gentleman from Illinois; it would pass to the opponents of the resolution. Of course, a representative of the minority would have the first right of recognition.

On Mar. 13, 1939,[15] Mr. Smith called up at the direction of the Committee on the District of Columbia House Resolution 113, authorizing an investigation of the milk industry in the District of Columbia. Mr. Smith moved the previous question on the resolution, and the motion was rejected:

Speaker Bankhead then stated:

Under the rules of procedure, the recognition passes to the gentleman from Michigan [Mr. Mapes] if he desires to claim it.

The Speaker added, in response to parliamentary inquiries, that Mr. Carl E. Mapes, who was leading the opposition to the resolution, would control one hour of debate and would lose the floor if he yielded to another Member to offer an amendment.[16]

—*Member Opposed to Resolution Offers Motion To Table*

§ 18.6 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down, the resolution would be subject to further consideration, debate, and a motion to table, and that he would recognize under the hour rule the Member who appeared to be leading the opposition.

On Oct. 19, 1966,[17] Mr. Claude D. Pepper, of Florida, called up, by direction of the Committee on Rules, House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour

15. *Id.* at p. 2663.

16. Pending a vote on ordering the previous question, the Chair may decline to indicate whom he might recognize or what form of amendment might be in order if the previous question were rejected. See 115 CONG. REC. 29219, 29220, 91st Cong. 1st Sess., Oct. 8, 1969.

17. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

and offered a committee amendment to the resolution, which amendment was agreed to. Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries on the order of recognition should Mr. Pepper move the previous question and should the motion be defeated:

> MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?
>
> THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate. . . .
>
> MR. [JOE D.] WAGGONNER [of Louisiana]: Mr. Speaker, under the rules of the House, is it not equally so that a motion to table would then be in order?
>
> THE SPEAKER: At that particular point, that would be a preferential motion. . . .
>
> MR. [JAMES G.] FULTON of Pennsylvania: Mr. Speaker, if the previous question is refused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?
>
> THE SPEAKER: The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.
>
> MR. FULTON of Pennsylvania: What would be the time for debate?
>
> THE SPEAKER: Under those circumstances the Member recognized in opposition would have 1 hour at his disposal, or such portion of it as he might desire to exercise.

Subsequently, after the previous question had been rejected, the Speaker recognized a Member who qualified as being opposed to the resolution, to offer a motion to table the resolution. The Speaker's determination as to whether the Member qualified, and the subsequent recognition, were as follows:

> MR. WAGGONNER: Mr. Speaker, I offer a motion.
>
> THE SPEAKER: Is the gentleman from Louisiana opposed to the resolution?
>
> MR. WAGGONNER: I am, in its present form, Mr. Speaker.
>
> THE SPEAKER: Has the gentleman participated actively in the debate in opposition?
>
> MR. WAGGONNER: I did, Mr. Speaker.
>
> THE SPEAKER: The Chair recognizes the gentleman.
>
> The Clerk read as follows:
>
> Mr. Waggonner moves to lay House Resolution 1013 on the table.

Recognition After Defeat of Motion by Member in Charge To Table Resolution of Inquiry

§ 18.7 Where the motion to lay a resolution of inquiry on the table is made by the Member in charge of the resolution, and that motion is defeated, the right to prior recognition passes to the Member lead-

ing the opposition to the motion.

On Feb. 20, 1952,[18] Mr. James P. Richards, of South Carolina, called up by direction of the Committee on Foreign Affairs, House Resolution 514, a privileged resolution of inquiry directed to the Secretary of State. Mr. Richards sent to the Clerk's desk the adverse report of the committee, recommending that the resolution not pass. Mr. Richards immediately moved to lay the resolution on the table. The motion was defeated.

John M. Vorys, of Ohio, the Member leading the opposition to the motion, was then recognized by Speaker Sam Rayburn, of Texas, who explained the parliamentary situation:

> The gentleman from Ohio is in charge of the time, the gentleman being with the majority in this instance, and on that side of the issue which received the most votes.

Mr. Vorys controlled debate on the resolution, which was agreed to by the House.

Parliamentarian's Note: Resolutions of inquiry addressed to heads of executive departments are privileged. If the committee to which the resolution is referred makes an adverse decision on the resolution, the resolution is usually reported and the committee manager moves to lay the resolution on the table.[19]

Resolution Disapproving Reorganization Plan —Member Opposed Moved That House Proceed to Consideration

§ 18.8 After a committee had reported to the House a resolution disapproving a reorganization plan (under the Reorganization Act of 1949), a Member could be recognized to move that the House proceed to the consideration thereof although he was not in favor of the resolution.

On July 19, 1961,[20] Mr. Dante B. Fascell, of Florida, moved that the House resolve itself into the Committee of the Whole for the consideration of House Resolution 328, disapproving Reorganization Plan No. 5, which resolution was reported from the Committee on Government Operations. Mr. Fascell made a unanimous-consent request that debate be limited to five hours, to be equally divided

18. 98 CONG. REC. 1205–07, 82d Cong. 2d Sess.

19. Resolutions of inquiry generally, see Ch. 24, supra, and Rule XXII clause 5, *House Rules and Manual* § 855 (1995).

20. 107 CONG. REC. 12905, 12906, 87th Cong. 1st Sess.

and controlled by himself and by Mr. Clare E. Hoffman, of Michigan. Mr. Hoffman objected to the latter request and Mr. Fascell moved simply that the House resolve itself into the Committee of the Whole.

Mr. H. R. Gross, of Iowa, raised a parliamentary inquiry as to whether Mr. Fascell had to qualify to make the motion by stating he was in favor of the resolution. Speaker Sam Rayburn, of Texas, ruled that he did not have to so qualify since under the statute, any Member could call up a disapproval resolution reported from committee. In the Committee of the Whole, the Chairman stated that Mr. Fascell would be recognized for up to five hours, and Mr. Hoffman, the gentleman opposed to the resolution, would be recognized for five hours.

Parliamentarian's Note: The Reorganization Act of 1949 (Public Law 81–109, 63 Stat. 203) provided that in the consideration of a resolution relating to a reorganization plan, there be not to exceed 10 hours of debate, to be equally divided between those favoring and those opposing the resolution (5 USC § 912). However, the statute as it related to the procedures of the House and Senate was enacted with recognition of the constitutional right of either House to change its rules at any time (5 USC § 908).

There are a variety of statutes providing for the privileged consideration of simple, concurrent, and joint resolutions to approve or disapprove certain proposals of the executive branch. Each such statute should be consulted to determine the procedure for consideration and recognition.

Debate on Motion To Discharge Committee From Consideration

§ 18.9 Debate on a motion to discharge a committee from further consideration of a resolution (under the Reorganization Act of 1949) disapproving a reorganization plan was limited to one hour and was equally divided between the Member making the motion and a Member opposed thereto; and the Chair recognized the Member making the motion to open and close debate.

On Aug. 3, 1961,[1] Mr. H. R. Gross, of Iowa, moved to discharge the Committee on Government Operations from the further consideration of House Resolution 335, disapproving Reorganization

1. 107 CONG. REC. 14548, 87th Cong. 1st Sess.

Plan No. 6, transmitted by the President to Congress. Speaker Sam Rayburn, of Texas, inquired whether Mr. Gross was in favor of the resolution and when Mr. Gross assured the Speaker he was, the Speaker recognized Mr. Gross to open debate and to control 30 minutes on the motion. The Speaker recognized a Member in opposition for 30 minutes and then recognized Mr. Gross to close debate.[2]

Parliamentarian's Note: The time for debate and the division of time between those favoring and those opposing the resolution, on a motion to discharge a committee from the further consideration of a resolution disapproving a reorganization plan, was specifically provided in the Reorganization Act of 1949.[3]

Amending Privileged Resolution From Committee on Rules

§ 18.10 The Member calling up a privileged resolution from the Committee on Rules controls one hour of debate in the House, and the resolution is not subject to amendment unless the Member in charge yields for that purpose.

On Feb. 26, 1976,[4] the following proceedings occurred in the House relative to calling up a resolution from the Committee on Rules:

> MR. [CLAUDE] PEPPER [of Florida]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 868 and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:
>
> H. RES. 868
>
> *Resolved*, That Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:
>
> "7. It shall not be in order to consider any report of a committee unless copies or reproductions of such report have been available to the Members on the floor for at least two hours before the beginning of such consideration. . . .
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER:[5] The gentleman will state it.
>
> MR. BAUMAN: Mr. Speaker, this resolution is to be considered in the House which would preclude an amendment from being offered by any Member.
>
> THE SPEAKER: It is a rule that comes from the Committee on Rules. It is

2. See also 107 CONG. REC. 13084, 13095, 13096, 87th Cong. 1st Sess., July 20, 1961.
3. Public Law 81–109, 63 Stat. 203. The Act has subsequently been amended. See the current text of 5 USC § 911, et seq.
4. 122 CONG. REC. 4625, 4626, 94th Cong. 2d Sess.
5. Carl Albert (Okla.).

under the charge of the gentleman handling the resolution.

MR. BAUMAN: So unless the gentleman yields for the purpose of an amendment, none would be in order?

THE SPEAKER: The gentleman is correct.

MR. BAUMAN: Mr. Speaker, what unanimous-consent request might be entertained in order to allow amendments to be offered generally? Would it be a request to consider it in the House as in the Committee of the Whole?

THE SPEAKER: No. The gentleman from Florida controls the floor under the 1-hour rule in the House because this is a change in the rules brought to the floor by the Committee on Rules as privileged. Rules changes can be considered in the House.

Rule IX—Questions of Privilege

§ 18.11 When a Member asserts that he rises to a question of the privileges of the House, the Speaker may hear the question and may then refuse recognition if the resolution is not admissible as a question of privilege under Rule IX.

On June 27, 1974,[6] it was demonstrated that a Member may not, by raising a question of the privileges of the House under Rule IX, attach privilege to a question not otherwise in order under the rules of the House.

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I offer a resolution (H. Res. 1203) involving a question of privileges of the House, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1203

Whereas on January 31, 1973, the House of Representatives voted to establish a ten-member, bipartisan Select Committee on Committees charged with conducting a "thorough and complete study of rules X and XI of the Rules of the House of Representatives; and

Whereas the select committee was further "authorized and directed to report to the House . . .

Whereas on March 21, 1974, the select committee reported House Resolution 988 in conformance with its mandate; and

Whereas the chairman of the select committee has failed to seek a rule making House Resolution 988 in order for consideration by the House; and

Whereas, clause 27(d)(1) of House Rule XI states, "It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote;" . . .

Resolved, That the chairman of the select committee be directed to forthwith seek a rule making in order for consideration by the House, House Resolution 988; and be it further

Resolved, That the House Committee on Rules be directed to give immediate consideration to such request. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I make the point of order that the resolution offered by the gentleman from Illinois does not raise the question of privilege. . . .

6. 120 CONG. REC. 21596–98, 93d Cong. 2d Sess.

MR. ANDERSON of Illinois: Mr. Speaker, I desire to be heard on the point of order. My question of privilege arises under rule IX which provides that, and I quote:

> Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings. . . .

Mr. Speaker, I rest my question of privilege on that clause which declares those questions privileged which relate to the integrity of the proceedings of the House. It is my contention that there has been a deliberate attempt to delay House consideration of House Resolution 988, the so-called Bolling-Martin Committee Reform Amendments of 1974, and that this intentional delay not only interferes with and flouts the integrity of the proceedings of this body, but is in clear violation of clause 27(d)(1) of rule XI of the Rules of the House.

Under that rule, and I quote:

> It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. . . .

THE SPEAKER:[7] The Chair is ready to rule.

The gentleman from Illinois (Mr. Anderson) has submitted a resolution which he asserts involves a question of the privileges of the House under rule IX. Following the preamble of the resolution, the resolution provides that:

> *Resolved,* That the chairman of the Select Committee be directed to forthwith seek a rule making in order for consideration by the House, House Resolution 988, and be it further
>
> *Resolved,* That the House Committee on Rules be directed to give immediate consideration to such request.

As indicated in "Hinds' Precedents," volume III, section 2678, Speakers are authorized to make a preliminary determination as to those questions presented which may involve privileges. As reaffirmed by Speaker McCormack on October 8, 1968 (Record p. 30214 to 30216) when a Member asserts that he rises to a question of the privileges of the House, the Speaker may hear the question and then, if the matter is not one admissible as a question of privilege of the House he can refuse recognition.

The Chair has listened to the arguments concerning the privileged status of this resolution and has examined the precedents of the House in this regard. It will be noted that the gentleman from Illinois has relied heavily on section 2609, volume III of "Hinds' Precedents," in which it was held by Speaker Reed that a report having been ordered to be made by a select committee but not being made within a reasonable time, a resolution directing the report to be made raised a question of the privileges of the House.

That case is distinguishable from the present instance in that in this instance the chairman has made the report and the resolution is pending on the calendar of the House and it does not become privileged until the House has adopted a resolution reported from the Committee on Rules providing for the consideration of House Resolution

7. Carl Albert (Okla.).

988. The Chair does not feel that a question of privilege of the House under rule IX should be used as a mechanism for giving privilege to a motion which would not otherwise be in order under the Rules of the House, in this case, namely, a motion to direct the Committee on Rules to take a certain action.

The Chair now would refer to Hinds' Precedents, volume III, section 2610, wherein Speaker Crisp ruled that a charge that a committee had been inactive in regard to a subject committed to it did not constitute a question of privilege of the House. . . .

The rules did not provide at the time of Speaker Reed's ruling, as is now the case in clause 27(d)(2) of Rule XI, for a mandatory filing of the reports within 7 calendar days after the measure has been ordered reported upon signed request by a committee majority.

In the instant case, however, the Select Committee on Committees has filed its report and the Chair is not aware that the chairman of the Select Committee on Committees has in any sense violated the rule cited by the gentleman from Illinois. For these reasons, the Chair holds that the gentleman's resolution does not present a question of the privileges of the House under [rule] IX and the resolution may not be considered.

§ 18.12 Under the former rule, a Member offering a resolution presenting a question of the privilege of the House is recognized to control one hour of debate on the resolution.

On Feb. 19, 1976,[8] Mr. Samuel S. Stratton, of New York, offered a privileged resolution as follows:

MR. STRATTON: I rise to a question involving the privileges of the House, and I offer a privileged resolution.

The Clerk read the resolution as follows:

H. RES. 1042

Resolution requiring that the Committee on Standards of Official Conduct inquire into the circumstances leading to the public publication of a report containing classified material prepared by the House Select Committee on Intelligence

Whereas the February 16, 1976, issue of the Village Voice, a New York City newspaper, contains the partial text of a report or a preliminary report prepared by the Select Committee on Intelligence of the House, pursuant to H. Res. 591, which relates to the foreign activities of the intelligence agencies of the United States and which contains sensitive classified information . . . Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct be and it is hereby authorized and directed to inquire into the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence, and to report back to the House in a timely fashion its findings and recommendations thereon.

THE SPEAKER:[9] The gentleman from New York (Mr. Stratton) is recognized for 1 hour.

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8. 122 CONG. REC. 3914, 94th Cong. 2d Sess. Rule IX was amended in the 103d Congress to divide debate time.

9. Carl Albert (Okla.).

Calling Up Special Rule

§ 18.13 Only a member of the Committee on Rules designated to call up a report from the committee may be recognized for that purpose, unless the rule has been on the calendar for seven legislative days without action.

On June 6, 1940,[10] Mr. Hamilton Fish, Jr., of New York, sought recognition to call up for consideration a special resolution from the Committee on Rules providing for the consideration of a measure. Speaker William B. Bankhead, of Alabama, inquired whether Mr. Fish had been authorized to call up the resolution and Mr. Fish stated he had not. He asserted that calling up such a resolution was "the privilege of any member of the Rules Committee."

The Speaker declined to recognize Mr. Fish for that purpose, saying:

> The Chair cannot recognize the gentleman from New York to call up the resolution unless the Record shows he was authorized to do so by the Rules Committee. . . .
>
> The precedents are all to the effect that only a Member authorized by the Rules Committee can call up a rule, unless the rule has been on the calendar for 7 legislative days without action.

§ 18.14 If a resolution providing a special order of business is not called up for consideration by the Member reporting the resolution within seven legislative days, any member of the Committee on Rules may call it up for consideration [Rule XI, cl. 4(c)]; and since the motion to call up such a resolution is privileged, the Speaker would be obliged to recognize for this purpose unless a matter of equal or higher privilege was also pending, in which case the order of consideration would be determined by the Speaker's recognition.

On Sept. 22, 1966,[11] Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry on recognition of members of the Committee on Rules to call up a special rule reported from that committee but not yet called up at the direction of the committee:

> MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

10. 86 CONG. REC. 7706, 76th Cong. 3d Sess. See Rule XI, cl. 4(c), *House Rules and Manual* § 730 (1995), as to calling up special rule.

11. 112 CONG. REC. 23691, 89th Cong. 2d Sess.

Under the rules of the House, as I understand them, this rule, House Resolution 1007, to bring up the so-called House Un-American Activities Committee bill, is a privileged matter, and if it is not programed, then the gentleman handling the rule or any member of the Rules Committee, may call it up as a privileged matter. Is my understanding correct about that?

THE SPEAKER: The gentleman's understanding is correct. Of course, the question of recognition is with the Chair, where there are two similar preferential matters, but the gentleman's understanding is correct that after 7 legislative days a member of the Rules Committee could call it up.

If it were a question of recognition, if the same preferential status existed at the same time, recognition rests with the Chair.[12]

§ 18.15 If a resolution providing a special order of business is reported from the Committee on Rules and is not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call the resolution up, and the Speaker shall recognize the Member seeking recognition for that purpose as a matter of highest privilege.

On Sept. 25, 1980,[13] the following proceedings occurred in the House:

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, I rise to a question of privilege, and pursuant to clause 4(c) of House rule XI, I call up House Resolution 675 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6674) to amend the National Visitor Center Facilities Act of 1968 to authorize additional funds, and for other purposes, and the first reading of the bill shall be dispensed with. . . .

THE SPEAKER PRO TEMPORE:[14] Under the rule, this resolution is a highly privileged one.

The gentleman from Mississippi (Mr. Lott) is recognized for 1 hour. . . .

MR. LOTT: Mr. Speaker, I yield the usual 30 minutes to a majority member of the Committee on Rules, should the majority choose to use its time, but I reserve to myself the balance of the time not used by the majority.

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

Mr. Speaker, I have invoked this rarely used House rule, clause 4(c) of

12. See Rule XI clause 4(c), *House Rules and Manual* § 730 (1995), for the procedure where a special rule has been on the calendar for seven legislative days.

13. 126 CONG. REC. 27417–24, 96th Cong. 2d Sess.

14. Thomas S. Foley (Wash.).

rule XI, because I think there comes a time when we must invoke the House rules in order to call to the attention of the House and the American people the fact that we are ignoring, even violating, a far more important law and House rule which should be binding on this Congress. I am referring, of course, to the Congressional Budget Act of 1974 . . . .

Mr. Speaker, let me conclude by just asking my colleagues to vote no on the previous question. It is a vote against violating the Budget Act. . . .

Mr. Speaker, I move the previous question on the resolution.

THE SPEAKER PRO TEMPORE: The question is on ordering the previous question.

Special Rule Withdrawn From Consideration

§ 18.16 Where a special rule providing for the consideration of a measure was pending when a recess was declared to await the receipt of an engrossed bill (when the rules allowed any Member to demand the reading in full of an engrossed bill), the manager of the special rule withdrew it from consideration since no action had been taken thereon.

On Apr. 8, 1964,[15] the House was considering House Resolution 665, offered by Mr. Richard Bolling, of Missouri, from the Committee on Rules, providing for taking a bill from the Speaker's table and agreeing to Senate amendments thereto. Before a vote was had on the resolution, Speaker John W. McCormack, of Massachusetts, declared a recess pending the receipt of the engrossed copy of another bill, H.R. 10222, the Food Stamp Act of 1964. When the House reconvened, the Speaker announced that the unfinished business was the reading of the latter bill. Mr. Oliver P. Bolton, of Ohio, raised a parliamentary inquiry as to the status of the resolution pending at the recess. The Speaker, without responding to the inquiry, recognized Mr. Bolling, the manager of the resolution, who then withdrew the resolution from consideration.

Member Who Withdrew Resolution Recognized Again

§ 18.17 A Member calling up a privileged resolution from the Committee on Rules is recognized for a full hour notwithstanding the fact that he has previously called up the resolution and temporarily withdrawn it after debate.

On Apr. 8, 1964,[16] Mr. Richard Bolling, of Missouri, called up at

15. 110 CONG. REC. 7302–04, 88th Cong. 2d Sess.

16. 110 CONG. REC. 7303–08, 88th Cong. 2d Sess.

the direction of the Committee on Rules House Resolution 665, making in order the consideration of a wheat-cotton measure. While the resolution was pending, Speaker John W. McCormack, of Massachusetts, declared a recess to await the receipt of the engrossed copy of a bill.

Following the recess, Mr. Bolling withdrew House Resolution 665 in order that the engrossed copy of the bill could be taken up as unfinished business. In response to a parliamentary inquiry, the Speaker stated that when the Committee on Rules resolution was again brought up, the Member calling it up would be recognized for a full period of debate despite the fact he had previously brought it up, debated and withdrew it:

> MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, in view of the withdrawal of the resolution by the gentleman from Missouri [Mr. Bolling] do I understand that we start all over again on the consideration of the rule for the wheat-cotton bill?
>
> THE SPEAKER: When the gentleman calls it up, the understanding of the gentleman is correct.
>
> MR. HALLECK: We will start all over again with 30 minutes on a side?
>
> THE SPEAKER: That is correct.

Majority Leader by Unanimous Consent Called Up Special Rule

§ 18.18 The Majority Leader, by unanimous consent, called up on behalf of the Committee on Rules a resolution providing for the consideration of a bill.

On June 3, 1948,[17] Charles A. Halleck, of Indiana, the Majority Leader, called up by unanimous consent, and on behalf of the Committee on Rules, House Resolution 621, providing for the consideration of a bill.

Minority Member of Committee on Rules Called Up Special Rule

§ 18.19 A minority member of the Committee on Rules called up and obtained consideration of a resolution reported by that committee providing a special order of business.

On July 14, 1949,[18] James W. Wadsworth, Jr., of New York, a minority member of the Committee on Rules, called up House Resolution 278, making in order the consideration of a bill. Mr. Wadsworth delivered the remarks below in explanation of his action, which was contrary to usual practice:

> MR. WADSWORTH: Mr. Speaker, under rather unusual circumstances and

17. 94 CONG. REC. 7108, 80th Cong. 2d Sess.

18. 95 CONG. REC. 9511, 81st Cong. 1st Sess.

in violation of some of the traditions of the House, as a minority Member I venture to call up House Resolution 278, and ask for its immediate consideration. . . .

Mr. Speaker, in further explanation of this unusual performance, of a member of the minority of the Committee on Rules calling up a rule, may I say I can see no member of the majority party of the Committee on Rules here present to take charge of the rule. I have, however, consulted with the gentleman from Tennessee who, I am informed on infallible authority, is the Democratic whip, and I have his consent to behave in this atrocious manner.

I understand under the rules 1 hour of debate is in order. On this side of the aisle no requests for time have been made to speak on the rule. I now inquire if there are any requests for time on the majority side?

MR. [J. PERCY] PRIEST [of Tennessee]: Mr. Speaker . . . if there is no request for time on the rule, if the gentleman from New York [Mr. Wadsworth] will move the previous question, since he has called the rule up, I believe that would be in order and we could proceed with the consideration of the bill.

MR. WADSWORTH: Mr. Speaker, it is with great cheerfulness that I move the previous question on the rule.

Special Rule Called Up on Same Day Reported

§ 18.20 When a resolution from the Committee on Rules is called up the same day it is reported, recognition for debate is not in order until the House agrees by a two-thirds vote to consider the resolution.

On May 26, 1964,[19] Mr. Richard Bolling, of Missouri, reported at the direction of the Committee on Rules House Resolution 726, making in order the consideration of an appropriation bill, and asked for its consideration. In answer to parliamentary inquiries by Mr. H. R. Gross, of Iowa, Speaker John W. McCormack, of Massachusetts, advised that a two-thirds vote was required to consider the resolution on the same day reported, and that no debate was in order until the House decided whether to consider the resolution.[20]

Committee Amendments Were Agreed to Before Member Reporting Special Rule Recognized for Debate

§ 18.21 Where a privileged resolution is reported by the Committee on Rules, with committee amendments, the amendments are reported (and in some cases acted

19. 110 CONG. REC. 11951, 88th Cong. 2d Sess.

20. For consideration of Committee on Rules reports on the same day reported, see Rule XI clause 4(b), *House Rules and Manual* § 729(a) (1995).

upon) before the Member reporting the resolution is recognized for debate thereon.

On Aug. 19, 1964,[1] the Committee on Rules reported House Resolution 845, providing for the consideration of H.R. 11926, limiting the jurisdiction of federal courts in apportionment cases, although that bill had not been reported by the committee to which it had been referred. Speaker John W. McCormack, of Massachusetts, directed the Clerk, after the reading of the resolution, to read the committee amendments. The amendments were then agreed to and the Speaker recognized Mr. Howard W. Smith, of Virginia, the manager of the resolution, for one hour of debate.

Parliamentarian's Note: Generally the Chair puts the question on minor perfecting committee amendments to a special rule before recognizing the Member calling it up for debate. But where the amendments are more substantive (as in the case of a committee amendment in the nature of a substitute), the manager may be recognized to debate the amendment(s) and the resolution under the hour rule.

1. 110 CONG. REC. 20213, 88th Cong. 2d Sess.

Special Rule (and Bill Made in Order) Called Up on District Monday

§ 18.22 On a District of Columbia Monday, the Speaker recognized a member of the Committee on Rules to call up a privileged resolution relating to the order of business, and later recognized the chairman of another committee to call up the business made in order thereby, prior to recognizing the chairman of the Committee on the District of Columbia to call up District business.

On Sept. 24, 1962,[2] which was District of Columbia Monday, the Committee on the District of Columbia did not assert its right to call up District business. Speaker John W. McCormack, of Massachusetts, recognized Mr. William M. Colmer, of Mississippi, of the Committee on Rules to call up House Resolution 804 (a privileged resolution making in order the consideration of S.J. Res. 224, authorizing the President to call up armed forces reservists). Following the adoption of the resolution, the Speaker recognized Carl Vinson, of Georgia, Chairman of

2. 108 CONG. REC. 20489, 87th Cong. 2d Sess.

the Committee on Armed Services, to control debate on and call up the bill made in order by the resolution.

Following the adoption of the bill, the Speaker announced it was District of Columbia day and then recognized John L. McMillan, of South Carolina, Chairman of the Committee on the District of Columbia, to call up District business.

Immediate Vote on Resolution After Motion To Discharge Agreed To

§ 18.23 Prior to the 102d Congress, where the Committee on Rules was discharged from further consideration of a resolution providing a special order of business, the vote then came immediately on the adoption of the resolution, and recognition to debate the resolution was not in order.

On June 11, 1945,[3] the House agreed to a motion to discharge the Committee on Rules from the further consideration of House Resolution 7, making in order the consideration of a bill. Speaker Sam Rayburn, of Texas, advised Mr. John E. Rankin, of Mississippi, that the vote would then be taken immediately on the resolution itself, without debate.[4]

Chair Declined Recognition for Unanimous-consent Request To Revoke Special Rule

§ 18.24 The Speaker Pro Tempore declined to recognize a Member to ask unanimous consent for the revocation of a special rule, previously agreed to, permitting the consideration of conference reports on the same day reported.

On Sept. 25, 1961,[5] Mr. H. R. Gross, of Iowa, made the following request:

> Mr. Speaker, I have a unanimous-consent request to make concerning the procedure of the House. I ask unanimous consent that the action by which clause 2 of Rule XXVIII was suspended a week ago last Saturday be revoked, and that clause 2, Rule XXVIII of the Rules of the House of Representatives be restored.

Speaker Pro Tempore John W. McCormack, of Massachusetts, declined to recognize Mr. Gross for that request.

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3. 91 Cong. Rec. 5896, 79th Cong. 1st Sess.

4. See Rule XXVII clause 3, *House Rules and Manual* § 908 (1995) for the current procedure when a special rule is discharged from the Committee on Rules.

5. 107 Cong. Rec. 21183, 21184, 87th Cong. 1st Sess.

Parliamentarian's Note: Rule XXVIII clause 2 provides a three-day layover of conference reports before they are considered. The special rule sought to be revoked by Mr. Gross provided for consideration of conference reports on the same day reported.

Concurrent Resolution

§ 18.25 While the House customarily does not consider legislation after the Speaker has begun to recognize Members for "special-order speeches," there is no House rule prohibiting consideration of legislative business at any time the House is in session; thus, on one occasion, the Speaker recognized a Member between "special-order speeches" to request consideration of a House concurrent resolution by unanimous consent.

On Mar. 9, 1976,[6] the proceedings in the House after a special-order speech had concluded, were as follows:

THE SPEAKER:[7] Without objection, the remaining special orders will be postponed.

MR. [ROBERT E.] BAUMAN [of Maryland]: Reserving the right to object, Mr. Speaker, will this have the effect of permitting other legislation to be brought up?

THE SPEAKER: Yes.

MR. BAUMAN: Under the rules, after special orders begin, legislation cannot be brought up.

THE SPEAKER: There is not a rule to that effect.

MR. BAUMAN: Reserving the right to object to the request for suspending the special orders, Mr. Speaker, is that not correct?

THE SPEAKER: No. Normally we do not consider business after the beginning of special orders, but there is no rule of the House which prohibits such consideration. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 577). . . .

THE SPEAKER: The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 577

Whereas, in recognition of the Bicentennial celebrations of the United States of America, the House of Lords and the House of Commons of the Parliament of the United Kingdom of Great Britain and Northern Ireland have unanimously adopted motions respectfully praying that Her Majesty, the Queen, direct that an original copy of the Magna Carta be placed on loan to the people of the United States for a period of one year . . . Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That (a) a delegation of Members of Congress shall be appointed to proceed at the invitation of the two Houses of

6. 122 CONG. REC. 5897–99, 94th Cong. 2d Sess.

7. Carl Albert (Okla.).

Parliament, to the United Kingdom, there to attend the presentation of the Magna Carta, under suitable auspices, to the people of the United States . . . .

Parliamentarian's Note: The Speaker took the floor on this occasion to express his strong support for the consideration by unanimous consent of a concurrent resolution authorizing appointment of a delegation to accept the British Parliament's loan of the Magna Carta (a resolution similar to one previously rejected by the House without extended debate).

§ 19. For Offering and Debating Amendments

Recognition to offer an amendment in the House is governed by Rule XIV, clause 2 and the precedents developed thereunder. In Committee of the Whole, Rule XXIII, clause 5 is the governing authority.

Cross References

Amendments and their consideration in general, see Ch. 27, supra.

Amendment or other provision establishing "commemoration" as prohibited, see § 18, supra.

Amendments and management by reporting committee, see § 26, infra.

Chair's protection of rights of Members seeking to offer amendments under limitation on five-minute debate in Committee of the Whole, see § 22, infra.

Losing control by yielding for amendment, see § 33, infra.

Points of order against amendments after offered but before debate begins, see § 20, infra, and § 9, supra (late points of order).

Priority of manager of bill in debate, see § 14, supra.

Recognition for amendments under the five-minute rule, see §§ 21, 22, infra.

Rights of opposition to offer amendment after rejection of essential motion, see § 15, supra.

Special orders limiting amendments which may be offered, see Ch. 21, supra.

Yielding for amendments, see § 30, infra.

Must Be Recognized To Offer Amendment

§ 19.1 A Member wishing to offer an amendment must first be recognized by the Chair for that purpose.

On Sept. 21, 1967,[8] Mr. George H. Mahon, of Texas, asked unanimous consent that it be in order on a certain day, or thereafter, to consider a joint resolution making continuing appropriations. Mr. Frank T. Bow, of Ohio, under a reservation of objection, inquired whether such a resolution would be subject to germane amend-

8. 113 CONG. REC. 26370, 90th Cong. 1st Sess.

ment. Speaker John W. McCormack, of Massachusetts, answered that amendments would be in order. Mr. H. R. Gross, of Idaho, then raised a parliamentary inquiry:

> MR. GROSS: Mr. Speaker, further reserving the right to object, I would assume the Speaker could add to that the statement [that amendments would be in order]: "If the gentleman is recognized for the purpose of offering an amendment."
>
> Mr. Speaker, as a parliamentary inquiry is that not correct?
>
> THE SPEAKER: Will the gentleman restate his parliamentary inquiry?
>
> MR. GROSS: The parliamentary inquiry is this: That the gentleman could offer an amendment if the Speaker recognized the gentleman for that purpose?
>
> THE SPEAKER: The Chair will state that the question answers itself. The answer would be yes, subject to the right of recognition, it is a question within the discretion of the Speaker.[9]

Seeking Recognition

§ 19.2 In order to obtain recognition to offer an amendment, a Member must not only be standing but must also actively seek recognition by addressing the Chair at the appropriate time.

The following proceedings occurred in the Committee of the Whole on Oct. 26, 1983,[10] during consideration of the Department of Defense appropriations for fiscal year 1984 (H.R. 4185):

> THE CHAIRMAN:[11] The Clerk will read.
>
> The Clerk read as follows: . . .
>
> For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance . . . and procurement and installation of equipment, appliances, and machine tools in public and private plants . . . $9,994,245,000. . . .
>
> THE CHAIRMAN: Does the gentleman from Alabama (Mr. Nichols) seek recognition?
>
> MR. [WILLIAM] NICHOLS [of Alabama]: Yes; I do, Mr. Chairman.
>
> Mr. Chairman, I offer an amendment relating to page 20, line 9, of the bill.
>
> The Clerk proceeded to read the page and line numbers of the amendment.
>
> MR. [JOSEPH P.] ADDABBO [of New York] (during the reading): Mr. Chairman, I raise a point of order against the amendment. We have already passed that section.
>
> MR. NICHOLS: Mr. Chairman, I was on my feet at the time.
>
> THE CHAIRMAN: The Chair recognizes the gentleman was on his feet

9. See also § 21.4, infra (a Member desiring to offer an amendment under the five-minute rule must seek recognition from the Chair, and may not be yielded the floor for that purpose by another Member).

10. 129 CONG. REC. 29430, 98th Cong. 1st Sess.

11. Dan Rostenkowski (Ill.).

but did not know that he was seeking recognition.

MR. NICHOLS: Mr. Chairman, I was at the microphone. I was standing. I was prepared to offer my amendment had the Chairman recognized me.

THE CHAIRMAN: The Chair will have to make the observation that the gentleman from Alabama was not seeking active recognition. The Chair recognized the gentleman was on his feet but did not notice that he was seeking recognition by any vocal expression. . . .

MR. NICHOLS: Mr. Chairman, I ask unanimous consent that I be permitted to offer my amendment at this point.

[Objection was heard.]

§ 19.3 The Chairman of the Committee of the Whole advised Members that they must be on their feet seeking recognition at the proper time in order to protect their rights under the rules to make points of order or to offer amendments.

On Apr. 14, 1970,[12] Chairman Chet Holifield, of California, made the following statement:

. . . The Chair wishes to say that the Chair is most desirous of occupying this chair with dignity and with fairness to all concerned. There were other amendments that the Chair had been told would be offered, and the gentlemen who came and told the Chair were not on their feet seeking recognition, nor did they address the Chair at the time, and therefore the Chair was in the position of allowing the Clerk to continue to read.

If the Members do not protect their own rights and use the rules of the House to their advantage, the Chair is not here to protect them when they do not insist on their own rights at the proper time.

The Chair says this with no degree of reprimand, but the Chair is the servant of the House, and the Chair will try to be fair.

§ 19.4 A Member who is not standing and addressing the Chair at the time a paragraph in an appropriation bill is read is precluded from offering an amendment to that paragraph after subsequent paragraphs have been read.

On Apr. 14, 1970,[13] the Committee of the Whole was reading for amendment H.R. 16916, the Office of Education appropriations for fiscal 1971. Mr. Marvin L. Esch, of Michigan, offered an amendment to a paragraph on page 3, after the Clerk had read past page 4, line 17. Mr. Daniel J. Flood, of Pennsylvania, made a point of order against the amendment on the ground it was offered too late. He stated that Mr. Esch had not been on his feet at the

12. 116 CONG. REC. 11649, 11650, 91st Cong. 2d Sess.

13. 116 CONG. REC. 11648, 91st Cong. 2d Sess.

proper time and did not address the Chair. Mr. Esch responded that he had been on his feet addressing the Chair at the proper time.

Chairman Chet Holifield, of California, suggested that Mr. Esch ask unanimous consent that his amendment, although untimely, be considered, but Mr. Flood objected to the request. The Chairman sustained the point of order:

> The Chair is constrained to uphold the point of order of the gentleman from Pennsylvania. The Chair wants to be fair, but the gentlemen in the Chamber that wish to offer their amendments must be on their feet.

§ 19.5 A point of order against an amendment, on the grounds that the section to which it is offered has been passed and is therefore not subject to amendment, will not lie where a Member was on his feet seeking recognition to offer the amendment at the appropriate time.

On Apr. 3, 1957,[14] Mr. Harold D. Cooley, of North Carolina, offered an amendment to a section of the bill pending in the Committee of the Whole. Mr. John Taber, of New York, made a point of order against the amendment on the ground that it was offered too late, the Clerk having read past the section to which the amendment pertained. Mr. Cooley stated as follows:

> It was not passed. My amendment was at the Clerk's desk, but the Clerk was reading so rapidly that he passed that section inadvertently.

Chairman Aime J. Forand, of Rhode Island, overruled the point of order:

> The Chair is ready to rule on that point. The gentleman from North Carolina was on his feet while the Clerk was reading. The Clerk continued to read before the gentleman had a chance to offer his amendment.
>
> The gentleman was entitled to recognition.

Member Must Offer Amendment From Floor in Addition to Placing With Clerk

§ 19.6 Members must be in the Chamber and offer their amendments from the floor at the proper point to the bill as it is read, and it is not sufficient to merely place such amendments at the Clerk's desk.

For example, on Apr. 1, 1947,[15] Mr. Sam Hobbs, of Alabama, offered an amendment to an appro-

14. 103 Cong. Rec. 5034–36, 85th Cong. 1st Sess.

15. 93 Cong. Rec. 2987, 80th Cong. 1st Sess.

priation bill. Mr. John Taber, of New York, made the point of order that the amendment came too late, the Clerk having read beyond the portion of the bill sought to be amended. Chairman George A. Dondero, of Michigan, sustained the point of order. Mr. Francis E. Walter, of Pennsylvania, then inquired as follows:

> Mr. Chairman, as I understand it this amendment was on the Clerk's desk and the fact it was not reported was due to the Clerk's failing to see the amendment. The parliamentary inquiry is: Does it come too late when the amendment was on the desk?

The Chairman responded:

> The gentleman from Alabama was not present to protect his rights and the Clerk continued to read beyond the point where the amendment should properly have been offered.

Likewise, on June 13, 1947, Chairman Thomas A. Jenkins, of Ohio, responded as follows to a parliamentary inquiry:

> MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, when the amendment offered by the gentleman from California was voted on, I had on the Clerk's desk an amendment to strike out the last three or four lines of that paragraph. Was that amendment out of order?
>
> THE CHAIRMAN: No. In answer to the inquiry of the gentleman, the Chair will state that the Chair has no information as to amendments on the Clerk's desk or what they contain. That information is brought to the attention of the House and the Chair when a Member sends up the amendment, rises and addresses the Chair stating that he offers an amendment. The gentleman from Michigan did not do that, or at least the Chair did not hear him.[16]

Chair's Authority To Structure Orderly Amendment Process; Discretion in Order of Recognition

§ 19.7 While the Chairman of the Committee of the Whole may, through the power of recognition, encourage the orderly offering of amendments to a pending amendment in the nature of a substitute which has been read in its entirety, a unanimous-consent request, not contemplated by the special order governing the procedure, to read the substitute for amendment by sections is not in order.

On Mar. 25, 1975,[17] it was demonstrated that, where the

16. *Id.* at p. 6984. For similar rulings, see 110 CONG. REC. 2290, 2291, 88th Cong. 2d Sess., Feb. 6, 1964; 95 CONG. REC. 12258, 12269, 81st Cong. 1st Sess., Aug. 25, 1949; 95 CONG. REC. 5505, 5506, 81st Cong. 1st Sess., May 3, 1949; and 95 CONG. REC. 2307, 81st Cong. 1st Sess., Mar. 11, 1949.

17. 121 CONG. REC. 8490, 8491, 94th Cong. 1st Sess. Under consideration

House has by special rule provided for reading by sections in Committee of the Whole of a committee amendment in the nature of a substitute as an original bill, any amendment offered thereto must be read in its entirety, and the Committee may not by unanimous consent order that an amendment in the nature of a substitute for the committee amendment be in turn read by sections for amendment. The proceedings were as follows:

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. O'Hara: In lieu of the matter proposed to be inserted by the Committee to the text of the bill, H.R. 4222, insert the following:

That this Act may be cited as "The National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975".

SCHOOL BREAKFAST PROGRAM

Sec. 2: Section 4(a) of the Child Nutrition Act of 1966 is amended by inserting immediately after "and June 30, 1975," the following: "and subsequent fiscal years".

MR. O'HARA (during the reading): Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

THE CHAIRMAN:[18] Is there objection to the request of the gentleman from Michigan?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, reserving the right to object. For all intents and purposes it now appears that the original committee substitute, made in order by the rule, is to be junked and instead we are being asked to consider this new substitute which the gentleman from Michigan has just now offered. The original rule on this bill provided that the committee substitute be read for purposes of amendment, as is usual. If the gentleman now obtains unanimous consent to consider his substitute as read and open to amendment, all sorts of confusion can result. No one will have any control over what amendments will be presented and in which order and debate may be cut off.

MR. O'HARA: Mr. Chairman, will the gentleman yield?

MR. BAUMAN: I yield to the gentleman.

MR. O'HARA: Mr. Chairman, while it is being read in the Record it will not be open to amendment section by section. It would be open to amendment when the entire amendment is read.

MR. BAUMAN: That is precisely what we object to. . . .

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, this is significant to what the gentleman is talking about. If the substitute is read, it is my understanding of the rules of the House that we cannot stop at the end of each section for amendments, but the entire substitute has to be read before it would be open for amendments.

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was H.R. 4222, to amend the National School Lunch Act and Child Nutrition Act.

18. Otis G. Pike (N.Y.).

May I inquire of the Chairman, is that right?

THE CHAIRMAN: The gentleman is correct.

MR. BAUMAN: Mr. Chairman, reserving the right to object, I wonder if the gentleman from Michigan would make a unanimous-consent request that his amendment be read section by section. This would accomplish the purpose we are after.

THE CHAIRMAN: The Chair will state that the Chair would not entertain a request of that nature. The amendment must be read in its entirety under the rules of the House, if the gentleman from Maryland insists upon his objection. The Chair would encourage that amendments be made to each section once it has been read, but it cannot be open for amendment prior to the reading.

§ 19.8 The order of recognition to offer amendments is within the discretion of the Chair, who may either base his initial recognition on committee seniority or upon the preferential voting status of the amendments sought to be offered; thus, where both a pending amendment and a substitute therefor are open to perfecting amendments, the Chair has the discretion of first recognizing either the senior committee member, or a junior committee member whose amendment would be first voted upon, where both amendments could ultimately be pending at the same time.

The following proceedings occurred during consideration of the Alaska National Interest Lands Conservation Act of 1979 in the Committee of the Whole on May 15, 1979:[19]

THE CHAIRMAN:[20] For what purpose does the gentleman from Ohio (Mr. Seiberling) rise?

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: Is this to the Udall substitute?

MR. SEIBERLING: Mr. Chairman, I have an amendment at the desk to the Udall-Anderson bill, which is actually a series of technical amendments which I will ask unanimous consent to offer en bloc. . . .

THE CHAIRMAN: Since there is no other amendment pending to the Udall substitute, the amendment of the gentleman from Ohio may be offered. . . .

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, assuming there is an amendment to be offered to the so-called Breaux-Dingell merchant marine version, that would take precedence over an amendment to the so-called Udall-Anderson interior bill?

THE CHAIRMAN: The Chair has the option either to recognize the senior Member first or to first recognize that Member seeking to offer the amendment which will be preferential and first voted upon.

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19. 125 CONG. REC. 11135, 11136, 96th Cong. 1st Sess.

20. Paul Simon (Ill.).

MR. [THOMAS J.] HUCKABY [of Louisiana]: Mr. Chairman, I have amendments at the desk for the Breaux-Dingell bill.

THE CHAIRMAN: The Clerk will report the amendments.[1]

MR. [DON H.] CLAUSEN [of California]: Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, what is the parliamentary situation? Is there an amendment to be offered by the gentleman from Ohio (Mr. Seiberling) or the gentleman from Louisiana (Mr. Huckaby)?

THE CHAIRMAN: The Chair will state that the gentleman from Ohio (Mr. Seiberling) sought recognition to amend the Udall substitute, but the gentleman from Louisiana (Mr. Huckaby) has an amendment to the Merchant Marine and Fisheries amendment in the nature of a substitute, and he will be recognized. The Chair will recognize the gentleman from Ohio (Mr. Seiberling) later for the purposes of offering his amendment. . . .

MR. HUCKABY: Mr. Chairman, I offer amendments to the amendment in the nature of a substitute.

THE CHAIRMAN: The Clerk will report the amendments.

Parliamentarian's Note: Mr. Huckaby's amendments to the original amendment were subsequently agreed to.[2] Mr. Seiberling then indicated that he had amendments to the substitute, and Mr. Huckaby that he had further amendments to the original amendment. As noted above, the Chair would have discretion to recognize either Member; but the Chair indicated that in either case, the question would not be put on amendments to the substitute until all amendments to the original amendment had been disposed of.

§ 19.9 Although perfecting amendments take priority over substitute amendments in the matter of voting, it is within the discretion of the Chair as to who he will recognize for submitting either kind of amendment.

On Dec. 15, 1937,[3] Chairman John W. McCormack, of Massachusetts, answered a parliamentary inquiry on recognition for offering amendments in the Committee of the Whole:

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Chairman, reserving the right to object, and I do so to propound a parliamentary inquiry as to the order in which amendments are to be offered. The amendment offered by the gentlewoman from New Jersey is now pending. Would not perfecting amendments have priority of consideration over a substitute amendment?

1. Mr. Seiberling was senior to Mr. Huckaby on the Committee on Interior and Insular Affairs, but Mr. Huckaby's amendment was to be voted on first and he represented the majority position on the committee.

2. 125 CONG. REC. 11152, 96th Cong. 1st Sess.

3. 82 CONG. REC. 1590, 75th Cong. 2d Sess.

THE CHAIRMAN: The Chair has no knowledge of what amendments may be offered; but ordinarily a perfecting amendment has precedence over a motion to substitute insofar as voting is concerned. If the unanimous-consent request is granted, it is the understanding of the Chair that amendments will be offered section by section.

MR. BOILEAU: Nevertheless, it is the amendment offered by the gentlewoman from New Jersey that would be before the House.

THE CHAIRMAN: That is before the Committee now.

MR. BOILEAU: Would not perfecting amendments have priority over an amendment to substitute?

THE CHAIRMAN: So far as voting is concerned, yes.

MR. BOILEAU: I appreciate that fact, but may I propound a further parliamentary inquiry, whether or not a Member rising in his place and seeking recognition would not have a prior right to recognition for the purpose of offering a perfecting amendment to the amendment now pending?

THE CHAIRMAN: It does not necessarily follow that such Member would have a prior right. Recognition is in the discretion of the Chair.

MR. BOILEAU: I recognize it does not necessarily follow, but I am trying to have the matter clarified. Therefore I ask the Chair whether or not a Member who qualifies as offering a perfecting amendment does not have prior right of recognition in offering such amendment?

THE CHAIRMAN: The Chair has tried to be as helpful as he could, but the Chair does not feel he should estop himself of his own discretion in the matter of recognitions.

MR. BOILEAU: Does the Chair then rule that is within the discretion of the Chair rather than a right of the Member?

THE CHAIRMAN: In answer to the gentleman's inquiry, the Chair is of the opinion it is within the province of the Chair whom the Chair will recognize, having in mind the general rules of the House.

Preference in Recognition to Committee Members

§ 19.10 The order of recognition to offer amendments is in the discretion of the Chair, and preference is given to members of the committee reporting the bill who are on their feet seeking recognition.

On June 29, 1939,[4] Chairman Jere Cooper, of Tennessee, ruled that although a Member had been recognized to offer an amendment, the Chairman would in his discretion have first recognized a member of the committee reporting the bill if he had been on his feet seeking recognition:

MR. [HAROLD] KNUTSON [of Minnesota]: Mr. Chairman, I have an

4. 84 CONG. REC. 8311, 76th Cong. 1st Sess.

Priority of recognition generally, of members of reporting committee, see § 13, supra.

amendment at the Clerk's desk which I would like to offer at this time.

The Clerk read as follows:

> Amendment offered by Mr. Knutson: Strike out all of section 1 and insert the following——

MR. [HAMILTON] FISH [Jr., of New York] (interrupting the reading of the amendment): Mr. Chairman, would it be in order for the committee members to be recognized first to offer amendments?

MR. KNUTSON: I have already been recognized.

THE CHAIRMAN: If there is any member of the committee seeking recognition, he is entitled to recognition.

MR. FISH: Mr. Chairman, I would like to be recognized.

MR. KNUTSON: I already have the floor, and have been recognized.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, the gentleman from Minnesota [Mr. Knutson] has already been recognized.

THE CHAIRMAN: Recognition is in the discretion of the Chair, and the Chair will recognize members of the committee first. Does the acting chairman of the committee seek recognition?

MR. [SOL] BLOOM [of New York]: Mr. Chairman, I would like to ask whether the committee amendments to section 1 have been agreed to?

THE CHAIRMAN: The only one the Chair knows about is the one appearing in the print of the bill, and that has been agreed to.

MR. BLOOM: In line 16, there is a committee amendment.

MR. KNUTSON: Mr. Chairman, I was recognized by the Chair.

THE CHAIRMAN: The Chair feels that inasmuch as members of the committee were not on their feet and the gentleman from Minnesota had been recognized, the gentleman is entitled to recognition.

The Clerk will continue the reporting of the amendment offered by the gentleman from Minnesota.

§ 19.11 The order of recognition to offer amendments is within the discretion of the Chair, but in practice he generally recognizes members of the committee handling the bill in the order of their seniority.

On July 23, 1970,[5] Chairman Chet Holifield, of California, recognized Mr. George H. Mahon, of Texas, to offer an amendment to an appropriation bill reported by the Committee on Appropriations. Mr. Charles R. Jonas, of North Carolina, objected that he had already been recognized to offer an amendment. Chairman Holifield advised Mr. Jonas that he intended to recognize members of the Committee on Appropriations in the order of their seniority and that Mr. Mahon was a more senior member of the committee than Mr. Jonas.

§ 19.12 When a paragraph of a bill is open to amendment at any point, the Chair may

5. 116 CONG. REC. 25635, 91st Cong. 2d Sess.

recognize Members to offer amendments in a sequence in accordance with their committee rank.

On July 23, 1970,[6] Chairman Chet Holifield, of California, recognized Mr. George H. Mahon, of Texas, a member of the Committee on Appropriations which had reported the pending bill, to offer an amendment to the pending paragraph. The Chairman then answered a series of parliamentary inquiries on the prior rights of ranking members of the reporting committee to recognition to offer amendments:

MR. [CHARLES R.] JONAS [of North Carolina]: May I respectfully remind the Chair that I was recognized, and that the Chair allowed a point of order to intervene only, and I had been recognized. The Chair ruled that since a point of order had been made, the Chair would dispose of the point of order first.

THE CHAIRMAN: The Chair respectfully states that the point of order did intervene following the gentleman's recognition. The Chair intends to recognize members of the committee in the order of their seniority. The Chair, therefore, recognized the gentleman from Texas. The Chair will later recognize the gentleman from North Carolina.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MICHEL: Did the Clerk read through the section concluding with line 3, page 39?

THE CHAIRMAN: It is the understanding of the Chair that he did.

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

THE CHAIRMAN: The gentleman will state it.

MR. JONAS: I respectfully ask the Chair to rule that my amendment does precede the amendment that will be offered by the gentleman from Texas. My amendment goes to line 5, page 38, and my information is that the amendment to be offered by the gentleman from Texas comes at a later point in the paragraph.

THE CHAIRMAN: A whole paragraph is open to amendment at the same time. Therefore, the line does not determine the order of the amendment.

Chair's Discretion To Recognize Minority or Majority Member

§ 19.13 In recognizing members of the committee reporting a bill to offer amendments in the Committee of the Whole, the Chairman has discretion whether to first recognize a minority or majority member.

On June 4, 1948,[7] while the Committee of the Whole was con-

6. 116 CONG. REC. 25635, 91st Cong. 2d Sess.

7. 94 CONG. REC. 7189, 80th Cong. 2d Sess.

sidering H.R. 6801, the foreign aid appropriation bill, for amendment, Chairman W. Sterling Cole, of New York, recognized Mr. Everett M. Dirksen, of Illinois (a majority member), to offer an amendment. Mr. Clarence Cannon, of Missouri, objected that the minority was entitled to recognition to move to amend the bill. The Chairman responded:

> Under the rules of the House, any member of the committee may offer an amendment, and it is in the discretion of the Chair as to which member shall be recognized.

Manager of Bill Offering More Than One Amendment

§ 19.14 Recognition to offer amendments is first extended to the manager of a bill, and the fact that the Committee of the Whole has just completed consideration of one amendment offered by the manager does not preclude his being recognized to offer another.

On Apr. 6, 1967,[8] Robert W. Kastenmeier, of Wisconsin, was the Member in charge of H.R. 2512, being considered for amendment in the Committee of the Whole. Mr. Kastenmeier had offered an amendment, which was adopted by the Committee. He then immediately offered another amendment. Mr. Byron G. Rogers, of Colorado, made a point of order against recognition for that purpose, and Chairman John H. Dent, of Pennsylvania, overruled the point of order:

> MR. ROGERS of Colorado: The gentleman from Wisconsin just offered an amendment, and certainly I as a member of the committee ought to have the privilege of offering an amendment.
>
> THE CHAIRMAN: The gentleman from Wisconsin is manager of the bill. The Chair recognizes the gentleman from Wisconsin.[9]

As to Right of Proponent To Further Amend

§ 19.15 A Member may offer an amendment to his own amendment by unanimous consent only; but in the event of objection to a unanimous-consent request to modify a pending amendment, any Member other than the proponent of the amendment may offer a proper amendment in writing thereto.

On Apr. 9, 1979, during consideration of H.R. 3324, the Inter-

8. 113 CONG. REC. 8617, 8618, 90th Cong. 1st Sess.

9. For the prior rights of the manager of the bill being considered, see § 14, supra.

national Development Cooperation Act of 1979, an amendment was offered as follows,[10] with subsequent efforts to modify it:

The Clerk read as follows:

Amendment offered by Mr. [Robert E.] Bauman [of Maryland]: On page 23, line 10, strike all of Section 303(a) and insert in lieu thereof the following new Section 303:

"Sec. 303. (a) Section 533 of the Foreign Assistance Act of 1961 is amended to read as follows:

"'Sec. 533—Southern Africa Program

"'(a) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1980, $68,000,000 shall be available (only) for the countries of southern Africa and for—

"'(1) a southern Africa regional refugee support, training, and economic planning program to address the problems caused by the economic dislocation resulting from the conflict in that region;

"'(2) education and job training assistance;

"'(3) a southern Africa fair and open election program to address the problem resulting from the conflict and internal strife in that region.

"'Such funds may be used to provide humanitarian assistance to African refugees and persons displaced by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts and to provide support to countries in that region.

"'(b) In furtherance of the purposes of this section and the foreign policy objectives of the United States the President may appoint a team of impartial observers to observe elections in southern Africa and report to Congress:

"'(1) as to whether all of the people of southern Africa and all organized political groups were given a fair opportunity to participate fully in the election without regard to ethnic identity or political affiliation; and

"'(2) on the extent of public participation in the election, including the extent to which disruptions in the election process due to guerrilla activities may have affected public participation in the election and the extent to which eligible voters expressed opposition by voluntarily refraining from voting in the election.

"'(c) Of the amounts authorized to be appropriated to carry out the purposes of this section, $20,000,000 shall be made available to the government of Zimbabwe/Rhodesia which is installed in that nation as a result of the election held in April 1979, which election may be evaluated and reported upon by observers as provided for in this section.'"

Mr. Paul Findley, of Illinois, inquired as to the effect of certain language:[11]

MR. FINDLEY: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if the author of the amendment could shed a little light on the effect of the language.

For example, section (c) at the bottom of the amendment has been brought into question, and several speakers have indicated that this mandates the provision of $20 million to the Government of Rhodesia under certain circumstances. . . . [T]he lan-

10. 125 CONG. REC. 7755, 7756, 96th Cong. 1st Sess.

11. *Id.* at p. 7760.

guage I have in my hand contains the word, "may," and it is written in. The word, "shall," is stricken in two different places in that last paragraph.

I wonder if that is the form in which the amendment now pending before this body appears? Does it say, "may" or "shall"?

MR. BAUMAN: I believe, as it is before the committee at the Clerk's desk, it says that $20 million shall be made available, but I would be amenable to a change, if that comforts the gentleman.

MR. FINDLEY: Is the gentleman asking unanimous consent to modify the amendment?

MR. BAUMAN: No; I will leave that to the gentleman from Illinois (Mr. Findley).

MR. FINDLEY: Then, Mr. Chairman, may I also ask this: Concerning the effect of the language on the first page of the amendment which would seem to set aside $68 million exclusively for the countries of southern Africa, could the gentleman shed any light on this question? To what extent would this amendment alter the provision of aid which is contemplated by the original bill?

MR. BAUMAN: The language in section (a) is not, for the most part, the language of the gentleman from Maryland but, rather, the language of the bill. But last year, when this southern Africa fund was created, it specifically earmarked the funds only for southern African countries. Without any notice in the report of this bill, that "only" was taken out, and the language before us, on page 23 of the bill, is—

> . . . shall be available for the countries of southern Africa and for a southern Africa regional, refugee support . . .

MR. FINDLEY: Is it the gentleman's intention that the amendment now pending not tie the hands of the President in any single respect?

MR. BAUMAN: Only that it would provide him the opportunity, and indeed the responsibility, if he refused, of using these observers in the instance of any elections that occur, so that the Congress and the public of the United States could judge whether or not these elections were free and open and fair. . . .

MR. FINDLEY: Mr. Chairman, just to bring this to a head, I ask unanimous consent that the word "shall" which appears in two places in the last paragraph of the amendment be changed to "may."

THE CHAIRMAN:[12] Is there objection to the request of the gentleman from Illinois?

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The gentleman will have to submit an amendment in writing if the Chair is to consider it.

An amendment was offered by Mr. Solarz:[13]

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

The Clerk read as follows:

> Amendment offered by Mr. Solarz to the amendment offered by Mr. Bauman: On page 2 of the amendment, strike out subsections (b) and (c).

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12. Elliott Levitas (Ga.).

13. 125 CONG. REC. 7763, 96th Cong. 1st Sess.

The Solarz amendment was agreed to, whereupon Mr. Bauman sought to offer an amendment:[14]

MR. BAUMAN: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: Does the gentleman from Maryland ask unanimous consent to offer an amendment to his pending amendment?

MR. BAUMAN: Am I not in order, Mr. Chairman, to offer an amendment to an amendment once it has been offered?

THE CHAIRMAN: The Chair will state that that requires unanimous consent.

MR. BAUMAN: Then, Mr. Chairman, the gentleman from California (Mr. Rousselot) will offer the amendment.

AMENDMENT OFFERED BY MR. ROUSSELOT TO THE AMENDMENT OFFERED BY MR. BAUMAN, AS AMENDED

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment to the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. Rousselot to the amendment offered by Mr. Bauman, as amended: Immediately after the last sentence of subsection (a) of section 533 of the amendment offered by Mr. Bauman, as amended, add the following:

(b) In furtherance of the purposes of this section and the foreign policy objectives of the United States the President may appoint a team of impartial observers to observe elections in southern Africa and report to Congress;

(1) as to whether all of the people of any such southern African nation and all organized political groups were given a fair opportunity to participate fully in the election without regard to ethnic identity or political affiliation; and

(2) on the extent of public participation in the election, including the extent to which disruptions in the election process due to guerrilla activities may have affected public participation in the election and the extent to which eligible voters expressed opposition by voluntarily refraining from voting in the election.

(c) of the amounts authorized to be appropriated to carry out the purposes of this section, $20,000,000 may be made available to the government of Zimbabwe/Rhodesia which is installed in that nation as a result of the election held in April 1979, which election may be evaluated and reported upon by observers as provided for in this section.

(In response to a point of order that the Rousselot amendment was identical to language just stricken, the Chair ruled that the amendment was proper because the change in language from "shall" to "may" was a substantive change.)

Priority of Members of Committee To Make Points of Order Against Amendments

§ 19.16 Members of the committee reporting a bill have priority of recognition to make points of order against proposed amendments to the bill.

14. *Id.* at p. 7764.

On Mar. 30, 1949,[15] Mr. Henry M. Jackson, of Washington, and Mr. Carl T. Curtis, of Nebraska, simultaneously arose in the Committee of the Whole to make a point of order against a pending amendment on the ground that it constituted legislation on an appropriation bill. Chairman Jere Cooper, of Tennessee, recognized Mr. Jackson in preference over Mr. Curtis since Mr. Jackson was a member of the committee which had reported the bill.

Chair Determines Whether There Are Points of Order to Remainder of Bill Before Recognizing for Amendments

§ 19.17 Where the remainder of a general appropriation bill is, by unanimous consent, considered as read and open for amendment at any point, the Chair first ascertains whether there are any points of order to the remainder of the bill before recognizing Members to offer amendments.

For example, on July 30, 1962,[16] the procedure below was followed in the consideration of a bill and amendments thereto.

> MR. [ALBERT] THOMAS [of Texas]: Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open for amendment at any point.
>
> MR. [H. R.] GROSS [of Iowa]: And also open to points of order at any point, I take it?
>
> MR. THOMAS: Yes. . . .
>
> THE CHAIRMAN:[17] Is there objection to the gentleman from Texas?
>
> There was no objection.
>
> THE CHAIRMAN: Are there any points of order to be made to the remainder of the bill?
>
> MR. GROSS: Mr. Chairman, I make a point of order against the language on page 27, beginning in line 24 and running through line 12 on page 28, as being legislation on an appropriation bill.

Point of Order Must Be Decided Before Recognition To Offer Amendment

§ 19.18 Unless reserved, a pending point of order against an amendment (on the grounds it constitutes an appropriation on a legislative bill) must be decided prior to recognition of another Member to offer an amendment to the challenged language.

On May 18, 1966,[18] Mr. Charles R. Jonas, of North Caro-

15. 95 CONG. REC. 3520, 81st Cong. 1st Sess.

16. 108 CONG. REC. 14998, 87th Cong. 2d Sess.

17. Richard Bolling (Mo.).

18. 112 CONG. REC. 10894–96, 89th Cong. 2d Sess.

lina, made a point of order against certain language in a committee amendment offered by the Committee on Banking and Currency to H.R. 14544, the Participation Sales Act of 1966. Wright Patman, of Texas, chairman of the committee, stated that he had a substitute amendment to the committee amendment which would correct the objectionable language. Chairman Eugene J. Keogh, of New York, advised Mr. Jonas and Mr. Patman that the point of order, unless reserved, must be disposed of before Mr. Patman could be recognized to offer the amendment correcting the challenged language. Mr. Jonas reserved his point of order and the substitute amendment was offered and agreed to.

Committee Amendments Before Floor Amendments

§ 19.19 Where a bill is considered as read and open for amendment at any point, committee amendments are considered before the Chair extends recognition for amendments from the floor.

On July 18, 1968,[19] Mr. Thomas E. Morgan, of Pennsylvania, asked unanimous consent that a bill being considered in the Committee of the Whole be considered as read and open to amendment at any point. There was no objection. Before Chairman Charles M. Price, of Illinois, extended recognition to Members to offer amendments from the floor, committee amendments were read and considered.

Parliamentarian's Note: Committee amendments to that portion of a bill or resolution which has been read are normally considered before recognition is granted to offer other amendments, unless the committee amendment is given lesser priority, as in the case of a motion to strike out the pending section, which is held in abeyance until perfecting floor amendments are disposed of.

Minority Committee Member Usually Has Preference Over Nonmember

§ 19.20 Although minority members of the committee reporting a bill under consideration usually have preference of recognition over nonmembers, the power of recognition remains in the discretion of the Chair.

On July 19, 1967,[20] in the Committee of the Whole, Chair-

19. 114 Cong. Rec. 22094, 22095, 90th Cong. 2d Sess.

20. 113 Cong. Rec. 19416, 19417, 90th Cong. 1st Sess.

man Joseph L. Evins, of Tennessee, recognized Mr. Edmond Edmondson, of Oklahoma, for a parliamentary inquiry and then recognized him to offer an amendment to the pending bill. Mr. William C. Cramer, of Florida, made the point of order that William M. McCulloch, of Ohio, the ranking minority member of the Committee on the Judiciary, which had reported the bill, had been on his feet seeking recognition to offer an amendment at the time and that members of the committee reporting the bill had the prior right to be recognized. Chairman Evins did in fact subsequently recognize Mr. McCulloch, but overruled the point of order, and stated that in fairness he was attempting to recognize Members on both sides of the question.

Instance Where Chair Recognized Nonmember of Committee

§ 19.21 Members of the committee reporting a bill usually have preference of recognition to offer amendments but the Chair has recognized another based on his failure to see a committee member seeking recognition.

On Aug. 10, 1949,[1] Chairman Harold D. Cooley, of North Carolina, answered parliamentary inquiries on the subject of recognition in the Committee of the Whole to offer amendments:

> MR. [WALTER E.] BREHM [of Ohio]: Mr. Chairman, I have been standing on my feet seeking recognition ever since the Speaker requested the gentleman from North Carolina [Mr. Cooley] to occupy the chair. Moreover, I am a member of the committee. I think my amendment should have preference.
>
> THE CHAIRMAN: The Chair had recognized the gentleman from North Carolina even before recognizing the gentleman from Michigan.
>
> MR. BREHM: I feel that the Chair was in error in so doing, because I am a member of the committee and the gentleman from North Carolina is not, and I was on my feet prior to the time the gentleman from North Carolina [Mr. Redden] asked for recognition.
>
> THE CHAIRMAN: The gentleman from North Carolina is recognized to offer his amendment.
>
> MR. [JOSEPH W.] MARTIN [Jr.], of Massachusetts: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. MARTIN of Massachusetts: Does the Chair rule that a member of the committee does not have preference in recognition when two Members, one not a member of the committee, are seeking recognition at the same time?
>
> THE CHAIRMAN: The Chair did not see the gentleman from Ohio on his feet at the same time. The Chair had recognized the gentleman from North Carolina, then the Chair recognized

1. 95 CONG. REC. 11196, 81st Cong. 1st Sess.

the gentleman from Michigan to submit a consent request. The gentleman from Ohio will be recognized in due time.

The Clerk will report the amendment offered by the gentleman from North Carolina.[2]

Committee Amendments to Special Rule; Nonsubstantive Amendment Acted on Before Debate

§ 19.22 Where a privileged resolution providing for the consideration of a measure is reported by the Committee on Rules, with committee amendments to the resolution, the amendments may be reported and acted upon before the Member managing the measure is recognized for debate thereon.

On Aug. 19, 1964,[3] the Committee on Rules reported House Resolution 845, providing for the consideration of H.R. 11926, limiting the jurisdiction of federal courts in apportionment cases, which bill had not been reported by the committee to which referred. Speaker John W. McCormack, of Massachusetts, directed the Clerk, after the reading of the resolution, to read the committee amendments thereto. The amendments were then agreed to and the Speaker recognized Mr. Howard W. Smith, of Virginia, the manager of the resolution, for one hour of debate.

Parliamentarian's Note: If the committee amendments to a resolution are substantive in nature, they may be reported and remain pending during the hour of debate in the House.

Anticipating Recognition

§ 19.23 The Chairman of the Committee of the Whole may advise a Member that he will recognize that Member, at a subsequent point in the proceedings, to offer a substitute for an amendment.

On July 12, 1962,[4] Chairman Wilbur D. Mills, of Arkansas, stated, in response to a parliamentary inquiry, that he would recognize a Member at the proper time to offer an amendment:

MR. [MICHAEL A.] FEIGHAN [of Ohio]: Mr. Chairman, I have a substitute amendment. Is it proper for me to offer the amendment at this time?

THE CHAIRMAN: The Chair will recognize the gentleman at the proper time.

§ 19.24 The Chairman of the Committee of the Whole does

2. For the Chair's power of recognition generally, see § 9, supra.

3. 110 CONG. REC. 20213, 88th Cong. 2d Sess.

4. 108 CONG. REC. 13391, 87th Cong. 2d Sess.

not anticipate the order in which amendments may be offered nor does he declare in advance the order of recognition, but where he knows a Member desires recognition to offer an amendment, he may indicate that he will protect the Member's rights.

On Sept. 8, 1966,[5] Chairman Edward P. Boland, of Massachusetts, answered a parliamentary inquiry as to the order of recognition for offering amendments under the five-minute rule:

> MR. [ROBERT G.] STEPHENS [Jr., of Georgia]: It is my understanding that the procedures will be for the Minish amendment to be considered and after the Minish amendment is disposed of then I will offer a substitute and it is my understanding I will be recognized immediately after the amendment for the purpose of submitting that substitute. Is that the correct parliamentary situation?
>
> THE CHAIRMAN: Recognition, of course, is within the discretion of the Chair, but the Chair will protect the gentleman's rights.[6]

Member May Not Yield for Amendment

§ 19.25 A Member recognized under the five-minute rule may not yield to another Member to offer an amendment (thereby depriving the Chair of his power of recognition), but he may by unanimous consent yield the balance of his time to another Member who may thereafter offer an amendment.

The proposition described above was demonstrated in the Committee of the Whole on Oct. 30, 1975,[7] during consideration of H.R. 8603, the Postal Reorganization Act Amendments of 1975:

> (Mr. Cohen asked and was given permission to revise and extend his remarks.)
>
> MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, will the gentleman yield?
>
> MR. [WILLIAM S.] COHEN [of Maine]: I yield to the gentleman from Delaware.
>
> MR. DU PONT: Mr. Chairman, I offer an amendment.
>
> THE CHAIRMAN:[8] The Chair will state that the gentleman from Maine cannot yield for the purpose of the

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5. 112 CONG. REC. 22020, 89th Cong. 2d Sess.

6. When debate is limited under the five-minute rule in the Committee of the Whole, the Chairman often protects the rights of Members who seek recognition; see § 22, infra.

The Chair may also protect the rights of Members not in the Chamber when the limitation is agreed to (see § 22.4, infra).

7. 121 CONG. REC. 34442, 94th Cong. 1st Sess.

8. Walter Flowers (Ala.).

gentleman from Delaware offering an amendment.

MR. COHEN: Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Delaware (Mr. du Pont).

THE CHAIRMAN: Is there objection to the request of the gentleman from Maine?

There was no objection.

THE CHAIRMAN: The gentleman from Delaware is recognized for 2 minutes.

AMENDMENT OFFERED BY MR. DU PONT

MR. DU PONT: Mr. Chairman, I offer an amendment.

The Clerk read the amendment as follows:

Amendment offered by Mr. du Pont: Page 32, immediately after line 26, add the following new section:

Sec. 16. (a) Chapter 6 of title 39, United States Code, is amended by adding at the end thereof the following new section: . . .

§ 19.26 A Member recognized under the five-minute rule may not yield to another Member to offer an amendment, as it is within the power of the Chair to recognize each Member to offer amendments.

On Apr. 19, 1973,[9] the Committee of the Whole was considering a bill for amendment under the five-minute rule. Chairman Morris K. Udall, of Arizona, refused to allow a Member with the floor to yield to another to offer an amendment:

MR. DON H. CLAUSEN [of California]: Mr. Chairman, I have an amendment at the desk. However, at this time I want to yield to the gentleman from New York (Mr. Bingham) who has another appointment, so that he may offer his amendment at this time.

THE CHAIRMAN: The Chair will advise the gentleman from California (Mr. Don H. Clausen) he cannot yield for that purpose. If the gentleman from New York (Mr. Bingham) were here, the Chair would recognize him.[10]

Chair Declined Recognition for Amendment Where Member Obtained Floor for Debate

§ 19.27 The Chair declined to recognize a Member to offer a substantive amendment where the Member had obtained the floor to debate a motion to strike out the last word.

On July 28, 1965,[11] the Committee of the Whole was considering for amendment under the five-minute rule H.R. 77, reported by the Committee on Education and Labor. Mr. William H. Ayres, of Ohio, ranking minority member

9. 119 CONG. REC. 13240, 93d Cong. 1st Sess.

10. See also 119 CONG. REC. 41716, 93d Cong. 1st Sess., Dec. 14, 1973; 119 CONG. REC. 41171, 93d Cong. 1st Sess., Dec. 12, 1973.

11. 111 CONG. REC. 18631, 89th Cong. 1st Sess.

of the committee, moved to strike out the last word and was recognized by Chairman Leo W. O'Brien, of New York, for five minutes. During that time, Mr. Ayres offered an amendment, but the Chairman declined to further recognize Mr. Ayres for that purpose.

Parliamentarian's Note: Several majority members of the Committee on Education and Labor were seeking recognition to offer amendments.

Member May Not Offer Amendment in Time Yielded for Debate

§ 19.28 A Member may not be recognized to offer an amendment during time yielded for debate only.

On Feb. 2, 1955,[12] Mr. Ray J. Madden, of Indiana, called up at the direction of the Committee on Rules House Resolution 63, authorizing the Committee on Veterans' Affairs to investigate certain aspects of the Veterans' Administration. Mr. Madden yielded three minutes' time for debate to Mrs. Edith Nourse Rogers, of Massachusetts. Mrs. Rogers indicated she wished to offer an amendment to prohibit the Committee on Veterans' Affairs from investigating any matter under investigation by another committee of the House. Mr. Madden stated that he did not yield for the purpose of having such an amendment offered. Speaker Pro Tempore Robert C. Byrd, of West Virginia, ruled that Mrs. Rogers did not have the right to offer an amendment in time yielded her for debate only.

Amendment Offered While Motion To Strike Pending

§ 19.29 While a motion to strike a pending portion of a bill will be held in abeyance until perfecting amendments to that portion are disposed of, a Member who has been recognized to debate his motion to strike may not be deprived of the floor by another Member who seeks to offer a perfecting amendment, but the perfecting amendment may be offered and voted on before the question is put on the motion to strike.

During consideration of H.R. 10024 (depository institutions amendments of 1975) in the Committee of the Whole on Oct. 31, 1975,[13] the following proceedings occurred:

12. 101 Cong. Rec. 1076–79, 84th Cong. 1st Sess.

13. 121 Cong. Rec. 34564, 34565, 34566, 94th Cong. 1st Sess.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rousselot: Beginning on page 10, line 18, strike all that follows through page 188, line 10.

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I have a parliamentary inquiry. . . .

I believe that under the rules of the House since this amendment involves a motion to strike the title, that perfecting amendments that are at the desk take precedence over such a motion to strike a title. Is that not correct?

THE CHAIRMAN:[14] That is true, if any are offered. . . .

MR. [JOHN J.] MOAKLEY [of Massachusetts]: Mr. Chairman, I might state that I was standing when the Chairman recognized the gentleman from California (Mr. Rousselot), and I have a perfecting amendment at the desk.

THE CHAIRMAN: The Chair will state that the amendment offered by the gentleman from California, Mr. Rousselot, is pending now, and that the gentleman from California has been recognized. The gentleman may offer his perfecting amendment after the gentleman from California has completed his five minutes in support of his amendment to strike.

May Not Offer Amendment When Recognized for Parliamentary Inquiry

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

On Mar. 12, 1964,[15] Chairman Chet Holifield, of California, ruled that where a Member was recognized for a parliamentary inquiry, recognition was limited to that purpose and that the Member so recognized could not then offer an amendment:

MR. [AUGUST E.] JOHANSEN [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JOHANSEN: I direct this inquiry to the Chair as to whether it will be in order if I secure recognition to offer an amendment to the amendment in the nature of a substitute for the amendment offered by the gentleman from Ohio.

THE CHAIRMAN: Of course, the gentleman, if he is recognized, may offer an amendment.

MR. [JAMES H.] MORRISON [of Louisiana]: A parliamentary inquiry, Mr. Chairman. The gentleman secured recognition first and asked the parliamentary inquiry.

THE CHAIRMAN: The gentleman has not been recognized, except for a parliamentary inquiry.

MR. MORRISON: The gentleman has a substitute amendment.

THE CHAIRMAN: The gentleman made the parliamentary inquiry as to

14. Spark M. Matsunaga (Ha.).

15. 110 CONG. REC. 5140, 88th Cong. 2d Sess.

whether he could offer an amendment, and the Chair responded that the gentleman could offer an amendment if he was recognized.

Amendments Made in Order by Special Rule

§ 19.31 Where a special rule adopted by the House makes in order a designated amendment to a bill in Committee of the Whole but gives no special priority or precedence to such an amendment, the Chair is not required to extend prior recognition to offer that amendment but may rely on other principles of recognition such as alternation between majority and minority parties and priority of perfecting amendments over motions to strike.

On June 21, 1979,[16] during consideration of H.R. 111, the Panama Canal Act of 1979, the Chair, after recognizing the manager of the bill to offer a pro forma amendment under the five-minute rule, recognized the ranking minority member to offer a perfecting amendment, prior to recognizing another majority member seeking recognition on behalf of another committee with jurisdiction over a portion of the bill to move to strike that portion, where the motion to strike was made in order but given no preferential status in the special rule governing consideration of the bill. The proceedings were as follows:

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise at this time with so many Members in the well and on the floor to ask as many Members as possible to try to stay on the floor throughout the next hour and 50 minutes. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bauman: Page 187, strike out line 19 and all that follows through line 20 on page 189 and insert in lieu thereof the following:

CHAPTER 2—IMMIGRATION

Sec. 1611. Special Immigrants.—(a) Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), relating to the definition of special immigrants, is amended—

MS. [ELIZABETH] HOLTZMAN [of New York] (during the reading): Mr. Chairman, I want to raise a point of order. . . .

Mr. Chairman, at the time that the last amendment was voted on, I was on my feet seeking to offer an amendment on behalf of the Committee on the Judiciary with respect to striking in its entirety section 1611 of the bill.

16. 125 CONG. REC. 15999, 16000, 96th Cong. 1st Sess.

The right to offer that amendment is granted under the rule, in fact on page 3 of House Resolution 274. I want to ask the Chair whether I am entitled to be recognized or was entitled to be recognized to make first a motion, which was a motion to strike the entire section before amendments were made to the text of the bill.

THE CHAIRMAN:[17] Unless an amendment having priority of consideration under the rule is offered, it is the Chair's practice to alternate recognition of members of the several committees that are listed in the rule, taking amendments from the majority and minority side in general turn, while giving priority of recognition to those committees that are mentioned in the rule.

The gentlewoman from New York (Ms. Holtzman) is a member of such a committee, but following the adoption of the last amendment the gentleman from New York (Mr. Murphy), the chairman of the Committee on Merchant Marine and Fisheries, sought recognition to strike the last word. Accordingly, the Chair then recognized the gentleman from Maryland (Mr. Bauman) to offer a floor amendment, which is a perfecting amendment to section 1611 of the bill.

The rule mentions that it shall be in order to consider an amendment as recommended by the Committee on the Judiciary, to strike out section 1611, if offered, but the rule does not give any special priority to the Committee on the Judiciary to offer such amendments, over perfecting amendments to that section.

MS. HOLTZMAN: Mr. Chairman, may I be heard further? The gentleman said that he was going to recognize members of the committees that had a right to offer amendments under the rule alternately. I would suggest to the Chair that no member of the Committee on the Judiciary has been recognized thus far in the debate with respect to offering such an amendment and, therefore, the Chair's principle, as I understood he stated it, was not being observed in connection with recognition.

THE CHAIRMAN: The Chair would observe that the Chair is attempting to be fair in recognizing Members alternately when they are members of committees with priority and that the rule permits but does not give the Committee on the Judiciary special priority of recognition over other floor amendments, which under the precedents would take priority over a motion to strike.

Second, the Chair would like to advise the gentlewoman from New York that recognition is discretionary with the Chair and is not subject to a point of order. Does the gentlewoman have any further comment to make on the point of order?

The Chair overrules the point of order and recognizes the gentleman in the well.

Parliamentarian's Note: The amendment offered by Mr. Bauman struck out section 1611 of the bill and inserted a new section, whereas the amendment made in order under the rule on behalf of the Committee on the Judiciary was an amendment to strike that section; thus adoption of the Bauman amendment precluded the offering of the Judici-

17. Thomas S. Foley (Wash.).

ary Committee amendment. It would have made little difference if Ms. Holtzman was recognized first, since the Bauman amendment could have been offered as a perfecting amendment while the Holtzman motion to strike was pending and if the Bauman amendment was adopted the motion to strike would have necessarily fallen and would not have been voted on.

If the Holtzman amendment, and the amendments to be offered on behalf of the Committees on Foreign Affairs and Post Office and Civil Service, had been committee amendments formally recommended in reports on H.R. 111, they would have been automatically considered by the Committee of the Whole, but only the Committee on Merchant Marine and Fisheries had formally reported H.R. 111.

Recognition for Amendments Under Special Rules—Committee Amendments and Other Amendments Under Modified Closed Rule

§ 19.32 Where a bill consisting of several titles was considered as read and open to amendment at any point under a special "modified closed rule" permitting germane amendments only to certain portions of titles but permitting committee amendments to any portion of the bill, the Chair first recognized a Member to offer committee amendments to title I and then recognized other Members to offer amendments to that title.

On Aug. 7, 1974,[18] during consideration of the Federal Election Campaign Act of 1974 (H.R. 16090) in the Committee of the Whole, Chairman Richard Bolling, of Missouri, made the following statement:

> THE CHAIRMAN: No amendments, including any amendment in the nature of a substitute for the bill, are in order to the bill except the following:
>
> In title 1: Germane amendments to subsection 101(a) proposing solely to change the money amounts contained in said subsection, providing they have been printed in the Congressional Record at least 1 calendar day before being offered; and the text of the amendment to be offered on page 13, following line 4, inserted in the Congressional Record of August 5, 1974, by Mr. Butler.
>
> In title 2: Germane amendments to the provisions contained on page 33, line 17, through page 35, line 11, providing they have been printed in the Record at least 1 calendar day before being offered; and the amendment printed on page E5246 in the Record of August 2, 1974.

18. 120 CONG. REC. 27258, 27259, 93d Cong. 2d Sess.

In title 4: Germane amendments which have been printed in the Record at least 1 calendar day before they are offered, except that sections 401, 402, 407, 409 and 410 shall not be subject to amendment; and the text of the amendment printed on page H7597 in the Congressional Record of August 2, 1974.

Amendments are in order to any portion of the bill if offered by direction of the Committee on House Administration, but said amendments shall not be subject to amendment.

Are there any Committee on House Administration amendments to title I?

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Chairman, I offer three committee amendments to title I of the bill and I ask unanimous consent that they be considered en bloc.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE CHAIRMAN: The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: . . .

THE CHAIRMAN: The question is on the amendments offered by the gentleman from New Jersey (Mr. Thompson).

The committee amendments were agreed to.

THE CHAIRMAN: Are there further committee amendments to title I?

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, I offer an amendment to title I.

The Clerk read as follows:

Amendment offered by Mr. du Pont: Page 2, line 16, strike "$5,000" and insert in lieu thereof "$2,500".

MR. DU PONT: Mr. Chairman, as required by the rule adopted by the House today, my amendment was published at pages E5306 and E5307 of yesterday's Record.

Recognition To Offer Amendments Printed in Record

§ 19.33 Where a special rule restricts the offering of amendments to those printed in the Record but does not specify the Members who must offer them, the right to propose amendments properly inserted in the Record inures to all Members; thus, under a special rule permitting only germane amendments printed in the Record for at least two calendar days to be offered to a designated title of a bill, and prohibiting amendments thereto, a Member was permitted to offer a pro forma amendment to that title ("to strike the requisite number of words") where that amendment had been inserted in the Record by another Member, and at a time when no substantive amendment was pending.

The proceedings described above occurred on Mar. 26, 1974,[19] in the Committee of the Whole dur-

19. 120 CONG. REC. 8229, 8233, 8243, 93d Cong. 2d Sess.

ing consideration of H.R. 69, a bill to amend and extend the Elementary and Secondary Education Act.

THE CHAIRMAN:[20] When the Committee rose on Tuesday, March 12, 1974, all time for general debate on the bill had expired.

Under the rule, no amendment shall be in order to title I of the substitute committee amendment printed in the reported bill except germane amendments which have been printed in the Congressional Record at least 2 calendar days prior to their being offered during the consideration of said substitute for amendment, and amendment offered by direction of the Committee on Education and Labor, and neither of said classes of amendments shall be subject to amendment.

Pursuant to the rule, the Clerk will now read by titles the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Elementary and Secondary Education Amendments of 1974".

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MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I move to strike the requisite number of words.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I make a point of order. Under the rule the motion is not in order unless he has printed the motion in the Record.

THE CHAIRMAN: The Chair overrules the point of order. The amendment offered by the gentleman from Kentucky was printed in the Record.

MR. BAUMAN: Mr. Chairman, I submit to the Committee that the motion I heard was to strike out the requisite number of words. If the gentleman from Kentucky has not had that motion printed in the Record, he is not entitled to 5 minutes under the rule.

THE CHAIRMAN: That amendment was printed in the Record.

MR. BAUMAN: Mr. Chairman, how many times does he get to use it?

THE CHAIRMAN: As many times as it is printed in the Record.

MR. BAUMAN: I thank the Chairman.

Parliamentarian's Note: Mr. H. R. Gross, of Iowa, had inserted five pro forma amendments in the Record, and Mr. Perkins offered one of the five. Pursuant to 8 Cannon's Precedents § 2874, the Chair stated that, without objection, the pro forma amendment would be withdrawn at the conclusion of Mr. Perkin's five-minute speech, in order to avoid putting the question on the pro forma amendment and to permit re-offering of that amendment at a future time to title I.

20. Melvin Price (Ill.).

Amendment in Nature of Substitute Was Offered From Floor, Not Under Special Rule

§ 19.34 Pursuant to a special rule providing for the consideration of the text of a bill as an amendment in the nature of a substitute, to be read by titles as an original bill immediately after the reading of the enacting clause of the bill to which offered, the Chair recognized a Member to offer the amendment in the nature of a substitute from the floor before it could be considered under the rule.

On Sept. 19, 1974,[1] Chairman Thomas M. Rees, of California, recognized James T. Broyhill, of North Carolina, who then offered an amendment in the nature of a substitute:

> The Clerk read the title of the bill.
>
> THE CHAIRMAN: When the Committee rose on Tuesday, September 17, 1974, all time for general debate had expired.
>
> Pursuant to the rule, immediately after the reading of the enacting clause, it shall be in order to consider the text of the bill H.R. 16327 as an amendment in the nature of a substitute for the bill, and said substitute shall be read for amendment by title.
>
> The Clerk will read the enacting clause.
>
> The Clerk read as follows:
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. . . .*
>
> MR. BROYHILL of North Carolina: Mr. Chairman, under the rule, I offer the following amendment in the nature of a substitute, which is to the text of the bill (H.R. 7917).
>
> The Clerk read as follows:
>
> Amendment in the nature of a substitute offered by Mr. Broyhill of North Carolina: That this Act may be cited as the "Consumer Product Warranties-Federal Trade Commission Improvements Act".
>
> TITLE I—CONSUMER PRODUCT WARRANTIES
>
> DEFINITION

Parliamentarian's Note: Mr. Broyhill was a minority member of the committee and had introduced the bill made in order by the rule. The Chair recognized him when the chairman of the then Committee on Interstate and Foreign Commerce did not immediately seek recognition. It should be noted that the Chair could have considered the amendment to be pending and could have directed that it be read by title as an original bill without being offered from the floor.

1. 120 CONG. REC. 31727, 93d Cong. 2d Sess.

Right To Offer Amendment After Expiration of Debate Time

§ 19.35 Where a special rule governing consideration of a bill in Committee of the Whole limits debate on each amendment or on each amendment thereto to a specific amount of time, equally divided and controlled, the expiration of time on an amendment does not preclude the offering of an amendment thereto, debatable under such time limitation.

On May 4, 1983,[2] the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons. House Joint Resolution 13 was being considered pursuant to a special rule agreed to on Mar. 16,[3] and a special rule providing for additional procedures for consideration, agreed to on May 4.[4]

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I offer an amendment to the amendment. . . .

THE CHAIRMAN:[5] The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Solarz to the amendment offered by Mr. Hunter: In the section proposed to be added to the resolution by the Hunter amendment, strike out all that follows "prevent" through "crews" and insert in lieu thereof "safety-related improvements in strategic bombers".

MR. [ROBERT E.] BADHAM [of California]: Mr. Chairman, I have a point of order.

Mr. Chairman, it occurs to me that all time for the proponents and all time for the opponents of the amendment offered by the gentleman from California (Mr. Hunter), has been used up.

Is it not true, under the rule, that we must now vote on that amendment?

THE CHAIRMAN: No. The Chair will advise the gentleman from California (Mr. Badham), that it is true that all time relative to the amendment offered by the gentleman from California (Mr. Hunter), for and against, has expired, but under the rule another amendment can be offered, and is being offered, and 15 minutes are allocated to the proponent of the amendment and 15 minutes are allocated to an opponent of the amendment.

—Amendments Not Printed in Record May Be Offered, Not Debated

§ 19.36 After the expiration of debate under the five-minute

2. 129 CONG. REC. 11086, 98th Cong. 1st Sess.
3. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.
4. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess. (including the division of time as described above).
5. Matthew F. McHugh (N.Y.).

rule on a bill and amendments thereto, amendments not printed in the Record may still be offered but are not subject to debate.

During consideration of the Departments of Labor and Health, Education, and Welfare appropriation bill (H.R. 4389) in the Committee of the Whole on June 27, 1979,[6] the following proceedings occurred:

> Amendments offered by Mr. Early: Page 15, line 5, strike out "$961,158,000" and insert in lieu thereof "$970,158,000". . . .
>
> MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN:[7] The gentleman will state it.
>
> MR. MICHEL: Mr. Chairman, what happened to those Members who were on their feet with amendments that were not printed in the Record when the Chair acknowledged those Members? Were they all shut out from being recognized?
>
> THE CHAIRMAN: The Chair will advise the gentleman that any Member can still offer an amendment.
>
> MR. MICHEL: But they cannot speak on the amendments; is that correct?
>
> THE CHAIRMAN: That is correct, with the exception of a unanimous-consent request.

6. 125 CONG. REC. 17036, 96th Cong. 1st Sess.

7. Don Fuqua (Fla.).

Motion To Suspend Rules "With Amendments"

§ 19.37 While it is not in order to offer an amendment to a bill being considered under a motion to suspend the rules, the Speaker may recognize a Member for a motion to suspend the rules and pass a bill with amendments.

On June 16, 1952,[8] Mr. Robert L. Doughton, of North Carolina, offered a motion to suspend the rules and to pass a bill with amendments. Mr. Carl T. Curtis, of Nebraska, made a point of order against the motion, on the ground that under the precedents a motion to amend could not be invoked pursuant to a motion to suspend the rules. Speaker Sam Rayburn, of Texas, ruled as follows:

> . . . There can be no amendment offered to the motion to suspend the rules and pass a bill, but it is entirely in order for the Speaker to recognize a Member to move to suspend the rules and pass a bill with amendments and recognition for that is entirely within the discretion of the Chair. The Chair can recognize a Member to move to suspend the rules on the proper day and pass a bill with an amendment that has been authorized by a committee, or if the Chair so desires he

8. 98 CONG. REC. 7287, 7288, 82d Cong. 2d Sess.

can recognize a Member to move to suspend the rules and pass a bill with his own amendment.

Appropriation Bills: Limitation Amendments

§ 19.38 When a general appropriation bill has been read, or considered as read, for amendment in its entirety, the Chair (after entertaining points of order) first entertains amendments which are not prohibited by clause 2(c) of Rule XXI, and then recognizes for amendments proposing limitations not contained or authorized in existing law pursuant to clause 2(d) of Rule XXI [adopted in Jan. 1983, 98th Cong. 1st Sess.], subject to the preferential motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been agreed to.

The following proceedings occurred in the Committee of the Whole on Oct. 27, 1983,[9] during consideration of H.R. 4139 (Departments of Treasury and Postal Service appropriations for fiscal 1984):

MR. [CHRISTOPHER H.] SMITH of New Jersey: Mr. Chairman, I have a parliamentary inquiry.

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

MR. SMITH of New Jersey: Mr. Chairman, would it be in order at this time to offer a change in the language that would not be considered under the House rules to be legislating on an appropriations bill?

THE CHAIRMAN: The Chair will first entertain any amendment to the bill which is not prohibited by clause 2(c), rule XXI, and will then entertain amendments proposing limitations pursuant to clause 2(d), rule XXI.

MR. SMITH of New Jersey: Mr. Chairman, I offer an amendment.

MR. [BRUCE A.] MORRISON of Connecticut: Mr. Chairman, I reserve a point of order against the amendment.

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Smith of New Jersey: On page 49, immediately after line 2, add the following new section:
>
> "Sec. 618. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverages for abortions. . . .

MR. MORRISON of Connecticut: Mr. Chairman, I would like to be heard on my point of order. . . .

Mr. Chairman, my point of order is that this amendment constitutes a limitation on an appropriation and cannot

9. 129 CONG. REC. 29630, 29631, 98th Cong. 1st Sess.

10. Philip R. Sharp (Ind.).

be considered by the House prior to the consideration of a motion by the Committee to rise.

THE CHAIRMAN: The Chair must indicate to the gentleman that no such preferential motion has yet been made.

The gentleman is correct that a motion that the Committee rise and report the bill to the House with such amendments as may have been adopted takes precedence over an amendment proposing a limitation.

MR. MORRISON of Connecticut: Mr. Chairman, then I move that the committee do now rise. . . .

THE CHAIRMAN: . . . It would be more appropriate if a motion to rise and report the bill to the House with such amendments as have been adopted, pursuant to clause 2(d), rule XXI were offered instead. . . .

MR. [EDWARD R.] ROYBAL [of California]: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that bill, as amended, do pass.

[The motion was rejected.]

MR. SMITH of New Jersey: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New Jersey: On page 49, immediately after line 2, add the following new section:

"Sec. 618. No funds appropriated by this Act shall be available to pay for an abortion . . . .

Parliamentarian's Note: Mr. Smith was the only Member seeking recognition to offer a limitation after the preferential motion was rejected and could have been preempted by a member of the Appropriations Committee or a more senior member offering an amendment since principles governing priority of recognition would remain applicable. A Member who has attempted to offer a limitation before the motion to rise and report is rejected is not guaranteed first recognition for a limitation amendment.

Amending Committee Amendment in Nature of Substitute Under Hour Rule; Motion To Recommit With Instructions

§ 19.39 Where there was pending in the House under the hour rule a resolution and a committee amendment in the nature of a substitute, the Chair indicated that an amendment to the committee amendment could be offered only if the manager yielded for that purpose or if the previous question were rejected, and that a motion to recommit with instructions containing a direct amendment could not be offered if the committee substitute were adopted (since it is not in order to further amend a measure already amended in its entirety).

On Mar. 22, 1983,[11] after House Resolution 127 was called up for consideration in the House, Speaker Pro Tempore John F. Seiberling, of Ohio, responded to several parliamentary inquiries, as indicated below:

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 127), providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 1st session of the 98th Congress.

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

The Clerk read the resolution, as follows:

H. RES. 127

Resolved, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section . . . .

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert:

That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section . . . .

Sec. 2. The committees and amounts referred to in the first section are: Select Committee on Aging, $1,316,057; Committee on Agriculture, $1,322,669; Committee on Armed Services, $1,212,273. . . .

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I have a parliamentary inquiry. . . .

If this Member from California would now offer an amendment to the total in this resolution . . . would that amendment now be in order?

THE SPEAKER PRO TEMPORE: The Chair would rule that the amendment would be in order if the gentleman from Illinois (Mr. Annunzio) would yield to the gentleman from California. . . .

MR. DANNEMEYER . . . What if we were successful in defeating the previous question with respect to this issue? If we did, would an amendment to reduce spending consistent with what I stated previously then be in order?

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman if the previous question were defeated a germane amendment to the committee amendment would be in order at that time. . . .

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

We have a motion to commit which is available at the conclusion of a matter of this type. Is the procedure under which this process is now considered by the floor such that the motion to commit can be used with instructions to reduce spending by a certain amount or is it a motion to recommit without instructions?

THE SPEAKER PRO TEMPORE: If the committee amendment in the nature of a substitute is agreed to no further di-

11. 129 CONG. REC. 6447, 6448, 6455, 98th Cong. 1st Sess.

rect amendment could be made by a motion to recommit.

Chair May Recognize Manager for Request To Limit Debate Before Amendment

§ 19.40 The Chair may recognize the manager of a bill to request a limit on debate on a pending portion of the bill before recognizing a Member to offer an amendment thereto.

On Dec. 4, 1979,[12] the following proceedings occurred in the Committee of the Whole during consideration of the Nuclear Regulatory Commission authorization bill (H.R. 2608):

THE CHAIRMAN:[13] Is there any further debate on the amendment offered by the gentleman from Virginia (Mr. Harris)? If not, the question is on the amendment offered by the gentleman from Virginia (Mr. Harris).

The amendment was agreed to.

THE CHAIRMAN: The Chair will indicate that we believe there is one additional amendment to be offered by the gentleman from Texas (Mr. Gonzalez).

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, then I would ask unanimous consent that all debate on this bill and all amendments thereto close at 4:15.

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

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous consent request was granted will be recognized for 10 seconds each.

The Chair recognizes the gentleman from Texas (Mr. Gonzalez).

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gonzalez: Page 11, after line 15, add the following new title:

TITLE IV—PROTECTION FOR INSPECTORS

Sec. 401. Section 1114 of Title 18, United States Code is amended by inserting "any construction inspector or quality assurance inspector on any Nuclear Regulatory Commission licensed project," after "Department of Justice.".

After debate on a point of order, Mr. Gonzalez made a parliamentary inquiry:

THE CHAIRMAN: . . . The gentleman from Texas (Mr. Gonzalez) is recognized for 40 seconds.

MR. GONZALEZ: Mr. Chairman, I would like now to interpose my parliamentary inquiry with regard to the time allotted me. . . .

Why should I be limited to a motion that was made subsequent to the knowledge that I had a pending amendment to offer?

Had I known that I would come under that limitation on a subsequent motion, though I had not been recognized for the purpose of amendment, because the gentleman from Arizona was recognized anticipatorily on a mo-

12. 125 CONG. REC. 34516, 34518, 34519, 96th Cong. 1st Sess.

13. Leon E. Panetta (Calif.).

tion I had no knowledge was going to be made. If I had known, I would have objected to the unanimous-consent request, because I wanted the opportunity to offer the amendment and be given at least 5 minutes, that is the customary time allotted a Member.

Let me say this, in order to avoid any kind of an argument. How much net time will I have to present this amendment?

THE CHAIRMAN: The gentleman has 1 minute and 20 seconds on his amendment. . . .

With regard to the parliamentary inquiry, the Chair would indicate that he first recognized the chairman, the gentleman from Arizona as manager of the bill, that the gentleman made a unanimous-consent agreement with regard to limitation of time and that there was no objection.

Therefore, the gentleman is recognized for 1 minute and 20 seconds on his amendment.

May Not Debate Amendment Not Yet Offered

§ 19.41 Only one amendment to a substitute may be pending at one time, and amendments which might be subsequently offered may not be debated while another amendment is pending.

On May 15, 1979,[14] during consideration of the Alaska National Interest Lands Conservation Act of 1979 (H.R. 39), the following proceedings occurred in the Committee of the Whole:

THE CHAIRMAN:[15] The question is on the amendments offered by the gentleman from Louisiana (Mr. Huckaby) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendments to the amendment in the nature of a substitute were agreed to.

MR. [PETER H.] KOSTMAYER [of Pennsylvania]: Mr. Chairman, I have two amendments.

THE CHAIRMAN: Are these amendments to the Merchant Marine Committee amendment?

MR. KOSTMAYER: To Udall-Anderson.

THE CHAIRMAN: There is already an amendment pending to the Udall substitute. Another amendment to the Udall substitute is not in order at this point.

MR. KOSTMAYER: Well, Mr. Chairman, they can be spoken on now and voted on later; is that correct?

THE CHAIRMAN: They are not in order at this time.

Recognition for Debate as Not Precluding Point of Order

§ 19.42 Mere recognition for debate on an amendment does not preclude a point of order against the amendment before the Member recognized has begun his remarks.

14. 125 CONG. REC. 11178, 96th Cong. 1st Sess.

15. Paul Simon (Ill.).

On July 30, 1955,[16] the House was considering a Consent Calendar bill under the five-minute rule. Mr. Clare E. Hoffman, of Michigan, offered an amendment and was recognized by Speaker Sam Rayburn, of Texas, to debate his amendment. Before Mr. Hoffman began his remarks, Mr. Henry S. Reuss, of Wisconsin, made a point of order against the amendment on the ground that it was not germane. Mr. H. R. Gross, of Iowa, made a point of order against the point of order on the ground that Mr. Hoffman was recognized before the point of order was made. The Speaker overruled the point of order, noting that Mr. Hoffman had not begun his remarks.

The Speaker then requested Mr. Reuss to reserve his point of order so that Mr. Hoffman could explain his amendment. Mr. Reuss did so until the conclusion of Mr. Hoffman's five minutes' time.

Chair's Discretion in Allocating Time

§ 19.43 Where debate on an amendment has been limited and equally divided between the proponent and a Member opposed, and the Chair has recognized the only Member seeking recognition in opposition to the amendment, no objection lies against that Member subsequently yielding back all the time in opposition.

On May 4, 1983,[17] the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons. House Joint Resolution 13 was being considered pursuant to a special rule agreed to on Mar. 16,[18] and a special rule providing for additional procedures for consideration, agreed to on May 4.[19] Mr. William S. Broomfield, of Michigan, rose in opposition[20] to an amendment[1] offered by Mr. Henry J. Hyde, of Illinois, to a substitute amendment:

> MR. BROOMFIELD: Mr. Chairman, I rise in opposition to the amendment.
>
> THE CHAIRMAN:[2] The gentleman is recognized for 15 minutes in opposition to the amendment, for purposes of debate only.
>
> MR. BROOMFIELD: Mr. Chairman, I yield back the balance of my time.

16. 101 CONG. REC. 12408, 84th Cong. 1st Sess.

17. 129 CONG. REC. 11077, 11078, 98th Cong. 1st Sess.

18. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.

19. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.

20. 129 CONG. REC. 11078, 98th Cong. 1st Sess.

1. *Id.* at p. 11077.

2. Matthew F. McHugh (N.Y.).

MR. HYDE: Mr. Chairman, I yield back the balance of my time and request a vote.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, we have 15 minutes in order to oppose the amendment?

THE CHAIRMAN: No one stood up on that side of the aisle, and the gentleman from Michigan (Mr. Broomfield) represented to the Chair that he opposed the amendment and was recognized for 15 minutes in opposition, and he yielded back the balance of his time, as did the gentleman from Illinois (Mr. Hyde). . . .

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I have a parliamentary inquiry. . . .

Mr. Chairman, my inquiry is this: This side, which opposes the amendment, has been foreclosed an opportunity, not on this amendment but on the previous amendment, to have 15 minutes in opposition to the amendment because a Member on that side who voted against an amendment that was hostile to the exact amendment said he was opposed to it.

My parliamentary inquiry is, Mr. Chairman, is that in order?

THE CHAIRMAN: As the Chair previously explained, no one on the majority side of the aisle rose in opposition to that amendment. The Chair looked to the other side of the aisle and the gentleman from Michigan (Mr. Broomfield) rose, represented that he was in opposition to the amendment and was recognized.

Parliamentarian's Note: Had another Member also been seeking to control time in opposition at the time the first Member was recognized and yielded back, the Chair would have allocated the time to that Member so that it could have been utilized.

Chair Does Not Distinguish as Between Members of Full Committee and Subcommittee

§ 19.44 The Chair in giving preference of recognition to members of a committee reporting a bill does not distinguish between members of the full committee and members of the subcommittee which handled the bill.

On Apr. 7, 1943,[3] Chairman Luther A. Johnson, of Texas, recognized Mr. Frank B. Keefe, of Wisconsin, in opposition to a pro forma amendment. Mr. Keefe was a member of the Committee on Appropriations, which had reported the pending bill. Mr. John H. Kerr, of North Carolina, objected that he sought recognition as a member of the subcommittee which had handled the bill. The Chairman stated as follows on the priority of recognition:[4]

As the Chair understands it, a member of the Committee on Appropria-

3. 89 CONG. REC. 3067, 78th Cong. 1st Sess.

4. Compare § 13.7, supra (Chairman extended priority to offer amendments to members of subcommittee handling a bill).

tions has the same right as those who are members of that committee who happen to be members of a subcommittee. That is the parliamentary procedure, as the Chair understands it. The Chair has recognized the gentleman from Wisconsin. Had he not done so, he certainly would have recognized the gentleman from North Carolina.

Extending Five-minute Debate—Proponent of Amendment Offering Pro Forma Amendment

§ 19.45 Under the five-minute rule, the proponent of a pending amendment may offer a pro forma amendment thereto (for additional debate time) only by unanimous consent.

During consideration of the nuclear weapons freeze resolution (H.J. Res. 13) in the Committee of the Whole on Apr. 13, 1983,[5] the following proceedings occurred:

MR. [ELLIOTT C.] LEVITAS [of Georgia]: Mr. Chairman, I move to strike the requisite number of words.

THE CHAIRMAN:[6] Without objection, the gentleman from Georgia (Mr. Levitas) is recognized for 5 minutes. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, does the gentleman from Georgia (Mr. Levitas) have an amendment pending?

THE CHAIRMAN: The gentleman from New York is correct. The gentleman from Georgia has an amendment in the nature of a substitute to the text pending.

MR. STRATTON: Well, is it proper to strike the last word on one's own amendment?

THE CHAIRMAN: The gentleman asked for recognition, and without objection, he was recognized for 5 minutes.

Parliamentarian's Note: Technically, the proponent may rise in opposition to a pro forma amendment offered by another Member in order to secure an additional five minutes.

Where Five-minute Debate Continues on Subsequent Day—Proponent May Speak Again Only by Unanimous Consent

§ 19.46 When the Committee of the Whole resumes consideration of an amendment which had been debated by its proponent on a prior day, the proponent may speak again on his amendment only by unanimous consent.

The following proceedings occurred in the Committee of the Whole on Dec. 12, 1979,[7] during consideration of S. 423 (Dispute Resolution Act):

THE CHAIRMAN:[8] . . . When the Committee of the Whole rose on Tues-

5. 129 CONG. REC. 8382, 98th Cong. 1st Sess.
6. Matthew F. McHugh (N.Y.).
7. 125 CONG. REC. 35529, 96th Cong. 1st Sess.
8. Gladys Noon Spellman (Md.).

day, December 11, 1979, section 3 had been considered as having been read and open to amendment at any point, and pending was an amendment offered by the gentleman from Ohio (Mr. Kindness).

For what purpose does the gentleman from Ohio (Mr. Kindness) rise?

MR. [THOMAS N.] KINDNESS [of Ohio]: Madam Chairman, I move to strike the requisite number of words.

MR. [ROBERT W.] KASTENMEIER [of Wisconsin]: Madam Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KASTENMEIER: Madam Chairman, has the gentleman from Ohio (Mr. Kindness) not already been recognized to speak for 5 minutes on his amendment? I believe he has already spoken on his amendment during the course of this debate.

THE CHAIRMAN: The gentleman is correct.

Without objection, the gentleman from Ohio (Mr. Kindness) is recognized for 5 additional minutes in support of his amendment.

MR. KASTENMEIER: Madam Chairman, reserving the right to object, I will not make an objection, but I do note that this is the second time the gentleman has spoken on his amendment.

Madam Chairman, I withdraw my reservation of objection.

THE CHAIRMAN: Without objection, the gentleman from Ohio (Mr. Kindness) is recognized for 5 minutes in support of his amendment.

There was no objection.

Speaking Twice on Same Amendment

§ 19.47 While a Member may not speak twice on the same amendment, he may speak in opposition to a pending amendment and subsequently offer a pro forma amendment and debate the latter.

On June 30, 1955,[9] Mr. James P. Richards, of South Carolina, was managing a bill under consideration in the Committee of the Whole. He had spoken in opposition to a pending amendment and had then gained the floor by offering a pro forma amendment. Mr. H. R. Gross, of Iowa, objected that Mr. Richards could not speak twice on the same amendment. Chairman Jere Cooper, of Tennessee, ruled that Mr. Richards properly had the floor and could offer a pro forma amendment, gaining time for debate, where he had already spoken in opposition to the pending amendment.[10]

§ 19.48 While a Member may not be recognized to speak twice on the same amendment, he may rise in opposition to a pro forma amendment and accomplish that result.

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9. 101 CONG. REC. 9614, 84th Cong. 1st Sess.

10. For the prohibition against one Member speaking twice to the same question, see Rule XIV clause 6, *House Rules and Manual* § 762 (1995). On speaking twice to an amendment under the five-minute rule, see § 21, infra.

On July 20, 1951,[11] Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry on recognition to debate amendments in the Committee of the Whole:

MR. [JESSE P.] WOLCOTT [of Michigan]: Mr. Chairman, is it in order for a Member to talk twice on the same amendment?

THE CHAIRMAN: A Member may rise in opposition to a pro forma amendment and accomplish that result, if he desires to do so.

§ 19.49 In the Committee of the Whole the Member in charge of the bill having spoken on an amendment may be recognized to speak again on the amendment when debate under the five-minute rule has been limited, abrogating the five-minute rule.

On Nov. 14, 1967,[12] Mr. Carl D. Perkins, of Kentucky, manager of a bill being considered in the Committee of the Whole, moved that all debate on the pending amendment conclude at a certain time, and the motion was agreed to. Chairman John J. Rooney, of New York, answered a parliamentary inquiry on the allocation of time under the limitation:

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ERLENBORN: I have noticed in the past, and again at this time, that when a unanimous-consent request to limit debate has been made, Members who have already been recognized to debate the issue are again recognized under the unanimous-consent limitation. I wonder if this is in order. The Chairman just announced that the gentleman from Kentucky, the chairman of the committee, would be recognized again, though he has already debated on this amendment. I wonder if Members can be recognized for a second time to debate the same amendment merely because a unanimous-consent request is made to limit time.

THE CHAIRMAN: The Chair must say to the gentleman that when the unanimous-consent request was made and agreed to it abrogated the 5-minute rule.

Recognition for Debate Where Amendment Tree Is Full

§ 19.50 Where there is pending an amendment in the nature of a substitute, a substitute therefor, an amendment to the original amendment and an amendment to the substitute, a Member may be recognized to debate the amendment to the substitute either prior or subsequent to the first vote on the amendment to the amendment in the nature of a substitute.

11. 97 CONG. REC. 8566, 82d Cong. 1st Sess.
12. 113 CONG. REC. 32343–44, 90th Cong. 1st Sess.

On Oct. 1, 1974,[13] during consideration of House Resolution 988 (to reform the structure, jurisdiction, and procedures of House committees) in the Committee of the Whole, the Chair responded to the following parliamentary inquiries:

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

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

MR. ECKHARDT: Mr. Chairman, do I understand correctly that the Thompson amendment is to the Hansen substitute, and that no other amendment would be in order to that amendment in the nature of a substitute until the Thompson amendment is voted upon?

THE CHAIRMAN: The Chair would like to inform the gentleman that he is correct. No additional amendments to the Hansen amendment in the nature of a substitute are in order until the Thompson amendment is voted on.

Further, the Chair would like to advise the gentleman that no additional amendments to the Martin substitute are in order until the Sullivan amendment is voted upon.

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

THE CHAIRMAN: The gentleman will state it.

MR. ECKHARDT: Mr. Chairman, would I be protected in supporting the Sullivan amendment if I should wait and postpone asking for recognition until after the Thompson amendment has been disposed of?

THE CHAIRMAN: The Chair would like to inform the gentleman that he has a choice but that he can at this time debate the Sullivan amendment, and the Chair would recognize the gentleman for that purpose.

MR. ECKHARDT: I thank the Chairman.

THE CHAIRMAN: The Chair recognizes the gentleman from Texas.

MR. ECKHARDT: Mr. Chairman, I move to strike the requisite number of words.

§ 19.51 Where there was pending an amendment in the nature of a substitute, a substitute therefor and an amendment to the substitute, and debate had been limited on the substitute and all amendments thereto but not on the original amendment or amendments thereto, the Chair indicated that (1) further amendments to the substitute or modifications of the substitute by unanimous consent must await disposition of the pending amendment to the substitute; (2) amendments to the original amendment could be offered and debated under the five-minute rule and would be voted on before amendments to the substitute; (3) amendments to the substitute could

13. 120 CONG. REC. 33338, 93d Cong. 2d Sess.

14. William H. Natcher (Ky.).

be offered and voted upon without debate unless printed in the Record pursuant to clause 6 of Rule XXIII; and (4) the question would not be put on the substitute until all perfecting amendments to it and to the original amendment were disposed of.

During consideration of the Natural Gas Emergency Act of 1976 (H.R. 9464) in the Committee of the Whole on Feb. 5, 1976,[15] the following proceedings occurred:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent that all debate on the Smith amendment and all amendments thereto terminate immediately upon the conclusion of consideration of the amendment offered by the gentleman from Texas (Mr. Eckhardt).

THE CHAIRMAN:[16] Is there objection to the request of the gentleman from Michigan?

There was no objection. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, as I understood it, the unanimous-consent request of the gentleman from Michigan (Mr. Dingell) was that all debate on the Smith substitute amendment cease after the disposition of the Eckhardt amendment. The Eckhardt amendment would be the pending business then, and immediately after the determination of the Eckhardt amendment, we would vote on the Smith amendment. Is that not correct? . . .

THE CHAIRMAN: Let the Chair add this: the Chair has said it once, and would like to say it again. Before we vote on the Smith substitute, amendments to the Krueger amendment are debatable if offered.

MR. BROWN of Ohio: I understand that, Mr. Chairman. My questions were with reference only to how we get to the Smith amendment.

THE CHAIRMAN: The point that the Chair is trying to make, regardless of what agreements are reached, is that until the Krueger amendment is finally perfected to the satisfaction of the Committee, the Chair cannot put the question on the Smith substitute. . . .

There has been no limitation of debate on the Krueger amendment or amendments thereto. The basic parliamentary situation is that we have a substitute amendment for the amendment in the nature of a substitute, the Krueger amendment. Both of those are subject to amendment, but both must be perfected before the Chair can put the question on the substitute for the amendment in the nature of a substitute.

MR. BROWN of Ohio: With respect to the unanimous-consent request of the gentleman from Michigan (Mr. Dingell), the Eckhardt amendment is still to be voted upon, and then there are to be no other amendments to the Smith amendment?

THE CHAIRMAN: There is to be no further debate on such amendments. . . .

15. 122 CONG. REC. 2646–48, 94th Cong. 2d Sess.

16. Richard Bolling (Mo.).

MR. BROWN of Ohio: Mr. Chairman, if my time still applies, I would like to ask the Chair to state the circumstances. If I may, before the Chair does that, I would like to ask the question this way: As the situation stands at this moment, the Krueger amendment is still perfectable by amendments under the normal course of time, and there is no limitation on the Krueger amendment.

The Smith amendment, however, can be perfected only by the vote on the Eckhardt amendment, and then if there are other amendments to the Smith amendment there is no debate time remaining on those amendments.

Is that correct?

THE CHAIRMAN: Unless they are printed in the Record.

MR. BROWN of Ohio: And if they are printed in the Record, the debate time is 5 minutes per side pro and con. Is that correct?

THE CHAIRMAN: That is correct.

MR. BROWN of Ohio: And they must be printed as amendments to the Smith amendment. Is that correct?

THE CHAIRMAN: That is correct. . . .

MR. [ROBERT] KRUEGER [of Texas]: . . . Mr. Chairman, my question is this: We will vote first on the Eckhardt amendment to the Smith substitute?

THE CHAIRMAN: That is right.

MR. KRUEGER: Following that, there will then be a vote without further debate on the Smith substitute, or no?

THE CHAIRMAN: The Chair cannot say, because if there were amendments printed in the Record, there can be both an amendment offered and debate on the amendment. If there were no amendments that were qualified for debate by being printed in the Record, they could not be offered and voted on without debate.

But if they are offered to the Krueger amendment in the nature of a substitute, they would both be considered and would be debatable under the 5-minute rule.

MR. KRUEGER: Mr. Chairman, does the 5-minute rule apply also to any possible amendments to the Smith substitute?

THE CHAIRMAN: The 5-minute rule applies only to amendments to the Smith amendment which has been printed in the Record. Other amendments to the Smith amendment do not have debate time; they are just voted on.

§ 19.52 Where there was pending an amendment in the nature of a substitute for a bill and the permissible degree of amendments thereto, the Chair indicated in response to parliamentary inquiries: (1) that a motion to limit debate on the amendment in the nature of a substitute and all amendments thereto was in order although the bill itself had not been read; (2) that amendments printed in the Record would be debatable for 10 minutes notwithstanding the limitation; and (3) that all Members would be allocated equal time under the limitation regardless of committee membership but that Members

seeking to offer amendments could be first recognized.

The proceedings in the Committee of the Whole relating to consideration of H.R. 13367 (a bill to amend and extend the State and Local Fiscal Assistance Act of 1972) on June 10, 1976,[17] were as follows:

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I move that all debate on the Brooks amendment and all amendments thereto end by 6 p.m. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . I do not remember the bill being open at any point to amendment.

THE CHAIRMAN:[18] The motion of the gentleman from New York, as the Chair understood it, was that all debate on the Brooks amendment and all amendments thereto end at 6 p.m.

MR. BAUMAN: So that the motion is in order?

THE CHAIRMAN: The motion is in order. It is limited to the Brooks amendment and amendments thereto.

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LONG of Maryland: Mr. Chairman, of course I believe it is understood that this does not apply to any amendments that are printed in the Congressional Record?

THE CHAIRMAN: Under the rules of the House, it does not apply to those amendments. . . .

MR. [J. J.] PICKLE [of Texas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. PICKLE: Mr. Chairman, under the proposed time limitation, would the Chair tend to recognize a Member who is not a member of the committee? For instance, the gentleman from Washington (Mr. Adams) has an important amendment, and if he is not recognized within the time limitation, would the chairman of the committee let the gentleman be recognized?

MR. [JACK] BROOKS [of Texas]: I do not have control of the time. I think the answer, obviously, is that he will be recognized.

THE CHAIRMAN: The Chair will state that under limitation of time committee members no longer have priority in seeking recognition. Time is equally allocated.

So the motion was agreed to.

THE CHAIRMAN: Members standing at the time the motion was made will be recognized for approximately 1 minute and 55 seconds each.

Debate Where Point of Order Is Reserved

§ 19.53 Once a point of order has been reserved against an amendment and debate has commenced under the five-minute rule, the Chair will permit the proponent of the amendment to utilize the time allotted him before hearing arguments on the point of order.

17. 122 CONG. REC. 17380, 17381, 94th Cong. 2d Sess.

18. Gerry E. Studds (Mass.).

The following proceedings occurred in the Committee of the Whole on Mar. 21, 1979:[19]

THE CHAIRMAN:[20] When the Committee rose on Tuesday, March 20, 1979, the gentleman from New York (Mr. Weiss) had been recognized to offer an amendment.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Weiss: Page 3, insert after line 5 the following:

Sec. 5. (a) Section 3(b) of the Council on Wage and Price Stability Act is amended by striking out "Nothing in this Act" and inserting in lieu thereof "Except as provided in section 8, nothing in this Act". . . .

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Moorhead) will be protected on his reservation of the point of order.

MR. [TED] WEISS [of New York]: Mr. Chairman, I rise to speak on the amendment. . . .

Mr. Chairman, I am today offering an amendment to H.R. 2283, the Council on Wage and Price Stability Reauthorization Act.

My amendment would give the President standby authority to impose wage, price, and related economic controls. . . .

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I would now like to insist on my point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The Chair will point out that the time is under the control of the gentleman from New York (Mr. Weiss).

MR. WEISS: Mr. Chairman, the gentleman from Pennsylvania (Mr. Marks) had asked if I would yield to him, and I am pleased to yield to him at this point.

MR. [MARC LINCOLN] MARKS [of Pennsylvania]: Mr. Chairman, I thank the gentleman for yielding. . . .

THE CHAIRMAN: The time of the gentleman from New York (Mr. Weiss) has expired.

The Chair will recognize the gentleman from Pennsylvania (Mr. Moorhead). . . .

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

Recognition To Speak in Support of Amendment Before Another Recognized To Offer Substitute

§ 19.54 Under the five-minute rule, a Member is entitled to recognition in support of his amendment prior to recognition of another Member to offer, and speak, to a substitute therefor.

On July 17, 1962,[1] Mr. Wayne N. Aspinall, of Colorado, offered

19. 125 CONG. REC. 5779–81, 96th Cong. 1st Sess.

20. Butler Derrick (S.C.).

1. 108 CONG. REC. 13795, 87th Cong. 2d Sess.

an amendment to the pending bill, which was being read for amendment under the five-minute rule in the Committee of the Whole. Chairman B. F. Sisk, of California, recognized Mr. Aspinall. Mr. James E. Van Zandt, of Pennsylvania, then inquired whether it was in order at that time to offer a substitute amendment (before Mr. Aspinall had begun his remarks). Chairman Sisk indicated that Mr. Van Zandt could not be recognized until Mr. Aspinall had had an opportunity to be heard on his amendment.

Recognizing Member Favoring Committee Amendment Before One Opposed

§ 19.55 In recognizing members of the committee reporting a bill, the Chair generally recognizes a member in favor of a committee amendment prior to recognizing a member thereof who is opposed.

On Jan. 30, 1957,[2] the Committee of the Whole was considering House Joint Resolution 117, to authorize the President to cooperate with nations of the Middle East, under a resolution permitting only committee amendments (Committee on Foreign Affairs). A committee amendment was offered, and Mr. Wayne L. Hays, of Ohio, a member of the committee, rose in opposition to the amendment. Pursuant to a point of order, Chairman Jere Cooper, of Tennessee, extended recognition to Mr. Frank M. Coffin, of Maine, a member of the committee who authored and supported the amendment.

Recognition To Oppose Amendments—Debate on Amendment Printed in Record in Addition to Speaking Under Limitation on Time

§ 19.56 Pursuant to Rule XXIII clause 6, a Member may be recognized for five minutes in opposition to an amendment which had been printed in the Record and debated by its proponent for five minutes, notwithstanding a prior allocation of time to that Member under a limitation on the pending proposition and all amendments thereto.

On July 25, 1974,[3] during consideration of the Surface Mining Control and Reclamation Act of 1974 (H.R. 11500) in the Committee of the Whole, the Chair

2. 103 Cong. Rec. 1311, 85th Cong. 1st Sess.

3. 120 Cong. Rec. 25221, 25222, 93d Cong. 2d Sess.

overruled a point of order, as follows:

> MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.
>
> MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I have a point of order.
>
> THE CHAIRMAN:[4] The gentleman will state his point of order.
>
> MR. HOSMER: Mr. Chairman, the gentleman from Arizona has spoken for a minute and 20 seconds already.
>
> THE CHAIRMAN: The Chair will state that under the rule, when the amendment has been printed in the Record, the author of the amendment gets 5 minutes in support of his amendment and an opponent gets 5 minutes in opposition to the amendment, regardless of a time limitation.
>
> The Chair overrules the point of order.

Debate in Opposition to Amendment to Bill on Private Calendar—Recognition of Member of Committee

§ 19.57 Recognition for debate in opposition to an amendment to a bill on the Private Calendar goes first to a member of the committee reporting the bill.

On Dec. 14, 1967,[5] during the call of the Private Calendar, Speaker John W. McCormack, of Massachusetts, extended recognition to oppose an amendment to a private bill to Mr. Michael A. Feighan, of Ohio, a member of the reporting committee, over Mr. Durward G. Hall, of Missouri, not a member of the committee, and stated "a member of the committee is entitled to recognition."

Recognition After Rejection of Previous Question

§ 19.58 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down, the resolution would be open to amendment, and that the Chair would recognize for that purpose the Member who appeared to be leading the opposition.

On Oct. 19, 1966,[6] Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour and offered a committee amendment to the resolution, which amendment was agreed to.

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4. Neal Smith (Iowa).

5. 113 CONG. REC. 36535–37, 90th Cong. 1st Sess.

6. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries on the order of recognition should Mr. Pepper move the previous question and should the motion be defeated:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate. . . .

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Speaker, if the previous question is refused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?

THE SPEAKER: The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.

MR. FULTON of Pennsylvania: What would be the time for debate?

THE SPEAKER: Under those circumstances the Member recognized in opposition would have 1 hour at his disposal, or such portion of it as he might desire to exercise.

MR. [CORNELIUS E.] GALLAGHER [of New Jersey]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GALLAGHER: If the previous question is voted down we will have the option to reopen debate, the resolution will be open for amendment, or it can be tabled. Is that the situation as the Chair understands it?

THE SPEAKER: If the previous question is voted down on the resolution, the time will be in control of some Member in opposition to it, and it would be open to amendment or to a motion to table.[7]

§ 19.59 If the previous question is voted down on a resolution before the House, recognition to offer an amendment passes to the opponents of the resolution, and the Chair first recognizes a Member of the minority party, if opposed.

On July 20, 1939,[8] Mr. Howard W. Smith, of Virginia, managing a resolution to authorize an investigation, moved the previous question on the resolution. Speaker William B. Bankhead, of Alabama, answered parliamentary inquiries on the order of recognition to be followed should the previous question be rejected:

MR. [VITO] MARCANTONIO [of New York]: If the previous question is voted down, will that open up the resolution to amendment?

THE SPEAKER: Undoubtedly.

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7. The rule requiring recognition to pass to the opposition after rejection of the previous question is subject to one exception (see § 15.22, supra).

8. 84 CONG. REC. 9591, 9592, 76th Cong. 1st Sess.

MR. SMITH of Virginia: A further parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. SMITH of Virginia: If I understand the situation correctly, if the previous question is voted down, the control of the measure would pass to the gentleman from Illinois [Mr. Keller]; and the resolution would not be open to amendment generally, but only to such amendments as the gentleman from Illinois might yield for. Is my understanding correct, Mr. Speaker?

THE SPEAKER: If the previous question is voted down, it would not necessarily pass to the gentleman from Illinois; it would pass to the opponents of the resolution. Of course, a representative of the minority would have the first right of recognition.

Rejection of Previous Question Prior to Adoption of the Rules—Seating of Member-elect

§ 19.60 Recognition to offer an amendment to a resolution called up prior to the adoption of rules and relating to the seat of a Member-elect passes to a Member leading the opposition to the resolution if the previous question is rejected.

On Jan. 10, 1967,[9] at the convening of the 90th Congress and before the adoption of standing rules, Mr. Morris K. Udall, of Arizona, called up a resolution (H. Res. 1), authorizing the Speaker to administer the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Pending debate on the resolution, Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the procedure of consideration and recognition for the resolution:

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a further parliamentary inquiry. . . .

Mr. Speaker, if the previous question is voted down would, then, under the rules of the House, amendments or substitutes be in order to the resolution offered by the gentleman from Arizona [Mr. Udall]?

THE SPEAKER: The Chair will state to the gentleman from Louisiana [Mr. Waggonner] that any germane amendment may be in order to that particular amendment.

MR. WAGGONNER: Mr. Speaker, one further parliamentary inquiry. . . .

Mr. Speaker, under the rules of the House would the option or priority or a subsequent amendment or a substitute motion lie with the minority?

THE SPEAKER: The Chair will pass upon that question based upon the rules of the House. That would be a question that would present itself to the Chair at that particular time.

. . . However, the usual procedure of the Chair has been to the effect that

9. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

the Member who led the fight against the resolution will be recognized.

Mr. Udall moved the previous question on the resolution, and the motion was rejected.

Speaker McCormack then recognized Gerald R. Ford, of Michigan, the Minority Leader, to offer an amendment in the nature of a substitute to the resolution.[10]

§ 20. For Points of Order and Debate Thereon; Objections and Inquiries; Calls of the House

Procedural issues, which manifest themselves in points of order, parliamentary inquiries, responses to requests or motions put by the Chair, are, as a rule, not subject to debate. Whatever debate or dialogue ensues is for the benefit of the Chair, and occurs under the control of the Chair, who can refuse to recognize for debate at all or can curtail it when he has heard sufficient argument.

Cross References

Call to order for disorderly debate, see §§ 48 et seq., infra.

Objections to reading of papers, see §§ 81 et seq., infra.

Parliamentary inquiries in general, see Ch. 31, infra.

Point of no quorum in general, see Ch. 20, supra.

Points of order generally, see Ch. 31, infra.

Points of order against amendments, see Chs. 27, 28, supra.

Points of order against appropriation bills, see Chs. 25, 26, supra.

Points of order against conference reports, see Ch. 33, infra.

Points of order against improperly yielding time, see §§ 29–31, infra.

Points of order against Senate amendments, see Ch. 32, infra.

Question of consideration and objection to consideration, see § 5, supra.

Reservations of objection entertained in Speaker's discretion, see § 9, supra.

Yielding for parliamentary inquiries, see § 29, infra.

Parliamentary Inquiries: Recognition Within Discretion of Chair

§ 20.1 Recognition for the purpose of propounding a parliamentary inquiry is within the discretion of the Chair.

On Oct. 8, 1968,[11] the Clerk was reading the Journal when Mr.

10. *Id.* at pp. 24–26.

11. 114 CONG. REC. 30214–16, 90th Cong. 2d Sess.

At the time of this ruling, consideration of a bill (S.J. Res. 175), to suspend for the 1968 campaign the equal-time requirements for nominees for the offices of President and Vice President, was being delayed by roll calls. Consideration was delayed for 23 hours.

Robert J. Dole, of Kansas, attempted to raise a parliamentary inquiry. Speaker John W. McCormack, of Massachusetts, stated he would not "entertain any more parliamentary inquiries at this time."

On Dec. 13, 1932,[12] Mr. Louis T. McFadden, of Pennsylvania, rose to a question of "constitutional privilege" and offered a resolution of impeachment of President Herbert Hoover. The resolution was read by the Clerk. Mr. William H. Stafford, of Wisconsin, interrupted the reading of the resolution and asked whether the Chair would entertain a parliamentary inquiry.

Mr. Thomas L. Blanton, of Texas, objected that it was improper to disturb the reading of the resolution by a parliamentary inquiry and that only a point of order "would reach the matter."

Speaker John N. Garner, of Texas, stated:

> That is in the discretion of the Chair. The Chair will recognize the gentleman from Wisconsin to make a parliamentary inquiry.

In response to Mr. Stafford's inquiry, the Speaker stated that the question of consideration could not be raised until the resolution was read in full. Following the reading of the resolution, it was laid on the table.[13]

On June 8, 1972,[14] Speaker Carl Albert, of Oklahoma, declined to entertain a parliamentary inquiry not related to the pending question (which was the previous question on a conference report):

> MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I do want to point out that we have most important provisions affecting the Vocational Educational Act of 1963. Certain of those programs will expire unless the conference report is adopted.
>
> Mr. Speaker, I move the previous question.
>
> MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: Does the gentleman's parliamentary inquiry relate to the previous question?
>
> MR. WAGGONNER: Mr. Speaker, it does not relate to the vote on the previous question.
>
> THE SPEAKER: The question is on ordering the previous question.
>
> The previous question was ordered.

Parliamentarian's Note: Where no Member has the floor for debate, it is solely within the Chair's discretion as to whether he will recognize a Member for a parliamentary inquiry, but where a

12. 76 CONG. REC. 399–402, 72d Cong. 2d Sess.

13. For the discretion of the Chair over recognition, see § 9, supra.

14. 118 CONG. REC. 20339, 20340, 92d Cong. 2d Sess.

Member has been recognized for debate, another Member can raise a parliamentary inquiry only if yielded to for that purpose, and the time consumed by the inquiry and the Chair's response comes out of the time allotted to the Member having the floor.

Parliamentary Inquiry During Call of Roll

§ 20.2 On one occasion, the Speaker recognized Members to propound parliamentary inquiries during a call of the roll, relating to the pending vote.

On Oct. 12, 1962,[15] Mr. Clarence Cannon, of Missouri, objected to the vote on a pending appropriation bill on the ground that a quorum was not present. During an extended call of the roll, Speaker John W. McCormack, of Massachusetts, entertained a number of parliamentary inquiries and clarified the nature and effect of the pending question.

Parliamentarian's Note: The House was kept in session on this date in order that the two Houses might reach agreement on important issues before the adjournment *sine die.* A quorum was not attained and the House met on the following day.

15. 108 Cong. Rec. 23423–43, 87th Cong. 2d Sess.

Parliamentary Inquiry During Reading of Journal

§ 20.3 The Speaker entertained a parliamentary inquiry during the reading of the Journal.

On Apr. 9, 1964,[16] while the Journal was being read, Speaker John W. McCormack, of Massachusetts, entertained a parliamentary inquiry by Mr. Charles A. Halleck, of Indiana. The Speaker advised Mr. Halleck that he could gain recognition to speak briefly at that time by unanimous consent. Without objection, Mr. Halleck was recognized for one minute to discuss the scheduling of debate on a bill.

Parliamentary Inquiry Moot Where Speaker Had Recognized Member To Withdraw Resolution

§ 20.4 The Speaker, having recognized one Member to propound a parliamentary inquiry on the status of a resolution as "unfinished business," then recognized another Member to withdraw the resolution, thereby eliminating the reason for the inquiry.

16. 110 Cong. Rec. 7356, 88th Cong. 2d Sess.

On Apr. 8, 1964,[17] the House was considering House Resolution 665, providing for taking a bill from the Speaker's table and agreeing to Senate amendments thereto. Before a vote was had on the resolution, Speaker John W. McCormack, of Massachusetts, declared a recess pending the receipt of another bill, H.R. 10222, the Food Stamp Act of 1964. When the House reconvened, the Speaker announced that the unfinished business was the reading of the latter bill. Mr. Oliver P. Bolton, of Ohio, raised a parliamentary inquiry as to the status of the resolution pending at the recess and the Speaker, without responding to the inquiry, recognized Mr. Richard Bolling, of Missouri, the proponent of the resolution, who then withdrew the resolution from consideration. In answer to further parliamentary inquiries, the Speaker stated that the withdrawal of the resolution terminated the reason for the parliamentary inquiry and that the Speaker retained the discretion to recognize for a parliamentary inquiry and then to decline to respond where the inquiry became moot.[18]

17. 110 CONG. REC. 7302–04, 88th Cong. 2d Sess.

18. See § 9.50, supra, for the Chair's discretion to decline to recognize for hypothetical questions.

Member Having Floor Need Not Yield for Parliamentary Inquiry

§ 20.5 A Member may not be interrupted by another Member for a parliamentary inquiry without his consent and if the Member who has the floor refuses to yield and demands regular order the Chair will not recognize another Member to propound a parliamentary inquiry.

On July 8, 1975,[19] the proceedings described above occurred in the Committee of the Whole, as follows:

> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Dingell to the amendment in the nature of a substitute offered by Mr. Hébert: . . .
>
> MR. DINGELL: Mr. Chairman, this is an amendment about which my colleagues have received communications in the last few days from the Sierra Club and from other nationwide conservation organizations. . . .
>
> MR. [DON] YOUNG of Alaska: Mr. Chairman, I have a point of order to the germaneness of this amendment.
>
> MR. DINGELL: Mr. Chairman, I do not yield for the point of order. The point of order is too late.

19. 121 CONG. REC. 21628, 94th Cong. 1st Sess.

THE CHAIRMAN:[20] The Chair rules that the point of order is too late.

MR. YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

MR. DINGELL: Mr. Chairman, may we have the regular order. . . .

THE CHAIRMAN: The gentleman from Michigan (Mr. Dingell) refuses to yield.

MR. YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: That could only be made before the gentleman from Michigan was recognized with respect to his amendment. . . .

MR. DINGELL: Mr. Chairman, I ask for the regular order.

THE CHAIRMAN: The gentleman from Michigan (Mr. Dingell) refuses to yield.

Under regular order, the gentleman from Michigan (Mr. Dingell) is recognized.

Recognition for Parliamentary Inquiry—May Not Offer Amendment

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

On Mar. 12, 1964,[1] Chairman Chet Holifield, of California, ruled that where a Member was recognized for a parliamentary inquiry, recognition was limited to that purpose and that the Member so recognized could not then offer an amendment:

MR. [AUGUST E.] JOHANSEN [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JOHANSEN: I direct this inquiry to the Chair as to whether it will be in order if I secure recognition to offer an amendment to the amendment in the nature of a substitute for the amendment offered by the gentleman from Ohio.

THE CHAIRMAN: Of course, the gentleman, if he is recognized, may offer an amendment.

MR. [JAMES H.] MORRISON [of Louisiana]: A parliamentary inquiry, Mr. Chairman. The gentleman secured recognition first and asked the parliamentary inquiry.

THE CHAIRMAN: The gentleman has not been recognized, except for a parliamentary inquiry.

MR. MORRISON: The gentleman has a substitute amendment.

THE CHAIRMAN: The gentleman made the parliamentary inquiry as to whether he could offer an amendment, and the Chair responded that the gentleman could offer an amendment if he was recognized.

Member Recognized for Parliamentary Inquiry May Not Yield

§ 20.7 Recognition for a parliamentary inquiry is within the discretion of the Chair, and a Member so recognized

20. Neal Smith (Iowa).

1. 110 CONG. REC. 5140, 88th Cong. 2d Sess.

may not yield to other Members.

On Mar. 16, 1988,[2] the following proceedings occurred in the House:

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

Mr. Speaker, I was just in my office viewing the proceedings here, and during one of the proceedings, when the gentleman from California [Mr. Dornan] was addressing the House, it was drawn to my attention that the Speaker requested that Mr. Dornan's microphone be turned off, upon which Mr. Dornan's microphone was turned off.

Mr. Speaker, my inquiry of the Chair is: Under what rule does the Speaker decide to gag opposite Members of the House? . . .

THE SPEAKER PRO TEMPORE:[3] The Chair is referring to Mr. Dornan. He requested permission of the Chair to proceed for 1 minute, and that permission was granted by the House. Mr. Dornan grossly exceeded the limits and abused the privilege far in excess of 1 minute, and the Chair proceeded to restore order and decorum to the House. . . .

MR. GREGG: . . . I have not heard the Chair respond to my inquiry which is what ruling is the Chair referring to which allows him to turn off the microphone of a Member who has the floor?

THE SPEAKER PRO TEMPORE: Clause 2 of rule I.

MR. GREGG: Mr. Speaker, I would ask that that rule be read. I would ask that that rule be read, Mr. Speaker. . . .

THE SPEAKER PRO TEMPORE: It reads, 2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. . . .

MR. GREGG: My parliamentary inquiry is that I want to know how the Chair can specifically turn off the microphone and what rule the Chair does it under, because the Chair has not answered that question.

THE SPEAKER PRO TEMPORE: The Chair has responded to the parliamentary inquiry of the gentleman from New Hampshire.

MR. GREGG: Mr. Speaker, I reserve my time, and yield to the gentlewoman from Illinois [Mrs. Martin]. . . .

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

Parliamentary Inquiry Is Not Intervening Business That Would Preclude Right To Demand Recorded Vote

§ 20.8 A parliamentary inquiry relating to a pending motion occurring after the Chairman of the Committee of the Whole has announced the results of a voice vote does not constitute such intervening business as to preclude the right of a Member to demand

2. 134 CONG. REC. 4084, 4085, 100th Cong. 2d Sess.

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

a recorded vote on the pending motion.

On July 26, 1984,[4] the Committee of the Whole had under consideration H.R. 11, the Education Amendments of 1984. A motion was made to limit debate:

MR. [CARL D.] PERKINS [of Kentucky]: Then, Mr. Chairman, I move that all debate on the Coats amendment, all substitutes and all amendments thereto, be concluded at 2 p.m.

THE CHAIRMAN PRO TEMPORE:[5] The question is on the motion offered by the gentleman from Kentucky.

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

MR. [WILLIAM F.] GOODLING [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. GOODLING: I want to make sure the motion was talking only about this portion of this bill.

MR. PERKINS: This does not include the Goodling amendment, Mr. Chairman. This does not include the Goodling amendment, the funding of the school programs.

MR. [ROBERT S.] WALKER [of Pennsylvania]: I want to get a record vote.

THE CHAIRMAN PRO TEMPORE: This motion referred to the Coats amendment and all amendments thereto.

MR. WALKER: That is right, and I want a record vote on the ruling of the Chair.

THE CHAIRMAN PRO TEMPORE: Those in favor of taking this by recorded vote.

MR. WALKER: Pending that, Mr. Chairman, I make the point of order that a quorum is not present.

MR. [RICHARD J.] DURBIN [of Illinois]: Mr. Chairman, a point of order.

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

MR. DURBIN: Is it my understanding there was intervening business between the vote which was taken orally, the parliamentary inquiry made by the gentleman?

THE CHAIRMAN PRO TEMPORE: The intervening business was a parliamentary inquiry that was related to the motion, and no independent business has been taken up.

MR. DURBIN: As a further parliamentary inquiry of the Chair, does not this parliamentary inquiry and interruption preclude the gentleman from Pennsylvania's right to ask for a recorded vote?

THE CHAIRMAN PRO TEMPORE: No, it is related to the status of the vote, and of the motion.

Recognition for Parliamentary Inquiry Denied When Point of No Quorum Has Been Made

§ 20.9 The Chair has refused to recognize a Member to propound a parliamentary inquiry when a point of no quorum has been made.

On July 23, 1942,[6] Mr. Earl C. Michener, of Michigan, attempted

4. 130 CONG. REC. 21249, 21250, 98th Cong. 2d Sess.

5. Abraham Kazen, Jr. (Tex.).

6. 88 CONG. REC. 6540, 77th Cong. 2d Sess.

to state a parliamentary inquiry directly following a point of no quorum by Mr. Wright Patman, of Texas. Speaker Sam Rayburn, of Texas, declined to entertain the inquiry:

> The Chair doubts the authority of the Chair to recognize the gentleman to propound a parliamentary inquiry when a point of order is made, unless the gentleman from Texas [Mr. Patman] withholds it.

On Oct. 8, 1968,[7] Speaker John W. McCormack, of Massachusetts, ruled that a parliamentary inquiry could not be propounded by Mr. John H. Dent, of Pennsylvania, where a point of no quorum had been made. After a call of the House had been ordered, the Speaker then recognized Mr. Dent to make the point of order relating to the call of the House (that the Speaker had ordered the doors to the Chamber locked but that not all the doors were in fact closed).

Recognition for Parliamentary Inquiry Denied After Automatic Rollcall Ordered on Motion To Table Resolution

§ 20.10 The Speaker refused to recognize Members to propound parliamentary inquiries after an automatic rollcall had been ordered on a motion to table a resolution.

On Oct. 19, 1966,[8] the House was considering House Resolution 1013, establishing a Select Committee on Standards and Conduct. The House refused to order the previous question and Mr. Joe D. Waggonner, Jr., of Louisiana, moved to lay the resolution on the table. Mr. Delbert L. Latta, of Ohio, objected to the vote on that motion on the ground that a quorum was not present. Speaker John W. McCormack, of Massachusetts, announced that a quorum was not present and that a rollcall came automatically on the motion to lay on the table.

Mr. Waggonner attempted to raise a parliamentary inquiry and the Speaker ruled:

> The Chair will state that the rollcall has been ordered and at this point there is nothing that can interfere with the proceedings of the automatic rollcall.

Parliamentary Inquiry Not Entertained in Absence of Quorum—But Recognition Given for Point of Order Relating to Pending Call of House

§ 20.11 While a parliamentary inquiry is not entertained by

7. 114 CONG. REC. 30093, 90th Cong. 2d Sess.

8. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

the Chair in the absence of a quorum, the Chair may recognize a Member on a point of order which relates to a pending call of the House.

On Oct. 8, 1968,[9] Mr. Donald Rumsfeld, of Illinois, made a point of order that a quorum was not present, and a call of the House was ordered. Mr. John H. Dent, of Pennsylvania, attempted to raise a parliamentary inquiry after the point of order was made and before the ordering of the call, but Speaker Pro Tempore Wilbur D. Mills, of Arkansas, ruled that the inquiry could not be raised at that time. Mr. Dent then made a point of order relating to the call of the House, which was entertained:

MR. DENT: Mr. Speaker, a point of order, which relates to the call of the roll.

THE SPEAKER:[10] The House will be in order. The Clerk will proceed with the call of the roll.

MR. DENT: Mr. Speaker, the point of order relates to the proper calling of the roll.

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

MR. DENT: The point of order is the doors were ordered closed, and the doors to the outside of the Chamber are open in the cloakrooms.

THE SPEAKER: The Chair has given instructions to close all doors and allow no Members out.

9. 114 CONG. REC. 30093, 90th Cong. 2d Sess.

10. John W. McCormack (Mass.).

Point of No Quorum—Seeking Recognition

§ 20.12 The fact that a Member is on his feet does not constitute notice to the Chair that he is seeking recognition to object to a vote on the ground that a quorum is not present.

On Oct. 5, 1962,[11] the House passed S. 1447, amending the Teacher's Salary Act for the District of Columbia. Mr. James G. Fulton, of Pennsylvania, then rose and objected to the vote on the ground that a quorum was not present. Mr. Fulton insisted he had been on his feet seeking to gain recognition to object for that purpose at the proper time. Speaker John W. McCormack, of Massachusetts, stated:

THE SPEAKER: The Chair will state that if a Member is on his feet, that is insufficient. The gentleman did not address the Chair.

MR. FULTON: I was saying "Mr. Speaker," and was not heard. I was on my feet.

THE SPEAKER: If the gentleman asks unanimous consent to vacate the action, the Chair will entertain a request. But the passage of the bill had been completed.

MR. FULTON: Mr. Speaker, I was on my feet addressing the Speaker, but I was not recognized.

11. 108 CONG. REC. 22649, 22650, 87th Cong. 2d Sess.

THE SPEAKER: The Chair does not know what is in the gentleman's mind when the gentleman is on his feet.

The House by unanimous consent vacated the proceedings by which the bill was passed, and a point of no quorum by Mr. Fulton and an automatic rollcall ensued.

Under Former Practice, Point of No Quorum in Order at Any Time, Even When Another Had Floor

§ 20.13 A point of no quorum was a privileged matter and was in order at any time, even when a Member had the floor in debate (until amendments to the rules in the 93d Congress).

On May 4, 1949,[12] in the Committee of the Whole, Chairman Henry M. Jackson, of Washington, ruled that a motion to adjourn was not in order and that the motion that the Committee rise could not be made unless the Member with the floor yielded for that purpose. Mr. Donald W. Nicholson, of Massachusetts, then made the point of order that a quorum was not present. Mr. Monroe M. Redden, of North Carolina, objected that Mr. Nicholson was out of order since he had not asked the Member holding the floor [Arthur L. Miller (Nebr.)] to yield. Chairman Jackson ruled:

> The Chair will state that a point of order based on no quorum is a privileged matter and is in order at any time.

On July 12, 1949,[13] in the Committee of the Whole, Mr. William R. Poage, of Texas, who had the floor, declined to yield to Mr. Wayne L. Hays, of Ohio, who nevertheless made the point of order that a quorum was not present. Mr. John E. Rankin, of Mississippi, objected that Mr. Poage had not yielded for that purpose. Chairman Charles M. Price, of Illinois, responded to the point of order, as follows:

> MR. RANKIN: Mr. Chairman, a point of order: A Member has no right to interrupt the speaker to make a point of no quorum.
>
> THE CHAIRMAN: A point of no quorum may be made at any time.
>
> MR. RANKIN: The gentleman from Texas did not yield for that point.
>
> THE CHAIRMAN: The point of no quorum is in order at any time.[14]

Parliamentarian's Note: In the 93d and 95th Congresses, Rules

12. 95 CONG. REC. 5616, 5617, 81st Cong. 1st Sess.

13. *Id.* at p. 9312.

14. For the necessity of a quorum and points of no quorum, see generally, *House Rules and Manual* §§ 52–57 (1995) (Comments to U.S. Const. art. I, § 5). For the rule governing points of no quorum and calls of the House, see Rule XV, *House Rules and Manual* §§ 765 et seq. (1995).

XV and XXIII were amended to prohibit the making of a point of order that a quorum was not present except in certain circumstances; see Ch. 17, supra.

Chairman in Committee of the Whole May Entertain Point of No Quorum During General Debate

§ 20.14 Pursuant to clause 2, Rule XXIII as amended in the 97th Congress, the Chairman of the Committee of the Whole may in his discretion entertain a point of order of no quorum during general debate.

The following proceedings occurred in the Committee of the Whole on Dec. 1, 1982,[15] during consideration of H.R. 6995 (Federal Trade Commission Authorization Act):

> MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I make the point of order that a quorum is not present.
>
> THE CHAIRMAN:[16] Under clause 2, rule XXIII, as adopted by the House of Representatives on January 5, 1981, the Chair, in his discretion, may entertain a point of order that a quorum is not present.
>
> The Chair will entertain the point of no quorum and announces that pursuant to the provisions of clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.
>
> Members will record their presence by electronic device.
>
> The call was taken by electronic device.

Prayer Is Not Business—Point of No Quorum Not Allowed Before Prayer

§ 20.15 The prayer offered at the beginning of the business of the House is not considered as business and the Speaker does not recognize a point of order that a quorum is not present before the prayer.

On Aug. 4, 1950,[17] the House met at 10 a.m. and Speaker Sam Rayburn, of Texas, stated that the Chaplain would offer prayer. Mr. Robert F. Rich, of Pennsylvania, made the point of order that a quorum was not present. The Speaker ruled:

> We will have the prayer first, because that is not considered business.
>
> Prayer will be offered by the Chaplain.[18]

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15. 128 CONG. REC. 28205, 97th Cong. 2d Sess.

16. George E. Brown, Jr. (Calif.).

17. 96 CONG. REC. 11829, 81st Cong. 2d Sess.

18. The rules of the House were amended in the 93d Congress to prohibit points of no quorum at various stages of House proceedings. See H. Res. 998, 93d Cong. 2d Sess. and

Objection to Vote on Ground of No Quorum Is Not Too Late Where No Business Has Intervened

§ 20.16 Even though preceded by a parliamentary inquiry and following the Chair's announcement of the result of a voice vote, an objection to a vote on the ground that a quorum was not present and voting does not come too late and is in order where no business has intervened.

On Mar. 7, 1956,[19] after the vote was put on an amendment and the vote announced, Mr. Gordon Canfield, of New Jersey, made a point of order and then inquired whether it was too late to have the amendment read again to the House. Speaker Pro Tempore John W. McCormack, of Massachusetts, stated that reading the amendment was not in order after the vote. Mr. H. R. Gross, of Iowa, then objected to the vote on the amendment on the ground that a quorum had not been present. Mr. John Taber, of New York, made the point of order that the point of no quorum came too late, since a parliamentary inquiry had been submitted after the vote and before the point of no quorum.

The Speaker Pro Tempore ruled as follows:

> The gentleman from New Jersey [Mr. Canfield] addressed the Chair on a point of order. The gentleman from Iowa [Mr. Gross] was justified in waiting until that point of order had been determined by the Chair. Immediately upon that determination the gentleman from Iowa made the point of order that a quorum was not present and objected to the vote on the ground that a quorum was not present. The Chair feels that the gentleman from Iowa exercised his rights under the rules in such manner that a point of order against his point of order would not lie.

Point of No Quorum as Dilatory After Quorum Has Been Disclosed

§ 20.17 The Chair has held dilatory points of no quorum made after a quorum has been disclosed.

On July 21, 1947,[20] the House was considering under suspension of the rules H.R. 29, making unlawful the payment of a poll tax as a prerequisite for voting in national elections. A motion to adjourn was offered and was rejected on a yea and nay vote,

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Rule XV, clause 6, *House Rules and Manual* § 774c (1995).

19. 102 CONG. REC. 4215, 84th Cong. 2d Sess.

20. 93 CONG. REC. 9522–51, 80th Cong. 1st Sess.

resulting in 85 yeas, 299 nays, and 46 not voting. Mr. John E. Rankin, of Mississippi, then made a point of order that a quorum was not present. Speaker Joseph W. Martin, Jr., of Massachusetts, ruled:

> The gentleman's point of order is dilatory. That is obvious to all Members.

Chair Does Not Recognize Members After Absence of Quorum Has Been Announced

§ 20.18 The Chair refuses to recognize Members after the absence of a quorum has been announced by the Chair; no business is in order until a quorum has been established.

On June 8, 1960,[1] Mr. Clare E. Hoffman, of Michigan, made the point of order that a quorum was not present. When Mr. Hoffman attempted to speak before and during the call of the House, Speaker Sam Rayburn, of Texas, advised him that the absence of a quorum having been announced, following a point of no quorum, recognition for debate was not in order.

1. 106 CONG. REC. 12142, 86th Cong. 2d Sess.

Business May Intervene by Unanimous Consent Only Between Quorum Call and Chair's Putting Demand for Recorded Vote on Pending Amendment

§ 20.19 No business, including debate, may intervene between a quorum call and the Chair's putting a demand for a recorded vote pending when the point of order of no quorum was made, except by unanimous consent; by unanimous consent in Committee of the Whole, a Member has been recognized to inquire as to the legislative schedule for the remainder of the day, between the conclusion of a quorum call and the request for a recorded vote on a pending amendment.

During consideration of the housing and community development amendments (H.R. 7262) in the Committee of the Whole on Aug. 21, 1980,[2] the following proceedings occurred:

> THE CHAIRMAN PRO TEMPORE:[3] . . . The pending business is the demand of the gentleman from Ohio (Mr. Wylie) for a recorded vote.
>
> MR. [J. WILLIAM] STANTON [of Ohio]: Mr. Chairman, I have a parliamentary inquiry.

2. 126 CONG. REC. 22288, 22289, 96th Cong. 2d Sess.
3. Richard C. White (Tex.).

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

MR. STANTON: Mr. Chairman, the parliamentary inquiry is as follows: Would it be possible, before this vote is taken, for me to be able to ask the majority leader what the procedure is for the balance of the evening after this vote is over? Could I do this by unanimous consent?

THE CHAIRMAN PRO TEMPORE: Without objection, the gentleman will be recognized for that purpose.

There was no objection.

MR. STANTON: Mr. Chairman, I take this time in order to ask the majority leader if he could announce to the House the schedule for this evening, after the pending Wylie amendment, and perhaps for tomorrow.

Chair Does Not Entertain Point of No Quorum When Question Has Not Been Put on Pending Proposition in House; May Recognize for Motion for Call of House at Any Time

§ 20.20 Although the Chair may not entertain a point of order that a quorum is not present when the question has not been put on the pending proposition in the House, the Chair may recognize for a motion for a call of the House at any time in his discretion.

Under Rule XV, clause 6(e)(2),[4] the Chair may recognize for a motion for a call of the House at any time in his discretion. Thus, on June 27, 1980,[5] the Chair recognized for such motion, although a point of order that a quorum was not present did not lie at that time.

MR. [PHIL] GRAMM [of Texas]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE:[6] That point of order does not lie at this time, but the Chair will inquire, does the gentleman move a call of the House?

MR. GRAMM: I do, Mr. Speaker. I move a call of the House.

THE SPEAKER PRO TEMPORE: Without objection, a call of the House is ordered.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

The question is on the motion offered by the gentleman from Texas (Mr. Gramm) for a call of the House.

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

So the motion was rejected.

THE SPEAKER PRO TEMPORE: A call of the House is not ordered and the Chair recognizes the gentleman from Ohio (Mr. Brown).

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4. *House Rules and Manual* § 774d (1995).

5. 126 CONG. REC. 17369, 96th Cong. 2d Sess.

6. John P. Murtha (Pa.).

Discretion of Chair in Recognizing for Call of House

§ 20.21 It is within the discretion of the Chair whether to recognize for a call of the House when the question has not been put on the pending motion or proposition under clause 6 of Rule XV.

An instance in which the Chair declined to recognize a Member to move a call of the House occurred, for example, on Oct. 14, 1978:[7]

> MR. [ROBERT E.] BAUMAN [of Maryland]: . . . I have been here throughout the 2 hours of debate—it is almost 2 hours—and I do not think there have ever been more than 50 Members on the floor, and most of the time it has been in the neighborhood of 20, about the equal of the number of staff.
>
> Mr. Speaker, on the basis of the fact that this is considered to be such important legislation, the most important bill we face in this session of Congress, I would move a call of the House.
>
> THE SPEAKER PRO TEMPORE:[8] The Chair will state to the gentleman that he cannot recognize the gentleman from Maryland (Mr. Bauman) for that request at this time.

May Recognize for Call of House After Previous Question Before Chair Puts Question on Final Adoption

§ 20.22 Although a point of order that a quorum is not present is not in order unless the question has been put on the pending motion or proposition, the Chair may recognize for a call of the House at any time after the previous question is ordered on adoption of a proposition in the House but before the Chair puts the question on final adoption thereof under clause 6(e) of Rule XV.

On Oct. 14, 1978,[9] the following proceedings occurred in the House:

> THE SPEAKER PRO TEMPORE: Under the rule, the previous question is ordered.
>
> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I move a call of the House.
>
> THE SPEAKER PRO TEMPORE: Without objection, a call of the House is ordered.
>
> MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state the parliamentary inquiry.
>
> MR. BROWN of Ohio: Mr. Speaker, is this now a vote on the bill?
>
> THE SPEAKER PRO TEMPORE: This is a call of the House.
>
> MR. BROWN of Ohio: Mr. Speaker, I thought the question had been put.
>
> THE SPEAKER PRO TEMPORE: No; the Chair has not put the question.
>
> MR. BROWN of Ohio: Are we going to have a vote on the legislation?

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7. 124 CONG. REC. 38378, 95th Cong. 2d Sess.

8. William H. Natcher (Ky.).

9. 124 CONG. REC. 38503, 95th Cong. 2d Sess.

THE SPEAKER PRO TEMPORE: The Chair would like to advise the gentleman that after the call of the House, then we will have the final vote on these conference reports en bloc. . . .

Members will record their presence by electronic device. . . .

THE SPEAKER:[10] On this rollcall 366 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Points of Order: Must Seek Recognition in Timely Fashion

§ 20.23 The mere fact that a Member was on his feet does not entitle him to make a point of order against certain language where he has not affirmatively sought recognition by the Chair at the time the language complained of was read for amendment.

On Apr. 14, 1970,[11] Chairman Chet Holifield, of California, sustained a point of order that a point of order against language in an appropriation bill came too late, where the Member making the point of order was not affirmatively seeking recognition at the proper time:

THE CHAIRMAN: Does the gentleman from Pennsylvania (Mr. Flood), care to be heard on the point of order?

MR. [DANIEL J.] FLOOD: Yes, Mr. Chairman, I do.

I do not like to operate this way, but I am the chairman of the subcommittee and obviously I must object, and make a point of order because the point of order comes much, much too late. We have passed that point in the bill.

THE CHAIRMAN: The Chair will state that the Clerk had read past that paragraph of the so-called title I, and stopped at line 14 on page 3. The gentleman was not on his feet seeking recognition at the time the first section, down through line 12 on page 2, was read.

MR. WILLIAM D. FORD [of Michigan]: Mr. Chairman, the paragraphs are not being read. The bill is being read by paragraph headings. I was on my feet at the beginning of the reading. As a matter of fact, I moved from there to here as soon as the Clerk began to read. I was never off my feet from the moment he started the reading. I was trying to get to the point in the bill.

THE CHAIRMAN: The Chair cannot observe the movements of the Members from place to place. The gentleman was not seeking recognition at the time when he should have been, under the rules. He should have been seeking recognition vocally, not by standing.

The Chair sustains the point of order made by the gentleman from Pennsylvania (Mr. Flood).[12]

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

11. 116 CONG. REC. 11648, 91st Cong. 2d Sess.

12. For the requirement that Members seeking to address the House or to

§ 20.24 Members seeking to make points of order must address the Chair and be recognized before proceeding.

On Oct. 24, 1945,[13] Mr. Emanuel Celler, of New York, demanded that Mr. John E. Rankin, of Mississippi, be called to order for terming him the "Jewish gentleman from New York" in debate. Speaker Sam Rayburn, of Texas, ruled that the appellation violated the rules. Discussion ensued, and Mr. Vito Marcantonio, of New York, attempted to make a point of order, but the Speaker ruled that no Member could make a point of order without first being recognized by the Chair.

Recognition To Make Point of Order or Offer Amendment

§ 20.25 Members must be on their feet seeking recognition at the proper time in order to protect their rights under the rules to make points of order or to offer amendments.

On Apr. 14, 1970,[14] Chairman Chet Holifield, of California, made the following statement:

> . . . The Chair wishes to say that the Chair is most desirous of occupying this chair with dignity and with fairness to all concerned. There were other amendments that the Chair had been told would be offered, and the gentleman who came and told the Chair were not on their feet seeking recognition, nor did they address the Chair at the time, and therefore the Chair was in the position of allowing the Clerk to continue to read.
>
> If the Members do not protect their own rights and use the rules of the House to their advantage, the Chair is not here to protect them when they do not insist on their own rights at the proper time.

Not Necessary That Member Yield for Point of Order; Chair Must Recognize for Point of Order

§ 20.26 The Chair must recognize a Member to make a point of order relative to the conduct of debate at any time, and it is not necessary that the Member having the floor yield for that purpose.

During consideration of H.R. 14014 (the Endangered Species Act Amendments of 1978) in the Committee of the Whole on Oct. 14, 1978,[15] Representative Dingell held the floor debating an amendment. The tone of his de-

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raise any matter must first seek recognition from the Chair, see § 8, supra.

13. 91 Cong. Rec. 10032, 10033, 79th Cong. 1st Sess.

14. 116 Cong. Rec. 11649, 11650, 91st Cong. 2d Sess.

15. 124 Cong. Rec. 38155, 95th Cong. 2d Sess.

bate resulted in the following exchange:

> MR. [ROBERT B.] DUNCAN of Oregon: Mr. Chairman, may I state a point of order.
>
> THE CHAIRMAN:[16] The gentleman will state his point of order.
>
> MR. DUNCAN of Oregon: Mr. Chairman, the point of order is—— . . .
>
> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I do not yield for the point of order.
>
> THE CHAIRMAN: The Chair will state that it is not necessary that the gentleman yield for that purpose. The Chair has a right at any time to recognize a Member on a point of order.

Point of Order as Interrupting Question of Privilege

§ 20.27 A point of order may interrupt a Member stating a question of privilege.

On June 30, 1939,[17] Mr. Clare E. Hoffman, of Michigan, was in the process of stating a point of personal privilege based on an insertion in the *Congressional Record*. Mr. Hoffman was interrupted by points of order relating to the nature of the question of privilege and to the scope of Mr. Hoffman's remarks. Mr. Hoffman objected to the interruptions and stated that he did not yield for a point of order. Speaker William B. Bankhead, of Alabama, ruled that a Member making a point of order could be entitled to recognition while a question of privilege was being stated.

Speaker Did Not Observe Member Seeking Recognition—Point of Order Entertained After Committee of the Whole Reported Back to House

§ 20.28 Where the Speaker failed to observe a Member seeking recognition to make a point of order against a committee report prior to the House resolving itself into the Committee of the Whole, the Speaker recognized the Member for his point of order after the House had resolved into the Committee and the Committee had reported back to the House.

On July 25, 1966,[18] Mr. Emanuel Celler, of New York, moved that the House resolve itself into the Committee of the Whole to consider a bill. Mr. John Bell Williams, of Mississippi, attempted to make a point of order but was not recognized because Speaker John W. McCormack, of Massachusetts, did not hear him. In the Com-

16. B. F. Sisk (Calif.).

17. 84 CONG. REC. 8468, 8469, 76th Cong. 1st Sess.

18. 112 CONG. REC. 16840, 16842, 89th Cong. 2d Sess.

mittee of the Whole, Mr. Williams rose to a point of order and stated that he had been seeking recognition at the proper time to make a point of order against the bill on the grounds that the committee report did not contain a comparative print of changes in existing law as required by the rules of the House. Chairman Richard Bolling, of Missouri, ruled that he did not have the power to entertain the point of order, and on appeal his ruling was sustained. The Committee then adopted a motion offered by Mr. Williams that the Committee rise and the Speaker then recognized Mr. Williams for a point of order (eventually overruled):

THE SPEAKER: The Chair recognizes the gentleman from Mississippi.

MR. WILLIAMS: Mr. Speaker, the House resolved itself into the Committee of the Whole House on the State of the Union a moment ago. When the question was put by the Chair, I was on my feet seeking recognition for the purpose of offering a point of order against consideration of the legislation. Although I shouted rather loudly, apparently the Chair did not hear me. Since the [House] proceeded to go into the Committee of the Whole, I would like to know, Mr. Speaker, if the point of order which I had intended to offer can be offered now in the House against the consideration of the bill; and, Mr. Speaker, I make such a point of order and ask that I be heard on the point of order.

THE SPEAKER: The Chair will state that the Chair did not hear the gentleman make his point of order. There was too much noise. Under the circumstances the Chair will entertain the point of order.

Member of Committee Has Priority To Make Point of Order Against Amendment

§ 20.29 A member of the committee reporting a bill has priority of recognition over one not a member of the committee to make points of order against proposed amendments to the bill.

On Mar. 30, 1949,[19] Mr. Henry M. Jackson, of Washington, and Mr. Carl T. Curtis, of Nebraska, simultaneously arose in the Committee of the Whole to make a point of order against a pending amendment on the ground that it constituted legislation on an appropriation bill. Chairman Jere Cooper, of Tennessee, recognized Mr. Jackson in preference over Mr. Curtis since Mr. Jackson was a member of the committee which had reported the bill.

Point of Order Against Paragraph Too Late After Debate on Paragraph

§ 20.30 A point of order against language in a paragraph of

19. 95 CONG. REC. 3520, 81st Cong. 1st Sess.

an appropriation bill comes too late after there has been debate on the paragraph.

On Apr. 3, 1957,[20] Mr. Clare E. Hoffman, of Michigan, attempted to make a point of order against a paragraph in an appropriation bill. Chairman Aime J. Forand, of Rhode Island, ruled that the point of order came too late, there having been "a great deal of debate on the rest of the paragraph."

Germaneness Points of Order Too Late After Debate

§ 20.31 Germaneness points of order against a proposed amendment come too late after debate has been had thereon.

On July 5, 1949,[1] Mr. James P. Richards, of South Carolina, made a point of order, on the ground of germaneness, against an amendment. Chairman Francis E. Walter, of Pennsylvania, ruled that the point of order came too late since debate on the amendment had commenced.[2]

Due Diligence—Member Recognized Even Though Sponsor Had Commenced Debate

§ 20.32 A Member who has shown due diligence is recognized to make a point of order against a proposed amendment even though the sponsor of the amendment has commenced his remarks.

On Sept. 26, 1967,[3] Mr. Joe D. Waggonner, Jr., of Louisiana, offered an amendment on the pending bill in the Committee of the Whole, and began his remarks on the amendment. Mr. Carl D. Perkins, of Kentucky, rose to make a point of order against the amendment, but Mr. Gerald R. Ford, of Michigan, objected that the point of order came too late since debate on the amendment had begun. Chairman Charles E. Bennett, of Florida, determined that Mr. Perkins had shown due diligence and was entitled to recognition on the point of order:

> MR. GERALD R. FORD: Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.
>
> The gentleman from Louisiana had started his discussion of the amendment, and there was no previous point of order made prior to the discussion.
>
> MR. PERKINS: Mr. Chairman, I was on my feet seeking recognition at the

20. 103 CONG. REC. 5032, 85th Cong. 1st Sess.

1. 95 CONG. REC. 8852, 81st Cong. 1st Sess.

2. See also 101 CONG. REC. 4078, 84th Cong. 1st Sess., Mar. 30, 1955; 101 CONG. REC. 3947, 3948, 84th Cong. 1st Sess., Mar. 29, 1955; and 101 CONG. REC. 3204, 3205, 84th Cong. 1st Sess., Mar. 18, 1955.

3. 113 CONG. REC. 26878, 90th Cong. 1st Sess.

time the gentleman commenced to address the Chair.

THE CHAIRMAN: Was the gentleman from Kentucky on his feet seeking recognition?

MR. PERKINS: I was, Mr. Chairman.

THE CHAIRMAN: The Chair then overrules the point of order made by the gentleman from Michigan, and the Chair will hear the gentleman from Kentucky on his point of order.

MR. GERALD R. FORD: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: Mr. Chairman, how far in the discussion of a man who offers an amendment can such a point of order be made, then?

THE CHAIRMAN: The Chair will state that the gentleman from Kentucky was on his feet seeking recognition, and so stated. Therefore, the gentleman from Kentucky will be recognized to make his point of order.[4]

§ 20.33 A point of order against language in a paragraph of an appropriation bill is not precluded by intervening debate where the Member raising the point of order shows due diligence therein.

On May 11, 1959,[5] Mr. H. R. Gross, of Iowa, made a point of order against language contained in an appropriation bill, on the ground the language was legislation in an appropriation bill. Mr. Albert Thomas, of Texas, objected to the point of order since debate had intervened:

MR. THOMAS: I oppose the point of order because the paragraph was read.

THE CHAIRMAN:[6] The Chair thinks the gentleman from Iowa was within his rights to make the point of order. He observed the gentleman standing when unanimous consent was granted to go back to the previous section.

MR. THOMAS: Well, the point of order is good, then. We admit it, then.

THE CHAIRMAN: The Chair sustains the point of order.

On Sept. 15, 1961,[7] Mr. Gross made a point of order against a paragraph in an appropriation bill, after the next paragraph had been partially read. Chairman Oren Harris, of Arkansas, stated, in response to a point of order that the point of order came too late, that Mr. Gross was entitled to recognition since the Chair had observed that Mr. Gross was on

4. See also 107 CONG. REC. 17609, 17610, 17612, 17613, 87th Cong. 1st Sess., Aug. 30, 1961; 106 CONG. REC. 6381, 86th Cong. 2d Sess., Mar. 23, 1960; 101 CONG. REC. 12408, 84th Cong. 1st Sess., July 30, 1955; 83 CONG. REC. 1372, 1373, 75th Cong. 3d Sess., Feb. 1, 1938 (Chair overruled); 84 CONG. REC. 7673, 76th Cong. 1st Sess., June 21, 1939; and 81 CONG. REC. 2980, 2981, 75th Cong. 1st Sess., Mar. 31, 1937.

5. 105 CONG. REC. 7904, 7905, 86th Cong. 1st Sess.

6. Frank N. Ikard (Tex.).

7. 107 CONG. REC. 19729, 87th Cong. 1st Sess.

his feet seeking recognition while the Clerk was reading.

§ 20.34 Although a point of order against a paragraph of a general appropriation bill will not lie after an amendment thereto has been debated, the Chair does not permit the reading of an amendment to preclude a point of order made by a Member who has shown due diligence and who sought recognition at the proper time.

On May 24, 1960,[8] the Clerk read a paragraph of an appropriation bill and Mr. Fred Wampler, of Indiana, offered an amendment thereto. Parliamentary inquiry was then made of Chairman Hale Boggs, of Louisiana, on recognition to raise a point of order against the amendment.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GROSS: I have a point of order against the language to be found on this page. Will the discussion of this amendment abrogate my right to make a point of order?

THE CHAIRMAN: The gentleman is correct, it would. If the gentleman has a point of order, it would have to be urged at this point.

MR. GROSS: The gentleman is trying to obtain recognition from the Chair to make a point of order.

THE CHAIRMAN: The Chair recognizes the gentleman to make the point of order.

Appropriation Bill Considered Read and Open to Amendment—Chair First Inquires as to Points of Order to Remainder of Bill

§ 20.35 Where a general appropriation bill is, by unanimous consent, considered read and open for amendment, the Chairman first ascertains whether there are any points of order to the remainder of the bill before recognizing Members to offer amendments.

On July 30, 1962,[9] the procedure below was followed where a unanimous-consent request was made that the remainder of a bill be considered as read and open for amendment at any point:

MR. [ALBERT] THOMAS [of Texas]: Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open for amendment at any point.

MR. [H. R.] GROSS [of Iowa]: And also open to points of order at any point, I take it?

MR. THOMAS: Yes. . . .

8. 106 CONG. REC. 10979, 10980, 86th Cong. 2d Sess.

9. 108 CONG. REC. 14998, 87th Cong. 2d Sess.

THE CHAIRMAN:[10] Is there objection to the [request of the] gentleman from Texas?

There was no objection.

THE CHAIRMAN: Are there any points of order to be made to the remainder of the bill?

MR. GROSS: Mr. Chairman, I make a point of order against the language on page 27, beginning in line 24 and running through line 12 on page 28, as being legislation on an appropriation bill.

Point of Order Reserved—Chair Permits Proponent of Amendment To Debate Amendment Before Debate on Point of Order

§ 20.36 Once a point of order has been reserved against an amendment and debate has commenced under the five-minute rule, the Chair will permit the proponent of the amendment to utilize the time allotted him before hearing arguments on the point of order.

The following proceedings occurred in the Committee of the Whole on Mar. 21, 1979:[11]

THE CHAIRMAN:[12] When the Committee rose on Tuesday, March 20, 1979, the gentleman from New York (Mr. Weiss) had been recognized to offer an amendment.

The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Weiss: Page 3, insert after line 5 the following:
>
> Sec. 5. (a) Section 3(b) of the Council on Wage and Price Stability Act is amended by striking out "Nothing in this Act" and inserting in lieu thereof "Except as provided in section 8, nothing in this Act". . . .

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Moorhead) will be protected on his reservation of the point of order.

MR. [TED] WEISS [of New York]: Mr. Chairman, I rise to speak on the amendment. . . .

Mr. Chairman, I am today offering an amendment to H.R. 2283, the Council on Wage and Price Stability Reauthorization Act.

My amendment would give the President standby authority to impose wage, price, and related economic controls. . . .

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I would now like to insist on my point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The Chair will point out that the time is under the control of the gentleman from New York (Mr. Weiss).

MR. WEISS: Mr. Chairman, the gentleman from Pennsylvania (Mr. Marks)

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10. Richard Bolling (Mo.).

11. 125 CONG. REC. 5779–81, 96th Cong. 1st Sess.

12. Butler Derrick (S.C.).

had asked if I would yield to him, and I am pleased to yield to him at this point.

MR. [MARC LINCOLN] MARKS [of Pennsylvania]: Mr. Chairman, I thank the gentleman for yielding. . . .

THE CHAIRMAN: The time of the gentleman from New York (Mr. Weiss) has expired.

The Chair will recognize the gentleman from Pennsylvania (Mr. Moorhead). . . .

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

Point of Order Against Portion of Bill Must Be Ruled on Before Amendments Offered

§ 20.37 It is not the practice to permit the reservation of a point of order against a portion of a general appropriation bill and then to consider amendments thereto.

On Apr. 13, 1949,[13] Mr. Frederic R. Coudert, Jr., of New York, reserved a point of order with respect to three lines in a paragraph of an appropriation bill, on the ground that they constituted legislation. He stated that he would not insist on the point of order if the amounts contained in the bill remained the same, but would insist on his point of order if the amounts were increased by amendment. Chairman Eugene J. Keogh, of New York, ruled that a point of order must be ruled upon before amendments were offered. In answer to a further inquiry by Mr. Coudert, the Chairman stated:

> The Chair is informed that it has not been the practice to reserve points of order and then consider amendments. The Chair will entertain the gentleman's point of order if the gentleman presses it.

Debate on Point of Order Is Within Discretion of Chair—Member Recognized on Point of Order May Not Yield

§ 20.38 Discussion on a point of order is within the control of the Chair, and a Member recognized on a point of order may not yield to other Members.

During consideration of the conference report on H.R. 13367 (to extend the State and Local Fiscal Assistance Act of 1972) in the House on Sept. 30, 1976,[14] the following proceedings occurred:

> MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I call up the conference report on the bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972, and for other

13. 95 CONG. REC. 4521, 81st Cong. 1st Sess.

14. 122 CONG. REC. 34074–76, 94th Cong. 2d Sess.

purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill [and the statement]. . . .

MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, I raise a point of order against the conference agreement. . . .[15]

MR. [FRANK] HORTON [of New York]: Mr. Speaker, will the gentleman yield?

MR. ADAMS: I yield to the gentleman from New York (Mr. Horton).

MR. HORTON: I thank the gentleman for yielding.

Mr. Speaker, the gentleman understands, does he not, there is no additional amount in fiscal year 1977?

MR. ADAMS: That is correct. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, will the gentleman yield?

MR. ADAMS: I yield to the gentleman from Ohio (Mr. Brown).

MR. BROWN of Ohio: I thank the gentleman for yielding.

Mr. Speaker, I refer to Public Law 93–344, the language that exists on page 22(d)(2).

MR. ADAMS: Would the gentleman refer to the motion, please? I am using both the conference report and the statute.

MR. BROWN of Ohio: Section 401.

MR. ADAMS: Is the gentleman referring to the statute or the conference report?

MR. BROWN of Ohio: Section 401 of the statute.

THE SPEAKER:[16] The Chair has been liberal in enforcing the rules on arguing on a point of order. The Chair controls the time and each individual Member desiring to be heard should address the Chair and not yield to other Members.

Does the gentleman from Ohio (Mr. Brown) desire to be heard?

MR. BROWN of Ohio: Yes, Mr. Speaker, I do desire to be heard.

§ 20.39 Recognition and time for debate on a point of order are within the discretion of the Chair, and a Member speaking on a point of order does not control a fixed amount of time which he can reserve or yield.

On Feb. 23, 1978,[17] a point of order was made with respect to the germaneness of an amendment to H.R. 9214 (concerning United States participation in the supplementary financing facility of the International Monetary Fund). The proceedings in part were as follows:

The Clerk read as follows:

H.R. 9214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286–286k–2), as amended, is further amended by adding at the end thereof the following new section:

"Sec. 27. (a) For the purpose of participation of the United States in

15. For substantive discussion of the point of order, see § 2.37, supra.

16. Carl Albert (Okla.).

17. 124 CONG. REC. 4421, 4426, 4427, 4451, 4452, 95th Cong. 2d Sess.

the Supplementary Financing Facility . . . the Secretary of the Treasury is authorized to make resources available as provided in the decision numbered 5509–(77/127) of the Fund, in an amount not to exceed the equivalent of 1,450 million Special Drawing Rights.

MR. [THOMAS R.] HARKIN [of Iowa]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harkin: Page 3, immediately after line 14, insert the following:

Sec. 3. The Bretton Woods Agreements Act (22 USC 286–286k–2), as amended, is further amended by adding at the end thereof the following new section: . . .

"(b) In accordance with the unique character of the International Monetary Fund, the Secretary of the Treasury shall direct the U.S. Executive Director to take all possible steps to the end that all Fund transactions, including economic programs developed in connection with the utilization of Fund resources, do not contribute to the deprivation of basic human needs. . . .

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN:[18] The Chair will hear the gentleman.

MR. NEAL: Mr. Chairman, we have just established that we are only considering the so-called Witteveen Facility of the International Monetary Fund, and this amendment goes far beyond that.

THE CHAIRMAN: Does the gentleman from Iowa (Mr. Harkin) desire to be heard on the point of order?

MR. HARKIN: Yes, I do, Mr. Chairman.

I would respond to that argument by saying that my amendment is entirely in order because, if we look at the different sections, the first section of my amendment goes toward instructing the U.S. Executive Director of the IMF to do certain positive things about initiating wide consultations, and so forth, which would help to promote those kinds of programs that would help meet the basic human needs in other countries. . . .

MR. [HENRY S.] REUSS [of Wisconsin]: Mr. Chairman, will the gentleman yield on his point of order?

THE CHAIRMAN: The Chair will recognize the gentleman on the point of order.

Has the gentleman from Iowa (Mr. Harkin) concluded?

MR. HARKIN: Mr. Chairman, I have not concluded. I would like to reserve the balance of my time to speak further on the point of order.

THE CHAIRMAN: It is not in order to reserve debate time on a point of order. The gentleman has no [block] of time to reserve.

MR. HARKIN: Then, I would like to continue, Mr. Chairman.

THE CHAIRMAN: The Chair is hearing arguments on the point of order at the present time. The gentleman from Iowa (Mr. Harkin) will be recognized in support of his amendment at a subsequent time if the point of order is not sustained. . . .

MR. HARKIN: . . . Mr. Chairman, I want to speak further before the Chair rules on the point of order.

THE CHAIRMAN: The Chair will hear the gentleman.

MR. HARKIN: Mr. Chairman, I think the gentleman from Georgia (Mr.

18. Lucien N. Nedzi (Mich.).

Mathis) has raised an interesting point. . . .

MR. [DAWSON] MATHIS [of Georgia]: Mr. Chairman, will the gentleman from Iowa yield further on the point of order?

THE CHAIRMAN: Has the gentleman from Iowa (Mr. Harkin) concluded his statement on the point of order?

MR. HARKIN: Mr. Chairman, I would like to yield to the gentleman.

THE CHAIRMAN: There is no yielding on a point of order.

Must Rise To Object to Unanimous-consent Request

§ 20.40 A Member must rise to object to a unanimous-consent request; if the Member has done so, the objection to a unanimous-consent request is timely if entered before the Chair enters an order thereon (as by saying, "Without objection, so ordered").

On Nov. 7, 1991,[19] discussion arose in the House as to whether a Member had risen to object to a unanimous-consent request in timely fashion.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Would it be an appropriate parliamentary inquiry to ask unanimous consent that the letter the gentlewoman just referred to be placed in the Record at this point?

THE SPEAKER PRO TEMPORE:[20] The Chair would inform the gentleman that that is really not a parliamentary inquiry.

MR. WALKER: Mr. Speaker, I am asking whether or not it would be appropriate in the procedures of the House at the moment for there to be a unanimous-consent request that the letter to which the gentlewoman just referred be put in the Record at this point?

THE SPEAKER PRO TEMPORE: That is normally the prerogative of the Member possessing the letter. Is the gentleman asking that the letter be put in the Record?

MR. WALKER: Mr. Speaker, I would ask unanimous consent that the letter be included in the Record.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Pennsylvania?

MR. [BILL] ALEXANDER [of Arkansas]: I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. WALKER: The gentleman was not standing when he made the objection.

MR. ALEXANDER: Mr. Speaker, I object. . . .

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. WALKER: It was not a timely objection, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Chair looked at the gentleman sitting and nothing else had transpired. Then the Chair recognized that the gentleman was standing and the Chair put the question again.

Similarly, on June 23, 1992,[1] the Chair made an announcement

19. 137 CONG. REC. 30633, 102d Cong. 1st Sess.

20. G. V. (Sonny) Montgomery (Miss.).

1. 138 CONG. REC. p. ____, 102d Cong. 2d Sess. See also §§ 8.27–8.31, supra,

concerning the proper manner of seeking recognition to object to a unanimous-consent request:

> MR. [JOHN] MILLER of Washington: Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.
>
> THE SPEAKER PRO TEMPORE:[2] Is there objection to the request of the gentleman from Washington?
>
> MR. [LAWRENCE J.] SMITH of Florida: Mr. Speaker, I object.
>
> THE SPEAKER PRO TEMPORE: Objection is heard.
>
> ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
>
> The Chair would advise Members that if they wish to object, they should please stand, so that the Chair will see the objector.

Recognition for Objection to Unanimous-consent Request Does Not Extend Recognition in Opposition to Motion

§ 20.41 Recognition of a Member to object to a unanimous-consent request for the withdrawal of a motion in the Committee of the Whole to strike out the enacting clause does not extend recognition in opposition to the motion.

On Mar. 1, 1950,[3] Mr. Clare E. Hoffman, of Michigan, moved that the Committee of the Whole rise and report the pending bill back to the House with the recommendation that the enacting clause be stricken and after debating the motion asked unanimous consent to withdraw it. Mr. Francis H. Case, of South Dakota, rose to object to the withdrawal of the motion and to seek recognition in debate to oppose the motion. Chairman Clark W. Thompson, of Texas, then recognized Mr. Oren Harris, of Arkansas, a member of the committee reporting the bill, for five minutes' debate in opposition to the motion. Mr. Case inquired whether he had not been recognized. The Chairman stated: "The gentleman was recognized by the Chair to make an objection, but not to speak."[4]

Chair May Refuse To Permit Debate Under Reservation of Objection to Unanimous-consent Request

§ 20.42 Recognition for a reservation of objection to a unanimous-consent request is within the discretion of the Speaker and sometimes

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for further discussion of recognition to object to unanimous-consent requests.

2. G. V. (Sonny) Montgomery (Miss.).

3. 96 CONG. REC. 2597, 81st Cong. 2d Sess.

4. Generally, recognition is limited to a specific purpose; see § 8, supra.

he refuses to permit debate under such a reservation and immediately puts the question on the request.

On Dec. 3, 1969,[5] Speaker John W. McCormack, of Massachusetts, refused to recognize a Member for a reservation of objection to a unanimous-consent request, stating that the Member requesting unanimous consent "receives permission, or she does not." The Speaker immediately put the question on the unanimous-consent request and there was no objection heard.[6]

Debate Under Reservation of Objection to Unanimous-consent Request May Not Continue When Regular Order Demanded

§ 20.43 Debate under a reservation of the right to object to a unanimous-consent request may not continue when the regular order is demanded.

On May 16, 1979,[7] the following proceedings occurred in the Committee of the Whole during consideration of the Alaska National Interest Lands Conservation Act of 1979:

> The Clerk read as follows:
>
> Amendment offered by Mr. Breaux to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 278: Strike out all after line 2 on page 278 through line 9 on page 622 and insert in lieu thereof the following: . . .

THE CHAIRMAN:[8] The gentleman from Louisiana has asked unanimous consent to dispense with the reading of the amendment. . . .

Is there objection to the request of the gentleman from Louisiana?

MR. PHILLIP BURTON [of California]: Mr. Chairman, reserving the right to object, I would like to ask our distinguished colleague in the well, is this the 479-page amendment that the gentleman has before the House? . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I believe on this reservation which is now pending, we ought to proceed with the regular order.

THE CHAIRMAN: The question is, Is there objection to the request of the gentleman from Louisiana.

MR. PHILLIP BURTON: I am reserving the right to object.

MR. DINGELL: Mr. Chairman, I demand regular order.

THE CHAIRMAN: Regular order has been demanded.

MR. PHILLIP BURTON: I would like to make this point, Mr. Chairman: I was

5. 115 CONG. REC. 36748, 91st Cong. 1st Sess.

6. The demand for the "regular order" precludes recognition for a reservation of the right to object; see the proceedings of May 16, 1979, discussed in § 20.43, infra.

7. 125 CONG. REC. 11369, 11420, 96th Cong. 1st Sess.

8. Paul Simon (Ill.).

on the floor. I have the time, and I reserve the right to object.

THE CHAIRMAN: When regular order is demanded, the Chair is required to put the request to the body.

MR. DINGELL: Mr. Chairman, I will not demand regular order.

THE CHAIRMAN: The gentleman from Michigan withdraws his demand for regular order, and the gentleman from California (Mr. Phillip Burton) is recognized.

Where Member Recognized for One Hour Makes Unanimous-consent Request, Time Under Reservation of Objection Not Charged to Member

§ 20.44 Where a Member has been recognized for one hour of debate but has not begun his remarks, and makes a unanimous-consent request, time consumed by a Member who reserves the right to object to that request is not charged to the Member who has been recognized for an hour.

On Apr. 15, 1970, Mr. Louis C. Wyman, of New Hampshire, was recognized for one hour of debate (on a "special-order" speech). Before he commenced to address the House, Mr. Wyman asked unanimous consent to revise and extend his remarks; Mr. Phillip Burton, of California, reserved the right to object and made several remarks on the pending resolution. In response to a parliamentary inquiry, Speaker John W. McCormack, of Massachusetts, ruled that Mr. Wyman still had one hour of debate time available, and that the time consumed by Mr. Burton would not be charged to Mr. Wyman's hour.[9]

§ 21. Under the Five-minute Rule

Recognition for amendments and debate under the five-minute rule is subject to the discretion of the Chair, who may adhere to any one of several recognized principles to avoid being perceived as "arbitrary." Seniority, committee membership, alternation between parties—all are established as techniques or tests for bestowing recognition. (All of these "criteria" for recognition are within the discretion of the Chair. So all these principles should be considered as alternatives.)

Cross References

Closing and limiting five-minute debate, see § 78, infra.

Duration of five-minute debate, see § 77, infra.

Effect of limitation on five-minute debate, see § 79, infra.

9. 116 CONG. REC. 11917, 11918, 91st Cong. 2d Sess.

Effect of special orders and unanimous-consent agreements on five-minute debate, see § 80, infra.

Five-minute debate in the House as in the Committee of the Whole, see § 70, infra.

Recognition for amendments generally, see § 19, supra.

Recognition and debate for motion that the Committee rise and report back the bill with the recommendation that the enacting clause be stricken, see §§ 77, 79, infra.

Recognition where five-minute debate has been limited, see § 22, infra.

Relevancy in five-minute debate, see § 38, infra.

Yielding for debate under five-minute rule, see §§ 29–31, infra.

Principles of Recognition: Prior Recognition of Committee Members

§ 21.1 The matter of recognition of Members in the Committee of the Whole to offer amendments under the five-minute rule is within the discretion of the Chair, and he may extend preference to members of the committee which reported the bill according to seniority.

On July 21, 1949,[10] the Committee of the Whole was reading for amendment under the five-minute rule H.R. 5345, the Agriculture Adjustment Act of 1949. Chairman Eugene J. Keogh, of New York, recognized Mr. James P. Sutton, of Tennessee, to offer an amendment. The Chairman then responded to a parliamentary inquiry on the order of recognition for amendments under the five-minute rule:

> MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, is it not the custom during debate under the 5-minute rule for the Chair in recognizing Members to alternate from side to side? At least I suggest to the Chair that that would be the fair procedure. The Chair has recognized three Democrats in a row.
>
> THE CHAIRMAN: The Chair will say to the gentleman that the matter of recognition of members of the committee is within the discretion of the Chair. The Chair has undertaken to follow as closely as possible the seniority of those Members.
>
> MR. [CLIFFORD R.] HOPE [of Kansas]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HOPE: For the information of the Chair, the gentleman from Wisconsin, who has been seeking recognition, has been a Member of the House for 10 years, and the gentleman from Tennessee is a Member whose service began only this year.
>
> THE CHAIRMAN: The Chair would refer the gentleman to the official list of the members of the committee, which the Chair has before him.

10. 95 CONG. REC. 9936, 81st Cong. 1st Sess.

The Clerk will report the amendment offered by the gentleman from Tennessee.[11]

Chairman of Committee

§ 21.2 In bestowing recognition under the five-minute rule in the Committee of the Whole, the Chair gives preference to the chairman of the legislative committee reporting the bill under consideration.

On Nov. 15, 1967,[12] the Committee of the Whole was considering under the five-minute rule a bill reported from the Committee on Education and Labor, chaired by Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition and when Chairman John J. Rooney, of New York, asked for what purpose, he stated that his purpose was to offer an amendment. The Chairman then recognized Mr. Perkins to submit a unanimous-consent request on closing debate before recognizing Mr. Gurney to offer his amendment.

Chair as Protecting Members' Rights to Recognition

§ 21.3 The Chairman of the Committee of the Whole does not anticipate the order in which amendments may be offered under the five-minute rule nor does he declare in advance the order of recognition, but where he knows a Member desires recognition to offer an amendment, he may indicate that he will protect the Member's rights.

On Sept. 8, 1966,[13] Chairman Edward P. Boland, of Massachusetts, answered a parliamentary inquiry as to the order of recognition for offering amendments under the five-minute rule:

MR. [ROBERT G.] STEPHENS [Jr., of Georgia]: It is my understanding that the procedures will be for the Minish amendment to be considered and after the Minish amendment is disposed of then I will offer a substitute and it is my understanding I will be recognized immediately after the amendment for the purpose of submitting that substitute. Is that the correct parliamentary situation?

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11. See Rule XXIII clause 5(a), *House Rules and Manual* § 870 (1995) for amendment under the five-minute rule in the Committee of the Whole.

See also 117 CONG. REC. 34287, 92d Cong. 1st Sess., Sept. 30, 1971 (recognition under five-minute rule is first accorded to members of the reporting committee, and the Chair endeavors to alternate between majority and minority members of the committee).

12. 113 CONG. REC. 32655, 90th Cong. 1st Sess.

13. 112 CONG. REC. 22020, 89th Cong. 2d Sess.

THE CHAIRMAN: Recognition, of course, is within the discretion of the Chair, but the Chair will protect the gentleman's rights.[14]

Member Must Seek Recognition From Chair

§ 21.4 A Member desiring to offer an amendment under the five-minute rule must seek recognition from the Chair, and may not be yielded the floor for that purpose by another Member.

On Dec. 12, 1973,[15] Mr. Robert C. Eckhardt, of Texas, sought recognition, under the five-minute rule in the Committee of the Whole, in order to yield to Mr. Peter W. Rodino, Jr., of New Jersey, for the latter to offer an amendment. Chairman Richard Bolling, of Missouri, ruled that Mr. Eckhardt could not be recognized for that purpose.[16]

Member May Not Yield for Amendment

§ 21.5 A Member recognized under the five-minute rule may not yield to another Member to offer an amendment (thereby depriving the Chair of his power of recognition), but he may by unanimous consent yield the balance of his time to another Member who may thereafter offer an amendment.

The proposition described above was demonstrated in the Committee of the Whole on Oct. 30, 1975,[17] during consideration of H.R. 8603, the Postal Reorganization Act Amendments of 1975:

(Mr. Cohen asked and was given permission to revise and extend his remarks.)

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, will the gentleman yield?

MR. [WILLIAM S.] COHEN [of Maine]: I yield to the gentleman from Delaware.

MR. DU PONT: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[18] The Chair will state that the gentleman from Maine cannot yield for the purpose of the gentleman from Delaware offering an amendment.

MR. COHEN: Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Delaware (Mr. du Pont).

THE CHAIRMAN: Is there objection to the request of the gentleman from Maine?

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14. For protection of Members seeking recognition where five-minute debate has been limited, see § 22, infra.

15. 119 CONG. REC. 41171, 93d Cong. 1st Sess.

16. See also 119 CONG. REC. 41716, 93d Cong. 1st Sess., Dec. 14, 1973 and 119 CONG. REC. 13233, 13235, 93d Cong. 1st Sess., Apr. 19, 1973.

17. 121 CONG. REC. 34442, 94th Cong. 1st Sess.

18. Walter Flowers (Ala.).

There was no objection.

THE CHAIRMAN: The gentleman from Delaware is recognized for 2 minutes.

AMENDMENT OFFERED BY MR. DU PONT

MR. DU PONT: Mr. Chairman, I offer an amendment.

The Clerk read the amendment as follows:

Amendment offered by Mr. du Pont: Page 32, immediately after line 26, add the following new section:

Sec. 16. (a) Chapter 6 of title 39, United States Code, is amended by adding at the end thereof the following new section: . . .

Power of Recognition Is With the Chair—Manager of Bill May Not Yield to Himself

§ 21.6 Under the five-minute rule the Member managing the bill has preference in recognition for debate, but the power of recognition is with the Chair and the Member cannot "yield" himself time for debate.

On Mar. 26, 1965,[19] the Committee of the Whole was considering for amendment H.R. 2362, the Elementary and Secondary Education Act of 1965, reported by the Committee on Education and Labor, chaired by Adam C. Powell, of New York. The committee agreed to a motion to close debate on the pending section and on amendments thereto in five minutes. Mr. Powell then stated as follows:

Mr. Chairman, I yield myself 5 minutes.

Chairman Richard Bolling, of Missouri, stated in response to a point of order and to a parliamentary inquiry that although Mr. Powell could not "yield" himself time for debate under the five-minute rule, he could gain five minutes by offering a pro forma amendment or speaking in opposition to the pending amendment.

Senior Member of Committee Could Offer Amendment at Any Point of Paragraph of Appropriation Bill

§ 21.7 The pending paragraph of an appropriation bill being read under the five-minute rule is open to amendment at any point, and a senior member of the committee reporting the bill may be first recognized to offer an amendment notwithstanding the fact that it would insert matter on a line in the paragraph following the line sought to be amended by another Member.

On July 23, 1970,[20] Chairman Chet Holifield, of California, rec-

19. 111 CONG. REC. 6113, 89th Cong. 1st Sess.

20. 116 CONG. REC. 25635, 91st Cong. 2d Sess.

ognized George H. Mahon, of Texas, a member of the Committee on Appropriations which had reported the pending bill, to offer an amendment to the pending paragraph. Chairman Holifield then answered a series of parliamentary inquiries on the priority of ranking members of the reporting committee to recognition to offer amendments, where a paragraph is open to amendment at any point:

MR. [CHARLES R.] JONAS [of North Carolina]: May I respectfully remind the Chair that I was recognized, and that the Chair allowed a point of order to intervene only, and I had been recognized. The Chair ruled that since a point of order had been made, the Chair would dispose of the point of order first.

THE CHAIRMAN: The Chair respectfully states that the point of order did intervene following the gentleman's recognition. The Chair intends to recognize members of the committee in the order of their seniority. The Chair, therefore, recognized the gentleman from Texas. The Chair will later recognize the gentleman from North Carolina.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MICHEL: Did the Clerk read through the section concluding with line 3, page 39?

THE CHAIRMAN: It is the understanding of the Chair that he did.

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

THE CHAIRMAN: The gentleman will state it.

MR. JONAS: I respectfully ask the Chair to rule that my amendment does precede the amendment that will be offered by the gentleman from Texas. My amendment goes to line 5, page 38, and my information is that the amendment to be offered by the gentleman from Texas comes at a later point in the paragraph.

THE CHAIRMAN: A whole paragraph is open to amendment at the same time. Therefore, the line does not determine the order of the amendment.

Recognition in Order of Seniority Is Within Discretion of Chair

§ 21.8 Recognition under the five-minute rule in the Committee of the Whole is within the discretion of the Chair, and the Chair is not required in every instance to recognize members of the legislative committee reporting the bill in order of their seniority.

On Oct. 2, 1969,[1] the Committee of the Whole was considering under the five-minute rule H.R. 14000, military procurement authorization. Chairman Daniel D. Rostenkowski, of Illinois, recog-

1. 115 CONG. REC. 28101, 28102, 91st Cong. 1st Sess.

nized Mr. Charles H. Wilson, of California, a member of the Committee on Armed Services which had reported the bill, to offer an amendment. Mr. Lucien N. Nedzi, of Michigan, inquired whether members of the committee were supposed to be recognized in the order of their seniority. The Chairman responded "That is a matter for the Chair's discretion" and proceeded to recognize Mr. Wilson for his amendment.

Chair Alternates Between Majority and Minority, Not Necessarily Members Supporting and Opposing Proposition

§ 21.9 In recognizing Members to move to strike the last word under the five-minute rule, the Chair attempts to alternate between majority and minority Members; but the Chair has no knowledge as to whether specific Members oppose or support the pending proposition and therefore cannot strictly alternate between both sides of the question.

On June 7, 1984,[2] during consideration of H.R. 5504 (Surface Transportation and Uniform Relocation Assistance Act of 1984) in the Committee of the Whole, the following exchange occurred:

> THE CHAIRMAN:[3] The Chair recognizes the gentleman from Massachusetts (Mr. Shannon).
>
> MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. FRENZEL: Mr. Chairman, is it not customary to choose Members opposed and supporting the amendment in some kind of rough order?
>
> THE CHAIRMAN: The Chair is attempting to be fair. What the Chair is doing is alternating between the two sides.
>
> MR. FRENZEL: I thank the Chair.

Member Recognized in Support of Amendment Prior to Recognition of Another To Offer Substitute

§ 21.10 Under the five-minute rule, a Member is entitled to recognition in support of his amendment prior to recognition of another Member to offer, and debate, a substitute therefor.

On July 17, 1962,[4] Mr. Wayne N. Aspinall, of Colorado, offered an amendment to the pending bill, being considered under the five-minute rule in the Committee of

2. 130 CONG. REC. 15423, 98th Cong. 2d Sess.

3. Dan Daniel (Va.).

4. 108 CONG. REC. 13795, 87th Cong. 2d Sess.

the Whole. Chairman B. F. Sisk, of California, recognized Mr. Aspinall to debate his amendment for five minutes. Mr. James E. Van Zandt, of Pennsylvania, inquired whether it was in order at that time for him to offer a substitute amendment. The Chairman responded that it was not in order "until the gentleman from Colorado has had an opportunity to be heard on his amendment."

Priority of Recognition to Those Supporting Committee Amendment

§ 21.11 In recognizing, under the five-minute rule, members of the committee reporting a bill, the Chair recognizes a member in favor of a committee amendment prior to recognizing a member thereof who is opposed.

On Jan. 30, 1957,[5] Chairman Jere Cooper, of Tennessee, ruled, sustaining a point of order, that where a bill was being amended under the five-minute rule, a member of the reporting committee seeking recognition to speak in support of a committee amendment was entitled to prior recognition over a committee member seeking recognition to speak against the committee amendment.

Extending Five-minute Debate by Unanimous Consent

§ 21.12 Debate in the House as in the Committee of the Whole proceeds under the five-minute rule, but a Member who has already been recognized for five minutes may be recognized again by unanimous consent only.

Although a joint resolution called up under the Alaska Natural Gas Transportation Act was not subject to substantive amendment under section 8(d)(5)(B) of that Act, pro forma amendments for the purpose of debate under the five-minute rule were permitted where the resolution, on Nov. 2, 1977,[6] was being considered in the House as in Committee of the Whole by unanimous consent.

> THE SPEAKER PRO TEMPORE:[7] The unfinished business of the House is the further consideration of the joint resolution (H.J. Res. 621) approving the Presidential decision on an Alaska natural gas transportation system, and for other purposes, in the House as in the Committee of the Whole.
>
> Without objection, the Clerk will again report the joint resolution.

5. 103 CONG. REC. 1311, 85th Cong. 1st Sess.

6. 123 CONG. REC. 36613, 95th Cong. 1st Sess.

7. Otis G. Pike (N.Y.).

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 621

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the House of Representatives and Senate approve the Presidential decision on an Alaska natural gas transportation system submitted to the Congress on September 22, 1977, and find that any environmental impact statements prepared relative to such system and submitted with the President's decision are in compliance with the Natural Environmental Policy Act of 1969.

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. UDALL: Mr. Speaker, am I correct in assuming that the joint resolution before us has been laid before the House, but is not amendable?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. UDALL: Am I further correct, Mr. Speaker, in assuming that under the procedure by which we are operating, the only way for a Member to gain time is to make a pro forma motion to strike the necessary number of words?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

It is the Chair's understanding that those who have already offered pro forma amendments on the joint resolution may do so again only by unanimous consent.

§ 21.13 A Member recognized under the five-minute rule may extend his debate time only by unanimous consent, and a motion to that effect is not in order.

On Apr. 28, 1976,[8] the following proceedings occurred in the Committee of the Whole during consideration of House Concurrent Resolution 611, the first concurrent resolution on the budget for fiscal year 1977:

THE CHAIRMAN PRO TEMPORE:[9] The time of the gentleman from California (Mr. Leggett) has expired.

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 3 additional minutes.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from California? . . .

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I object.

THE CHAIRMAN PRO TEMPORE: Objection is heard.

MR. LEGGETT: Mr. Chairman, I move that I be given 2 additional minutes.

THE CHAIRMAN PRO TEMPORE: That motion is not in order. The time of the gentleman from California (Mr. Leggett) has expired.

§ 21.14 Under the five-minute rule, the proponent of a pending amendment may offer a pro forma amendment thereto (for additional de-

8. 122 CONG. REC. 11622, 94th Cong. 2d Sess.

9. Gillis W. Long (La.).

bate time) only by unanimous consent.

During consideration of the nuclear weapons freeze resolution (H.J. Res. 13) in the Committee of the Whole on Apr. 13, 1983,[10] the following proceedings occurred:

> MR. [ELLIOTT C.] LEVITAS [of Georgia]: Mr. Chairman, I move to strike the requisite number of words.
>
> THE CHAIRMAN:[11] Without objection, the gentleman from Georgia (Mr. Levitas) is recognized for 5 minutes. . . .
>
> MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, does the gentleman from Georgia (Mr. Levitas) have an amendment pending?
>
> THE CHAIRMAN: The gentleman from New York is correct. The gentleman from Georgia has an amendment in the nature of a substitute to the text pending.
>
> MR. STRATTON: Well, is it proper to strike the last word on one's own amendment?
>
> THE CHAIRMAN: The gentleman asked for recognition, and without objection, he was recognized for 5 minutes.

Parliamentarian's Note: Technically, the proponent may rise in opposition to a pro forma amendment offered by another Member in order to secure an additional five minutes.

Member Speaking on Amendment Could Speak on Amendment Thereto

§ 21.15 While the rules forbid a Member speaking twice on an amendment offered under the five-minute rule, he may speak on the amendment and later in opposition to a pro forma amendment offered during the pendency of the original amendment.

On Mar. 13, 1942,[12] Chairman Robert Ramspeck, of Georgia, recognized, during five-minute debate in the Committee of the Whole, Mr. Everett M. Dirksen, of Illinois, to speak in opposition to a pro forma amendment. Mr. Frank E. Hook, of Michigan, objected that a Member could not speak twice on the same amendment and that Mr. Dirksen had already spoken on the pending amendment. The Chairman ruled that Mr. Dirksen could speak on the pro forma amendment although he had already spoken to the pending substantive amendment.[13]

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10. 129 CONG. REC. 8382, 98th Cong. 1st Sess.

11. Matthew F. McHugh (N.Y.).

12. 88 CONG. REC. 2425, 77th Cong. 2d Sess.

13. For the prohibition against one Member speaking twice to the same question, see Rule XIV clause 6, *House Rules and Manual* § 762 (1995). For amendment under the five-minute rule, permitting a Mem-

§ 21.16 A Member who has offered an amendment and spoken thereon is not precluded from recognition to speak to a proposed amendment to his amendment.

On Nov. 15, 1967,[14] Chairman John J. Rooney, of New York, ruled that a Member who had offered an amendment and spoken thereon was not precluded from speaking on an amendment to his amendment:

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I move to strike the requisite number of words.

MR. [HUGH L.] CAREY [of New York]: A point of order, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. CAREY: Mr. Chairman, I have no wish to foreclose the right of my colleague from California to be heard, but I believe he has already spoken on the floor for 10 minutes in support of his amendment.

THE CHAIRMAN: Since the time the gentleman from California addressed the Committee with regard to the Hawkins amendment, another amendment has been offered, which is an amendment to the Hawkins amendment, and the gentleman from California has not yet spoken on that.

MR. CAREY: Mr. Chairman, I withdraw my point of order.

ber to speak only once on an amendment, see Rule XXIII clause 5(a), *House Rules and Manual* § 870 (1995).

14. 113 CONG. REC. 32644, 90th Cong. 1st Sess.

Offering Pro Forma Amendment After Recognition on Previous Amendment

§ 21.17 A Member who has spoken in debate on a second degree amendment may offer a further pro forma amendment to debate the underlying first degree amendment.

On June 28, 1995,[15] during consideration of a bill[16] making appropriations for foreign operations, export financing, and related programs, Mrs. Carrie P. Meek, of Florida, was debating an amendment in time yielded by Mrs. Corrine Brown, of Florida:

MS. BROWN of Florida: I yield to the gentlewoman from Florida.

MRS. MEEK of Florida: Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, there are a lot of things that have been said today, but there are still a lot of questions existing. No. 1, there is no one in this Congress, all 435 of them, that know doodley-squat about the Haitian Constitution. They know absolutely nothing about it.

THE CHAIRMAN:[17] The time of the gentlewoman from Florida [Ms. Brown] has expired.

(On request of Mr. Bonior and by unanimous consent, Ms. Brown of Flor-

15. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

16. H.R. 1868.

17. James V. Hansen (Utah).

ida was allowed to proceed for 2 additional minutes.)

MRS. MEEK of Florida: Mr. Chairman, will the gentlewoman yield?

MS. BROWN of Florida: I yield to the gentlewoman from Florida. . . .

MRS. MEEK of Florida: I have a parliamentary inquiry, Mr. Chairman. Mr. Chairman, I am trying to get recognized so I can move to strike the last word on the underlying amendment.

THE CHAIRMAN: The gentlewoman from Florida [Ms. Brown] requested 2 additional minutes. The time is hers now. That was granted without objection. She has now yielded to the gentlewoman from Florida [Mrs. Meek] in the well, so the Chair would say to the gentlewoman from Florida [Mrs. Meek] the time is hers as long as the gentlewoman yields to her.

MRS. MEEK of Florida: I have a further parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentlewoman will state her inquiry.

MRS. MEEK of Florida: Mr. Chairman, after I have expended the 2 minutes that she gives me, may I request 5 minutes.

THE CHAIRMAN: The gentlewoman may, under that circumstance. . . .

The time of the gentlewoman from Florida [Ms. Brown] has again expired.

In the following exchange, the Chair indicated that one who has offered a pro forma amendment on a second-degree amendment may offer another pro forma amendment on the first degree amendment:

MR. [THOMAS M.] FOGLIETTA [of Pennsylvania]: I have a parliamentary inquiry, Mr. Chairman. . . .

I believe I heard the gentlewoman from Florida [Mrs. Meek] say that she moved to strike the requisite number of words on the underlying amendment. She has spoken on her own amendment. Now she has asked for 5 minutes on the underlying amendment. I think she is entitled to that 5 minutes.

THE CHAIRMAN: That is correct, and the Chair would recognize the gentlewoman for 5 minutes to strike the last word on the Goss amendment.

MRS. MEEK of Florida: Mr. Chairman, I move to strike the requisite number of words. . . .

When the Goss amendment says "None of the funds appropriated in this act may be made available to the Government of Haiti when it is made known to the President that such Government is controlled by a regime holding power through means other than the democratic elections scheduled for calendar year 1995 and held in substantial compliance with requirements of the Constitution," I repeat again to the gentleman, what does the gentleman mean by "substantial," rhetorical statement, "compliance?" What does the gentleman mean by saying that the people in Haiti are not ready? That is the inference the gentleman is making, that they are not ready for a free election.

§ 21.18 Where there was pending in the Committee of the Whole an amendment and a substitute therefor, the Chair stated, in response to parliamentary inquiries (1) that the Member offering the substitute could debate it for

five minutes and could subsequently be recognized to speak for or against the original amendment; and (2) that a Member recognized to speak on a pending amendment might offer a pro forma amendment and thereby be entitled to a second five minutes of debate.

On July 28, 1970,[18] an amendment and a substitute therefor were pending to a bill being considered under the five-minute rule in the Committee of the Whole. Chairman William H. Natcher, of Kentucky, responded to parliamentary inquiries on recognition of Members for amendments and substitute amendments:

MR. [WILLIAM H.] HARSHA [of Ohio]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. HARSHA: How many times is a Member permitted to speak on his own amendment?

THE CHAIRMAN: The gentleman from Ohio inquires as to how many times a Member may speak on his own amendment. The answer to that is he may speak one time to his amendment.

MR. HARSHA: The author of the amendment is asking for additional time, and some of the rest of us have not had any time.

MR. [B. F.] SISK [of California]: Mr. Chairman, I withdraw my request and yield back the remainder of my time.

MR. [HAROLD R.] COLLIER [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. COLLIER: Is that rule not also applicable to any other Member of the House, once he has spoken on an amendment?

THE CHAIRMAN: The gentleman is correct.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. CLEVELAND: Am I not correct in stating that when the gentleman from Iowa (Mr. Schwengel) offered his amendment, he spoke on it; and am I not correct that when the gentleman from Wisconsin (Mr. Reuss) offered an amendment the gentleman from Iowa (Mr. Schwengel) offered a substitute. Would not the gentleman from Iowa (Mr. Schwengel) be allowed to speak for 5 minutes for or against the Reuss amendment, as well as in support of his own substitute?

THE CHAIRMAN: The gentleman is correct.

MR. CLEVELAND: I thank the Chairman.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WAGGONNER: Under the rules of the House cannot a Member move to strike the last word and be considered on the same amendment?

18. 116 CONG. REC. 26027, 91st Cong. 2d Sess.

THE CHAIRMAN: The gentleman is correct.

MR. WAGGONNER: And under those conditions a man could speak twice, could he not?

THE CHAIRMAN: Possibly. If a Member were to speak one time in opposition to an amendment subsequently he could move to strike the last word and he would be entitled to be recognized.

Recognition Limited to Five Minutes

§ 21.19 A decision of the Committee of the Whole to permit a Member to read a letter means that the Member may read the letter within the five minutes allotted to him, and does not necessarily permit him to read the entire letter.

On June 26, 1952,[19] while the Committee of the Whole was considering under the five-minute rule H.R. 8210, the Defense Production Act Amendments of 1952, Mr. Clinton D. McKinnon, of California, was recognized on a pro forma amendment and began reading a statement by Governor Arnall on a previously adopted amendment to the bill. Mr. Jesse P. Wolcott, of Michigan, objected to the reading, under Rule XXX of the rules of the House. Chairman Wilbur D. Mills, of Arkansas, put the question to the Committee, which voted to permit Mr. McKinnon to read the letter.

While Mr. McKinnon was reading the letter, Chairman Mills interrupted him and stated that his five minutes had expired. Mr. Herman P. Eberharter, of Pennsylvania, made the point of order that the vote by the Committee permitted Mr. McKinnon to read the entire letter; the Chairman overruled the point of order:

MR. EBERHARTER: Mr. Chairman, the House decided by a teller vote to permit the reading of this letter. I submit that the letter should be read in its entirety; that is the point of order I make.

THE CHAIRMAN: That is not the decision made by the Committee. The Committee made the decision that the gentleman could read the letter within the time allotted to the gentleman of 5 minutes.

MR. EBERHARTER: I did not hear it so stated when the motion was put, Mr. Chairman.

THE CHAIRMAN: The question put to the Committee had nothing whatsoever to do with the time to be consumed by the gentleman from California. The Chair recognized the gentleman from California for 5 minutes; the question arose as to whether or not he could within that 5 minutes time read extraneous papers.

The point of order is overruled.[20]

19. 98 CONG. REC. 8175, 8176, 82d Cong. 2d Sess.

20. See Rule XXX *House Rules and Manual* § 915 (1995) and annotation

Recognition on Reintroduced Amendment

§ 21.20 Upon the re-offering of an amendment which has, by unanimous consent, been withdrawn in the Committee of the Whole, the proponent is entitled to debate the amendment for a second five-minute period.

On May 3, 1956,[1] Chairman J. Percy Priest, of Tennessee, stated, in response to a parliamentary inquiry, that a Member who again offers an amendment he has withdrawn in the Committee of the Whole is entitled to debate the amendment for five minutes regardless of previous debate thereon:

> MR. [NOAH M.] MASON [of Illinois]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. MASON: Under the rules of the House does a man get two 5-minute discussions on the same amendment?
>
> THE CHAIRMAN: The gentleman withdrew his amendment, and it has been offered again. The gentleman from Maine is recognized for 5 minutes in support of his amendment.

thereto for the former prohibition against reading papers, over objection, without the consent of the House.

1. 102 CONG. REC. 7439, 84th Cong. 2d Sess.

Recognition for En Bloc Amendments

§ 21.21 A Member offering two amendments may, with the consent of the Committee of the Whole, have them considered together, but such consent does not permit the Member to debate the amendments for two five-minute periods.

On Mar. 5, 1937,[2] while the Committee of the Whole was considering for amendment under the five-minute rule an appropriation bill, Mr. Everett M. Dirksen, of Illinois, asked unanimous consent that two amendments he was offering, both applicable to the same page, be considered together. There was no objection to the request.

Mr. Dirksen then stated he assumed that he was entitled to proceed for 10 minutes, having two amendments. Chairman Schuyler Otis Bland, of Virginia, stated that Mr. Dirksen was entitled to only five minutes.

Recognition for Debate Does Not Preclude Timely Point of Order Against Amendment

§ 21.22 Mere recognition for debate on an amendment

2. 81 CONG. REC. 1919, 75th Cong. 1st Sess.

under the five-minute rule does not preclude a point of order against the amendment before the Member recognized has begun his remarks.

On July 30, 1955,[3] Mr. Clare E. Hoffman, of Michigan, offered an amendment to a Union Calendar bill on the Consent Calendar, being considered under the five-minute rule. Mr. Hoffman was recognized by Speaker Sam Rayburn, of Texas, to debate his amendment for five minutes. Before Mr. Hoffman had begun his remarks, Mr. H. R. Gross, of Iowa, made a point of order against the amendment on the ground that it was not germane. Mr. Hoffman objected that Mr. Gross could not be recognized for the point of order, since Mr. Hoffman had already been recognized to debate the amendment.

The Speaker overruled the point of order, stating that Mr. Hoffman had not yet begun his remarks.

Closed Rules and Pro Forma Amendments

§ 21.23 When an amendment, offered by direction of a committee, is being considered under a closed rule, only two five-minute speeches are in order and a third Member is not entitled to recognition notwithstanding the fact that the second Member, recognized in opposition, spoke in favor of the amendment.

On May 18, 1960,[4] the Committee of the Whole was considering H.R. 5, the Foreign Investment Tax Act of 1960, reported by the Committee on Ways and Means, pursuant to the provisions of House Resolution 468, permitting only amendments offered at the direction of said committee and amendments thereto. Mr. George Meader, of Michigan, was recognized by Chairman William H. Natcher, of Kentucky, for five minutes' debate in opposition to the pending committee amendment. The Chairman then answered a parliamentary inquiry:

> MR. [JOHN H.] DENT [of Pennsylvania]: Did the gentleman from Michigan [Mr. Meader] get up and ask for time to speak in opposition and would that include any of us who are opposed to the bill, since he is speaking in favor of the bill?
>
> THE CHAIRMAN: Under the rule, no one else can be recognized.
>
> MR. MEADER: Mr. Chairman, if the gentleman from Pennsylvania wants me to yield to him to make a statement, I will be glad to do so.

3. 101 CONG. REC. 12408, 84th Cong. 1st Sess.

4. 106 CONG. REC. 10579, 86th Cong. 2d Sess.

MR. DENT: I do not think that is it. I just want to know if the rules of the House allow the time to be usurped by those in favor of the bill when some time is supposed, under the rules of the House, to be allocated to those who are opposed to the bill.

THE CHAIRMAN: The Chair wishes to inform the gentleman from Pennsylvania that the gentleman from Michigan stated that he rose in opposition to the amendment, and the Chair recognized the gentleman from Michigan.

§ 21.24 When a bill is being considered under a closed rule permitting only committee amendments, only two five-minute speeches are in order, one in support of the committee amendment and one in opposition, and the Chair gives preference in recognition to members of the committee reporting the bill.

On May 18, 1960,[5] the Committee of the Whole was considering H.R. 5, the Foreign Investment Tax Act of 1960, reported by the Committee on Ways and Means, pursuant to the provisions of House Resolution 468, permitting only amendments offered at the direction of said committee. A member of the Committee on Ways and Means (Mr. Hale Boggs, of Louisiana) offered an amendment and was recognized for five minutes. Chairman William H. Natcher, of Kentucky, stated in response to a parliamentary inquiry that only five minutes for and five minutes against the amendment were in order, and that committee members had prior rights to debate:

MR. [CLEVELAND M.] BAILEY [of West Virginia]: I rise in opposition to the amendment and I oppose the legislation in general.

Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. BAILEY: On what ground may I get recognition for the purpose of opposing the legislation?

THE CHAIRMAN: The Chair recognized the gentleman from Louisiana [Mr. Boggs] for 5 minutes in support of the committee amendment, so the gentleman from Louisiana would have to yield to the distinguished gentleman from West Virginia.

MR. BAILEY: At the expiration of the 5 minutes allowed the gentleman from Louisiana, may I be recognized to discuss the amendment?

THE CHAIRMAN: If no other member of the committee rises in opposition to the amendment, the Chair will recognize the gentleman.

§ 21.25 Where a bill is being considered under a special order permitting only committee amendments and prohibiting amendments thereto, a second Member rising

5. 106 CONG. REC. 10576, 86th Cong. 2d Sess.

to support the committee amendment cannot be recognized, since he would necessarily be speaking to a pro forma amendment.

On Sept. 3, 1959,[6] Chairman William Pat Jennings, of Virginia, stated that to the pending bill, H.R. 9035, no amendments were in order under the special rule adopted by the House except amendments offered by the Committee on Public Works. Mr. Frank J. Becker, of New York, was recognized for five minutes to support the second committee amendment offered. At the conclusion of his remarks, Mr. Toby Morris, of Oklahoma, sought recognition in support of the amendment. Chairman Jennings declined to recognize Mr. Morris for that purpose:

> The Chair will state to the gentleman that only 5 minutes is permitted in support of the amendment and 5 minutes in opposition. Five minutes has been consumed in support of the amendment. Therefore, the Chair cannot recognize the gentleman at this time.

§ 21.26 When a committee amendment is being considered under a "closed" rule prohibiting amendments thereto, only two five-minute speeches are in order, pro forma amendments are not permitted and a third member may be recognized only by unanimous consent.

An illustration of the proposition described above occurred in the Committee of the Whole on Mar. 8, 1977,[7] during consideration of the Tax Reduction and Simplification Act of 1977 (H.R. 3477). The proceedings were as follows:

> MR. [WILLIAM M.] KETCHUM [of California]: Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the committee amendment.
>
> THE CHAIRMAN:[8] The Chair will state that only two 5-minute speeches are in order under the rule absent unanimous consent.
>
> MR. KETCHUM: Mr. Chairman, I ask unanimous consent that I may be permitted to speak in favor of the amendment.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from California?
>
> There was no objection.

Special Rule Permitting Pro Forma Amendments

§ 21.27 Where a special rule permits both the offering of specified perfecting amend-

6. 105 CONG. REC. 17987–89, 86th Cong. 1st Sess.

7. 123 CONG. REC. 6632, 95th Cong. 1st Sess.

8. Tom Bevill (Ala.).

ments in a certain order and pro forma amendments, the Chair has discretion to recognize Members to offer pro forma amendments to debate the underlying text between consideration of perfecting amendments.

The following proceedings occurred in the Committee of the Whole on May 26, 1982,[9] during consideration of House Concurrent Resolution 345 (the first concurrent resolution on the budget for fiscal year 1983):

MR. [HENRY A.] WAXMAN [of California]: At the appropriate time after we have completed this amendment, I will seek to strike the last word to make other comments that may be of interest to Members.

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[10] The gentleman will state it.

MR. MADIGAN: Is the procedure that has just been suggested by the gentleman from California one that would be in order?

THE CHAIRMAN: The Chair will entertain pro forma amendments between amendments.

MR. MADIGAN: Further pursuing my parliamentary inquiry, Mr. Chairman, how would the gentleman from California be able to be recognized to speak in behalf of something that he says he is not going to offer?

THE CHAIRMAN: Between amendments, no amendment is pending. That is why a pro forma amendment presumably to one of the substitutes will be allowed. It provides an opportunity for discussion between amendments.

Amendments Printed in Record

§ 21.28 Where a special rule adopted by the House only requires that all amendments offered to a bill in Committee of the Whole be printed in the Record, any Member may offer any germane amendment printed in the Record, and there is no requirement that only the Member causing the amendment to be printed may offer it, unless the special rule so specifies.

On Oct. 31, 1979,[11] during consideration of the Priority Energy Projects Act of 1979 (H.R. 4985) in the Committee of the Whole, the Chair responded to a parliamentary inquiry as follows:

MR. [NICK J.] RAHALL [II, of West Virginia]: Mr. Chairman, I have an amendment that was printed in the Record.

I also have an amendment by the gentleman from Michigan (Mr. Dingell) that was printed in the Record and through negotiations between the two

9. 128 CONG. REC. 12141, 97th Cong. 2d Sess.

10. Richard Bolling (Mo.).

11. 125 CONG. REC. 30441, 96th Cong. 1st Sess.

of us, I am offering the amendment of the gentleman from Michigan (Mr. Dingell) at this point. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have a parliamentary inquiry.

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

MR. BAUMAN: Mr. Chairman, do I understand that under this rule that governs the consideration of this bill that any Member can offer any amendment that was printed in the Record, no matter who the author of the amendment was?

THE CHAIRMAN PRO TEMPORE: The gentleman is correct. That is the correct interpretation.

Parliamentarian's Note: The question as to who may offer a printed amendment under such a rule must be distinguished from that of who may offer a printed amendment under Rule XXIII, clause 6, which specifically applies to the Member who caused the amendment to be printed.

Limiting Debate

§ 21.29 A Member is not entitled to five minutes of debate on a pro forma amendment in Committee of the Whole until the Chair has recognized him for that purpose; and the subcommittee chairman who is managing the bill is entitled to prior recognition to move to limit debate over a Member seeking recognition to offer a pro forma amendment.

During consideration of the foreign assistance and related agencies appropriation bill for fiscal year 1978 (H.R. 7797) in the Committee of the Whole on June 22, 1977,[13] the following proceedings occurred:

MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Chairman, I move to strike the requisite number of words.

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I was on my feet seeking recognition.

THE CHAIRMAN:[14] For what purpose does the gentleman from Maryland rise?

MR. LONG of Maryland: Mr. Chairman, I rise to ask unanimous consent for a limitation on the debate.

THE CHAIRMAN: Will the gentleman make his request.

MR. LONG of Maryland: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto cease in 10 minutes.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I object.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. LONG of Maryland: Mr. Chairman, I move that all debate on

12. Norman D. Dicks (Wash.).

13. 123 CONG. REC. 20288, 95th Cong. 1st Sess.

14. Abraham Kazen, Jr. (Tex.).

this amendment and all amendments thereto cease in 10 minutes.

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ASHBROOK: Mr. Chairman, my understanding is that the Chairman recognized the gentleman from New York (Mr. Bingham) and he was halfway down the aisle.

THE CHAIRMAN: The Chair saw both gentlemen at the same time, and he did recognize the gentleman from Maryland because the Chair had to, by custom and rule, I believe, recognize the chairman of the subcommittee. . . .

The question is on the motion offered by the gentleman from Maryland (Mr. Long).

The motion was agreed to.

Member Managing Bill Entitled to Prior Recognition To Move To Close Debate on Amendment

§ 21.30 During five-minute debate in the Committee of the Whole, the Member managing the bill is entitled to prior recognition, to move to close debate at once on a pending amendment, over other Members who desire to debate the amendment or to offer amendments thereto.

On Nov. 25, 1970,[15] the Committee of the Whole was considering under the five-minute rule H.R. 19504, the Federal-aid Highway Act, being managed by Mr. John C. Kluczynski, of Illinois. Mr. Kluczynski moved that all debate on the pending amendment close instantly, and the motion was agreed to. Chairman Chet Holifield, of California, then indicated in response to parliamentary inquiries that Mr. Kluczynski had the prior right to recognition to move to limit debate over other Members seeking recognition, and that further debate was not in order (although non-debatable amendments could still be offered):

THE CHAIRMAN: For what purpose does the gentleman from New York rise?

MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Chairman, I offer an amendment.

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Chairman, after all, I was recognized before the Chair recognized the gentleman from New York.

Mr. Chairman, a parliamentary inquiry. Are men on their feet going to be permitted to speak for their 3 seconds?

THE CHAIRMAN: The Chair had not recognized the gentleman from New York or the gentleman from Indiana. The Chair had recognized the gentleman from Illinois (Mr. Kluczynski). The gentleman from Indiana misunderstood the Chair had recognized him. The Chair had to recognize the gentleman from Illinois as chairman of the subcommittee.

15. 116 CONG. REC. 38990, 91st Cong. 2d Sess.

MR. JACOBS: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. JACOBS: What about those of us who were on our feet when debate was choked off? Will we be recognized?

THE CHAIRMAN: There was no count made of Members standing for time, and the motion of the gentleman from Illinois was to close debate, and that motion was agreed to.

Debate on Motion To Strike Enacting Clause

§ 21.31 On a motion to strike out the enacting clause in the Committee of the Whole, only two five-minute speeches are permitted and the Chair declines to recognize for a pro forma amendment.

On Aug. 1, 1957,[16] after Mr. Earl Wilson, of Indiana, offered a motion that the Committee of the Whole rise and report back the pending bill with the recommendation the enacting clause be stricken, Mr. Leon H. Gavin, of Pennsylvania, sought to gain recognition on a motion to strike out the last word. Chairman Richard Bolling, of Missouri, declined to recognize him for that purpose. After two five-minute speeches had been had on the motion, Mr. Gavin again sought recognition to debate the motion, and the Chairman ruled that no further debate could be had.

§ 21.32 On a motion to strike out the enacting clause offered in the Committee of the Whole, only two five-minute speeches are permitted and the Chair generally declines to recognize a request for an extension of that time.

On July 18, 1951,[17] Mr. Clare E. Hoffman, of Michigan, offered a motion that the Committee of the Whole rise and report back the pending bill with the recommendation that the enacting clause be stricken. He then asked unanimous consent to revise and extend his remarks and to proceed for five additional minutes. Mr. Brent Spence, of Kentucky, objected to the request. Chairman Wilbur D. Mills, of Arkansas, ruled as follows on the request:

> The gentleman may revise and extend his remarks, without objection, but he may not proceed for an additional 5 minutes on a motion to strike out the enacting clause.[18]

§ 21.33 On a motion to strike out the enacting clause in the Committee of the Whole,

16. 103 CONG. REC. 13385, 13386, 85th Cong. 1st Sess.

17. 97 CONG. REC. 8371, 8372, 82d Cong. 1st Sess.

18. See also 98 CONG. REC. 1829, 1830, 82d Cong. 2d Sess., Mar. 4, 1952.

only two five-minute speeches are permitted, notwithstanding the fact that the second Member, recognized in opposition to the motion, spoke in favor thereof.

On Mar. 18, 1960,[19] Mr. Paul C. Jones, of Missouri, offered a motion that the Committee of the Whole rise and report the pending bill back to the House with the recommendation that the enacting clause be stricken. Mr. Jones was recognized for five minutes' debate in support of the motion. Mr. William M. Colmer, of Mississippi, rose in opposition to the motion and consumed his five minutes, actually speaking in favor of the motion. Mr. Clare E. Hoffman, of Michigan, then made a point of order, which was overruled by Chairman Francis E. Walter, of Pennsylvania:

> MR. HOFFMAN: Mr. Chairman, a point of order. I seek recognition in opposition to the amendment on the ground that the gentleman from Mississippi (Mr. Colmer) did not talk against the motion.
>
> THE CHAIRMAN: The 5 minutes for the preferential motion and the 5 minutes against the motion have expired.

§ 21.34 A Member offering a motion in the Committee of the Whole to strike out the enacting clause of a bill may yield to another while he has the floor but he may not yield his five minutes of debate to another Member to discuss the motion.

On Sept. 27, 1945,[20] Mr. Andrew J. May, of Kentucky, offered a motion that the Committee of the Whole rise and report back the pending bill with the recommendation that the enacting clause be stricken. Mr. May then stated he yielded his five minutes' time on the motion to another Member. Mr. Robert Ramspeck, of Georgia, objected that Mr. May could not so yield all his time and Mr. May then remained on his feet and yielded part of his time to the other Member to debate the motion.

§ 21.35 The Chair recognizes only two Members to speak on the preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken.

On Dec. 18, 1975,[1] during consideration of the Airport and Airway Development Act Amendments of 1975 (H.R. 9771) in the

19. 106 CONG. REC. 6026, 6027, 86th Cong. 2d Sess.

20. 91 CONG. REC. 9095, 79th Cong. 1st Sess.

1. 121 CONG. REC. 41799, 41800, 94th Cong. 1st Sess.

Committee of the Whole, the proceedings described above were as follows:

> MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Conte moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.
>
> THE CHAIRMAN:[2] The gentleman from Massachusetts (Mr. Conte) is recognized for 5 minutes in support of his amendment. . . .
>
> THE CHAIRMAN: The Chair recognizes the gentleman from California (Mr. Anderson).
>
> MR. [GLENN M.] ANDERSON of California: Mr. Chairman, I rise in opposition to the gentleman's motion and yield back the balance of my time.
>
> THE CHAIRMAN: The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. Conte).
>
> The preferential motion was rejected.

Parliamentarian's Note: Since Mr. Anderson utilized only a small fraction of his time to speak against the preferential motion, Mr. Garry Brown, of Michigan, sought recognition to speak against the motion. The Chair declined to recognize him, since only two Members may be recognized to speak on the motion.

2. George E. Brown, Jr. (Calif.).

Debate on Appeal of Ruling

§ 21.36 An appeal in the Committee of the Whole is debatable under the five-minute rule, whether the Committee is conducting general debate or proceeding under the five-minute rule, and such debate is confined to the appeal.

On Feb. 22, 1950,[3] the Committee of the Whole was conducting general debate on H.R. 4453, the Federal Fair Employment Practice Act. Mr. Adam C. Powell, Jr., of New York, who had the floor, yielded one minute of debate to Mr. Howard W. Smith, of Virginia. Mr. Smith delivered some remarks on the lateness of the session and then moved that the Committee rise. Chairman Francis E. Walter, of Pennsylvania, ruled that Mr. Smith could not so move, having been recognized for debate only. Mr. Smith appealed the Chair's ruling.

In response to a parliamentary inquiry by Mr. John E. Rankin, of Mississippi, the Chairman stated that debate on the appeal was under the five-minute rule. Mr. Rankin debated the appeal, and Mr. Vito Marcantonio, of New York, made a point of order against Mr. Rankin's remarks on

3. 96 CONG. REC. 2178, 81st Cong. 2d Sess.

the ground he was not confining himself to the subject of the appeal. The Chairman sustained the point of order.

§ 22. Where Five-minute Debate Has Been Limited

A limitation of debate on a bill and all amendments thereto in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition of those Members desiring to speak are largely within the discretion of the Chair.[4]

Notwithstanding a limitation on debate and the allocation of the remaining time by the Chair, ten minutes of debate is permitted on an amendment which has been printed in the Record, under Rule XXIII, clause 6.[5] The Chair in his discretion may defer recognition of listed Members whose amendments have been printed in the Record until after others have been recognized in the division of time.[6]

Cross References

Closing and limiting five-minute debate, see § 78, infra.

Effect of limitation on five-minute debate (obtaining and using time) and distribution of remaining time following limitation, see § 79, infra.

Recognition under the five-minute rule, see § 21, supra.

Rights of committee manager of bill to move to close five-minute debate, see § 7, supra.

Use of motion to strike enacting clause under limitation on five-minute debate, see § 79, infra.

Yielding time under limitation on five-minute debate, see § 31, infra.

Motion To Limit Debate Disposed of Before Further Recognition

§ 22.1 When the motion to limit debate on an amendment is pending, that motion must be disposed of prior to further recognition by the Chair.

On June 5, 1962,[7] Mr. Adam C. Powell, of New York, asked unanimous consent that debate on a pending amendment close. Mr. H. R. Gross, of Iowa, interrupted Mr. Powell to object to the request. Mr. Powell then moved that debate close at 2 o'clock. Mr. Gross then sought recognition to offer the preferential motion that the Committee rise and report back the bill with the recommendation that the enacting

4. See, e.g., §§ 22.7, 22.12, and 22.19, infra.

5. See, e.g., §§ 22.32, 22.36, and 22.38, infra.

6. See § 22.19, infra.

7. 108 Cong. Rec. 9713, 87th Cong. 2d Sess.

clause be stricken. Chairman Jack B. Brooks, of Texas, ruled that recognition for that purpose was not in order pending the motion to limit debate, which must be first disposed of.[8]

Where Committee of the Whole Fixes Debate Time, Time Extended by Unanimous Consent Only

§ 22.2 Where the Committee of the Whole has fixed the time for debate on amendments, such time may be extended only by unanimous consent.

On Aug. 18, 1949,[9] the Committee of the Whole agreed to a request that all debate on pending amendments close in one hour. Chairman Wilbur D. Mills, of Arkansas, then advised Members that since 30 Members wished to speak, each would be entitled to two minutes. Mr. Cecil F. White, of California, inquired whether it would be in order to move that the time be extended in view of the fact that so many Members had requested time. The Chairman responded that such an extension would require unanimous consent, debate already having been limited.

Proponent of Amendment Was Recognized for Five Minutes After Motion To Limit Debate Agreed to

§ 22.3 Where a motion to limit debate has been made and agreed to following the offering of an amendment but prior to recognition of its proponent, the Chair may nevertheless allocate five minutes to the proponent and in his discretion divide

8. The rule governing the closing of debate under the five-minute rule in the Committee of the Whole is Rule XXIII clause 6, *House Rules and Manual* § 874 (1995). The rule was amended by H. Res. 5 in the 92d Congress to allow five minutes' debate for and against an amendment, regardless of a time limitation, which has been printed in the *Congressional Record* at least one day prior to its floor consideration.

The language of the time limitation, whether to a time certain or for a total time for debate, determines whether time for reading amendments, for quorum calls, for points of order and for votes is to be taken out of the remaining time. See § 79, infra.

Debate may also be closed instantly, precluding further recognition; see § 22.51, infra.

For the priority of recognition of the bill manager to move to close debate, see, e.g., § 21.30, supra, and § 22.50, infra.

See generally §§ 78, 79, infra, for closing and limiting five-minute debate.

9. 95 Cong. Rec. 11760, 81st Cong. 1st Sess.

the remaining time among other Members.

A limitation on time for debate, in effect, abrogates the five-minute rule. On one occasion, a Member who had offered an amendment but had not been recognized to debate the amendment was recognized, in the exercise of discretion by the Chair, for five minutes. The proceedings of Oct. 9, 1975,[10] in the Committee of the Whole, were as follows:

MRS. [LEONOR K.] SULLIVAN [of Missouri] (during the reading): Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN:[11] Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

MRS. SULLIVAN: Mr. Chairman, I move that all debate on the pending amendment to title IV and all amendments thereto be limited to 10 minutes.

THE CHAIRMAN: The Chair would prefer to wait until the amendment has been offered.

MR. [PAUL N.] MCCLOSKEY [Jr., of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCloskey: On page 77 at line 18 add a new section as follows:

"Sec. 407. The United States hereby consents to the jurisdiction of the International Court of Justice with respect to any claim or controversy arising as a result of the enactment or the implementation of this Act."

THE CHAIRMAN: Does the gentlewoman from Missouri (Mrs. Sullivan) move to limit debate on this title and all amendments thereto to 10 minutes?

MRS. SULLIVAN: I do, Mr. Chairman.

THE CHAIRMAN: The question is on the motion offered by the gentlewoman from Missouri (Mrs. Sullivan).

The motion was agreed to.

MR. MCCLOSKEY: Mr. Chairman, may I ask if I will have 5 minutes to explain my amendment?

THE CHAIRMAN: The gentleman from California is correct, he will have 5 minutes.

Recognition of Members Not in Chamber When Limitation Is Agreed to

§ 22.4 While a limitation of debate in the Committee of the Whole on a pending amendment and on all amendments thereto normally abrogates the five-minute rule, the Chair may, in his discretion, announce his intention to recognize each Member offering an amendment for five minutes where it is apparent that all Members who might offer amendments are not in the Chamber at the time the limitation is imposed.

10. 121 CONG. REC. 32600, 94th Cong. 1st Sess.

11. Neal Smith (Iowa).

On Dec. 14, 1973,[12] Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that where there was pending an amendment in the nature of a substitute for a bill, a motion to close all debate on the substitute and all amendments thereto at a time certain would be in order. He indicated the procedure to be followed in recognition by the Chair should five-minute debate be limited:

> MR. [JAMES T.] BROYHILL of North Carolina: Mr. Chairman, my parliamentary inquiry is this: If the time is limited, would only those Members who are presently standing and would be listed—would they be the only Members who could be recognized either to propose an amendment or to oppose an amendment?
>
> THE CHAIRMAN: The Chair will state any motion that the Chair can conceive of would involve enough time so that the Chair would feel that he could reserve that right to recognize Members under the 5-minute rule.
>
> The Chair will explain that if needed.
>
> The gentleman is talking about limiting debate on the amendment in the nature of a substitute, and all amendments thereto?
>
> MR. BROYHILL of North Carolina: That is correct, Mr. Chairman.
>
> THE CHAIRMAN: The Chairman would presume that there will be a substantial block of amendments, and the Chair would feel that the Chair should not fail to protect the Members who are not in the Chamber at the moment who might have amendments that they sought to offer.

Members To Indicate Wish To Speak Under Limitation

§ 22.5 The Chairman of the Committee of the Whole, after a limitation of time for debate had been agreed to and the list of Members to be recognized had been fixed, requested the Members on the list who wished to speak to the pending amendment to so indicate.

On May 21, 1959,[13] the Committee of the Whole agreed to a motion closing debate on a pending amendment at a time certain. Chairman Francis E. Walter, of Pennsylvania, indicated, in response to parliamentary inquiries, that those Members who were standing seeking recognition at the time the limitation was agreed to and who were noted by the Chair would be entitled to recognition under the limitation. The Chairman then requested Members so entitled and on the Clerk's list to indicate whether they wished to speak.

12. 119 CONG. REC. 41712, 93d Cong. 1st Sess.

13. 105 CONG. REC. 8828–31, 86th Cong. 1st Sess.

Chair's Discretion as to Recognition and Division of Time Under Limitation

§ 22.6 Where the Committee of the Whole agrees to terminate all debate on an amendment at a certain time, the Chair may divide the time remaining among those Members who indicate a desire to speak; and if free time remains after these Members have been recognized, the Chair may at his discretion recognize Members who have not spoken to the amendment or Members who were recognized for less than five minutes under the limitation of time.

On Mar. 17, 1960,[14] the Committee of the Whole agreed to a request that all debate on the pending amendment close at 3:50 p.m. Chairman Francis E. Walter, of Pennsylvania, recognized then those Members who had indicated they wished to speak. When those Members had spoken, time still remained and the Chairman recognized for debate Members who were not standing seeking recognition when the limitation was agreed to. The Chair answered a parliamentary inquiry:

> MR. [JAMES C.] DAVIS of Georgia: Was not the time fixed for this debate and was not the time limited to those who were standing on their feet seeking recognition?
>
> THE CHAIRMAN: The time was fixed at 3:50. The Chair made a list of the names of those Members who indicated they desired to speak. However, the thing that governs is the time that was fixed in the unanimous consent request made by the gentleman from New York, but because the time has not arrived when debate will end, the Chair will recognize those Members who seek recognition.
>
> MR. DAVIS of Georgia: Mr. Chairman, a further parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. DAVIS of Georgia: Does that limitation then of 2 minutes apply to me, or could I have some of this additional time?
>
> THE CHAIRMAN: Yes, the gentleman could be recognized again if he sought recognition.

§ 22.7 Where the Committee of the Whole has, by motion, agreed to limit all debate on a section and all amendments thereto, the Chair generally divides the time equally among those who indicate, by standing when the motion is made, that they desire recognition, or who have submitted their names to be listed among those wishing to

14. 106 CONG. REC. 5911, 5914, 86th Cong. 2d Sess.

speak; but the matter of recognition is largely within the discretion of the Chair and he may simply recognize each Member who seeks recognition for five minutes until the time for debate has been exhausted.

On July 22, 1965,[15] the Committee of the Whole agreed to a motion, offered by Mr. Sam M. Gibbons, of Florida, to close all debate on the pending section and all amendments thereto (H.R. 8283, Economic Opportunity Act Amendments of 1965). Chairman John J. Rooney, of New York, answered a parliamentary inquiry on recognition under the limitation:

MR. GERALD R. FORD [of Michigan]: Will the Chair announce who has time in the 10 minutes we have for the discussion of four or five or six amendments?

THE CHAIRMAN: The Chair has not the slightest idea who has amendments.

MR. GERALD R. FORD: Does not the Chair have a list of who has time?

THE CHAIRMAN: The Chair does not have a list.

MR. GERALD R. FORD: May I ask, is it not the usual procedure that such a list is available when time is limited?

THE CHAIRMAN: Not necessarily.

§ 22.8 Where the Committee of the Whole fixed debate at an hour and a half, the Chair did not note the names of the Members seeking recognition and divide the time at less than five minutes each, as is the practice when a shorter period is fixed.

On Feb. 22, 1950,[16] Mr. John W. McCormack, of Massachusetts, moved that debate close on pending amendments at 2:30 a.m. and the Committee of the Whole agreed thereto. Chairman Francis E. Walter, of Pennsylvania, then answered a parliamentary inquiry on division of the time:

MR. [JACOB J.] JAVITS [of New York]: Mr. Chairman, is the Chair disposed to divide the time in view of the fact that it has been limited, and to announce the Members who will be recognized?

THE CHAIRMAN: In view of the fact that one hour and a half remains for debate, and since it was impossible for the Chair to determine the number of Members who were on their feet, I believe it is advisable to follow the strict rule [five minutes for each Member recognized].

§ 22.9 Pending a unanimous-consent request that debate on pending amendments be limited to a time certain, the Chair indicated that all Members standing would be recognized under the limi-

15. 111 CONG. REC. 17961, 89th Cong. 1st Sess.

16. 96 CONG. REC. 2240–46, 81st Cong. 2d Sess.

tation although they might already have debated the amendments.

On July 28, 1970,[17] Mr. B. F. Sisk, of California, made a unanimous-consent request that all debate on pending amendments close at a time certain. Reserving the right to object, Mr. Alphonzo Bell, of California, asked whether a Member who had already spoken on the amendments could speak again under the time limitation. Chairman William H. Natcher, of Kentucky, responded as follows:

> The Chair would like to inform the gentleman from California that all Members standing would be recognized.

Mr. Bell withdrew his reservation of objection.

§ 22.10 Where the Committee of the Whole has fixed the time for debate on pending amendments, the Chair may prepare a list of names of those Members seeking recognition at the time the limitation was agreed to and divide the time equally between them.

On Aug. 18, 1949,[18] Mr. John Kee, of West Virginia, asked unanimous consent that debate on pending amendments close in one hour. There was no objection. Chairman Wilbur D. Mills, of Arkansas, then responded to points of order and parliamentary inquiries on the procedure to be followed by the Chair in recognizing Members under the limitation:

> MR. [EARL] WILSON of Indiana: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. WILSON of Indiana: There were a certain number of us on our feet when the unanimous-consent request was propounded. After the time was limited, about twice as many people got on their feet to be recognized.
>
> THE CHAIRMAN: The Chair is endeavoring to ascertain those Members who desire to speak, and has no disposition to violate any rights of freedom of speech.
>
> MR. WILSON of Indiana: Further pressing my point of order, is it in order after the time is limited for others to get the time that we have reserved for ourselves? I would like to object under the present situation.
>
> THE CHAIRMAN: Permit the Chair to answer the gentleman. If the gentleman from Indiana will ascertain and indicate to the Chair the names of the Members who were not standing at the time the unanimous-consent request was agreed to, the gentleman will render a great service to the Chair in determining how to answer the gentleman.
>
> MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Chairman, a parliamentary inquiry.

17. 116 CONG. REC. 26032, 26033, 91st Cong. 2d Sess.

18. 95 CONG. REC. 11760, 81st Cong. 1st Sess.

THE CHAIRMAN: The gentleman will state it.

MR. RICH: That is not the duty of the gentleman from Indiana. That is the duty of the Clerk.

THE CHAIRMAN: The gentleman from Pennsylvania and the Chair both understand that, but apparently all Members do not. The Chair is endeavoring to do the best he can to ascertain those who desire to speak under this limitation of time. Now permit the Chair to ascertain that.

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

THE CHAIRMAN: The gentleman will state it.

MR. HOFFMAN of Michigan: Will the Chair, with the assistance of the Clerk, advise me how many Members have asked for time, and how much time each Member will be allotted?

THE CHAIRMAN: Each of the Members whose names appear on the list will be recognized for 2 minutes, there being 30 Members on their feet at the time and debate having been limited to 1 hour.

§ 22.11 Where the Committee of the Whole had separately limited debate on the remaining titles of a committee amendment in the nature of a substitute which was open to amendment at any point, the Chair indicated that he would give preference in recognition to all Members who had amendments to the title being debated, and that Members who had printed amendments in the Record should offer them at the conclusion of debate under the limitation on that title.

When consideration of the Surface Mining Control and Reclamation Act of 1974[19] resumed in the Committee of the Whole on July 24, 1974,[20] Chairman Neal Smith, of Iowa, made an explanatory statement of the pending situation as follows:

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11500, with Mr. Smith of Iowa in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN: The Chair will attempt to explain the situation.

Before the Committee rose on yesterday, it had agreed that the remainder of the substitute committee amendment titles II through VIII, inclusive, would be considered as read and open to amendment at any point.

The Committee further agreed that the time for debate under the 5-minute rule would be limited to not to exceed 3 hours and allocated time to titles II through VIII as follows: 50 minutes for title II, 20 minutes for title III, 50 minutes for title IV, 5 minutes for title V, 5 minutes for title VI, 40 minutes for title VII, and 10 minutes for title VIII.

In an attempt to be consistent with the unanimous-consent agreement en-

19. H.R. 11500.

20. 120 CONG. REC. 25009, 93d Cong. 2d Sess.

tered into on yesterday, the Chair will endeavor to recognize all Members who wish to offer or debate amendments to title II during the 50 minutes of time for debate on that title.

If Members who have printed their amendments to title II in the Record would agree to offer those amendments during the 50-minute period and to be recognized for the allotted time, the Chair will recognize both Committee and non-Committee members for that purpose.

Members who have caused amendments to title II to be printed in the Record, however, are protected under clause 6, rule XXIII, and will be permitted to debate for 5 minutes any such amendment which they might offer to title II at the conclusion of the 50 minutes of debate thereon.

The Chair will now compile a list of those Members seeking recognition to offer or debate amendments to title II and will allocate 50 minutes for debate accordingly.

The Chair will give preference where possible to those Members who have amendments to offer to title II.

Members who were standing at the time of the determination of the time allocation will be recognized for 1 minute and 20 seconds each.

—*Guidelines Used in Recognition*

§ 22.12 Where all debate on a bill and amendments thereto has been limited, the order in which the Chair recognizes Members desiring to speak is subject to his discretion; and he may in determining the order of recognition use several guidelines, such as seniority, committee status, Members having amendments at the desk.

On Oct. 14, 1966,[1] the Committee of the Whole was considering under five-minute debate S. 3708, the Demonstration Cities Act of 1966. A motion offered by Mr. Wright Patman, of Texas, to close debate on the bill and all amendments thereto after a certain amount of time, was pending. Chairman Daniel Flood, of Pennsylvania, answered parliamentary inquiries on the order of recognition under the limitation if agreed to:

> MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state the parliamentary inquiry.
>
> MR. ASHLEY: Mr. Chairman, I was in the cloakroom at the time this request motion was made. I have an amendment. Am I counted among those who have amendments at the desk?
>
> THE CHAIRMAN: We have not counted anyone. The Chair has just stated that there are so many amendments at the Clerk's desk. And if the gentleman has an amendment at the Clerk's desk it has been included in the number. . . .
>
> The motion was agreed to.

1. 112 CONG. REC. 26976, 26977, 89th Cong. 2d Sess.

THE CHAIRMAN: I am sure that all Members who are standing are not seeking recognition. Will those seeking recognition remain standing so that the Clerk can note their names.

MR. [THOMAS P.] O'NEILL [Jr.], of Massachusetts: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. O'NEILL of Massachusetts: Mr. Chairman, in what order will the Chair recognize Members to offer their amendments?

THE CHAIRMAN: That is up to the Chairman. The Chair always recognizes Members in a difficult situation like this by seniority and, of course, going from one side to the other, naturally.

MR. [DONALD J.] IRWIN [of Connecticut]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. IRWIN: Mr. Chairman, will Members who have amendments at the desk be recognized before other Members?

THE CHAIRMAN: Oh, yes. As far as the Chair is concerned, any Member who has an amendment here—and, of course, this is not a necessary procedure—but the Chair assures you that the Chair will recognize Members who have an amendment at the desk before recognizing Members to strike out the last word. It is not necessary but I will so rule.

MR. DEL CLAWSON [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DEL CLAWSON: Will members of the committee be recognized before other Members?

THE CHAIRMAN: Members of the Committee on Banking and Currency under the rules, will be recognized before any other Member.

MR. DEL CLAWSON: I thank the Chair.

THE CHAIRMAN: If they have amendments at the desk.

§ 22.13 While a motion to limit debate on a portion of a bill and all amendments thereto was pending, the Chair advised that in the event the motion carried: (1) the Chair would first recognize those Members standing, each for five minutes, then any other Members seeking recognition, also for five minutes, until the time expired or there were no other requests for recognition; and (2) if requests for recognition did not consume the time set, the Chair would direct the Clerk to read.

On Aug. 1, 1966,[(2)] while the Committee of the Whole was considering under the five-minute rule H.R. 14765, the Civil Rights Act of 1966, Mr. Emanuel Celler, of New York, moved that all debate on title I and amendments

2. 112 CONG. REC. 17759, 17760, 89th Cong. 2d Sess.

thereto close in one and one-half hours. Chairman Richard Bolling, of Missouri, then answered a parliamentary inquiry stated by Mr. Gerald R. Ford, of Michigan, on the order of recognition and time for debate should the motion be agreed to:

> MR. GERALD R. FORD: Mr. Chairman, I notice that there are relatively only a few standing. How will the Chair determine under that process those who will be eligible to speak? The lack of those standing does not necessarily mean that Members will not wish to speak.
>
> THE CHAIRMAN: The Chair will state that if the time is fixed at 1½ hours and there are no other gentlemen to be recognized or who desire to be heard, the Chair will proceed to ask the Clerk to read the next title.
>
> If, however, there are 1½ hours, each Member standing now will be recognized for 5 minutes.
>
> MR. GERALD R. FORD: A further parliamentary inquiry, Mr. Chairman. If there are not a sufficient number of Members standing at the present time, will the Chair proceed under the 5-minute rule during the 1½ hours?
>
> THE CHAIRMAN: The Chair will see to it that each of those Members now standing will be recognized in an orderly fashion. If there are others desiring to speak within the time limitation, the Chair will then recognize them. Those now standing will receive a priority from the Chair.

—*Five-minute Rule Abrogated Where Debate Limited*

§ 22.14 Where the Committee of the Whole has imposed a limitation of debate on an amendment, the five-minute rule is abrogated and the Chair may, in his discretion, either permit continued debate under the five-minute rule, divide the remaining time among those desiring to speak or divide the time between a proponent and opponent to be yielded by them.

On May 25, 1982,[3] during consideration of House Concurrent Resolution 345 (the first concurrent resolution on the budget for fiscal year 1983) in the Committee of the Whole, the Chair responded to an inquiry regarding recognition for debate, as indicated below:

> MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, further reserving the right to object, as I understand it, the Chair's stated intention, in the event the unanimous-consent request is not agreed to, is to continue to go from one side to the other recognizing Members who have been on their feet. Is that the Chair's intention?
>
> THE CHAIRMAN PRO TEMPORE:[4] The Chair has the prerogative to do one of several things. He may continue the same process under the five-minute rule, or the Chair can apportion the remaining time based upon the number of people who are standing or to one

3. 128 CONG. REC. 11672, 97th Cong. 2d Sess.
4. David E. Bonior (Mich.).

proponent and opponent to be yielded by them.

§ 22.15 Where debate on a bill and all amendments thereto is limited to a time certain, the five-minute rule is abrogated, and the Chair may choose either to allocate the time among those Members standing and desiring to speak, or choose to recognize only Members wishing to offer amendments and to oppose amendments; the Chair may decline to recognize Members more than once under the limitation and may refuse to permit Members to divide their allotted time so as to speak to several of the amendments which are to be offered.

On May 6, 1970,[5] the Committee of the Whole agreed to a motion, offered by Mr. L. Mendel Rivers, of South Carolina, that all debate on the pending bill and amendments thereto close at a certain hour. Chairman Daniel D. Rostenkowski, of Illinois, stated his intention to follow certain procedures in recognizing Members offering or opposing amendments.

MR. [SAMUEL S.] STRATTON [of New York]: Under the limitation of debate imposed by the House, a moment ago, is there any restriction on those Members who will be permitted to speak on amendments, either for or against, between now and 7 o'clock?

THE CHAIRMAN: The Chair will endeavor to divide the time equally among the proponents and the opponents of those who have amendments. . . .[6]

MR. STRATTON: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. STRATTON: Under the limitation of debate, is it permissible for a Member to speak twice within his allotted time either for or against two specific amendments?

THE CHAIRMAN: The Chair will recognize the gentleman for one time in support of or in opposition to an amendment.

MR. STRATTON: But not more than once?

THE CHAIRMAN: No; not more than once.

§ 22.16 Where the Committee of the Whole fixes the time for debate on amendments, the Chair may divide such time equally between Members seeking recognition without regard to the five-minute rule.

5. 116 CONG. REC. 14466, 14467, 91st Cong. 2d Sess.

6. See also 118 CONG. REC. 16862, 92d Cong. 2d Sess., May 11, 1972 (under limitation on five-minute debate, Chair may give priority of recognition to those Members seeking to offer amendments).

On May 11, 1949,[7] Mr. Brent Spence, of Kentucky, made a unanimous-consent request that all debate on a pending section of a bill, and amendments thereto, close in 30 minutes. Chairman Albert A. Gore, of Tennessee, then answered a parliamentary inquiry:

> MR. [EARL C.] MICHENER [of Michigan]: Under the consent request of the gentleman from Kentucky, the time would be limited to 30 minutes. There is nothing in the request as to a division of that time. Under the rules, therefore, would not the first Member recognized be entitled to 5 minutes and each succeeding Member recognized be entitled to 5 minutes until the 30 minutes was used up? In other words, during the reading of a bill for amendment under the rules of the House, unless other arrangement is made by unanimous consent, each Member as recognized is entitled to 5 minutes.
>
> THE CHAIRMAN: As a matter of parliamentary fact, while it might perhaps be within the discretion of the Chair, if the rules were insisted upon the Chair would have to recognize the first Member for 5 minutes, and other Members likewise. But it has long been the practice of the Committee of the Whole when a limitation of debate is imposed to divide the time equally between the Members seeking recognition.

§ 22.17 Where there was pending in Committee of the Whole an amendment and a substitute therefor, the Chair stated in response to a parliamentary inquiry that if debate on the pending amendments were limited, the five-minute rule would be abrogated, and Members who had already spoken on an amendment could be recognized again under the limitation.

On July 28, 1970,[8] an amendment and a substitute therefor were pending to a bill being considered under the five-minute rule in the Committee of the Whole. Parliamentary inquiries were raised on the rights of Members to speak twice on the same amendment. Mr. Joe D. Waggonner, Jr., of Louisiana, then inquired whether a time limitation for debate on the pending amendment and substitute would abrogate the five-minute rule so that a Member who had already spoken to the amendments could speak again. Chairman William H. Natcher, of Kentucky, responded in the affirmative.

§ 22.18 A limitation of time for debate abrogates the five-minute rule and allocation of the time remaining to Members seeking recognition is within the discretion of the

7. 95 CONG. REC. 6055, 6056, 81st Cong. 1st Sess.

8. 116 CONG. REC. 26027, 91st Cong. 2d Sess.

Chair, except that Members who had caused amendments to be printed in the Record under Rule XXIII clause 6 would receive the full five minutes.

On June 26, 1975,[9] an illustration of the proposition described above was demonstrated in the Committee of the Whole, as follows:

MR. [NEAL] SMITH of Iowa: Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto cease in 60 minutes.

THE CHAIRMAN:[10] Is there objection to the request of the gentleman from Iowa?

There was no objection. . . .

THE CHAIRMAN: The Chair will further add that all Members who were standing at the time the limitation of debate was made will be recognized for approximately 2 minutes each. . . .

MR. [ROBERT F.] DRINAN [of Massachusetts]: Mr. Chairman, will the time be allotted according to the three amendments now pending at the desk?

THE CHAIRMAN: All Members who were listed, who were standing at the time the limitation of time was granted, will be accorded the same amount of time.

MR. DRINAN: Mr. Chairman, will the time be limited with regard to the amendments offered by the gentleman from Pennsylvania (Mr. Heinz) so that the other Members who have filed amendments will also have a certain amount of time?

THE CHAIRMAN: The Chair will state that the gentleman from Pennsylvania (Mr. Heinz) will be recognized, and then all other Members will be allotted 2 minutes, except for such amendments as were printed in the Congressional Record. Every Member who has an amendment that was printed in the Congressional Record will be guaranteed a full 5 minutes.

§ 22.19 A limitation of debate on a bill and all amendments thereto to a time certain in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition of those Members desiring to speak are largely within the discretion of the Chair, who may defer recognition of listed Members whose amendments have been printed in the Record and who are therefore guaranteed five minutes notwithstanding the limitation.

The following proceedings occurred in the Committee of the Whole on June 4, 1975,[11] during

9. 121 CONG. REC. 20951, 20957, 94th Cong. 1st Sess. Under consideration was H.R. 8121, the Departments of State, Justice, and Commerce, the Judiciary and related agencies appropriation bill for fiscal year 1976.

10. Charles A. Vanik (Ohio).

11. 121 CONG. REC. 16899, 16901, 94th Cong. 1st Sess.

consideration of the Voting Rights Act Extension (H.R. 6219):

MR. [DON] EDWARDS of California: Mr. Chairman, I move that all debate on the bill and all amendments thereto terminate at 6:45 p.m.

THE CHAIRMAN:[12] The question is on the motion offered by the gentleman from California.

The motion was agreed to. . . .

THE CHAIRMAN: With the permission of the Committee, the Chair will briefly state the situation.

There are a number of Members who do not have amendments that were placed in the Record, and the Chair feels that he must try to protect them somewhat, so he proposes to go to a number of Members on the list so they will at least get some time. The time allotted will be less than a minute.

The Chair recognizes the gentleman from Texas (Mr. de la Garza).

—Chair May Continue Under Five-minute Rule

§ 22.20 Where debate under the five-minute rule on a bill and all amendments thereto has been limited by motion to a time certain (with approximately 90 minutes remaining) the Chair may in his discretion continue to recognize Members under the five-minute rule, according priority to members of the committee reporting the bill, instead of allocating time between proponents and opponents or among all Members standing, where it cannot be determined what amendments will be offered.

On July 29, 1983,[13] during consideration of the International Monetary Fund authorization (H.R. 2957) in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding recognition following agreement to a motion to limit debate to a time certain:

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I ask unanimous consent that the remainder of the bill, H.R. 2957, be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The text of title IV and title V is as follows:

TITLE IV—INTERNATIONAL LENDING SUPERVISION

Sec. 401. This title may be cited as the "International Lending Supervision Act of 1983". . . .

MR. ST GERMAIN: I have a motion, Mr. Chairman. . . .

I now move that all debate on the bill, H.R. 2957, and all amendments thereto, cease at 12 o'clock noon. . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, a parliamentary inquiry. . . .

12. Richard Bolling (Mo.).

13. 129 CONG. REC. 21649, 21650, 21659, 21660, 98th Cong. 1st Sess.

Mr. Chairman, the parliamentary inquiry is for the Chair to please state the process by which we will do our business from now until the time is cut off. . . .

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, would it not be in order at this time to ask that the time be divided between the proponents and the opponents of this measure, since there is a limitation on the time?

THE CHAIRMAN:[14] The Chair believes not, because the time has been limited on the entire bill. It would be very difficult to allocate time to any one particular party or two parties when the Chair has no knowledge of the amendments that will be offered.

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

THE CHAIRMAN: The gentleman will state it.

MR. NEAL: Mr. Chairman, is it not true that members of the committee should be given preference in terms of recognition?

THE CHAIRMAN: That is true. At the time the gentleman from Pennsylvania was recognized, he was the only one seeking recognition.

—*Effect on Recognition of Extension of Time*

§ 22.21 A limitation on time for debate on a pending amendment and all amendments thereto in effect abrogates the five-minute rule and the Chair, at his discretion, may allocate time to all Members desiring to speak, whether or not they have previously spoken on the amendment; and where time for debate has been limited and the time remaining allocated to those Members wishing to speak, an extension of time for debate by unanimous consent would increase the time allotted to individual Members but would not allow additional Members to seek recognition.

On Oct. 1, 1975,[15] during consideration of the Department of Defense appropriation bill (H.R. 9861) in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had misjudged before the desire of the House at an earlier time to try to limit debate to 30 minutes. I want to be sure that no one is denied the opportunity to speak. I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 15 minutes.

THE CHAIRMAN:[16] Is there objection to the request of the gentleman from Texas?

There was no objection. . . .

14. Donald J. Pease (Ohio).

15. 121 CONG. REC. 31074, 31075, 94th Cong. 1st Sess.

16. Dan Rostenkowski (Ill.).

MR. [BURT L.] TALCOTT [of California]: Mr. Chairman, may I inquire whether or not the Members who have already spoken on this amendment may speak again during limited time?

THE CHAIRMAN: When time is limited, Members are permitted to speak again under the allocation of time.

MR. TALCOTT: And they can yield their time to other Members?

THE CHAIRMAN: That is a unanimous-consent request. . . .

MR. [BARRY] GOLDWATER [Jr., of California]: . . . I ask unanimous consent that the time be extended another 15 minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from California?

MR. [ANDREW J.] HINSHAW [of California]: Mr. Chairman, reserving the right to object, if we were to accede to the unanimous-consent request, would that open the door for additional Members to stand up to seek additional time?

THE CHAIRMAN: The Chair has already announced his allocation of time.

—Recognition of Member To Speak a Second Time

§ 22.22 An agreement to limit debate on a pending amendment has the effect of abrogating the five-minute rule and a Member previously recognized to speak on the amendment may be recognized again under the limitation.

On Nov. 14, 1967,[17] the Committee of the Whole agreed to a request that all debate on a pending amendment close at a certain hour. Chairman John J. Rooney, of New York, answered a parliamentary inquiry on the rights of Members who had already spoken to the amendment to speak again under the time limitation:

MR. [JOHN N.] ERLENBORN [of Illinois]: I have noticed in the past, and again at this time, that when a unanimous-consent request to limit debate has been made, Members who have already been recognized to debate the issue are again recognized under the unanimous-consent limitation. I wonder if this is in order. . . .

. . . The Chairman just announced that the gentleman from Kentucky, the chairman of the committee, would be recognized again, though he has already debated on this amendment. I wonder if Members can be recognized for a second time to debate the same amendment merely because a unanimous-consent request is made to limit time.

THE CHAIRMAN: The Chair must say to the gentleman that when the unanimous-consent request was made and agreed to it abrogated the 5-minute rule.[18]

§ 22.23 A limitation to a time certain on debate on an

17. 113 CONG. REC. 32343, 32344, 90th Cong. 1st Sess.

18. For the prohibition against speaking twice on the same question, see Rule XIV clause 6, *House Rules and Manual* § 762 (1995). The use of pro forma amendments under the five-minute rule allows Members to speak twice; see §§ 21.15, 21.16, 21.18, supra.

amendment in Committee of the Whole in effect abrogates the five-minute rule; recognition is in the discretion of the Chair under such limitation and the Chair may recognize under the limitation a Member who has already spoken on the amendment.

On Aug. 4, 1977,[19] during consideration of the National Energy Act (H.R. 8444) in the Committee of the Whole, a motion was made to limit debate on a pending amendment and the following proceedings occurred:

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, I move that debate on this amendment conclude at 2 o'clock.

THE CHAIRMAN PRO TEMPORE: The question is on the motion offered by the gentleman from Ohio (Mr. Ashley).

The question was taken; and on a division (demanded by Mr. Ashbrook) there were—ayes 37, noes 20.

So the motion was agreed to. . . .

THE CHAIRMAN:[20] . . . The Chair recognizes the gentleman from New Jersey (Mr. Howard).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, a point of order. . . .

Under the rules of the House, are not Members who have already spoken to wait until all other Members are recognized until they speak again on a pending amendment?

THE CHAIRMAN: No one was up at the time the Chair rapped the gavel, and the gentleman from New Jersey was standing at the time the Chair recognized him. We will be going back and forth, but of course, the limitation abrogates the 5-minute rule.

§ 22.24 In the Committee of the Whole the Member in charge of the bill having spoken on an amendment may speak again on the amendment after debate thereon under the five-minute rule has been limited.

On June 25, 1952,[1] during consideration of amendments to a bill in the Committee of the Whole, a motion was adopted to close debate on a pending amendment and all amendments thereto at a certain time. Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry as to the right, under the limitation, of the Member in charge of the bill to be recognized a second time:

MR. [CLARE E.] HOFFMAN of Michigan: Under this limitation is the chairman of the committee, who has already spoken once on this amendment, entitled to be heard again under the rule?

THE CHAIRMAN: The chairman of the committee could rise in opposition to a pro forma amendment and be recognized again.

MR. HOFFMAN of Michigan: Under the limitation?

19. 123 CONG. REC. 27006, 27007, 95th Cong. 1st Sess.

20. Richard Bolling (Mo.).

1. 98 CONG. REC. 8028, 82d Cong. 2d Sess.

THE CHAIRMAN: Yes; under the limitation.

—*Same Committee Member Recognized in Opposition to Each Amendment*

§ 22.25 The time for debate having been fixed on amendments to a committee amendment in the nature of a substitute, the Chair may without objection recognize the same committee member in opposition to each amendment offered where no other member of the committee seeks such recognition.

On Feb. 8, 1950,[2] Chairman Chet Holifield, of California, answered a parliamentary inquiry after the Committee of the Whole had agreed to a motion limiting debate on amendments to a committee amendment in the nature of a substitute:

MR. [FRANCIS H.] CASE of South Dakota: Under what precedent or ruling is the Chair recognizing a certain member of the committee for 1 minute in opposition to each amendment being offered? That was not included in the motion. Had it been included in the motion, it would have been subject to a point of order.

THE CHAIRMAN: The Chair is trying to be fair in the conduct of the committee, and the only gentleman that has arisen on the opposite side has been the gentleman from Tennessee [Mr. Murray]. There was no point of order raised at the time that I announced that I would recognize the committee for 1 minute in rebuttal to each amendment.

MR. CASE of South Dakota: But the gentleman from South Dakota got up at the time the Chair proposed to recognize the gentleman from Tennessee a second time. Obviously, when the committee avails itself of the opportunity to make a motion to limit debate it, in a sense, is closing debate, and unless it does seek to limit time and is successful in so doing, in principle it forfeits that courtesy. The Members who have proposed amendments here have been waiting all afternoon to be heard, and if the committee adopted the procedure of seeking to close debate on 20 minutes' notice, with 10 amendments pending, it would seem as a matter of courtesy that the committee should restrain itself to one member of the committee who might have been on his feet, but to recognize one gentleman a succession of times seems entirely out of keeping with the spirit of closing debate.

THE CHAIRMAN: The Chairman, in the list of names, also read the name of the committee. If the Chair was so inclined, the Chair could recognize two Members for 5 minutes each on amendments, on each side, and that would preclude the others from having any voice in the amendments that are pending, or in the debate.

MR. CASE of South Dakota: That, of course, is true, the Chair could do that. But, ordinarily, under the precedents always followed in the House, when time is closed on amendments, the

2. 96 CONG. REC. 1691, 81st Cong. 2d Sess.

time is divided among those who are seeking to offer amendments, and unless the motion specifically reserves time to the committee, it has been the precedent to divide the time among those who are seeking to offer amendments.

THE CHAIRMAN: The Chair feels that the committee is entitled to a rebuttal on any amendment that is offered, and has so announced, and there was no point of order made at the time. The Chair sustains its present position.

—*Proponent of Amendment Recognized Before Committee Chairman in Opposition*

§ 22.26 Where all time for debate on an amendment and all amendments thereto is limited and, by unanimous consent, placed in control of the proponent of the amendment and of the chairman of the committee (in opposition), the Chair first recognizes the proponent of the amendment.

On July 9, 1965,[3] the unfinished business in the Committee of the Whole was H.R. 6400, the Voting Rights Act of 1965. Chairman Richard Bolling, of Missouri, made the following statement on the order of recognition, the Committee having limited, on the prior day, time for debate on a pending amendment:

When the Committee rose on yesterday, there was pending the amendment offered by the gentleman from Ohio [Mr. McCulloch] as a substitute for the committee amendment.

It was agreed that all time for debate on the so-called McCulloch substitute and all amendments thereto would be limited to 2 hours, such time to be equally divided and controlled by the gentleman from New York [Mr. Celler] and the gentleman from Ohio [Mr. McCulloch]. Under the unanimous-consent agreement, the Chair recognizes the gentleman from Ohio [Mr. McCulloch] in support of his amendment.

Parliamentarian's Note: The time limitation coupled with the unanimous-consent agreement on control of time abrogated the five-minute rule. Under the agreement, the two Members controlling debate could yield for debate or for amendments. Amendments could also be offered by Members not yielded time, after the expiration of the time limitation, but such amendments would be considered without debate.

—*Chair May Permit Reservation of Time Where Debate Limited to Specific Number of Minutes*

§ 22.27 Where time for debate is limited to a specific number of minutes rather than a

3. 111 CONG. REC. 16207, 89th Cong. 1st Sess.

limitation to a time certain on the clock, the Chair may permit Members to reserve time until an amendment to an amendment has been disposed of so as to speak on the main amendment.

On Oct. 3, 1975,[4] the proposition described above was demonstrated in the Committee of the Whole, as follows:

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, I withdraw my request and now I ask unanimous consent that all debate on the Brown amendment and all amendments thereto end in 20 minutes.

THE CHAIRMAN:[5] Is there objection to the request of the gentleman from Washington?

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, reserving the right to object, I would like to ask the chairman of the committee, if this is going to be ending in 20 minutes and we have a vote on the Symms amendment, as I understand it, does that time for the vote go into the 20 minutes?

MR. FOLEY: No. Mr. Chairman, if the gentleman will yield. I asked unanimous consent that all debate on the Brown amendment and all amendments thereto end in 20 minutes. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Washington that all debate will end on the Brown amendment in the nature of a substitute and the Symms amendment and all amendments thereto in 20 minutes?

There was no objection. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from Washington (Mr. McCormack).

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, I reserve my time in order to speak on the Brown of California amendment after the vote on the Symms amendment. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from New York (Mr. Peyser).

MR. PEYSER: Mr. Chairman, I reserve my time until after the vote on the Symms amendment. . . .

MR. FOLEY: Is it correct that approximately 2½ minutes remain of debate under the limitation previously adopted, and that following that a vote will occur on the Brown amendment in the nature of a substitute?

THE CHAIRMAN: The gentleman states the question correctly. The gentleman from New York (Mr. Peyser) has 1¼ minutes, and the gentleman from Washington (Mr. McCormack) has 1¼ minutes. Then a vote will occur on the Brown amendment.

The Chair recognizes the gentleman from New York (Mr. Peyser).

Parliamentarian's Note: Where time is limited by the clock, a Member attempting to reserve time may be preempted by votes, quorum calls, etc., which come out of the time remaining. Therefore, the Chair, to protect Members' right to speak, might refuse to permit a reservation of time.

4. 121 CONG. REC. 31602–04, 94th Cong. 1st Sess.

5. William L. Hungate (Mo.).

—*Remaining Time Allocated Equally Among Three Members*

§ 22.28 Following an agreement to limit debate on an amendment and an amendment thereto to a time certain, the Chairman of the Committee of the Whole may exercise his discretion and allot the remaining time in three equal parts; in this case time was controlled by the offeror of the amendment (Brown), the offeror of the amendment to the amendment (Leach), and the floor manager of the bill (Zablocki).

The following proceedings occurred in the Committee of the Whole on Apr. 13, 1983,[6] during consideration of House Joint Resolution 13 (nuclear weapons freeze):

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: . . . I ask unanimous consent that debate close at 6:05.

THE CHAIRMAN:[7] Is there objection to the request of the gentleman from Wisconsin?

MR. [JACK] KEMP [of New York]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. ZABLOCKI: 6:15?

THE CHAIRMAN: Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE CHAIRMAN: The unanimous-consent request is agreed to and debate is limited to 6:15.

The Chair is going to exercise discretion and allot the time in three equal parts to the gentleman from Iowa (Mr. Leach), the gentleman from Colorado (Mr. Brown) and the gentleman from Wisconsin (Mr. Zablocki) and, of course, those Members can yield for purposes of debate.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GINGRICH: Mr. Chairman, if I may express my ignorance for a moment, is it, in fact, the prerogative of the Chair in that sort of unanimous-consent request to then design whatever system seems workable?

THE CHAIRMAN: Yes, it is. The Chair has exercised its discretion in light of the circumstances and allocates 6 minutes to the gentleman from Iowa (Mr. Leach); 6 minutes to the gentleman from Colorado (Mr. Brown); and 6 minutes to the gentleman from Wisconsin (Mr. Zablocki).

—*Equal Allocation Between Two Members on Opposing Sides of Question*

§ 22.29 Where the Committee of the Whole has limited debate under the five-minute rule to a time certain and an

6. 129 CONG. REC. 8425, 8426, 98th Cong. 1st Sess.
7. Matthew F. McHugh (N.Y.).

equal division of the remaining time among all the Members seeking recognition would severely restrict each Member in his presentation, the Chair may in his discretion equally allocate the time between two Members on opposing sides of the question to be yielded by them.

On June 14, 1977,[8] it was demonstrated that a limitation of debate on amendments in the Committee of the Whole to a time certain in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition are largely within the discretion of the Chair.

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I move that all debate on these amendments and all amendments thereto, cease at 4 o'clock and 45 minutes p.m.

THE CHAIRMAN:[9] The question is on the motion offered by the gentleman from Alabama (Mr. Bevill).

The motion was agreed to. . . .

THE CHAIRMAN: The Chair has before him a list of more than 25 Members to occupy the next 10 minutes. It has been suggested that it would be possible for the Chair to recognize the gentleman from Alabama (Mr. Bevill) and the gentleman from Massachusetts (Mr. Conte) to allocate those 10 minutes.

Accordingly, the Chair will recognize the gentleman from Massachusetts (Mr. Conte) for 5 minutes, and the gentleman from Alabama (Mr. Bevill) for 5 minutes.

MR. JOHN T. MYERS [of Indiana]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JOHN T. MYERS: How did the Chair make that decision?

THE CHAIRMAN: The Chair has the authority to allocate time under a limitation, and it is obvious to the Chair that this is the most rational way to handle the 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Conte).

§ 22.30 Where the Committee of the Whole has limited to 5 minutes the remaining time for debate on an amendment, the five-minute rule is in effect abrogated and the Chair may in his discretion recognize two Members to equally control the time in support of and in opposition to the amendment, granting priority of recognition to control the time in opposition to a member of the committee handling the bill; but where no committee member seeks recognition for that purpose, the Chair may recognize any Member to control the time.

8. 123 CONG. REC. 18826, 18833, 95th Cong. 1st Sess.

9. George E. Brown, Jr. (Calif.).

On June 22, 1977,[10] during consideration of H.R. 7797 (the foreign assistance and related agencies appropriation bill for fiscal 1978) in the Committee of the Whole, the Chair made an announcement regarding debate under the five-minute rule. The proceedings were as follows:

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I move that all debate on this amendment and any amendments thereto close in 5 minutes.

The motion was agreed to.

THE CHAIRMAN:[11] Let the Chair make this announcement. There is no way that the Chair can divide 5 minutes among all who wish to speak. Therefore, under the prerogative of the Chair, the Chair will recognize one proponent and one opponent each for 2½ minutes.

The Chair at this time recognizes the proponent, the gentleman from New York (Mr. Wolff). . . .

THE CHAIRMAN: Is there any member of the committee who wishes to be recognized in opposition to the amendment?

If not, the Chair recognizes the gentleman from New York (Mr. Weiss) as an opponent of the amendment.

—*Chair May Reallocate Time*

§ 22.31 Where the Committee of the Whole has agreed that debate under the five-minute rule close at a certain time on an amendment and all amendments thereto, the Chair attempts to divide the time equally among the Members desiring recognition; but where part of the fixed time is consumed by voting, it may not be possible for the Chair to reach each Member on his list before the time expires, and no point of order lies against the inability of the Chair to recognize each Member on the list.

On June 27, 1977,[12] the situation described above occurred in the Committee of the Whole, as follows:

MR. [ROBERT W.] KASTENMEIER [of Wisconsin]: Mr. Chairman, I move that all debate on this amendment and all other amendments to the bill close at 5:40 p.m.

THE CHAIRMAN:[13] The question is on the motion offered by the gentleman from Wisconsin (Mr. Kastenmeier).

The question was taken; and on a division (demanded by Mr. Ashbrook) there were—ayes 46, noes 20. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from Wisconsin (Mr. Kastenmeier) to close debate.

MR. KASTENMEIER: Mr. Chairman, this is, of course, the Legal Services

10. 123 CONG. REC. 20291, 20292, 95th Cong. 1st Sess.
11. Abraham Kazen, Jr. (Tex.).
12. 123 CONG. REC. 20916, 20918, 95th Cong. 1st Sess.
13. Bill D. Burlison (Mo.).

Liquidation Act of 1977, as proposed by the gentleman from Ohio (Mr. Ashbrook). It must be rejected. . . .

THE CHAIRMAN: All time has expired.

MR. [ROBERT] MCCLORY [of Illinois]: Mr. Chairman, the Chair has not recognized me yet. The Chair read my name, but the Chair has not recognized me yet.

THE CHAIRMAN: The Chair would advise the gentleman from Illinois that we have run out of time.

MR. MCCLORY: Mr. Chairman, I have a point of order.

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

MR. MCCLORY: Mr. Chairman, when there is a time limitation and Members are standing, it is my understanding that the Chair must divide the time equally among the Members standing.

Mr. Chairman, I was standing and my name was read.

THE CHAIRMAN: The Chair will advise the gentleman that according to the motion, which limited all debate to 5:40 p.m., we are bound by the clock. Time consumed by voting has required the Chair to reallocate time. Therefore, the Chair overrules the point of order.

Protection of Right To Debate Amendment Which Has Been Printed in Record

§ 22.32 Notwithstanding a limitation of debate to a time certain and the allocation of the remaining time by the Chair, a Member who has inserted the text of his amendment in the Record is entitled, under Rule XXIII clause 6, to be recognized for five minutes upon offering that amendment during the limitation.

On Apr. 19, 1973,[14] the Committee of the Whole agreed to a unanimous-consent request, offered by Mr. James C. Wright, Jr., of Texas, that all debate on the pending title and amendments, being considered under the five-minute rule, close at a certain time. Chairman Morris K. Udall, of Arizona, allotted the remaining time to Members seeking recognition, each Member being entitled to 45 seconds.

Mr. Thomas F. Railsback, of Illinois, was recognized and offered an amendment. At the conclusion of 45 seconds the Chairman stated that his time had expired. Mr. Railsback objected that he had printed his amendment in the *Congressional Record* prior to floor consideration thereof, and was therefore entitled to debate his amendment for five minutes pursuant to Rule XXIII clause 6. The Chairman, who had not been aware the amendment was printed in the Record, ruled that Mr. Railsback was entitled to five minutes.[15]

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14. 119 CONG. REC. 13253, 13254, 93d Cong. 1st Sess.

15. Rule XXIII clause 6 was amended in the 92d Congress to allow the pro-

§ 22.33 Where all debate in the Committee of the Whole on a bill and on amendments thereto has been terminated, a Member offering an amendment which has been printed in the Record on a preceding day may nevertheless, pursuant to Rule XXIII clause 6, debate that amendment for five minutes, and another Member opposing the amendment may then speak for five minutes.

On Aug. 2, 1973,[16] Chairman William H. Natcher, of Kentucky, answered a parliamentary inquiry on the right of Members with amendments printed in the Record to debate them for five minutes, after the Committee had agreed to a unanimous-consent agreement closing all debate on the pending bill and amendments thereto at a time certain:

MR. [JOHN] DELLENBACK [of Oregon]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DELLENBACK: May I ask whether under the rules of the House for every amendment that has been published in the Record is it not true the sponsor has 5 minutes?

THE CHAIRMAN: The gentleman is correct. . . .

MR. DELLENBACK: Do I understand that those 5 minutes as accumulated will come out of the deadline time rather than be subsequent time?

THE CHAIRMAN: The Chair would like to advise the gentleman all debate on the bill and all amendments thereto is limited to 9:30.

MR. DELLENBACK: I thank the Chairman.

At the expiration of the time agreed to, the following ensued:

THE CHAIRMAN: The Chair desires to announce at this time that all time under the limitation has expired. This does not apply to those Members who had their amendments previously printed in the Record. Those Members whom the Chair observed standing who have amendments, those amendments will be reported and voted upon.

Are there amendments from the members of the committee who were standing at the time the limitation was set? If not, the Chair recognizes the Members who have had their amendments printed in the Record.

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows: . . .

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. STEIGER of Arizona: Mr. Chairman, it is my understanding that the proponent of the amendment is entitled to be recognized for 5 minutes.

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ponent of the amendment five minutes of debate, regardless of a limitation, on an amendment printed in the Record. See *House Rules and Manual* § 874 (1995).

16. 119 CONG. REC. 27712, 27715, 93d Cong. 1st Sess.

THE CHAIRMAN: The gentleman is correct.

MR. STEIGER of Arizona: And also any Member opposing the amendment is entitled to 5 minutes?

THE CHAIRMAN: The gentleman is correct.

—Chair May Recognize Member With Amendment Printed in Record After Member's Recognition Under Limitation

§ 22.34 The Committee of the Whole having agreed to a limitation on debate under the five-minute rule on a section of a bill and all amendments thereto, distribution of the time under the limitation is within the discretion of the Chair, who may recognize under the limitation first those Members offering amendments which have not been printed in the *Congressional Record*, and Members speaking in opposition to such amendments, and recognize after the limitation has expired those Members with amendments printed in the Record, since printed amendments are debatable for 10 minutes, 5 for and 5 against, notwithstanding the expiration of the limitation.

On June 26, 1979,[17] during consideration of the Defense Production Act Amendments of 1979 (H.R. 3930) in the Committee of the Whole, it was demonstrated that priority of recognition under a limitation of time for debate under the five-minute rule is in the complete discretion of the Chair. The proceedings were as follows:

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I move that all debate on section 3 and all amendments thereto cease at 6:40 p.m. . . .

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 183, answered "present" 1, not voting 41, as follows: . . .

THE CHAIRMAN:[18] The Chair will attempt to explain the situation.

The Committee has just voted to end all debate on section 3 and all amendments thereto at 6:40. The Chair in a moment is going to ask those Members wishing to speak between now and then to stand. The Chair will advise Members that he will attempt, once that list is determined, to recognize first those Members on the list with amendments which are not protected by having been printed in the Record. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, did I understand the Chair correctly that Members who are

17. 125 CONG. REC. 16677, 16678, 96th Cong. 1st Sess.

18. Gerry E. Studds (Mass.).

protected by having their amendments printed in the Record will not be recognized until the time has run so that those Members will only have 5 minutes to present their amendments, but that other Members will be recognized first for the amendments which are not printed in the Record?

THE CHAIRMAN: Those Members who are recognized prior to the expiration of time have approximately 20 seconds to present their amendments. Those Members whose amendments are printed in the Record will have a guaranteed 5 minutes after time has expired. . . .

The Chair will now recognize those Members who wish to offer amendments which have not been printed in the Record.

The Chair will advise Members he will recognize listed Members in opposition to the amendments also for 20 seconds. . . .

MR. [RICHARD] KELLY [of Florida]: Mr. Chairman, is it not regular order that the Members of the Committee with amendments be given preference and recognition?

THE CHAIRMAN: The Chair would advise the gentleman once the limitation of time has been agreed to and time divided, that priority of recognition is within the complete discretion of the Chair.

—Priority in Recognition for Opposition to Amendment Printed in Record

§ 22.35 The Chairman of the Committee of the Whole gives priority in recognition, in opposition to an amendment printed in the Record and offered after debate is limited, to senior members of the committee reporting the bill regardless of party affiliation.

On June 7, 1977,[19] during consideration of the Federal Employees' Political Activities Act of 1977 (H.R. 10) in the Committee of the Whole, Chairman James R. Mann, of South Carolina, responded to a parliamentary inquiry, as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: The Chairman just referred to the situation whereby debate was limited, which is under clause 6, rule XXIII, and under that procedure any Member who has filed and published an amendment is protected in his right to call up the amendment and is entitled to 5 minutes to explain the amendment.

My parliamentary inquiry is: How will the Chair determine the appropriate Member to speak in opposition to the amendment? In other words, what will qualify a Member to speak in opposition to these pending amendments?

THE CHAIRMAN: The Chair will endeavor to recognize committee members who are opposed, and if there is more than one committee member desiring to speak in opposition to the amendment, the Chair will seek to recognize the most senior of the committee members. The matter of party affiliation will not be controlling.

19. 123 CONG. REC. 17700, 95th Cong. 1st Sess.

—*Member Permitted To Debate in Opposition Notwithstanding Prior Allocation of Time Under Limitation*

§ 22.36 Pursuant to Rule XXIII clause 6, a Member may be recognized for five minutes in opposition to an amendment which had been printed in the Record and debated by its proponent for five minutes, notwithstanding a prior allocation of time to that Member under a limitation on the pending proposition and all amendments thereto.

On July 25, 1974,[20] during consideration of the Surface Mining Control and Reclamation Act of 1974 (H.R. 11500) in the Committee of the Whole, the Chair overruled a point of order, as follows:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I have a point of order.

THE CHAIRMAN:[1] The gentleman will state his point of order.

MR. HOSMER: Mr. Chairman, the gentleman from Arizona has spoken for a minute and 20 seconds already.

THE CHAIRMAN: The Chair will state that under the rule, when the amendment has been printed in the Record, the author of the amendment gets 5 minutes in support of his amendment and an opponent gets 5 minutes in opposition to the amendment, regardless of a time limitation.

The Chair overrules the point of order.

—*Recognition in Opposition Both to Amendment and to Substitute Printed in Record*

§ 22.37 Where under a time limitation only five minutes of debate is available in opposition both to an amendment and to a substitute therefor printed in the Record, one Member cannot simultaneously be recognized for 10 minutes in opposition to both amendments, but must be separately recognized on each amendment, with preference of recognition being accorded to members of the committee reporting the bill.

The following proceedings occurred in the Committee of the Whole on June 27, 1985,[2] during consideration of H.R. 1872 (Department of Defense authorization for fiscal 1986):

Amendment offered by Mr. Markey: Insert the following new section at the

20. 120 CONG. REC. 25221, 25222, 93d Cong. 2d Sess.

1. Neal Smith (Iowa).

2. 131 CONG. REC. 17799–802, 99th Cong. 1st Sess.

end of title X (page 200, after line 4): . . .

(a) Limitation of Funds Authorized for Fiscal Year 1986.—None of the funds appropriated pursuant to the authorizations of appropriations in this or any other Act may be used for the production of the 155-millimeter artillery-fired, atomic projectile. . . .

MR. [VIC] FAZIO [of California]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Fazio as a substitute for the amendment offered by Mr. Markey: Insert the following new section at the end of title X (page 200, after line 4): . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and the amendment to the amendment.

MR. [ROBERT E.] BADHAM [of California]: Mr. Chairman, at this time, I would ask a parliamentary inquiry of the Chair. . . .

My inquiry is that since there were two offerings, an amendment and an amendment to the amendment in the form of a substitute, would the opposition now be exercising its prerogative in using 10 minutes in opposition to both?

THE CHAIRMAN PRO TEMPORE:[3] That is correct, except that the gentleman from New York rose in opposition to the Markey amendment. There would be 5 minutes of debate left in opposition to the Fazio substitute. . . .

MR. STRATTON: Mr. Chairman, I rose in opposition to both amendments, both the Markey amendment and the Fazio amendment.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the gentleman can only rise in opposition to one amendment at a time, and when he rose, the Chair understood him to rise first in opposition to the Markey amendment. That leaves only 5 minutes in opposition to the Fazio substitute amendment.

Any Member wishing to rise in opposition to the Fazio substitute amendment may, and a member of the committee is recognized before other Members.

—Where Proponent of Amendment Did Not Claim Time Under Rule XXIII

§ 22.38 While under clause 6 of Rule XXIII, five minutes of debate in favor of an amendment and five minutes in opposition is permitted notwithstanding a limitation on debate where the amendment has been printed in the Record, if the proponent of the amendment offers it during his allocated time under the limitation and does not claim a separate five-minute recognition under the rule, then a Member opposing the amendment to whom time has been allocated under the limitation must consume that time and cannot claim a separate five minutes under the rule.

3. Marty Russo (Ill.).

On Mar. 2, 1976,[4] the Chair ruled that, pursuant to Rule XXIII, clause 6, a separate ten minutes of debate on an amendment printed in the Record is in order only where the proponent of the amendment claims that time notwithstanding an imposed limitation; and where the amendment is offered and debated within the time allocated under the limitation, a separate five minutes in opposition is not available:

MR. [PHILIP H.] HAYES of Indiana: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hayes of Indiana: Page 39, immediately after line 12, insert the following new subsection:

"(c) Section 402(d) of the Act (30 U.S.C. 902(d)) is amended by inserting immediately before the period at the end thereof the following: ', including any individual who is or was employed in any aboveground mining operation'." . . .

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[5] The gentleman will state it.

MR. ERLENBORN: Mr. Chairman, since this amendment was one of the published amendments, 5 minutes in opposition to the amendment is available not counting against the limit?

THE CHAIRMAN: The gentleman would be correct if debate on the amendment were outside of the limitation. . . .

MR. ERLENBORN: Mr. Chairman, may I have the 5 minutes, under the rule?

THE CHAIRMAN: It will be counted against the gentleman's time if the gentleman takes it at this time.

MR. ERLENBORN: Mr. Chairman, I understand there are 5 minutes in opposition that are available, under the rule; and I claim those 5 minutes.

THE CHAIRMAN: It is the Chair's understanding that at this point debate on the amendment is under the limitation. The gentleman could claim his 5 minutes under the rule if the amendment were offered, notwithstanding the limitation, but not at this time. . . .

MR. ERLENBORN: Mr. Chairman, I have 5 minutes, under the time limitation?

THE CHAIRMAN: That is correct.

MR. ERLENBORN: Without using that, am I not entitled to 5 minutes to oppose a published or printed amendment?

THE CHAIRMAN: No, because the proponent of the amendment did not take his time under the rule. The gentleman from Indiana (Mr. Hayes) had 5 minutes reserved under the limitation of time. The Chair understands the gentleman from Indiana took his time under the limitation and not under the rule.

May Not Reserve or Allocate Time by Motion

§ 22.39 Under the five-minute rule, the time for debate may be fixed, but control of the

4. 122 CONG. REC. 4994, 4995, 94th Cong. 2d Sess.

5. Sam Gibbons (Fla.).

time may not be allotted to certain Members by motion if a point of order is made.

On May 11, 1949,[6] Chairman Albert A. Gore, of Tennessee, stated in response to a parliamentary inquiry that where the Committee of the Whole fixes by consent the time for debate, the Chairman divides such time equally between Members seeking recognition. Mr. Brent Spence, of Kentucky, therefore made the following motion, which the Chairman ruled out of order:

> MR. SPENCE: Mr. Chairman, I move that all debate on section 1 and all amendments thereto conclude at 3:30 and that the time be equally divided among those Members who asked for time and that the last 5 minutes be assigned to the committee.
>
> MR. [FRANCIS H.] CASE [of South Dakota]: Mr. Chairman, the same point of order. The Committee of the Whole cannot allot time that way. That is in the discretion of the House of Representatives and not the committee. It must be by unanimous consent.
>
> THE CHAIRMAN: The point of order is sustained.
>
> MR. SPENCE: Mr. Chairman, I move that all debate on section 1 and all amendments thereto conclude at 3:30.
>
> THE CHAIRMAN: The question is on the motion offered by the gentleman from Kentucky.
>
> The motion was agreed to.

6. 95 CONG. REC. 6055, 6056, 81st Cong. 1st Sess.

§ 22.40 Where there was pending an amendment in the nature of a substitute for a bill, the Chair indicated in response to a parliamentary inquiry that debate on all amendments to said amendment could be limited and allocated only by unanimous consent.

On Dec. 14, 1973,[7] there was pending an amendment in the nature of a substitute for a bill in the Committee of the Whole. Mr. Harley O. Staggers, of West Virginia, made the following unanimous-consent request:

> Mr. Chairman, I ask unanimous consent that each amendment to the amendment in the nature of a substitute offered be considered for not more than 5 minutes on each side. . . .

The request was objected to by Mr. Robert D. Price, of Texas, and Chairman Richard Bolling, of Missouri, then answered a parliamentary inquiry as to whether he could entertain a motion on the matter.

> MR. [LAWRENCE G.] WILLIAMS [of Pennsylvania]: Mr. Chairman, a parliamentary inquiry.
>
> Why cannot the Chair accept a motion from the chairman of the committee to limit debate on each amendment to 10 minutes?

7. 119 CONG. REC. 41711, 41712, 93d Cong. 1st Sess.

THE CHAIRMAN: A motion to control debate can neither divide the time nor allocate or reserve the time. A unanimous-consent request, if agreed to, can do that, but a motion to allocate and break up time is not entertainable.

Reserving or Yielding Time

§ 22.41 The Chair stated that he would not recognize Members for requests that time, allotted them under a limitation for debate on an amendment, be given to other Members; and that under such a limitation for debate, those who actually desired to utilize the time should have it equally divided among them.

On July 19, 1951,[8] the Committee of the Whole agreed to a motion limiting debate on pending amendments to a time certain. Mr. Noah M. Mason, of Illinois, then inquired of Chairman Wilbur D. Mills, of Arkansas, whether a Member who had reserved time, by indicating he wished to be recognized, could award or yield his time to another Member. The Chairman responded:

The Chair stated a few days ago he would not recognize anyone for the purpose of asking unanimous consent that his time be given to another Member. The Chair may say that it was the thought of the Chair that when Members are seeking to be recognized under a limitation of time those who actually desire to utilize the time should have the time equally divided among them.

Parliamentarian's Note: Under recent precedents, where time under a limitation is equally divided, a Member allocated time may reserve a portion or yield his time to another Member only by unanimous consent.

Use of Time Reserved Under Limitation

§ 22.42 When debate on a bill and all amendments thereto had been limited, a Member allotted time pursuant to the limitation was permitted by the Chair to use whatever part thereof he desired in support of each of the various amendments he might offer.

On July 22, 1958,[9] the Committee of the Whole agreed to a request that debate close in 30 minutes on a pending bill and amendments thereto, the last five minutes to be reserved to the reporting committee. Chairman James J. Delaney, of New York, answered a parliamentary inquiry by Mr. H. R. Gross, of Iowa:

Mr. Chairman, I have three amendments and under the limitation of time

8. 97 CONG. REC. 8479, 82d Cong. 1st Sess.

9. 104 CONG. REC. 14659–64, 85th Cong. 2d Sess.

I have 4 minutes. Is it possible to offer an amendment and reserve time following each amendment pending the disposition of the amendment?

THE CHAIRMAN: The gentleman may take whatever time he desires on each amendment.

Unused Time Under an Allocation

§ 22.43 Where the Committee of the Whole has limited debate on an amendment to a time certain and the time allocated by the Chair among those initially desiring to speak is not totally consumed, the Chair may either reallocate the remaining time among other Members in his discretion or may proceed again under the five-minute rule.

On Aug. 4, 1977,[10] the Committee of the Whole had under consideration the National Energy Act (H.R. 8444) and had limited debate on an amendment when the following proceedings occurred:

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry. . . .

The parliamentary inquiry is, Mr. Chairman, did the House not limit itself to debate until 2 o'clock?

THE CHAIRMAN:[11] The gentleman is correct.

MR. GARY A. MYERS: Under that limitation, I would like to ask unanimous consent to speak on the unclaimed time of the gentleman from Ohio (Mr. Whalen).

THE CHAIRMAN: The Chair will state that the gentleman from Pennsylvania may claim his own time. . . .

Does the gentleman from Pennsylvania desire to strike the requisite number of words and be recognized?

MR. GARY A. MYERS: Mr. Chairman, I move to strike the requisite number of words.

THE CHAIRMAN: The Chair recognizes the gentleman from Pennsylvania.

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

THE CHAIRMAN: The gentleman will state it.

MR. KAZEN: Supposing there are 20 of us who want to do the same thing.

THE CHAIRMAN: If there are 20 who want to do the same thing, and they can all do it before 2 o'clock, they will all be recognized, or if feasible, the Chair could divide the remaining time among other Members seeking recognition who were not included in the original limitation.

The gentleman from Pennsylvania (Mr. Gary A. Myers) has now been recognized.

Procedure Where Limitation Vacated; Recognition Under Subsequent Limitation

§ 22.44 Where a Member has been allotted time under a

10. 123 CONG. REC. 27021, 95th Cong. 1st Sess.

11. Edward P. Boland (Mass.).

limitation on five-minute debate, and that limitation is vacated, he must reindicate his desire to speak in order to be recognized under any subsequent limitation which is imposed.

On Sept. 30, 1971,[12] the Committee of the Whole agreed to a unanimous-consent request that debate under the five-minute rule close at 2:30 p.m. Chairman John J. Rooney, of New York, noted the Members standing and desiring to be heard under the limitation. Before the limitation had expired, Mr. Carl D. Perkins, of Kentucky, stated that the limitation, requested by him, had been misstated, and he asked unanimous consent to vacate the limitation, which was agreed to. He then requested a new limitation, which was agreed to, to close debate only on his amendment and not on others.

When the time under the limitation expired, the Chairman answered an inquiry:

> THE CHAIRMAN: The question is on the amendment offered by the gentleman from Kentucky (Mr. Perkins) to the amendment offered by the gentleman from Indiana (Mr. Brademas).
>
> MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, I question whether all time has expired. I thought the distinguished Chairman read my name as one standing when time was limited.
>
> THE CHAIRMAN: The Chair read the name of the gentleman from Missouri with regard to the first request. However, he was not standing at the time of the second request, which is the one under which we are now operating. However, there is still time if the gentleman wishes to be recognized. The Chair recognizes the gentleman from Missouri.

Where Committee Rises and Resumes Sitting

§ 22.45 Prior to rising for the day, the Committee of the Whole limited debate on a title of a bill and all amendments thereto to one hour and the Chair advised that upon again resolving into the Committee, Members would be recognized during the time limit under the five-minute rule.

On Aug. 2, 1966,[13] the Committee of the Whole was considering for amendment title III of H.R. 14765, the Civil Rights Act of 1966. Prior to rising for the day, the Committee agreed to a request by Mr. Peter W. Rodino, Jr., of New Jersey, that all debate on the title and amendments

12. 117 CONG. REC. 34289, 34290, 92d Cong. 1st Sess.

13. 112 CONG. REC. 17856, 89th Cong. 2d Sess.

thereto terminate in one hour. Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that under the limitation, when the Committee again took up the bill on a following day, Members would be recognized under the five-minute rule.

Debate Limited on Motion To Strike—Perfecting Amendment Offered After Expiration of Limitation

§ 22.46 Where the Committee of the Whole had limited debate to a time certain on a motion to strike a portion of pending text, the Chair requested a Member to withhold offering a perfecting amendment to the text until the expiration of the limitation since the limitation did not apply to perfecting amendments which could be offered, debated, and voted upon prior to the vote on the motion to strike and since debate on the perfecting amendment, if offered during the limitation, would reduce time remaining under the limitation.

On May 24, 1977,[14] the Committee of the Whole having under consideration the International Security Assistance Act of 1977 (H.R. 6884), the following proceedings occurred:

> THE CHAIRMAN:[15] When the Committee of the Whole House rose on Monday, May 2, 1977, the bill had been considered as having been read and open to amendment at any point, and pending was an amendment offered by the gentleman from Missouri (Mr. Ichord).
>
> Without objection, the Clerk will again report the amendment.
>
> There was no objection.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Ichord: Page 8, line 17, strike out "$2,214,700,000" and insert in lieu thereof "$12,114,700,000"; on page 9, line 17, strike out "sections" and insert in lieu thereof "section"; strike out line 18 on page 9 and all that follows through line 2 on page 11; and in line 3 on page 11, strike out "534" and insert in lieu thereof "533". . . .
>
> MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I wonder if we could determine how many more speakers we have.
>
> I ask unanimous consent that all debate on this amendment and all amendments thereto end at 1:15 p.m. . . .
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from Wisconsin?
>
> There was no objection. . . .
>
> THE CHAIRMAN: The time of the gentleman from Maryland (Mr. Bauman) has expired.
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have an

14. 123 CONG. REC. 16172, 16175, 16176, 95th Cong. 1st Sess.

15. Don Fuqua (Fla.).

amendment at the desk which has been printed in the Record.

THE CHAIRMAN: Would the gentleman withhold his amendment until the limitation of time expires.

MR. BAUMAN: Mr. Chairman, will the amendment then be in order and may it be offered prior to the vote on the Ichord amendment?

THE CHAIRMAN: The Chair will advise the gentleman that the amendment will be in order as a perfecting amendment prior to the vote on the Ichord amendment.

MR. BAUMAN: Mr. Chairman, in that case, I will withhold the amendment at this time.

Amendment Adding New Section Not Covered by Limitation on Pending Section

§ 22.47 Where debate has been limited on a pending section and all amendments thereto and time allocated among those Members desiring to offer amendments to that section, the Chair may decline to recognize a Member to offer an amendment adding a new section and therefore not covered by the limitation, until perfecting amendments to the pending section have been disposed of under the limitation.

On June 26, 1979,[16] during consideration of H.R. 3930, the Defense Production Act Amendments of 1979, the Committee of the Whole was proceeding under a limitation on debate on section 3 and amendments thereto, when an amendment was offered by Mr. Morris K. Udall, of Arizona:

Amendment offered by Mr. Udall: Page 8, after line 13 add the following new section and renumber the subsequent sections accordingly.

Sec. 4. The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project....

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, is this amendment to section 3 or section 4? . . .

The copy I have indicates that it is to section 4, Mr. Chairman. Is that correct?

MR. UDALL: I had modified it to apply to section 3.

THE CHAIRMAN:[17] The Clerk will cease reading the amendment.

The Chair will advise the gentleman from Arizona that this amendment currently being read adds a new section 4, and is not covered by the limitation on time, and should not be offered at this time. . . .

MR. UDALL: I had intended—I had so instructed the Clerk to change this to an amendment to section 3, not section 4. . . .

THE CHAIRMAN: . . . The Chair will advise the gentleman from Arizona that he is within his rights to redraft the amendment as an amendment to section 3, but the Chair understood that is not the amendment currently being read.

16. 125 CONG. REC. 16679, 16680, 96th Cong. 1st Sess.

17. Gerry E. Studds (Mass.).

MR. UDALL: I so offer it as an amendment to section 3.

THE CHAIRMAN: The Clerk will report the amendment.

Motion To Strike Enacting Clause Offered During Time Limitation

§ 22.48 Where debate under the five-minute rule has been limited to terminate at a time certain, time consumed on a preferential motion, that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, comes out of the limitation and may prevent recognition of Members initially allotted time under the limitation.

On Sept. 18, 1979,[18] during consideration of the Department of Transportation appropriations for fiscal year 1980 (H.R. 4440) in the Committee of the Whole, Chairman Gerry E. Studds, of Massachusetts, responded to a parliamentary inquiry concerning time for debate. The proceedings were as follows:

MR. [ROBERT] DUNCAN of Oregon: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end at 1:55 p.m.

THE CHAIRMAN: Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous consent request was granted will be recognized for approximately 2 minutes. . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

THE CHAIRMAN: The gentleman from Massachusetts is recognized for five minutes in support of his motion. . . .

The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. Conte).

The preferential motion was rejected.

THE CHAIRMAN: All debate on the amendment offered by the gentleman from Michigan (Mr. Dingell) and all amendments thereto has expired.

MR. JOHN L. BURTON [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JOHN L. BURTON: Mr. Chairman, I believe my name was on the list and I was not recognized.

THE CHAIRMAN: All time has expired.

MR. JOHN L. BURTON: How did my time get eaten up, if I may ask?

THE CHAIRMAN: I will inform the gentleman that his time and that of several other Members on the list was consumed by the offering of the pref-

18. 125 CONG. REC. 25078, 25084, 25091, 96th Cong. 1st Sess.

erential motion by the gentleman from Massachusetts (Mr. Conte).

Debate and Vote on Motion To Strike Enacting Clause Take Precedence

§ 22.49 Debate on a preferential motion in Committee of the Whole to strike the enacting clause, and a vote on that motion, takes precedence over remaining debate on a pending amendment on which time has been limited and allocated; thus, where a Member offers a preferential motion to strike the enacting clause in order to obtain five minutes of debate on the pending amendment on which debate has been limited and allocated, the Chair must put the question on the preferential motion immediately after debate thereon, unless unanimous consent is given to combine that debate with time remaining under the allocation on the amendment.

The following proceedings occurred in the Committee of the Whole on June 25, 1986,[19] during consideration of H.R. 5052 (military construction appropriations for fiscal 1987):

MR. [W. G.] HEFNER [of North Carolina]: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments hereto end in 20 minutes.

THE CHAIRMAN:[20] Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous-consent request was agreed to will be recognized for 2 minutes each. . . .

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN: The gentleman from California (Mr. Dellums) is recognized for 5 minutes in support of his preferential motion.

MR. DELLUMS: Mr. Chairman, I will not insist upon my motion that the Committee do now rise. I simply use this extraordinary tactic in order to gain some opportunity to speak on this terribly important matter. I think that we ought to limit debate only on issues that are noncontroversial . . . .

THE CHAIRMAN: The time of the gentleman from California (Mr. Dellums) has expired.

MR. DELLUMS: Mr. Chairman, I still have 1 minute on the earlier request.

THE CHAIRMAN: The preferential motion takes preference over the 1 minute.

19. 132 CONG. REC. 15500–502, 99th Cong. 2d Sess.

20. William J. Hughes (N.J.).

MR. DELLUMS: Mr. Chairman, I still have 1 minute after the preferential motion is voted up or down; is that not correct, Mr. Chairman.

THE CHAIRMAN: The gentleman is correct. Does the gentleman desire to take that now?

MR. DELLUMS: That is my request, and then I would logically conclude my discussion, Mr. Chairman, if I may.

THE CHAIRMAN: Without objection, the gentleman may proceed for 1 additional minute, on the preferential motion, in lieu of his 1 minute allocated on the pending amendment.

There was no objection.

Recognition To Close Debate Under Limitation

§ 22.50 The right to recognition to close debate under a limitation of debate on an amendment in Committee of the Whole belongs to the manager of the bill and not to the proponent of the amendment.

The following proceedings occurred in the Committee of the Whole on July 21, 1982,[1] during consideration of H.R. 6030 (the military procurement authorization for fiscal year 1983):

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, may I ask, how many minutes do we have remaining?

THE CHAIRMAN PRO TEMPORE:[2] The gentleman from New York (Mr. Stratton) has 7 minutes remaining, and the gentleman from Washington (Mr. Dicks) has 9½ minutes remaining.

MR. STRATTON: Mr. Chairman, I suggest that the gentleman from Washington consume his time because the Committee wants to reserve the final 7 minutes for a windup, as is the proper procedure.

THE CHAIRMAN PRO TEMPORE: Does the gentleman from Washington (Mr. Dicks) wish to use or yield additional time?

MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, is it not the proper procedure that the Member who offers the amendment gets the last portion of time to close debate?

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman that the usual and customary procedure, and the procedure we are following, is for the Committee to have the prerogative and the right to close.

Chair Puts Question on Amendment After Debate Closed

§ 22.51 Where debate on a pending amendment has been closed instantly by motion, the Chair puts the question on the amendment and does not recognize Members who seek to debate the amendment further.

On Nov. 25, 1970,[3] Mr. John C. Kluczynski, of Illinois, the man-

1. 128 CONG. REC. 17363, 97th Cong. 2d Sess.
2. Les AuCoin (Oreg.).
3. 116 CONG. REC. 38990, 91st Cong. 2d Sess.

ager of the pending bill in the Committee of the Whole, moved that all debate on the pending amendment close instantly. The Committee agreed to the motion by division vote. Mr. Andrew Jacobs, Jr., of Indiana, and Mr. Jonathan B. Bingham, of New York, then sought recognition to debate the amendment. Chairman Chet Holifield, of California, ruled that no further debate was in order:

> MR. JACOBS: What about those of us who were on our feet when debate was choked off? Will we be recognized?
>
> THE CHAIRMAN: There was no count made of Members standing for time, and the motion of the gentleman from Illinois was to close debate, and that motion was agreed to.[4]

§ 23. Recognition for Particular Motions and Debate Thereon

This section discusses illustrative principles of recognition for various types of motions. The general subject of motions is treated comprehensively in Chapter 23, supra, and particular motions are discussed in detail in that chapter.

As a general matter where a Member is recognized to offer a resolution, after the resolution is read, that Member must again be recognized for debate; and between the two recognitions, a proper motion may intervene after presentation of the resolution.[5]

Where two or more Members rise at the same time seeking recognition to offer motions or for debate, the Speaker inquires into their purpose in seeking recognition, and then under Rule XIV, clause 2, names the Member to speak first.[6] The fact that the Chair asks a Member, "for what purpose does the gentleman rise" does not confer recognition on the Member to offer a motion.[7]

Dilatory motions are not entertained by the Chair, and the determination of whether a motion is dilatory is within the Chair's discretion.[8] The Chair has on occasion indicated a reluctance to hold motions to be dilatory,[9] unless it was obvious that dilatory tactics were being used.[10]

Several motions discussed in this section are used in the Committee of the Whole. (Proceedings

4. The manager of a bill has priority of recognition to move to close debate instantly on an amendment, even if other Members seek to debate it further or to offer amendments thereto; see § 21.30, supra.

5. See 6 Cannon's Precedents § 65.

6. See § 23.4, infra.

7. See § 23.1, infra.

8. See § 23.7, infra.

9. See § 23.8, infra.

10. See § 23.12, infra.

in the Committee of the Whole are covered in more detail in Chapter 19, supra.) For motions to resolve into the Committee of the Whole for the consideration or resumption of consideration of a bill, recognition is first accorded the manager of a bill.[11]

A Member recognized to offer and debate an amendment may move that the Committee of the Whole rise,[12] but a Member yielded time for general debate may not make the motion unless yielded to for that purpose.[13]

The motion that the Committee of the Whole rise is privileged and may be offered during the pendency of a motion to limit debate or immediately upon the adoption of that motion; similarly, the preferential motion that the Committee rise with the recommendation that the enacting or resolving clause be stricken may be offered while the motion to limit debate is pending.[14]

Other motions discussed in this section include the following motions used in the House.

A Member, if recognized for that purpose, may move to suspend the rules and pass a bill with amendments. The fact that the amendments have not been considered or adopted by a committee does not prevent their consideration.[15] Recognition for a motion to suspend the rules is within the discretion of the Speaker. Thus, for example, the previously announced scheduling of a House bill under suspension does not preclude the consideration of a similar Senate bill in lieu thereof if recognition is granted by the Speaker.[16]

The Speaker may recognize any Member who signed a motion to discharge to call up that motion; and the proponents of a successful motion to discharge are entitled to prior recognition to debate the discharged bill.[17]

After the previous question is ordered on the passage of a bill or joint resolution, a motion to recommit is in order, and the Speaker gives preference in recognition for such purpose to a

11. See § 23.27, infra; and see, generally, Ch. 19 § 4, supra.

12. See 113 CONG. REC. 32694, 90th Cong. 1st Sess., Nov. 15, 1967.

13. See 96 CONG. REC. 2178, 81st Cong. 2d Sess., Feb. 22, 1950. For general discussion of motions to rise, see Ch. 19 §§ 22–25, supra.

14. See § 23.31, infra.

15. See § 23.16, infra. A second on a motion to suspend the rules, formerly required in some circumstances, is no longer required. See § 23.19, infra.

16. See § 23.17, infra.

17. See § 23.23, infra. See Ch. 18, supra, for further discussion of motions to discharge.

Member who is opposed to the bill or joint resolution.[18] In recognizing Members to move to recommit, the Speaker gives preference first to the ranking minority member of the committee reporting the bill, if opposed to the bill, and then to the remaining minority members of that committee in the order of their rank.[19]

A member of the minority has priority of recognition to offer a motion to recommit, even where the proposition has been discharged from committee and the chairman of the committee has controlled the time in opposition thereto.[20]

Rule XI, clause 4(b)[1] now provides that the Committee on Rules shall not report any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of Rule XVI, including a motion to recommit with instructions to report back an amendment otherwise in order (if offered by the Minority Leader or a designee), except with respect to a Senate bill or resolution for which the text of a House-passed measure has been substituted.

In the case of a motion to commit offered pursuant to Rule XVII, clause 1, the Member offering the motion in some circumstances need not qualify as opposed.[2]

Cross References

Motions generally, see Ch. 23, supra.

Motions cannot interrupt Member with floor, see § 32, infra.

Motions to close or limit debate, see §§ 76, 78, infra (duration of debate in Committee of the Whole).

Motions on conference reports, see Ch. 33, infra.

Motion to resolve into the Committee of the Whole, see Ch. 19, supra.

Motions on Senate amendments, see Ch. 32, infra (amendments between the Houses) and Ch. 33, infra (amendments in disagreement reported from conference).

Nondebatable motions, see, for example, §§ 6.4 (motion to correct reference of bill); 6.19 (motion to close debate under five-minute rule); 6.29, 6.30 (motion that Committee of the Whole rise); 6.14 (motion to dispense with proceedings under call of the House); 6.9 (motion to lay on table); 6.35 (motion for previous question); 6.60 (motion returning bill to Senate pursuant to Senate request), supra.

Prior rights to recognition of opposition after rejection of essential motion made by Member in charge, see § 15, supra.

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18. See Rule XVI, clause 4, *House Rules and Manual* § 782 (1995).

19. See § 23.45, infra.

20. See Ch. 23 §§ 25 et seq., supra, for further discussion of the motion to recommit.

1. *House Rules and Manual* § 729a (1995).

2. See § 23.55, infra. For discussion of distinctions between the motion to recommit and the motions to commit or refer, see Ch. 23 § 25, supra.

Yielding for motions, see § 30, infra.

What Constitutes Recognition

§ 23.1 The fact that the Speaker or Chairman asks a Member "for what purpose does the gentleman rise" does not confer recognition on the Member to offer a motion.

On Apr. 13, 1946,[3] Mr. Dewey Short, of Missouri, sought recognition from Speaker Sam Rayburn, of Texas, after the engrossment and third reading of the pending bill had been ordered. The Speaker inquired of Mr. Short "for what purpose does the gentleman from Missouri rise?" and Mr. Short stated that he was offering a motion to recommit the bill.

The Speaker recognized Mr. Edward E. Cox, of Georgia, to demand the reading of the engrossed copy of the bill. Mr. Vito Marcantonio, of New York, made the point of order that Mr. Short had been recognized to offer a motion to recommit. The Speaker stated:

> The gentleman from Missouri [Mr. Short] was not recognized. The Chair asked the gentleman for what purpose he rose, and then recognized the gentleman from Georgia.

On June 26, 1951,[4] Chairman Albert A. Gore, of Tennessee, ruled in the Committee of the Whole that his inquiry as to a Member's purpose in seeking recognition did not confer recognition:

> Mr. [Emanuel] Celler [of New York] rose.
>
> THE CHAIRMAN: For what purpose does the gentleman from New York rise?
>
> MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Chairman, I move——
>
> MR. CELLER: Mr. Chairman, was I not recognized?
>
> THE CHAIRMAN: The Chair inquired for what purpose the gentleman rose; that does not entail recognition.

§ 23.2 The mere making of a motion does not confer recognition, and where another Member has shown due diligence he may be recognized even though a motion has been made.

On Apr. 16, 1943,[5] an amendment to a bill being considered in the Committee of the Whole was rejected on a division vote. Chairman William M. Whittington, of Mississippi, then ruled that it was not too late to demand tellers where an intervening motion that the Committee rise was made without recognition by the Chair:

> THE CHAIRMAN: The amendment is rejected.

3. 92 CONG. REC. 3669, 79th Cong. 2d Sess.

4. 97 CONG. REC. 7174, 82d Cong. 1st Sess.

5. 89 CONG. REC. 3502, 78th Cong. 1st Sess.

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, I move that the Committee do now rise.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I ask for tellers.

MR. TARVER: Mr. Chairman, I raise the point of order that it is too late to demand tellers.

MR. TABER: I was on my feet, Mr. Chairman.

MR. TARVER: The Chair had announced the result of the vote, and a motion had been made that the Committee rise.

MR. TABER: The gentleman from Georgia had not been recognized by the Chair.

MR. TARVER: The Chair had announced the vote.

THE CHAIRMAN: The gentleman from New York demands tellers.

The gentleman from Georgia makes the point of order that the request comes too late. The Chair would say in deference to the gentleman from New York and the gentleman from Georgia that there had not been formal recognition of the gentleman from Georgia.

Tellers were ordered, and the Chair appointed Mr. Tarver and Mr. Taber to act as tellers.

§ 23.3 Recognition of a Member to object to a unanimous-consent request for the withdrawal of a motion in the Committee of the Whole (to strike out the enacting clause) does not extend recognition to speak in opposition to the motion.

On Mar. 1, 1950,[6] Mr. Clare E. Hoffman, of Michigan, offered the preferential motion that the Committee of the Whole rise and report the pending bill back to the House with the recommendation that the enacting clause be stricken. After debating his motion, Mr. Hoffman asked unanimous consent to withdraw his motion. Mr. Francis H. Case, of South Dakota, objected to withdrawal of the motion and claimed time in opposition to the motion at the same time that Mr. Carl Hinshaw, of California, rose in opposition to the motion.

Chairman Clark W. Thompson, of Texas, recognized Mr. Hinshaw since he was a member of the committee which had reported the bill.

Mr. Case then inquired whether he had not been recognized to speak. The Chairman responded:

> The gentleman was recognized by the Chair to make an objection, but not to speak.

Speaker's Authority To Recognize

§ 23.4 Where two or more Members rise at the same time seeking recognition to offer motions or for debate, the Speaker inquires into their purpose in seeking recognition, and then under Rule XIV clause 2, names the Member to speak first.

6. 96 CONG. REC. 2598, 81st Cong. 2d Sess.

On Apr. 26, 1933,[7] the House was considering House Joint Resolution 157 (relating to the Saint Lawrence Seaway) pursuant to a special order (H. Res. 112) providing for consideration in the House and ordering the previous question on the joint resolution to final passage without intervening motion except one motion to recommit. Pending was a motion to recommit with instructions, offered by Mr. James S. Parker, of New York, on Apr. 25 and coming over as unfinished business (the previous question having been ordered on the passage of the joint resolution). The previous question was ordered on the motion to recommit as follows:

Mr. [Bertrand H.] Snell [of New York] and Mr. [Sam] Rayburn [of Texas] rose.

MR. SNELL: Mr. Speaker, at the appropriate time I desire to be recognized against the motion to recommit. This is the unfinished business before the House.

MR. RAYBURN: Mr. Speaker, I move the previous question.

MR. SNELL: Mr. Speaker, I am on my feet demanding recognition. The previous question has not been ordered.

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I certainly shall object to the establishment of any precedent of debating motions to recommit.

MR. SNELL: This is not a precedent. Motion to close debate by ordering the previous question has not been made. This is the unfinished business before the House.

MR. RAYBURN: Mr. Speaker, I move the previous question. I think I have the right to make this motion.

THE SPEAKER: The question is on ordering the previous question on the motion to recommit.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RICH: Mr. Speaker, is it proper procedure, when one Member has obtained recognition, for another Member to be recognized? The gentleman from New York [Mr. Snell] had the floor and was recognized.

THE SPEAKER: The Chair recognized the gentleman from New York to ascertain for what purpose he rose.

MR. RICH: Is it proper procedure for the Chair now to recognize the gentleman from Texas?

THE SPEAKER: The question is on the motion to recommit.

The previous question was ordered on the motion to recommit, which was rejected.

Parliamentarian's Note: At the time of this precedent, a motion to recommit with instructions, offered after the previous question

7. 77 CONG. REC. 2413, 73d Cong. 1st Sess.

See Rule XIV clause 2, *House Rules and Manual* § 753 (1995): "When two or more Members rise at once, the Speaker shall name the Member who is first to speak."

had been ordered on a bill or joint resolution to passage, was not debatable; Rule XVI, clause 4 was amended in the 92d Congress to specifically allow debate (five minutes for and five minutes against) on such a motion to recommit with instructions. Thus in the instant precedent the motion to recommit was not debatable regardless of whether the previous question was ordered thereon.

§ 23.5 Where a Member seeks recognition to call up District of Columbia business, privileged on District of Columbia Monday, and at the same time another Member seeks recognition to move to suspend the rules and agree to a bill, that motion made privileged by unanimous consent, it is within the discretion of the Speaker as to which of the two Members he will recognize.

On Aug. 27, 1962,[8] Mr. Emanuel Celler, of New York, moved to suspend the rules and pass Senate Joint Resolution 29, proposing an amendment to the Constitution of the United States. Mr. Thomas G. Abernethy, of Mississippi, made a point of order against such recognition on the ground that he wanted recognition to offer a District of Columbia bill and that pursuant to Rule XXIV clause 8 of the House rules, District of Columbia business was privileged. He alleged that the Speaker was permitted only to recognize for District of Columbia business. Mr. Carl Albert, of Oklahoma, stated that the Suspension Calendar had been transferred by unanimous consent to that day and contended that under the rules the Speaker had the power of recognition at his discretion.

Speaker John W. McCormack, of Massachusetts, ruled as follows:

> Several days ago on August 14 unanimous consent was obtained to transfer the consideration of business under suspension of the rules on Monday last until today. That does not prohibit the consideration of a privileged motion and a motion to suspend the rules today is a privileged motion. The matter is within the discretion of the Chair as to the matter of recognition.

§ 23.6 The Speaker may not be compelled by a motion under Rule XXV to recognize Members for scheduled "special orders" immediately upon completion of scheduled legislative business, but rather may continue to exercise his power of recognition under Rule XIV clause 2 to recognize other Members for unanimous-consent requests

8. 108 Cong. Rec. 17654, 17655, 87th Cong. 2d Sess.

and permissible motions; thus, the Speaker has declined to recognize a Member who sought to invoke Rule XXV to interfere with the Speaker's power of recognition.

Rule XXV, which provides that "questions as to the priority of business shall be decided by a majority without debate," merely precludes debate on motions to go into Committee of the Whole, on questions of consideration, and on appeals from the Chair's decisions on priority of business, and should not be utilized to permit a motion directing the Speaker to recognize Members in a certain order or to otherwise establish an order of business. Thus, for example, on July 31, 1975,[9] the Speaker[10] refused to recognize a Member who sought to make a motion to direct recognition of Members for special orders.

MR. PHILLIP BURTON [of California]: Mr. Speaker, I make a point of order that a quorum is not present.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I make a point of order. . . .

Mr. Speaker, I would like to make the point of order to this effect: Under the new rules of the House, is it not true that once the House has proceeded to the closing business of the day, granting requests for absences and special orders, that it is no longer in order to make a point of order that a quorum is not present?

THE SPEAKER: The Chair has not started to recognize Members for special orders yet. All the business on the Chair's desk has been completed. . . .

MR. BAUMAN: Mr. Speaker, I make the point of order that the rules preclude a quorum at this point because personal requests have already been read from the desk. A leave of absence was granted to the gentleman from Texas (Mr. Teague).

Under the new rules, Mr. Speaker, a quorum does not lie after this point of business in the day.

THE SPEAKER: If the Chair understands the gentleman's point of order, it relates to the fact, which is a new rule, not the rule we used to follow. The rule is that once a special order has started, the Member who has the special order and is speaking cannot be taken off his feet by a point of order of no quorum. However, there is nothing in the rules of which the Chair is aware that requires the Chair to begin to call a special order at any particular time.

MR. BAUMAN: Mr. Speaker, I move under rule XXV that the House proceed to recognize the Members previously ordered to have special orders today, and on that I ask for a rollcall vote.

MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Speaker, I move that the House do now adjourn.

The question was taken.

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

9. 121 CONG. REC. 26249, 26251, 94th Cong. 1st Sess.

10. Carl Albert (Okla.).

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 137, nays 202, not voting 95, as follows: . . .

MR. BAUMAN: Mr. Speaker, under rule XXV, I again renew my motion that the Chair proceed to the recognition of other Members who have previously been granted special orders for today.

THE SPEAKER: The Chair recognizes the gentleman from California (Mr. Danielson).

MR. [GEORGE E.] DANIELSON [of California]: Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

MR. BAUMAN: Mr. Speaker, there is a motion pending.

Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I move that the House do now adjourn.

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

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 142, nays 205, not voting 87, as follows: . . .

Dilatory Motions

§ 23.7 Dilatory motions are not entertained by the Chair, and the determination of whether a motion is dilatory is within the Chair's discretion.

On May 16, 1938,[11] Speaker Pro Tempore Sam Rayburn, of Texas, stated in response to a parliamentary inquiry that the determination whether a motion is dilatory is within the discretion of the Chair:

MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Speaker, I rise to submit a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. COCHRAN: . . . My parliamentary inquiry is whether a point of order would lie against the motion of a Member to strike out the title when, as a matter of fact, the Member was not in favor of striking out the title.

THE SPEAKER PRO TEMPORE: The present occupant of the Chair would have no way of reading a Member's mind or questioning his motives with reference to any amendment that he might offer. The Chair thinks that any Member who gained the floor to offer any permissible amendment would be in order and he would be entitled to the floor.

MR. COCHRAN: It was certainly a violation of the spirit of the rule when one offers an amendment to strike out a title and then in the first sentence after recognition says that he is not going to insist upon his motion and consumes 5 minutes that should be allowed in opposition to the title.

11. 83 CONG. REC. 6938, 75th Cong. 3d Sess.

THE SPEAKER PRO TEMPORE: The rule interpreted otherwise would make it pretty hard on the occupant of the chair.

MR. [CASSIUS C.] DOWELL [of Iowa]: Where it becomes apparent to the Chair that a motion is made for the purpose of delay, then a point of order may be made and would be sustained, would it not?

THE SPEAKER PRO TEMPORE: The present occupant of the chair understands that the determination of whether a motion is dilatory is entirely within the discretion of the Chair.[12]

§ 23.8 The Speaker recognized a Member to move to adjourn notwithstanding a point of order that such motion was dilatory, and referred to the heavy responsibilities involved in holding a motion dilatory.

On June 5, 1946,[13] there was a series of quorum calls and motions to adjourn, to delay reaching the Committee on Labor on Calendar Wednesday which intended to call up the federal employment practices bill. When a further point of no quorum was made, Mr. Dan R. McGehee, of Mississippi, made the point of order that the point of no quorum was dilatory. Speaker Sam Rayburn, of Texas, overruled the point of order, stating that a "point of no quorum is a question of very high privilege."

After the yeas and nays had been had on a motion to dispense with further proceedings under a call of the House, Mr. L. Mendel Rivers, of South Carolina, moved that the House adjourn. Mr. Christian A. Herter, of Massachusetts, made a point of order against the motion on the ground the motion was dilatory. Due to the importance of the pending ruling by the Speaker, a call of the House ensued.

After debate on the Speaker's power to hold motions dilatory, the Speaker ruled as follows:

. . . One of the greatest responsibilities any occupant of the Chair could assume would be to hold that motions are dilatory. However, that is not to say that the present occupant of the Chair will not, under certain circumstances, hold motions to be dilatory. In the weeks to come and for the remainder of this day the Chair will scrutinize very carefully motions that are made.

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12. Rule XVI clause 10, *House Rules and Manual* § 803 (1995) provides "No dilatory motion shall be entertained by the Speaker."

Dilatory motions are expressly forbidden during consideration of reports from the Committee on Rules (Rule XI clause 4(b), *House Rules and Manual* § 729(a) [1995]).

For an occasion where a motion to recommit was held dilatory under the "twenty-one day rule" in effect in the 89th Congress, see 111 CONG. REC. 18087, 89th Cong. 1st Sess., July 26, 1965.

13. 92 CONG. REC. 6352–56, 79th Cong. 2d Sess.

The Chair is going to put the motion to adjourn.

The question is on the motion offered by the gentleman from South Carolina [Mr. Rivers].

§ 23.9 The Speaker, on a Calendar Wednesday, recognized the chairman of a committee to call up a bill in spite of repeated motions to adjourn, thereby inferentially holding such motions dilatory.

On Feb. 15, 1950,[14] which was Calendar Wednesday, Speaker Sam Rayburn, of Texas, directed the Clerk to call the roll of committees and recognized the chairman of the Committee on the District of Columbia to call up a bill, ignoring repeated motions to adjourn (in effect holding them dilatory):

THE SPEAKER: The Clerk will call the committees.

The Clerk called the Committee on the District of Columbia.

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

THE SPEAKER: The Chair does not yield to the gentleman for a parliamentary inquiry at this time.

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER: The Clerk has called the Committee on the District of Columbia. The Chair recognizes the gentleman from South Carolina [Mr. McMillan].

MR. SMITH of Virginia: Mr. Speaker, I move that the House do now adjourn. That motion is always in order.

THE SPEAKER: The Chair has recognized the gentleman from South Carolina [Mr. McMillan].

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, I offer a preferential motion.

THE SPEAKER: The gentleman from South Carolina [Mr. McMillan] has been recognized.

MR. COLMER: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER: The gentleman from South Carolina [Mr. McMillan] has been recognized.

§ 23.10 A motion that the House adjourn will not be regarded as dilatory merely because the House has rejected such a motion an hour previously.

On Feb. 22, 1950,[15] Speaker Sam Rayburn, of Texas, overruled a point of order that a motion to adjourn was dilatory:

THE SPEAKER: The gentleman from Florida [Mr. Sikes] moves that the House do now adjourn.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order on the motion.

THE SPEAKER: The gentleman will state it.

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14. 96 CONG. REC. 1811, 1812, 81st Cong. 2d Sess.

15. 96 CONG. REC. 2161, 81st Cong. 2d Sess.

MR. MARCANTONIO: Mr. Speaker, I submit the motion to adjourn is dilatory. While I recognize that intervening business has been transacted, such as voting on the motion to dispense with Calendar Wednesday business, it seems to me that the House had expressed its will on this matter about an hour ago and the House refused to adjourn. I think it is obvious to the Speaker that the House has refused to adjourn and the motion, therefore, is dilatory.

THE SPEAKER: The Chair has already entertained the motion. The question is on the motion offered by the gentleman from Florida.

§ 23.11 The Chair overruled the point of order that a motion to strike out the enacting clause of a bill was dilatory where the Member offering the motion stated he was opposed to the bill "in its present form."

On Mar. 30, 1950,[16] Chairman Oren Harris, of Arkansas, overruled a point of order that a motion was dilatory:

MR. [JAMES G.] FULTON [of Pennsylvania]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Fulton moves that the Committee do now rise and that the bill be reported to the House with the enacting clause stricken.

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. KEEFE: Mr. Chairman, I make the point of order against the preferential motion that it is dilatory. The gentleman from Pennsylvania is not opposed to this bill and is not in good faith asking that the enacting clause be stricken out; he is advocating this bill vehemently and is simply taking this means to get 5 minutes time when many others of us have been waiting for 2 days trying to get time, but in vain.

THE CHAIRMAN: The Chair would like to inquire of the gentleman from Pennsylvania [Mr. Fulton] if he is opposed to the bill?

MR. FULTON: In its present form I would be opposed to it.

THE CHAIRMAN: The Chair must accept the statement of the gentleman from Pennsylvania.

The Chair overrules the point of order and recognizes the gentleman from Pennsylvania in support of his preferential motion.[17]

§ 23.12 The Speaker announced that he would not hold a motion to be dilatory unless it was "obvious to everybody" that dilatory tactics were being used.

On July 25, 1949,[18] the House was considering House Resolution

16. 96 CONG. REC. 4424, 81st Cong. 2d Sess.

17. See also 95 CONG. REC. 5531, 81st Cong. 1st Sess., May 3, 1949 (a second motion that the committee rise and report back the bill with the recommendation that the enacting clause be stricken held not dilatory, where the first such motion was withdrawn).

18. 95 CONG. REC. 10095–97, 81st Cong. 1st Sess.

276, making in order the consideration of H.R. 3199, the Federal Anti-Poll Tax Act. A series of roll calls intervened to prevent or delay the question being put on its adoption. After the previous question had been ordered on the resolution, Speaker Sam Rayburn, of Texas, entertained a motion by Mr. Robert L. F. Sikes, of Florida, that the House adjourn. The Speaker then made the following statement:

> The Chair desires to make a statement. Since the present Speaker has occupied the chair he has yet to hold a motion to be dilatory, and will not until it becomes obvious to everybody that dilatory tactics are being indulged in and that a filibuster is being conducted.

Motions Relating to Quorum

§ 23.13 Where a motion that the House resolve into Committee of the Whole had been offered, and pending that motion a unanimous-consent request to limit general debate had been made, the Chair declined to entertain a point of order of no quorum, being proscribed by Rule XV clause 6(e) from recognition for that purpose until the pending question had been put to a vote (notwithstanding precedents to the contrary established prior to adoption of that rule).

During consideration of the District of Columbia appropriation bill for fiscal year 1978 (H.R. 9005) in the House on Sept. 16, 1977,[19] the following proceedings occurred:

> MR. [WILLIAM H.] NATCHER [of Kentucky]: Madam Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9005) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1978, and for other purposes, and pending that motion, Madam Speaker, I ask unanimous consent that general debate on the bill be limited to 1 hour, the time to be equally divided and controlled by the gentleman from California (Mr. Burgener) and myself.
>
> THE SPEAKER PRO TEMPORE:[20] Is there objection to the request of the gentleman from Kentucky?
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Reserving the right to object, I make the point of order that a quorum is not present.
>
> THE SPEAKER PRO TEMPORE: The Chair is about to put the question, and the Chair has not yet put the question on the motion. Therefore, the point of order is out of order at this time.
>
> MR. BAUMAN: Madam Speaker, Cannon's Precedents, volume VI, section 665, indicates that following a motion

19. 123 CONG. REC. 29601, 29602, 95th Cong. 1st Sess.

20. Barbara Jordan (Tex.).

to resolve into the Committee of the Whole, and pending a request for unanimous consent to fix control of the time for debate, a point of no quorum may be raised, and no business is in order until the presence of a quorum is ascertained.

THE SPEAKER PRO TEMPORE: The Chair would cite to the gentleman from Maryland the new rule, clause 6(e) of rule XV of the 95th Congress, that it shall not be in order to make or entertain a point of order that a quorum is not present unless the Speaker has put the pending motion or proposition to a vote. It is the ruling of the Chair, then, that the point of order is not in order at this time, inasmuch as the Chair has not put the question on the motion to resolve into Committee of the Whole.

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

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Kentucky (Mr. Natcher). . . .

[The] motion was agreed to. . . .

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9005, with Mr. Fuqua in the chair.

§ 23.14 A point of order in the House that a quorum is not present only lies when the Speaker has put the pending proposition or motion to a vote, although the Speaker may recognize for a motion for a call of the House at any time within his discretion.

On Apr. 20, 1978,[1] Speaker Pro Tempore James C. Wright, Jr., of Texas, responded to a parliamentary inquiry regarding a point of order that a quorum was not present. The proceedings were as follows:

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. OTTINGER: Mr. Speaker, it does not appear that there is a quorum on the floor of the House. Does a point of order lie at this time on that fact?

THE SPEAKER PRO TEMPORE: Not until the Chair puts the question on the motion to be offered by the gentleman from California (Mr. Danielson). At that point, it would be in order, under the rules. The Chair is not going to recognize anybody prior to that motion.

The Chair is going to recognize the gentleman from California (Mr. Danielson). If anyone wants to object to the vote on the ground that a quorum is not present, that would indeed be in order.

§ 23.15 While a point of order of no quorum is not in order during debate in the House when the Speaker has not put a pending question to a vote, the Speaker retains the

1. 124 CONG. REC. 10990, 95th Cong. 2d Sess.

right to recognize any Member to move a call of the House, in his discretion under Rule XV, clause 6.

On Mar. 30, 1977,[2] a resolution (H. Res. 445) providing for the consideration in the House as in the Committee of the Whole of another resolution (H. Res. 433, providing for the continuation of the Select Committee on Assassinations) was called up for immediate consideration following which a point of no quorum was made. The proceedings were as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 445 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 445

Resolved, That upon the adoption of this resolution it shall be in order to consider the resolution (H. Res. 433) to provide for the continuation of the Select Committee on Assassinations, in the House as in the Committee of the Whole.

THE SPEAKER:[3] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. [J. J.] PICKLE [of Texas]: Mr. Speaker, I make the point of order that a quorum is not present. I move a call of the House.

THE SPEAKER: The gentleman's point of order is not in order at this particular time.

MR. PICKLE: Mr. Speaker, I renew my point of order that a quorum is not present.

THE SPEAKER: The Chair recognizes the gentleman from Missouri (Mr. Bolling) to move a call of the House.

Motion To Suspend the Rules

§ 23.16 If recognized for that purpose, a Member may move to suspend the rules and pass a bill with amendments and the fact that the amendments have not been considered or adopted by a committee does not prevent their consideration.

On Apr. 8, 1975,[4] during consideration in the House of the Older Americans Act (H.R. 3922), Speaker Pro Tempore John J. McFall, of California, responded to a parliamentary inquiry as indicated below:

MR. [JOHN] BRADEMAS [of Ohio]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3922) to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such act, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the

2. 123 CONG. REC. 9554, 95th Cong. 1st Sess.

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

4. 121 CONG. REC. 9203, 9204, 9213, 94th Cong. 1st Sess.

United States of America in Congress assembled, That this Act may be cited as the "Older Americans Amendments of 1975".

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, does the gentleman from Indiana, representing the Committee on Education and Labor, have the right to offer so-called committee amendments that have been discussed with only a few members but never formally acted upon by the Committee on Education and Labor, since this bill is being offered under suspension of the rules?

THE SPEAKER PRO TEMPORE: The Chair will state, in answer to the parliamentary inquiry, that the gentleman has moved to suspend the rules and pass the bill in the form in which the bill was sent to the desk. So the answer to the gentleman's inquiry is: Yes, the motion is in order in the form in which it has been sent to the desk, with the amendments therein.

§ 23.17 Recognition for a motion to suspend the rules is within the discretion of the Speaker and the previously announced scheduling of a House bill under suspension does not preclude the consideration of a similar Senate bill in lieu thereof if recognition is granted by the Speaker.

On Mar. 16, 1964,[5] Mr. Chet Holifield, of California, moved to suspend the rules and pass the bill S. 2448, to amend the Atomic Energy Act. He moved to pass that bill instead of H.R. 9711, which had been scheduled for consideration under suspension of the rules and which dealt with the same subject matter. In response to a parliamentary inquiry, Speaker John W. McCormack, of Massachusetts, stated that recognition to suspend the rules was within the discretion of the Speaker:

MR. [JOHN P.] SAYLOR [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. SAYLOR: Mr. Speaker, the House Calendar lists a bill to come up under suspension and it is a House bill. Does it not require unanimous consent to suspend the rules and take up a Senate bill?

THE SPEAKER: The Chair will advise the gentleman from Pennsylvania, under the rules of the House, the Speaker may recognize a Member on a motion to suspend the rules.

Is a second demanded?

MR. [CRAIG] HOSMER [of California]: Mr. Speaker, I demand a second.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection.[6]

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5. 110 CONG. REC. 5291, 88th Cong. 2d Sess.

6. See also 80 CONG. REC. 2239, 2240, 74th Cong. 2d Sess., Feb. 17, 1936.

The Committee on Rules has reported and the House has adopted resolutions authorizing the Speaker

§ 23.18 Pursuant to Rule XXVII clause 1, the Speaker may in his discretion decline to recognize a Member to move to suspend the rules.

On Mar. 5, 1974,[7] a Member of the minority party attempted to gain recognition for a motion to suspend the rules:

REQUEST TO SUSPEND RULES AND CONSIDER HOUSE RESOLUTION 807

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I move that the rules be suspended and the House proceed to the consideration of the resolution, House Resolution 807, disapproving pay increases.

THE SPEAKER:[8] The Chair will state that the gentleman from Iowa has not consulted the Chair and the Chair is not going to recognize the gentleman from Iowa for that purpose.

The Chair would like to state further that the request of the gentleman from Iowa violates the "Gross" rule whereby he has requested that notification of suspensions be given 24 hours in advance.

MR. GROSS: What kind of a rule is that?

THE SPEAKER: The Gross rule.

§ 23.19 In recognizing a Member to demand a second on a motion to suspend the rules (under a former rule), the Speaker gave preference to a member of the reporting committee who was opposed to the bill over another Member of the same party.

On Feb. 20, 1967,[9] Speaker John W. McCormack, of Massachusetts, ruled as follows, on recognition to demand a second on the motion to suspend the rules and pass a bill (H.R. 2) reported from the Committee on Armed Services:

THE SPEAKER: Is a second demanded?

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I demand a second.

THE SPEAKER: For what reason does the gentleman from Michigan [Mr. Nedzi], a member of the committee, stand?

MR. [LUCIEN N.] NEDZI: Mr. Speaker, I demand a second.

MR. YATES: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. YATES: The distinguished gentleman from Michigan is my good friend. Is it in order to inquire as to

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to recognize Members for motions to suspend the rules on days other than suspension calendar days. See, for example, H. Res. 422, 107 CONG. REC. 16562, 16563, 87th Cong. 1st Sess., Aug. 21, 1961.

For detailed treatment of recognition to move to suspend the rules, see Ch. 21, supra.

7. 120 CONG. REC. 5316, 93d Cong. 2d Sess.

8. Carl Albert (Okla.).

9. 113 CONG. REC. 3829, 90th Cong. 1st Sess.

whether the gentleman from Michigan is opposed to the bill?

MR. NEDZI: I will allay the gentleman's fears. He is.

MR. YATES: I will withdraw.

THE SPEAKER: The Chair had not reached that point yet. The Chair would have asked that question.

Is the gentleman from Michigan opposed to the bill?

MR. NEDZI: I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies. Without objection, a second will be considered as ordered.

After the expiration of the 20 minutes of debate in favor of the motion, the Speaker then recognized Mr. Nedzi to control the 20 minutes against the motion.

Parliamentarian's Note: The Member demanding a second on the motion to suspend the rules was entitled to recognition for debate against the motion.(10)

Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from Rule XXVII in the 102d Congress (see H. Res. 5, Jan. 3, 1991).

10. See 105 CONG. REC. 17600, 86th Cong. 1st Sess., Sept. 1, 1959.

For an occasion where the debate in opposition to the motion, allotted to the Member demanding the second, was transferred to another by unanimous consent, see § 25.24, infra.

§ 23.20 Under clause 2 of Rule XXVII,(11) a Member opposed to a motion to suspend the rules is entitled to control 20 minutes of debate in opposition to the motion; ordinarily, the ranking minority member of the reporting committee controls the 20 minutes of debate unless he is challenged at the time the allocation is made and does not qualify as being opposed to the motion.

During consideration of the Equal Access Act (H.R. 5345) in the House on May 15, 1984,(12) the following proceedings occurred:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5345) to provide that no Federal educational funds may be obligated or expended to any State or local educational agency which discriminates against any meetings of students in public secondary schools who wish to meet voluntarily for religious purposes.

11. *House Rules and Manual* § 907 (1995). The provision providing for forty minutes of debate on a motion to suspend the rules was formerly contained in clause 3. Former clause 2 of Rule XXVII, requiring certain motions to suspend the rules to be seconded by a majority of tellers if demand was made, was repealed by H. Res. 5, 102d Cong. 1st Sess., Jan. 3, 1991.

12. 130 CONG. REC. 12214, 12215, 98th Cong. 2d Sess.

The Clerk read as follows:

H.R. 5345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Access Act". . . .

THE SPEAKER PRO TEMPORE:[13] . . . The gentleman from Kentucky (Mr. Perkins) will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. William F. Goodling, ranking minority member of Committee on Education and Labor] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

MR. PERKINS: Mr. Speaker, I yield myself 4 minutes. . . .

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FISH: Mr. Speaker, I am opposed to this bill. Do I have a right to the full 20 minutes on our side?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman from New York that his objection is not timely. The gentleman is too late. The gentleman from Pennsylvania (Mr. Goodling) controls the time.

MR. [GARY L.] ACKERMAN [of New York]: Mr. Speaker, does the gentleman from Pennsylvania oppose this bill? . . .

THE SPEAKER PRO TEMPORE: The Chair will state that any gentleman had the opportunity at the appropriate time to make the appropriate challenge. The Chair has ruled that the gentleman from Pennsylvania (Mr. Goodling) controls the time and is recognized for 20 minutes.

13. Wyche Fowler, Jr. (Ga.).

§ 23.21 To control the time in opposition to a motion to suspend the rules and pass a bill, the Speaker recognizes a minority Member who is opposed to the bill, and if no minority member of the reporting committee qualifies to control the time in opposition, a minority Member who is opposed may be recognized.

The following proceedings occurred in the House on May 4, 1981,[14] during consideration of the Cash Discount Act (H.R. 3132):

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3132) to amend the Truth in Lending Act to encourage cash discounts, and for other purposes. . . .

THE SPEAKER:[15] . . . The gentleman from Illinois (Mr. Annunzio) will be recognized for 20 minutes, and the gentleman from Delaware (Mr. Evans) will be recognized for 20 minutes.

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

14. 127 CONG. REC. 8323, 8324, 97th Cong. 1st Sess.

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

THE SPEAKER: The gentleman will state it.

MR. WALKER: May I inquire, Mr. Speaker, is the gentleman from Delaware (Mr. Evans) opposed to the bill?

THE SPEAKER: Is the gentleman from Delaware (Mr. Evans) opposed to the bill?

MR. [THOMAS B.] EVANS [Jr.] of Delaware: No; Mr. Speaker, I am not opposed to the bill.

THE SPEAKER: Is the gentleman from Pennsylvania (Mr. Walker) opposed to the bill?

MR. WALKER: Yes; Mr. Speaker, I am.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Walker) is entitled to the time that the gentleman from Delaware (Mr. Evans) would have had.

So the gentleman from Illinois (Mr. Annunzio) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. Walker) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Annunzio).

Parliamentarian's Note: Representative Barney Frank, of Massachusetts, a majority party member of the Banking Committee, desired recognition to control the time in opposition, but a minority Member opposed is entitled to recognition over a majority Member even if on the committee.

§ 23.22 The Speaker accorded priority of recognition to demand a second on a motion to suspend the rules (under a former rule) to a minority member of the committee reporting the bill who qualified as being opposed to the motion.

On Sept. 20, 1976,[16] during consideration of H.R. 14319 (the Clinical Laboratory Improvement Act) in the House, the following proceedings occurred:

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14319) to amend the Public Health Service Act and the Social Security Act to revise and improve the authorities under those acts for the regulation of clinical laboratories, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Clinical Laboratory Improvement Act of 1976". . . .

THE SPEAKER PRO TEMPORE:[17] Is a second demanded?

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Speaker, I demand a second.

MR. [TIM LEE] CARTER [of Kentucky]: Mr. Speaker, I demand a second.

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16. 122 CONG. REC. 31328, 31333, 94th Cong. 2d Sess.

All three Members demanding a second were minority Members, with Mr. Carter ranking on the committee reporting the bill, Mr. Broyhill junior on that committee, and Mr. Symms not on the committee.

17. John J. McFall (Calif.).

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Speaker, I demand a second.

THE SPEAKER PRO TEMPORE: Is each of the gentlemen who request a second opposed to the bill?

MR. SYMMS: I am opposed to the bill, Mr. Speaker.

MR. BROYHILL: I am opposed to the bill, Mr. Speaker.

MR. CARTER: Mr. Speaker, so am I, in its present form.

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

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

MR. SYMMS: Mr. Speaker, did the gentleman from Kentucky (Mr. Carter) say that he is opposed to the bill?

THE SPEAKER PRO TEMPORE: The Chair will state that the gentleman from Kentucky (Mr. Carter) did say he is opposed to the bill, in its present form.

MR. CARTER: Mr. Speaker, I withdraw my demand for a second.

MR. BROYHILL: Mr. Speaker, I demand a second.

THE SPEAKER PRO TEMPORE: Is the gentleman from North Carolina opposed to the bill?

MR. BROYHILL: I am, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Without objection, a second will be considered as ordered.

There was no objection.

Parliamentarian's Note: Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from Rule XXVII in the 102d Congress (see H. Res. 5, Jan. 3, 1991).

Motion To Discharge—Who May Move

§ 23.23 The Speaker may recognize any Member who signed a motion to discharge to call up that motion, and points of order as to who shall control the bill if the motion is agreed to should be made when the question of consideration of the bill in the Committee of the Whole is moved.

On Oct. 12, 1942,[18] Mr. Joseph A. Gavagan, of New York, who had signed a petition to discharge a bill from committee, moved the discharge of the bill and was recognized by Speaker Sam Rayburn, of Texas, for 10 minutes on the motion. Mr. Sam Hobbs, of Alabama, made a point of order against the motion—partly on the ground that Mr. Gavagan did not have the authority to call up the motion to discharge.

The Speaker ruled:

The rule states that the Chair may recognize any Member who signed the petition to make the motion just made

18. 88 CONG. REC. 8066, 77th Cong. 2d Sess.

by the gentleman from New York [Mr. Gavagan], whom the Chair has recognized for that purpose.

Parliamentarian's Note: Recognition in opposition to the motion to discharge is extended to members of the committee sought to be discharged in the order of rank.[19] The proponents of a successful motion to discharge are entitled to prior recognition to debate the discharged bill.[20]

Motion To Postpone

§ 23.24 A motion to postpone consideration of a measure being considered in the House is in order after the measure is under consideration but before the manager has been recognized to control debate thereon (the measure being "under debate" within the meaning of clause 4, Rule XVI, and the Member in charge not being taken from the floor).

On May 30, 1980,[1] during consideration of House Joint Resolution 554 (supplemental Federal Trade Commission appropriation for fiscal year 1980) in the House, the following proceedings occurred:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, pursuant to the rule adopted a few moments ago, I call up the joint resolution (H.J. Res. 554) making an appropriation for the Federal Trade Commission for the fiscal year ending September 30, 1980, for consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 554

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated . . . for the fiscal year ending September 30, 1980. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Ashbrook moves to postpone further consideration of House Joint Resolution 554 until June 10, 1980.

MR. WHITTEN: Mr. Speaker, I move that the motion offered by the gentleman from Ohio (Mr. Ashbrook) be laid on the table.

THE SPEAKER PRO TEMPORE:[2] The question is on the motion to table.

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

[T]he motion to table the motion to postpone consideration was agreed to.

Parliamentarian's Note: Under clause 4, Rule XVI, all the mo-

19. See 80 CONG. REC. 336, 337, 74th Cong. 2d Sess., Jan. 13, 1936.

20. See 75 CONG. REC. 12911, 72d Cong. 1st Sess., June 14, 1932. For a complete discussion of recognition for the motion to discharge, see Ch. 18, supra.

1. 126 CONG. REC. 12821, 12822, 96th Cong. 2d Sess.

2. Michael L. Synar (Okla.).

tions except the motion to amend may be made in the House after consideration of a measure has begun and before the Member in charge has control of the floor. An amendment may not be offered until the Member in charge yields the floor for that purpose or the previous question is voted down.

Motion To Reconsider

§ 23.25 A motion to reconsider must be offered by a Member who voted on the prevailing side of the question to be reconsidered.

During consideration of House Resolution 660 (in the matter of Representative Charles H. Wilson) in the House on May 29, 1980,[3] the following proceedings occurred:

> MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Speaker, I was in the House when the previous speaker . . . evidently brought in material which was not in the record before the committee, which in my judgment means there has been surprise to the defense in this case in the fact that the gentleman brought up evidence, which is a document from the State of California.
>
> Mr. Speaker, it seems to me in fairness we are required to give the defendant or the accused in this case, whatever we want to call him, an opportunity to rebut that because, in fact, he did not have the opportunity of cross-examination and to see the document. We do not know the authenticity of that document.
>
> Now, the defendant is faced with that fact. It seems to me in fairness we ought to continue these proceedings until he has an opportunity to examine the document and give him an opportunity to answer it in detail.
>
> I would ask the Chair, is there any procedure where I can make a motion so that we can handle this in a fair and expeditious manner and give him the opportunity to respond to that and to get the evidence from California? . . .
>
> THE SPEAKER:[4] The only motion available that the Chair would know of, unless the gentleman from Florida would yield, would be the motion for reconsideration, if the gentleman voted on the prevailing side of the motion of the gentleman from California (Mr. Rousselot). That was a motion to postpone to a day certain, which was defeated.
>
> MR. ERTEL: Mr. Speaker, I did vote on the prevailing side not to postpone. I would not have voted not to postpone, except for this what I consider to be a very unfair procedure.
>
> I would make that motion, if I could get unanimous consent. I would request that.
>
> Mr. Speaker, I move to reconsider the vote to postpone.
>
> THE SPEAKER: The gentleman moves to reconsider the vote on the motion to postpone.

Motion To Resolve Into Committee of the Whole

§ 23.26 Motions that the House resolve into the Committee

3. 126 CONG. REC. 12663, 96th Cong. 2d Sess.

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

of the Whole for initial or further consideration of separate bills pursuant to separate special orders adopted by the House are of equal privilege, and the Speaker may exercise his discretionary power of recognition as to which bill shall be next eligible for consideration.

Where the Committee of the Whole had risen following completion of general debate but prior to reading of a bill for amendment under the five-minute rule, the Speaker Pro Tempore indicated in response to parliamentary inquiries that he would exercise his power of recognition to permit consideration of another bill, rather than return to the bill under the five-minute rule. The proceedings of Sept. 22, 1982,[5] were as follows:

MR. [WALTER B.] JONES of North Carolina: . . . I make a motion that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Bennett) having assumed the chair, Mr. Simon, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5543) to establish an ocean and coastal resources management and development fund and to require the Secretary of Commerce to provide to coastal States national ocean and resources management and development block grants from sums in the fund, had come to no resolution thereon.

MR. JONES of North Carolina: Mr. Speaker, I have a parliamentary inquiry. . . .

Was it not proper that the bill should have been read for amendments while we were sitting at the Committee of the Whole?

THE SPEAKER PRO TEMPORE:[6] The Committee has risen now, and the Chair does not know of any way of automatically going back at this point to do that. If the Committee of the Whole had proceeded to consider the bill for amendment, it would have conflicted with a determination made by the leadership as to the legislative schedule, so the House should not resume consideration of the bill anyway at this point. In other words, the leadership had indicated that we would have general debate only today. . . .

MR. JONES of North Carolina: . . . Would I have the privilege as the Chairman of this committee to move that the House resolve itself into the Committee once again?

THE SPEAKER PRO TEMPORE: The Chair's understanding is that the leadership does not want to entertain that motion, which would conflict with the legislative schedule.

5. 128 CONG. REC. 24690, 24691, 97th Cong. 2d Sess.

6. Charles E. Bennett (Fla.).

See Rule XXIII, clause 2 (adopted in the 98th Cong. 1st Sess., Jan. 3, 1983) for the process whereby the Speaker declares the House in Committee of the Whole pursuant to the terms of a special order.

Somebody has sent for the gentleman from California (Mr. Waxman), who will make a motion of equal privilege, to arrive, and he is undoubtedly on his way. The Chair would be glad to respond to any further conversation that the gentleman would want to have on this subject which would be in order, until the gentleman arrives.

MR. [JOEL] PRITCHARD [of Washington]: Mr. Speaker, I have a parliamentary inquiry.

Is it the ruling of the Chair that we cannot by unanimous consent go back into the Committee?

THE SPEAKER PRO TEMPORE: The Chair is following the wishes of the leadership and, therefore, would not recognize any Member for the purpose of moving that the House resolve itself into the Committee of the Whole for further consideration of the bill at this time.

What the gentleman might do, he might contact the Speaker, perhaps after the next matter is taken care of. But it should not be done at this point without the consent of the Speaker.

The gentleman from California (Mr. Waxman) has now arrived, and he is recognized.

MR. [HENRY A.] WAXMAN [of California]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6173) to amend the Public Health Service Act . . . .

§ 23.27 Recognition is first accorded the manager of a bill to move that consideration of a bill be resumed in Committee of the Whole.

The Committee of the Whole having risen and reported to the House that it had come to no conclusion on the bill[7] under consideration therein, the Chair stated in response to parliamentary inquiries that the bill remained pending in the Committee of the Whole and that its consideration could be resumed when the manager of the bill moved to resolve into the Committee of the Whole for its further consideration, at a time to be determined by the leadership and the House when the House was in session. The proceedings of Nov. 3, 1977,[8] were as follows:

MR. [LEO J.] RYAN [of California]: Mr. Speaker, a parliamentary inquiry.

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

MR. RYAN: Mr. Speaker, I inquire, along with the gentleman from Connecticut, with regard to the status of [H.R. 9179]. We spent several hours yesterday and today on this legislation, and the purpose of my parliamentary inquiry is to find out where the bill stands and when and if at any time it will be brought up again. We ought to have a chance to bring this bill to the vote today. We are just about to ad-

7. H.R. 9179, a bill to amend the Foreign Assistance Act with respect to the Overseas Private Investment Corporation.

8. 123 CONG. REC. 36918, 36919, 95th Cong. 1st Sess.

9. William H. Natcher (Ky.).

journ and we will come back on the 29th and for a couple of days then. Will there be the opportunity then for the leadership to bring this up again?

THE SPEAKER PRO TEMPORE: The Chair would like to advise the gentleman from California that when a motion is made to go back into the Committee of the Whole, for further consideration of H.R. 9179, further action on that bill would take place. . . .

As the gentleman from California well knows, by previous order of the House the House will recess at 2:15 today. Following the recess, after 3 o'clock a motion to resolve into the Committee of the Whole would be in order. That would be after the recess takes place.

MR. RYAN: In the event it does not take place today, is it possible to take that legislation up tomorrow?

THE SPEAKER PRO TEMPORE: That would be a matter to be determined by the leadership and by the House.

MR. RYAN: And under the rules already adopted by this House for recess purposes, would it be possible to take that bill up during the time we are scheduled to come back, after the 29th of November?

THE SPEAKER PRO TEMPORE: Following the recess, is that what the gentleman has in mind?

MR. RYAN: Yes.

THE SPEAKER PRO TEMPORE: The Chair could recognize the manager of the bill for that purpose.

Motions in Committee of the Whole: Motion To Limit Debate

§ 23.28 While it is customary for the Chair to recognize the manager of the pending bill to offer motions to limit debate, any Member may, pursuant to Rule XXIII clause 6, move to limit debate at the appropriate time in Committee of the Whole.

The following proceedings occurred in the House on July 31, 1975:[10]

MR. [WAYNE L.] HAYS of Ohio: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:[11] The gentleman will state it.

MR. HAYS of Ohio: Would it be in order for a person not a member of the committee to move to close debate on whatever pending amendment there might be, and all amendments thereto, to this bill when we go into the Committee of the Whole?

THE SPEAKER: It is the practice and custom of the House that the Chair looks to the manager of the bill for motions relating to the management of the bill.

MR. HAYS of Ohio: If I made the motion—and I will make it more specific—would it be out of order or in violation of the rules?

THE SPEAKER: A proper motion could be entertained at the proper time.

MR. HAYS of Ohio: I am prepared to make such a motion and I will seek the proper time.

Order of Amendments

§ 23.29 When a general appropriation bill has been read,

10. 121 CONG. REC. 26223, 94th Cong. 1st Sess.

11. Carl Albert (Okla.).

or considered as read, for amendment in its entirety, the Chair (after entertaining points of order) first entertains amendments which are not prohibited by clause 2(c) of Rule XXI, and then recognizes for amendments proposing limitations not contained or authorized in existing law pursuant to clause 2(d) of Rule XXI, subject to the preferential motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been agreed to.

The following proceedings occurred in the Committee of the Whole on Oct. 27, 1983,[12] during consideration of H.R. 4139 (Department of Treasury and Postal Service appropriations for fiscal 1984):

MR. [CHRISTOPHER H.] SMITH of New Jersey: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[13] The gentleman will state his parliamentary inquiry.

MR. SMITH of New Jersey: Mr. Chairman, would it be in order at this time to offer a change in the language that would not be considered under the House rules to be legislating on an appropriations bill?

THE CHAIRMAN: The Chair will first entertain any amendment to the bill which is not prohibited by clause 2(c), rule XXI, and will then entertain amendments proposing limitations pursuant to clause 2(d), rule XXI.

MR. SMITH of New Jersey: Mr. Chairman, I offer an amendment.

MR. [BRUCE A.] MORRISON of Connecticut: Mr. Chairman, I reserve a point of order against the amendment.

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New Jersey: On page 49, immediately after line 2, add the following new section:

"Sec. 618. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverages for abortions. . . .

MR. MORRISON of Connecticut: Mr. Chairman, I would like to be heard on my point of order. . . .

Mr. Chairman, my point of order is that this amendment constitutes a limitation on an appropriation and cannot be considered by the House prior to the consideration of a motion by the Committee to rise.

THE CHAIRMAN: The Chair must indicate to the gentleman that no such preferential motion has yet been made.

The gentleman is correct that a motion that the Committee rise and report the bill to the House with such amendments as may have been adopted takes precedence over an amendment proposing a limitation.

MR. MORRISON of Connecticut: Mr. Chairman, then I move that the committee do now rise. . . .

12. 129 CONG. REC. 29630, 29631, 98th Cong. 1st Sess.

13. Philip R. Sharp (Ind.).

THE CHAIRMAN: . . . It would be more appropriate if a motion to rise and report the bill to the House with such amendments as have been adopted, pursuant to clause 2(d), rule XXI were offered instead. . . .

MR. [EDWARD R.] ROYBAL [of California]: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that bill, as amended, do pass.

[The motion was rejected.]

MR. SMITH of New Jersey: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New Jersey: On page 49, immediately after line 2, add the following new section:

"Sec. 618. No funds appropriated by this Act shall be available to pay for an abortion. . . .

Parliamentarian's Note: Mr. Smith was the only Member seeking recognition to offer a limitation after the preferential motion was rejected and could have been preempted by a member of the Appropriations Committee or a more senior member offering an amendment since principles governing priority of recognition would remain applicable. A Member who has attempted to offer a limitation before the motion to rise and report is rejected is not guaranteed first recognition for a limitation amendment.

Motion To Rise

§ 23.30 The motion that the Committee of the Whole rise is privileged and may be offered during the pendency of a motion to limit debate or immediately upon the adoption of that motion.

The proceedings of Oct. 7, 1974, are discussed in § 23.31, infra.

Motions Relating to Enacting Clause—May Be Offered While Motion To Close or Limit Debate Pending

§ 23.31 The preferential motion under Rule XXIII, clause 7, that the Committee of the Whole rise with the recommendation that the enacting or resolving clause be stricken may be offered while the motion to limit debate is pending.

On Oct. 7, 1974,[14] the following proceedings occurred in the Committee of the Whole during consideration of House Resolution 988 (to reform the structure, jurisdiction, and procedures of House committees):

MR. [RICHARD] BOLLING [of Missouri]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen), and all amendments thereto, conclude in 5 hours.

14. 120 CONG. REC. 34170, 34171, 93d Cong. 2d Sess.

THE CHAIRMAN:[15] The question is on the motion.

The question was taken; and the Chairman announced that the noes appeared to have it.

MR. BOLLING: Mr. Chairman, I demand a recorded vote. . . .

[Several parliamentary inquiries ensued at this point.]

MR. [DAVID T.] MARTIN of Nebraska: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Martin of Nebraska moves that the Committee rise and report the resolution H. Res. 988 to the House with the recommendation that the resolving clause be stricken out.

THE CHAIRMAN: The Chair would like to ask the gentleman from Nebraska, is the gentleman opposed to this resolution?

MR. MARTIN of Nebraska: I am, Mr. Chairman.

THE CHAIRMAN: The gentleman qualifies to make the motion.

The gentleman from Nebraska is recognized for 5 minutes in support of his motion.

MR. BOLLING: Mr. Chairman, I wish to propound a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. BOLLING: Mr. Chairman, my understanding of the situation is that the question that is now pending is on the motion that I made to limit debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen) and all amendments thereto.

My parliamentary inquiry is this: If that motion carries, my intention is to move that the Committee then rise.

Mr. Chairman, is there anything unparliamentary in that?

THE CHAIRMAN: The gentleman's motion in that event would be in order.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Dingell moves the Committee do now rise.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Michigan (Mr. Dingell).

[After rejection of the motion, the Chair put the question on Mr. Martin's motion:]

THE CHAIRMAN: The question is on the motion offered by the gentleman from Nebraska (Mr. Martin) to strike the resolving clause.

[The preferential motion was rejected.]

MR. [JOHN H.] DENT [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry. . . .

[A]s I understand the motion, the motion is to limit the time to 5 hours on the issue itself, the Hansen amendment and all amendments thereto; is that true?

THE CHAIRMAN: The Chair will now state the question.

The gentleman from Missouri (Mr. Bolling) moves that debate on the Hansen amendment in the nature of a substitute, and all amendments thereto be limited to 5 hours. . . .

The question is on the motion offered by the gentleman from Missouri (Mr. Bolling) that all debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen), and all amend-

15. William H. Natcher (Ky.).

ments thereto, be limited to 5 hours, on which a recorded vote has been demanded.

A recorded vote was ordered.

Parliamentarian's Note: While the provisions of clause 7 of Rule XXIII, relating to the privileged status of a motion to strike the enacting words, refer only to "bills," the motion has been applied in Committee of the Whole to a simple resolution, since it is the only motion available to enable a test vote on whether to proceed with consideration of a resolution during the five-minute rule in Committee of the Whole, and since similar language in Rule XXIII, clause 6, permitting motions to limit debate on "bills" has consistently been construed to apply to simple resolutions being considered in Committee of the Whole.

§ 23.32 The motion to strike or recommend striking the enacting clause is preferential to the motion to close debate.

The proceedings of June 28, 1995,[16] demonstrate that the motion to strike the enacting clause is preferential to the motion to close debate. The Committee of the Whole had under consideration H.R. 1868, the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1996:

MR. [PORTER J.] GOSS [of Florida]: Mr. Chairman, I move that all debate on the Goss amendment and all amendments thereto close immediately.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I have a preferential motion at the desk.

THE CHAIRMAN: The Clerk will report the preferential motion.

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

MR. VOLKMER: Mr. Chairman, the attempt by the gentleman from Florida [Mr. Goss] to limit debate on this very important amendment of the gentlewoman from California [Ms. Pelosi] to the gentleman's amendment, I do not think is appropriate at this time.

On July 13, 1995,[17] a motion to limit debate was made during consideration of H.R. 1977, the Department of the Interior and Related Agencies Appropriations Act of 1996, followed by a motion to recommend striking the enacting clause.

MR. [RALPH] REGULA [of Ohio]: Mr. Chairman, I move to limit debate on title I and all amendments thereto to 90 minutes not including vote time.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I offer a privileged mo-

16. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

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

tion. I move that the Committee rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

Mr. Chairman, what is at issue here, in my view, is whether or not this House is going to be able to conduct the business at reasonable times in public view or whether we are going to be reduced to making virtually every major decision in subcommittees and on the floor at near midnight, with minimal public attention and minimal public understanding and minimum attention. . . .

MR. REGULA: Mr. Chairman, I oppose the motion.

I was not a party to the earlier negotiations. The gentleman from Illinois [Mr. Yates] and I discussed a possible agreement here that we would finish title I with time limits on the amendments that remain. . . .

THE CHAIRMAN: The question is on the preferential motion offered by the gentleman from Wisconsin [Mr. Obey].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

MR. OBEY: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 236, not voting 36, as follows: . . .

On one occasion, when a preferential motion to close debate was before the Committee of the Whole, the Chair declined to recognize a Member to offer another privileged motion until the pending motion had been disposed of. On Mar. 26, 1965,[18] Adam C. Powell, of New York, Chairman of the Committee on Education and Labor, offered the privileged motion that all debate close on the pending title of H.R. 2362, the Elementary and Secondary Education Act of 1965, reported by his committee. Chairman Richard Bolling, of Missouri, advised Members that the motion to close debate was not debatable. Mrs. Edith S. Green, of Oregon, then sought recognition to offer a preferential motion. The Chairman ruled that since the preferential motion to close debate was before the Committee of the Whole, no Member could be recognized to offer another preferential motion until the pending motion was disposed of.

—Qualification To Offer: Opposition to Bill

§ 23.33 To obtain recognition to offer a motion that the Committee of the Whole rise and report a bill to the

18. 111 CONG. REC. 6098, 6099, 89th Cong. 1st Sess. See § 23.31, supra, indicating that while a motion to limit debate is pending, the preferential motion that the Committee of the Whole rise with the recommendation that the enacting clause be stricken may be offered.

House with the recommendation that the enacting clause be stricken, a Member, if challenged, must qualify by stating that he is opposed to the bill.

On May 3, 1949,[19] Mr. Hale Boggs, of Louisiana, offered the motion that the Committee of the Whole rise and report the pending bill back to the House with the recommendation that the enacting clause be stricken. Mr. Joseph W. Martin, Jr., of Massachusetts, made the point of order that Mr. Boggs was not opposed to the bill. Chairman Jere Cooper, of Tennessee, inquired of Mr. Boggs whether he was opposed to the bill. When Mr. Boggs stated he was in favor of the bill, the Chairman ruled he did not qualify for recognition to offer the motion.

On May 6, 1950,[20] Mr. Boggs offered the motion that the Committee rise and report back the pending bill with the recommendation the enacting clause be stricken. Mr. John Taber, of New York, made the point of order that Mr. Boggs had not stated that he was opposed to the bill. Chairman Cooper inquired whether Mr. Boggs qualified and Mr. Boggs stated he was opposed to the bill, thereby qualifying to offer the motion.[1]

—*Two Members Recognized To Speak*

§ 23.34 The Chair recognizes only two Members to speak on the preferential motion that the Committee of the Whole rise and report with the recommendation that the enacting clause be stricken.

The principle described above was illustrated on Dec. 18, 1975,[2] in the Committee of the Whole during consideration of the Airport and Airway Development Act Amendments of 1975 (H.R. 9771):

> MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> Mr. Conte moves that the Committee do now rise and report the

19. 95 CONG. REC. 5531, 81st Cong. 1st Sess.

20. 96 CONG. REC. 6571, 81st Cong. 2d Sess.

1. In recognizing a Member in opposition to the motion, which is debated five minutes for and five minutes against, the Chairman extends priority to a member of the committee handling the bill (see 96 CONG. REC. 2597, 81st Cong. 2d Sess., Mar. 1, 1950). For detailed discussion of the motion that the Committee of the Whole rise and report back the bill with the recommendation that the enacting clause be stricken, see §§ 77–79, infra, and Ch. 19, supra.

2. 121 CONG. REC. 41799, 41800, 94th Cong. 1st Sess.

bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN:[3] The gentleman from Massachusetts (Mr. Conte) is recognized for 5 minutes in support of his amendment. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from California (Mr. Anderson).

MR. [GLENN M.] ANDERSON of California: Mr. Chairman, I rise in opposition to the gentleman's motion and yield back the balance of my time.

Mr. Anderson having used only a small portion of his time to speak against the motion, Mr. Garry E. Brown, of Michigan, sought recognition to speak against the motion. The Chair declined to recognize him, since only two Members may be recognized to speak on the motion.

THE CHAIRMAN: The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. Conte).

The preferential motion was rejected.

—*Ten-minute Debate*

§ 23.35 Only ten minutes of debate, five for and five against, are permitted on a preferential motion that the Committee of the Whole rise and report a bill to the House with the recommendation that the enacting clause be stricken.

During consideration of H.R. 12452 (the comprehensive employment and training amendments of 1978) in the Committee of the Whole on Aug. 9, 1978,[4] the following proceedings occurred:

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

MR. DELLUMS: Mr. Chairman, I do not seek this vehicle as a parliamentary tactic. I make it with deadly seriousness. . . .

MR. [RONALD A.] SARASIN [of Connecticut]: Mr. Chairman, I rise in opposition to the preferential motion.

THE CHAIRMAN:[5] The gentleman from Connecticut (Mr. Sarasin) is recognized for 5 minutes.

MR. SARASIN: Mr. Chairman, I rise in opposition to the preferential motion offered by the gentleman from California (Mr. Dellums). . . .

THE CHAIRMAN: The question is on the preferential motion offered by the gentleman from California (Mr. Dellums).

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I rise in opposition to the preferential motion.

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3. George E. Brown, Jr. (Calif.).

4. 124 CONG. REC. 25248, 25249, 95th Cong. 2d Sess.

5. William H. Natcher (Ky.).

THE CHAIRMAN: The Chair will state that all time for debate on the preferential motion has expired.

The question is on the preferential motion offered by the gentleman from California (Mr. Dellums).

The preferential motion was rejected.

Parliamentarian's Note: While Mr. Hawkins as manager of the bill would have been recognized first in opposition to the motion if he had sought recognition at the time Mr. Sarasin was recognized, he was not entitled to recognition after Mr. Sarasin had concluded.

—*Preferential Motion and Debate Thereon Where Debate Time Has Been Limited*

§ 23.36 A limitation of all debate time on a bill and all amendments thereto to a time certain does not preclude the offering of a preferential motion to rise with the recommendation that the enacting clause be stricken, nor debate thereon during time remaining under the limitation; and where the remaining time for debate on a bill and all amendments thereto is consumed by debate on a preferential motion, an amendment pending when the preferential motion was offered is voted on without further debate, if that amendment was not printed in the Record.

On Oct. 6, 1981,[6] during consideration of H.R. 4560 (Labor, Health and Human Services appropriations for fiscal year 1982) in the Committee of the Whole, the following proceedings occurred:

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude not later than 5 o'clock.

THE CHAIRMAN:[7] Is there objection to the request of the gentleman from Kentucky?

MR. [THEODORE S.] WEISS [of New York]: . . . I wonder if the distinguished gentleman from Kentucky (Mr. Natcher) would not agree that a 6 o'clock time frame would be more appropriate?

MR. NATCHER: Mr. Chairman, I would accept the recommendation, and so move.

THE CHAIRMAN: Is there objection to the request of the gentleman from Kentucky? . . .

There was no objection.

THE CHAIRMAN: The time will be limited to 6 o'clock. . . .

MR. [TRENT] LOTT [of Mississippi]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Lott moves that the Committee do now rise and report the

6. 127 CONG. REC. 23361, 23362, 23396, 23397, 97th Cong. 1st Sess.

7. Don Fuqua (Fla.).

bill back to the House with the recommendation that the enacting clause be stricken out. . . .

MR. WEISS: Mr. Chairman, at the time the gentleman from Kentucky (Mr. Natcher) requested unanimous consent that debate be terminated at 6 o'clock, we were given assurances that all the amendments that . . . any Member had to offer would be entertained. So I now raise the point of order that in fact the gentleman is proceeding out of the regular order that was agreed to.

THE CHAIRMAN: The gentleman from Mississippi (Mr. Lott) has offered a preferential motion which is in order and not precluded by the unanimous-consent agreement, and under the unanimous-consent agreement, the gentleman from Mississippi is recognized for 2½ minutes. . . .

MR. LOTT: Mr. Chairman, I take this time to make one brief point. This bill is over budget, whether it be the President's budget or the first concurrent resolution on the budget passed by this House. This bill is over budget whether you look at outlays or budget authority. . . .

THE CHAIRMAN: The gentleman from Kentucky (Mr. Natcher) is recognized for 2½ minutes.

MR. NATCHER: . . . When we started debate on this bill, the Members will recall that I said that at the proper time we would offer an amendment to take out of this bill $74 million in budget authority. We offered the amendment, and the $74 million was taken out. That put us in line with the section 302 target for discretionary budget authority. . . .

THE CHAIRMAN: All time has expired. The question is on the preferential motion offered by the gentleman from Mississippi (Mr. Lott).

The preferential motion was rejected.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from New Hampshire (Mr. Gregg).

MR. [JOSEPH M.] GAYDOS [of Pennsylvania]: Mr. Chairman, I make a point of order.

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

MR. GAYDOS: Mr. Chairman, I am asking the Chair whether or not I have 5 minutes to respond to the amendment as offered by the gentleman from New Hampshire (Mr. Gregg).

THE CHAIRMAN: All time for debate on the bill and on the pending amendment has expired.

The question is on the amendment offered by the gentleman from New Hampshire (Mr. Gregg). . . .

So the amendment was rejected.

MR. [DONALD J.] PEASE [of Ohio]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: Is the gentleman's amendment printed in the Record?

MR. PEASE: It is, Mr. Chairman. It is amendment No. 1.

[Mr. Pease was subsequently recognized to debate the amendment.]

Parliamentarian's Note: During debate on the preferential motion, there was discussion of a prospective motion to recommit. For discussion of the distinction between a motion to recommit pending a vote on a motion to strike the enacting clause, and the motion to recommit pending final passage, see § 15, supra.

§ 23.37 Debate on a preferential motion in Committee of the Whole to strike the enacting clause, and a vote on that motion, takes precedence over remaining debate on a pending amendment on which time has been limited and allocated; thus, where a Member offers a preferential motion to strike the enacting clause in order to obtain five minutes of debate on the pending amendment on which debate has been limited and allocated, the Chair must put the question on the preferential motion immediately after debate thereon, unless unanimous consent is given to combine that debate with time remaining under the allocation on the amendment.

The following proceedings occurred in the Committee of the Whole on June 25, 1986,[8] during consideration of H.R. 5052 (military construction appropriations for fiscal 1987):

MR. [W. G.] HEFNER [of North Carolina]: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments hereto end in 20 minutes.

THE CHAIRMAN:[9] Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous-consent request was agreed to will be recognized for 2 minutes each. . . .

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN: The gentleman from California (Mr. Dellums) is recognized for 5 minutes in support of his preferential motion.

MR. DELLUMS: Mr. Chairman, I will not insist upon my motion that the Committee do now rise. I simply use this extraordinary tactic in order to gain some opportunity to speak on this terribly important matter. I think that we ought to limit debate only on issues that are noncontroversial. . . .

THE CHAIRMAN: The time of the gentleman from California (Mr. Dellums) has expired.

MR. DELLUMS: Mr. Chairman, I still have 1 minute on the earlier request.

THE CHAIRMAN: The preferential motion takes preference over the 1 minute.

MR. DELLUMS: Mr. Chairman, I still have 1 minute after the preferential motion is voted up or down; is that not correct, Mr. Chairman.

THE CHAIRMAN: The gentleman is correct. Does the gentleman desire to take that now?

MR. DELLUMS: That is my request, and then I would logically conclude my discussion, Mr. Chairman, if I may.

8. 132 CONG. REC. 15500–502, 99th Cong. 2d Sess.

9. William J. Hughes (N.J.).

THE CHAIRMAN: Without objection, the gentleman may proceed for 1 additional minute, on the preferential motion, in lieu of his 1 minute allocated on the pending amendment.

There was no objection.

—Where Debate Time Has Expired

§ 23.38 The 10 minutes of debate otherwise permitted on a preferential motion to recommend that the enacting clause be stricken is not available where all time for debate under the five-minute rule on a bill and all amendments thereto has expired.

On Apr. 9, 1976,[10] during consideration of the military procurement authorization bill (H.R. 12438) in the Committee of the Whole, the following proceedings occurred:

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I ask unanimous consent that all debate on the remainder of the bill, title VII and all amendments thereto, close in 10 minutes.

THE CHAIRMAN PRO TEMPORE:[11] Is there objection to the request of the gentleman from Illinois?

There was no objection. . . .

THE CHAIRMAN PRO TEMPORE: All time for debate has expired. . . .

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Harkin moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause of H.R. 12438 be stricken.

THE CHAIRMAN PRO TEMPORE: The gentleman's motion is not debatable, in that all time has expired.

The question is on the preferential motion offered by the gentleman from Iowa (Mr. Harkin).

The preferential motion was rejected.

§ 23.39 When the Committee of the Whole has limited debate on the bill and all amendments thereto to a time certain, even a preferential motion to strike the enacting clause is not debatable if offered after the expiration of time for debate.

On Aug. 1, 1984,[12] during consideration of H.R. 6028 (Departments of Labor and Health, Education and Welfare appropriations for fiscal 1985) in the Committee of the Whole, the following proceedings occurred:

THE CHAIRMAN:[13] All time has expired.

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Chairman, I have a preferential motion at the desk.

THE CHAIRMAN: The Clerk will state the motion.

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10. 122 CONG. REC. 10245, 10246, 10249, 94th Cong. 2d Sess.

11. John Brademas (Ind.).

12. 130 CONG. REC. 21869, 98th Cong. 2d Sess.

13. Don Fuqua (Fla.).

The Chair will first advise the gentleman that it is not debatable at this point under the unanimous-consent agreement.

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

Is it not true that on behalf of this motion this Member would have 5 minutes?

THE CHAIRMAN: All debate on the bill and all amendments to the bill under the unanimous-consent agreement was to end at 1:30, unless amendments had been printed in the Record.

MR. DANNEMEYER: This is not an amendment.

THE CHAIRMAN: All debate on the bill ended at 1:30, under the unanimous-consent agreement.

MR. DANNEMEYER: Maybe this Member does not understand, but the preferential motion takes precedence over the time limitation that has been agreed to; does it not?

THE CHAIRMAN: It could be offered, but there will be no debate on the preferential motion.

MR. DANNEMEYER: This Member would have no time on behalf of it?

THE CHAIRMAN: The gentleman would not have any time under the unanimous-consent agreement.

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

The time limitation was on the bill itself; is that correct?

THE CHAIRMAN: The gentleman is correct.

MR. WALKER: The preferential motion deals with a specific motion before the House which would be my understanding, would permit the gentleman 5 minutes of time to debate his motion. That is the pattern that I have understood we have used before when time limitations have been declared. Is this a change of policy on the part of the Chair?

THE CHAIRMAN: The Chair will state that the precedents of the House are that when the time limit is on the entire bill, that includes all motions thereto.

MR. WALKER: So that the Chair is ruling that this motion is a part of the debate on the bill?

THE CHAIRMAN: That is correct.

—*Priority in Recognition of Members in Opposition*

§ 23.40 The Chair normally recognizes the manager of a bill for five minutes if he rises in opposition to a preferential motion that the enacting clause be stricken, and no preference in recognition is granted to the minority.

An illustration of the proposition described above occurred on Apr. 23, 1975,[14] in the Committee of the Whole during consideration of the Vietnam Humanitarian Assistance Act (H.R. 6096):

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

14. 121 CONG. REC. 11505, 11506, 94th Cong. 1st Sess.

Mr. O'Neill moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN:[15] The Chair recognizes the gentleman from Massachusetts (Mr. O'Neill) in support of his preferential motion. . . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I rise in opposition to the preferential motion offered by the gentleman from Massachusetts (Mr. O'Neill).

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. DU PONT: Mr. Chairman, my parliamentary inquiry is this: Does the grant of time by the Chairman to the gentleman from Pennsylvania (Mr. Morgan) preclude anyone on the minority side from rising in opposition to the preferential motion and being heard?

THE CHAIRMAN: The Chair will say that that is correct.

MR. DU PONT: Under the rules, is not time designated to the minority side?

THE CHAIRMAN: The Chair will state that is not a prerogative of the minority on a preferential motion of this sort.

§ 23.41 The chairman of a committee managing a bill is entitled to recognition for debate in opposition to a motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, over the minority manager of the bill.

The following proceedings occurred in the Committee of the Whole on Apr. 28, 1983,[16] during consideration of House Joint Resolution 13 (nuclear weapons freeze):

THE CHAIRMAN:[17] When the Committee of the Whole rose on Thursday, April 21, 1983, pending was the committee amendment in the nature of a substitute which is considered as an original resolution for the purpose of amendment. All time for debate on the text of the resolution had expired.

Are there further amendments?

PREFERENTIAL MOTION OFFERED BY MR. AU COIN

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. AuCoin moves that the committee do now rise and report the resolution back to the House with the recommendation that the resolving clause be stricken out.

THE CHAIRMAN: The gentleman from Oregon (Mr. AuCoin) is recognized for 5 minutes in support of his preferential motion. . . .

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Chairman, I rise in opposition to the preferential motion.

15. Otis G. Pike (N.Y.).

16. 129 CONG. REC. 10425, 98th Cong. 1st Sess.

17. Matthew F. McHugh (N.Y.).

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin] [Chairman of Committee on Foreign Affairs]: Mr. Chairman, I rise in opposition to the preferential motion and ask for a vote.

THE CHAIRMAN: The gentleman from Wisconsin (Mr. Zablocki) is recognized for 5 minutes in opposition to the preferential motion.

§ 23.42 Priority of recognition in opposition to a preferential motion to recommend that the enacting clause be stricken is accorded to a member of the committee reporting the bill.

During consideration of the Clean Air Act Amendments of 1976 (H.R. 10498) in the Committee of the Whole on Sept. 15, 1976,[18] the following proceedings occurred:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Wright moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN:[19] The gentleman from Texas (Mr. Wright) is recognized for 5 minutes in support of his preferential motion. . . .

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, I rise in opposition to the motion.

THE CHAIRMAN: Is the gentleman on the committee?

MR. MCCORMACK: No, I am not; but I rise in opposition to the motion.

THE CHAIRMAN: For what purpose does the gentleman from Florida (Mr. Rogers) seek recognition? . . .

MR. MCCORMACK: Mr. Chairman, I make a point of order.

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

MR. MCCORMACK: Mr. Chairman, there is a motion on the floor. I rise in opposition to it.

As I understand, under the rules, one Member is allowed 5 minutes to speak in opposition to a motion like this.

THE CHAIRMAN: The Chair will state that what the gentleman says is absolutely true.

However, the Chair recognizes the gentleman from Florida [Mr. Rogers, a member of the committee and manager of the bill] who is on his feet, if he seeks recognition in opposition to the preferential motion.

§ 23.43 Members of the committee managing the bill have priority of recognition for debate in opposition to a preferential motion that the Committee of the Whole rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The following proceedings occurred in the Committee of the Whole on May 5, 1988,[20] during

18. 122 CONG. REC. 30469, 30470, 94th Cong. 2d Sess.

19. J. Edward Roush (Ind.).

20. 134 CONG. REC. 9955, 100th Cong. 2d Sess.

consideration of the Department of Defense authorization for fiscal 1989 (H.R. 4264):

THE CHAIRMAN PRO TEMPORE:[1] Does any Member desire to rise in opposition to the preferential motion? Members of the committee have priority.

MR. [JOHN G.] ROWLAND of Connecticut: Mr. Chairman, I rise in opposition to the motion.

THE CHAIRMAN PRO TEMPORE: The gentleman from Connecticut is recognized for 5 minutes.

—*Motion Not Affected by Special Rule Prohibiting Pro Forma Amendments*

§ 23.44 A special rule governing consideration of a bill in Committee of the Whole which prohibits the Chair from entertaining pro forma amendments for the purpose of debate does not preclude the offering of a preferential motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, since that motion is not a pro forma amendment and must be voted on (or withdrawn by unanimous consent).

On May 4, 1983,[2] the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons. House Joint Resolution 13 was being considered pursuant to a special rule agreed to on Mar. 16,[3] and a special rule providing for additional procedures for consideration, including the prohibition of pro forma amendments offered for purposes of obtaining debate time, agreed to on May 4.[4] A preferential motion was offered:

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Levitas moves that the Committee rise and report the resolution back to the House with the recommendation that the resolving clause be stricken.

MR. [THOMAS J.] DOWNEY of New York: Mr. Chairman, I have a point of order.

THE CHAIRMAN PRO TEMPORE:[5] The gentleman will state his point of order.

MR. DOWNEY of New York: Mr. Chairman, my understanding of the rule is that there is a provision in the rule that prohibits motions of this sort for the purpose of debate time. Is that correct?

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman it only prohibits pro forma amendments, not

1. Kenneth J. Gray (Ill.).
2. 129 CONG. REC. 11072, 98th Cong. 1st Sess.
3. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.
4. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.
5. Leon E. Panetta (Calif.).

preferential motions such as the gentleman has offered.

Motions To Recommit, Commit, or Refer

§ 23.45 In recognizing Members to move to recommit, the Speaker gives preference first to the ranking minority member of the committee reporting the bill, if opposed to the bill, and then to the remaining minority members of that committee in the order of their rank.

On June 18, 1957,[6] the House was considering H.R. 6127, the Civil Rights Act of 1957. In response to a parliamentary inquiry, Speaker Sam Rayburn, of Texas, stated that the order of recognition for a motion to recommit would be in the order of rank of minority members of the committee reporting the bill, the Committee on the Judiciary. When two minority members of the committee arose to offer the motion, the Speaker recognized the member higher in rank:

> MR. [JOSEPH W.] MARTIN [Jr., of Massachusetts]: Mr. Speaker, on a motion to recommit, for over 20 years it has been the custom for the minority leader to select the Member who shall make that motion. The leader has selected a member of the committee who is absolutely opposed to the bill. My parliamentary inquiry is, does he have preference over someone who would move to recommit with instructions but who at the same time would not vote for the bill even if the motion to recommit should prevail? So I propound the inquiry whether a gentleman who is absolutely opposed to the bill, who led the fight for the jury trial amendment in the committee, would have preference over someone who would not vote for the bill even in the event a motion to recommit prevailed.
>
> THE SPEAKER: The Chair in answer to that will ask the Clerk to read the holding of Mr. Speaker Champ Clark, which is found in volume 8 of Cannon's Precedents of the House of Representatives, section 2767.
>
> The Clerk read as follows:
>
> > The Chair laid down this rule, from which he never intends to depart unless overruled by the House, that on a motion to recommit he will give preference to the gentleman at the head of the minority list, provided he qualifies, and then go down the list of the minority of the committee until it is gotten through with. And then if no one of them offer a motion to recommit the Chair will recognize the gentleman from Kansas [Mr. Murdock], as the leader of the third party in the House. Of course he would have to qualify. The Chair will state it again. The present occupant of the chair laid down a rule here about a year ago that in making this preferential motion for recommitment the Speaker would recognize the top man on the minority of the committee if he qualified—that is, if he says he is opposed to the bill—and so on down to the end of the minority list of the committee.

6. 103 CONG. REC. 9516, 9517, 85th Cong. 1st Sess.

MR. MARTIN: Will the Clerk continue the reading of the section? I think there is a little more to it than that.

THE SPEAKER: If the gentleman desires, the Clerk will read the entire quotation. The Clerk will continue to read.

The Clerk read as follows:

> Then, if no gentleman on the committee wants to make the motion, the Speaker will recognize the gentleman from Illinois, Mr. Mann, because he is the leader of the minority. Then, in the next place, the Speaker would recognize the gentleman from Kansas, Mr. Murdock. But in this case, the gentleman from Kansas, Mr. Murdock, is on the Ways and Means Committee, which would bring him in ahead, under that rule, of the gentleman from Illinois, Mr. Mann.

MR. MARTIN: The Chair does not think that preference should be given to an individual who was going to make a motion to recommit and who was absolutely opposed to the bill?

THE SPEAKER: The Chair is not qualified to answer a question like that. The Chair in response to the parliamentary inquiry of the gentleman from Massachusetts will say that the decision made by Mr. Speaker Champ Clark has never been overturned, and it has been upheld by 1 or 2 Speakers since that time, especially by Mr. Speaker Garner in 1932.

In looking over this list, the Chair has gone down the list and will make the decision when someone arises to make a motion to recommit. The Chair does not know entirely who is going to seek recognition.

MR. [RICHARD H.] POFF [of Virginia]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. POFF: I am, Mr. Speaker.

MR. [RUSSELL W.] KEENEY [of Illinois]: Mr. Speaker, I also offer a motion to recommit, and I, too, am opposed to the bill.

THE SPEAKER: In this instance the Chair finds that no one has arisen who is a member of the minority of the Committee on the Judiciary until it comes down to the name of the gentleman from Virginia [Mr. Poff]. He ranks the gentleman from Illinois [Mr. Keeney] and is therefore senior. Under the rules and precedents of the House, the Chair therefore must recognize the gentleman from Virginia [Mr. Poff].[7]

§ 23.46 In response to a parliamentary inquiry the Speaker stated that recognition to offer a motion to recommit is the prerogative of a Member opposed to the bill, that the Speaker will first look to minority members of the committee reporting the bill in their order of seniority on the committee, second to other Members of the minor-

7. Where recognition is required by rule or precedent to pass to the opposition, the Speaker inquires whether the Member seeking recognition is opposed in fact to the measure or motion. For general discussion of rights to recognition of the opposition after rejection of an essential motion, see § 15, supra. For full treatment of recognition for the motion to recommit, see Ch. 23, supra.

ity and finally to majority Members opposed to the bill; thus, a minority Member opposed to a bill but not on the committee reporting it is entitled to recognition to offer a motion to recommit over a majority Member who is also a member of the committee.

On July 10, 1975,[8] during consideration of H.R. 8365 (Department of Transportation appropriations) in the House, the Speaker put the question on passage of the bill and then recognized Mr. William A. Steiger, of Wisconsin, a minority Member, to offer a motion to recommit. The proceedings were as follows:

THE SPEAKER:[9] The question is on the passage of the bill.

MR. STEIGER of Wisconsin: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. STEIGER of Wisconsin: I am, Mr. Speaker.

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

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, the gentleman is not a member of the Committee on Appropriations. As I understand the rule, a member of the Committee on Appropriations must offer a motion to recommit.

The gentleman who offered the motion is not on the Committee on Appropriations.

THE SPEAKER: A member of the minority has priority over all the members of the majority, regardless of whether he is on the committee.

MR. YATES: Mr. Speaker, may I continue with my statement on the point of order.

THE SPEAKER: You may.

MR. YATES: "Cannon's Precedents" states, Mr. Speaker, that if a motion is offered by a person other than a member of the committee, a member of the committee takes precedence in offering a motion to recommit.

THE SPEAKER: A motion to recommit is the prerogative of the minority, and the Chair so rules and so answers the parliamentary inquiry.

MR. YATES: Mr. Speaker, may I refer the attention of the Chair to page 311.

I am quoting from page 311 of "Cannon's Precedents."

> A member of the committee reporting the measure and opposed to it is entitled to recognition to move to recommit over one not a member of the committee but otherwise qualified.

And, Mr. Speaker, it cites volume 8, page 2768.

THE SPEAKER: The Chair desires to call the attention of the gentleman on the question of the motion to "Deschler's Procedure" chapter 23, section 13. It provides that in recognizing Members who move to recommit, the Speaker gives preference to the minority Member, and these recent precedents are consistent with the one cited by the gentleman from Illinois.

8. 121 CONG. REC. 22014, 22015, 94th Cong. 1st Sess.

9. Carl Albert (Okla.).

What the gentleman is saying is that because he is a member of the Committee on Appropriations, he is so entitled. The Chair has not gone over all the precedents, but the Chair can do it if the gentleman desires him to do so.

The rule is not only that a member of the minority on the Committee on Appropriations has preference over a majority member, but any Member from the minority is recognized by the Speaker over any Member of the majority, regardless of committee membership.

MR. YATES: Mr. Speaker, if the Speaker will permit me to continue——

THE SPEAKER: The only exception is when no Member of the minority seeks to make a motion to recommit.

MR. YATES: Mr. Speaker, in that respect may I say that "Cannon's Precedents" is clear on that point; that where none of those speaking, seeking recognition, are members of the committee and otherwise equally qualified, the Speaker recognizes the Member from the minority over the majority.

But the point is, Mr. Speaker, that I am a member of the committee where the gentleman offering the motion to recommit on the minority side is not a member of the committee.

I suggest, therefore, that under the precedents, I should be recognized.

THE SPEAKER: The Chair will state that in order that there can be no mistake the Chair will ask the Clerk to read the following passage from the rules and manual of the House.

The Clerk read as follows (from section 788):

> Recognition to offer the motion to recommit, whether in its simple form or with instructions, is the prerogative of a Member who is opposed to the bill (Speaker Martin, Mar. 29, 1954, p. 3692); and the Speaker looks first to minority members of the committee reporting the bill, in order of their rank on the committee (Speaker Garner, Jan. 6, 1932, p. 1396; Speaker Byrns, July 2, 1935, p. 10638), then to other Members on the minority side (Speaker Rayburn, Aug. 16, 1950, p. 12608). If no Member of the minority qualifies, a majority Member who is opposed to the bill may be recognized (Speaker Garner, Apr. 1, 1932, p. 7327).

THE SPEAKER: The Chair states that that definitely settles the question, and the Chair recognizes the gentleman from Wisconsin to offer the motion to recommit.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Steiger of Wisconsin moves to recommit the bill H.R. 8365 to the Committee on Appropriations.

§ 23.47 A minority member of a committee reporting a bill is entitled to recognition to offer a motion to recommit, if opposed to the bill, over a minority Member not on the committee, although the Speaker may have failed to notice the committee member seeking recognition at the time the noncommittee Member sought to offer a motion but before it was reported by the Clerk.

During consideration of the Department of Agriculture appro-

priation bill for fiscal 1976 (H.R. 8561) in the House on July 14, 1975,[10] the following proceedings occurred:

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[11] Is the gentleman opposed to the bill?

MR. ROUSSELOT: Yes, I am, Mr. Speaker.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: The gentleman from Illinois is the ranking member of the Committee on Appropriations.

MR. ROUSSELOT: Mr. Speaker, I believe I was recognized.

THE SPEAKER: The Chair did not see the gentleman from Illinois.

MR. MICHEL: Mr. Speaker, I was on my feet and I was standing right here. I had the motion at the desk. I was just standing here as a matter of courtesy.

THE SPEAKER: The Chair was at fault in that the Chair did not see the gentleman from Illinois because the gentleman from California was addressing the Chair and the Chair was looking in that direction.

The Chair now recognizes the gentleman from Illinois (Mr. Michel).

MR. ROUSSELOT: Mr. Speaker, I believe I was recognized and the Clerk was proceeding with the motion to recommit.

THE SPEAKER: The Chair did not see the gentleman from Illinois (Mr. Michel) who was entitled to recognition being the senior member on the Committee on Appropriations and entitled to recognition, and the motion to recommit had not been reported by the Clerk.

The Chair recognizes the gentleman from Illinois (Mr. Michel).

§ 23.48 Until a Member desiring to offer a motion to recommit has had his motion read by the Clerk, he is not entitled to the floor so as to prevent another Member from seeking recognition to offer another recommittal motion.

During consideration of the State Department authorization bill (H.R. 3303) in the House on Apr. 24, 1979,[12] it was demonstrated that the fact that the Chair has inquired of a Member seeking recognition to offer a motion to recommit whether he qualifies as being opposed to the bill does not confer recognition on that Member, where the Chair has not directed the Clerk to report the motion. The proceedings were as follows:

THE SPEAKER:[13] The question is on the engrossment and third reading of the bill.

10. 121 CONG. REC. 22620, 94th Cong. 1st Sess.

11. Carl Albert (Okla.).

12. 125 CONG. REC. 8360, 8361, 96th Cong. 1st Sess.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

THE SPEAKER: The question is on the passage of the bill.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a motion at the desk.

THE SPEAKER: The Chair is aware that the gentleman is standing and the Chair intends to recognize the gentleman. . . .

Is there any member of the committee that desires to make a motion to recommit on the minority side? . . .

MR. BAUMAN: Mr. Speaker, I have a motion at the desk.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. BAUMAN: Mr. Speaker, I am opposed to the bill.

THE SPEAKER: The Clerk will——

MR. BAUMAN: Mr. Speaker, I was recognized.

THE SPEAKER: The Chair under the precedents of the House, will recognize the gentleman from Michigan to make a motion if he qualifies. . . .

MR. BAUMAN: Mr. Speaker, had not the Speaker said to the gentleman from Maryland, "Is the gentleman opposed to the bill?"

And the gentleman from Maryland was thus recognized.

THE SPEAKER: The Chair appreciates that the gentleman is opposed to the bill; but under the precedents of the House, the Clerk has not reported the motion. . . .

MR. BAUMAN: I make a point of order against recognizing the gentleman from Michigan or anyone else, because he did not rise in a timely fashion to make the motion. Once the Chair recognizes a Member, the precedents will support the fact that he has the right to offer the motion.

THE SPEAKER: On the point of order, the gentleman's motion has not been read yet; so the Chair will recognize the gentleman from Michigan, a senior member of the committee, who is standing. . . .

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. BROOMFIELD: Yes, I am, Mr. Speaker. . . .

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

> Mr. Broomfield moves to recommit the bill, H.R. 3363, to the Committee on Foreign Affairs. . . .

MR. BAUMAN: Mr. Speaker, the gentleman makes a point of order that the gentleman is not in order in making the motion, since another Member had already been recognized. The Chair has already conferred that recognition and had inquired whether or not the gentleman from Maryland was opposed.

THE SPEAKER: In the opinion of the Chair, until the motion has been read, the gentleman has not been recognized for that purpose.

MR. BAUMAN: Well, the gentleman did not yield to anyone else to offer a motion.

THE SPEAKER: The gentleman had not been recognized for that purpose and consequently—the Chair asked the gentleman if he was in opposition. The gentleman replied. The gentleman was not then recognized for that purpose.

That is the statement and the opinion of the Chair. The Chair did not recognize the gentleman by directing the Clerk to report the motion. The Chair is trying to follow the precedents of the House.

Now, the Chair has ruled on the gentleman's point of order and the gentleman from Michigan is entitled to 5 minutes. The Chair so recognizes the gentleman from Michigan (Mr. Broomfield).

§ 23.49 The ranking minority member of the Committee on Appropriations, who had voted in favor of the passage of a continuing appropriations bill after having stated his opposition to the bill in order to obtain recognition to offer an unsuccessful motion to recommit (without instructions), addressed the House on a following day to explain and to apologize for his failure to vote against the bill.

On Sept. 25, 1979,[14] during consideration of House Joint Resolution 404 (continuing appropriations) in the House, the following proceedings occurred:

THE SPEAKER:[15] The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Does the gentleman qualify?

MR. CONTE: I do, Mr. Speaker.

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

The Clerk read as follows:

Mr. Conte moves to recommit the joint resolution (H.J. Res. 404) to the Committee on Appropriations.

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

There was no objection.

THE SPEAKER: The question is on the motion to recommit.

The motion to recommit was rejected.

THE SPEAKER: The question is on the passage of the joint resolution.

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

MR. [GERALD B.] SOLOMON [of New York]: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 203, not voting 23, as follows: . . .

On Sept. 28, 1979,[16] Mr. Conte was recognized to make the following statement:

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

14. 125 CONG. REC. 26152, 26153, 96th Cong. 1st Sess.

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

16. 125 CONG. REC. 26810, 96th Cong. 1st Sess.

MR. CONTE: Mr. Speaker, on Tuesday, September 25, 1979, when the House considered House Joint Resolution 404, the fiscal year 1980 continuing resolution . . . I voted "aye." . . .

However, I should have voted "nay."

As the record of debate shows, I offered a motion to recommit House Joint Resolution 404 to the Committee on Appropriations.

The Speaker asked me if I qualified to offer the motion. As the ranking member of the Appropriations Committee I assumed I was qualified and so stated.

Upon further reflection and counseling with my friends and colleagues, I came to realize that the honorable, if not the technical, duty of a Member offering a motion to recommit is to vote against the bill on final passage.

Thus, I wish to take this occasion to apologize to the House for my error in not adhering to the strong expectation that an author of an unsuccessful motion to recommit will in turn vote "nay" on final passage.

§ 23.50 The previous question having been ordered on a simple resolution in the House, a motion to recommit with or without instructions is in order; it must be offered by a Member who is opposed to the resolution, and is not debatable.

The following proceedings occurred in the House on June 10, 1980:[17]

THE SPEAKER:[18] The unfinished business is the further consideration of the resolution (H. Res. 660) in the matter of Representative Charles H. Wilson.

The Clerk will report the resolution.

The Clerk read the resolution as follows:

> *Resolved*,
>
> (1) That Representative Charles H. Wilson be censured;
>
> (2) That Representative Charles H. Wilson be denied the chair on any committee or subcommittee of the House of Representatives . . . .

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

MR. [PAUL N.] MCCLOSKEY [Jr., of California]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. MCCLOSKEY: Yes I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. McCloskey moves to recommit the resolution (H. Res. 660) to the Committee on Standards of Official Conduct with instructions to report the same to the House forthwith with the following amendment. . . .

THE SPEAKER: The question is on the motion to recommit offered by the gentleman from California (Mr. McCloskey). . . .

17. 126 CONG. REC. 13801, 13819, 96th Cong. 2d Sess.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 97, nays 308, answered "present" 4, not voting 24. . . .

§ 23.51 Where there was pending in the House under the hour rule a resolution and a committee amendment in the nature of a substitute, the Chair indicated that an amendment to the committee amendment could be offered only if the manager yielded for that purpose or if the previous question were rejected, and that a motion to recommit with instructions containing a direct amendment could not be offered if the committee substitute were adopted (since it is not in order to further amend a measure already amended in its entirety).

On Mar. 22, 1983,[19] after House Resolution 127 was called up for consideration in the House, Speaker Pro Tempore John F. Seiberling, of Ohio, responded to several parliamentary inquiries, as indicated below:

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 127), providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 1st session of the 98th Congress.

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

The Clerk read the resolution, as follows:

H. RES. 127

Resolved, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section . . . .

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert:

That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section . . . .

Sec. 2. The committees and amounts referred to in the first section are: Select Committee on Aging, $1,316,057; Committee on Agriculture, $1,322,669; Committee on Armed Services, $1,212,273 . . . .

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I have a parliamentary inquiry. . . .

If this Member from California would now offer an amendment to the total in this resolution . . . would that amendment now be in order?

THE SPEAKER PRO TEMPORE: The Chair would rule that the amendment would be in order if the gentleman from Illinois (Mr. Annunzio) would yield to the gentleman from California . . . .

19. 129 CONG. REC. 6447, 6448, 6455, 98th Cong. 1st Sess.

MR. DANNEMEYER . . . What if we were successful in defeating the previous question with respect to this issue? If we did, would an amendment to reduce spending consistent with what I stated previously then be in order?

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman if the previous question were defeated a germane amendment to the committee amendment would be in order at that time. . . .

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

We have a motion to commit which is available at the conclusion of a matter of this type. Is the procedure under which this process is now considered by the floor such that the motion to commit can be used with instructions to reduce spending by a certain amount or is it a motion to recommit without instructions?

THE SPEAKER PRO TEMPORE: If the committee amendment in the nature of a substitute is agreed to no further direct amendment could be made by a motion to recommit.

§ 23.52 The ten minutes of debate permitted on a motion to recommit with instructions by clause 4 of Rule XVI applies only to a bill or joint resolution and not to a simple resolution.

During consideration of House Resolution 1097 (relating to investigative funds for the Committee on the Judiciary) in the House on Mar. 29, 1976,[20] a motion to recommit was offered, as follows:

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[1] Is the gentleman opposed to the resolution?

MR. ASHBROOK: I am, Mr. Speaker.

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

The Clerk read as follows:

> Mr. Ashbrook moves that House Resolution 1097 be recommitted to the Committee on House Administration with instructions that said committee forthwith report back to the House said resolution with the following amendment, to wit: on page 2, line 11 of the resolution add the following new sentence: "Not to exceed $300,000 of the total amount provided by this resolution shall be used to carry out activities within the jurisdiction of the Committee on the Judiciary under the provisions of rule X, clause (M) (19) of the Rules of the House of Representatives.

MR. ASHBROOK: Mr. Speaker, may I be recognized for 5 minutes?

THE SPEAKER: The rule regarding debate does not apply to a motion to recommit a resolution.

The question is on the motion to recommit.

§ 23.53 The Speaker has taken the floor to be recognized for five minutes pursuant to clause 4 of Rule XVI in opposition to a motion to recommit a bill with instructions.

On Dec. 18, 1979,[2] during consideration of H.R. 5860 (author-

20. 122 CONG. REC. 8444, 94th Cong. 2d Sess.

1. Carl Albert (Okla.).

2. 125 CONG. REC. 36838, 36840, 96th Cong. 1st Sess.

izing loan guarantees to the Chrysler Corporation) in the House, the following proceedings occurred:

MR. [J. WILLIAM] STANTON [of Ohio]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[3] Is the gentleman opposed to the bill?

MR. STANTON: I am, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Mr. Stanton moves to recommit the bill H.R. 5860 to the Committee on Banking, Finance and Urban Affairs with instructions to report back the same forthwith with the following amendment: On page 23, after line 18, add the following new section: . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I rise in opposition to the motion to recommit. . . .

Today I rise as Tip O'Neill, the Congressman, not as a Democrat or a Republican, just as a fellow that has been in public life for 43 years. I have seen recessions and depressions, upturns and downturns. . . .

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

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the motion to recommit.

—*Motion To Commit*

§ 23.54 A Member seeking recognition to offer a motion to commit a concurrent resolution after the previous question has been ordered, pursuant to clause 1 of Rule XVII, must qualify by being opposed to the resolution (whether or not the concurrent resolution has been reported from committee).

On Nov. 28, 1979,[4] the following proceedings occurred in the House during consideration of the second concurrent resolution on the budget for fiscal year 1980 (S. Con. Res. 53):

THE SPEAKER PRO TEMPORE:[5] Pursuant to the order of the House of November 27, the previous question is considered as having been ordered.

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I offer a motion.

THE SPEAKER PRO TEMPORE: Is the gentleman opposed to the concurrent resolution?

MR. LATTA: I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. Latta moves to commit Senate Concurrent Resolution 53 to the Committee on the Budget with the following instructions: For fiscal year 1980, after excluding the National Defense and Veterans Affairs functions, reduce the remaining total amount of new budget authority and total amount of outlays by two percent . . . . The Committee on

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

4. 125 CONG. REC. 33904, 33914, 96th Cong. 1st Sess.

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

the Budget is further instructed to report S. Con. Res. 53 back to the House promptly with these changes.

§ 23.55 Where the previous question had been ordered on a privileged resolution electing minority Members to committees, a minority Member offered a motion to commit the resolution to a select committee to be appointed by the Speaker with instructions to report back forthwith with an amendment increasing the number of minority Members on the Committee on Ways and Means by two.

On Jan. 28, 1981,[6] during consideration of House Resolution 45 (electing minority Members to standing committees) in the House, Minority Leader Robert H. Michel, of Illinois, offered the resolution and the proceedings that followed were as indicated below:

MR. MICHEL: Mr. Speaker, I offer a privileged resolution (H. Res. 45), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 45

Resolution designating membership on certain standing committees of the House

Resolved, That the following named Members, Delegates, and Resident Commissioner be, and they are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE . . .

THE SPEAKER:[7] The gentleman from Illinois (Mr. Michel) is recognized for 1 hour.

MR. MICHEL: Mr. Speaker, I yield myself such time as I might consume. . . .

I have no more requests for time, Mr. Speaker, but before moving the previous question, I would simply advise the membership of the House that the parliamentary situation is such that the gentleman from Mississippi (Mr. Lott), after the previous question has been ordered, will move to commit. That is a nondebatable motion, and there will be a vote immediately following which will give Members an opportunity to express themselves on the substitute which is embodied in the gentleman's motion.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, I offer a motion to commit.

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

The Clerk read as follows:

Mr. Lott moves to commit the resolution (H. Res. 45) to a select committee to be appointed by the Speaker and to be composed of nine members not more than five of whom shall be from the same political party, with instructions to report the same back to the House forthwith with the following amendment:

6. 127 CONG. REC. 1142, 1144, 1146, 97th Cong. 1st Sess.

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

Strike all after the resolving clause and insert in lieu thereof the following:

The following named Members . . . be, and they are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON WAYS AND MEANS . . .

[T]he motion to commit was rejected.

Parliamentarian's Note: The motion to commit under clause 1 of Rule XVII is applicable to simple resolutions and may create a select committee with instructions to report back forthwith with a germane amendment. The Member offering the motion need not qualify as opposed where the resolution is offered from the floor as privileged and has not been reported from committee, and the minority party has no prior right to recognition in such a situation. As noted by Mr. Michel, a motion to commit is not debatable after the previous question has been ordered on a resolution, but is amendable unless the previous question is separately ordered thereon.

§ 23.56 It is the prerogative of the minority, prior to adoption of the rules, to offer a motion to commit the resolution adopting the rules; and instances have occurred where, the previous question having been ordered on a resolution adopting the rules of the House, the Minority Leader has offered a motion to commit the resolution to a select committee with instructions to report back to the House within a specified number of days with an amendment.

The following proceedings occurred in the House on Jan. 3, 1983: [8]

RULES OF THE HOUSE

THE SPEAKER: [9] The question is on ordering the previous question. . . .

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

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 249, nays 156, answered "present" 1, not voting 12, as follows: . . .

The result of the vote was announced as above recorded.

MR. MICHEL: Mr. Speaker, I offer a motion to commit.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. MICHEL: Indeed I am, Mr. Speaker.

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

The Clerk read as follows:

8. 129 CONG. REC. 49–51, 98th Cong. 1st Sess.

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

Mr. Michel moves to commit the resolution, House Resolution 5, to a select committee to be appointed by the Speaker and to be composed of ten members, not more than six of whom shall be from the same political party, with instructions to report the same back to the House within two legislative days with only the following amendment: Strike clause "(5)" relating to restrictions on the offering of certain amendments to appropriations bills, and redesignate succeeding clauses accordingly. . . .

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

There was no objection.

THE SPEAKER: The question is on the motion to commit. . . .

So the motion to commit was rejected.

Similarly, in the 97th Congress,[10] the Minority Leader offered a motion to commit the resolution to a select committee with instructions to report back to the House within seven calendar days with an amendment:

MR. MICHEL: Mr. Speaker, I offer a motion to commit.

The Clerk read as follows:

Mr. Michel moves to commit the resolution (H. Res. 5) to a select committee to be appointed by the Speaker and to be composed of nine members, not more than five of whom shall be from the same political party, with instructions to report the same back to the House within 7 calendar days with the following amendment:

On page 10, after line 8, add the following:

(19) In rule X, clause 6(a) is amended by adding the following new subparagraph:

"(3) The membership of each committee (and of each subcommittee, task force or subunit thereof), shall reflect the ratio of majority to minority party members of the House at the beginning of this Congress. . . .

THE SPEAKER PRO TEMPORE:[11] Without objection, the previous question is ordered on the motion to commit.

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the motion to commit. . . .

So the motion to commit was rejected.

Parliamentarian's Note: On the opening day of the 63d Congress, a motion to commit the resolution adopting the rules to a select committee with instructions "to report back to the House a substitute therefor, together with the views and recommendations of the select committee, in substance as follows . . ." was held in order by Speaker Champ Clark.[12] At the beginning of the 65th Congress, the motion to commit with instructions to report back forthwith with an amendment to the rules was offered and not challenged.[13]

10. 127 CONG. REC. 98, 111–13, 97th Cong. 1st Sess., Jan. 5, 1981.

11. Bill Alexander (Ark.).

12. See 8 Cannon's Precedents § 2755.

13. See also the proceedings of Dec. 6, 1915, at the beginning of the 64th Congress.

Under modern practice, the motion to commit should not include instructions to report "forthwith" a rules change which would be immediately effective, particularly since the view is now held that, prior to adoption of the rules, a resolution to adopt the rules is not subject to amendment unless the previous question is voted down or the Member in control yields for that purpose.[14] Generally, the defeat of the previous question is considered the only method by which the minority may offer an amendment to the rules proposed by the majority, although the question may depend upon the extent to which the Chair would rely upon House rules (such as Rule XVII, permitting the motion to commit with instructions to report back forthwith with an amendment) prior to adoption of the rules. It should also be noted that where a Member of the minority offers a motion to commit the resolution adopting the rules, such Member need not qualify as opposed to the resolution.[15]

—*Motion To Refer*

§ 23.57 While recognition to offer a motion to recommit a bill or joint resolution (previously referred to committee) under clause 4 of Rule XVI is the prerogative of the minority party if opposed to the bill, recognition to offer a motion to refer under clause 1 of Rule XVII after the previous question has been moved or ordered on a resolution (not previously referred to committee) does not depend on party affiliation or upon opposition to the resolution.

During consideration of House Resolution 1042 (directing the Committee on Standards of Official Conduct to investigate the unauthorized publication of the report of the Select Committee on Intelligence) in the House on Feb. 19, 1976,[16] the following proceedings occurred:

> MR. [SAMUEL S.] STRATTON [of New York]: I rise to a question involving the privileges of the House, and I offer a privileged resolution.
>
> The Clerk read the resolution as follows:

14. See Ch. 1 § 9.3, supra.

15. See, for example, 127 CONG. REC. 98, 112, 97th Cong. 1st Sess., Jan. 5, 1981.

16. 122 CONG. REC. 3914–21, 94th Cong. 2d Sess.

H. RES. 1042

Resolution requiring that the Committee on Standards of Official Conduct inquire into the circumstances leading to the public publication of a report containing classified material prepared by the House Select Committee on Intelligence

Whereas the February 16, 1976, issue of the Village Voice, a New York City newspaper, contains the partial text of a report or a preliminary report prepared by the Select Committee on Intelligence of the House, pursuant to H. Res. 591, which relates to the foreign activities of the intelligence agencies of the United States and which contains sensitive classified information . . . Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct be and it is hereby authorized and directed to inquire into the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence, and to report back to the House in a timely fashion its findings and recommendations thereon.

THE SPEAKER:[17] The gentleman from New York (Mr. Stratton) is recognized for 1 hour. . . .

MR. STRATTON: I yield for the purposes of debate only to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'Neill). . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, some of the Members have been curious as to why the gentleman from New York (Mr. Stratton) has the floor at this time and why the resolution is privileged.

It is privileged because he believes that the rules of the House and the processes of the integrity of the House have been transgressed.

I believe that Mr. Stratton's motion to usurp the normal procedure is transgressing on the rights of all our membership here, and especially the rights of the members of the Rules Committee which normally would have jurisdiction over this issue. We should demand the normal course. We should not just say, "Here, we will send this to the Ethics Committee and the Ethics Committee will make an investigation, because we are going to bypass the Committee on Rules." That is exactly what Mr. Stratton desires. I want the Members to know that when the time comes, after the hour provided to the gentleman from New York (Mr. Stratton) is over, and after that gentleman has moved the previous question, that I will rise, and I will expect that the Speaker will recognize me and I will then move, at that time, that, pursuant to clause 1 of rule XVII, that the resolution be referred to the Committee on Rules. . . .

MR. STRATTON: Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

MR. O'NEILL: Mr. Speaker, pursuant to rule XVII, clause 1, I move to refer the resolution to the Committee on Rules.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman from Maryland will state the point of order.

MR. BAUMAN: Mr. Speaker, I make the point of order that the gentleman's

17. Carl Albert (Okla.).

motion comes too late. The Chair has already put the previous question and it has been moved.

THE SPEAKER: The motion to refer a resolution is in order after the previous question is ordered under clause 1, rule XVII. . . .

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, the gentleman from Massachusetts, the distinguished majority leader, has offered, in effect, a motion to recommit the original resolution. Is it not true that under the practices and procedures of this House one who is opposed to the motion and who is on the minority side of the aisle is entitled to control of the motion to recommit? Would I not be entitled to preference over the gentleman from Massachusetts in offering a motion to recommit which is, in effect, what the gentleman from Massachusetts has offered?

THE SPEAKER: The gentleman is referring to the procedure under rule XVI. In this rather unique situation, the resolution has not been before a committee and the House technically cannot recommit a resolution that has never been previously referred to committee. This is a motion to commit or refer under rule XVII and not a motion to recommit under clause 4, rule XVI.[18]

MR. BAUMAN: Mr. Speaker, a parliamentary inquiry. . . .

The question this gentleman would like to put is when a question of privilege is before the House, is a motion to refer which would, in effect, avoid a final vote on the question of privilege, in order prior to a vote on the question of privilege itself?

THE SPEAKER: It is. The remedy of the House is to vote down, if the House is in opposition, to vote down the motion of the gentleman from Massachusetts.

The question is on the motion to refer offered by the gentleman from Massachusetts (Mr. O'Neill).

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

MR. O'NEILL: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 172, nays 219, answered "present" 2, not voting 39, as follows: . . .

So the motion was rejected.

The result of the vote was announced as above recorded.

Parliamentarian's Note: If the Majority Leader had offered the motion to refer under clause 1 of Rule XVII when the previous question was moved but before it was ordered, the motion to refer would itself have been debatable as well as amendable.

Under Rule XXIII, clause 7,[19] when a bill is reported from the Committee of the Whole with an adverse recommendation, a motion to refer the bill to any committee with or without instructions is in order pending a vote on the motion to strike the enacting clause in the House.

Right of recognition to offer a motion to recommit pending final

18. See also 2 Hinds' Precedents § 1456.

19. See *House Rules and Manual* § 875 (1995).

passage, which is the prerogative of the minority if opposed, should be distinguished from the right of recognition for a motion to refer under Rule XXIII clause 7 pending a vote in the House on a motion to strike out the enacting clause. In the latter case, a Member seeking recognition need not be opposed to the bill, since the motion to refer in this case is a measure designed to avert final adverse disposition of the bill. As stated by Speaker Frederick H. Gillett, of Massachusetts, on May 19, 1924 (see 8 Cannon's Precedents § 2629), "apparently the provision for a motion to refer was inserted so that the friends of the original bill might avert its permanent death by referring it again to the committee, where it could again be considered in the light of the action of the House." By the same reasoning, Speaker Gillett pointed out, rejection of the motion to refer should not give the right of recognition to sponsors of the bill, but to one supporting the motion to strike the enacting clause.

§ 23.58 A motion to refer (where the previous question has not been ordered on the pending proposition) is debatable for one hour, controlled by the Member offering the motion.

During consideration of House Resolution 142 (to expel Charles C. Diggs, Jr.) in the House on Mar. 1, 1979,[20] the following exchange occurred:

> MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 142) and ask for its immediate consideration.
>
> The Clerk read the resolution as follows:
>
> H.R. 142
>
> *Resolved*, That Charles C. Diggs, Jr., a Representative from the Thirteenth District of Michigan, is hereby expelled from the House of Representatives.
>
> MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I offer a motion.
>
> The Clerk read as follows:
>
> Mr. Wright moves to refer House Resolution 142 to the Committee on Standards of Official Conduct.
>
> THE SPEAKER:[1] The gentleman from Texas (Mr. Wright) is recognized for 1 hour.

§ 23.59 Pursuant to clause 4 of Rule XVI, a motion to refer takes precedence over a motion to amend and the Chair recognizes the Member seeking to offer the preferential motion before the less preferential motion is read.

The following proceedings occurred in the House on Aug. 13,

20. 125 CONG. REC. 3746, 96th Cong. 1st Sess.

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

1982,[2] during consideration of House Resolution 560 (waiving certain points of order against H.R. 6957, Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1983). The previous question having been rejected, an amendment to the resolution was offered, then ruled out of order as not germane.

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, in view of the ruling of the Chair,[3] I have a substitute rule at the desk.

MR. [LEO C.] ZEFERETTI [of New York]: Mr. Speaker, I offer a preferential motion.

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

THE SPEAKER:[4] The gentleman will state his parliamentary inquiry.

MR. LOTT: Mr. Speaker, should not the substitute rule be read first, before the preferential motion?

THE SPEAKER: A preferential motion to refer takes precedence over the motion to amend, as ascertained by the Chair's inquiry "for what purpose did the gentleman rise?"

The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. Zeferetti moves to refer House Resolution 560 to the Committee on Rules.

§ 23.60 The motion to refer a resolution offered as a question of the privileges of the House, which is in order pending the demand for the previous question or after the previous question is ordered, is not subject to debate; and a Member offering the motion need not qualify as stating his opposition to the resolution since it has not been reported from committee but has been offered as an original proposition on the floor of the House.

On Apr. 28, 1983,[5] the House had under consideration a resolution,[6] presented as a question of the privileges of the House, of refusal to comply with a subpena duces tecum issued by a U.S. District Court served on the Clerk for the production of records in his custody (documents of a select committee from a prior Congress).

THE SPEAKER PRO TEMPORE:[7] The gentleman from Washington (Mr. Foley) is recognized for 1 hour. . . .

[After debate:]

MR. [THOMAS S.] FOLEY [of Washington: . . . Mr. Speaker, I move the previous question on the resolution.

2. 128 CONG. REC. 20977, 97th Cong. 2d Sess.

3. An amendment in the nature of a substitute previously offered by Mr. Lott was ruled out of order as not germane.

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

5. 129 CONG. REC. 10417, 10423, 10424, 98th Cong. 1st Sess.

6. H. Res. 176, concerning privileges of the House related to investigative records of the Select Committee on Aging.

7. George E. Brown, Jr. (Calif.).

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I offer a motion to refer.

The Clerk read as follows:

Mr. Sensenbrenner moves to refer the resolution to the Committee on the Judiciary.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered on the motion to refer.

There was no objection.

[The motion to refer was rejected, the previous question was ordered, the resolution agreed to.]

§ 23.61 When a resolution is offered as a question of privilege and is debatable under the hour rule, a motion to refer is in order before debate begins and is debatable for one hour under the control of the offeror of the motion.

On Mar. 4, 1985,[8] during consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana) in the House, the following proceedings occurred:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

Resolved, That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE: [9] The gentleman states a valid question of privilege.

The Chair recognizes the gentleman from Arkansas (Mr. Alexander).

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE: The gentleman is recognized.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. ALEXANDER: Mr. Speaker, for what period of time am I recognized?

THE SPEAKER PRO TEMPORE: The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time.

8. 131 CONG. REC. 4277, 99th Cong. 1st Sess.

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

MR. ALEXANDER: Mr. Speaker, does the minority wish time on the motion?

MR. MICHEL: Yes.

MR. ALEXANDER: Mr. Speaker, I would yield 30 minutes for purposes of debate only, to the gentleman from Illinois (Mr. Michel).

Motions To Instruct Conferees

§ 23.62 A member of the minority is first entitled to recognition for a motion to instruct conferees, on a bill being sent to conference, other factors influencing recognition being equal.

On Oct. 31, 1939,[10] a resolution asking for a conference on a bill with Senate amendments was offered and agreed to. Mr. Hamilton Fish, Jr., of New York, the ranking minority member of the Committee on Foreign Affairs, with jurisdiction over the bill, and Mr. James A. Shanley, of Connecticut, a majority member of the committee, arose simultaneously to offer a motion to instruct the conferees on the bill.

Speaker William B. Bankhead, of Alabama, ruled that Mr. Fish was entitled to prior recognition for the motion if he so desired.[11]

10. 85 CONG. REC. 1092–1105, 76th Cong. 2d Sess.

11. For full discussion of the motion to instruct conferees, see Ch. 33, infra.

Motions To Adjourn

§ 23.63 A motion to adjourn is not in order while a Member has the floor unless he yields for the motion.

On Oct. 18, 1945,[12] Mr. Edward E. Cox, of Georgia, who had the floor, yielded to Mr. John Edward Sheridan, of Pennsylvania, at the latter's request. Mr. Sheridan then moved that the House adjourn, and Speaker Sam Rayburn, of Texas, inquired of Mr. Cox whether he yielded for that purpose. Mr. Cox replied:

> Mr. Speaker, I do not yield for that purpose, and the gentleman should not have taken advantage of the courtesy I extended to him.[13]

§ 23.64 The Chair cannot refuse to recognize a Member having the floor for a motion to adjourn.

On Mar. 16, 1945,[14] Mr. Robert F. Jones, of Ohio, objected to the vote on a question to recommit on the ground that a quorum was not present. A call of the House was ordered and a quorum failed to vote. Mr. Clare E. Hoffman, of Michigan, was recognized for a

12. 91 CONG. REC. 9814, 79th Cong. 1st Sess.

13. For general discussion of the motion to adjourn, see Ch. 40, infra.

14. 91 CONG. REC. 2379, 2380, 79th Cong. 1st Sess.

parliamentary inquiry and then stated that if there was not a quorum, he moved that the House adjourn. Speaker Sam Rayburn, of Texas, asked him to withhold his request and Mr. Hoffman responded "If the Chair is refusing recognition, I will." The Speaker stated that he could not so refuse recognition for a motion to adjourn. Mr. John W. McCormack, of Massachusetts, then moved adjournment and the motion was agreed to.[15]

§ 23.65 A Delegate to the House may offer the motion to adjourn (in this instance while serving as Acting Majority Leader).

On Jan. 9, 1981,[16] Mr. Fofo I. F. Sunia, the Delegate from American Samoa, made the following motion:

> MR. SUNIA: Mr. Speaker, I move that the House do now adjourn.
>
> The motion was agreed to; accordingly (at 12 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 13, 1981, at 12 o'clock noon.

Parliamentarian's Note: A nonvoting Delegate may offer any motion except the motion to reconsider, but he may not vote on any motion so offered.

§ 23.66 While the motion to adjourn takes precedence over any other motion under clause 4 of Rule XVI, the Speaker may through his power of recognition recognize the Majority Leader by unanimous consent for one minute to announce the legislative program prior to entertaining the motion to adjourn; and on one occasion, the Speaker recognized the Majority Leader to announce the program for the remainder of the day and declined to recognize a Member to offer a motion to adjourn pending that announcement, although the Majority Leader had neglected to obtain unanimous consent to address the House for one minute. The Speaker then suggested that decorum would best be maintained by unanimous-consent permission to announce the leadership program pending a motion to adjourn.

On Dec. 14, 1982,[17] the following proceedings occurred in the House:

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15. The Chair may decline to recognize for a motion to adjourn which is dilatory (see §§ 23.8–23.10, 23.12, supra).

16. 127 CONG. REC. 248, 97th Cong. 1st Sess.

17. 128 CONG. REC. 30549, 30550, 97th Cong. 2d Sess.

THE SPEAKER:[18] The Chair recognizes the majority leader, the gentleman from Texas (Mr. Wright).

MR. [DENNY] SMITH of Oregon: Mr. Speaker, I have a preferential motion I send to the desk.

THE SPEAKER: The gentleman will be seated. The Speaker has the right of recognition.

MR. SMITH of Oregon: Mr. Speaker, I have a preferential motion.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Regular order, Mr. Speaker.

THE SPEAKER: The Chair recognizes the majority leader, the gentleman from Texas (Mr. Wright).

LEGISLATIVE PROGRAM

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, let me simply announce for the benefit of the Members that it is our intention now to have no further votes tonight. We plan to take up the things that we put off last night in order that Members might go and attend the reception in the White House, the remaining suspension, as was agreed with the Republican leadership and our leadership last night, but we will not have any votes. We will roll the votes until tomorrow, let the votes be the first thing tomorrow.

MR. SMITH of Oregon: Mr. Speaker, I offer a preferential motion.

THE SPEAKER: The gentleman will state his preferential motion.

MR. SMITH of Oregon: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER: The question is on the preferential motion offered by the gentleman from Oregon (Mr. Smith).

The question was taken, and the Speaker announced that the noes appeared to have it.

MR. SMITH of Oregon: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 122, nays 202, not voting 109, as follows: . . .

ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER: The Chair will make the following statement:

It is the usual and customary practice in this House that when we come to the end of a proceeding, as we did, that the majority leader then announces the program for the remainder of the night. The majority leader had informed me that he was going to make that announcement. Normally it is a unanimous-consent request, and that is what the Chair anticipated that the majority leader would do.

It is the prerogative and the duty of the Speaker of the House to run this body in an expeditious manner and he should be informed when motions are going to be made, whether they are privileged or otherwise, and when he is suddenly confronted with a privileged motion, then it is my opinion, while the Chair appreciates that he follows the rules of the House, it does not improve the decorum of the House. The Speaker at all times tries to be fair, and thought he was being fair with the Members when he was recognizing the majority leader to inform the membership what the program was for the remainder of the evening.

§ 23.67 On one occasion, the Speaker Pro Tempore having attempted by unanimous consent to adjourn the House

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

at the end of special-order speeches, there being an objection by a minority Member on the floor, the Member objecting was then recognized to move adjournment; there was no majority Member on the floor at the time.

The following proceedings occurred in the House on May 23, 1984:[19]

THE SPEAKER PRO TEMPORE:[20] Without objection, the House stands adjourned.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Does the gentleman from Pennsylvania (Mr. Walker) have a motion?

MR. WALKER: Mr. Speaker, I have always wanted to do this.

THE SPEAKER PRO TEMPORE: The Chair is going to recognize the gentleman from Pennsylvania (Mr. Walker).

MR. WALKER: Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p.m.) the House adjourned until tomorrow, Thursday, May 24, 1984, at 10 a.m.

§ 23.68 Where the two Houses have adopted a concurrent resolution permitting an adjournment of the House to a day certain in excess of three days upon motion made by the Majority Leader or a Member designated by him, the Speaker may recognize the Member so designated to move to adjourn pursuant to the concurrent resolution, over another Member whose motion to adjourn if agreed to would only permit the House to adjourn overnight.

On Aug. 4, 1983,[1] the following proceedings occurred in the House:

THE SPEAKER PRO TEMPORE:[2] The Chair recognizes the gentleman from Texas.

MR. [HANK] BROWN of Colorado: Mr. Speaker, I have a privileged motion. I move the House adjourn.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Texas.

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Speaker, pursuant to House Concurrent Resolution 153, I move that the House do now adjourn.

The motion was agreed to.

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19. 130 CONG. REC. 13960, 98th Cong. 2d Sess.

20. Sander M. Levin (Mich.).

1. 129 CONG. REC. 23244, 98th Cong. 1st Sess.

2. William H. Gray, 3d (Pa.).

D. CONTROL AND DISTRIBUTION OF TIME FOR DEBATE

§ 24. In General; Role of Manager

In the practice of the House, one or more designated Members manage a measure during its consideration on the floor of the House. The manager of the measure has prior right to recognition unless he surrenders or loses control or unless a preferential motion is offered which is within the province of those who oppose the bill.[3]

The manager is generally designated by the committee reporting the bill or resolution and is normally the chairman of the full committee or of the relevant subcommittee. Where a proposition is considered pursuant to a special order from the Committee on Rules, the special order typically provides that debate be controlled by the chairman and ranking minority member of the committee which has applied to the Committee on Rules for such an order.[4]

If a measure is considered under the hour rule in the House, the Member calling it up is normally entitled to one hour of debate, which he may in his discretion yield to other Members. He may at any time move the previous question, thereby bringing the matter to a vote and terminating further debate.[5] On conference reports and amendments reported in disagreement from conference, the hour is equally divided between the majority and minority parties.[6] Where a bill is called up in the House under suspension of the rules, debate continues for forty minutes, equally divided (see Chapter 21, supra).

If a matter is to be considered in the Committee of the Whole, general debate therein is controlled and divided by the Members in charge. When the bill is read for amendment in the Committee, the managers have prior right to recognition for debate and to move to limit debate or to move that the Committee rise.[7]

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3. For prior rights to recognition of the Member in control, see §§ 24.1, 24.2, infra. An example of a motion within the province of the opposition (with priority of recognition to the minority party) is the motion to recommit (see Ch. 23, supra). For the surrendering or losing of control, see § 33, infra.

4. For management by the reporting committee, see § 26, infra. The effect and forms of special orders are discussed in § 28, infra.

5. For further discussion of the hour rule, see § 68, infra. For the previous question, see § 24.21, infra.

6. See Ch. 33 (House-Senate Conferences), infra. See also § 26, infra, for the requirement that one-third of debate time be allotted to one opposed.

7. For priority of recognition to move that the Committee rise, see § 24.15,

During consideration in the House as in the Committee of the Whole, only five-minute debate is conducted, with priority of recognition to members of the reporting committee for debate or to move the previous question or to limit debate.

Cross References

Calling up and passing bills and resolutions generally, see Ch. 24, supra.

Committee procedure as to management of bills, see Ch. 17, supra.

Management of bills called up under suspension of the rules, see Ch. 21, supra.

Management of bills on the various calendars, see Ch. 22, supra.

Management of resolutions of impeachment, see Ch. 14, supra.

Manager's Prior Right to Recognition

§ 24.1 Where more than one Member seeks recognition, the Speaker recognizes the Member in charge of the bill or resolution if he seeks recognition.

On Sept. 11, 1945,[8] Mr. Robert F. Rich, of Pennsylvania, and Mr. Adolph J. Sabath, of New York, arose at the same time seeking recognition on a bill being handled by Mr. Sabath. Speaker Sam Rayburn, of Texas, recognized Mr. Sabath since he had priority of recognition as the Member in charge and then answered parliamentary inquiries on the order of recognition:

> MR. RICH: After the reading of section 4 of the bill which contained subsections (a), (b), and (c), could not a Member have risen to strike out the last word and have been recognized?
>
> THE SPEAKER: The gentleman did not state for what purpose he rose. The gentleman from Illinois who is in charge of the resolution was on his feet at the same time. The Chair recognized the gentleman from Illinois, and the gentleman from Illinois made a preferential motion.
>
> MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. HOFFMAN: Must a Member on the floor addressing the Speaker state the purpose for which he addresses the Speaker before he may be recognized?
>
> THE SPEAKER: Two Members rose. The Speaker always has the right to recognize whichever Member he desires. The Chair recognized the gentleman from Illinois who was in charge of the resolution. The gentleman from Illinois made a preferential motion; the Chair put the motion and it was adopted.[9]

infra. For priority of recognition to move to close debate, see § 24.16, infra.

8. 91 CONG. REC. 8510, 79th Cong. 1st Sess.

9. For more extensive discussion of the priority of recognition for the Member in control, see § 14, supra.

§ 24.2 Where the Member handling a bill on the floor and a minority Member both seek recognition, the Chair gives preference to the former.

On Nov. 15, 1967,[10] the Committee of the Whole was considering H.R. 2388, economic opportunity amendments, reported by the Committee on Education and Labor (chaired by Carl D. Perkins [Ky.]). Mr. Edward J. Gurney, of Florida, sought recognition to offer an amendment, but Chairman John J. Rooney, of New York, recognized Mr. Perkins to submit a unanimous-consent request (to close debate at a certain hour).

Mr. Gurney made a point of order against recognition of Mr. Perkins, and the Chairman overruled the point of order:

> MR. GURNEY: Mr. Chairman, I am a member of the committee. I was on my feet. The Chair recognized me, and I did not yield for a unanimous-consent request on the other side.
>
> THE CHAIRMAN: The Chair asked the gentleman for what purpose he rose.
>
> MR. GURNEY: And I said to offer an amendment, and I was recognized for that purpose.
>
> THE CHAIRMAN: The Chair had not recognized the gentleman from Florida at that point.
>
> The Chair now recognizes the gentleman from Florida.

10. 113 CONG. REC. 32655, 90th Cong. 1st Sess.

Manager's Right To Open and Control Debate

§ 24.3 A Member calling up a measure or offering a motion in the House is recognized to open and to control debate thereon.[11]

Control of Time Where Manager Is Opposed

§ 24.4 The senior manager on the part of the House at a conference called up for consideration and managed the debate on the conference report, although he had not signed the report and was opposed to it.

11. See, for example, 114 CONG. REC. 30217, 90th Cong. 2d Sess., Oct. 8, 1968 (special order from Committee on Rules); 113 CONG. REC. 14, 90th Cong. 1st Sess., Jan. 10, 1967 (prior to adoption of rules); 111 CONG. REC. 23608, 89th Cong. 1st Sess., Sept. 13, 1965 (motion to reconsider); 105 CONG. REC. 11599, 86th Cong. 1st Sess., June 23, 1959 (conference report); 96 CONG. REC. 1514, 81st Cong. 2d Sess., Feb. 6, 1950 (question of privilege); 89 CONG. REC. 7051, 78th Cong. 1st Sess., July 2, 1943 (override of veto); 87 CONG. REC. 3917, 77th Cong. 1st Sess., May 12, 1941 (District of Columbia bills); 80 CONG. REC. 7025–27, 74th Cong. 2d Sess., May 11, 1936 (motion to discharge a committee); and 78 CONG. REC. 4931, 73d Cong. 2d Sess., Mar. 20, 1934 (unanimous-consent consideration of bill).

On Dec. 6, 1967,[12] William R. Poage, of Texas, Chairman of the Committee on Agriculture and senior manager for the House in conference on H.R. 12144, the Federal Meat Inspection Act of 1967, called up the conference report on that bill and managed the debate thereon. Mr. Poage delivered the following remarks when calling up the report:

> Mr. Speaker, I yield myself 5 minutes.
>
> Mr. Speaker, today I find myself in the same position which I occupied when we sent this bill to conference. I have no desire to interfere with or delay consideration of the bill. I full well recognize the very proper desire of every Member of this House to secure and maintain the very best possible meat inspection program for the United States. I join in that desire. The conference report which our committee brings you is intended to achieve that result. I hope it will.
>
> This report is signed by all of the conferees on the part of the Senate and all but two of the conferees on the part of the House. I am one of those two.[13]

Manager Recognized in Opposition to Amendment

§ 24.5 Where a special rule limits debate on designated amendments and allocates time between the proponent and an opponent, the manager of the bill will be recognized to control debate in opposition to the amendment if he qualifies as opposed.

On Dec. 1, 1982,[14] during consideration of H.R. 6995 (Federal Trade Commission Authorization Act) in the Committee of the Whole, the Chair responded to an inquiry regarding debate, as indicated below:

> MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I have a parliamentary inquiry with respect to the procedure followed here.
>
> It is my understanding that the gentleman from New Jersey (Mr. Florio) [the manager of the bill] will control the time in opposition to the Luken amendment; is that correct?
>
> THE CHAIRMAN:[15] If the gentleman is opposed to the amendment.
>
> MR. [JAMES J.] FLORIO [of New Jersey]: I am, Mr. Chairman.
>
> THE CHAIRMAN: The gentleman from New Jersey (Mr. Florio) will therefore be recognized to control the time in opposition to the amendment offered by the gentleman from Ohio.

§ 24.6 Where a special rule adopted by the House limits debate on an amendment to be controlled by the propo-

12. 113 CONG. REC. 35144–55, 90th Cong. 1st Sess.
13. For occasions where the manager of a bill relinquished control by reason of his opposition thereto, see §§ 26.7, 26.8, infra.
14. 128 CONG. REC. 28235, 97th Cong. 2d Sess.
15. George E. Brown, Jr. (Calif.).

nent and an opponent, and prohibits amendments thereto, the Chair may in his discretion recognize the manager of the bill if opposed and there is no requirement for recognition of the minority party.

The following proceedings occurred in the Committee of the Whole on June 18, 1986,[16] during consideration of H.R. 4868 (Anti-Apartheid Act of 1986):

THE CHAIRMAN:[17] Under the rule, the gentleman from California (Mr. Dellums) will be recognized for 30 minutes, and a Member opposed to the amendment will be recognized for 30 minutes.

Will those gentlemen who are opposed to the Dellums amendment kindly stand so the Chair can designate?

Is the gentleman from Washington (Mr. Bonker) opposed to the amendment?

MR. [DON] BONKER [of Washington]: I advise the Chair that I oppose the amendment.

THE CHAIRMAN: Then the Chair will recognize the gentleman from Washington (Mr. Bonker) for 30 minutes in opposition to the Dellums amendment.

Does the gentleman from Washington wish to yield any of his time or share any of his time?

MR. BONKER: Mr. Chairman, I would yield half the allotted time, 15 minutes, to the gentleman from Michigan (Mr. Siljander).

THE CHAIRMAN: The time in opposition will be equally divided between the gentleman from Washington (Mr. Bonker) and the gentleman from Michigan (Mr. Siljander). . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, do I understand that the process that has just taken place has given the minority side one-quarter of the time.

THE CHAIRMAN: The Chair would counsel the gentleman from Pennsylvania in regard to his inquiry that the rule provides that a Member will be recognized in opposition. The gentleman from Washington (Mr. Bonker) was recognized in opposition, and he shared his time with your side.

MR. WALKER: In other words, the minority, though, was not recognized for the purposes of opposition. Is that correct?

THE CHAIRMAN: The Chair would state that the procedures of the House are governed by its rules, but more importantly in this instance, by the rule adopted by the House as reported from the Committee.

Manager's Right To Make Essential Motion

§ 24.7 The Speaker recognized the manager of a special rule, pending when a recess had been declared to await the copy of an engrossed bill, to withdraw the special rule from consideration.

On Apr. 8, 1964,[18] the House was considering a special rule (H.

16. 132 CONG. REC. 14275, 14276, 99th Cong. 2d Sess.

17. Bob Traxler (Mich.).

18. 110 CONG. REC. 7302–04, 88th Cong. 2d Sess.

Res. 665), offered by Mr. Richard Bolling, of Missouri, from the Committee on Rules, providing for taking a bill from the Speaker's table and agreeing to Senate amendments thereto. Before a vote was had on the resolution, Speaker John W. McCormack, of Massachusetts, declared a recess pending the receipt of an engrossed bill, H.R. 10222, the Food Stamp Act of 1964. When the House reconvened, the Speaker announced that the unfinished business was the reading of the latter bill. Mr. Oliver P. Bolton, of Ohio, made a parliamentary inquiry as to the status of the resolution pending at the recess and the Speaker, without responding to the inquiry, recognized Mr. Bolling, the manager of the resolution, who then withdrew the resolution from consideration. In answer to further parliamentary inquiries, the Speaker stated that the withdrawal of the resolution terminated the reason for the parliamentary inquiry.

Parliamentarian's Note: The rules no longer permit a Member to demand the reading of an engrossed bill.

Manager's Right To Withdraw Resolution; Effect on Debate

§ 24.8 A Member calling up a privileged resolution from the Committee on Rules is recognized for a full hour notwithstanding the fact that as manager he has previously called up the resolution and withdrawn it after debate.

On Apr. 8, 1964,[19] Mr. Richard Bolling, of Missouri, called up at the direction of the Committee on Rules House Resolution 665, making in order the consideration of a bill. As noted above (§ 24.7, supra), Mr. Bolling withdrew this resolution in order that the engrossed copy of a bill could be taken up as unfinished business. In response to a parliamentary inquiry, the Speaker, John W. McCormack, of Massachusetts, stated that when the Committee on Rules resolution was again brought up, the Member calling it up would be recognized for a full hour despite the fact that it had already been brought up and withdrawn:

> MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, in view of the withdrawal of the resolution by the gentleman from Missouri [Mr. Bolling] do I understand that we start all over again on the consideration of the rule for the wheat-cotton bill?
>
> THE SPEAKER: When the gentleman calls it up, the understanding of the gentleman is correct.

19. 110 CONG. REC. 7303–08, 88th Cong. 2d Sess.

MR. HALLECK: We will start all over again with 30 minutes on a side?

THE SPEAKER: That is correct.

Manager's Right To Offer and Debate Amendments

§ 24.9 Recognition to offer amendments is first extended to the manager of a bill, and the fact that the Committee of the Whole has just completed consideration of one amendment offered by the manager does not preclude his being recognized to offer another.

On Apr. 6, 1967,[20] Robert W. Kastenmeier, of Wisconsin, was the Member in charge of H.R. 2512, being considered for amendment in the Committee of the Whole. Mr. Kastenmeier had offered an amendment, which was adopted by the Committee. He then immediately offered another amendment. Mr. Byron G. Rogers, of Colorado, made a point of order against recognition for that purpose, and Chairman John H. Dent, of Pennsylvania, overruled the point of order:

MR. ROGERS of Colorado: The gentleman from Wisconsin just offered an amendment, and certainly I as a member of the committee ought to have the privilege of offering an amendment.

THE CHAIRMAN: The gentleman from Wisconsin is manager of the bill. The Chair recognizes the gentleman from Wisconsin.

§ 24.10 In the Committee of the Whole, the Member in charge of the bill may speak again on an amendment where debate under the five-minute rule is limited (and the remaining time is allocated by the Chair).

On June 25, 1952,[1] during consideration of amendments to a bill in the Committee of the Whole, a motion was agreed to to close debate on a pending amendment and all amendments thereto at a certain time. Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry as to the right to be recognized, under the limitation, of the Member in charge of the bill:

MR. [CLARE E.] HOFFMAN of Michigan: Under this limitation is the chairman of the committee, who has already spoken once on this amendment, entitled to be heard again under the rule?

THE CHAIRMAN: The chairman of the committee could rise in opposition to a pro forma amendment and be recognized again.

MR. HOFFMAN of Michigan: Under the limitation?

THE CHAIRMAN: Yes; under the limitation.

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20. 113 CONG. REC. 8617, 8618, 90th Cong. 1st Sess.

1. 98 CONG. REC. 8028, 82d Cong. 2d Sess.

Extension of Debate Time

§ 24.11 Although the manager of a bill has control of time for general debate in the Committee of the Whole, he may not consume more than one hour except by unanimous consent.

For example, on June 22, 1958,[2] Mr. Clarence Cannon, of Missouri, was in control of time for debate on an appropriation bill. Chairman James J. Delaney, of New York, advised him that he had consumed one hour. When Mr. Cannon indicated he needed more time, the Chairman asked whether there was objection to Mr. Cannon's proceeding for one additional minute. Mr. Donald W. Nicholson, of Massachusetts, objected to the request.

Likewise, on Mar. 6, 1962,[3] Mr. J. Vaughan Gary, of Virginia, was in control of time for general debate on an appropriation bill. When Chairman W. Homer Thornberry, of Texas, advised him that he had consumed one hour of his time, he asked and was given permission by unanimous consent to proceed for five additional minutes.[4]

Yielding Time to Self

§ 24.12 Under the five-minute rule in the Committee of the Whole the Member handling a bill has preference in recognition for debate but the power of recognition remains with the Chair and the Member cannot "yield" himself time for debate.

On Mar. 26, 1965,[5] Adam C. Powell, of New York, was the Member in charge of debate on H.R. 2362, the Elementary and Secondary Education Act of 1965, which was being considered for amendment under the five-minute rule in the Committee of the Whole. Mr. Powell arose and stated "I yield myself 5 minutes." Chairman Richard Bolling, of Missouri, stated as follows:

> The gentleman cannot yield himself 5 minutes. The Chair assumes he moves to strike out the last word.

Mr. Melvin R. Laird, of Wisconsin, objected that Mr. Powell had not moved to strike out the last word, and so moved himself. The Chairman first recognized Mr. Powell for the pro forma amendment, as manager of the bill and chairman on the Committee on Education and Labor.

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2. 104 CONG. REC. 14647, 85th Cong. 2d Sess.

3. 108 CONG. REC. 3484–89, 87th Cong. 2d Sess.

4. See also 115 CONG. REC. 21174–78, 91st Cong. 1st Sess., July 29, 1969; and 111 CONG. REC. 26258, 89th Cong. 1st Sess., Oct. 7, 1965.

5. 111 CONG. REC. 6113, 89th Cong. 1st Sess.

Manager Allotting Time to Others; Effect on Allotted Time Where Manager Loses Floor

§ 24.13 A Member in control as manager of the time for debate under the hour rule may allot portions of his time to other Members; but if he loses the floor (by yielding for an amendment), Members who have been promised time by him also lose the right of recognition.

On Nov. 29, 1967,[6] Mr. William R. Anderson, of Tennessee, called up by direction of the Committee on Rules House Resolution 960, authorizing travel by members of the Committee on Education and Labor for investigatory purposes. Mr. Anderson yielded to Mr. Durward G. Hall, of Missouri, to offer an amendment, thereby surrendering control of the resolution to Mr. Hall. When Speaker Pro Tempore Carl Albert, of Oklahoma, stated that the question was on the resolution, a parliamentary inquiry was raised:

MR. [H. ALLEN] SMITH of California: Mr. Speaker, a parliamentary inquiry.

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

MR. SMITH of California: I was yielded 30 minutes a while ago by the gentleman from Tennessee [Mr. Anderson]. Do I not have that time?

THE SPEAKER PRO TEMPORE: When the gentleman from Tennessee [Mr. Anderson] yielded to the gentleman from Missouri [Mr. Hall] for the purpose of offering an amendment, he surrendered all his time, and the Chair so informed the gentleman from Tennessee.

MR. SMITH of California: If the gentleman has agreed to yield 30 minutes to me, I lose it?

THE SPEAKER PRO TEMPORE: When the gentleman yielded for the purpose of amendment.

Motion To Postpone

§ 24.14 A motion to postpone further consideration of a privileged resolution (to censure a Member) may be offered before the manager of the resolution has been recognized for debate, and is debatable for one hour controlled by the Member offering the motion.

On May 29, 1980,[7] the following proceedings occurred in the House:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, by direction of the Committee on Standards of Official Conduct, I call up a privileged resolution (H. Res. 660) in the matter of Rep-

6. 113 CONG. REC. 34136–38, 90th Cong. 1st Sess.

7. 126 CONG. REC. 12649, 12650, 96th Cong. 2d Sess.

resentative Charles H. Wilson, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 660

Resolved,

(1) That Representative Charles H. Wilson be censured; . . .

(4) That the House of Representatives adopt the report of the Committee on Standards of Official Conduct dated May 8, 1980, in the matter of Representative Charles H. Wilson.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rousselot moves to postpone further consideration of House Resolution 660 until June 10, 1980.

THE SPEAKER:[8] The Chair recognizes the gentleman from California (Mr. Rousselot) for 1 hour.

Manager's Discretion as to Motion To Rise

§ 24.15 The motion that the Committee of the Whole rise (thereby cutting off debate) is within the discretion of the Member handling the bill before the Committee.

On June 16, 1948,[9] Mr. Walter G. Andrews, of New York, was handling the consideration of H.R. 6401 in the Committee of the Whole. He moved that the Committee rise, and Chairman Francis H. Case, of South Dakota, ruled that the motion was within Mr. Andrews' discretion:

MR. ANDREWS of New York: Mr. Chairman, in view of the fact that two or three Members who have time are not here, I move that the Committee do now rise.

THE CHAIRMAN: The question is on the motion offered by the gentleman from New York [Mr. Andrews].

MR. [GEORGE A.] SMATHERS [of Florida]: Mr. Chairman, I would like to be heard on that.

THE CHAIRMAN: That is not a debatable motion. It is always within the discretion of the gentleman handling the bill to move that the Committee rise.

Manager's Discretion in Moving To Close Debate

§ 24.16 During five-minute debate in the Committee of the Whole, the Member managing the bill is entitled to prior recognition to move to close debate on a pending amendment, over other Members who desire to debate the amendment or to offer amendments thereto.

On Nov. 25, 1970,[10] the Committee of the Whole was conducting five-minute debate on H.R. 19504, which was being han-

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

9. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

10. 116 CONG. REC. 38990, 91st Cong. 2d Sess.

dled by Mr. John C. Kluczynski, of Illinois. Mr. Kluczynski was recognized by Chairman Chet Holifield, of California, to move that all debate on the pending amendment immediately close. The motion was adopted; Mr. Jonathan B. Bingham, of New York, attempted to offer an amendment and Mr. Andrew Jacobs, Jr., of Indiana, attempted to debate the amendment on which debate had been closed. The Chairman stated:

> The Chair had not recognized the gentleman from New York or the gentleman from Indiana. The Chair had recognized the gentleman from Illinois (Mr. Kluczynski). The gentleman from Indiana misunderstood the Chair had recognized him. The Chair had to recognize the gentleman from Illinois as the chairman of the subcommittee.

Closing Debate

§ 24.17 The proponents of a bill before the House have the right to conclude debate thereon.

On Nov. 13, 1941,[11] the House discussed the division of time for debate on a pending bill; Speaker Pro Tempore Jere Cooper, of Tennessee, stated in response to a parliamentary inquiry that the proponents of a bill had the right to close debate:

> MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, we have two speakers on our side in opposition to this important measure. I am informed there are two speakers on the other side. I recognize, of course, that the chairman of the Committee on Foreign Affairs has the right to close the debate, but I insist on the right of the minority that the opposition should be given the next to the last speech on this important measure.
>
> My inquiry is, if I have not correctly stated the situation?
>
> THE SPEAKER PRO TEMPORE: The Chair will state in response to the parliamentary inquiry that under the rules of the House the gentleman from New York [Mr. Bloom], chairman of the committee in charge of the bill, is entitled to close the debate. With reference to recognition of Members prior to close of debate, of course, that is under the control of the gentleman in charge of the time.
>
> MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a further parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.
>
> MR. MICHENER: With all due respect to the Speaker pro tempore, may I call his attention to the fact that if his ruling is construed literally it will permit the chairman of the committee controlling the time——
>
> MR. [SOL] BLOOM [of New York]: Mr. Speaker, I shall yield to the gentleman from New York, and will put on a speaker, then he can put on a speaker.
>
> MR. MICHENER: May I finish my parliamentary inquiry?
>
> THE SPEAKER PRO TEMPORE: The gentleman is entitled to complete his parliamentary inquiry.
>
> MR. MICHENER: Reverting to my question before I was interrupted by

11. 87 CONG. REC. 8880, 8881, 77th Cong. 1st Sess.

the gentleman from New York: If the chairman of the committee controlling the time is permitted to close the debate and is not limited to one speaker in closing the debate, would it not be possible for such a chairman to open the debate, for instance, and then compel the opposition to use all of its time before the proponent used any more time?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. MICHENER: That right to close debate means one speech. If it meant two, it might mean three, and if it meant three it might mean four. It might be within the power of the proponents of any bill to compel the other side to put on all their speakers, then wind up with only the speeches of the proponents. Such a precedent should not be set. Am I correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct in the statement that the proponents of the bill have the right to close debate. That has been the holding of the Chair and it is in line with an unbroken line of precedents of the House. The Chair has no way of knowing how many different Members the gentlemen in charge of the time on the two sides may desire to yield time to. The Chair holds that the proponents of the bill are entitled to close debate.[12]

§ 24.18 The manager of a bill in the Committee of the Whole, and not the proponent of the pending amendment, is entitled to close debate on the amendment.

On July 9, 1965,[13] the Committee of the Whole was considering H.R. 6400, the Voting Rights Act of 1965, under the terms of a unanimous-consent agreement providing two hours' debate on an amendment, to be divided and controlled by Chairman Emanuel Celler, of New York, and the ranking minority member, Mr. William M. McCulloch, of Ohio, of the Committee on the Judiciary, which had reported the bill. Chairman Richard Bolling, of Missouri, ruled that Mr. Celler, as manager of the bill, and not Mr. McCulloch, the proponent of the pending amendment, had the right to close debate on the amendment:

MR. CELLER: Mr. Chairman, may I ask how much time remains on this side?

THE CHAIRMAN: The gentleman from New York has 4 minutes remaining and the gentleman from Ohio 1 minute.

MR. CELLER: Mr. Chairman, will the gentleman from Ohio yield me 1 minute he has remaining so that we can close debate on this side?

MR. MCCULLOCH: Mr. Chairman, a parliamentary inquiry.

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12. See also § 7.13, supra (while the Member who demands a second on a motion to suspend the rules is recognized for 20 minutes of debate, it is customary for the Speaker to recognize the Member making the motion to conclude the debate).

13. 111 CONG. REC. 16228, 89th Cong. 1st Sess.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. MCCULLOCH: Mr. Chairman, since the debate at this time is on the substitute amendment, pursuant to the rule, would not the privilege of closing debate come to this side of the aisle?

THE CHAIRMAN: The closing of debate, the Chair will inform the gentleman from Ohio, would be in the hands of the manager of the bill.

§ 24.19 The manager of a bill is entitled to close general debate, and the minority Member controlling one-half the time must consume it or yield it back prior to closing of debate.

On Mar. 2, 1976,[14] the Committee of the Whole having under consideration H.R. 10760 (Black Lung Benefits Reform Act of 1976), the following exchange occurred:

MR. [JOHN H.] DENT [of Pennsylvania]: Mr. Chairman, does the gentleman from Illinois have any further requests for time?

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, I have no further requests for time and reserve the balance of my time.

MR. DENT: Mr. Chairman, I yield myself the balance of the time remaining, which is around 3 minutes, I think.

THE CHAIRMAN PRO TEMPORE:[15] The gentleman from Pennsylvania [manager of the bill] is recognized for 4 minutes.

The Chair will ask now whether the gentleman from Illinois (Mr. Erlenborn) yields back the balance of his time?

MR. ERLENBORN: Is that required, Mr. Chairman? I said I would reserve the balance of my time.

THE CHAIRMAN PRO TEMPORE: The gentleman from Pennsylvania is entitled to close the debate.

MR. ERLENBORN: Well, I do not intend to upstage the gentleman. I do not intend to use my time. If the gentleman is finished and has no further time, then I will yield back the balance of my time.

THE CHAIRMAN PRO TEMPORE: The gentleman from Pennsylvania has 4 minutes.

§ 24.20 The manager from the committee reporting a bill has the right to close debate on an amendment under the five-minute rule, and not the sponsor of the amendment.

On July 29, 1982,[16] during consideration of H.R. 6030 (military procurement authorization for fiscal year 1983) in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding the conclusion of debate, as follows:

MR. [EDWARD J.] MARKEY [of Massachusetts]: Mr. Chairman, I have a parliamentary inquiry.

14. 122 CONG. REC. 4979, 94th Cong. 2d Sess.

15. Jim Lloyd (Calif.).

16. 128 CONG. REC. 18582, 97th Cong. 2d Sess.

THE CHAIRMAN:[17] The gentleman will state it.

MR. MARKEY: Mr. Chairman, is it not my right as the maker of the amendment to make the concluding statement on the pending amendment?

THE CHAIRMAN: The Committee has the right to close.

Moving Previous Question

§ 24.21 The Member calling up a proposition in the House may move the previous question and cut off further debate.

On Jan. 4, 1965,[18] at the convening of the 89th Congress and before the adoption of rules, Mr. Carl Albert, of Oklahoma, offered a resolution and, after some debate, moved the previous question:

MR. ALBERT: Mr. Speaker, I offer a resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 2

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from New York, Mr. Richard L. Ottinger.

MR. ALBERT: Mr. Speaker, again this is a resolution involving a Member whose certificate of election in due form is on file in the Office of the Clerk. I ask for the adoption of the resolution.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. ALBERT: I yield for a parliamentary inquiry.

MR. CLEVELAND: If this resolution is adopted, will it be impossible for me to offer my own resolution pertaining to the same subject matter, either as an amendment or a substitute?

THE SPEAKER:[19] If the resolution is agreed to, it will not be in order for the gentleman to offer a substitute resolution or an amendment, particularly if the previous question is ordered.

MR. CLEVELAND: Is it now in order, Mr. Speaker?

THE SPEAKER: Not unless the gentleman from Oklahoma yields to the gentleman for that purpose.

MR. CLEVELAND: Mr. Speaker, will the gentleman yield?

MR. ALBERT: The gentleman from Oklahoma does not yield for that purpose.

MR. CLEVELAND: Mr. Speaker, a parliamentary inquiry. Will there be any opportunity to discuss the merits of this case prior to a vote on the resolution offered by the gentleman from Oklahoma?

THE SPEAKER: The gentleman from Oklahoma has control over the time. Not unless the gentleman from Oklahoma yields for that purpose.

MR. CLEVELAND: Will the gentleman from Oklahoma yield for that purpose?

MR. ALBERT: Mr. Speaker, I yield for a question and a very brief statement. I do not yield for a speech.

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17. Les AuCoin (Oreg.).

18. 111 CONG. REC. 20, 89th Cong. 1st Sess.

19. John W. McCormack (Mass.).

MR. CLEVELAND: May I inquire if the gentleman will yield so that I may ask for unanimous consent that certain remarks of mine pertaining to this matter be incorporated in the Record?

MR. ALBERT: No. Mr. Speaker, I move the previous question.

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

THE SPEAKER: Does the gentleman from Oklahoma yield to the gentleman from Mississippi for the purpose of submitting a parliamentary inquiry?

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

THE SPEAKER: The question is on the motion.

The previous question was ordered.

The resolution was agreed to.

On Mar. 11, 1941,[20] the House was considering House Resolution 131 under the terms of a unanimous-consent request providing for two hours of debate and dividing control of debate between Mr. Sol Bloom, of New York, and Mr. Hamilton Fish, Jr., of New York. Mr. Bloom moved the previous question prior to the expiration of the two hours' time, and Mr. Martin J. Kennedy, of New York, objected on the ground that the unanimous-consent agreement was not being complied with in that the previous question had been demanded prematurely. Speaker Sam Rayburn, of Texas, ruled that the previous question could be moved at any time in the discretion of the Members controlling debate on the resolution.

§ 24.22 A Member calling up a bill or joint resolution in the House pursuant to a special order controls one hour of debate thereon and may offer an amendment thereto and move the previous question on the amendment and on the bill or joint resolution.

On Nov. 3, 1977,[1] the proceedings relating to consideration of House Joint Resolution 643 (continuing appropriations) in the House were as follows:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 643) making further continuing appropriations for the fiscal year 1978, and for other purposes. . . .

The Clerk read the joint resolution, as follows:

H.J. RES. 643

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or

20. 87 CONG. REC. 2177, 2178, 77th Cong. 1st Sess.

1. 123 CONG. REC. 36970, 36971, 95th Cong. 1st Sess.

other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1978, namely:

Sec. 101. Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1977, and for which appropriations, funds, or other authority would be available in the District of Columbia Appropriations Act, 1978 (H.R. 9005) as passed the House of Representatives or the Senate. . . .

THE SPEAKER:[2] The gentleman from Texas (Mr. Mahon) is recognized for 1 hour.

MR. MAHON: Mr. Speaker, Members need to understand what our problem is at the moment. In view of the fact that final action has not been taken on the District of Columbia appropriation bill and on the Labor-Health, Education, and Welfare bill, we have to have a continuing resolution. . . .

Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mahon: On page 2, line 6, strike the period and insert the following: ": *Provided further*, That the rate of operations for the Disaster Loan Fund of the Small Business Administration contained in said Act shall be the rate as passed the Senate. . . .

MR. MAHON: It is absolutely urgent that we find a way to get this continuing resolution acted upon by the Congress tomorrow, since we cannot do it tonight. It is imperative that we get through the Congress a continuing resolution on tomorrow and send it to the President. Otherwise, there will be some very serious problems.

Mr. Speaker, I move the previous question on the amendment and the joint resolution to final passage.

The previous question was ordered.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

—Previous Question as Terminating Debate Time Previously Yielded

§ 24.23 The Member recognized to control one hour of debate in the House may, by moving the previous question, terminate utilization of debate time he has previously yielded to the minority.

On Mar. 9, 1977,[3] it was demonstrated that a Member calling up a privileged resolution in the House may move the previous question at any time, notwithstanding his prior allocation of debate time to another Member:

THE SPEAKER:[4] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), for the minority, pending which I yield myself 5 minutes. . . .

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

3. 123 CONG. REC. 6816, 95th Cong. 1st Sess.

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

Mr. Speaker, the other amendment that the gentleman offers proposes to give the House the opportunity to vote up or down in a certain period of time regulations proposed by the select committee. What that does, and it really demonstrates an almost total lack of understanding of the rules, is to upgrade regulations into rules. The Members of the House will have the opportunity to deal with all laws and rules. That is provided in the resolution. . . .

Mr. Speaker, I move the previous question on the resolution. . . .

MR. [JOHN B.] ANDERSON of Illinois: I have time remaining. Do I not have a right to respond to the gentleman from Missouri?

THE SPEAKER: Not if the previous question has been moved, and it has been moved.

MR. ANDERSON of Illinois: Even though the gentleman mentioned my name and made numerous references to me for the last 10 minutes?

THE SPEAKER: The Chair is aware of that.

The question is on ordering the previous question.

Bill Called Up in House by Unanimous Consent

§ 24.24 Where the House has agreed to consider in the House a bill called up by unanimous consent, the Member calling up the bill is recognized for one hour, and amendments may not be offered by other Members unless the Member in charge yields for that purpose.

On Oct. 5, 1962,[5] Mr. Francis E. Walter, of Pennsylvania, obtained unanimous consent for the consideration of a bill, but before he began speaking, Mr. Arch A. Moore, Jr., of West Virginia, a minority Member, offered an amendment. After Mr. Walter was recognized to control the time (one hour) on the bill, Speaker John W. McCormack, of Massachusetts, asked Mr. Walter whether he was willing to accept the amendment, and Mr. Walter answered in the affirmative.

§ 24.25 When a bill is called up by unanimous consent for consideration in the House, the Member making the request is recognized for one hour.

On Mar. 12, 1963,[6] Mr. Emanuel Celler, of New York, asked unanimous consent for the immediate consideration in the House of private bill H.R. 4374, to proclaim Sir Winston Churchill an honorary citizen of the United States. Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the control and time for debate:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, under what circumstances

5. 108 CONG. REC. 22606–09, 87th Cong. 2d Sess.

6. 109 CONG. REC. 3993, 88th Cong. 1st Sess.

will this resolution be considered? Will there be any time for discussion of the resolution, if unanimous consent is given?

THE SPEAKER: In response to the parliamentary inquiry of the gentleman from Iowa, if consent is granted for the present consideration of the bill, the gentleman from New York [Mr. Celler] will be recognized for 1 hour and the gentleman from New York may yield to such Members as he desires to yield to before moving the previous question.

MR. GROSS: Mr. Speaker, further reserving the right to object, is some time to be allocated to this side of the aisle?

MR. CELLER: I intend to allocate half of the time to the other side.

MR. GROSS: Mr. Speaker, I withdraw my reservation of objection.

Member Calling Up Privileged Resolution

§ 24.26 A Member recognized to call up a privileged resolution by direction of the Committee on Rules controls one hour of debate thereon and may offer one or more amendments thereto, and unanimous consent is not required for such purpose.

The proceedings of July 29, 1977,[7] relating to House consideration of House Resolution 727 (providing for consideration of H.R. 8444, the National Energy Act of 1977) were as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 727 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 727

Resolved, That upon the adoption of this resolution it shall be in order to move . . . that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8444) to establish a comprehensive national energy policy. . . .

THE SPEAKER:[8] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. BOLLING: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), and pending that, I yield myself such time as I may consume.

Mr. Speaker, I am soon going to ask unanimous consent to correct some errors in language. . . .

Mr. Speaker, I ask unanimous consent that on page 4, line 7, to strike "July 28" and insert "July 29".

THE SPEAKER: Is there objection to the request of the gentleman from Missouri?

MR. [CLIFFORD R.] ALLEN [of Tennessee]: Mr. Speaker, I object. . . .

MR. BOLLING: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

7. 123 CONG. REC. 25653–55, 25663, 25664, 95th Cong. 1st Sess.

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

Amendment offered by Mr. Bolling: On page 4, line 7, strike out July 28 and insert July 29.

THE SPEAKER: The question is on the amendment offered by the gentleman from Missouri (Mr. Bolling).

The amendment was agreed to. . . .

MR. [GARRY] BROWN of Michigan: . . . Mr. Speaker, what was the order of business at the time the gentleman offered the amendment to the rule?...

I was not sure whether or not the Chair had decided to take up the rule at that time because the gentleman's unanimous-consent request was made after we started consideration of the rule. Is that correct?

THE SPEAKER: The rule is pending at the present time. The gentleman has asked unanimous consent for a couple of technical amendments, which the gentleman from Tennessee (Mr. Allen) objected to.

The gentleman from Missouri then offered an amendment, which he has authority to do as manager of the resolution and the House has agreed to the first of those.

§ 24.27 The Member calling up a privileged resolution from the Committee on Rules controls one hour of debate in the House, and the resolution is not subject to amendment unless the Member in charge yields for that purpose.

On Feb. 26, 1976,[9] the following proceedings occurred in the House relative to calling up a resolution from the Committee on Rules:

MR. [CLAUDE] PEPPER [of Florida]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 868 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 868

Resolved, That Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"7. It shall not be in order to consider any report of a committee unless copies or reproductions of such report have been available to the Members on the floor for at least two hours before the beginning of such consideration. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:[10] The gentleman will state it.

MR. BAUMAN: Mr. Speaker, this resolution is to be considered in the House which would preclude an amendment from being offered by any Member.

THE SPEAKER: It is a rule that comes from the Committee on Rules. It is under the charge of the gentleman handling the resolution.

MR. BAUMAN: So unless the gentleman yields for the purpose of an amendment, none would be in order?

THE SPEAKER: The gentleman is correct.

MR. BAUMAN: Mr. Speaker, what unanimous-consent request might be entertained in order to allow amend-

9. 122 CONG. REC. 4625, 4626, 94th Cong. 2d Sess.

10. Carl Albert (Okla.).

ments to be offered generally? Would it be a request to consider it in the House as in the Committee of the Whole?

THE SPEAKER: No. The gentleman from Florida controls the floor under the 1-hour rule in the House because this is a change in the rules brought to the floor by the Committee on Rules as privileged. Rules changes can be considered in the House.

Member Offering Privileged Resolution Prior to Adoption of Rules

§ 24.28 Prior to the adoption of the rules, a Member offering a privileged resolution on the seating of a Member-elect is entitled to one hour of debate.

On Jan. 10, 1967, prior to the adoption of rules, Mr. Morris K. Udall, of Arizona, offered as privileged House Resolution 1, authorizing the Speaker to administer the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Speaker John W. McCormack, of Massachusetts, ruled that Mr. Udall was entitled to recognition for one hour.[11]

11. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

For the privilege and disposition of resolutions before the adoption of rules, see Ch. 1, supra.

Limitation on Amendment—Chair May Allocate Time Between Proponent and Opponent

§ 24.29 The Chair has discretion to allocate time under a limitation on an amendment between the proponent and an opponent thereof, to be yielded by them.

On Aug. 5, 1982,[12] the Committee of the Whole had under consideration House Joint Resolution 521 (nuclear freeze amendment), when the following exchange occurred:

MR. [ALBERT A.] GORE [Jr., of Tennessee]: Mr. Chairman, I ask unanimous consent that debate on all of the perfecting amendments to the resolution end at 6:30 p.m., and that debate on the Broomfield substitute be limited to 1 hour, a half hour allocated to each side. . . .

THE CHAIRMAN:[13] The Chair will state the unanimous-consent request as understood by the Chair.

The gentleman from Tennessee has asked unanimous consent that all debate on perfecting amendments to the resolution cease at 6:30 and that thereafter there will be 1 hour of debate on the Broomfield substitute and all amendments thereto, the time to be equally divided.

Is there objection to the request of the gentleman from Tennessee?

12. 128 CONG. REC. 17758, 97th Cong. 2d Sess.

13. Matthew F. McHugh (N.Y.).

There was no objection. . . .

The Chair will inquire if there are other perfecting amendments to the resolution.

If not, under the previous agreement, by unanimous consent, the gentleman from Michigan (Mr. Broomfield) will be afforded the opportunity to offer his amendment in the nature of a substitute.

There will be an hour of debate on that substitute and all amendments thereto. The time will be equally divided between the gentleman from Wisconsin (Mr. Zablocki) and the gentleman from Michigan (Mr. Broomfield).

Five-minute Debate May Not Be Reserved

§ 24.30 The Member recognized for five minutes in support of her motion to recommit with instructions must use or yield back all of that time, and may not reserve a portion thereof.

On June 26, 1981,[14] during consideration of H.R. 3982, the Omnibus Budget Reconciliation Act, in the House, the following exchange occurred:

MRS. [CLAUDINE] SCHNEIDER [of Rhode Island]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[15] Is the gentlewoman opposed to the bill?

MRS. SCHNEIDER: I am, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Mrs. Schneider moves to recommit the bill, H.R. 3982, to the Committee on the Budget with instructions to report the bill back forthwith with the following amendments: . . .

THE SPEAKER: The gentlewoman from Rhode Island (Mrs. Schneider) is recognized for 5 minutes. . . .

MRS. SCHNEIDER: Mr. Speaker, I reserve the balance of my time.

THE SPEAKER: The Chair will state that the gentlewoman from Rhode Island (Mrs. Schneider) cannot reserve her time. She must use all of it now.

MRS. SCHNEIDER: Mr. Speaker, I yield back the balance of my time.

THE SPEAKER: The gentlewoman from Rhode Island (Mrs. Schneider) has yielded back her time.

Remaining Time Allocated Between Proponents of Two Amendments; Manager Closes

§ 24.31 Where debate in Committee of the Whole on a pending amendment and amendment thereto has been limited to a time certain, the Chair may in his discretion allocate the remaining time between the proponents of the two amendments, one of whom being the manager of the bill, has the right to close debate.

The following proceedings occurred in the Committee of the

14. 127 CONG. REC. 14740, 14792, 97th Cong. 1st Sess.

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

Whole on Mar. 16, 1983,[16] during consideration of House Joint Resolution 13 (nuclear freeze resolution):

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendment and amendment thereto end at 9:15 p.m.[17]

THE CHAIRMAN:[18] The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki). . . .

So the motion was agreed to. . . .

THE CHAIRMAN: Under the motion just agreed to, debate has been limited to 9:15. The Chair will exercise discretion and apportion the remaining time.

The Chair will recognize the gentleman from Wisconsin (Mr. Zablocki) for 3 minutes, and the gentleman from New York (Mr. Stratton) for 3 minutes. Each of those gentlemen may apportion their 3 minutes as they wish. . . .

The Chair will inquire, does the gentleman from Wisconsin (Mr. Zablocki) wish to exercise his right to allot time?

MR. ZABLOCKI: The gentleman from Wisconsin reserves his time. I reserve the balance of my time.

THE CHAIRMAN: The gentleman from Wisconsin has the right to terminate debate.

Unallocated Time

§ 24.32 Where by unanimous consent debate on a pending amendment in Committee of the Whole has been equally divided between the proponent and an opponent of the amendment, those Members control all the remaining time and the Chair does not divide the time among Members standing.

During consideration of the military procurement authorization for fiscal year 1983 (H.R. 6030) in the Committee of the Whole on July 21, 1982,[19] the Chair responded to inquiries regarding recognition for debate time. The proceedings were as follows:

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I asked the gentleman to yield for a unanimous-consent request. After consultation with the gentleman from Washington (Mr. Dicks) and with Members on our side, I would like to ask unanimous consent that we agree to vote on the Dicks amendment and all amendments thereto at 7 o'clock, with 1 hour of debate to be controlled by the gentleman from Washington and 1 hour of debate to be controlled by the Member from New York representing the committee.

THE CHAIRMAN PRO TEMPORE:[20] The request is for 2 hours of debate time equally divided between the gentleman from Washington (Mr. Dicks) and the gentleman from New York (Mr. Stratton)?

MR. STRATTON: That is correct.

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16. 129 CONG. REC. 5792, 5793, 98th Cong. 1st Sess.

17. Mr. Zablocki was the manager of the bill and the proponent of the amendment to the amendment.

18. Matthew F. McHugh (N.Y.).

19. 128 CONG. REC. 17345, 97th Cong. 2d Sess.

20. Les AuCoin (Oreg.).

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from New York?

There was no objection.

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

[I]f time is to be controlled by the gentleman from Washington and by myself, is it required that those who wish to participate should stand at this time?

THE CHAIRMAN PRO TEMPORE: The recognition of Members is totally at the discretion of the managers of the time.

MR. [ROBERT E.] BADHAM [of California]: Mr. Chairman, I have a parliamentary inquiry. . . .

Am I given to understand that on this side we have no time; we are not able to have any time? . . .

[T]he gentleman from Washington has 1 hour and the gentleman from New York has 1 hour. I was inquiring as to what time this side had.

THE CHAIRMAN PRO TEMPORE: Under the unanimous-consent request the gentleman from Washington (Mr. Dicks) is recognized for 1 hour, and under the same unanimous-consent request the gentleman from New York (Mr. Stratton) is recognized for 1 hour.

Both managers of time may yield to members of the minority or members of the majority.

Amendment Offered for Which Time Was Not Allocated

§ 24.33 By unanimous consent, the Committee of the Whole agreed at the beginning of general debate to limit and divide control of time for debate on any amendments to be offered by designated Members to certain paragraphs (or to amendments thereto); and where total time for debate on any amendments to be offered by two Members had been limited and control in favor thereof given to one of those Members by unanimous consent, time consumed on the first amendment offered was deducted from the total time and a third Member offering an amendment was required to obtain debate time from the Member in control.

The following proceedings occurred in the Committee of the Whole on July 23, 1981,[1] during consideration of the energy and water development appropriation bill (H.R. 4144):

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I ask unanimous consent that the debate on the amendments by the gentleman from Washington (Mr. Pritchard) and the gentleman from Pennsylvania (Mr. Edgar) in title I to the paragraph entitled "Construction, General" on page 2, be limited to 2 hours, one-half of the time to be controlled equally by the gentleman from Washington and one-half by myself.

THE CHAIRMAN:[2] Is there objection to the request of the gentleman from Alabama?

1. 127 CONG. REC. 16983, 16997, 16998, 17014, 97th Cong. 1st Sess.
2. Anthony C. Beilenson (Calif.).

There was no objection. . . .

MR. [JOHN T.] MYERS [of Indiana]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Myers: On page 3, line 1, strike out "$1,509,941,000" and insert in lieu thereof "$1,518,941,000". . . .

MR. [JOEL] PRITCHARD [of Washington]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Pritchard to the amendment offered by Mr. Myers: In the proposed amendment strike the sum "$1,518,941,000" and insert "$1,320,941,000". . . .

THE CHAIRMAN: The Chair would remind the Members, if the gentleman would suspend, that the gentleman from Washington, under the unanimous-consent agreement, has 55 minutes remaining under his control of the time on this particular amendment or on any subsequent amendment he or the gentleman from Pennsylvania (Mr. Edgar) may offer to the pending paragraph.

The gentleman from Alabama has 60 minutes remaining under his control of time on this or such subsequent amendment.

The Chair now recognizes the gentleman from Washington (Mr. Pritchard) for such further time as he may consume. . . .

MR. [BOB] EDGAR [of Pennsylvania]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Edgar to the amendment offered by Mr. Myers: In the Myers amendment, strike out "$1,518,941,000" and insert in lieu thereof "$1,429,941,000".

THE CHAIRMAN: The Chair should point out that under the unanimous-consent agreement, there are 11 minutes remaining under the control of the gentleman from Washington (Mr. Pritchard), and there are 4 minutes remaining under the control of the gentleman from Alabama (Mr. Bevill).

The Chair now recognizes the gentleman from Washington (Mr. Pritchard) to yield such time as he desires.

MR. PRITCHARD: Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Edgar).

Division of Time on Disciplinary Resolution

§ 24.34 The manager of a disciplinary resolution divided his one hour of debate equally among himself, the ranking minority member of the committee, and the Member charged.

On Dec. 18, 1987,[3] after calling up a privileged resolution (H. Res. 335) for consideration in the House, the manager of the resolution divided his one hour of debate time, as indicated below:

> MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I call up a privileged reoslution (H. Res. 335) in the matter of Representative Austin J. Murphy, and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:

3. 133 CONG. REC. 36266, 100th Cong. 1st Sess.

H. RES. 335

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated December 16, 1987, in the matter of Representative Austin J. Murphy of Pennsylvania.

THE SPEAKER PRO TEMPORE:[4] The gentleman from California [Mr. Dixon] is recognized for 1 hour. . . .

MR. DIXON: Mr. Speaker, I yield 20 minutes to the gentleman from Indiana [Mr. Myers], 20 minutes to the gentleman from Pennsylvania, Mr. Austin J. Murphy, and I will retain 20 minutes for myself. I wish to state that the yielding of such time is for purposes of debate only.

Appropriation Bills—Control Where Time Not Fixed

§ 24.35 When the House resolves itself into the Committee of the Whole for the consideration of an appropriation bill without fixing the time for general debate by unanimous consent, the majority Member first recognized is entitled to an hour and may yield such portions of that time as he desires, and after that hour, a minority Member may be recognized for an hour.

On Mar. 24, 1947,[5] Mr. Frank B. Keefe, of Wisconsin, moved that the House resolve itself into the Committee of the Whole for the consideration of H.R. 2700, an appropriation bill. He proposed a unanimous-consent agreement for time for general debate on the bill, and Mr. John J. Rooney, of New York, objected to the request.

Speaker Joseph W. Martin, Jr., of Massachusetts, then answered a parliamentary inquiry on recognition and time for debate in the Committee of the Whole, where the time and control of debate had not been fixed:

MR. KEEFE: Mr. Speaker, do I understand that on the adoption of the motion to go into the Committee of the Whole House on the State of the Union that there will be 1 hour for general debate for each side?

THE SPEAKER: Under the rule, whoever is first recognized is entitled to 1 hour and, of course, the Member can yield such portions of that time as he wishes. . . .

MR. ROONEY: Mr. Speaker, is it understood that the minority is to have an equal division of the time for debate this afternoon?

THE SPEAKER: After the first hour has been used by the majority, the minority then can have 1 hour under the rule.[6]

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4. Dave McCurdy (Okla.).

5. 93 CONG. REC. 2464, 2465, 80th Cong. 1st Sess.

6. Since appropriation bills reported by the Committee on Appropriations are privileged for consideration (see Rule XI clause 4(a), *House Rules and Manual* § 726 [1995]), they are normally considered without a special order from the Committee on Rules. See, generally, Ch. 25, supra.

—*Debate Controlled by Three Members*

§ 24.36 On one occasion, time in general debate on an appropriation bill in the Committee of the Whole was controlled by three Members: the chairman of the Committee on Appropriations and the chairman and ranking minority member of the Appropriations Subcommittee on the Department of the Interior and Related Agencies.

On Feb. 18, 1958,[7] Mr. Michael J. Kirwan, of Ohio, made a unanimous-consent request on the control of time for debate on an appropriation bill:

> Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10746) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1959, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, 1 hour to be controlled by the gentleman from Missouri [Mr. Cannon] and 1 hour to be equally divided and controlled by the gentleman from Iowa [Mr. Jensen] and myself.
>
> THE SPEAKER:[8] Is there objection to the request of the gentleman from Ohio?
>
> There was no objection.

Parliamentarian's Note: Mr. Kirwan was the chairman of the Subcommittee on Appropriations for the Department of the Interior and Related Agencies; Mr. Ben F. Jensen, of Iowa, was the ranking minority member of that subcommittee; and Clarence Cannon, of Missouri, was the chairman of the full Committee on Appropriations.

—*Legislative Provisions*

§ 24.37 The Chairman ruled that while members of the Committee on Appropriations are ordinarily entitled to recognition in debate on a general appropriation bill, where a rule was adopted waiving points of order against legislative provisions in the bill, recognition under the five-minute rule would be divided between members of the committee and other Members interested in the bill.

On Mar. 5 and 6, 1941,[9] the Committee of the Whole was considering H.R. 3737, a general appropriation bill, pursuant to House Resolution 126, waiving all points of order against the bill.

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7. 104 CONG. REC. 2298, 85th Cong. 2d Sess.

8. Sam Rayburn (Tex.).

9. 87 CONG. REC. 1846, 1921, 1922, 77th Cong. 1st Sess.

The Committee discussed and Chairman John E. Rankin, of Mississippi, ruled on the procedure for distribution of time, which departed from normal practice:

> The gentleman from Georgia [Mr. Pace] has been seeking recognition. The Chair realizes that this is an appropriation bill, and that ordinarily members of that committee would be entitled to preference, but under the rule adopted yesterday we made this part of it a legislative bill by making certain legislation in order. The Chair is going to divide the time between the members of the Appropriations Committee and the other Members of the House who are vitally interested in this proposition. . . .
>
> The Chair may say to the gentleman from Missouri [Mr. Cannon] that there is no written rule on this subject, but within the last two or three decades appropriations have been taken away from other committees and concentrated in the hands of one committee. The Chair is not speaking any more with reference to the Committee on Appropriations than any other committee. It is perfectly fair for a committee to have charge of general debate and probably debate under the 5-minute rule to a large extent, but the Chair does not think it is fair—especially under conditions such as we have here, where a rule has been adopted making legislation that ordinarily comes from the Committee on Agriculture and from other committees of the House in order on the bill—the Chair does think it fair to the rest of the membership of the House to recognize members of the Committee on Appropriations under the 5-minute rule to the exclusion of the other Members of the House.
>
> So far as the present occupant of the chair individually is concerned, if the time should come when that matter is presented, the Chair might go a step further and apply it to all measures coming before the House and considered under the 5-minute rule. If we are going to have legislation by the entire Congress we will have to come to that decision ultimately.

Parliamentarian's Note: The Chairman indicated that his ruling on recognition and distribution of time on the appropriation bill was not to be taken as a precedent, differing as it did from normal practice.

—*Unanimous-consent Agreement*

§ 24.38 In the consideration of a general appropriation bill, containing all the annual appropriations for the various agencies of the government, it was agreed by unanimous consent that: (1) general debate would run without limit to be equally divided between the chairman and the ranking minority member of the Committee on Appropriations; (2) following the reading of the first chapter of the bill for amendment, not to exceed two hours' gen-

eral debate would be had before the reading of each subsequent chapter, one-half to be controlled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter (to be followed by operation of the five-minute rule on each chapter).

On Apr. 3, 1950,[10] the House was considering H.R. 7786 (the general appropriation bill for 1951). Clarence Cannon, of Missouri, Chairman of the Committee on Appropriations, made the following unanimous-consent request on the control of time for debate, which was agreed to by the House:

> Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7786) making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes; and pending that I ask unanimous consent that time for general debate be equally divided, one-half to be controlled by the gentleman from New York [Mr. Taber] and one-half by myself; that debate be confined to the bill; and that following the reading of the first chapter of the bill, not to exceed 2 hours general debate be had before the reading of each subsequent chapter, one-half to be controlled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter.

—*Amendments to Appropriation Bill: General Priorities*

§ 24.39 On one occasion, the Chairman of the Committee of the Whole announced that in recognizing Members under the five-minute rule for amendments to an appropriation bill, he would alternate recognition between the majority and minority sides of the aisle and would follow these priorities: first, members of the subcommittee handling the bill; second, members of the full Committee on Appropriations; and finally, other Members of the House.

On July 30, 1969,[11] Chairman Chet Holifield, of California, made an announcement on the order of recognition during consideration under the five-minute rule of H.R. 13111, appropriations for the Departments of Labor and Health, Education, and Welfare:

> The Chair might state, under the procedures of the House, he is trying to recognize first members of the subcommittee on appropriations handling

10. 96 Cong. Rec. 4614, 4615, 81st Cong. 2d Sess.

11. 115 Cong. Rec. 21420, 91st Cong. 1st Sess.

the bill and second general members of the Committee on Appropriations. It is his intention to go back and forth to each side of the aisle to recognize Members who have been standing and seeking recognition the longest. The gentlewoman from Hawaii sought recognition all yesterday afternoon, and the Chair was unable to recognize her because of the procedures of the House, having to recognize Members on both sides of the aisle who are members of the committee. I wish the Members to know that the Chair will recognize them under the normal procedures.

Parliamentarian's Note: Normally subcommittee membership does not accord a priority in recognition, full committee seniority being the determining factor.

Motion To Instruct Conferees

§ 24.40 Under a former practice, a Member recognized to offer a motion to instruct conferees managed its consideration under the hour-rule and was not required to divide the hour or to yield time for debate.

The following proceedings occurred in the House on June 15, 1988,[12] during consideration of a motion to instruct conferees on H.R. 3051, the Airline Passenger Protection Act:

MR. [E. CLAY] SHAW [Jr., of Florida]: Mr. Speaker, pursuant to rule XXVIII, clause 1(b), I offer a privileged motion.

THE SPEAKER PRO TEMPORE:[13] The Clerk will report the motion.

The Clerk read as follows:

Mr. Shaw moves that the managers on the part of the House at the conference on H.R. 3051 and the Senate amendments thereto be instructed to agree to section 4 of the Senate amendment. . . .

MR. SHAW: Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the motion.

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

THE SPEAKER PRO TEMPORE: The gentleman from Florida will withhold the motion for the previous question.

The gentleman from Texas will state his parliamentary inquiry.

MR. GONZALEZ: Mr. Speaker, at this point, is it not still the rule that an allotted time be permitted to this side of the House inasmuch as the privileged resolution entitles the author of the resolution to 1 hour? I understood the rules provide for some opportunity to discuss this.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman from Texas that the gentleman from Florida may, if he wishes, yield time, but he is not required under the rule to divide the time or to yield.

Parliamentarian's Note: The debate on a motion to instruct is now divided according to Rule XXVIII clause (1)(b), *House Rules and Manual* § 909a (1995).

12. 134 CONG. REC. 14621, 100th Cong. 2d Sess.

13. Thomas S. Foley (Wash.).

Control of Debate on Conference Report

§ 24.41 Pursuant to Rule XXVIII, clause 2(a) (as amended in the 92d Congress, 1st Session), one hour of debate, equally divided and controlled by the majority and minority parties, is permitted on a conference report.

On Jan. 19, 1972,[14] Mr. Wayne L. Hays, of Ohio, called up the conference report on S. 382, Federal Elections Campaign Act of 1972. Speaker Carl Albert, of Oklahoma, stated in response to a parliamentary inquiry that the total time for debate on the report was limited to one hour, "30 minutes to each side" (the majority and minority). Mr. Hays controlled 30 minutes of debate and Mr. William Springer, of Illinois, controlled the 30 minutes of debate for the minority.

Parliamentarian's Note: Prior to the 1971 revision of clause 2 of Rule XXVIII, a conference report was debatable under the hour rule, with the entire time under the control of the Member calling up the report. See, for example, the statement of Speaker Sam Rayburn, on June 23, 1959,[15] that Mr. Albert Rains, of Alabama, would control one hour of debate on a conference report he had called up.

In the 99th Congress, the pertinent rule governing conference report debate [Rule XXVIII, clause (b)(1)] was amended to provide for a three-way division of the hour. If both the majority and minority are in favor of the report, a Member opposed is entitled to 20 minutes.

Amendments in Disagreement

§ 24.42 Following rejection of a conference report, debate on a motion to dispose of the Senate amendment in disagreement is equally divided between the majority and minority (under the rationale contained in Rule XXVIII clause 2(b) for division of time on a motion to dispose of an amendment reported from conference in disagreement); and, the Member recognized to offer the motion controls the floor and may move the previous question on his motion.

During consideration of the conference report on H.R. 5262 (relating to international financial

14. 118 CONG. REC. 319–24, 92d Cong. 2d Sess.

15. 105 CONG. REC. 11599, 86th Cong. 1st Sess. See also 115 CONG. REC. 40451, 91st Cong. 1st Sess., Dec. 20, 1969.

institutions) in the House on Sept. 16, 1977,[16] the following occurred:

So the conference report was rejected.

The result of the vote was announced as above recorded.

MR. [TOM] HARKIN [of Iowa]: Madam Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Harkin moves that the House recede from its disagreement to the amendment of the Senate to the text of the bill (H.R. 5262) to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Funds, and for other purposes, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

THE SPEAKER PRO TEMPORE:[17] The gentleman from Iowa (Mr. Harkin) will be recognized for 30 minutes in support of his motion, and the gentleman from Ohio (Mr. Stanton) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa (Mr. Harkin). . . .

MR. HARKIN: Madam Speaker, I move the previous question on the preferential motion.

The previous question was ordered.

THE SPEAKER PRO TEMPORE: The question is on the preferential motion offered by the gentleman from Iowa (Mr. Harkin).

The preferential motion was agreed to.

§ 24.43 The stage of disagreement having been reached on a Senate amendment to a House amendment to a Senate amendment to a House bill, the motion to concur in the Senate amendment takes precedence over a motion to disagree and request a conference, but the Member offering the preferential motion does not thereby obtain control of the time which is controlled by the manager of the bill and is equally divided between the majority and minority.

On Oct. 13, 1977,[18] the House had under consideration H.R. 7555 (Departments of Labor and Health, Education, and Welfare appropriation bill for fiscal 1978) when the following proceedings occurred:

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other pur-

16. 123 CONG. REC. 29597, 29599, 29601, 95th Cong. 1st Sess.

17. Barbara Jordan (Tex.).

18. 123 CONG. REC. 33688, 33689, 33693, 95th Cong. 1st Sess.

poses, with a Senate amendment to the House amendment to Senate amendment numbered 82, disagree to the amendment of the Senate, and request a conference with the Senate on the disagreeing votes of the two Houses.

The Clerk read the title of the bill.

THE SPEAKER:[19] The Clerk will report the motion.

The Clerk read as follows:

MOTION OFFERED BY MR. FLOOD

Mr. Flood moves to take from the Speaker's table the bill H.R. 7555, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, with a Senate amendment to the House amendment to Senate amendment numbered 82, disagree to the amendment of the Senate, and request a conference with the Senate on the disagreeing votes of the two Houses.

MR. [NEWTON I.] STEERS [Jr., of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Steers of Maryland moves that the House concur in the Senate Amendment to the House Amendment to the Senate Amendment No. 82.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) is in control of the time, and the gentleman is recognized for 30 minutes.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RHODES: Mr. Speaker, since the gentleman from Maryland (Mr. Steers) made the motion which is being considered by the House, does the gentleman from Maryland not have control of the time?

THE SPEAKER: In response to the parliamentary inquiry, the preferential motion made by the gentleman from Maryland (Mr. Steers) does not take the time from the gentleman from Pennsylvania, the chairman of the committee, who previously had the time under his original motion. The motion was in order. The vote will come first on the preferential motion.

The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

§ 24.44 While the manager of a conference report controls the majority time on all motions with respect to an amendment in disagreement where he has offered an initial motion and sought recognition to control time for debate, he does not necessarily control the majority time on a motion to concur with an amendment offered after the House has voted to recede (a motion to recede and concur having been divided), if: (1) the manager's original motion was to insist, which has been preempted by adoption of the motion to recede, and (2) the manager did not seek recognition to control debate time on the

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

motion to recede and concur when it was offered, but allowed the Chair to immediately put the question on receding; in such case, the proponent of the preferential motion to concur with an amendment may be recognized to control one-half the time and a Member of the other party one-half the time under the hour rule as required by Rule XXVIII, clause 2(b).

The following proceedings occurred in the House on Oct. 1, 1982,[20] during consideration of House Joint Resolution 599 (continuing appropriations for fiscal year 1983):

THE SPEAKER PRO TEMPORE:[1] The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 83: Page 19, after line 2, insert:

Sec. 151. (a) Section 4109 of title 5, United States Code is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding subsection (a)(1) of this section, the Administrator, Federal Aviation Administration, may pay an individual training to be an air traffic controller . . . at the applicable rate of basic pay for the hours of training officially ordered or approved in excess of forty hours in an administrative workweek.". . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House insist on its disagreement to the amendment of the Senate numbered 83.

MR. [LAWRENCE] COUGHLIN [of Pennsylvania]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Coughlin moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein.

MR. [WILLIAM D.] FORD of Michigan: Mr. Speaker, I demand a division of the question.

THE SPEAKER PRO TEMPORE: The question will be divided.

The Chair will state that the gentleman from Mississippi (Mr. Whitten) has the time. Does the gentleman wish to use his time for debate now?

MR. WHITTEN: Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Coughlin).

THE SPEAKER PRO TEMPORE: If the gentleman from Mississippi does not seek to control debate time, the Chair will put the question on receding.

The question is, will the House recede from its disagreement to Senate amendment No. 83?

The House receded from its disagreement to Senate amendment No. 83.

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman from Michigan (Mr. Ford) seek recognition?

MR. FORD of Michigan: Mr. Speaker, I offer a preferential motion.

20. 128 CONG. REC. 27295–97, 97th Cong. 2d Sess.

1. Norman Y. Mineta (Calif.).

The Clerk read as follows:

Mr. Ford moves that the House concur in Senate amendment numbered 83 with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: . . .

THE SPEAKER PRO TEMPORE: Since the House has receded, the gentleman from Mississippi's original motion has been preempted and he did not seek to control time therefore the gentleman from Michigan (Mr. Ford) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Coughlin) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. Ford).

Concur in Senate Amendment

§ 24.45 A Member making a unanimous-consent request to concur in Senate amendments is not entitled to recognition to control debate on the request; another Member who reserved the right to object to the request should be recognized.

The following proceedings occurred in the House on Oct. 11, 1984,[2] during consideration of H.R. 5386 (payment rates for routine home care and other services included in hospice rates). The chairman of the Committee on Ways and Means asked unanimous consent to take the House bill with the Senate amendment from the Speaker's table and concur in the amendment.

Mr. Conable, the ranking member, reserved the right to object, but before entertaining the reservation, the Speaker Pro Tempore[3] directed the reading of the Senate amendment.

The Clerk proceeded to read as follows:

Amendment: Page 2, after line 14, insert:

"PUBLIC PENSION OFFSET PROVISIONS."

MR. [DAN] ROSTENKOWSKI [of Illinois] (during the reading): Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois (Mr. Rostenkowski) is recognized.

MR. ROSTENKOWSKI: Mr. Speaker, H.R. 5386 passed the House of Representatives unanimously on October 1, 1984. . . .

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, under what procedure is the chairman now proceeding? Has he been recognized for a specific period of time? . . .

THE SPEAKER PRO TEMPORE: The gentleman from Illinois asked unani-

2. 130 CONG. REC. 32304, 32305, 98th Cong. 2d Sess.

3. Frank Harrison (Pa.).

mous consent to have the Senate amendment considered as read and printed in the Record. The Chair put the unanimous-consent request and at that point heard no reservation and in error recognized the gentleman from Illinois but the Chair should recognize the gentleman from New York under his reservation to the original request.

§ 24.46 A motion to concur in a Senate amendment to a House amendment to a Senate amendment to a House measure, the stage of disagreement having been reached, is debatable for one hour equally divided between the majority and minority parties.

The proceedings of Nov. 6, 1985,[4] illustrate the principle that a motion to concur in a Senate amendment to a House amendment to a Senate amendment to a House measure, the stage of disagreement having been reached, is debatable for one hour equally divided between majority and minority parties (pursuant to rule XXVIII, clause 2).[5] This precedent in effect overrules that of Jan. 27, 1976,[6] which had indicated that the Member offering a preferential motion controls the entire hour where the amendment is not reported from conference in disagreement. The proceedings of Nov. 6, 1985, relating to House Joint Resolution 372, to increase the public debt limit, were as follows:

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 372) entitled "Joint resolution increasing the statutory limit on the public debt."

The message also announced that the Senate concurs in first House amendment to Senate amendment No. 1.

The message also announced that the Senate concurs in second House amendment to Senate amendment No. 1, with an amendment.

The message also announced that the Senate concurs in House amendment to Senate amendment No. 2, with an amendment.

MR. [RICHARD A.] GEPHARDT [of Missouri]: Mr. Speaker, I ask unanimous consent that when the House considers the Senate amendments to the House amendments to the Senate amendments to House Joint Resolution 372, it first consider motions to dispose of the Senate amendment to the House amendment to Senate amendment No. 2.

THE SPEAKER:[7] Is there objection to the request of the gentleman from Missouri?

4. 131 CONG. REC. 30852, 30853, 30863, 30864, 99th Cong. 1st Sess.

5. *House Rules and Manual* § 912a et seq. (1995).

6. See 122 CONG. REC. 1035–1057, 94th Cong. 2d Sess. (conference report on H.R. 9861).

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

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. MACK

MR. [CONNIE] MACK [III, of Florida]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Mack moves to take from the Speaker's table House Joint Resolution 372, with the Senate amendment to the House amendment to Senate amendment No. 2 and to concur in the Senate amendment as follows:
>
> Senate amendment to House amendment to Senate amendment No. 2.
>
> In lieu of the matter proposed to be inserted by the amendment of the House of Representatives, insert:
>
> TITLE II—DEFICIT REDUCTION PROCEDURES
>
> SEC. 201. SHORT TITLE AND TABLE OF CONTENTS.
>
> (a) Short Title.—This title may be cited as the "Balanced Budget and Emergency Deficit Control Act of 1985". . . .

THE SPEAKER: The gentleman from Florida (Mr. Mack) will be recognized for 30 minutes and the gentleman from Missouri (Mr. Gephardt) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. Mack). . . .

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

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. MACK: Mr. Speaker, the purpose of my question is to find out whether the gentleman from Missouri (Mr. Gephardt) has 30 minutes, as I do, or do I control the hour?

THE SPEAKER: The gentleman from Florida (Mr. Mack) has 30 minutes, and the gentleman from Missouri (Mr. Gephardt) has 30 minutes.

Parliamentarian's Note: The motion in this instance, to concur in a Senate amendment to a House amendment to a Senate amendment to a House measure, the stage of disagreement having been reached, is preferential to a motion to disagree and request a conference. When the above message was received from the Senate, the Speaker was obliged to recognize Mr. Mack, a minority member with the most preferential motion to dispose of the Senate amendment to the House amendment to the Senate amendment, although he could have first recognized Mr. Gephardt, to move to disagree and request a conference, subject to recognition of Mr. Mack with an immediate preferential motion to concur.

§ 24.47 Debate on a motion to dispose of an amendment reported from conference in disagreement is equally divided between the majority and minority parties under Rule XXVIII clause 2(b), and where the manager of the conference report making the motion does not immediately seek recognition for debate, the Chair neverthe-

less allocates 30 minutes to him and may recognize a minority Member at that time for 30 minutes.

The House having under consideration the bill H.R. 7797 (relating to foreign assistance appropriations for fiscal year 1978) on Oct. 18, 1977,[8] the following proceedings occurred:

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Long of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"Sec. 503C. Of the funds appropriated or made available pursuant to this Act, not more than $18,100,000 shall be used for military assistance, not more than $1,850,000 shall be used for foreign military credit sales, and not more than $700,000 shall be used for international military education and training to the Government of the Philippines.". . .

THE SPEAKER PRO TEMPORE:[9] . . . Does the gentleman from Maryland (Mr. Long) seek recognition?

MR. LONG of Maryland: Mr. Speaker, I do not, at this time.

THE SPEAKER PRO TEMPORE: Does the gentleman from Florida (Mr. Young) desire to be recognized.

MR. [C. W.] YOUNG of Florida: Mr. Speaker, I do.

THE SPEAKER PRO TEMPORE: The gentleman from Maryland (Mr. Long) and the gentleman from Florida (Mr. Young) will be recognized for 30 minutes each.

§ 24.48 Prior to the amendment to Rule XXVIII, clause 2(b) in the 92d Congress (providing that debate on an amendment in disagreement be divided between the majority and minority parties), debate on an amendment reported from conference in disagreement was under the hour rule and the Member calling up the conference report was in control of the debate on motions disposing of each amendment.

On Aug. 1, 1962,[10] Mr. John E. Fogarty, of Rhode Island, called up a conference report with Senate amendments in disagreement. During consideration of the amendment, Speaker Pro Tempore Carl Albert, of Oklahoma, answered a parliamentary inquiry put by Mr. H. R. Gross, of Iowa:

MR. GROSS: Is the gentleman from Rhode Island [Mr. Fogarty] going to explain any of these amendments?

THE SPEAKER PRO TEMPORE: That is within the discretion of the gentleman.

8. 123 CONG. REC. 34112, 95th Cong. 1st Sess.

9. William H. Natcher (Ky.).

10. 108 CONG. REC. 15294, 87th Cong. 2d Sess.

MR. GROSS: A further parliamentary inquiry. Does not the gentleman have an hour on each of these amendments?

THE SPEAKER PRO TEMPORE: The gentleman has if he desires to use it.[11]

Parliamentarian's Note: House Resolution 1153, which was adopted on Oct. 13, 1972, 92d Cong. 2d Sess., to become effective at the end of the 92d Congress, amended Rule XXVIII by requiring that debate on amendments reported from conference in disagreement be equally divided and controlled by the majority and minority parties.

§ 24.49 As each amendment in disagreement between the House and Senate is reported, the Chair recognizes the Member handling the conference report to offer a motion relating to that amendment; and even though another Member offers a preferential motion relating to that amendment which is considered by the House, the Member offering the initial motion remains in control of the debate under the hour rule.

On Oct. 24, 1967,[12] Mr. Joseph L. Evins, of Tennessee, was handling a conference report being considered by the House on H.R. 9960, the independent offices appropriation for fiscal 1968. As each amendment in disagreement was reported, Speaker John W. McCormack, of Massachusetts, recognized Mr. Evins to make a motion in regard to that amendment. On amendments 58 and 59, Mr. Evins moved that the House insist on its disagreement. Mr. Robert N. Giaimo, of Connecticut, then made the preferential motion that the House recede and concur in those amendments. The House rejected Mr. Giaimo's motion and the Speaker again recognized Mr. Evins as the Member in control of the report.

Parliamentarian's Note: Pursuant to Rule XXVIII, clause 2(b), as amended in the 92d and 99th Congresses, the hour of debate would under current practice be divided and controlled by the majority (the Member calling up the report) and the minority, and, perhaps, by a Member opposed, if both the majority and minority are in agreement.

§ 24.50 Where the proponent of a motion to recede and con-

11. See also 108 CONG. REC. 23432–43, 87th Cong. 2d Sess., Oct. 12, 1962.

For a discussion of propositions and motions considered under the hour rule, see § 68, infra.

12. 113 CONG. REC. 29837, 29838, 29842, 90th Cong. 1st Sess.

cur in a Senate amendment failed to seek recognition to debate the motion, the Chair recognized the Member handling the conference report (no other motion being pending).

On May 14, 1963,[13] the House was considering a conference report and Senate amendments in disagreement, called up and managed by Mr. Albert Thomas, of Texas. Mr. Robert R. Barry, of New York, offered a preferential motion that the House recede and concur in a certain amendment in disagreement. A division of the question was demanded and Speaker John W. McCormack, of Massachusetts, stated that the question was on receding from disagreement.

Mr. Thomas then raised a parliamentary inquiry:

> Mr. Speaker, is it in order for the chairman of the House conferees to make a short statement at this time on it?

The Speaker answered that the motion was debatable, and since Mr. Barry did not seek recognition, the Speaker recognized Mr. Thomas on the motion. In answer to a parliamentary inquiry by Mr. Barry, the proponent of the motion, the Speaker stated that Mr. Thomas had control of time on the motion since he had been recognized.

Parliamentarian's Note: In this case, Mr. Thomas had offered an initial motion (to recede and concur with an amendment) which was ruled out of order. Usually, the manager will offer an initial motion which remains pending if a preferential motion is offered, and the manager controls the majority time on the preferential motion.

§ 25. Distribution and Alternation

The distribution and alternation of time for debate, where time is equally divided or where consideration is proceeding under the five-minute rule, is governed not only by certain rules but by the principles of comity and courtesy between the majority and minority.[14]

The Chair may alternate recognition between those favoring and opposing the pending proposition where sides are ascertainable;[15] similarly, where a propo-

13. 109 CONG. REC. 8506, 88th Cong. 1st Sess.

14. See §§ 25.26 et seq., infra, for cases where the rules require the division of time.

15. See §§ 25.4, 25.7, 25.21, 25.22, infra. For the principle of alternation, see *House Rules and Manual* § 756 (1995).

sition is considered pursuant to the terms of a special rule, the rule equally divides control of debate between the majority and minority sides of the aisle.[16] And when the special rule itself, reported by the Committee on Rules, is being considered, the Committee on Rules traditionally divides time for debate on the resolution between the majority and minority sides of the aisle by the manager of the resolution yielding half the time for debate.

Cross References

Division of time on motions, see Ch. 23, supra.

Motion to allocate time under limitation on five-minute debate not in order, see § 22, supra.

Yielding time, see §§ 29, 31, infra.

In Committee of the Whole

§ 25.1 During general debate on District of Columbia business in Committee of the Whole after the manager of the bill has consumed his hour of debate and where debate has not been limited, the Chair alternates in recognizing between those for and against the pending legislation, giving preference to members of the Committee on the District of Columbia.

On Apr. 11, 1932,[17] Chairman Thomas L. Blanton, of Texas, answered a parliamentary inquiry on recognition in the Committee of the Whole during general debate on a District of Columbia bill:

> MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Chairman, when the Committee on the District of Columbia has the call and the Committee of the Whole House on the state of the Union is considering legislation, is it necessary, in gaining recognition, that a Member has to be in opposition to the bill or is any Member whatsoever entitled to one hour's time for general debate?
>
> THE CHAIRMAN: From the Chair's experience, gained through having been a member of this committee for over 10 years, he will state that where a bill is called up for general debate on District day in the Committee of the Whole House on the state of the Union, and the chairman of the committee has yielded the floor, a member of the committee opposed to the bill is entitled to recognition over any other member opposed to the bill, and it was the duty of the Chair to ascertain whether there were any members of the committee opposed to the bill who would be entitled to prior recognition. The Chair, having ascertained there were no members of the committee opposed to the bill, took pleasure, under the direction of the gentleman from Wisconsin, in recognizing the gentleman from Mississippi.

16. See § 28, infra.

17. 75 CONG. REC. 7990, 72d Cong. 1st Sess.

§ 25.2 On resolutions disapproving reorganization plans and on motions to discharge a committee from further consideration of such resolutions, debate was equally divided and controlled by those favoring and those opposing the resolution, pursuant to the Reorganization Act of 1949.

On July 19, 1961,[18] Mr. Dante B. Fascell, of Florida, called up House Resolution 328, disapproving Reorganization Plan No. 5, transmitted to the Congress by the President. Unanimous consent was given that debate on the resolution in the Committee of the Whole be equally divided and controlled by Mr. Fascell, the proponent of the resolution, and Mr. Clare E. Hoffman, of Michigan, the ranking minority member of the Committee on Government Operations, the reporting committee.

On Aug. 3, 1961,[19] Mr. H. R. Gross, of Iowa, moved to discharge the Committee on Government Operations from the further consideration of House Resolution 335, disapproving a reorganization plan. After Mr. Gross assured Speaker Sam Rayburn, of Texas, that he qualified to make the motion since he was in favor of the resolution, the Speaker recognized him to open debate and to control 30 minutes, and recognized a Member in opposition to the motion to discharge to control the following 30 minutes. Mr. Gross was recognized to close debate on the motion.

Parliamentarian's Note: The Reorganization Act of 1949, Public Law No. 81–109, provided that debate on a resolution disapproving a reorganization plan and debate on a motion to discharge such a resolution be equally divided and controlled between those favoring the resolution and those opposing it.[20]

Under Special Rules

§ 25.3 Where, under a special rule, general debate is di-

18. 107 Cong. Rec. 12905, 12906, 12932 (two separate requests), 87th Cong. 1st Sess.

19. *Id.* at pp. 14548, 14554.

20. 63 Stat. 207, §§ 204(b), 205(b). The statute was enacted as an exercise of the rule-making power of the House and Senate, with full recognition of the constitutional right of either House to change such rules at any time. Similar statutes divide debate between those favoring and those opposing approval or disapproval resolutions. For discussion of other statutes prescribing procedures as an exercise of the rule-making power of the House and Senate, see *House Rules and Manual* § 1013 (1995).

vided and controlled by two committees, the Chair may permit the chairman of the primary committee involved to reserve a portion of his allotted time to close general debate, while recognizing the chairman of the other committee to utilize his time.

During consideration of the Intergovernmental Emergency Assistance Act (H.R. 10481) in the Committee of the Whole on Dec. 2, 1975,[1] the proceedings described above occurred as follows:

THE CHAIRMAN:[2] Pursuant to the rule, general debate will continue for not to exceed 3 hours, 2 hours to be equally divided and controlled between the chairman and ranking minority member of the Committee on Banking, Currency and Housing, and 1 hour to be equally divided and controlled between the chairman and ranking minority member of the Committee on Ways and Means.

Under the rule, the gentleman from Ohio [Mr. Ashley, chairman of the Committee on Banking, Currency, and Housing] will be recognized for 1 hour; the gentleman from Connecticut (Mr. McKinney) will be recognized for 1 hour; the gentleman from Oregon (Mr. Ullman) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Schneebeli) will be recognized for 30 minutes. . . .

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, I have no further requests for time and I reserve the balance of my time.

THE CHAIRMAN: Under the rule, the gentleman from Oregon (Mr. Ullman) is recognized for 30 minutes, and the gentleman from New York (Mr. Conable) is recognized for 30 minutes.

[Mr. [Al] Ullman [of Oregon] addressed the Committee.]

MR. ASHLEY: Mr. Chairman, I yield myself 2 minutes to close debate.

§ 25.4 Where a special rule divided the control of general debate on a bill among the chairmen and ranking minority members of two standing committees, the Chairman indicated that he would alternate recognition among all four of the members controlling the time.

On Sept. 28, 1976,[3] during consideration of the Public Disclosure of Lobbying Act of 1976 (H.R. 15) in the Committee of the Whole, the following exchange occurred:

THE CHAIRMAN:[4] Under the rule, the gentleman from Alabama (Mr. Flowers) will be recognized for 1 hour, the gentleman from California (Mr. Moorhead) will be recognized for 1 hour, the gentleman from Florida (Mr. Bennett) will be recognized for 1 hour, and the gentleman from South Caro-

1. 121 CONG. REC. 38141, 38166, 38174, 94th Cong. 1st Sess.
2. James G. O'Hara (Mich.).
3. 122 CONG. REC. 33044, 94th Cong. 2d Sess.
4. Richard Bolling (Mo.).

lina (Mr. Spence) will be recognized for 1 hour.

The Chair recognizes the gentleman from Alabama (Mr. Flowers).

MR. [WALTER] FLOWERS [of Alabama]: Mr. Chairman, may I inquire of the Chair if it is the Chairman's intention to alternate among the Members who have control of the time or at least loosely alternate among the Members who have control of the time?

THE CHAIRMAN: The Chair will inform the gentleman from Alabama (Mr. Flowers) that the Chair will attempt to alternate among all four of the gentlemen who have control of the time.

§ 25.5 Where a special rule provides separate control of general debate time among the chairmen and ranking minority members of two committees, but does not specify the order of recognition, the Chair may in his discretion either alternate recognition among the four Members or permit the primary committee to first utilize most of its time and then permit the manager of the bill to close general debate after the sequential committee uses its time.

During consideration of the Fair Practices in Automotive Products Act (H.R. 5133) in the Committee of the Whole on Dec. 10, 1982,[5] the following proceedings occurred:

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5133) to establish domestic content requirements for motor vehicles sold in the United States, and for other purposes.

THE SPEAKER:[6] The question is on the motion offered by the gentleman from New Jersey (Mr. Florio).

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5133, with Mr. Panetta in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN:[7] Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. Florio) will be recognized for 30 minutes, the gentleman from North Carolina (Mr. Broyhill) will be recognized for 30 minutes, the gentleman from Florida (Mr. Gibbons) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. Frenzel) will be recognized for 30 minutes.

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I have a parliamentary inquiry. . . .

I wish to inquire as to whether the time will run concurrently or whether one committee goes first and the second committee follows.

5. 128 CONG. REC. 29982, 29984, 29985, 97th Cong. 2d Sess.

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

7. Leon E. Panetta (Calif.).

THE CHAIRMAN: The Chair would interpret the rule to allow each of the respective Members to allot their time respectively without any kind of a pattern, so it could be done interchangeably. . . .

The Chair would advise the Members that although the time could be used interchangeably that it is the will of those controlling the time that the gentleman from New Jersey (Mr. Florio) and the gentleman from North Carolina (Mr. Broyhill) use their time first and then the gentleman from Florida (Mr. Gibbons) and the gentleman from Minnesota (Mr. Frenzel).

MR. FLORIO: On that point, Mr. Chairman, it would be my hope to reserve some time to be in a position to take part in the concluding portion of the 2 hours' debate.

THE CHAIRMAN: The gentleman is free to do that. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, am I correct in my understanding that the rule provides that the time may be used alternatively by the several persons who control this time?

THE CHAIRMAN: The rule does permit that, the Chair would advise the gentleman, but it does not provide for any necessary order.

MR. DINGELL: And as the Chair advises, there is no necessary order. It can be used interchangeably, and so forth.

THE CHAIRMAN: That is correct.

§ 25.6 Where a special rule limiting debate on an amendment under the five-minute rule requires the time thereon to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, the Chair has discretion in determining which Member to control the time in opposition, and may recognize the majority chairman of the subcommittee with jurisdiction over the subject matter of an amendment which has been offered by a member of the minority, over the ranking minority member of the full committee managing the bill, to control the time in opposition under the principle of alternation of recognition.

On Sept. 24, 1984,[8] the Committee of the Whole had under consideration House Joint Resolution 648 (continuing appropriations) when an amendment was offered as indicated below:

MR. [HANK] BROWN of Colorado: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[9] The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Brown of Colorado: Page 2, line 24, strike out the period at the end of section 101(b) and insert in lieu thereof the following: ": *Provided*, That 2 percent of the aggregate amount of new

8. 130 CONG. REC. 26769, 26770, 98th Cong. 2d Sess.

9. George E. Brown, Jr. (Calif.).

budget authority provided for in each of the first three titles of H.R. 6237 shall be withheld from obligation . . . .

THE CHAIRMAN: Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Colorado (Mr. Brown) will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Colorado (Mr. Brown). . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I rise in opposition to the amendment.

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN: The Chair is required to choose between these two distinguished gentlemen and would prefer to alternate the parties in this case.

The Chair will recognize the gentleman from Maryland (Mr. Long). The gentleman from Maryland is recognized for 15 minutes in opposition to the amendment.

Five-minute Rule

§ 25.7 In the Committee of the Whole, during consideration of an appropriation bill under the five-minute rule, the Chairman customarily alternates recognition between the majority and minority sides of the aisle and in so doing may extend prior recognition first to members of the relevant subcommittee then to members of the full committee and then to Members who have been on their feet seeking recognition.

On July 30, 1969,[10] Chairman Chet Holifield, of California, made an announcement on the order of recognition during consideration under the five-minute rule of H.R. 13111, appropriations for the Health, Education, and Welfare and Labor Departments:

The Chair might state, under the procedures of the House, he is trying to recognize first members of the subcommittee on appropriations handling the bill and second general members of the Committee on Appropriations. It is his intention to go back and forth to each side of the aisle to recognize Members who have been standing and seeking recognition the longest. . . .

§ 25.8 Where the Committee of the Whole has, by motion, agreed to limit all debate on a section and all amendments thereto, the Chair generally divides the time equally among those who indicate, by standing when the motion is made, that they desire recognition; but the matter of recognition is largely within the discretion of the Chair and he may continue to recognize each Member who

10. 115 CONG. REC. 21420, 91st Cong. 1st Sess.

seeks recognition for five minutes until the time for debate has been exhausted.[11]

§ 25.9 Where debate on a bill and all amendments thereto is limited to a time certain, the five-minute rule is abrogated, and the Chair may choose either to allocate the time among those Members standing and desiring to speak, or choose to recognize only Members wishing to offer amendments and to oppose amendments; such decisions are largely within the discretion of the Chair who may decline to recognize Members more than one time under the limitation and may refuse to permit Members to divide their allotted time so as to speak to several of the amendments which are to be offered.

On May 6, 1970,[12] after the Committee of the Whole had agreed to close debate on a pending bill and amendments thereto at a certain hour, Chairman Daniel D. Rostenkowski, of Illinois, answered a parliamentary inquiry as to whether he would, in his discretion, allow certain Members to speak:

> MR. [SAMUEL S.] STRATTON [of New York]: Under the limitation of debate imposed by the House a moment ago, is there any restriction on those Members who will be permitted to speak on amendments, either for or against, between now and 7 o'clock?
>
> THE CHAIRMAN: The Chair will endeavor to divide the time equally among the proponents and the opponents of those who have amendments. . . .
>
> MR. STRATTON: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. STRATTON: Under the limitation of debate, is it permissible for a Member to speak twice within his allotted time either for or against two specific amendments?
>
> THE CHAIRMAN: The Chair will recognize the gentleman for one time in support of or in opposition to an amendment.
>
> MR. STRATTON: But not more than once?
>
> THE CHAIRMAN: No; not more than once.

§ 25.10 Where the Committee of the Whole agrees to terminate all debate on an amendment at a certain time, the Chair divides the time remaining among those Members who indicate a desire to speak; and if free time remains after these Members have been recognized, the

11. 111 CONG. REC. 17961, 89th Cong. 1st Sess., July 22, 1965.

12. 116 CONG. REC. 14466, 14467, 91st Cong. 2d Sess.

Chair may recognize Members who have not spoken to the amendment or Members who were recognized for less than five minutes under the limitation of time.

On Mar. 17, 1960,[13] the Committee of the Whole agreed to a request that all debate on the pending amendment close at 3:50 p.m. Chairman Francis E. Walter, of Pennsylvania, recognized under the limitation Members who had indicated they wished to speak. When those Members had spoken, time still remained and the Chairman recognized for debate Members who were not standing seeking recognition when the limitation was agreed to. The Chair answered a parliamentary inquiry:

MR. [JAMES C.] DAVIS of Georgia: Was not the time fixed for this debate, and was not the time limited to those who were standing on their feet seeking recognition?

THE CHAIRMAN: The time was fixed at 3:50. The Chair made a list of the names of those Members who indicated they desired to speak. However, the thing that governs is the time that was fixed in the unanimous-consent request made by the gentleman from New York, but because the time has not arrived when debate will end, the Chair will recognize those Members who seek recognition.

MR. DAVIS of Georgia: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DAVIS of Georgia: Does that limitation then of 2 minutes apply to me, or could I have some of this additional time?

THE CHAIRMAN: Yes, the gentleman could be recognized again if he sought recognition.

§ 25.11 Where the Committee of the Whole has limited debate under the five-minute rule to a time certain and an equal division of the remaining time among all the Members seeking recognition would severely restrict each Member in his presentation, the Chair may in his discretion equally allocate the time between two Members on opposing sides of the question to be yielded by them.

On June 14, 1977,[14] it was demonstrated that a limitation of debate on amendments in the Committee of the Whole to a time certain in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition are largely within the discretion of the Chair.

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I move that all debate on these amendments and all amend-

13. 106 CONG. REC. 5911, 5914, 86th Cong. 2d Sess.

14. 123 CONG. REC. 18826, 18833, 95th Cong. 1st Sess.

ments thereto, cease at 4 o'clock and 45 minutes p.m.

THE CHAIRMAN:[15] The question is on the motion offered by the gentleman from Alabama (Mr. Bevill).

The motion was agreed to. . . .

THE CHAIRMAN: The Chair has before him a list of more than 25 Members to occupy the next 10 minutes. It has been suggested that it would be possible for the Chair to recognize the gentleman from Alabama (Mr. Bevill) and the gentleman from Massachusetts (Mr. Conte) to allocate those 10 minutes.

Accordingly, the Chair will recognize the gentleman from Massachusetts (Mr. Conte) for 5 minutes, and the gentleman from Alabama (Mr. Bevill) for 5 minutes.

MR. JOHN T. MYERS [of Indiana]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JOHN T. MYERS: How did the Chair make that decision?

THE CHAIRMAN: The Chair has the authority to allocate time under a limitation, and it is obvious to the Chair that this is the most rational way to handle the 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Conte).

§ 25.12 By unanimous consent, the Committee of the Whole agreed that, on a general appropriations bill considered as read and open to amendment at any point, debate under the five-minute rule should terminate at a time certain, with 30 minutes of the time remaining for debate to be allowed on a particular amendment and to be equally divided and controlled.

On Sept. 22, 1983,[16] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 3913 (the Departments of Labor and Health and Human Services appropriations for fiscal year 1984):

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, at this time I would ask unanimous consent that all debate on the bill and all amendments thereto conclude not later than 3:30. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, reserving the right to object, the motion does not, however, include the 30 minutes for the abortion debate that I thought the gentleman from Illinois was assured of? . . .

MR. NATCHER: The gentleman is correct.

Mr. Chairman, I would ask that debate conclude not later than 3:30 with 30 minutes of the time to be allocated to the amendment pertaining to abortion. . . .

MR. [LES] AUCOIN [of Oregon]: Reserving the right to object, Mr. Chairman, I want to be sure I understand

15. George E. Brown, Jr. (Calif.).

16. 129 CONG. REC. 25407, 98th Cong. 1st Sess.

what the gentleman just said. My understanding is that in that 30 minutes the time will be divided equally between those who agree with Mr. Hyde and those who agree with the gentleman from Oregon (Mr. AuCoin)? . . .

MR. NATCHER: . . . The gentleman (Mr. AuCoin) is correct. . . .

THE CHAIRMAN PRO TEMPORE:[17] Is there objection to the request of the gentleman from Kentucky?

There was no objection.

§ 25.13 Where debate under the five-minute rule on a bill and all amendments thereto has been limited by motion to a time certain (with approximately 90 minutes remaining) the Chair may in his discretion continue to recognize Members under the five-minute rule, according priority to members of the committee reporting the bill, instead of allocating time between proponents and opponents or among all Members standing, where it cannot be determined what amendments will be offered.

On July 29, 1983,[18] during consideration of the International Monetary Fund authorization (H.R. 2957) in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding recognition following agreement to a motion to limit debate to a time certain:

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I ask unanimous consent that the remainder of the bill, H.R. 2957, be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The text of title IV and title V is as follows:

TITLE IV—INTERNATIONAL LENDING SUPERVISION

Sec. 401. This title may be cited as the "International Lending Supervision Act of 1983". . . .

MR. ST GERMAIN: I have a motion, Mr. Chairman. . . .

I now move that all debate on the bill, H.R. 2957, and all amendments thereto, cease at 12 o'clock noon. . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, a parliamentary inquiry. . . .

Mr. Chairman, the parliamentary inquiry is for the Chair to please state the process by which we will do our business from now until the time is cut off. . . .

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, would it not be in order at this time to ask that the time be divided between the proponents and the opponents of this measure, since there is a limitation on the time?

THE CHAIRMAN:[19] The Chair believes not, because the time has been

17. Abraham Kazen, Jr. (Tex.).

18. 129 CONG. REC. 21649, 21650, 21659, 21660, 98th Cong. 1st Sess.

19. Donald J. Pease (Ohio).

limited on the entire bill. It would be very difficult to allocate time to any one particular party or two parties when the Chair has no knowledge of the amendments that will be offered.

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

THE CHAIRMAN: The gentleman will state it.

MR. NEAL: Mr. Chairman, is it not true that members of the committee should be given preference in terms of recognition?

THE CHAIRMAN: That is true. At the time the gentleman from Pennsylvania was recognized, he was the only one seeking recognition.

§ 25.14 In recognizing Members to move to strike the last word under the five-minute rule, the Chair attempts to alternate between majority and minority Members; but the Chair has no knowledge as to whether specific Members oppose or support the pending proposition and therefore cannot strictly alternate between both sides of the question.

On June 7, 1984,[20] during consideration of H.R. 5504 (Surface Transportation and Uniform Relocation Assistance Act of 1984) in the Committee of the Whole, the following exchange occurred:

THE CHAIRMAN:[1] The Chair recognizes the gentleman from Massachusetts (Mr. Shannon).

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. FRENZEL: Mr. Chairman, is it not customary to choose Members opposed and supporting the amendment in some kind of rough order?

THE CHAIRMAN: The Chair is attempting to be fair. What the Chair is doing is alternating between the two sides.

MR. FRENZEL: I thank the Chair.

In House

§ 25.15 Where the previous question is ordered on a debatable motion without debate, a Member may demand the right to debate; and the 40 minutes permitted under the rule is divided between the person demanding the time and some Member who represents the opposing view of the question.

On Sept. 13, 1965,[2] the previous question was ordered, without debate, on the motion to approve the Journal, as read. Speaker John W. McCormack, of Massachusetts, stated, in response to a parliamentary inquiry by Mr. Durward G. Hall, of Missouri, that pursuant to Rule XXVII clause 3, any Member could de-

20. 130 CONG. REC. 15423, 98th Cong. 2d Sess.

1. Dan Daniel (Va.).

2. 111 CONG. REC. 23602, 23604–06, 89th Cong. 1st Sess.

mand the right to debate the motion since it was debatable and since the previous question had been ordered without debate. The Speaker recognized Mr. Hall for 20 minutes and then recognized for 20 minutes Mr. Carl Albert, of Oklahoma, representing the opposing view of the question.[3]

§ 25.16 In recognizing a Member to control time for debate in opposition to a bill taken away from a committee through the operation of the discharge rule on a special order pending in the Committee on Rules, the Speaker recognizes the chairman of the committee having jurisdiction of the subject matter if he is opposed to the bill considered pursuant to the adopted resolution.

On Aug. 14, 1950, the House agreed to a motion to discharge the Committee on Rules from the further consideration of a resolution making in order the consideration of a bill within the jurisdiction of the Committee on Post Office and Civil Service. The resolution, which was then adopted, provided that the bill be considered on the following day. On Aug. 15, 1950, Speaker Sam Rayburn, of Texas, ruled as follows on recognition to control time for debate in opposition to the bill:

> Pursuant to the provisions of House Resolution 667, the Chair designates the gentleman from Tennessee [Mr. Murray], chairman of the Committee on Post Office and Civil Service, to control time for debate in opposition to the bill H.R. 8195.[4]

§ 25.17 House debate on the confirmation of Vice President-designate Rockefeller was limited to 6 hours and was equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary (both of whom favored the nomination), and Robert W. Kastenmeier, of Wisconsin (a majority member of the Judiciary Committee who opposed the nomination).

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3. Rule XXVII clause 2, *House Rules and Manual* § 907 (1995) also requires a division of time on the motion to suspend the rules. Other House rules similarly require a division of the time for debate between those favoring and those opposing the motion or question. See, for example, Rule XVI clause 4, *House Rules and Manual* § 782 (1995) (motion to recommit with instructions); Rule XXVIII, clauses 4 and 5 *House Rules and Manual* §§ 913b and 913c (1995) (motion to reject nongermane matter agreed to by the Senate, if included in a conference report.

4. 96 Cong. Rec. 12543, 81st Cong. 2d Sess.

The following resolution was reported on Dec. 19, 1974:[5]

H. RES. 1519

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 28(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1511) confirming Nelson A. Rockefeller as Vice President of the United States. After general debate, which shall be confined to the resolution and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and Representative Robert W. Kastenmeier, of Wisconsin, the Committee shall rise and report the resolution to the House, and the previous question shall be considered as ordered on the resolution to final adoption or rejection.

House Resolution 1519, after the customary hour of debate, was agreed to.[6] The House then resolved into the Committee of the Whole for consideration of House Resolution 1511, confirming Nelson A. Rockefeller as Vice President of the United States. After debate as provided for in House Resolution 1519, the Committee rose, and House Resolution 1511 was agreed to by a vote of 287 yeas, 128 nays.

On Dec. 6, 1973,[7] House Resolution 738, providing for consideration of the resolution confirming the nomination of Mr. Gerald R. Ford as Vice President of the United States, contained the following provisions:

H. RES. 738

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 735) confirming the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States. After general debate, which shall be confined to the resolution and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the Committee shall rise and report the resolution to the House, and the previous question shall be considered as ordered on the resolution to final passage.

After House Resolution 738 was agreed to,[8] and debate proceeded in Committee of the Whole in accordance therewith, the Committee rose; and the House agreed to House Resolution 735 con-

5. 120 CONG. REC. 41419, 93d Cong. 2d Sess.

6. 120 CONG. REC. 41425, 93d Cong. 2d Sess., Dec. 19, 1974.

7. See 119 CONG. REC. 39807, 93d Cong. 1st Sess.

8. 119 CONG. REC. 39812, 39813, 93d Cong. 1st Sess., Dec. 6, 1973.

firming Mr. Ford as Vice President of the United States.[9]

§ 25.18 By unanimous consent the House extended for an additional 30 minutes the time for debate on a special order from the Committee on Rules (with the understanding that such time would be equally divided and controlled).

The proceedings of July 29, 1977,[10] relating to House consideration of House Resolution 727 (providing for consideration of H.R. 8444, the National Energy Act of 1977) were as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 727 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 727

Resolved, That upon the adoption of this resolution it shall be in order to move . . . that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8444) to establish a comprehensive national energy policy. . . .

THE SPEAKER:[11] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. BOLLING: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), and pending that, I yield myself such time as I may consume. . . .

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I ask unanimous consent at this time that in addition to the 1 hour of debate provided for in this resolution, House Resolution 727, the time for debate be extended for an additional 30 minutes.

Mr. Speaker, there is some precedent for this. Before the Chair puts the request, I would like to state very briefly that there is some precedent on very important resolutions for an extension of the normal amount of time that is used for debate. Just a couple of weeks ago the gentleman from New York (Mr. Weiss) made a similar request at the time we were considering a resolution for the Select Committee on Intelligence.

Very frankly, I have had more requests for time on this rule from my side of the aisle than I can accommodate within the 30 minutes that has been allotted to the minority. . . .

Mr. Speaker, I ask unanimous consent that the time for debate on this resolution be extended for 30 minutes.

THE SPEAKER: Is there objection to the request of the gentleman from Illinois? . . .

There was no objection.

THE SPEAKER: The Chair will state that an additional 15 minutes will be allotted to each side.

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9. See 119 CONG. REC. 39899, 93d Cong. 1st Sess., Dec. 6, 1973.

10. 123 CONG. REC. 25653–55, 95th Cong. 1st Sess.

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

§ 25.19 While alternation of recognition between the majority and minority Members controlling debate in the House, or continued recognition of that Member having the most time remaining, are two customary factors governing recognition by the Chair, neither factor is binding on the Chair, who may exercise discretion in conferring recognition where control has been equally divided, and may entertain a motion for the previous question by the manager of the measure if neither side seeks to yield further time.

On June 23, 1983,[12] Speaker Pro Tempore Jim Moody, of Wisconsin, responded to several parliamentary inquiries regarding procedures for recognition. The proceedings in the House during consideration of House Concurrent Resolution 91 (revising the fiscal 1983 congressional budget and setting forth the fiscal 1984 budget) were as follows:

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

Does the gentlewoman seek recognition?

MRS. [LYNN] MARTIN of Illinois: Mr. Speaker, could the Chair inform us how much time each side of the aisle has remaining?

THE SPEAKER PRO TEMPORE: The gentleman from Oklahoma has 35 minutes left and the gentleman from Ohio has 21½ minutes left.

MRS. MARTIN of Illinois: Then we will allow the other side of the aisle to catch up.

MR. [JAMES R.] JONES of Oklahoma: Does the gentlewoman want to yield back her time?

MRS. MARTIN of Illinois: Mr. Speaker, I am reserving the balance of my time.

MR. JONES of Oklahoma: Our side just spoke. If the gentlewoman does not want to use her time and have her side go forward, the gentlewoman can reserve her time and we can reserve ours and we can dispense with the rest of the debate.

MRS. MARTIN of Illinois: Mr. Speaker, may I ask the outstanding chairman, the gentleman from Oklahoma, will he then yield that time to us?

Well, we will reserve our time for now and await the gentleman's decision.

MR. JONES of Oklahoma: Mr. Speaker, I would like to state a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. JONES of Oklahoma: Mr. Speaker, if we reserve our time, is the previous question then in order?

THE SPEAKER PRO TEMPORE: Will the gentleman restate the question?

MR. JONES of Oklahoma: The gentlewoman has reserved her time. If we reserve our time, is the previous question then in order?

THE SPEAKER PRO TEMPORE: If neither side yields time, the Chair will en-

12. 129 CONG. REC. 17089, 98th Cong. 1st Sess.

tertain a motion for the previous question from the manager of the motion.

MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. SHUSTER: Mr. Speaker, if not the rules of the House, is it not the tradition of the House that the side with the most time remaining takes the floor?

THE SPEAKER PRO TEMPORE: That is one variable. Alternating from side to side is another tradition of the House.

§ 25.20 The Speaker, in announcing a new policy for recognition for one-minute speeches and for special-order requests, indicated that he would: (1) alternate recognition between majority and minority Members in the order in which they seek recognition; (2) recognize Members for special-order speeches first who want to address the House for five minutes or less, alternating between majority and minority Members, otherwise in the order in which permission was granted; and (3) then recognize Members who wish to address the House for longer than five minutes and up to one hour, alternating between majority and minority Members in the order in which permission was granted by the House.

For discussion of the announcement by the Speaker on Aug. 8, 1984,[13] and for other precedents relating to recognition for special-order requests and one-minute speeches, see, generally, § 10, supra.

—*Calendar Wednesday*

§ 25.21 On Calendar Wednesday, debate on bills considered in the Committee of the Whole is limited to two hours, one hour controlled by the Member in charge of the bill and one hour by the ranking minority member of the committee who is opposed to the bill.

On Apr. 14, 1937,[14] Chairman J. Mark Wilcox, of Florida, stated in response to a parliamentary inquiry that debate on a bill (called up under the Calendar Wednesday procedure) in the Committee of the Whole would be limited to two hours, one hour to be controlled by the chairman of the Committee on Interstate and Foreign Commerce, and one hour to be controlled by the ranking minority committee member opposed to the bill. The Chairman indi-

13. See § 10.48, supra, discussing the proceedings at 130 CONG. REC. 22963, 98th Cong. 2d Sess.

14. 81 CONG. REC. 3456, 75th Cong. 1st Sess.

cated he would recognize in opposition Mr. Pehr G. Holmes, of Massachusetts, who assured the Chairman that he was the most senior minority member of the Committee on Interstate and Foreign Commerce who was opposed to the bill.[15]

Suspension

§ 25.22 Alternation of recognition is generally but not necessarily followed during the 40 minutes of debate on a motion to suspend the rules where the proponent of the motion and the Member demanding a second equally control the time.

On Sept. 20, 1961,[16] Mr. William R. Poage, of Texas, moved to suspend the rules and pass a bill. After a second was ordered, Mr. H. R. Gross, of Iowa, stated:

> I understand that under the rules it is not necessary to rotate time under a suspension of the rules.

The Speaker Pro Tempore, John W. McCormack, of Massachusetts, responded "That is correct."

On Apr. 16, 1962,[17] Mr. James Roosevelt, of California, moved to suspend the rules and pass a bill. Speaker Pro Tempore Carl Albert, of Oklahoma, stated, in response to a parliamentary inquiry by Mr. Gross, that under suspension of the rules it was not necessary to rotate the time between opposing and favoring sides of the question.[18]

Parliamentarian's Note: A second is no longer required on a motion to suspend the rules.

§ 25.23 Where a Member controls the time for debate on a motion to suspend the rules, the manner in which he allocates his time is not within the province of the Chair.

On Dec. 15, 1969,[19] Mr. Robert W. Kastenmeier, of Wisconsin, moved to suspend the rules and pass H.R. 14646, granting the consent of Congress to an interstate compact. Speaker John W.

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15. See also 92 CONG. REC. 8590, 79th Cong. 2d Sess., July 10, 1946.

Rule XXIV clause 7, *House Rules and Manual* § 897 (1995) governs the consideration of bills called up by committees under the Calendar Wednesday procedures.

16. 107 CONG. REC. 20491, 87th Cong. 1st Sess.

17. 108 CONG. REC. 6682, 87th Cong. 2d Sess.

18. The practice of alternation is not necessarily followed where a limited time is controlled by Members, as in the 40 minutes' debate for suspension of the rules and after the previous question has been ordered without debate on a debatable motion (see 2 Hinds' Precedents § 1442).

19. 115 CONG. REC. 39029, 39034, 91st Cong. 1st Sess.

McCormack, of Massachusetts, recognized Mr. Burt L. Talcott, of California, who stated that he was opposed to the bill, to demand a second and to control the 20 minutes of debate in opposition to the bill. When Mr. Kastenmeier and Mr. Talcott each had one minute of debate remaining, Mr. Lester L. Wolff, of New York, made a point of order against the allocation of time by Mr. Talcott; the Speaker overruled the point of order:

MR. WOLFF: Mr. Speaker, a point of order.

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

MR. WOLFF: The gentleman from California (Mr. Talcott) when he was asked whether or not he opposed the legislation, said that he did. However, he has not yielded any time whatsoever to any opponents of the bill.

THE SPEAKER: That is not within the province of the Chair.[20]

Parliamentarian's Note: A second is no longer required on a motion to suspend the rules.

20. See also 109 CONG. REC. 19953, 88th Cong. 1st Sess., Oct. 21, 1963 (after recognition of seconder for 20 minutes of debate on motion to suspend the rules, the Chair refused to entertain unanimous-consent request for additional allotment of time to opposition); 105 CONG. REC. 10810, 86th Cong. 1st Sess., June 15, 1959 (a member may not speak to a motion to suspend the rules unless yielded time by mover or seconder of the motion).

§ 25.24 By unanimous consent, the 20 minutes debate allotted a Member demanding a second (under a former practice) on a motion to suspend the rules was transferred to another Member.

On Apr. 20, 1970,[1] Mr. Carl D. Perkins, of Kentucky, moved to suspend the rules and pass H.R. 10666, to establish a national commission on libraries and informational science. Mr. John R. Dellenback, of Oregon, demanded a second (thereby being entitled to control the 20 minutes of debate in opposition to the motion). Mr. Dellenback later requested that the debate time allotted him be transferred to another Member in opposition:

MR. DELLENBACK: Mr. Speaker, while I demanded the second, which was ordered, I ask unanimous consent that control of the time be transferred to the gentleman from New York (Mr. Reid).

THE SPEAKER:[2] Is there objection to the request of the gentleman from Oregon?

There was no objection.

Parliamentarian's Note: A second is no longer required on a motion to suspend the rules.

§ 25.25 While the manager of a motion to suspend the rules

1. 116 CONG. REC. 12415, 12416, 91st Cong. 2d Sess.
2. John W. McCormack (Mass.).

has the right to close debate thereon, the Chair attempts to evenly alternate recognition between the majority and minority in order that a comparable amount of time remains for closing speakers on both sides.

On Oct. 2, 1984,[3] during consideration of the balanced budget bill (H.R. 6300) in the House, the following proceedings occurred:

> MR. [JUDD] GREGG [of New Hampshire]: Mr. Speaker, I have a parliamentary inquiry.
>
> I have 9 minutes remaining. The chairman of the Committee on the Budget has 13 more minutes remaining. After I yield this next point, I will have 7 minutes remaining.
>
> I would request the Chair, in fairness, to proceed with the other side until the time is in more balance as we get closer to the closing of debate.
>
> THE SPEAKER PRO TEMPORE:[4] The Chair would announce that the Chair is not trying to have this debate conducted in an unfair manner. The Chair will allow the gentleman from Oklahoma to have the chance to yield to a speaker to close debate and, therefore, the Chair will try to keep the division of time as near even as possible, given the consideration that the gentleman from Oklahoma have the opportunity to end the debate.

Conference Reports

§ 25.26 One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and where conferees have been appointed from two committees of the House, the Speaker recognizes one of the minority Members (not necessarily a member of the same committee as the Member controlling the majority time) to control 30 minutes of debate.

On Jan. 19, 1972,[5] Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, called up a conference report on S. 382, the Federal Election Campaign Act of 1972. Conferees on the part of the House had been appointed from two House committees with jurisdiction over the bill, the Committee on House Administration and the Committee on Interstate and Foreign Commerce.

Speaker Carl Albert, of Oklahoma, recognized Mr. Hays for 30 minutes of debate to control time for the majority. He recognized Mr. William L. Springer, of Illinois, ranking minority member of the Committee on Interstate and Foreign Commerce, to control 30 minutes of debate for the minority.

Parliamentarian's Note: Mr. Springer controlled the minority

3. 130 CONG. REC. 28517, 98th Cong. 2d Sess.

4. Richard A. Gephardt (Mo.).

5. 118 CONG. REC. 319, 320, 92d Cong. 2d Sess.

time although he had resigned as a conferee on the bill, and even though Mr. Samuel L. Devine, of Ohio, ranking minority member of the Committee on House Administration and a conferee on the bill, was on the floor and participated in debate. Under normal practice, the Members controlling the time for debate on a conference report are among those who served as House managers in conference.[6]

§ 25.27 Where a Member opposed to a section of a conference report (containing nongermane Senate language) demanded a separate vote on the section pursuant to a special order permitting such procedure, that Member and the Member calling up the conference report were each recognized for 20 minutes of debate on a motion to strike that section pursuant to Rule XX clause 1. After the House agreed to retain the section it then considered the entire conference report, with the Member calling up the report and a member of the minority party each being recognized for 30 minutes under Rule XXVIII clause 2.

On Nov. 10, 1971,[7] Mr. F. Edward Hébert, of Louisiana, called up a conference report. Speaker Carl Albert, of Oklahoma, stated that the special order under which the report was being considered, House Resolution 696, provided that a separate vote could be demanded on certain sections of the conference report. Mr. Donald M. Fraser, of Minnesota, demanded a separate vote on section 503 of the report pursuant to the special order and pursuant to Rule XX clause 1 of the House rules.

The Speaker then stated the order of recognition pending the separate vote:

> Under clause 1 of Rule XX, 40 minutes of debate are permitted before a separate vote is taken on a nongermane Senate amendment, one-half of such time in favor of, and one-half in opposition to the amendment.
>
> Pursuant to that rule, the gentleman from Louisiana [Mr. Hébert] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. Fraser] will be recognized for 20 minutes.

The House agreed to the section after 40 minutes of debate.

The House then considered the entire conference report, and the Speaker stated that one hour of debate would be had, the Member calling up the report, Mr. Hébert, to be recognized for 30 minutes,

6. For division of debate on a conference report, see Rule XXVIII clause 2(a), *House Rules and Manual* § 912(a) (1995).

7. 117 CONG. REC. 40483, 40489, 40490, 92d Cong. 1st Sess.

and a Member of the minority party, Mr. Leslie C. Arends, of Illinois, to be recognized for 30 minutes.

§ 25.28 The time for debate on an amendment reported from conference in disagreement is equally divided between the majority and minority parties under Rule XXVIII clause 2(b), and a Member offering a preferential motion does not thereby gain control of time for debate; nor can the Member who has offered the preferential motion move the previous question during time yielded to him for debate, since that would deprive the Members in charge of control of the time for debate.

On Dec. 4, 1975,[8] an example of the proposition described above occurred in the House during consideration of the conference report on H.R. 8069 (the Department of Health, Education, and Welfare and related agencies appropriation bill):

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"Sec. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest or next nearest the student's home . . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Bauman moves that the House recede from its disagreement to Senate amendment No. 72 and concur therein.

THE SPEAKER:[9] The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

MR. BAUMAN: Mr. Speaker, may I inquire, who has the right to the time under the motion?

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) has 30 minutes, and the gentleman from Illinois (Mr. Michel) has 30 minutes. The time is controlled by the committee leadership on each side, and they are not taken from the floor by a preferential motion. . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. Bauman).

MR. BAUMAN: The gentleman from Maryland has made his case and if the gentleman would like to concur in the stand taken by the majority party in favor of busing he can do that. I do not concur.

8. 121 CONG. REC. 38714, 38716, 38717, 94th Cong. 1st Sess.

9. Carl Albert (Okla.).

Mr. Speaker, I move the previous question on the motion.

MR. FLOOD: Mr. Speaker, I demand the question be divided.

MR. BAUMAN: Mr. Speaker, I move the previous question.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) has the floor and the Chair is trying to let the gentleman be heard.

MR. FLOOD: Mr. Speaker, I demand a division.

MR. BAUMAN: Mr. Speaker, I have not yielded. My time has not expired.

THE SPEAKER: The gentleman has time for debate only.

MR. BAUMAN: No; Mr. Speaker, it was not yielded for debate only.

THE SPEAKER: The gentleman from Maryland has 15 seconds.

MR. BAUMAN: Mr. Speaker, I move the previous question.

THE SPEAKER: The gentleman was yielded to for debate only. The gentleman from Illinois had no authority under clause 2, rule XXVIII to yield for any other purpose but debate.

Parliamentarian's Note: Debate on a motion that the House recede from its disagreement to a Senate amendment and concur is under the hour rule. In the above instance, the motion to recede and concur was divided.[10] If the motion is so divided, the hour rule applies to each motion separately.[11] Thus, technically, the Bauman motion to concur could have been debated under the hour rule, since the request for division of the question was made prior to the ordering of the previous question. Control of the time, however, would have remained with the majority and minority under the rule.

Whether or not the division demand was made before or after the ordering of the previous question on the motion to recede and concur, the preferential motion offered by Mr. Flood to concur with an amendment could have been debated under the hour rule equally divided, since it was a separate motion not affected by ordering the previous question on the motion to recede and concur.

Had the Bauman motion to concur been rejected, the motion to concur with another amendment would have been in order, and preferential to a motion to insist on disagreement.

§ 25.29 Time for debate on motions to dispose of amendments in disagreement is equally divided, under Rule XXVIII clause 2(b), between the majority and minority party; and if a minority Member has been designated by his party to control time, another minority Member who offers a preferential motion

10. 121 CONG. REC. 38717, 94th Cong. 1st Sess.

11. See 86 CONG. REC. 5889, 76th Cong. 3d Sess., May 9, 1940.

does not thereby gain control of the time given to the minority.

On May 14, 1975,[12] during consideration of the conference report on H.R. 4881[13] in the House, the following proceedings occurred:

THE SPEAKER:[14] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 61: Page 41, line 9, insert:

"FEDERAL RAILROAD ADMINISTRATION

"RAIL TRANSPORTATION IMPROVEMENT AND EMPLOYMENT

"For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $700,000,000 . . . .

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House insist on its disagreement to the amendment of the Senate numbered 61.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Conte moves that the House recede from its disagreement to Senate amendment Number 61 and concur therein with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

"CHAPTER VIII

"DEPARTMENT OF TRANSPORTATION

"FEDERAL RAILROAD ADMINISTRATION

"For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $200,000,000 . . . .

MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SHUSTER: Mr. Speaker, how is the time divided?

THE SPEAKER: The time is divided equally between the gentleman from Texas (Mr. Mahon), who has 30 minutes, and the gentleman from Illinois (Mr. Michel) who has 30 minutes or such small fraction thereof as he may decide to use.

§ 26. Management by Reporting Committee; One-third of Debate Time on Certain Propositions Allotted to One Opposed

Most business considered by the House is reported by standing committees of the House, and each measure is managed for con-

12. 121 CONG. REC. 14385, 14386, 94th Cong. 1st Sess.
13. The Emergency Employment Appropriations for fiscal year 1975.
14. Carl Albert (Okla.).

sideration by the relevant committee.[15] The chairman of a committee has the special responsibility, under the rules, to bring to the floor or to take measures to bring to the floor any measure approved by his committee.[16]

First the committee managers, and then the other members of the committee in order of seniority, have priority of recognition at all stages of consideration.[17] The member of a committee who calls up a committee-approved proposition for consideration must be so authorized by his committee.[18] The manager for the committee has prior rights to recognition in debate and prior rights to offer motions expediting the consideration and passage of the bill.[19] The manager may yield time which he controls as he sees fit,[20] and he may delegate his authority to another Member, such as the chairman of the subcommittee concerned with the legislation.[1]

Where a special order does not designate the managers on behalf of a committee, or where the designated manager is unavoidably absent, the Chair may recognize a committee member in his discretion.[2]

Committee management extends to the consideration of a conference report on the bill in question; the senior manager on the part of the House is often the chairman of the legislative committee (or subcommittee) with jurisdiction over the subject matter of the original bill.[3]

Recent changes in the rules provide for debate time for a Member opposed to certain propositions, where Members recognized on the majority and minority party sides both support the proposition. Rule XXVIII, clause 1(b) provides:[4]

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15. Control may be taken away from the committee by a motion to discharge (see Ch. 18, supra) or by a special order (see § 2, supra).

If the committee manager loses control of the proposition on the floor, control usually passes to an opposing member of the committee, although it may pass to any Member of the House in opposition. For control passing to the opposition, see § 34, infra.

16. See §§ 26.8, 26.9, infra.

17. See §§ 26.1–26.5, infra, for recognition generally, and §§ 26.19–26.23, infra, for recognition under the five-minute rule.

18. See §§ 27.1, 27.2, infra.

19. For the role of the manager, see § 24, supra.

20. See § 26.29, infra.

1. Any delegation must be communicated to the Chair; see § 26.32, infra.

2. See §§ 27.6, 27.7, 28.8, infra. As to power and discretion of Chair generally, see § 9, supra.

3. See §§ 26.10–26.12, infra.

4. *House Rules and Manual* § 909a (1995).

> The time allotted for debate on any motion to instruct House conferees shall be equally divided between the majority and minority parties, except that if the proponent of the motion and the Member from the other party are both supporters of the motion, one-third of such debate time shall be allotted to a Member who is opposed to said motion.

Similarly, the time allotted for debate in the consideration of a conference report is equally divided between the majority party and the minority party, except that if the floor manager for the majority and the floor manager for the minority are both supporters of the conference report, one third of such debate time is allotted to a Member who is opposed to said conference report.[5] Recognition of a Member in opposition does not depend upon party affiliation and is within the discretion of the Speaker[6] who accords priority in recognition to a member of the conference committee.[7] Where the time is divided three ways, the right to close debate falls to the majority manager calling up the conference report, preceded by the minority manager, preceded in turn by the Member in opposition.[8]

Rule XXVIII, clause 2(b)(1) provides:[9]

> The time allotted for debate on [an amendment in disagreement] shall be equally divided between the majority party and the minority party, except that if the floor manager for the majority and the floor manager for the minority are both supporters of the original motion offered by the floor manager for the majority to dispose of the amendment, one third of such debate time shall be allotted to a Member who is opposed to said motion.[10]

Cross References

Committee powers and procedure as to management of bills, see Ch. 17, supra.

Effect of special orders on committee management, see § 28, infra and Ch. 21, supra (special orders generally).

Management where committee has been discharged from consideration of bill, see § 18, supra.

Prior rights to recognition of members of reporting committee, see § 13, supra.

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5. Rule XXVIII, clause 2(a), *House Rules and Manual* § 912a (1995).

6. See §§ 26.51, 26.52, 26.62, infra.

7. See § 26.54, infra.

8. See § 26.57, infra.

9. See *House Rules and Manual* § 912b (1995).

10. As noted above, recognition of a Member in opposition does not depend upon party affiliation and is within the discretion of the Speaker, who accords priority in recognition to a member of the conference committee. The right to close the debate where the time is divided three ways falls to the manager offering the motion. For further discussion of recognition under Rule XXVIII, clause 2, see §§ 26.51, 26.52, 26.54, and 26.62, infra.

Prior Recognition of Committee Members

§ 26.1 As a practice of long standing and in the absence of any other considerations, members of a committee reporting a bill are entitled to prior recognition thereon.

On Feb. 10, 1941,[11] Chairman Clarence Cannon, of Missouri, responded to a parliamentary inquiry on the nature of the practice of extending priority for recognition to members of the committee reporting a bill:

> MR. [LYLE H.] BOREN [of Oklahoma]: Mr. Chairman, I rise to a parliamentary inquiry. I want it thoroughly understood that I recognize fully the custom of members of the committee being recognized ahead of any other Member on the floor, not a member of the committee. I am quite willing to withdraw my amendment for that purpose, but as I understood it the gentleman from Tennessee [Mr. Cooper] rose to make the point of order that my recognition at that time was not in order. I understood the Chair sustained the point of order and recognized the gentleman from New York [Mr. Crowther]. I should like to be enlightened as to under what rule of the House that point of order is sustained after the Chair had recognized me for the purpose of offering an amendment.
>
> THE CHAIRMAN: The gentleman from New York [Mr. Crowther] is a member of the committee reporting the bill and, therefore, entitled to prior recognition.
>
> MR. [JACK] NICHOLS [of Oklahoma]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. NICHOLS: Is there a rule of the House that gives the members of the committee the right to recognition ahead of other Members of the House? Is that a rule of the House?
>
> THE CHAIRMAN: It is a procedure of long standing.
>
> MR. NICHOLS: It is not a rule of the House.
>
> THE CHAIRMAN: In the absence of other considerations, members of the committee in charge of the bill are entitled to prior recognition. The rule is essential to expedition in legislation and its importance is too obvious to require justification.

§ 26.2 Where more than one Member seeks recognition, the Speaker recognizes the Member in charge or a member of the reporting committee, if he seeks recognition.

On Nov. 15, 1967,[12] the Committee of the Whole was considering under the five-minute rule a bill reported from the Committee on Education and Labor, chaired by Mr. Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition and

11. 87 CONG. REC. 875, 876, 77th Cong. 1st Sess.

12. 113 CONG. REC. 32655, 90th Cong. 1st Sess.

when Chairman John J. Rooney, of New York, asked for what purpose, he (Mr. Gurney) stated he sought recognition to offer an amendment. The Chairman then recognized Mr. Perkins to submit a unanimous-consent request on closing debate before recognizing Mr. Gurney to offer his amendment.[13]

§ 26.3 Although members of the committee reporting a bill under consideration usually have preference of recognition, the power of recognition remains in the discretion of the Chair.

On July 19, 1967,[14] Chairman Joseph L. Evins, of Tennessee, recognized in the Committee of the Whole Mr. Edmond Edmondson, of Oklahoma, for a parliamentary inquiry and then recognized him to offer an amendment to the pending bill. Mr. William C. Cramer, of Florida, made the point of order that William M. McCulloch, of Ohio, the ranking minority member of the Committee on the Judiciary, which had reported the bill, had been on his feet seeking recognition to offer an amendment at the time and that members of the committee reporting the bill had the prior right to be recognized. The Chairman overruled the point of order and stated:

> The Chair is trying to be fair and trying to recognize Members on both sides. The Chair will recognize the gentleman from Ohio (Mr. McCulloch).

§ 26.4 Members of the committee reporting a bill are entitled to prior recognition over the Member who has introduced the bill.

On July 8, 1937,[15] Chairman Marvin Jones, of Texas, answered a parliamentary inquiry on the order of recognition on the pending bill:

> MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, what is the order of priority on the bill? Does the author of the bill precede a member who is not a member of the committee?
>
> THE CHAIRMAN: If the Chair understands the rule correctly, the members of the committee which report the bill have preference. After that all members of the Committee of the Whole are on equal standing.

§ 26.5 In giving preference of recognition to members of a

13. See Rule XIV clause 2, *House Rules and Manual* § 753 (1995): "When two or more Members rise at once, the Speaker shall name the Member who is first to speak. . . ." See *id.* at §§ 754–757 for the usages and priorities which govern the Chair when two or more Members rise.

14. 113 CONG. REC. 19416, 19417, 90th Cong. 1st Sess.

15. 81 CONG. REC. 6946, 75th Cong. 1st Sess.

committee reporting a bill, the Chair does not usually distinguish between members of the full committee and members of the subcommittee.

On Apr. 7, 1943,[16] Chairman Luther A. Johnson, of Texas, recognized Mr. Frank B. Keefe, of Wisconsin, in opposition to a pro forma amendment. Mr. Keefe was a member of the Committee on Appropriations, which had reported the pending bill. Mr. John H. Kerr, of North Carolina, objected that he asked to be recognized, as a member of the subcommittee which had handled the bill. The Chairman stated as follows on the priority of recognition:

> As the Chair understands it, a member of the Committee on Appropriations has the same right as those who are members of that committee who happen to be members of a subcommittee. That is the parliamentary procedure, as the Chair understands it. The Chair has recognized the gentleman from Wisconsin. Had he not done so, he certainly would have recognized the gentleman from North Carolina.

Control of Privileged Resolution

§ 26.6 Debate on a privileged resolution is under the hour rule and the committee member recognized to call it up has control of the time.

On Feb. 27, 1963,[17] Mr. Samuel N. Friedel, of Maryland, called up by direction of the Committee on House Administration House Resolution 164, a privileged resolution providing funds for the Committee on Armed Services. Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry as to control of the time for debate:

> MR. [CHARLES A.] HALLECK [of Indiana]: As I understand it, the gentleman from Maryland [Mr. Friedel] has said that he would yield time to Members on the minority side, and that is what we want. If there is another minority Member who wants to be recognized at this time, it would be in order under the rules for that Member to be granted time in order that he might make such statement as he might want to make.
>
> THE SPEAKER: The Chair will state that under the rules of the House and pursuant to custom that has existed from time immemorial, on a resolution of this kind the Member in charge of the resolution has control of the time and he, in turn, yields time. The gentleman from Maryland [Mr. Friedel] in charge of the resolution has yielded 10 minutes to the gentleman from Ohio.

Carl Albert, of Oklahoma, the Majority Leader, then made the

16. 89 CONG. REC. 3067, 78th Cong. 1st Sess.

17. 109 CONG. REC. 3051, 3052, 88th Cong. 1st Sess.

following statement on distribution of time to the minority:

> Following the statement of the distinguished Speaker of the House, the gentleman from Ohio made the statement that he is in favor of the principle involved here. Of course, the principle is well established under the rules of the House and has been observed by both parties from time immemorial, that the Member recognized to call up the resolution has control of the time under the 1-hour rule. But, I would like to advise the gentleman, as the gentleman from Maryland has, I am sure the gentleman from Maryland will yield at least half of the time to the minority.

On Feb. 25, 1954,[18] Speaker Joseph W. Martin, Jr., of Massachusetts, answered parliamentary inquiries on the control of debate on a privileged resolution called up by the chairman of the Committee on House Administration:

> MR. [KARL M.] LECOMPTE [of Iowa]: Under the rules the Chairman has control of the time.
>
> THE SPEAKER: The gentleman has 1 hour to yield to whomsoever he desires.
>
> MR. LECOMPTE: And he has control of the matter of offering amendments.
>
> THE SPEAKER: A committee amendment is now pending. No other amendment can be offered unless the gentleman yields the floor for that purpose.
>
> MR. LECOMPTE: A motion to recommit, of course, belongs to some member of the minority opposed to the resolution. Would any motion except a motion to recommit be in order except by the gentleman in charge of the bill?
>
> THE SPEAKER: Not unless the gentleman yields for that purpose.
>
> The gentleman from Iowa is recognized for 1 hour.

Responsibility of the Committee Chairman

§ 26.7 On one occasion, the chairman of a committee, acting at the President's request, introduced a bill, presided over the hearings in committee, reported the bill, applied to the Committee on Rules for a special order, and moved that the House resolve itself into the Committee of the Whole; when recognized to control one-half of the debate in the committee, he then announced his opposition to the measure and turned over management of the bill to the ranking majority member of the committee.

On June 14, 1967,[19] Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce, moved that the House resolve itself into the Committee of the

18. 100 CONG. REC. 2282, 83d Cong. 2d Sess.

19. 113 CONG. REC. 15822, 15823, 90th Cong. 1st Sess.

Whole for the consideration of House Joint Resolution 559, providing for the settlement of a railroad labor dispute. The House had adopted House Resolution 511, making in order the consideration of the bill and providing that general debate be controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce.

In the Committee of the Whole, Chairman Wilbur D. Mills, of Arkansas, recognized Mr. Staggers to control one-half the time on the bill. Mr. Staggers made the following statement:

> Mr. Chairman, I am here today in a most unusual position. I was requested by the President to introduce the bill we have before us today, and because of my responsibilities as chairman of the committee, I introduced the bill. If the House was to be given an opportunity to work its will on this legislation, it was necessary that hearings begin promptly and continue as expeditiously as possible, and I think the record will bear me out, that the hearings before our committee have been prompt, they have not been delayed in any respect.
>
> In fact we interrupted consideration of a very important piece of health legislation in order to take up this bill. We have heard every witness who wanted to be heard on the legislation. I did this because I felt it to be my responsibility to the House as chairman of the committee.
>
> Following the conclusion of our hearings I promptly scheduled executive sessions for consideration of the bill and we met as promptly as possible both morning and afternoon and the committee reported the bill to the House.
>
> Yesterday I went before the Rules Committee as chairman of the committee to present the facts to the Rules Committee and attempt to obtain a rule so that the bill would be considered by the House. I have done these things because I felt it is my responsibility to do so as chairman of the committee.
>
> Unfortunately, Mr. Chairman, I was opposed to this bill when I introduced it, and having heard all the witnesses and all the testimony, I am still opposed to it. For that reason I have asked the gentleman from Maryland [Mr. Friedel] to handle the bill in Committee of the Whole, so that I would be free to express my opposition to it. . . .
>
> Mr. Chairman, this concludes the presentation I desire to make on the bill. At this time I request the gentleman from Maryland [Mr. Friedel], the ranking majority member on the Interstate and Foreign Commerce Committee, to take charge of managing the bill on the floor.

Parliamentarian's Note: The chairman of each committee has responsibility of reporting or causing to be reported any measure approved by his committee and taking or causing to be taken steps to have the matter considered and voted upon in the House, regardless of his personal opposition to the measure.[20]

20. See Rule XI clause 2(l)(1)(A), *House Rules and Manual* § 713a (1995).

Effect of Opposition of Committee Chairman

§ 26.8 The Committee of the Whole having adopted certain amendments to a bill, the chairman of the committee from which the measure was reported expressed his objections, relinquished control of the bill and subsequently offered a motion that the Committee rise with the recommendation to strike the enacting clause.

On July 5, 1956,[1] the Committee of the Whole had adopted certain amendments to H.R. 7535, to authorize federal assistance to states and local communities in financing an expanded program of school construction. Graham A. Barden, of North Carolina, who was controlling consideration of the bill as the chairman of the reporting committee—the Committee on Education and Labor—made the following statement:

> Mr. Chairman, I move to strike out the last word.
>
> Mr. Chairman, I have a brief statement I should like to make to the House.
>
> For 22 years I have done my best to be sincere and frank with the membership of this House. I propose to continue that, both in attitude and in practice.
>
> I have very definitely reached the conclusion that the American people do not want this legislation in its present form. Certain things have happened to the bill that made it very, very obnoxious and objectionable to the people I represent.
>
> I never have claimed to be an expert when advocating something that I was sincerely and conscientiously for. I have always felt I would be a complete flop in trying to advocate something I did not believe in and did not advocate. This bill is objectionable to me. It has so many bad features and so many things have been given priority over the consideration of the objective that we set out to accomplish that I must say, in all frankness, to the House I cannot continue in the position here of directing this bill. I feel that someone who can be fairer to the bill in its present shape than I, should handle the bill. I would have to be a much better actor than I now am to proceed in the position of handling this piece of legislation which I cannot support and do not want to pass. For that reason, I want the House to understand my very definite position in the matter. So, with that, I think the House will understand my position and those in a position on the committee to handle the bill will have my cooperation to a certain extent, but no one need to expect any assistance from me or any encouragement for the bill.

Mr. Barden later offered a motion that the Committee of the

For an occasion where the chairman of a committee, also the senior manager at conference, called up and managed the conference report, to which he was opposed, see § 24.4, supra.

1. 102 CONG. REC. 11849, 84th Cong. 2d Sess.

Whole rise and report the bill back to the House with the recommendation that the enacting clause be stricken, which was defeated (the bill itself was later defeated).[2]

Duty of Committee Chairman To Report Bill

§ 26.9 The provision of the Legislative Reorganization Act of 1946 (later adopted as part of the rules of the House) providing that it shall be the duty of the chairman of each committee to report or cause to be reported promptly any measure approved by his committee or to take or cause to be taken necessary steps to bring a matter to a vote, is sufficient authority to call up a bill on Calendar Wednesday.

On Feb. 22, 1950,[3] John Lesinski, of Michigan, Chairman of the Committee on Education and Labor, called up a bill under the Calendar Wednesday procedure. Mr. Tom Pickett, of Texas, made the point of order that Mr. Lesinski was not entitled to recognition for that purpose, not having been expressly authorized by the committee to call up the bill under that procedure.

Speaker Sam Rayburn, of Texas, overruled the point of order, saying:

> The Chair is prepared to rule.
>
> The gentleman from Michigan [Mr. Lesinski] has already stated that the committee did give him this authority. The present occupant of the chair has read the minutes of the committee and thinks the gentleman from Michigan is correct.
>
> Also the latest rule on this matter is section 133, paragraph (c), of the Legislative Reorganization Act, and there is very good reason for this rule because in times past the chairmen of committees have been known to carry bills around in their pockets for quite a while and not present them.
>
> The rule is as follows:
>
> > It shall be the duty of the chairman of each such committee to report or cause to be reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken steps to bring the matter to a vote.[4]

Conference Reports

§ 26.10 Under a former practice, a conference report was

2. *Id.* at pp. 11868, 11869.

For an occasion where a senior conference manager, also chairman of a committee, managed a conference report to which he was opposed, see § 24.4, supra.

3. 96 Cong. Rec. 2161, 2162, 81st Cong. 2d Sess.

4. The statute cited was later adopted as part of the standing rules; see Rule XI clause 2(l)(1)(A), *House Rules and Manual* § 713a (1995).

called up by the chairman of one committee, who controlled one-half hour on one title of the bill, and then yielded to the chairman of another committee to control one-half hour on the other title and to move the previous question.

On May 13, 1970,[5] Mr. Harley O. Staggers, of West Virginia, called up a conference report on H.R. 14465, the Airport and Airway Development and Revenue Acts of 1970. The managers on the part of the House had been appointed from two House committees, since title 1 of the bill dealt with airport authorizations, within the jurisdiction of the Committee on Interstate and Foreign Commerce, and title 2 dealt with raising revenue for airport construction, within the jurisdiction of the Committee on Ways and Means.

The Committee on Interstate and Foreign Commerce had reported the bill in the House, and Mr. Staggers, Chairman of that committee, therefore called up the conference report for consideration. He controlled one-half hour of debate on title 1, within the jurisdiction of his committee. He then yielded to Wilbur D. Mills, of Arkansas, Chairman of the Committee on Ways and Means, to control one-half hour of debate on title 2 of the bill. Mr. Mills moved the previous question on the report.

Parliamentarian's Note: Under the present Rule XXVIII, clause 2(a), debate on a conference report is equally divided between the majority and the minority parties (see § 26.12, infra).

§ 26.11 A conference report was filed and called up by a junior member of the conference committee, where the senior manager at the conference (who was also the chairman of the legislative committee involved) was temporarily absent and unable to be present on the floor.

On Dec. 23, 1969,[6] Speaker John W. McCormack, of Massachusetts, recognized Mr. Thomas L. Ashley, of Ohio, a junior member of the conference committee on H.R. 4293, to provide for continuation of authority for regulation of exports, to file the conference report and to call it up. The senior member of the conference committee, Wright Patman, of Texas, also Chairman of

5. 116 CONG. REC. 15291–97, 91st Cong. 2d Sess.

6. 115 CONG. REC. 40982–84, 91st Cong. 1st Sess.

the Committee on Banking and Currency, which had jurisdiction over the subject matter of the bill, was unavoidably absent from the floor.

§ 26.12 One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and where conferees have been appointed from two committees of the House, the Speaker recognizes one of the minority members (not necessarily a member of the same committee as the Member controlling the majority time) to control 30 minutes of debate.

On Jan. 19, 1972,[7] Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, called up a conference report on S. 382, the Federal Election Campaign Act of 1972. Conferees on the part of the House had been appointed from two House committees with jurisdiction over the bill, the Committee on House Administration and the Committee on Interstate and Foreign Commerce.

Speaker Carl Albert, of Oklahoma, recognized Mr. Hays for 30 minutes of debate to control time for the majority. He recognized William L. Springer, of Illinois, ranking minority member of the Committee on Interstate and Foreign Commerce, to control 30 minutes of debate for the minority.

Parliamentarian's Note: Mr. Springer controlled the minority time although he had resigned as a conferee on the bill, and even though Mr. Samuel L. Devine, of Ohio, ranking minority member of the Committee on House Administration and a conferee on the bill was on the floor and participated in debate. Under normal practice, the Members controlling the time for debate on a conference report are among those who served as House managers in conference.[8]

District of Columbia Business

§ 26.13 During consideration of District of Columbia business in Committee of the Whole, the Chair alternates in recognizing between those for and against the pending legislation, giving preference to members of the Committee on the District of Columbia.

On Apr. 11, 1932,[9] Chairman Thomas L. Blanton, of Texas, an-

7. 118 Cong. Rec. 319, 320, 92d Cong. 2d Sess.

8. For division of debate on a conference report, see Rule XXVIII clause 2(a), *House Rules and Manual* § 912a (1995).

9. 75 Cong. Rec. 7990, 72d Cong. 1st Sess.

swered a parliamentary inquiry on recognition in the Committee of the Whole during general debate on a District of Columbia bill:

> MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Chairman, when the Committee on the District of Columbia has the call and the Committee of the Whole House on the state of the Union is considering legislation, is it necessary, in gaining recognition, that a Member has to be in opposition to the bill or is any Member whatsoever entitled to one hour's time for general debate?
>
> THE CHAIRMAN: From the Chair's experience, gained through having been a member of this committee for over 10 years, he will state that where a bill is called up for general debate on District day in the Committee of the Whole House on the state of the Union, and the chairman of the committee has yielded the floor, a member of the committee opposed to the bill is entitled to recognition over any other member opposed to the bill, and it was the duty of the Chair to ascertain whether there were any members of the committee opposed to the bill who would be entitled to prior recognition. The Chair, having ascertained there were no members of the committee opposed to the bill, took pleasure, under the direction of the gentleman from Wisconsin, in recognizing the gentleman from Mississippi.

Committee Amendments

§ 26.14 In recognizing members of the committee reporting a bill, the Chair generally recognizes a member in favor of a committee amendment prior to recognizing a member thereof who is opposed.

On Jan. 30, 1957,[10] House Joint Resolution 1311, to authorize the President to cooperate with nations of the Middle East, was being considered in the Committee of the Whole pursuant to a resolution permitting only committee amendments (Committee on Foreign Affairs). A committee amendment was offered, and Mr. Wayne L. Hays, of Ohio, a member of the committee, rose to seek recognition for debate in opposition to the amendment. A point of order having been made against that procedure, Chairman Jere Cooper, of Tennessee, extended recognition to Mr. Frank M. Coffin, of Maine, a member of the committee who authorized and supported the amendment.

§ 26.15 Where a privileged resolution is reported by the Committee on Rules, with committee amendments, the amendments are reported and may be acted upon before the Member managing the resolution is recognized for debate thereon.

10. 103 CONG. REC. 1311, 85th Cong. 1st Sess.

On Aug. 19, 1964,[11] the Committee on Rules reported House Resolution 845, providing for the consideration of H.R. 11926, limiting the jurisdiction of federal courts in apportionment cases, which bill had not been reported by the committee to which referred. Speaker John W. McCormack, of Massachusetts, directed the Clerk, after the reading of the resolution, to read the committee amendments. The amendments were then agreed to and the Speaker recognized Mr. Howard W. Smith, of Virginia, the manager of the resolution, for one hour of debate.

Parliamentarian's Note: This is the normal procedure in the case of technical or perfecting amendments to a resolution considered under the hour rule. Alternatively, the proponent of the resolution may proceed in debate while an amendment thereto is pending. This procedure is followed where the amendment is controversial or is in the nature of a substitute.

§ 26.16 When a bill is being considered under a closed rule permitting only committee amendments, only two five-minute speeches are in order, one in support of the committee amendment and one in opposition, and the Chair gives preference in recognition to members of the committee reporting the bill.

On May 18, 1960,[12] the Committee of the Whole was considering H.R. 5, the Foreign Investment Tax Act of 1960, reported by the Committee on Ways and Means, pursuant to the provisions of House Resolution 468, permitting only amendments offered at the direction of said committee. Chairman William H. Natcher, of Kentucky, stated in response to a parliamentary inquiry that only five minutes for and five minutes against the bill were in order, and that committee members had prior rights to debate:

> MR. [CLEVELAND M.] BAILEY [of West Virginia]: I rise in opposition to the amendment, and I oppose the legislation in general.
>
> Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. BAILEY: On what ground may I get recognition for the purpose of opposing the legislation?
>
> THE CHAIRMAN: The Chair recognized the gentleman from Louisiana [Mr. Boggs] for 5 minutes in support of

11. 110 CONG. REC. 20213, 88th Cong. 2d Sess.

12. 106 CONG. REC. 10576, 86th Cong. 2d Sess.

the committee amendment, so the gentleman from Louisiana would have to yield to the distinguished gentleman from West Virginia.

MR. BAILEY: At the expiration of the 5 minutes allowed the gentleman from Louisiana, may I be recognized to discuss the amendment?

THE CHAIRMAN: If no other member of the committee rises in opposition to the amendment, the Chair will recognize the gentleman.

§ 26.17 The time for debate having been fixed by motion on amendments to a committee amendment in the nature of a substitute, the Chair may by unanimous consent recognize the same committee member in opposition to each amendment offered where no other member of the committee seeks such recognition.

On Feb. 8, 1950,[13] Chairman Chet Holifield, of California, answered a parliamentary inquiry after the Committee of the Whole had agreed to a motion limiting debate on amendments to a committee amendment in the nature of a substitute:

MR. [FRANCIS H.] CASE of South Dakota: Under what precedent or ruling is the Chair recognizing a certain member of the committee for 1 minute in opposition to each amendment being offered? That was not included in the motion. Had it been included in the motion, it would have been subject to a point of order.

THE CHAIRMAN: The Chair is trying to be fair in the conduct of the committee, and the only gentleman that has arisen on the opposite side has been the gentleman from Tennessee [Mr. Murray]. There was no point of order raised at the time that I announced that I would recognize the committee for 1 minute in rebuttal to each amendment.

MR. CASE of South Dakota: But the gentleman from South Dakota got up at the time the Chair proposed to recognize the gentleman from Tennessee a second time. Obviously, when the committee avails itself of the opportunity to make a motion to limit debate it, in a sense, is closing debate, and unless it does seek to limit time and is successful in so doing, in principle it forfeits that courtesy. The Members who have proposed amendments here have been waiting all afternoon to be heard, and if the committee adopted the procedure of seeking to close debate on 20 minutes' notice, with 10 amendments pending, it would seem as a matter of courtesy that the committee should restrain itself to one member of the committee who might have been on his feet, but to recognize one gentleman a succession of times seems entirely out of keeping with the spirit of closing debate.

THE CHAIRMAN: The Chairman, in the list of names, also read the name of the committee. If the Chair was so inclined, the Chair could recognize two Members for 5 minutes each on amendments, on each side, and that would preclude the others from having

13. 96 CONG. REC. 1691, 81st Cong. 2d Sess.

any voice in the amendments that are pending, or in the debate.

MR. CASE of South Dakota: That, of course, is true, the Chair could do that. But, ordinarily, under the precedents always followed in the House, when time is closed on amendments, the time is divided among those who are seeking to offer amendments, and unless the motion specifically reserves time to the committee, it has been the precedent to divide the time among those who are seeking to offer amendments.

THE CHAIRMAN: The Chair feels that the committee is entitled to a rebuttal on any amendment that is offered, and has so announced, and there was no point of order made at the time. The Chair sustains its present position.

Priorities Under the Five-minute Rule

§ 26.18 Recognition of Members to offer amendments under the five-minute rule in the Committee of the Whole is within the discretion of the Chair, and he may extend preference to members of the committee which reported the bill according to seniority.

On July 21, 1949,[14] Chairman Eugene J. Keogh, of New York, answered a parliamentary inquiry on the order of recognition for amendments under the five-minute rule:

MR. [JAMES P.] SUTTON [of Tennessee]: Mr. Chairman, I offer an amendment.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. H. CARL ANDERSEN: Mr. Chairman, is it not the custom during debate under the 5-minute rule for the Chair in recognizing Members to alternate from side to side? At least I suggest to the Chair that that would be the fair procedure. The Chair has recognized three Democrats in a row.

THE CHAIRMAN: The Chair will say to the gentleman that the matter of recognition of members of the committee is within the discretion of the Chair. The Chair has undertaken to follow as closely as possible the seniority of those Members.

MR. [CLIFFORD R.] HOPE [of Kansas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HOPE: For the information of the Chair, the gentleman from Wisconsin, who has been seeking recognition, has been a Member of the House for 10 years, and the gentleman from Tennessee is a Member whose service began only this year.

THE CHAIRMAN: The Chair would refer the gentleman to the official list of the members of the committee, which the Chair has before him.

The Clerk will report the amendment offered by the gentleman from Tennessee.

14. 95 CONG. REC. 9936, 81st Cong. 1st Sess.

§ 26.19 Recognition under the five-minute rule in the Committee of the Whole is within the discretion of the Chair, and the Chair is not required in every instance to recognize members of the legislative committee reporting the bill in order of their seniority.

On Oct. 2, 1969,[15] the Committee of the Whole was considering under the five-minute rule H.R. 14000, military procurement authorization. Chairman Daniel D. Rostenkowski, of Illinois, recognized Mr. Charles H. Wilson, of California, a member of the Committee on Armed Services which had reported the bill, to offer an amendment. Mr. Lucien N. Nedzi, of Michigan, inquired whether members of the committee were not supposed to be recognized in the order of their seniority. The Chairman responded "That is a matter for the Chair's discretion" and proceeded to recognize Mr. Wilson for his amendment.

§ 26.20 During amendment of a bill in Committee of the Whole, the Chairman first recognizes members of the committee reporting the bill, if on their feet seeking recognition.

On June 29, 1939,[16] Chairman Jere Cooper, of Tennessee, ruled that although a Member had been recognized to offer an amendment, the Chairman would in his discretion first recognize members of the committee reporting the bill, if on their feet seeking recognition:

> MR. [HAROLD] KNUTSON [of Minnesota]: Mr. Chairman, I have an amendment at the Clerk's desk which I would like to offer at this time.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Knutson: Strike out all of section 1 and insert the following—
>
> MR. [HAMILTON] FISH [Jr., of New York] (interrupting the reading of the amendment): Mr. Chairman, would it be in order for the committee members to be recognized first to offer amendments?
>
> MR. KNUTSON: I have already been recognized.
>
> THE CHAIRMAN: If there is any member of the committee seeking recognition, he is entitled to recognition.
>
> MR. FISH: Mr. Chairman, I would like to be recognized.
>
> MR. KNUTSON: I already have the floor, and have been recognized.
>
> MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, the gentleman from Minnesota [Mr. Knutson] has already been recognized.
>
> THE CHAIRMAN: Recognition is in the discretion of the Chair, and the Chair will recognize members of the committee first. Does the acting chairman of the committee seek recognition?

15. 115 CONG. REC. 28101, 28102, 91st Cong. 1st Sess.

16. 84 CONG. REC. 8311, 76th Cong. 1st Sess.

MR. [SOL] BLOOM [of New York]: Mr. Chairman, I would like to ask whether the committee amendments to section 1 have been agreed to?

THE CHAIRMAN: The only one the Chair knows about is the one appearing in the print of the bill, and that has been agreed to.

MR. BLOOM: In line 16, there is a committee amendment.

MR. KNUTSON: Mr. Chairman, I was recognized by the Chair.

THE CHAIRMAN: The Chair feels that inasmuch as members of the committee were not on their feet and the gentleman from Minnesota had been recognized, the gentleman is entitled to recognition.

§ 26.21 In recognizing members of the committee reporting a bill to offer amendments in the Committee of the Whole, the Chairman has discretion whether to first recognize a minority or majority member.

On June 4, 1948,[17] while the Committee of the Whole was considering H.R. 6801, the foreign aid appropriation bill, for amendment, Chairman W. Sterling Cole, of New York, recognized Everett M. Dirksen, of Illinois (a majority member) to offer an amendment. Mr. Clarence Cannon, of Missouri, objected that the minority was entitled to recognition to move to amend the bill. The Chairman responded:

Under the rules of the House, any member of the committee may offer an amendment, and it is in the discretion of the Chair as to which member shall be recognized.

§ 26.22 A member of the committee in charge of a bill is entitled to close debate on an amendment under consideration in the Committee of the Whole where the debate has been limited and equally divided among that Member and other Members.

On May 22, 1956,[18] Chairman Jere Cooper, of Tennessee, ruled that the chairman of the Committee on Appropriations, manager of the pending bill, H.R. 11319, was entitled to close debate on a pending amendment (where a request had been agreed to to limit debate on the amendment to 20 minutes, divided and controlled by that Member and three others):

THE CHAIRMAN: Under the unanimous-consent agreement, the Chair recognizes the gentleman from New York [Mr. Cole].

MR. [W. STERLING] COLE: Mr. Chairman, I understood that I was to have 5 minutes to close the debate on this amendment.

17. 94 CONG. REC. 7189, 80th Cong. 2d Sess.

18. 102 CONG. REC. 8741, 84th Cong. 2d Sess.

THE CHAIRMAN: The Chair was not of that understanding. It is the understanding of the Chair that the gentleman from New York [Mr. Taber] would have 5 minutes to close the debate.

MR. COLE: The request was that the gentleman from New York will close the debate. I also qualify under that characterization, being in support of the amendment; and, under the rules of the House, it is my understanding that I would be recognized to close the debate.

THE CHAIRMAN: The Chair will advise the gentleman from New York that a member of the committee is entitled to close the debate if he so desires.

Does the gentleman from New York [Mr. Taber] desire to be recognized to close the debate?

MR. [JOHN] TABER: I desire to close.

THE CHAIRMAN: The Chair recognizes the gentleman from New York [Mr. Cole].

Reservation of Time for Committee

§ 26.23 Where the Committee of the Whole fixes the time for debate on all amendments to a pending amendment in the nature of a substitute, the Chair in counting those seeking recognition may without objection allot a portion of the time on each amendment to the committee reporting the bill.

On Feb. 8, 1950,[19] the Committee of the Whole fixed time for debate on amendments to a committee amendment in the nature of a substitute. Chairman Chet Holifield, of California, then indicated, in response to a parliamentary inquiry, that the Chair would recognize a committee member in opposition to each amendment offered.

Control of Time by Unanimous Consent

§ 26.24 Under the five-minute rule, control of the time for debate may be allotted by unanimous consent but not by motion.

On May 11, 1949,[20] during five-minute debate in the Committee of the Whole, Mr. Brent Spence, of Kentucky, moved to limit five-minute debate on a pending section and amendments thereto, and to allocate the remaining time. Chairman Albert A. Gore, of Tennessee, sustained a point of order against the motion, as follows:

MR. SPENCE: Mr. Chairman, I move that all debate on section 1 and all amendments thereto conclude at 3:30

19. 96 CONG. REC. 1691, 81st Cong. 2d Sess.

20. 95 CONG. REC. 6055, 6056, 81st Cong. 1st Sess.

and that the time be equally divided among those Members who asked for time and that the last 5 minutes be assigned to the committee.

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman . . . the Committee of the Whole cannot allot time that way. That is in the discretion of the House of Representatives and not the committee. It must be by unanimous consent.

THE CHAIRMAN: The point of order is sustained.

§ 26.25 By unanimous consent, the Committee of the Whole provided for two hours of debate on a pending amendment (thereby abrogating the five-minute rule) and vested control of such time in the chairman and ranking minority member of the committee that had reported the bill.

On July 8, 1965,[1] the Committee of the Whole was considering the Civil Rights Act of 1965, H.R. 6400. Mr. William M. McCulloch, of Ohio, offered an amendment, and the Committee agreed to the following unanimous-consent request allocating the time for debate on the amendment:

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I ask unanimous consent that all debate on the so-called McCulloch substitute and all amendments thereto be limited to 2 hours, and that such time be equally divided and controlled by myself and the gentleman from Ohio [Mr. McCulloch].

Parliamentarian's Note: Where a unanimous-consent agreement for control of time for debate on an amendment has been fixed, the proponent is first recognized for debate.[2]

§ 26.26 The Committee of the Whole, by unanimous consent, limited debate to 30 minutes on a pending motion to strike and provided that the time should be divided equally between the managers of the bill, who would in turn yield time to both

1. 111 CONG. REC. 16036–38, 89th Cong. 1st Sess.

2. Where the time for and control of debate on an amendment has been fixed by unanimous consent, the motion that the Committee rise with the recommendation that the enacting clause be stricken is in order and privileged, and the Member so moving and the Members rising in opposition are entitled to recognition for five minutes. Time on the motion is not taken from the time remaining under the unanimous-consent limitation unless the limitation is to a time certain or unless the limitation has the effect of closing further debate on the bill (as with an amendment in the nature of a substitute being considered as an original bill). See 111 CONG. REC. 16227, 16228, 89th Cong. 1st Sess., July 9, 1965.

proponents and opponents of the motion.

On Aug. 4, 1966,[3] while the Committee of the Whole was considering H.R. 14765, the Civil Rights Act of 1966, the Committee agreed to a unanimous-consent request on the time and control of debate on motion to strike:

MR. [CARL] ALBERT [of Oklahoma]: The unanimous-consent request is that when the Committee resumes consideration of the bill, H.R. 14765, after the recess tonight the first order of business shall be after 30 minutes of debate a vote on the Moore amendment to strike out title IV and, in the event that amendment is defeated, the Committee shall then continue the consideration of title IV.

MR. [JOHN BELL] WILLIAMS [of Mississippi]: Do I understand that the gentleman dropped that portion in which he provided for a division of time equally between the proponents and opponents?

MR. ALBERT: No. That is included. Fifteen minutes shall be under the control of the gentleman from New Jersey [Mr. Rodino] and 15 minutes under the control of the gentleman from Ohio [Mr. McCulloch]. I think it is well understood that they will yield the time to both proponents and opponents of the Moore amendment.

MR. WILLIAMS: By gentleman's agreement?

MR. ALBERT: Yes.

MR. WILLIAMS: Mr. Chairman, I withdraw my reservation.

THE CHAIRMAN:[4] Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Hour Rule Limitations

§ 26.27 Although the chairman and ranking minority member of a committee or subcommittee may be given control of more than one hour of the time for general debate, they are still limited in their own presentations by the hour rule and may proceed for a longer time only by unanimous consent.

On July 29, 1969,[5] the House agreed to a unanimous-consent request by Mr. Daniel J. Flood, of Pennsylvania, that the House resolve itself into the Committee of the Whole for the consideration of H.R. 13111, Labor and HEW appropriations, and that general debate be limited to three hours, to be equally divided and controlled by Mr. Flood, Chairman of the Subcommittee on HEW of the Committee on Appropriations and by Mr. Robert H. Michel, of Illinois, the ranking minority member of that subcommittee.

Mr. Flood commenced debate, and Chairman Chet Holifield, of

3. 112 CONG. REC. 18207, 18208, 89th Cong. 2d Sess.

4. Richard Bolling (Mo.).

5. 115 CONG. REC. 21174–78, 91st Cong. 1st Sess.

California, later advised him that he himself had consumed one hour.

By unanimous consent, at the request of Mr. William H. Natcher, of Kentucky, Mr. Flood was allowed to continue for 10 additional minutes.

Yielding Time by Committee Managers

§ 26.28 Where debate on a bill is under control of the chairman and ranking minority member of a committee, they may yield as many times as they desire to whomever they desire.

On July 11, 1946,[6] Chairman William M. Whittington, of Mississippi, answered a parliamentary inquiry:

> MISS [JESSIE] SUMNER of Illinois: Mr. Chairman, a parliamentary inquiry?
>
> THE CHAIRMAN: The gentlewoman will state it.
>
> MISS SUMNER of Illinois: The gentleman from Arkansas [Mr. Hays] and the gentleman from Texas [Mr. Patman] have spoken two or three times on this bill during general debate. Is that permissible under the rules of the House?
>
> THE CHAIRMAN: The time is within the control of the chairman and the ranking minority member of the committee.
>
> MISS SUMNER of Illinois: May the same person speak two or three times in general debate on the same bill?
>
> THE CHAIRMAN: General debate on this bill has been fixed at 16 hours, the time equally divided between the chairman and the ranking minority member of the committee. They may yield once, twice, or as many times as they desire to whom they desire.

General Debate Time

§ 26.29 The chairman of the Committee on the Judiciary, in control of one-half the time for general debate on a civil rights bill, yielded one-half of that time to another majority member of his committee.

On Jan. 21, 1964,[7] the House adopted House Resolution 616, providing for consideration of H.R. 7152, the Civil Rights Act of 1963, and providing that 10 hours of general debate thereon be divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. When the House resolved itself into the Committee of the Whole for the consideration of the bill, Emanuel Celler, of New York, the Chairman of the Committee on the Judiciary, made the following statement:

> Mr. Chairman, at the outset may I say that I shall yield one-half of my

6. 92 CONG. REC. 8694, 79th Cong. 2d Sess.

7. 110 CONG. REC. 1516, 88th Cong. 2d Sess.

time, namely, 2½ hours, to the distinguished gentleman from Louisiana [Mr. Willis].

§ 26.30 Where a bill is considered pursuant to a resolution which gives control of part of the general debate to the chairman of the committee reporting the bill, he may delegate control of that time to another; but such delegation is not effective unless communicated to the Chairman of the Committee of the Whole.

On Jan. 31, 1964,[8] the Committee of the Whole was conducting general debate on H.R. 7152, the Civil Rights Act of 1963. The resolution providing for the consideration of the bill provided that general debate be divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Emanuel Celler, of New York, the Chairman of the committee, was absent, and the following colloquy and point of order transpired:

MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Chairman, will the gentleman yield?

MR. [BASIL L.] WHITENER [of North Carolina]: If the gentleman will get me more time, I will be glad to yield to the gentleman.

MR. RODINO: I will give the gentleman 1 extra minute.

MR. WHITENER: I yield to the gentleman, but please do not take more than 1 minute.

THE CHAIRMAN:[9] The Chair has to inform the gentleman from North Carolina that the gentleman from New Jersey does not have control of the time.

MR. WHITENER: Then, Mr. Chairman, I must respectfully decline to yield to the gentleman. . . .

MR. [BYRON G.] ROGERS of Colorado: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state the point of order.

MR. ROGERS of Colorado: Mr. Chairman, the gentleman from New Jersey is now in charge of the time in the absence of the chairman, the gentleman from New York [Mr. Celler].

THE CHAIRMAN: The Chair was not informed that the gentleman from New York is absent nor is the Chair informed that the gentleman from New Jersey is now in charge of the time.

The gentleman from North Carolina is recognized.

MR. WHITENER: I thank the Chairman. . . .

THE CHAIRMAN: The time of the gentleman has expired.

MR. RODINO: Mr. Chairman, I yield myself 10 minutes, and I wish to state I am acting for the chairman of the Committee on the Judiciary who asked me to take charge of the time for him in his absence.

THE CHAIRMAN: The gentleman from New Jersey is recognized.

§ 26.31 During general debate in Committee of the Whole of

8. 110 CONG. REC. 1538, 88th Cong. 2d Sess.

9. Eugene J. Keogh (N.Y.).

a bill being considered under a special rule providing that the time be controlled by the chairman and ranking minority member of the committee reporting the bill, additional time must be yielded by the members controlling the time and may not be obtained by unanimous consent.

On June 2, 1975,[10] during consideration of the Voting Rights Act extension (H.R. 6219) in the Committee of the Whole, the following proceedings occurred:

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

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I would ask unanimous consent to continue for an additional 5 minutes.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the gentleman from California (Mr. Edwards) has control of the time. Does the gentleman from California wish to yield additional time to the gentleman from Texas? . . .

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

MR. GONZALEZ: Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 1 additional minute.

THE CHAIRMAN PRO TEMPORE: The gentleman will suspend. The Chair must advise the gentleman that under the rule that request is not in order.

10. 121 CONG. REC. 16285, 16286, 94th Cong. 1st Sess.

—*Reserving Time To Close*

§ 26.32 Where, under a special rule, general debate is divided and controlled by two committees, the Chair may permit the chairman of the primary committee involved to reserve a portion of his allotted time to close general debate, while recognizing the chairman of the other committee to utilize his time.

During consideration of the Intergovernmental Emergency Assistance Act (H.R. 10481) in the Committee of the Whole on Dec. 2, 1975,[11] the proceedings described above occurred as follows:

THE CHAIRMAN:[12] Pursuant to the rule, general debate will continue for not to exceed 3 hours, 2 hours to be equally divided and controlled between the chairman and ranking minority member of the Committee on Banking, Currency and Housing, and 1 hour to be equally divided and controlled between the chairman and ranking minority member of the Committee on Ways and Means.

Under the rule, the gentleman from Ohio [Mr. Ashley, chairman of the Committee on Banking, Currency, and Housing] will be recognized for 1 hour; the gentleman from Connecticut (Mr. McKinney) will be recognized for 1 hour; the gentleman from Oregon (Mr.

11. 121 CONG. REC. 38141, 38166, 38174, 94th Cong. 1st Sess.

12. James G. O'Hara (Mich.).

Ullman) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Schneebeli) will be recognized for 30 minutes. . . .

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, I have no further requests for time and I reserve the balance of my time.

THE CHAIRMAN: Under the rule, the gentleman from Oregon (Mr. Ullman) is recognized for 30 minutes, and the gentleman from New York (Mr. Conable) is recognized for 30 minutes.

[Mr. [Al] Ullman [of Oregon] addressed the Committee.]

MR. ASHLEY: Mr. Chairman, I yield myself 2 minutes to close debate.

Disciplinary Resolution

§ 26.33 After the chairman of a special committee to investigate the right of a Member-elect to be sworn was recognized for one hour on a resolution relating thereto, he obtained an additional hour by unanimous consent, and then yielded one-half of his time, for debate only, to the ranking minority member of the special committee; the Speaker declared that both the chairman and the ranking minority member controlled the further allocation of time.

On Mar. 1, 1967,[13] Emanuel Celler, of New York, Chairman of the select committee, appointed pursuant to House Resolution 1 of the 90th Congress to investigate the right of Member-elect Adam C. Powell, of New York, to be sworn, called up House Resolution 278 relating thereto. Mr. Celler, after being recognized by Speaker John W. McCormack, of Massachusetts, for one hour, requested that the time be extended for one additional hour, which was agreed to.

Mr. Celler then yielded one-half of his time, for debate only, to Mr. Arch A. Moore, Jr., of West Virginia, the ranking minority member of the special committee. Both were declared by the Speaker to be in control of the allocation of time.

Under Suspension—Management of House Bill With Senate Amendments

§ 26.34 The Speaker normally recognizes the chairman of the committee or subcommittee with jurisdiction over the subject matter of a House bill to move to suspend the rules and agree to a resolution taking the bill with Senate amendments from the Speaker's table and agreeing to the Senate amendments.

13. 113 CONG. REC. 4997, 90th Cong. 1st Sess.

On Aug. 27, 1962,[14] Speaker John W. McCormack, of Massachusetts, recognized Oren Harris, of Arkansas, Chairman of the Committee on Interstate and Foreign Commerce, to move to suspend the rules and agree to House Resolution 769:

> *Resolved*, That immediately upon the adoption of this resolution the bill H.R. 11040, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table, to the end that the Senate amendment be, and the same is hereby, agreed to.

Parliamentarian's Note: H.R. 11040, the Communications Satellite Act of 1962, was within the jurisdiction of the Committee on Interstate and Foreign Commerce.

§ 26.35 The Speaker normally recognizes the chairman of the committee or subcommittee with jurisdiction to move to suspend the rules and agree to a resolution taking a House bill with Senate amendments from the Speaker's table, disagreeing to Senate amendments, and requesting a conference.

On Oct. 1, 1962,[15] Speaker John W. McCormack, of Massachusetts, recognized Thomas J. Murray, of Tennessee, Chairman of the Committee on Post Office and Civil Service, to suspend the rules and agree to House Resolution 818:

> *Resolved*, That immediately upon the adoption of this resolution the bill H.R. 7927, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same hereby is, disagreed to and a conference is requested with the Senate upon the disagreeing votes of the two Houses thereon.

Parliamentarian's Note: H.R. 7927, the Postal Rate and Postal Pay Act of 1962, was within the jurisdiction of the Committee on Post Office and Civil Service.

—*Member Opposed to Motion*

§ 26.36 Under clause 2 of Rule XXVII,[16] a Member opposed to a motion to suspend the rules is entitled to control 20 minutes of debate in opposi-

14. 108 CONG. REC. 17671, 87th Cong. 2d Sess.

15. 108 CONG. REC. 21528, 87th Cong. 2d Sess.

16. *House Rules and Manual* § 907 (1995). The provision providing for forty minutes of debate on a motion to suspend the rules was formerly contained in clause 3. Former clause 2 of Rule XXVII, requiring certain motions to suspend the rules to be seconded by a majority of tellers if demand was made, was repealed by H. Res. 5, 102d Cong. 1st Sess., Jan. 3, 1991.

tion to the motion; ordinarily, the ranking minority member of the reporting committee controls the 20 minutes of debate unless he is challenged at the time the allocation is made and does not qualify as being opposed to the motion.

During consideration of the Equal Access Act (H.R. 5345) in the House on May 15, 1984,[17] the following proceedings occurred:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5345) to provide that no Federal educational funds may be obligated or expended to any State or local educational agency which discriminates against any meetings of students in public secondary schools who wish to meet voluntarily for religious purposes.

The Clerk read as follows:

H.R. 5345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Access Act". . . .

THE SPEAKER PRO TEMPORE:[18] . . . The gentleman from Kentucky (Mr. Perkins) will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. William F. Goodling, ranking minority member of Committee on Education and Labor] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

MR. PERKINS: Mr. Speaker, I yield myself 4 minutes. . . .

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FISH: Mr. Speaker, I am opposed to this bill. Do I have a right to the full 20 minutes on our side?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman from New York that his objection is not timely. The gentleman is too late. The gentleman from Pennsylvania (Mr. Goodling) controls the time.

MR. [GARY L.] ACKERMAN [of New York]: Mr. Speaker, does the gentleman from Pennsylvania oppose this bill? . . .

THE SPEAKER PRO TEMPORE: The Chair will state that any gentleman had the opportunity at the appropriate time to make the appropriate challenge. The Chair has ruled that the gentleman from Pennsylvania (Mr. Goodling) controls the time and is recognized for 20 minutes.

Unanimous-consent Requests To Dispose of Senate Amendments

§ 26.37 The Speaker, in response to a parliamentary inquiry, indicated that only the chairman of the committee having jurisdiction of the subject matter of a bill, amended by the Senate and on the Speaker's table, would be recognized to ask unani-

17. 130 CONG. REC. 12214, 12215, 98th Cong. 2d Sess.

18. Wyche Fowler, Jr. (Ga.).

mous consent to take it from the table, disagree to the amendment and ask for a conference.

On Sept. 1, 1960,[19] Mr. Charles A. Halleck, of Indiana, raised a parliamentary inquiry on the disposition of a House bill with a Senate amendment which had been returned to the House and was on the Speaker's table. Mr. Halleck inquired whether it would be in order to submit a unanimous-consent request to take the bill from the table, disagree to the Senate amendment, and send the bill to conference. Speaker Sam Rayburn, of Texas, responded that such a request could only be made by the chairman of the committee with jurisdiction over the bill [Harold D. Cooley, of North Carolina].

§ 26.38 The Speaker may decline to recognize a Member for a unanimous-consent request to take a bill from the Speaker's table and concur in certain Senate amendments, where such a request is made without the authorization of the chairman of the reporting committee.

On July 31, 1969,[20] Mr. Hale Boggs, of Louisiana, asked unanimous consent to take the bill H.R. 9951 from the Speaker's table and to concur in the Senate amendments thereto. Speaker John W. McCormack, of Massachusetts, refused recognition for that purpose:

> THE SPEAKER: The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.
>
> The chairman of the Committee on Ways and Means is at present appearing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.
>
> The Chair does not want to enter into an argument with any Member, particularly the distinguished gentleman from Louisiana whom I admire very much. But the Chair has stated that the Chair does not recognize the gentleman for that purpose.

Calendar Wednesday

§ 26.39 A Member managing a bill on Calendar Wednesday must be authorized and directed to call it up by the committee with jurisdiction.

On Feb. 24, 1937,[1] Speaker Pro Tempore William J. Driver, of Arkansas, responded to a parliamentary inquiry during the Calendar Wednesday call of committees:

> MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, where a bill has

19. 106 CONG. REC. 18920, 86th Cong. 2d Sess.

20. 115 CONG. REC. 21691, 91st Cong. 1st Sess.

1. 81 CONG. REC. 1562, 1563, 75th Cong. 1st Sess.

been reported favorably by a committee, and the chairman of the committee is authorized to call the bill up on Calendar Wednesday, when the chairman absents himself from the floor, and when other members of the committee are present, is it proper for one of the other members to call up the bill?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that under the rules only the chairman or the member designated by the committee is authorized to call up a bill.[2]

§ 26.40 On Calendar Wednesday, debate on bills considered in the Committee of the Whole is limited to two hours, one hour controlled by the Member in charge of the bill and one hour by the ranking minority member of the committee who is opposed to the bill.

On Apr. 14, 1937,[3] Chairman J. Mark Wilcox, of Florida, stated in response to a parliamentary inquiry that debate on a bill (called up under the Calendar Wednesday procedure) in the Committee of the Whole would be limited to two hours, one hour to be controlled by the chairman of the Committee on Interstate and Foreign Commerce, and one hour to be controlled by the ranking minority committee member opposed to the bill. The Chairman indicated he would recognize in opposition Mr. Pehr G. Holmes, of Massachusetts, who assured the Chairman that he was the most senior minority member of the Committee on Interstate and Foreign Commerce who was opposed to the bill.[4]

Veto

§ 26.41 Debate on the question of overriding a Presidential veto is normally controlled by the chairman of the committee which had reported the bill to the House.

On Sept. 7, 1978,[5] the Speaker announced the unfinished business of the House, as follows:

THE SPEAKER:[6] The unfinished business is the further consideration of the veto message of the President on the bill H.R. 10929, to authorize appro-

2. See also 92 CONG. REC. 8590, 79th Cong. 2d Sess., July 10, 1946; and 87 CONG. REC. 5047, 77th Cong. 1st Sess., June 11, 1941.
3. 81 CONG. REC. 3456, 75th Cong. 1st Sess.
4. See also 92 CONG. REC. 8590, 79th Cong. 2d Sess., July 10, 1946.

   Rule XXIV clause 7, *House Rules and Manual* § 897 (1995) governs the consideration of bills called up by committees under the Calendar Wednesday procedure.
5. 124 CONG. REC. 28343, 95th Cong. 2d Sess.
6. Thomas P. O'Neill, Jr. (Mass.).

priations for fiscal year 1979 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for civil defense, and for other purposes.

The question is: Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Illinois (Mr. Price) is recognized for 1 hour.

MR. [MELVIN] PRICE [of Illinois]: Mr. Speaker, I yield myself such time as I may require.

Parliamentarian's Note: Although the Speaker and Majority Leader supported the veto, Chairman Price who opposed the veto was recognized to control the debate, as is the normal practice. For an instance where the Majority Leader was recognized to control the debate on overriding the President's veto of an appropriations bill, see § 26.42, infra.

§ 26.42 While the Speaker normally recognizes the chairman of the committee or subcommittee which reported the bill to control the debate on a veto message on that bill, the Speaker on one occasion recognized the Majority Leader to control debate on the question of overriding the President's veto of an appropriation bill.

On Aug. 16, 1972,[7] the Speaker brought up for consideration a veto message from the President, as follows:

The Speaker laid before the House the following veto message from the President of the United States:

To the House of Representatives:

Today, I must return without my approval H.R. 15417, the appropriations bill for the Department of Labor, the Department of Health, Education and Welfare and certain related agencies. . . .

THE SPEAKER:[8] The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Louisiana [the majority leader].

MR. [HALE] BOGGS [of Louisiana]: Mr. Speaker, I shall say only a few words and then move the previous question.

Amendments

§ 26.43 The proponent of an amendment may be recognized to control the time in opposition to a substitute

7. 118 CONG. REC. 28415, 92d Cong. 2d Sess.
8. Carl Albert (Okla.).

offered therefor, but a member of the committee reporting the bill has priority of recognition to control such time.

On May 4, 1983,[9] during consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding priority of recognition for debate:

> MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, I offer an amendment as a substitute for the amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Dicks as a substitute for the amendment offered by Mr. Levitas: In view of the matter proposed to be inserted, insert the following: "with negotiators proceeding immediately to pursuing reductions.". . . .
>
> MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a parliamentary inquiry. . . .
>
> My parliamentary inquiry is twofold, Mr. Chairman.
>
> The first is that under the rule if I am opposed to the amendment being offered as a substitute for my amendment, can I be recognized in opposition thereto?
>
> My second inquiry is: Is the substitute open for amendment?
>
> THE CHAIRMAN:[10] The answer to the second question is the substitute is open for amendment.
>
> It is appropriate under the rules to offer an amendment. In terms of whom the Chair recognizes in opposition, the Chair would be inclined to recognize a member of the committee, if a member of the committee seeks recognition in opposition to the amendment.
>
> If a committee member does not seek recognition for that purpose the Chair would be inclined to recognize the gentleman.

§ 26.44 Where a special rule governing consideration of a bill in Committee of the Whole provides that debate on each amendment be equally divided between the proponent and a Member opposed thereto, the Chairman of the Committee of the Whole will recognize the chairman of the committee managing the bill to control the time in opposition if he states he is opposed, and the Chair cannot at a later time question his qualifications to speak in opposition.

On May 4, 1983,[11] the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons, pursuant to a special rule agreed to on Mar. 16[12] and a special rule

9. 129 CONG. REC. 11074, 98th Cong. 1st Sess.

10. Matthew F. McHugh (N.Y.).

11. 129 CONG. REC. 11066, 98th Cong. 1st Sess.

12. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.

providing for additional procedures for consideration (including the equal division of debate time) agreed to on May 4.[13] Mr. Clement J. Zablocki, of Wisconsin, Chairman of the Committee on Foreign Affairs, was recognized in opposition to an amendment. Mr. Zablocki discussed the amendment as it had been modified by unanimous consent:

MR. ZABLOCKI: Mr. Chairman, in order that we can continue the debate in proper order, and with an understanding of the amendment, as modified by unanimous consent, I ask that the Clerk re-read the amendment to the amendment.

THE CHAIRMAN: The clerk will report the amendment, as modified.

The Clerk read as follows:

Page 5, line 8, immediately before the period, insert ", with such reductions to be achieved within a reasonable period of time as determined by negotiations."

MR. ZABLOCKI: . . . I must say at the very outset, as the amendment has been offered, I have no problems with the amendment. But I am concerned [that] in the explanation of your amendment you go further and it does cause some concern whether you intend your amendment to be so interpreted.

So, Mr. Chairman, I would hope that in the remaining 13 minutes of my time in opposition, technically in opposition, to the amendment we could have a clarifying dialog with the gentleman from Georgia.

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE:[14] The gentleman from Wisconsin (Mr. Zablocki) has the time.

MR. COURTER: Mr. Chairman, will the gentleman yield to me for the purpose of making a parliamentary inquiry?

MR. ZABLOCKI: I yield to the gentleman from New Jersey for the purpose of making a parliamentary inquiry.

MR. COURTER: My parliamentary inquiry, Mr. Chairman, is as follows:

It is my understanding that the proponent of the amendment, the gentleman from Georgia (Mr. Levitas) is recognized for 15 minutes, and then someone could be recognized if they, in fact, oppose it.

The gentleman from Wisconsin (Mr. Zablocki) rose initially indicating that he was against the amendment, was recognized for 15 minutes, and during his monolog has indicated that, in fact, he is not opposed to it. Should he be recognized for the balance of his time?

THE CHAIRMAN PRO TEMPORE: The Chair cannot question the gentleman's qualifications. The Chair did ask the question if he rose in opposition to the amendment, and the Chairman so stated. Therefore, he controls the time.

Unreported Joint Resolution

§ 26.45 Where an unreported joint resolution was being

13. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.

14. Leon E. Panetta (Calif.).

considered under a special "modified closed" rule in Committee of the Whole permitting no general debate and the consideration of only two amendments in the nature of a substitute with debate thereon divided between a proponent and an opponent, the proponents (or the designee of a proponent) of the amendments were permitted to open and close debate pursuant to clause 6 of Rule XIV, since there was no "manager" of the joint resolution.

The following proceedings occurred in the Committee of the Whole on Apr. 24, 1985,[15] during consideration of House Joint Resolution 247 (to promote U.S. assistance in Central America):

THE CHAIRMAN:[16] No amendments are in order except the following amendments, which shall be considered as having been read, shall be considered only in the following order, and shall not be subject to amendment: First, the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Hamilton of Indiana; and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by Representative Hamilton and a member opposed thereto; and second, the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Michel or his designee, and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by Representative Michel or his designee and a Member opposed thereto. . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute. . . .

THE CHAIRMAN: Pursuant to House Resolution 136, the amendment is considered as having been read.

The gentleman from Illinois (Mr. Michel) will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour. . . .

MR. MICHEL: Mr. Chairman, I should like to designate the gentleman from Michigan (Mr. Broomfield) to make the allocation of time on our side of the aisle.

THE CHAIRMAN: The gentleman from Michigan (Mr. Broomfield) is designated to control the time for the gentleman from Illinois (Mr. Michel). . . .

The gentleman from Michigan (Mr. Broomfield) has 7 minutes remaining, and the gentleman from Maryland (Mr. Barnes) has 6¼ minutes remaining.

MR. [MICHAEL D.] BARNES [of Maryland]: Mr. Chairman, we have three very brief speakers.

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: If the gentleman would go ahead with those, we will wind up with one, our final speaker, the gentleman from Illinois (Mr. Michel). . . .

THE CHAIRMAN: The time of the gentleman from Maryland (Mr. Barnes) has expired. . . .

15. 131 CONG. REC. 9206, 9231, 9232, 9253, 9254, 99th Cong. 1st Sess.

16. George E. Brown, Jr. (Calif.).

MR. BROOMFIELD: Mr. Chairman, I would like at this time now to yield the balance of our time to the minority leader, the gentleman from Illinois (Mr. Michel).

Parliamentarian's Note: Ordinarily in Committee of the Whole under the five-minute rule notwithstanding clause 6 of Rule XIV (which permits the proposer of a proposition to close debate), the manager of the bill under the precedents is given the right to close debate on an amendment. But in the above instance, there was no manager of the bill under the special rule.

§ 26.46 Where a special rule adopted by the House limits debate on an amendment to be controlled by the proponent and an opponent, and prohibits amendments thereto, the Chair may in his discretion recognize the manager of the bill if opposed and there is no requirement for recognition of the minority party.

The following proceedings occurred in the Committee of the Whole on June 18, 1986,[17] during consideration of H.R. 4868 (Anti-Apartheid Act of 1986):

THE CHAIRMAN:[18] Under the rule, the gentleman from California (Mr. Dellums) will be recognized for 30 minutes, and a Member opposed to the amendment will be recognized for 30 minutes.

Will those gentlemen who are opposed to the Dellums amendment kindly stand so the Chair can designate?

Is the gentleman from Washington (Mr. Bonker) opposed to the amendment?

MR. [DON] BONKER [of Washington]: I advise the Chair that I oppose the amendment.

THE CHAIRMAN: Then the Chair will recognize the gentleman from Washington (Mr. Bonker) for 30 minutes in opposition to the Dellums amendment.

Does the gentleman from Washington wish to yield any of his time or share any of his time?

MR. BONKER: Mr. Chairman, I would yield half the allotted time, 15 minutes, to the gentleman from Michigan (Mr. Siljander).

THE CHAIRMAN: The time in opposition will be equally divided between the gentleman from Washington (Mr. Bonker) and the gentleman from Michigan (Mr. Siljander). . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, do I understand that the process that has just taken place has given the minority side one-quarter of the time.

THE CHAIRMAN: The Chair would counsel the gentleman from Pennsylvania in regard to his inquiry that the rule provides that a Member will be recognized in opposition. The gentleman from Washington (Mr. Bonker) was recognized in opposition, and he shared his time with your side.

MR. WALKER: In other words, the minority, though, was not recognized for

17. 132 CONG. REC. 14275, 14276, 99th Cong. 2d Sess.

18. Bob Traxler (Mich.).

the purposes of opposition. Is that correct?

THE CHAIRMAN: The Chair would state that the procedures of the House are governed by its rules, but more importantly in this instance, by the rule adopted by the House as reported from the Committee.

Motions To Instruct

§ 26.47 Under Rule XXVIII, clause 1(b), debate on any motion to instruct conferees is equally divided between majority and minority parties or among them and an opponent; but where the previous question is rejected on a motion to instruct, a separate hour of debate on any amendment to the motion is fully controlled by the proponent of the amendment under the hour rule (Rule XIV, clause 2), as the manager of the original motion loses the floor.

The following proceedings occurred in the House on Oct. 3, 1989,[19] during consideration of H.R. 3026 (District of Columbia appropriations for fiscal year 1990):

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3026) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER PRO TEMPORE:[20] Is there objection to the request of the gentleman from California?

There was no objection.

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

The Clerk read as follows:

> Mr. Green moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 3026, be instructed to agree to the amendment of the Senate numbered 3.

THE SPEAKER PRO TEMPORE: The gentleman from New York [Mr. Green] is recognized for 30 minutes in support his motion. . . .

MR. GREEN: Mr. Speaker, I move the previous question on the motion to instruct. . . .

THE SPEAKER PRO TEMPORE: The question is on ordering the previous question.

[The previous question was rejected.]

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

I understand now that the gentleman from California [Mr. Dannemeyer] intends to offer an amendment to the motion offered by the gentleman from New York [Mr. Green].

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19. 135 CONG. REC. 22859, 22862, 22863, 101st Cong. 1st Sess.

20. William J. Hughes (N.J.).

My question is: Under the offering will I receive part of the time?

THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman from California [Mr. Dixon] that 1 hour would be allotted to the gentleman from California [Mr. Dannemeyer]. He would have to yield time to the gentleman from California [Mr. Dixon]. . . .

The Clerk read as follows:

> Amendment offered by Mr. Dannemeyer to the motion to instruct: At the end of the pending motion, strike the period, insert a semicolon, and add the following language: "; *Provided further* that the conferees be instructed to agree to the provisions contained in Senate amendment numbered 22."

THE SPEAKER PRO TEMPORE: The gentleman from California [Mr. Dannemeyer] is recognized for 1 hour.

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I yield one-half of the time to the gentleman from California [Mr. Dixon], for purposes of debate only.

Parliamentarian's Note: The control of debate in the above instance is to be distinguished from debate on motions in the House to dispose of amendments in disagreement. In the latter case, although the manager of the original motion might lose the floor upon defeat of his motion, debate on a subsequent motion is nevertheless divided under Rule XXVIII, clause 2(b). It is only debate on amendments to such motions, when pending, that is not divided.

Time Divided Three Ways

§ 26.48 Pursuant to clause 2(b) of Rule XXVIII, debate on a motion to dispose of an amendment reported from conference in disagreement is equally divided between the majority and minority parties, unless the minority Member favors the motion, in which event one third of the time is allocated to a Member opposed.

The following exchange occurred in the House on Aug. 1, 1985,[1] during consideration of the conference report on Senate Concurrent Resolution 32 (the first concurrent resolution on the budget for fiscal year 1986):

THE SPEAKER:[2] Under the rules, the gentleman from Pennsylvania (Mr. Gray) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. FRANK: Mr. Speaker, is the gentleman from Ohio (Mr. Latta) opposed to the bill?

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I am not opposed to the bill.

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1. 131 CONG. REC. 22638, 99th Cong. 1st Sess.

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

MR. FRANK: Mr. Speaker, I believe then that under rule XXVIII, a Member in opposition to the bill is entitled to 20 minutes.

THE SPEAKER: The gentleman is correct. Under the rule, the gentleman is entitled to one-third of the time.

The gentleman from Pennsylvania (Mr. Gray) will be recognized for 20 minutes, the gentleman from Ohio (Mr. Latta) will be recognized for 20 minutes, and the gentleman from Massachusetts (Mr. Frank) will be recognized for 20 minutes.

§ 26.49 Pursuant to clause 2(a) of Rule XXVIII, where the floor managers for the majority and minority parties on a conference report are both supporters thereof, a Member opposed may be recognized for one third of the debate time and it is within the discretion of the Chair as to which Member is recognized in opposition; such recognition does not depend upon party affiliation, and the time in opposition may be divided by unanimous consent or yielded by the Member recognized.

The following proceedings occurred in the House on Dec. 11, 1985,[3] during consideration of the conference report on House Joint Resolution 372 (the public debt limit increase):

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, pursuant to the order of the House of Tuesday, December 10, 1985, I call up the conference report on the joint resolution (H.J. Res. 372), increasing the statutory limit on the public debt.

The Clerk read the title of the joint resolution.

THE SPEAKER PRO TEMPORE:[4] Pursuant to the order of the House of Tuesday, December 10, 1985, the conference report is considered as having been read. . . .

The gentleman from Illinois (Mr. Rostenkowski) will be recognized for 30 minutes and the gentleman from Tennessee (Mr. Duncan) will be recognized for 30 minutes.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. OBEY: Mr. Speaker, did I hear the Speaker say that the time would be divided between the gentleman from Illinois (Mr. Rostenkowski) and the gentleman from Tennessee (Mr. Duncan)?

THE SPEAKER PRO TEMPORE: The gentleman heard correctly.

MR. OBEY: Mr. Speaker, [is the gentleman] from Tennessee opposed to the legislation?

MR. [JOHN J.] DUNCAN [of Tennessee]: Mr. Speaker, I am not opposed to the legislation.

3. 131 CONG. REC. 36069, 99th Cong. 1st Sess.

4. Lawrence J. Smith (Fla.).

MR. OBEY: Mr. Speaker, that being the case, I ask under rule XXVIII, since the rules provide that those in opposition be entitled to 20 minutes, I would ask that I be assigned that 20-minute time block.

THE SPEAKER PRO TEMPORE: The Chair advises that the gentleman is correct, and the gentleman from Illinois (Mr. Rostenkowski) will be recognized for 20 minutes, the gentleman from Tennessee (Mr. Duncan) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. Obey) will be recognized for 20 minutes.

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

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

MR. DUNCAN: Mr. Speaker, did I understand there is to be additional time assigned to those who oppose the conference report? If I understand correctly, we have some people on our side.

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin (Mr. Obey) is opposed, and he will control the 20 minutes time.

MR. DUNCAN: Mr. Speaker, Mr. Crane is also opposed. We would expect equal time, Mr. Speaker. Mr. Crane is on the committee, and he would expect equal time.

THE SPEAKER PRO TEMPORE: The Chair would advise that the gentleman from Wisconsin is also on the conference committee.

MR. DUNCAN: No, Mr. Speaker, he is not on the Committee on Ways and Means. Mr. Crane is.

We would expect, and I am for the proposal, and he is in opposition.

THE SPEAKER PRO TEMPORE: Under the rule, 60 minutes is allotted: 20 minutes to the gentleman from Illinois, 20 minutes to the gentleman from Tennessee (Mr. Duncan), and 20 minutes to one Member opposed, in this case the gentleman from Wisconsin (Mr. Obey).

MR. [PHILIP M.] CRANE [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. CRANE: Mr. Speaker, I am on the committee; I rose, registered my objection, and I do not know whether that was heard in the din of the crowd here tonight, but I would at least ask the Speaker to permit a division of that time. I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The Chair will advise that the gentleman from Wisconsin was on his feet and was recognized, in the Chair's discretion and was granted the 20 minutes of the 60.

MR. DUNCAN: Mr. Speaker, under the rules of the House, I think that the gentleman would be entitled to half of that; otherwise, I think everyone wants to be fair; that I would ask unanimous consent that he be granted that.

THE SPEAKER PRO TEMPORE: The Chair would advise that the gentleman from Wisconsin (Mr. Obey) can yield whatever time that he may desire.

MR. DUNCAN: Would Mr. Obey yield half of that to our side?

THE SPEAKER PRO TEMPORE: The gentleman from Tennessee poses a question to the gentleman from Wisconsin.

The gentleman from Wisconsin has the 20 minutes; the gentleman from Tennessee wishes to know if he would grant half of that to the minority.

MR. OBEY: Mr. Speaker, I do not think the rule requires that those who are opposed grant the time to the opposition party. I will certainly make certain that people are recognized, but I would appreciate it if they could come to me and let me know that they want to speak.

MR. DUNCAN: Mr. Speaker, I ask unanimous consent that Mr. Crane have the same amount of time that the majority has and that he may control that time.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Tennessee?

MR. OBEY: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Objection is heard.

The Chair recognizes the gentleman from Illinois (Mr. Rostenkowski).

§ 26.50 Pursuant to clause 2(a) of Rule XXVIII, it is within the discretion of the Speaker as to which Member is recognized to control 20 minutes of debate in opposition to a conference report (where the minority manager is not opposed), and such recognition does not depend on party affiliation.

On Dec. 16, 1985,[5] after the conference report on House Joint Resolution 456 (making further continuing appropriations for fiscal 1986) was called up in the House, the Speaker Pro Tempore allocated time for debate in support and in opposition, as indicated below:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the joint resolution (H.J. Res. 456) making further continuing appropriations for the fiscal year 1986, and for other purposes, and ask for its immediate consideration. . . .

THE SPEAKER PRO TEMPORE:[6] This conference report is being considered pursuant to the unanimous consent request granted earlier today, which the Clerk will read.

The Clerk read as follows:

> Mr. Whitten asked unanimous consent that it shall be in order, any rule of the House to the contrary notwithstanding, at any time on Monday, December 16, or any day thereafter, to consider the conference report and amendments in disagreement and motions to dispose of said amendments on House Joint Resolution 456 subject to the availability of said conference report and motions to dispose of amendments in disagreement for at least 1 hour, that all points of order be waived against the conference report and amendments in disagreement and motions to dispose of said amendments, and that said conference report and amendments in disagreement be considered as having been read when called up for consideration. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Mississippi (Mr. Whitten) will be recognized for 30 minutes and the gentleman from Massachusetts (Mr. Conte) will be recognized for 30 minutes.

5. 131 CONG. REC. 36716, 36717, 99th Cong. 1st Sess.

6. Dale E. Kildee (Mich.).

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I ask for 20 minutes recognition in opposition because the gentleman from Massachusetts (Mr. Conte) is for the bill. . . .

Mr. Speaker, since the gentleman from Massachusetts is for the bill, under the rule I ask for the 20 minutes to be allotted to a Member in opposition, when both the chairman and the ranking minority Member are in support of the bill.

THE SPEAKER PRO TEMPORE: The gentleman has that right.

The time will be divided in this fashion: The gentleman from Mississippi (Mr. Whitten) will be recognized for 20 minutes; the gentleman from Massachusetts (Mr. Conte) will be recognized for 20 minutes; and the gentleman from Massachusetts (Mr. Frank) will be recognized for 20 minutes.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, the minority has just been effectively frozen out of controlling any of the time, when I was seeking recognition to take the 20 minutes. The Chair has denied, then, the minority the opportunity to control our portion of the time.

Can the Chair explain why Members on this side were not recognized? I, too, am opposed to the bill and should have been entitled to the 20 minutes.

THE SPEAKER PRO TEMPORE: The Chair will state that recognition of one Member who is opposed is in the Speaker's discretion, and the Speaker tries always to be fair.

The gentleman from Massachusetts (Mr. Frank) may yield time as he wishes. . . .

The gentleman from Massachusetts (Mr. Conte), the minority side, will be recognized for 20 minutes; the gentleman from Massachusetts (Mr. Frank), who is opposed, will be recognized for 20 minutes; and the gentleman from Mississippi (Mr. Whitten) will be recognized for 20 minutes.

The procedure under which we are proceeding was agreed upon earlier today, and the Chair will be guided by the will of the House, which was stated earlier today.

§ 26.51 Recognition of one Member to control twenty minutes of debate in opposition to a conference report under Rule XXVIII, clause 2(a), does not depend upon party affiliation and is within the discretion of the Chair, and the time in opposition may be divided by unanimous consent or yielded by the Member recognized.

On Dec. 11, 1985,[7] it was demonstrated that, where the floor managers for the majority and minority parties on a conference report are both supporters thereof, a Member opposed may be recognized for one third of the debate time, and it is within the discretion of the Chair as to which Member is recognized in opposi-

7. 131 CONG. REC. 36069, 99th Cong. 1st Sess.

tion. The proceedings were as follows:

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, pursuant to the order of the House of Tuesday, December 10, 1985, I call up the conference report on the joint resolution (H.J. Res. 372), increasing the statutory limit on the public debt.

The Clerk read the title of the joint resolution.

THE SPEAKER PRO TEMPORE:[8] Pursuant to the order of the House of Tuesday, December 10, 1985, the conference report is considered as having been read. . . .

The gentleman from Illinois [Mr. Rostenkowski] will be recognized for 30 minutes and the gentleman from Tennessee [Mr. Duncan] will be recognized for 30 minutes.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, is the gentleman from Tennessee opposed to the legislation?

MR. [JOHN J.] DUNCAN [of Tennessee]: Mr. Speaker, I am not opposed to the legislation.

MR. OBEY: Mr. Speaker, that being the case, I ask under rule XXVIII, since the rules provide that those in opposition be entitled to 20 minutes, I would ask that I be assigned that 20-minute time block.

THE SPEAKER PRO TEMPORE: The Chair advises that the gentleman is correct, and the gentleman from Illinois [Mr. Rostenkowski] will be recognized for 20 minutes, the gentleman from Tennessee [Mr. Duncan] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. Obey] will be recognized for 20 minutes. . . .

MR. DUNCAN: Mr. Speaker, did I understand there is to be additional time assigned to those who oppose the conference report? If I understand correctly, we have some people on our side.

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin [Mr. Obey] is opposed, and he will control the 20 minutes time.

MR. DUNCAN: Mr. Speaker, Mr. Crane is also opposed. We would expect equal time, Mr. Speaker. Mr. Crane is on the [Committee on Ways and Means] and he would expect equal time. . . .

THE SPEAKER PRO TEMPORE: Under the rule, 60 minutes is allotted: 20 minutes to the gentleman from Illinois, 20 minutes to the gentleman from Tennessee [Mr. Duncan], and 20 minutes to one Member opposed, in this case the gentleman from Wisconsin [Mr. Obey]. . . .

MR. [PHILIP M.] CRANE [of Illinois]: Mr. Speaker, I am on the committee . . . I would at least ask the Speaker to permit a division of that time. I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The Chair will advise that the gentleman from Wisconsin was on his feet and was recognized, in the Chair's discretion and was granted the 20 minutes of the 60.

MR. DUNCAN: Mr. Speaker, under the rules of the House, I think that the gentleman would be entitled to half of that; otherwise, I think everyone wants to be fair; that I would ask unanimous consent that he be granted that.

8. Lawrence J. Smith (Fla.).

THE SPEAKER PRO TEMPORE: The Chair would advise that the gentleman from Wisconsin [Mr. Obey] can yield whatever time that he may desire.

MR. DUNCAN: Would Mr. Obey yield half of that to our side?

THE SPEAKER PRO TEMPORE: . . . The gentleman from Wisconsin has the 20 minutes; the gentleman from Tennessee wishes to know if he would grant half of that to the minority.

MR. OBEY: Mr. Speaker, I do not think the rule requires that those who are opposed grant the time to the opposition party. I will certainly make certain that people are recognized, but I would appreciate it if they could come to me and let me know that they want to speak.

MR. DUNCAN: Mr. Speaker, I ask unanimous consent that Mr. Crane have the same amount of time that the majority has and that he may control that time.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Tennessee?

MR. OBEY: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Objection is heard.

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

§ 26.52 Pursuant to Rule XXVIII, clause 2(a), it is within the discretion of the Speaker as to which Member is recognized to control 20 minutes of debate in opposition to a conference report (where the minority manager is not opposed to the report), and such recognition does not depend on party affiliation.

On Dec. 16, 1985,[9] after the conference report on House Joint Resolution 456 (continuing appropriations for fiscal year 1986) was called up for consideration in the House, the Chair exercised his discretion in announcing the Members to be recognized to control debate:

MR. [JAMIE] L. WHITTEN [of Mississippi]: Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the joint resolution (H.J. Res. 456) making further continuing appropriations for the fiscal year 1986, and for other purposes, and ask for its immediate consideration. . . .

THE SPEAKER PRO TEMPORE:[10] The gentleman from Mississippi [Mr. Whitten] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. Conte] will be recognized for 30 minutes.

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, is the gentleman from Massachusetts [Mr. Conte] opposed to the bill?

MR. [SILVIO O.] CONTE [of Massachusetts]: No. I signed the conference report.

MR. FRANK: Mr. Speaker, I ask for 20 minutes recognition in opposition because the gentleman from Massachusetts [Mr. Conte] is for the bill. . . .

9. 131 CONG. REC. 26716, 36717, 99th Cong. 1st Sess.

10. Dale E. Kildee (Mich.).

THE SPEAKER PRO TEMPORE: The gentleman has that right.

The time will be divided in this fashion: The gentleman from Mississippi [Mr. Whitten] will be recognized for 20 minutes; the gentleman from Massachusetts [Mr. Conte] will be recognized for 20 minutes; and the gentleman from Massachusetts [Mr. Frank] will be recognized for 20 minutes. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . Can the Chair explain why Members on this side were not recognized? I, too, am opposed to the bill and should haved been entitled to the 20 minutes.

THE SPEAKER PRO TEMPORE: The Chair will state that recognition of one Member who is opposed is in the Speaker's discretion, and the Speaker tries always to be fair.

The gentleman from Massachusetts [Mr. Frank] may yield time as he wishes.

§ 26.53 Pursuant to Rule XXVIII, clause 2(a), a Member who is opposed to a conference report may obtain one-third of the debate thereon if both the majority and minority managers oppose the conference report, but not if the minority manager states he or she is opposed to the conference report.

On Oct. 15, 1986,[11] preceding consideration of the conference report on S. 2638 (Department of Defense authorization for fiscal 1987) in the House, the Chair announced the division of time for debate thereon:

THE SPEAKER PRO TEMPORE:[12] Pursuant to House Resolution 591, the conference report is considered as having been read. . . .

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Speaker, I rise to make a point of order.

THE SPEAKER PRO TEMPORE: The gentlewoman from Colorado will state her point of order.

MRS. SCHROEDER: Mr. Speaker, under the rule my understanding is that if neither of the gentlemen are opposed to the bill, and as I am opposed to the bill, I am entitled to one-third of the time.

Mr. Speaker, I would like to demand 20 minutes of the time.

THE SPEAKER PRO TEMPORE: Is the gentleman from Alabama opposed to the bill?

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Speaker, I reluctantly oppose it. I do oppose it.

THE SPEAKER PRO TEMPORE: The gentleman opposes the bill; therefore the gentleman is entitled to the time.

The gentleman from Wisconsin [Mr. Aspin] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. Dickinson] will be recognized for 30 minutes.

§ 26.54 While recognition of one Member to control one-third of the debate time in opposition to a conference

11. 132 CONG. REC. 31515, 31516, 99th Cong. 2d Sess.

12. Kenneth J. Gray (Ill.).

report pursuant to Rule XXVIII, clause 2(a), does not depend on party affiliation and is within the discretion of the Speaker, the Speaker will give priority in recognition to a conferee seeking to control that time.

On Dec. 21, 1987,[13] prior to the filing of the conference report on House Joint Resolution 395 (making continuing appropriations) in the House, the Speaker responded to a parliamentary inquiry regarding division of debate time on the report:

> MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> [D]oes the rule provide that 20 minutes will be allotted to an opponent to the conference report?
>
> THE SPEAKER:[14] If someone is opposed, and the managers are not opposed, then that member could be entitled to 20 minutes.
>
> MR. FRENZEL: Mr. Speaker, I am opposed and I make such a demand. . . .
>
> MR. [MIKE] LOWRY of Washington: On that right under the House rules for a third of the time, a member of the committee, the gentleman from New York [Mr. Mrazek] was going to request the opposition time, [while] the distinguished gentleman from Minnesota [Mr. Frenzel] is not a member of the committee. We would hope that the gentleman from New York [Mr. Mrazek], a member of the committee, would be awarded under the rules of the House that right for a third of the time. . . .

After the conference report was called up for consideration, the following exchange occurred:

> MR. FRENZEL: Mr. Speaker, I renew my previous request.
>
> MR. [ROBERT J.] MRAZEK [of New York]: Mr. Speaker, I am in opposition to the resolution, and I would also request 20 minutes of time in opposition to the resolution. . . .
>
> THE SPEAKER: Then the two gentlemen seeking recognition, the gentleman from New York [Mr. Mrazek] and the gentleman from Minnesota [Mr. Frenzel], both are opposed to the conference report?
>
> MR. MRAZEK: That is correct.
>
> MR. FRENZEL: I am opposed.
>
> THE SPEAKER: The gentleman from New York [Mr. Mrazek] as a conferee on the conference report would have priority and the Chair will declare that the gentleman from Mississippi [Mr. Whitten] will be recognized for 20 minutes, the gentleman from Massachusetts [Mr. Conte] will be recognized for 20 minutes, and the gentleman from New York [Mr. Mrazek] will be recognized for 20 minutes.

§ 26.55 The Chair will not allocate control of debate time on a conference report until the report has been, first, filed and called up for consideration.

Prior to the filing of the conference report on House Joint Res-

13. 133 CONG. REC. 37093, 37516, 100th Cong. 1st Sess.

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

olution 395 (continuing appropriations for fiscal year 1988) in the House on Dec. 21, 1987,[15] the Speaker responded to a parliamentary inquiry regarding division of debate time thereon:

> MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> [D]oes the rule provide that 20 minutes will be allotted to an opponent to the conference report?
>
> THE SPEAKER:[16] If someone is opposed, and the managers are not opposed, then that Member could be entitled to 20 minutes.
>
> MR. FRENZEL: Mr. Speaker, I am opposed and I make such a demand.
>
> THE SPEAKER: The conference report, the Chair would advise the gentleman, has not yet been filed. If the gentleman will withhold his request, the conference report will be filed and called up first and the gentleman's rights will be protected.

§ 26.56 Control of debate time on a conference report can be re-allocated by unanimous consent.

The following proceedings occurred in the House on Dec. 21, 1987,[17] subsequent to the filing of the conference report on House Joint Resolution 395 (continuing appropriations for fiscal year 1988):

> Mr. [Jamie L.] Whitten [of Mississippi] submitted the . . . conference report on the joint resolution (H.J. Res. 395) making further continuing appropriations for the fiscal year ending September 30, 1988, and for other purposes. . . .
>
> MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I renew my previous request [for 20 minutes of time].
>
> MR. [ROBERT J.] MRAZEK [of New York]: Mr. Speaker, I am in opposition to the resolution, and I would also request 20 minutes of time in opposition to the resolution. . . .
>
> THE SPEAKER:[18] The gentleman from New York [Mr. Mrazek] as a conferee on the conference report would have priority and the Chair will declare that the gentleman from Mississippi [Mr. Whitten] will be recognized for 20 minutes, the gentleman from Massachusetts [Mr. Conte] will be recognized for 20 minutes, and the gentleman from New York [Mr. Mrazek] will be recognized for 20 minutes. . . .
>
> MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, there are two sides, one for, and one against. Under the ruling of the Chair, those who are for it have 30 minutes and those opposed have 20 minutes.
>
> My question is, Is that fair?
>
> THE SPEAKER: The Chair will respond that this is what the rule provides. . . .
>
> There will be 20 minutes on the part of the majority, 20 minutes on the part of the minority, and 20 minutes on the

15. 133 CONG. REC. 37095, 100th Cong. 1st Sess.

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

17. 133 CONG. REC. 37094, 37516, 100th Cong. 1st Sess.

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

part of the designated individual Member who has qualified on the ground that he opposes the conference report.

MR. DANNEMEYER: Mr. Speaker, may I make a unanimous-consent request?

THE SPEAKER: The gentleman may state it.

MR. DANNEMEYER: Mr. Speaker, I make a unanimous-consent request that the gentleman from Mississippi [Mr. Whitten] be given 15 minutes, the gentleman from Massachusetts [Mr. Conte] be given 15 minutes, the gentleman from Minnesota [Mr. Frenzel] be given 15 minutes, and the gentleman from New York [Mr. Mrazek] be given 15 minutes.

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

MR. [SAM M.] GIBBONS [of Florida]: I object, Mr. Speaker.

THE SPEAKER: Objection is heard.

§ 26.57 Where debate on a conference report is controlled by three Members pursuant to Rule XXVIII, clause 2(a), the right to close debate belongs to the majority manager calling up the conference report, preceded by the minority manager; thus, under Rule XXVIII, clause 2, the right to close debate is accorded in the reverse order of recognition for opening that debate, and does not depend upon the amount of time reserved by any of those Members for their concluding remarks.

On Aug. 4, 1989,[19] during consideration of the conference report on H.R. 1278 (Financial Institutions Reform Act of 1989) in the House, the Speaker announced the remaining time for debate on the report and also stated the order of recognition to close debate:

THE SPEAKER:[20] The gentleman from Texas [Mr. Gonzalez] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. Wylie] will be recognized for 30 minutes.

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, I rise in opposition to the report and seek time, pursuant to House rule XXVIII.

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Speaker, I am not opposed to the conference report.

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Speaker, I do not oppose the conference report.

THE SPEAKER: Neither manager is opposed to the conference report. Therefore, the gentleman from Texas [Mr. Gonzalez] will be recognized for 20 minutes, the gentleman from Ohio [Mr. Wylie] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. Rostenkowski] will be recognized for 20 minutes. . . .

The gentleman from Texas [Mr. Gonzalez] has 10½ minutes remaining, the gentleman from Ohio [Mr. Wylie] has 9½ minutes remaining, and the gentleman from Illinois [Mr. Rostenkowski] has 13 minutes remaining.

19. 135 CONG. REC. 19294, 19295, 19301, 101st Cong. 1st Sess.

20. Thomas S. Foley (Wash.).

MR. ROSTENKOWSKI: Mr. Speaker, if my arithmetic is correct, the opponents have as much time as we do.

I reserve the balance of my time.

THE SPEAKER: The order in which the Members may close will be the gentleman from Illinois first, the gentleman from Ohio second, and the gentleman from Texas last. . . .

The Chair will inform the Members and the managers that each has the right to reserve one speech each for the closing.

The gentleman from Texas, if he wishes, can reserve all that time at this time and make one speech of 10½ minutes, or he can reserve any part of it until the end of the debate.

If the gentleman from Ohio wishes to do that, he may reserve all of his time to immediately precede the gentleman from Texas. At that point, the gentleman from Illinois would have to expend all of his time in one statement.

The right of the gentleman from Texas will be preserved to end the debate with any amount of time the gentleman wishes.

§ 26.58 Where pursuant to Rule XXVIII, clause 2(b), time for debate on a motion to dispose of an amendment in disagreement is divided equally among the majority and minority managers (both of whom favor its adoption) and a Member opposed, the manager of the motion may not move the previous question until the other Members have consumed or yielded back all of their time.

On Oct. 3, 1989,[1] the House had under consideration a motion to dispose of an amendment in disagreement. Time for debate on the motion was divided equally among the majority and minority managers, and a Member opposed.

MR. [SIDNEY R.] YATES [of Illinois]: Madam Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 153 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "*Provided*, That—
>
> A. None of the funds authorized to be appropriated for the National Endowment for the Arts or the National Endowment for the Humanities may be used to promote . . . materials which in the judgment of the National Endowment for the Arts or the National Endowment for the Humanities may be considered obscene . . . ."

MR. [DANA] ROHRABACHER [of California]: Madam Speaker, I would ask to be recognized in opposition to the motion for 20 minutes.

THE SPEAKER PRO TEMPORE:[2] The Chair will inquire is the gentleman from Ohio [Mr. Regula] opposed to the motion?

MR. [RALPH] REGULA [of Ohio]: No, I am not, Madam Speaker.

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1. 135 CONG. REC. 22835, 22836, 22842, 101st Cong. 1st Sess. (Proceedings relating to H.R. 2788, Interior and Related Agencies Appropriations for 1990.)
2. Patricia Schroeder (Colo.).

THE SPEAKER PRO TEMPORE: Then the gentleman from California [Mr. Rohrabacher], who is opposed to the motion, would be entitled to 20 minutes.

The gentleman from Ohio [Mr. Regula], then, would have 20 minutes, the gentleman from California [Mr. Rohrabacher] would have 20 minutes, and the gentleman from Illinois [Mr. Yates] would have 20 minutes on the motion offered by the gentleman from Illinois [Mr. Yates]. . . .

MR. YATES: . . . Madam Speaker, I move the previous question.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois moves the previous question on this motion. Without objection, the previous question is ordered.

All those in favor of the gentleman's motion will say "aye," those opposed say "no." The gentleman's amendment is hereby agreed to.

The Clerk will designate the next amendment in disagreement. . . .

MR. ROHRABACHER: Madam Speaker, I have a parliamentary inquiry. . . .

Did I not have 1 minute of debate left?

THE SPEAKER PRO TEMPORE: The gentleman's motion for the previous question was not in order unless the gentleman from California yielded back his time.

[The Chair vacated the order for the previous question and the adoption of the motion.]

§ 26.59 Pursuant to Rule XXVIII, clause 2, a Member opposed to a conference report may control one-third of the debate time thereon where both the majority and minority party managers are in favor of the conference report, but a Member opposed may control one-half the time only by unanimous consent.

On Sept. 25, 1986,[3] during consideration of the conference report on H.R. 3838 (the Tax Reform Act of 1986), the following proceedings occurred:

MR. [DAN] ROSTENKOWSKI [of Illinois]: Madam Speaker, pursuant to the order of the House of September 9, 1986, I call up the conference report on the bill (H.R. 3838), to reform the Internal Revenue laws of the United States. . . .

MR. [WILLIAM R.] ARCHER [Jr., of Texas]: Madam Speaker, under clause 2, rule XXVIII, I demand one-third of the debate time as the leader of the opposition to the bill.

THE SPEAKER PRO TEMPORE:[4] The gentleman from Texas [Mr. Archer] will be recognized for 1 hour, the gentleman from Tennessee [Mr. Duncan] will be recognized for 1 hour and the gentleman from Illinois [Mr. Rostenkowski] will be recognized for 1 hour.

MR. ARCHER: Madam Speaker, I have a unanimous-consent request. Inasmuch as I understand all of the time that is going to be used by both the majority and minority, their 2 hours, will be assigned only to those Members who are for the bill, and inasmuch as

3. 132 CONG. REC. 26202, 26203, 99th Cong. 1st Sess.

4. Cathy Long (La.).

it is a far simpler task timewise to make the arguments for the bill than to make the arguments against the bill, I ask unanimous consent that the opposition be granted an additional hour so as to equalize the time for and against the bill, in the name of fairness.

MR. [GERALD D.] KLECZKA [of Wisconsin]: Madam Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. ARCHER: Madam Speaker, I have another unanimous-consent request. That request is that if the time allotted today on the agenda is not extended, both the majority and the minority code 15 minutes to the opposition of their time so that once again the time would be equalized within the 3-hour period.

MR. KLECZKA: Madam Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

§ 26.60 Where control of time for debate on a motion to dispose of disagreement on a Senate amendment is allotted among more than two Members, the Chair recognizes each to close his time in the reverse order of the original allocation.

See the proceedings of Nov. 21, 1989,[5] relating to a motion to dispose of disagreement on a Senate amendment to the Medicare Catastrophic Coverage Repeal Act of 1989.

§ 26.61 While a Member by offering a preferential motion to dispose of a Senate amendment in disagreement cannot thereby gain separate debate time thereon, he may by rising in opposition to the original motion control one-third of the debate thereon under Rule XXVIII, clause 2(b), where both the majority and minority party floor managers are in favor of the original motion.

During consideration of the conference report on House Joint Resolution 738 (continuing appropriations) in the House on Oct. 15, 1986,[6] the following proceedings occurred:

THE SPEAKER PRO TEMPORE:[7] The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 60: Page 61, line 19, strike the following language:

Sec. 143. None of the funds appropriated by this Act or any other Act shall be used for the processing of any application for a certificate of label approval for imported distilled spirits, malt beverages, or wine

5. See 135 CONG. REC. 30809, 30814, 101st Cong. 1st Sess.

6. 132 CONG. REC. 32116, 32117, 99th Cong. 2d Sess.

7. Marty Russo (Ill.).

under section 205(e) of the Federal Alcohol Administration Act, unless each application is accompanied by appropriate documentation.

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House insist on its disagreement to the amendment of the Senate numbered 60.

MR. [MIKE] LOWRY of Washington: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Lowry of Washington moves that the House recede from its disagreement to Senate amendment No. 60 and concur therein.

THE SPEAKER PRO TEMPORE: The gentleman form Mississippi [Mr. Whitten] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. Regula] will be recognized for 30 minutes.

MR. LOWRY of Washington. Mr. Speaker, I have a parliamentary inquiry.

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

MR. LOWRY of Washington: Mr. Speaker, my point of parliamentary inquiry would be on the division of time, on which point I would request the customary one-third if both managers of the bill are of the opposite position from mine.

THE SPEAKER PRO TEMPORE: Is the gentleman from Ohio [Mr. Regula] in favor of the motion?

MR. [RALPH] REGULA [of Ohio]: Yes, I am, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman from Washington [Mr. Lowry] qualifies and is entitled to 20 minutes.

The gentleman from Mississippi [Mr. Whitten] will be recognized for 20 minutes; the gentleman from Ohio [Mr. Regula] will be recognized for 20 minutes; and the gentleman from Washington [Mr. Lowry] will be recognized for 20 minutes.

§ 26.62 Pursuant to Rule XXVIII, clause 2, recognition to control one-third of debate time in opposition to a conference report where both the majority and minority managers are in favor of the report does not depend upon party affiliation, but is accorded to the senior member of the reporting committee in opposition regardless of party affiliation.

On Oct. 15, 1986,[8] after the conference report on S. 1200 (Immigration Reform and Control Act) was called up for consideration in the House, the following exchange occurred regarding division of the time for debate:

MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Speaker, I call up the conference report on the Senate bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States and for other purposes. . . .

8. 132 CONG. REC. 31630, 31631, 99th Cong. 2d Sess.

THE SPEAKER PRO TEMPORE:[9] The gentleman from New Jersey [Mr. Rodino] will be recognized for 30 minutes, the gentleman from California [Mr. Lungren] will be recognized for 30 minutes.

MR. [DON] EDWARDS of California: Mr. Speaker, I rise in opposition to the bill.

THE SPEAKER PRO TEMPORE: Is the gentleman from California [Mr. Edwards] opposed to the conference report?

MR. EDWARDS of California: I am opposed to the conference report, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is the gentleman from New Jersey [Mr. Rodino] opposed to the conference report?

MR. RODINO: No, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Under the rules, the gentleman from California [Mr. Edwards], the senior member of the originally reporting committee, is entitled to 20 minutes.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I rise to a point of order. I believe that the member of the minority would have preference to control the 20 minutes in opposition to the conference report under the precedents of the House and rule XXVIII, clause 2(b).

I am opposed to the conference report, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Chair would state to the distinguished gentleman from Wisconsin under a ruling this year recognition goes to the opposition on the issue but not necessarily the minority party in the House; and under the rules the Chair is constrained to recognize the senior member of the Judiciary Committee.

9. Kenneth J. Gray (Ill.).

§ 27. Designation of Managers

The Members designated to control debate on a bill are normally chosen (formally or informally) by the committee reporting it.[10] However, managers are sometimes designated by special rule from the Committee on Rules,[11] or by the Chair if the proposition is not being considered pursuant to special rule, although the Chair seeks assurance that the matter has been cleared with the committee.[12] If the special rule does not specifically designate the Members in control, or if the designated managers are absent and have not designated other Members to manage the measure, the Chair may in his discretion recognize a committee member to control debate.[13] Management of a

10. See §§ 27.1, 27.2, infra.

11. See § 28, infra. The reporting committee, in applying to the Committee on Rules for a special order, will often indicate the managers of general debate.

12. See §§ 24.35–24.39, supra, for the Chair's designation of Members to control debate on an appropriation bill.

13. See §§ 27.6, 27.7, infra.

bill may also be fixed by unanimous consent.[14]

If control of a measure is taken away from the committee majority, the Chair recognizes someone opposed, preferably a ranking minority member of the committee, to control the time.[15]

Designation of Member by Committee

§ 27.1 Where the chairman or member of a committee has been designated and authorized by the committee to call up a bill, no other Member may take such action.

On Feb. 24, 1937,[16] Speaker Pro Tempore William J. Driver, of Arkansas, answered a parliamentary inquiry preceding the call of committees on Calendar Wednesday:

> MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.
>
> MR. MICHENER: Mr. Speaker, where a bill has been reported favorably by a committee, and the chairman of the committee is authorized to call the bill up on Calendar Wednesday, when the chairman absents himself from the floor, and when other members of the committee are present, is it proper for one of the other members to call up the bill?
>
> THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that under the rules only the chairman or the member designated by the Committee is authorized to call up a bill.[17]

§ 27.2 Only a member of the Committee on Rules designated by it to call up a special rule from the committee may be recognized for that purpose, unless the rule has been on the calendar for seven legislative days without action.

On June 6, 1940,[18] Mr. Hamilton Fish, Jr., of New York, sought recognition to call up for consideration a resolution from the Committee on Rules providing for the consideration of a bill. Speaker William B. Bankhead, of Alabama, inquired whether Mr. Fish had been authorized to call up the resolution and Mr. Fish stated he had not. He asserted that calling up such a resolution was "the privilege of any member of the Rules Committee." The

14. See §§ 27.3, 27.4, infra.

15. See, for example, § 27.5, infra, for management of a discharged bill.

16. 81 CONG. REC. 1562, 1563, 75th Cong. 1st Sess.

17. See also § 26.9, supra (authority of committee chairman to call up business on Calendar Wednesday).

18. 86 CONG. REC. 7706, 76th Cong. 3d Sess.

Speaker declined to recognize Mr. Fish for that purpose.

THE SPEAKER: The Chair cannot recognize the gentleman from New York to call up the resolution unless the record shows he was authorized to do so by the Rules Committee. The Chair would be authorized to recognize the gentleman from Mississippi [Mr. Colmer] to call up the rule in the event the resolution offered by the gentleman from New York, which was the unfinished business, is not called up.

MR. FISH: Will the Chair permit me to read this rule?

THE SPEAKER: The Chair would be glad to hear the gentleman.

MR. FISH: Rule XI reads as follows:

> It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting).

I submit, according to that rule and the reading of that rule, Mr. Speaker, that any member of the Rules Committee can call up the rule, but it would require the membership of the House to act upon it by a two-thirds vote in order to obtain consideration.

THE SPEAKER: The precedents are all to the effect that only a Member authorized by the Rules Committee can call up a rule, unless the rule has been on the calendar for 7 legislative days without action.

MR. FISH: Of course, there is nothing to that effect in the reading of the rule.

THE SPEAKER: The Chair is relying upon the precedents in such instances.

Designation by Unanimous Consent

§ 27.3 The Committee of the Whole may agree by unanimous consent that debate on an amendment be limited to a certain amount of time, to be divided and controlled by certain majority and minority Members.

On May 26, 1966,[19] the Committee of the Whole agreed to a unanimous-consent request for the limit and control of time on an amendment to H.R. 13712, the Fair Labor Standards Amendments of 1966:

> MR. [ADAM C.] POWELL [of New York]: I renew my request so that there will be no misunderstanding. I ask unanimous consent that the debate on this amendment be limited to 60 minutes, 30 minutes on each side. The gentleman now in the well has control of the time on his side. If the unanimous-consent request is approved, the gentleman from Pennsylvania will have control of the time on this side.

Parliamentarian's Note: The agreement proposed by Mr. Powell divided control between the proponent of the amendment and the subcommittee chairman handling the bill.

On May 10, 1966,[20] the Committee of the Whole agreed to

19. 112 CONG. REC. 11608, 89th Cong. 2d Sess.

20. *Id.* at p. 10232.

a unanimous-consent request regarding the time for and control of debate on an amendment:

> MR. [CARL] ALBERT [of Oklahoma]: Mr. Chairman, for the purpose of clarification, would it be in order for the gentleman from Tennessee to ask unanimous consent that debate on this amendment be confined to 20 minutes on each side, the 20 minutes on this side to be controlled by the gentleman from Tennessee [Mr. Evins] and the 20 minutes on the Republican side by the gentleman from North Carolina [Mr. Jonas]?
>
> MR. [JOSEPH L.] EVINS: Mr. Chairman, I thank the distinguished majority leader for the suggestion and now make the unanimous-consent request accordingly.
>
> THE CHAIRMAN:[1] Without objection, it is so ordered.
>
> There was no objection.
>
> MR. EVINS of Tennessee: Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Cohelan].

§ 27.4 Where all time for debate on an amendment and all amendments thereto is limited and, by unanimous consent, placed in control of the proponent of the amendment and of the chairman of the committee (in opposition), the Chair first recognizes the proponent of the amendment.

On July 9, 1965,[2] the unfinished business in the Committee of the Whole was H.R. 6400, the Voting Rights Act of 1965. Chairman Richard Bolling, of Missouri, made the following statement on the order of recognition, the committee having limited and divided, on the prior day, time for debate on a pending amendment:

> When the Committee rose on yesterday, there was pending the amendment offered by the gentleman from Ohio [Mr. McCulloch] as a substitute for the committee amendment.
>
> It was agreed that all time for debate on the so-called McCulloch substitute and all amendments thereto would be limited to 2 hours, such time to be equally divided and controlled by the gentleman from New York [Mr. Celler] and the gentleman from Ohio [Mr. McCulloch]. Under the unanimous-consent agreement, the Chair recognizes the gentleman from Ohio [Mr. McCulloch] in support of his amendment.

Parliamentarian's Note: The time limitation and the agreement on control of time abrogated the five-minute rule. Under the agreement, the two Members controlling debate could yield for debate or for amendments.

Manager of Discharged Bill

§ 27.5 Where a motion to discharge a committee has been agreed to, the proponents of that motion are entitled to prior recognition for the purpose of managing the bill.

1. Richard Bolling (Mo.).
2. 111 CONG. REC. 16207, 89th Cong. 1st Sess.

On June 14, 1932,[3] Speaker Pro Tempore Henry T. Rainey, of Illinois, answered a parliamentary inquiry on the order of recognition on a bill discharged from committee. The proceedings were as follows:

MR. [CHARLES R.] CRISP [of Georgia]: The House yesterday discharged the Committee on Rules from the consideration of a resolution making it a special order to consider the adjuster-service compensation bill. The House then adopted the resolution which makes it today in order as a special order to consider that bill. The House having voted in favor of the proponents of the legislation and the Ways and Means Committee having made an adverse report on it, the effect of the vote of the House is to turn down the Ways and Means Committee and place control of that legislation in the hands of its friends. Under these circumstances and under the parliamentary rules and procedure of the House, are not the friends of the legislation entitled to have charge of the bill when we go into Committee of the Whole to consider it and to have the management of the measure on the floor?

THE SPEAKER PRO TEMPORE: The proponents and the friends of the bill will, of course, have charge of it from now on.[4]

Parliamentarian's Note: The discharged and adopted special rule read as follows:

HOUSE RESOLUTION 220

Resolved, That upon the day succeeding the adoption of this resolution a special order be, and is hereby, created by the House of Representatives for the consideration of H.R. 7726, notwithstanding the adverse report on said bill. That on said day the Speaker shall recognize the Representative from the first district of Texas, Wright Patman, to call up H.R. 7726, a bill to provide for the immediate payment to veterans of the face value of their adjusted-service certificates, as a special order of business, and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the said H.R. 7726. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the Member of the House requesting a rule for the considering of the said H.R. 7726 and a Member of the House who is opposed to the said H.R. 7726, to be designated by the Speaker, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee

3. 75 CONG. REC. 12911, 72d Cong. 1st Sess.

4. Consideration of bills on which a motion to discharge has prevailed is governed by Rule XXVII clause 3, *House Rules and Manual* § 908 (1995).

The Speaker may recognize any Member who signed a discharge petition to offer the discharge motion (see § 9.51, supra), and points of order as to who should control the discharged bill should be made when the question of consideration is moved.

shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit. The special order shall be a continuing order until the bill is finally disposed of.

Manager of Conference Report

§ 27.6 Recognition for calling up a conference report is within the discretion of the Chair, and the Speaker may recognize a junior member of the conference committee to manage a report when the senior House conferee is unable to be present on the floor.

On Dec. 23, 1969,[5] Speaker John W. McCormack, of Massachusetts, recognized Mr. Thomas L. Ashley, of Ohio, a junior member of the conference committee on H.R. 4293, to provide for continuation of authority for regulation of exports, to file the conference report and to call it up. The senior member of the conference committee, Wright Patman, of Texas, also Chairman of the Committee on Banking and Currency with jurisdiction over the subject matter of the bill, was unavoidably absent from the floor.[6]

§ 27.7 The Speaker recognized the ranking majority member of a committee, and not the chairman thereof, also a conferee, to call up a conference report, when the chairman was opposed to the measure under consideration.

On July 17, 1967,[7] Speaker John W. McCormack, of Massachusetts, recognized Mr. Samuel N. Friedel, of Maryland, ranking majority member of the Committee on Interstate and Foreign Commerce, to call up a conference report on Senate Joint Resolution 81, providing for the settlement of a railway labor dispute.

Parliamentarian's Note: Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce and a conferee on the bill, was not recognized to call up the report because he was opposed to the bill. Mr. Staggers did not manage

5. 115 CONG. REC. 40982–84, 91st Cong. 1st Sess.

6. *Parliamentarian's Note:* The manager of a conference report is normally the senior member of the conference committee and the chairman of the legislative committee or subcommittee with jurisdiction over the subject matter of the bill.

7. 113 CONG. REC. 19032, 90th Cong. 1st Sess.

consideration of the joint resolution in the House but had turned control over to Mr. Friedel.[8]

§ 28. Effect of Special Rule

Special rules or resolutions reported by the Committee on Rules making in order the consideration of a measure, frequently designate the Members to control debate. A typical special rule provides that debate be equally divided and controlled by the chairman and ranking minority member of the reporting committee. If the special rule does not so provide, the Chair may in his discretion recognize a Member to control the time.[9]

Special rules may divide control among two or more committees[10] and may provide that only committee amendments may be offered, thereby limiting opportunity for five-minute debate.[11]

By special rule, general debate may be equally divided between two committees jointly reporting the bill.[12]

8. See Mr. Staggers' statement at 113 CONG. REC. 15822, 15823, 90th Cong. 1st Sess., June 14, 1967.

9. See § 28.5, infra. Where the manager designated in a special order is absent, the Chair may recognize another Member to control debate (see §§ 28.7, 28.8, infra).

10. See § 28.14, infra.

11. See §§ 77.19, 77.21, infra.

12. See, for example, H. Res. 1182, 122 CONG. REC. 14376, 14377, 94th Cong. 2d Sess., May 19, 1976.

Forms

Form of special rule fixing control of time for debate.

> *Resolved*, That upon the adoption of this resolution the Speaker shall recognize Representative Abraham J. Multer, or Representative Carlton R. Sickles, or Representative Charles McC. Mathias, Junior, or Representative Frank J. Horton to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4644). . . . After general debate, which shall be confined to the bill and continue not to exceed five hours, to be equally divided and controlled by one of the aforementioned Members and a Member who is opposed to said bill to be designated by the Speaker, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. . . .[13]

Form of special rule fixing control of time for debate in the reporting committee and in a designated Member of the House.

H. RES. 657

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10710). . . . After general debate, which shall be confined to the bill and shall continue not to exceed seven hours, six hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and one hour to be controlled by Representative John H. Dent, of Pennsylvania, the bill shall be con-

13. 111 CONG. REC. 25185, 89th Cong. 1st Sess., Sept. 27, 1965.

sidered as having been read for amendment. . . .[14]

Form of special rule fixing control of part of the time for debate in the reporting committee and part of the time in the control of another committee.

H. RES. 485

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10660). . . . After general debate, which shall be confined to the bill, and shall continue not to exceed 5 hours, 3 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, and 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the 5-minute rule. . . .[15]

Form of special rule fixing control of time for debate in members of joint committee.

H. RES. 214

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5645). . . . After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the vice chairman and ranking House minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the 5-minute rule. . . .[16]

Form of special rule fixing control of time for debate on a motion to suspend the rules.

H. RES. 302

Resolved, That the time for debate on a motion to suspend the rules and pass House Concurrent Resolution 25 shall be extended to 4 hours, such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs; and said motion to suspend the rules shall be the continuing order of business of the House until finally disposed of.[17]

Form of special rule dividing control of time for debate among chairman and ranking minority member of standing committee and chairman of special committee.

H. RES. 465

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H.R. 9195, a bill to amend the National Labor Relations Act, and all points of order against said bill are hereby waived.

14. 119 CONG. REC. 40489, 93d Cong. 1st Sess., Dec. 10, 1973.

15. 102 CONG. REC. 7110, 84th Cong. 2d Sess., Apr. 26, 1956. See also 115 CONG. REC. 33308, 91st Cong. 1st Sess., Nov. 6, 1969; and 107 CONG. REC. 7378, 87th Cong. 1st Sess., May 4, 1961.

16. 101 CONG. REC. 5119, 84th Cong. 1st Sess., Apr. 26, 1955.

17. 89 CONG. REC. 7646, 78th Cong. 1st Sess., Sept. 20, 1943. A rule providing extraordinary procedures for a motion to suspend the rules is extremely rare.

That after general debate, which shall be confined to the bill and continue not to exceed 4 hours, 1 hour to be controlled by the chairman of the Committee on Labor, 1 hour to be controlled by the ranking minority member of the Committee on Labor and 2 hours to be controlled by the chairman of the Special Committee to Investigate the National Labor Relations Board, the bill shall be read. . . .[18]

Cross References

Importance of special rules to consideration generally, see § 2, supra.

Special rules and the order of business, see Ch. 21, supra.

Special Rule as Governing Control of Time for General Debate—Time for Debate Is Obtained From Member Controlling Time

§ 28.1 The House, through its adoption of a special rule, and not the Committee of the Whole, controls the distribution of time for general debate in Committee of the Whole; thus, during general debate in Committee of the Whole of a bill being considered under a special rule providing that the time be controlled by the chairman and ranking minority member of the committee reporting the bill, additional time must be yielded by the members controlling the time and may not be obtained by unanimous consent.

On June 2, 1975,[19] during consideration of the Voting Rights Act extension (H.R. 6219) in the Committee of the Whole, the following proceedings occurred:

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

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I would ask unanimous consent to continue for an additional 5 minutes.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the gentleman from California (Mr. Edwards) has control of the time. Does the gentleman from California wish to yield additional time to the gentleman from Texas? . . .

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

MR. GONZALEZ: Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 1 additional minute.

THE CHAIRMAN PRO TEMPORE: The gentleman will suspend. The Chair must advise the gentleman that under the rule that request is not in order.

§ 28.2 When debate is pursuant to a special order controlled by designated Members, another Member may speak only if yielded to, and may

18. 86 CONG. REC. 7506, 76th Cong. 3d Sess., June 4, 1940.

19. 121 CONG. REC. 16285, 16286, 94th Cong. 1st Sess.

not request unanimous consent for time for debate.

On Oct. 14, 1978,[20] the following exchange occurred in the Committee of the Whole:

THE SPEAKER PRO TEMPORE:[1] The time of the gentleman from Texas has expired.

MR. CHARLES WILSON of Texas: Mr. Speaker, I ask unanimous consent to proceed for additional seconds.

MR. PHILLIP BURTON [of California]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: The gentleman from Ohio (Mr. Ashley) has control of the time.

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Speaker, I yield 30 additional seconds to the gentleman from Texas.

Designated Member (Chairman) Opens Debate

§ 28.3 Where the House resolves into the Committee of the Whole to consider a bill pursuant to a resolution designating a committee chairman and its ranking minority member to control debate, the committee chairman is recognized to open debate in the Committee of the Whole.

On Apr. 26, 1955,[2] the House adopted House Resolution 214 for the consideration of a bill in the Committee of the Whole:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5645) to authorize the Atomic Energy Commission to construct a modern office building in or near the District of Columbia to serve as its principal office, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the vice chairman and ranking House minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Carl T. Durham, of North Carolina, the committee vice chairman designated in the resolution, moved that the House resolve itself into the Committee of the Whole to consider the bill. When the Committee of the Whole commenced sitting, Mr. Durham was immediately recognized to open debate.

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20. 124 CONG. REC. 38378, 95th Cong. 2d Sess.

1. William H. Natcher (Ky.).

2. 101 CONG. REC. 5119, 84th Cong. 1st Sess.

Bill Made in Order Is Not Necessarily Unfinished Business

§ 28.4 Where the House adjourns for the day after having adopted a resolution making in order the consideration of a bill and designating its manager, that bill is not automatically the unfinished business the next day, but must be called up by the designated Member.

On July 19, 1939,[3] after the House had adopted a resolution from the Committee on Rules making in order the consideration of a bill, Speaker William B. Bankhead, of Alabama, answered a parliamentary inquiry:

> MR. [CLAUDE V.] PARSONS [of Illinois]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. PARSONS: Mr. Speaker, the House having adopted the rule, is not this bill the unfinished business of the House on tomorrow?
>
> THE SPEAKER: Not necessarily. The rule adopted by the House makes the bill in order for consideration, but it is not necessarily the unfinished business. It can only come up, after the adoption of the rule, by being called up by the gentleman in charge of the bill.

3. 84 CONG. REC. 9541, 76th Cong. 1st Sess.

Control Where Special Rule Does Not Identify Manager

§ 28.5 Where a resolution provides that general debate on a bill be "equally divided and controlled by the majority and minority members" of a committee, instead of specifying, as is usual practice, that control of debate be exercised by designated members of the committee, the Speaker may recognize any member of the committee to call up the bill and control the time.

On Sept. 26, 1966,[4] the House adopted House Resolution 923, making in order the consideration of H.R. 1511, the Economic Opportunity Amendments for 1966. The resolution provided that eight hours of general debate would be "equally divided and controlled by the majority and minority members of the Committee on Education and Labor," without specifying, as such resolutions usually do, that debate be controlled by the chairman and ranking minority member of the committee.

Following the adoption of the resolution, Speaker John W. McCormack, of Massachusetts, recognized Adam C. Powell, of New

4. 112 CONG. REC. 23762, 89th Cong. 2d Sess.

York, Chairman of the Committee on Education and Labor, to move that the House resolve itself into the Committee of the Whole for the consideration of the bill.

In the Committee of the Whole, Chairman Jack Brooks, of Texas, made the following decision on recognition for control of general debate:

> Under the rule, the gentleman from New York [Mr. Powell] will be recognized for 4 hours to control the time for the majority, and the gentleman from Ohio [Mr. Ayres] is recognized for 4 hours to control the time for the minority.

No Manager Under Special Rule—Proponents of Amendments Opened and Closed Debate

§ 28.6 Where an unreported joint resolution was being considered under a special "modified closed" rule in Committee of the Whole permitting no general debate and the consideration of only two amendments in the nature of a substitute with debate thereon divided between a proponent and an opponent, the proponents (or the designee of a proponent) of the amendments were permitted to open and close debate pursuant to clause 6 of Rule XIV, since there was no "manager" of the joint resolution.

The following proceedings occurred in the Committee of the Whole on Apr. 24, 1985,[5] during consideration of House Joint Resolution 247 (to promote U.S. assistance in Central America):

> THE CHAIRMAN:[6] No amendments are in order except the following amendments, which shall be considered as having been read, shall be considered only in the following order, and shall not be subject to amendment: First, the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Hamilton of Indiana; and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by Representative Hamilton and a member opposed thereto; and second, the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Michel or his designee, and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by Representative Michel or his designee and a Member opposed thereto. . . .
>
> MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute. . . .
>
> THE CHAIRMAN: Pursuant to House Resolution 136, the amendment is considered as having been read.

5. 131 CONG. REC. 9206, 9231, 9232, 9253, 9254, 99th Cong. 1st Sess.
6. George E. Brown, Jr. (Calif.).

The gentleman from Illinois (Mr. Michel) will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour. . . .

MR. MICHEL: Mr. Chairman, I should like to designate the gentleman from Michigan (Mr. Broomfield) to make the allocation of time on our side of the aisle.

THE CHAIRMAN: The gentleman from Michigan (Mr. Broomfield) is designated to control the time for the gentleman from Illinois (Mr. Michel). . . .

The gentleman from Michigan (Mr. Broomfield) has 7 minutes remaining, and the gentleman from Maryland (Mr. Barnes) has 6¼ minutes remaining.

MR. [MICHAEL D.] BARNES [of Maryland]: Mr. Chairman, we have three very brief speakers.

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: If the gentleman would go ahead with those, we will wind up with one, our final speaker, the gentleman from Illinois (Mr. Michel). . . .

THE CHAIRMAN: The time of the gentleman from Maryland (Mr. Barnes) has expired. . . .

MR. BROOMFIELD: Mr. Chairman, I would like at this time now to yield the balance of our time to the minority leader, the gentleman from Illinois (Mr. Michel).

Parliamentarian's Note: Ordinarily in Committee of the Whole under the five-minute rule notwithstanding clause 6 of Rule XIV (which permits the proposer of a proposition to close debate), the manager of the bill under the precedents is given the right to close debate on an amendment. But in the above instance, there was no manager of the bill under the special rule.

Effect of Absence or Death of Designated Manager

§ 28.7 Where the chairman of a committee and its ranking minority member, named in a resolution to control debate on a bill, are absent and have failed to designate other Members to control the time, the Speaker or Chairman may recognize the next ranking majority and minority members for control of such debate.

On July 23, 1942,[7] the House adopted a resolution from the Committee on Rules providing for debate on a bill to be divided between the chairman and the ranking minority member of the reporting committee, the Committee on Election of the President, Vice President, and Representatives in Congress. The chairman and ranking minority member both being absent, Speaker Sam Rayburn, of Texas, ruled, in response to a parliamentary inquiry, that the Chair would recognize the next ranking majority member

7. 88 CONG. REC. 6542–46, 77th Cong. 2d Sess.

and the next ranking minority member to control debate:

MR. [JOHN E.] RANKIN of Mississippi: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN of Mississippi: Mr. Speaker, we have been unable to find a man in the House on either side who was present when this bill was voted out. A majority of the members of the committee who are here are opposed to the bill. We feel that the time ought to be divided not between the Members who are for the bill but know nothing about it any more than the rest of us, but between the members of the committee who are for the bill and the members of the committee who are opposed to the bill. I would like to have the Chair's ruling on that proposition.

THE SPEAKER: The Chair thinks the Chair has a rather wide range of latitude here. The Chair could hold and some future Speaker might hold that since the chairman and ranking minority member of the committee are not here there could be no general debate because there was nobody here to control it, but the present occupant of the chair is not going to rule in such a restricted way.

The Chair is going to recognize the next ranking majority member and the next ranking minority member when the House goes into the Committee of the Whole.

When the House had resolved itself into the Committee of the Whole, Chairman Jere Cooper, of Tennessee, responded as follows to a similar inquiry:

MR. RANKIN of Mississippi: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RANKIN of Mississippi: Mr. Chairman, there is not a member of the committee present who was present when this bill was voted out. A majority of the members of the committee who are present are opposed to this bill.

THE CHAIRMAN: The Chair will say in response to the parliamentary inquiry, that the Speaker held only a few moments ago that the ranking majority Member, acting as chairman of the committee, and the ranking minority Member present, would have control of the time under the rule that has been adopted for the consideration of the bill.

§ 28.8 Where a Member designated in a resolution to call up a bill was deceased, the Speaker recognized another Member in favor of the bill.

On Oct. 13, 1942,[8] Speaker Sam Rayburn, of Texas, ruled on a point of order that he had improperly recognized a Member to call up a bill:

THE SPEAKER: If no Member wishes to be heard on the point of order the Chair is ready to rule.

A matter not exactly on all fours with this, but similar to it, was ruled on a few weeks ago. On that occasion both the chairman and the ranking mi-

8. 88 CONG. REC. 8080, 77th Cong. 2d Sess.

nority member of the committee were absent. A point of order was made against consideration of the bill because of that fact.

In ruling on the point of order at that time the Chair made the following statement:

> The Chair thinks the Chair has rather a wide range of latitude here. The Chair could hold, and some future Speaker might hold, that since the chairman and the ranking minority member of the committee are not here there could be no general debate because there was nobody here to control it; but the present occupant of the Chair is not going to rule in such a restricted way.
>
> The Chair is going to recognize the next ranking majority member and the next ranking minority member when the House goes into the Committee of the Whole.

We have here even a stronger case than that. The absence of a living Member may be his or her fault; the absence of a dead signer of this petition is not his fault.

There is a rule followed by the chancery courts which might well be followed here. It is that equity never allows a trust to fail for want of a trustee. Applying that rule to the instant case, the Chair holds that the consideration of this legislation will not be permitted to fail for want of a manager. After all, an act of God ought not, in all good conscience, deprive this House of the right to consider legislation; especially so, since this House has by its vote on the motion to discharge expressed its intent.

The Chair will recognize some Member other than Mr. Geyer to call up the bill on tomorrow; for, if the Chair were to hold that only Mr. Geyer could have called up this motion, Mr. Geyer being absent not through any act of his own but through an act of God, the Chair would be making such a restricted ruling that now and in the future it might prevent the House of Representatives from working its will.

The Chair overrules the point of order made by the gentleman from Alabama.[9]

Delegation of Authority by Designated Manager

§ 28.9 Where the Member, designated by special rule to be in control of the time for general debate in the Committee of the Whole, is absent from the Chamber, he may designate another Member to control the time in his absence, but the Chair must be informed of this delegation of authority.

On Jan. 31, 1964,[10] the Committee of the Whole was considering H.R. 7152, the Civil Rights Act of 1963, and conducting general debate thereon. The resolution providing for the consideration of the bill provided that general debate be divided and controlled by the chairman and rank-

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9. See the similar rulings of Speaker Rayburn, on the same bill at 88 CONG. REC. 8066, 8120, 77th Cong. 2d Sess., Oct. 12, 1942.

10. 110 CONG. REC. 1538, 88th Cong. 2d Sess.

ing minority member of the Committee on the Judiciary. Emanuel Celler, of New York, the Chairman of that committee, was absent, prompting the following colloquy:

MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Chairman, will the gentleman yield?

MR. [BASIL L.] WHITENER [of North Carolina]: If the gentleman will get me more time, I will be glad to yield to the gentleman.

MR. RODINO: I will give the gentleman 1 extra minute.

MR. WHITENER: I yield to the gentleman, but please do not take more than 1 minute.

THE CHAIRMAN:[11] The Chair has to inform the gentleman from North Carolina that the gentleman from New Jersey does not have control of the time.

MR. WHITENER: Then, Mr. Chairman, I must respectfully decline to yield to the gentleman. . . .

MR. [BYRON G.] ROGERS of Colorado: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state the point of order.

MR. ROGERS of Colorado: Mr. Chairman, the gentleman from New Jersey is now in charge of the time in the absence of the chairman, the gentleman from New York [Mr. Celler].

THE CHAIRMAN: The Chair was not informed that the gentleman from New York is absent nor is the Chair informed that the gentleman from New Jersey is now in charge of the time.

The gentleman from North Carolina is recognized.

MR. WHITENER: I thank the Chairman. . . .

THE CHAIRMAN: The time of the gentleman has expired.

MR. RODINO: Mr. Chairman, I yield myself 10 minutes, and I wish to state I am acting for the chairman of the Committee on the Judiciary who asked me to take charge of the time for him in his absence.

THE CHAIRMAN: The gentleman from New Jersey is recognized.

Committee Chairman To Designate Members To Control Two Extra Hours of General Debate; Scope of Debate

§ 28.10 Where a special rule provided for the chairman of the Committee on International Relations to designate Members to equally divide and control two extra hours of general debate on a bill in Committee of the Whole, the chairman of said committee informed the Chairman of the Committee of the Whole of his designation of himself, another Member of the majority party and two Members of the minority party to control one-half hour each; and the Chairman of the Committee of the Whole advised that such debate was not required by the rule to be confined to any particular issue, but to the bill as a whole.

11. Eugene J. Keogh (N.Y.).

On July 31, 1978,[12] Mr. Clement J. Zablocki, of Wisconsin, the Chairman of the Committee on International Relations, made a statement as to the division of control of time for debate pursuant to a special rule providing for two extra hours of debate on H.R. 12514, foreign aid authorizations for fiscal 1979. The intent behind requesting the extra hours had been to afford debate directed at the Turkish arms embargo issue, but the rule properly omitted any reference to the scope of debate, other than the requirement that all general debate be confined to the bill.

MR. ZABLOCKI: Mr. Chairman, under the rule, it is my understanding that the 1 hour for general debate on the entire bill, that that hour is equally divided between myself and the ranking minority member, the gentleman from Michigan (Mr. Broomfield).

Then the 2 hours that the rule provides for the Greek-Turkey-Cyprus issue, that there be 1 hour in support of lifting the embargo and 1 hour in opposition, and that the hour in support would be divided between myself and the gentleman from Michigan (Mr. Broomfield), and those in opposition to lifting the embargo would be managed by the gentleman from Florida (Mr. Fascell) and the gentleman from Illinois (Mr. Derwinski).

THE CHAIRMAN:[13] The Chair will respond to the gentleman from Wisconsin (Mr. Zablocki) that the Chair has been informed that the gentleman from Wisconsin has designated the gentleman from Florida (Mr. Fascell) for 1 hour, and also the gentleman from Illinois (Mr. Derwinski) for 1 hour. The rule, of course, does not confine any such debate to the embargo issue alone.

Extending Control to Additional Members Not Designated in Special Rule

§ 28.11 Where a resolution provided for the time for and control of debate on a bill, the Members in control obtained unanimous consent that a part of the time be controlled by a third Member.

On May 14, 1948,[14] the House was about to resolve itself into the Committee of the Whole for the consideration of a bill to be considered pursuant to the provisions of House Resolution 582, fixing five hours of debate to be divided and controlled by the chairman and ranking minority member of the Committee on Un-American Activities. Charles A. Halleck, of Indiana, the Chairman of the committee, and Mr. John S. Wood, of Georgia, the ranking minority member of the committee, made

12. 124 CONG. REC. 23456, 23457, 95th Cong. 2d Sess.

13. Don Fuqua (Fla.).

14. 94 CONG. REC. 5847, 5848, 80th Cong. 2d Sess.

unanimous-consent requests to permit control of part of the time by a third Member:

> MR. HALLECK: Mr. Speaker, after consultation with the members of the Committee on Un-American Activities, I ask unanimous consent that of the 2½ hours to be allocated on this side of the aisle, a total of 45 minutes may be allocated by the gentleman from New York [Mr. Marcantonio] with the last 30 minutes of the over-all time reserved to the committee.
>
> THE SPEAKER:[15] Is there objection to the request of the gentleman from Indiana?
>
> There was no objection.
>
> MR. WOOD: Mr. Speaker, I ask unanimous consent to yield 45 minutes of the time allotted to me to the gentleman from New York [Mr. Marcantonio] in behalf of the opposition to this measure, reserving the last 20 minutes of the time allotted to me.
>
> THE SPEAKER: Is there objection to the request of the gentleman from Georgia?
>
> There was no objection.

§ 28.12 Where a resolution provided that debate should be controlled by the chairman and ranking minority member of a committee, unanimous consent was granted the minority member to yield one-half his time to the control of a third Member.

On Nov. 12, 1941,[16] the House adopted House Resolution 334, providing for the consideration in the House of Senate amendments to a House bill, and providing that debate be limited to eight hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. Following the conclusion of the debate controlled by the chairman of the committee, Speaker Sam Rayburn, of Texas, recognized Mr. Hamilton Fish, Jr., of New York, the ranking minority member, for four hours on the motion.

Mr. Fish made the following unanimous-consent request, which was agreed to by the House:

> Mr. Speaker, I ask unanimous consent that one-half the time allotted to me, or 2 hours, be placed under the control of the gentleman from South Carolina [Mr. Richards].

Bill Within Jurisdiction of Two or More Committees

§ 28.13 Special rules often provide for control of debate time; as an example, a resolution provided for an open rule for consideration of the authorization (civilian) for the Energy Research and Development Administration, for fiscal 1978, reported from three committees (the initial and two sequential committees), with general debate to

15. Joseph W. Martin, Jr. (Mass.).

16. 87 CONG. REC. 8763–70, 77th Cong. 1st Sess.

be divided and controlled by those three committees.

House Resolution 657, in the 95th Congress,[17] provided for consideration of H.R. 6796, the authorization for fiscal 1978 for the Energy Research and Development Administration nonnuclear programs. The resolution provided in part that general debate be divided and controlled by three reporting committees; that the amendment in the nature of a substitute recommended by the Committee on Science and Technology be read as an original bill for amendment by titles instead of by sections; and that certain points of order be waived against such amendment.

The Clerk read the resolution, as follows:

H. RES. 657

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6796) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, one-half hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, and one-half hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in italic in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI, clause 5, rule XXI, and section 401 of the Congressional Budget Act of 1974 (Public Law 93–344) are hereby waived. It shall be in order to consider en bloc the amendments recommended by the Committee on Armed Services to title I of said substitute. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

17. 123 CONG. REC. 28365, 28366, 95th Cong. 1st Sess., Sept. 9, 1977.

§ 28.14 Where a bill falls within the jurisdiction of two committees, the bill may be considered pursuant to a special rule providing for general debate to be divided between and controlled by those committees.

On Nov. 6, 1969,[18] Mr. Ray J. Madden, of Indiana, called up by the direction of the Committee on Rules and the House adopted House Resolution 610, providing for consideration of a bill with general debate divided between two House committees:

H. RES. 610

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, and two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, title I of the bill shall be read for amendment under the five-minute rule.

After the House had resolved itself into the Committee of the Whole to consider the bill, Chairman Omar T. Burleson, of Texas, made a statement on control of the time for general debate:

Pursuant to the rule, general debate shall continue not to exceed 4 hours, 2 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interstate and Foreign Commerce and 2 hours to be equally divided and controlled by the chairman and ranking minority member on the Committee on Ways and Means.

Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 1 hour and the gentleman from Illinois (Mr. Springer) will be recognized for 1 hour, controlling the time for general debate on behalf of the Committee on Interstate and Foreign Commerce.

The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

After the conclusion of the two hours of debate controlled by the Committee on Interstate and Foreign Commerce, the Chairman made the following statement on control of the remaining debate:

There being no further requests for time on title I, under the rule, the gentleman from Arkansas (Mr. Mills) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. Byrnes) will be recognized for 1 hour, controlling the time for general debate for the Committee on Ways and Means.

18. 115 CONG. REC. 33260–62, 91st Cong. 1st Sess.

The Chair recognizes the gentleman from Arkansas (Mr. Mills).[19]

Parliamentarian's Note: H.R. 14465 was reported by the Committee on Interstate and Foreign Commerce, title I of the bill concerning aviation facilities. The hearings and mark-up of title II, the Airport and Airway Revenue Act, were the work product of the Committee on Ways and Means. Title I was open to amendment, but title II was subject only to amendment by the Committee on Ways and Means.

—*Rotating Recognition*

§ 28.15 Where a special rule divided the control of time for general debate four ways among the chairmen and ranking minority members of two committees, the Chairman of the Committee of the Whole indicated that she would rotate recognition to permit each Member to utilize a portion of his time and then to yield remaining portions to other Members.

During consideration of H.R. 11656 (to provide that meetings of government agencies shall be open to the public) in the Committee of the Whole on July 28, 1976,[20] Chairman Yvonne B. Burke, of California, made the following statement:

THE CHAIRMAN: Pursuant to the rule, general debate will continue not to exceed 2 hours, 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

Under the rule, the gentlewoman from New York (Ms. Abzug), the gentleman from New York (Mr. Horton), the gentleman from Alabama (Mr. Flowers), and the gentleman from California (Mr. Moorhead), will each be recognized for 30 minutes.

The Chair recognizes the gentlewoman from New York (Ms. Abzug).

MS. [BELLA S.] ABZUG [of New York]: Madam Chairman, I yield myself such time as I may consume. . . .

MR. [FRANK] HORTON [of New York]: Madam Chairman, I yield myself such time as I may consume. . . .

Madam Chairman, I yield 10 minutes to the gentleman from California (Mr. McCloskey).

THE CHAIRMAN: If there is no objection, the Chair would like to recognize the gentleman from California (Mr. Moorhead) . . . and then come back to the gentleman from New York (Mr. Horton).

The Chair now recognizes the gentleman from California (Mr. Moorhead) for 30 minutes.

MR. [CARLOS J.] MOORHEAD of California: Madam Chairman, I yield myself such time as I may consume.

MR. HORTON: Madam Chairman, will the gentleman yield?

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19. *Id.* at p. 33283.

20. 122 CONG. REC. 24179, 24180, 24182, 24186, 94th Cong. 2d Sess.

MR. MOORHEAD of California: I yield to the gentleman from New York.

MR. HORTON: Madam Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. HORTON: Madam Chairman, is it the intention of the Chair to rotate?

THE CHAIRMAN: Yes, that is the intention of the Chair.

MR. HORTON: Would the gentleman from California (Mr. Moorhead) then have 30 minutes before I come back to my time?

THE CHAIRMAN: The gentleman will probably use a portion of that 30 minutes himself. We will then come back to the gentlewoman from New York (Ms. Abzug) and to the gentleman from New York (Mr. Horton).

MR. HORTON: Madam Chairman, I thank the Chair.

—*Sequentially Reporting Committees*

§ 28.16 Where a special rule divides control of debate among a primary reporting committee and six sequentially reporting committees in a designated order, the Chair allocated time only between the chairman and ranking minority member of each committee in the order listed if and when present on the floor, and permitted only the primary committee to reserve a portion of time to close general debate.

During consideration of the Small Business Innovation Development Act (H.R. 4326) in the Committee of the Whole on June 17, 1982,[1] the following proceedings occurred:

The Clerk read the title of the bill.

THE CHAIRMAN:[2] Pursuant to the rule, the first reading of the bill is dispensed with.

The gentleman from New York, Mr. LaFalce, will be recognized for 30 minutes, and the gentleman from Pennsylvania, Mr. McDade, will be recognized for 30 minutes [both representing the primary committee, the Committee on Small Business], and the following Members [representing six committees which had reported the bill sequentially] for 15 minutes each:

The gentleman from Georgia, Mr. McDonald;

The gentleman from Alabama, Mr. Dickinson;

The gentleman from Michigan, Mr. Dingell; . . .

The gentleman from Virginia, Mr. Robinson.

The Chair will attempt to reach the committees engaging in general debate in the order listed, but will at the same time attempt to accommodate Members who cannot be present when called. . . .

MR. [EDWARD F.] WEBER of Ohio: Mr. Chairman, I have an inquiry. In the absence of the gentleman from Alabama (Mr. Dickinson), will the Chair recognize me to control the time which would have been allocated to the gentleman from Alabama (Mr. Dickinson)?

1. 128 CONG. REC. 13991, 14011, 14015, 97th Cong. 2d Sess.
2. William M. Brodhead (Mich.).

THE CHAIRMAN: No; the time belongs to the Armed Services Committee minority.

The Chair will recognize the gentleman from Alabama (Mr. Dickinson) if and when the gentleman is able to be here; but the Chair will recognize Members as indicated in the order in which they are on the list, the order which the Chair read. . . .

The Chair recognizes the gentleman from Michigan (Mr. Dingell) for 15 minutes on behalf of the Committee on Energy and Commerce. . . .

All time allocated to the gentleman from Illinois has expired.

The gentleman from Michigan (Mr. Dingell) has 2½ minutes remaining.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I would like to reserve my time.

THE CHAIRMAN: Under the precedents the gentleman will have to use his time at this point or yield it back.

MR. DINGELL: Mr. Chairman, I will yield to my dear friend from California for 1 minute, and then I will use the balance.

Before I do so, may I inquire of our good friends on the Small Business Committee——

THE CHAIRMAN: As the primary managers of the bill, that committee was able to reserve time and has reserved time under the precedents.

MR. DINGELL: To continue my inquiry, am I not able to reserve time also?

THE CHAIRMAN: The Small Business Committee is the primary manager of the bill, and for that reason the Chair has accorded them the privilege of reserving their time and has not agreed to accord that privilege to any of the other committees.

MR. DINGELL: Is that in the rule, that forecloses the other committees?

THE CHAIRMAN: Under the precedents they have the right to close debate.

§ 28.17 The Chairman has allocated time for general debate in Committee of the Whole pursuant to a special rule dividing time among chairmen and ranking minority members of six committees, with the Members recognized in the order listed in the special rule.

On May 15, 1986,[3] the House agreed to a special rule, as follows, for consideration of H.R. 4800, the Omnibus Trade Bill of 1986:

H. RES. 456

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4800) to enhance the competitiveness of American industry; and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three and one-half hours, with one hour to be equally

3. 132 CONG. REC. 10954, 10955, 10963, 99th Cong. 2d Sess.

divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, with 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, with 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, with 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, with 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and with 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered as having been read for amendment under the five-minute rule. . . .

The Chairman[4] on May 20, 1986,[5] allocated time for general debate:

THE CHAIRMAN: Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. Rostenkowski) will be recognized for 30 minutes; the gentleman from Tennessee (Mr. Duncan) will be recognized for 30 minutes; the gentleman from Washington (Mr. Bonker) will be recognized for 15 minutes; the gentleman from Wisconsin (Mr. Roth) will be recognized for 15 minutes; the gentleman from Rhode Island (Mr. St Germain) will be recognized for 15 minutes; the gentleman from Ohio (Mr. Wylie) will be recognized for 15 minutes; the gentleman from California (Mr. Hawkins) will be recognized for 15 minutes; the gentleman from Vermont (Mr. Jeffords) will be recognized for 15 minutes, the gentleman from Texas (Mr. de la Garza) will be recognized for 15 minutes; the gentleman from Kansas (Mr. Roberts) will be recognized for 15 minutes; the gentleman from Michigan (Mr. Dingell) will be recognized for 15 minutes; and the gentleman from New York (Mr. Lent) will be recognized for 15 minutes.

The Chairman recognizes the gentleman from Florida (Mr. Gibbons) on behalf of the gentleman from Illinois (Mr. Rostenkowski).

—*Where Special Rule Does Not Specify Order of Recognition*

§ 28.18 Where a special rule provides separate control of general debate time among the chairmen and ranking minority members of two committees, but does not specify the order of recognition, the Chair may in his discretion either alternate recognition among the four Members or permit the primary committee to first utilize most of its time and then permit the manager of the bill to close general debate

4. Anthony C. Beilenson (Calif.).

5. 132 CONG. REC. 11373, 99th Cong. 2d Sess.

after the sequential committee uses its time.

During consideration of the Fair Practices in Automotive Products Act (H.R. 5133) in the Committee of the Whole on Dec. 10, 1982,[6] the following proceedings occurred:

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5133) to establish domestic content requirements for motor vehicles sold in the United States, and for other purposes.

THE SPEAKER:[7] The question is on the motion offered by the gentleman from New Jersey (Mr. Florio).

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5133, with Mr. Panetta in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN:[8] Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. Florio) will be recognized for 30 minutes, the gentleman from North Carolina (Mr. Broyhill) will be recognized for 30 minutes, the gentleman from Florida (Mr. Gibbons) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. Frenzel) will be recognized for 30 minutes.

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I have a parliamentary inquiry. . . .

I wish to inquire as to whether the time will run concurrently or whether one committee goes first and the second committee follows.

THE CHAIRMAN: The Chair would interpret the rule to allow each of the respective Members to allot their time respectively without any kind of a pattern, so it could be done interchangeably. . . .

The Chair would advise the Members that although the time could be used interchangeably that it is the will of those controlling the time that the gentleman from New Jersey (Mr. Florio) and the gentleman from North Carolina (Mr. Broyhill) use their time first and then the gentleman from Florida (Mr. Gibbons) and the gentleman from Minnesota (Mr. Frenzel).

MR. FLORIO: On that point, Mr. Chairman, it would be my hope to reserve some time to be in a position to take part in the concluding portion of the 2 hours' debate.

THE CHAIRMAN: The gentleman is free to do that. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, am I correct in my understanding that the rule provides that the time may be used alternatively by the several persons who control this time?

THE CHAIRMAN: The rule does permit that, the Chair would advise the gentleman, but it does not provide for any necessary order.

MR. DINGELL: And as the Chair advises, there is no necessary order. It

6. 128 CONG. REC. 29982, 29984, 29985, 97th Cong. 2d Sess.

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

8. Leon E. Panetta (Calif.).

can be used interchangeably, and so forth.

THE CHAIRMAN: That is correct.

—*Time for General Debate Allocated to Primary Committee Was Reallocated by Unanimous Consent*

§ 28.19 By unanimous consent in the Committee of the Whole, general debate which had been allocated only to the primary committee pursuant to a special rule adopted by the House was reallocated to the chairmen and ranking minority members of three committees to which the bill had been sequentially referred, to permit them to yield portions of time.

During consideration of the Water Resources Conservation Act (H.R. 6) in the Committee of the Whole on Nov. 5, 1985,[9] the following proceedings occurred:

THE CHAIRMAN:[10] Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. Howard) will be recognized for 1 hour and 45 minutes and the gentleman from Minnesota (Mr. Stangland) will be recognized for 1 hour and 45 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. Howard).

MR. [JAMES J.] HOWARD [of New Jersey]: Mr. Chairman, I yield 30 minutes of my time to the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina (Mr. Jones) or his designee, and I ask unanimous consent that he be allowed to yield that time as he wishes.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MR. HOWARD: Mr. Chairman, I yield 15 minutes of my time to the chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona (Mr. Udall) or his designee, and I ask unanimous consent that he be allowed to yield that time as he wishes.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MR. HOWARD: Mr. Chairman, I yield 30 minutes to the chairman of the Committee on Ways and Means, the gentleman from Illinois (Mr. Rostenkowski) or his designee, and I ask unanimous consent that he be allowed to yield that time as he wishes.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Effect of Modified Closed Rule Permitting Amendment in Nature of Substitute and Substitute Therefor, With Separate Hour of Debate on Each Substitute

§ 28.20 Where a "modified closed" rule permitted only

9. 131 CONG. REC. 30462, 99th Cong. 1st Sess.

10. Frederick C. Boucher (Va.).

one amendment in the nature of a substitute and one substitute therefor, and divided a separate hour of debate on each substitute between the same two Members, the Chair permitted the total time to be accumulated and consumed before putting the question on the substitute.

The following proceedings occurred in the Committee of the Whole on June 10, 1982,[11] during consideration of the first concurrent resolution on the budget for fiscal year 1983 (H. Con. Res. 352):

THE CHAIRMAN:[12] All time for general debate has expired.

Pursuant to clause 8 of rule XXIII, the concurrent resolution is considered as having been read for amendment and open for amendment at any point.

The concurrent resolution is as follows:

Resolved by the House of Representatives (the Senate concurring), That—

TITLE I—REVISION OF THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1982 . . .

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I offer an amendment in the nature of a substitute.

THE CHAIRMAN: Pursuant to the provisions of House Resolution 496, the amendment in the nature of a substitute is considered as having been read. . . .

Under the rule, the gentleman from Oklahoma (Mr. Jones) will be recognized for 30 minutes and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes. . . .

MR. [JAMES R.] JONES of Oklahoma: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

THE CHAIRMAN: Pursuant to the provision of House Resolution 496, the amendment in the nature of a substitute is considered as having been read. . . .

Pursuant to the provisions of House Resolution 496, the gentleman from Oklahoma (Mr. Jones) will be recognized for 30 minutes and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes. . . .

MR. JONES of Oklahoma: Mr. Chairman, in order to resolve the technicalities, I will use 30 minutes on the Jones substitute first, and the remaining 30 minutes on the Latta substitute. I think we have agreed to alternate back and forth the total hour we have. . . .

MR. [RALPH] REGULA [of Ohio]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. REGULA: What is the situation at the moment? Have we completed with the first hour, that is, in effect, the debate on the Jones substitute?

THE CHAIRMAN: In effect, the Chair has. The Chair believes, and it has been treating the time as a fungible

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11. 128 CONG. REC. 13387, 13390, 13395, 13399, 13409, 97th Cong. 2d Sess.

12. Anthony C. Beilenson (Calif.).

commodity. The total time has been allocated as to both amendments. In effect, the gentleman from Ohio has remaining to himself to yield, 30 minutes, and the gentleman from Oklahoma has 29 minutes remaining.

Parliamentarian's Note: Mr. Jones, Chairman of the Budget Committee, was permitted to close debate.

Special Rule Prohibiting Amendments to Amendment—Time Consumed Under Reservation of Objection to Unanimous-consent Request To Offer Amendment

§ 28.21 Where the Committee of the Whole is considering an amendment under a "modified closed" rule permitting only one amendment and no amendments thereto, and equally dividing the debate time on the amendment, time consumed under a reservation of objection to a unanimous-consent request to offer an amendment to the pending amendment comes out of the time controlled by the Member yielding for that request.

During consideration of House Joint Resolution 413 (further continuing appropriations for fiscal 1984) in the Committee of the Whole on Nov. 10, 1983,[13] the following proceedings occurred:

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. Solomon).

MR. [GERALD B.] SOLOMON [of New York]: . . . Mr. Chairman, in just a moment I will be asking unanimous consent to offer an amendment which will reduce the amount of economic aid that we give to Zimbabwe by $30 million. . . .

MR. [THOMAS J.] HUCKABY [of Louisiana]: Mr. Chairman, reserving the right to object, is it my understanding that there is $75 million that is earmarked for Zimbabwe in the Wright amendment, and that Zimbabwe is also the country that has consistently supported the Cuban troops in Angola?

THE CHAIRMAN PRO TEMPORE:[14] The Chair would inform the Members that the debate on the reservation will have to come out of allotted time which is controlled by the gentleman from Massachusetts.

Expiration of Time on Amendment Did Not Preclude Amendment to Amendment and Debate Thereon

§ 28.22 Where a special rule governing consideration of a bill in Committee of the Whole limits debate on each amendment or on each

13. 129 CONG. REC. 32120, 98th Cong. 1st Sess.

14. Wyche Fowler, Jr. (Ga.).

amendment thereto to a specific amount of time, equally divided and controlled, the expiration of time on an amendment does not preclude the offering of an amendment thereto, debatable under such time limitation.

On May 4, 1983,[15] the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons. House Joint Resolution 13 was being considered pursuant to a special rule agreed to on Mar. 16,[16] and a special rule providing for additional procedures for consideration, agreed to on May 4.[17]

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I offer an amendment to the amendment. . . .

THE CHAIRMAN:[18] The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Solarz to the amendment offered by Mr. Hunter: In the section proposed to be added to the resolution by the Hunter amendment, strike out all that follows "prevent" through "crews" and insert in lieu thereof "safety-related improvements in strategic bombers".

MR. [ROBERT E.] BADHAM [of California]: Mr. Chairman, I have a point of order.

Mr. Chairman, it occurs to me that all time for the proponents and all time for the opponents of the amendment offered by the gentleman from California (Mr. Hunter), has been used up.

Is it not true, under the rule, that we must now vote on that amendment?

THE CHAIRMAN: No. The Chair will advise the gentleman from California (Mr. Badham), that it is true that all time relative to the amendment offered by the gentleman from California (Mr. Hunter), for and against, has expired, but under the rule another amendment can be offered, and is being offered, and 15 minutes are allocated to the proponent of the amendment and 15 minutes are allocated to an opponent of the amendment.

Speaker and Minority Leader Permitted To Speak by Unanimous Consent Where Special Rule Prohibited Pro Forma Amendments

§ 28.23 Where a special rule prohibited the offering of pro forma amendments for the purpose of debate in Committee of the Whole, the Speaker and Minority Leader were nevertheless permitted, by unanimous consent, to speak for five minutes each

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15. 129 CONG. REC. 11086, 98th Cong. 1st Sess.

16. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.

17. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess. (including the division of time as described above).

18. Matthew F. McHugh (N.Y.).

near the conclusion of the amendment process in Committee of the Whole.

On May 4, 1983,[19] the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons. House Joint Resolution 13 was being considered pursuant to a special rule agreed to on Mar. 16,[20] and a special rule providing for additional procedures for consideration, including a prohibition on pro forma amendments offered for the purpose of debate, agreed to on May 4.[1] The following proceedings took place:

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Chairman, after consultation with the leadership on both sides, and with my friend, the gentleman from Wisconsin, Chairman Zablocki, we have agreed upon a procedure in a spirit of bipartisanship to expedite consideration of this legislation to which we have devoted more than 45 hours of debate, and I would say historic debate. . . .

The agreement is that we will go directly to final passage. I will not offer a substitute. I will offer a straight motion to recommit. Then we can go to final passage. . . .

MR. [JAMES C.] WRIGHT [Jr., of Texas]: . . . It is my understanding that the mutual agreement encompasses the proposition that those committee amendments of a technical nature will be accepted, and that there will be no debate on those or any other substance, and since a motion to recommit without instructions is not debatable in the full House, we must have an agreement that encompasses permitting 10 minutes, 5 minutes to each side, 5 minutes for the minority leader, the gentleman from Illinois (Mr. Michel), and the concluding 5 minutes for the Speaker. Those would be the only speeches remaining. . . .

Mr. Chairman, I ask unanimous consent that the minority leader, the gentleman from Illinois (Mr. Michel), may be permitted, after the adoption of the committee amendments, 5 minutes, and that then the Speaker may be permitted 5 minutes to conclude the entire debate.

THE CHAIRMAN:[2] Is there objection to the request of the gentleman from Texas?

There was no objection. . . .

THE CHAIRMAN: The Clerk will report the remaining committee amendment to the preamble.

The Clerk read as follows: . . .

The committee amendment to the preamble was agreed to.

THE CHAIRMAN: Under the previous unanimous-consent agreement, the Chair will now recognize the distinguished minority leader for 5 minutes.

Parliamentarian's Note: Mr. Broomfield had indicated that he would not offer his amendment in

19. 129 CONG. REC. 11094, 11095, 98th Cong. 1st Sess.

20. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.

1. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.

2. Matthew F. McHugh (N.Y.).

the nature of a substitute for the preamble and resolution, which was subject to two hours of consideration for amendment after disposition of amendments to the preamble under a two-hour limit.

Priority of Recognition in Opposition to Amendment Accorded to Minority Member of Reporting Committee

§ 28.24 Where a special rule limited debate time on amendments to be controlled by a proponent and opponent, the Chair accorded priority of recognition in opposition to an amendment to a minority Member of one of the reporting committees over a majority Member not on any reporting committee.

The following proceedings occurred in the Committee of the Whole on Apr. 29, 1987,[3] during consideration of the Trade Reform Act of 1987 (H.R. 3):

MR. [CLAUDE] PEPPER [of Florida]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[4] The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Pepper: On page 278, after line 23, add the following section:

Sec. 199. The USTR shall request that all relevant agencies prepare appropriate recommendations for improving the enforcement of restrictions on importation of articles from Cuba. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Chairman, would the Chair state how the time will be divided on the amendment that has been read?

THE CHAIRMAN: The gentleman from Florida [Mr. Pepper] will be entitled to 15 minutes and a Member in opposition will be entitled to 15 minutes.

MR. ALEXANDER: Mr. Chairman, I am opposed to the amendment, and I would request that that time be assigned to me, if some Member of the committee is not opposed.

THE CHAIRMAN: The Chair will advise the gentleman from Arkansas if there is someone else on the committee who seeks time in opposition, the Chair would designate that person in opposition.

Does the gentleman from Minnesota [Mr. Frenzel] seek time in opposition?

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, I am opposed to the amendment, and I also seek time in opposition.

THE CHAIRMAN: The gentleman from Minnesota [Mr. Frenzel] will have 15 minutes in opposition.

Manager of Bill Recognized in Opposition to Amendment

§ 28.25 Where a special rule limits debate on designated amendments and allocates time between the proponent and an opponent, the man-

3. 133 CONG. REC. 10488, 100th Cong. 1st Sess.

4. Anthony C. Beilenson (Calif.).

ager of the bill will be recognized to control debate in opposition to the amendment if he qualifies as opposed.

On Dec. 1, 1982,[5] during consideration of H.R. 6995 (Federal Trade Commission Authorization Act) in the Committee of the Whole, the Chair responded to an inquiry regarding debate, as indicated below:

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I have a parliamentary inquiry with respect to the procedure followed here.

It is my understanding that the gentleman from New Jersey (Mr. Florio) [the manager of the bill] will control the time in opposition to the Luken amendment; is that correct?

THE CHAIRMAN:[6] If the gentleman is opposed to the amendment.

MR. [JAMES J.] FLORIO [of New Jersey]: I am, Mr. Chairman.

THE CHAIRMAN: The gentleman from New Jersey (Mr. Florio) will therefore be recognized to control the time in opposition to the amendment offered by the gentleman from Ohio.

§ 28.26 Where a special rule adopted by the House limits debate on an amendment to be controlled by the proponent and an opponent, and prohibits amendments thereto, the Chair may in his discretion recognize the manager of the bill if opposed and there is no requirement for recognition of the minority party.

The following proceedings occurred in the Committee of the Whole on June 18, 1986,[7] during consideration of H.R. 4868 (Anti-Apartheid Act of 1986):

THE CHAIRMAN:[8] Under the rule, the gentleman from California (Mr. Dellums) will be recognized for 30 minutes, and a Member opposed to the amendment will be recognized for 30 minutes.

Will those gentlemen who are opposed to the Dellums amendment kindly stand so the Chair can designate?

Is the gentleman from Washington (Mr. Bonker) opposed to the amendment?

MR. [DON] BONKER [of Washington]: I advise the Chair that I oppose the amendment.

THE CHAIRMAN: Then the Chair will recognize the gentleman from Washington (Mr. Bonker) for 30 minutes in opposition to the Dellums amendment.

Does the gentleman from Washington wish to yield any of his time or share any of his time?

MR. BONKER: Mr. Chairman, I would yield half the allotted time, 15 minutes, to the gentleman from Michigan (Mr. Siljander).

THE CHAIRMAN: The time in opposition will be equally divided between

5. 128 CONG. REC. 28235, 97th Cong. 2d Sess.

6. George E. Brown, Jr. (Calif.).

7. 132 CONG. REC. 14275, 14276, 99th Cong. 2d Sess.

8. Bob Traxler (Mich.).

the gentleman from Washington (Mr. Bonker) and the gentleman from Michigan (Mr. Siljander). . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, do I understand that the process that has just taken place has given the minority side one-quarter of the time.

THE CHAIRMAN: The Chair would counsel the gentleman from Pennsylvania in regard to his inquiry that the rule provides that a Member will be recognized in opposition. The gentleman from Washington (Mr. Bonker) was recognized in opposition, and he shared his time with your side.

MR. WALKER: In other words, the minority, though, was not recognized for the purposes of opposition. Is that correct?

THE CHAIRMAN: The Chair would state that the procedures of the House are governed by its rules, but more importantly in this instance, by the rule adopted by the House as reported from the Committee.

—If Manager States Opposition, Chair Does Not Later Question Qualification To Speak in Opposition

§ 28.27 Where a special rule governing consideration of a bill in Committee of the Whole provides that debate on each amendment be equally divided between the proponent and a Member opposed thereto, the Chairman of the Committee of the Whole will recognize the chairman of the committee managing the bill to control the time in opposition if he states he is opposed, and the Chair cannot at a later time question his qualifications to speak in opposition.

On May 4, 1983,[9] the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons, pursuant to a special rule agreed to on Mar. 16[10] and a special rule providing for additional procedures for consideration (including the equal division of debate time) agreed to on May 4.[11] Mr. Clement J. Zablocki, of Wisconsin, Chairman of the Committee on Foreign Affairs, was recognized in opposition to an amendment. Mr. Zablocki discussed the amendment as it had been modified by unanimous consent:

MR. ZABLOCKI: Mr. Chairman, in order that we can continue the debate in proper order, and with an understanding of the amendment, as modified by unanimous consent, I ask that the Clerk re-read the amendment to the amendment.

THE CHAIRMAN: The Clerk will report the amendment, as modified.

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9. 129 CONG. REC. 11066, 98th Cong. 1st Sess.

10. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.

11. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.

The Clerk read as follows:

Page 5, line 8, immediately before the period, insert ", with such reductions to be achieved within a reasonable period of time as determined by negotiations."

MR. ZABLOCKI: . . . I must say at the very outset, as the amendment has been offered, I have no problems with the amendment. But I am concerned [that] in the explanation of your amendment you go further and it does cause some concern whether you intend your amendment to be so interpreted.

So, Mr. Chairman, I would hope that in the remaining 13 minutes of my time in opposition, technically in opposition, to the amendment we could have a clarifying dialog with the gentleman from Georgia.

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE:[12] The gentleman from Wisconsin (Mr. Zablocki) has the time.

MR. COURTER: Mr. Chairman, will the gentleman yield to me for the purpose of making a parliamentary inquiry?

MR. ZABLOCKI: I yield to the gentleman from New Jersey for the purpose of making a parliamentary inquiry.

MR. COURTER: My parliamentary inquiry, Mr. Chairman, is as follows:

It is my understanding that the proponent of the amendment, the gentleman from Georgia (Mr. Levitas) is recognized for 15 minutes, and then someone could be recognized if they, in fact, oppose it.

The gentleman from Wisconsin (Mr. Zablocki) rose initially indicating that he was against the amendment, was recognized for 15 minutes, and during his monolog has indicated that, in fact, he is not opposed to it. Should he be recognized for the balance of his time?

THE CHAIRMAN PRO TEMPORE: The Chair cannot question the gentleman's qualifications. The Chair did ask the question if he rose in opposition to the amendment, and the Chairman so stated. Therefore, he controls the time.

Effect Where Member Recognized in Opposition Yields Back All Time

§ 28.28 Where debate on an amendment has been limited and equally divided between the proponent and a Member opposed, and the Chair has recognized the only Member seeking recognition in opposition to the amendment, no objection lies against that Member subsequently yielding back all the time in opposition.

On May 4, 1983,[13] the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons. House Joint Resolution 13 was being considered pursuant to a special rule agreed to on Mar.

12. Leon E. Panetta (Calif.).

13. 129 CONG. REC. 11077, 11078, 98th Cong. 1st Sess.

16,[14] and a special rule providing for additional procedures for consideration, agreed to on May 4.[15] Mr. William S. Broomfield, of Michigan, rose in opposition[16] to an amendment[17] offered by Mr. Henry J. Hyde, of Illinois, to a substitute amendment:

MR. BROOMFIELD: Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN:[18] The gentleman is recognized for 15 minutes in opposition to the amendment, for purposes of debate only.

MR. BROOMFIELD: Mr. Chairman, I yield back the balance of my time.

MR. HYDE: Mr. Chairman, I yield back the balance of my time and request a vote.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, we have 15 minutes in order to oppose the amendment?

THE CHAIRMAN: No one stood up on that side of the aisle, and the gentleman from Michigan (Mr. Broomfield) represented to the Chair that he opposed the amendment and was recognized for 15 minutes in opposition, and he yielded back the balance of his time, as did the gentleman from Illinois (Mr. Hyde). . . .

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I have a parliamentary inquiry. . . .

Mr. Chairman, my inquiry is this: This side, which opposes the amendment, has been foreclosed an opportunity, not on this amendment but on the previous amendment, to have 15 minutes in opposition to the amendment because a Member on that side who voted against an amendment that was hostile to the exact amendment said he was opposed to it.

My parliamentary inquiry is, Mr. Chairman, is that in order?

THE CHAIRMAN: As the Chair previously explained, no one on the majority side of the aisle rose in opposition to that amendment. The Chair looked to the other side of the aisle and the gentleman from Michigan (Mr. Broomfield) rose, represented that he was in opposition to the amendment and was recognized.

Parliamentarian's Note: Had another Member also been seeking to control time in opposition at the time the first Member was recognized and yielded back, the Chair would have allocated the time to that Member so that it could have been utilized.

Yielding Repeatedly to Same Member

§ 28.29 Where a special rule provides for the control of time in debate on a bill, the Member in charge may yield time to the same Member on two or more occasions notwithstanding Rule XIV, clause 6.

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14. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.

15. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.

16. 129 CONG. REC. 11078, 98th Cong. 1st Sess.

17. *Id.* at p. 11077.

18. Matthew F. McHugh (N.Y.).

On Mar. 23, 1933,[19] the Committee of the Whole was considering H.R. 3342, the District of Columbia beer bill, pursuant to the terms of a special rule dividing control of time for general debate between the chairman and ranking minority member of the Committee on the District of Columbia. Chairman Marvin Jones, of Texas, ruled as follows on the application of the prohibition against speaking twice to a bill being considered under a special order:

> MR. [EDWARD W.] GOSS [of Connecticut]: Mr. Chairman, I am making a point of order.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. GOSS: Section 6, Rule XIV, states that no Member shall speak more than once to the same question without leave of the House. Does this apply to debate under a special rule where the time is in the control of both sides?
>
> THE CHAIRMAN: The rule under which this bill is considered states that the time shall be equally divided and controlled by the chairman and the ranking minority member of the Committee on the District of Columbia. This, being a special rule, would, in so far as it is in conflict with, suspend the other rules of the House, and the gentleman can be recognized if he is yielded time in the regular way.

19. 77 CONG. REC. 822, 73d Cong. 1st Sess.

Time Yielded Is Utilized or Yielded Back—Reservation of Yielded Time as Requiring Unanimous Consent

§ 28.30 Where a special rule adopted by the House divides control of general debate in Committee of the Whole between the chairman and ranking minority member of the committee reporting the bill, time yielded to third Members must be utilized or yielded back and may only be reserved for allocation by such third Member by unanimous consent.

During consideration of the Olympic Coin Act (S. 1230) in the Committee of the Whole on May 20, 1982,[20] the following proceedings occurred:

> THE CHAIRMAN:[1] Pursuant to the rule, the first reading of the bill is dispensed with.
>
> Under the rule, the gentleman from Rhode Island (Mr. St Germain) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Wylie) will be recognized for 1 hour.
>
> The Chair recognizes the gentleman from Rhode Island (Mr. St Germain).
>
> MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I yield one-half hour to the gentleman from Illinois (Mr. Annunzio). . . .

20. 128 CONG. REC. 10766, 10767, 97th Cong. 2d Sess.

1. Elliott H. Levitas (Ga.).

THE CHAIRMAN: The gentleman from Illinois (Mr. Annunzio) has consumed 12 minutes.

The Chair would inquire of the gentleman from Rhode Island, would he be amenable to yielding further at a later time to the gentleman from Illinois?

MR. ST GERMAIN: I yielded the gentleman 30 minutes under our agreement.

The gentleman from Illinois may proceed and have his other speakers speak. . . .

THE CHAIRMAN: The Chair would observe from a procedural point of view that the gentleman has been yielded 30 minutes which he may use now or yield back as he so desires.

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Chairman, I reserve the balance of my time.

THE CHAIRMAN: The gentleman is not able to reserve the balance of the time yielded to him by the gentleman from Rhode Island unless the gentleman from Rhode Island agrees to yield further at a later time.

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Chairman, a parliamentary inquiry. . . .

What I had intended to do was yield 20 minutes to the gentleman from Texas (Mr. Paul), who takes a similar position as the gentleman from Illinois. I understand the gentleman from Illinois' position and my parliamentary inquiry is, may I yield 30 minutes of my time, which I had agreed to do, to the gentleman from Texas at this time and allow the gentleman from Illinois to use his 30 minutes in exchange with the gentleman from Texas (Mr. Paul)?

THE CHAIRMAN: The Chair in response would advise the gentleman from Ohio that while he may yield 30 minutes to the gentleman from Texas (Mr. Paul), the gentleman from Texas (Mr. Paul) may use that time but may not reserve portions of that time for subsequent yielding except by unanimous consent. . . .

Does the gentleman from Illinois ask unanimous consent to be able to yield portions of the remaining 18 minutes he has available to him at subsequent times during the course of the general debate?

MR. ANNUNZIO: Yes.

THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois?

There was no objection.

Motions Permitted by Special Rule

§ 28.31 A special rule agreed to by the House for consideration of a bill permitted motions by the chairman of the committee reporting the bill to limit debate, including allocation of time under the limitation, and to consider the remainder of the bill or any titles thereof read and open to amendment.

On Dec. 9, 1981,[(2)] Mr. Anthony C. Beilenson, of California, called up House Resolution 291 (providing for consideration of H.R. 3566, international security and

2. 127 CONG. REC. 30193, 97th Cong. 1st Sess.

development assistance authorizations for fiscal 1982 and 1983) in the House:

MR. BEILENSON: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 291 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3566) to authorize appropriations for the fiscal years 1982 and 1983 for international security and development assistance and for the Peace Corps, and for other purposes, the first reading of the bill shall be dispensed with . . . . After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. It shall be in order at any time while the bill is being considered for amendment under the five-minute rule for the chairman of the Committee on Foreign Affairs to move to limit debate on the pending portion of the bill and to provide in said motion for the allocation of time under the limitation on the pending portion of the bill, or on amendments, or on amendments to amendments, thereto. It shall also be in order at any time while the bill is being considered for amendment under the five-minute rule for the chairman of the Committee on Foreign Affairs to move that the remainder of the bill, or any title thereof, be considered as having been read and open to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Control of Debate on Resolutions Relating to Committee Structure

§ 28.32 On one occasion, debate on a resolution reported from the Committee on Rules amending the rules of the House to make permanent the Committee on Standards of Official Conduct was placed in the control of the latter committee pursuant to a special rule.

On Apr. 3, 1968,[3] Mr. Richard Bolling, of Missouri, called up in the House by direction of the Committee on Rules House Resolution 1119, making in order in the Committee of the Whole the consideration of House Resolution 1099, also reported from the Committee on Rules, which resolution amended the Rules of the House to make permanent the Com-

3. 114 CONG. REC. 8776, 8777, 90th Cong. 2d Sess.

mittee on Standards of Official Conduct. House Resolution 1119 provided that there be two hours of debate on House Resolution 1099 to be equally divided and controlled by the chairman and ranking minority member of the Committee on Standards of Official Conduct.

Mr. H. Allen Smith, of California, a member of the Committee on Rules, explained the resolution as follows:

> The resolution could have come to the floor of the House without a rule, which would have limited debate to 1 hour, 30 minutes on each side, and a vote would then be taken up or down on the resolution.
>
> But the Rules Committee felt the members of the committee should have an opportunity to be heard, with the result that we have reported a separate resolution providing for 2 hours of general debate, 1 hour on each side, and the resolution will be open for amendment. Had we just reported the resolution, it would be tantamount to a closed rule under which amendments could not be offered. The Rules Committee does not like to report closed rules as a general practice, and does so only in a few instances, usually on tax bills.
>
> Amendments will probably be offered. . . .

Debate on Confirmation of Vice President-designate Divided Three Ways

§ 28.33 House debate on the confirmation of Vice President-designate Rockefeller was limited to 6 hours and was equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary (both of whom favored the nomination), and Robert W. Kastenmeier, of Wisconsin (a majority member of the Judiciary Committee who opposed the nomination).

For discussion of House Resolution 1519, providing for the consideration of the resolution confirming Nelson A. Rockefeller as Vice President, see § 25.17, supra.

Five Conference Reports Considered En Bloc

§ 28.34 Pursuant to a special rule providing for four hours of debate on five conference reports considered en bloc in the House, equally divided between the majority and minority, with one hour to be confined to debate on one of the five reports (Natural Gas Policy), the Speaker recognized the chairman and ranking minority member of the Ad Hoc Committee on Energy for one-half hour each for the first hour, to be confined to debate on the natural gas conference report, and then recognized

them for one and one-half hour each on the remaining reports.

On Oct. 14, 1978,[4] the following proceedings occurred in the House:

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Speaker, pursuant to House Resolution 1434, I call up the conference reports on the bills [H.R. 4018, Public Utility Rates; H.R. 5037, Energy Conservation; H.R. 5146, Coal Conversion; H.R. 5289, Natural Gas Policy; and H.R. 5263, Energy Tax]. . . .

The Clerk read the titles of the bills.

THE SPEAKER PRO TEMPORE:[5] Pursuant to House Resolution 1434, the gentleman from Ohio (Mr. Ashley) will be recognized for 2 hours and the gentleman from Illinois (Mr. Anderson) will be recognized for 2 hours.

The Chair will recognize the gentleman from Ohio (Mr. Ashley) and the gentleman from Illinois (Mr. Anderson) for 30 minutes to debate the conference report on H.R. 5289. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: May I . . . inquire of the Chair whether the first hour of debate is to be directed to the natural gas conference report and not to the other four conference reports?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. BAUMAN: Only to the natural gas conference report?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. BAUMAN: Would it be out of order to discuss the other parts during that time?

THE SPEAKER PRO TEMPORE: The Chair would like to advise the gentleman that the Chair would have to rule as points along that line are brought to the attention of the Chair.

MR. BAUMAN: I thank the Speaker.

THE SPEAKER PRO TEMPORE: The Chair would like to advise the gentleman that the resolution provides the first hour of which shall be confined solely to the conference report on the bill H.R. 5289.

4. 124 CONG. REC. 38349, 38350, 95th Cong. 2d Sess.

5. William H. Natcher (Ky.).

§ 29. Yielding Time

Where the Member with the floor desires to allow another Member to speak during the former's own time, he yields, and the time yielded is taken out of his time.[6] Yielding is discretionary with the Member in control. And a Member yielded time may speak as many times as yielded to, despite the prohibition against speaking more than once to the same subject.[7] The Mem-

6. See §§ 29.5–29.7, infra.

Where a Member who is yielded time does not consume it, the remaining time reverts to the Member who yielded it (see § 29.16, infra).

If the Member with the floor yields the "balance" of his time in the House without moving the previous question, he loses the floor (see §§ 29.9, 29.10, infra).

7. See § 29.4, infra.

ber yielding time should stand to protect his right to the floor,[8] and the Member who seeks yielded time should address the Chair and request the permission of the Member speaking.[9]

A Member with the floor generally yields for debate only, since in yielding for a motion or amendment he may lose the floor.[10]

The principle that a Member may not, in time yielded for debate, make a motion or offer an amendment is based on the reasoning that if amendments or motions were allowed in time yielded for debate, control would shift and the Chair would be deprived of his power of recognition.

A Member yielded time in debate cannot allocate and control that time, except by unanimous consent.[11] A Member yielded a specific amount of time for debate may not in turn yield a specific amount of time for debate to another Member, although he may yield for questions and statements.[12] A Member recognized under the five-minute rule may not yield to another to offer an amendment, although he may yield to another for debate while remaining on his feet.[13]

Although not required to do so by standing rule, majority Members controlling all the time under the hour rule, frequently yield one-half the time to the minority in order that full debate may occur.[14] Under that special procedure, the minority manager may yield specific amounts of time to other Members without remaining on his feet.

Cross References

Allocation and use of yielded time, see § 31, infra.

The Member in control is not required to consume or yield all the time he possesses (see § 29.13, infra).

8. See § 29.8, infra.

9. See §§ 29.1, 29.2, infra.

10. A Member always loses the floor in yielding for an amendment (see §§ 30.7–30.10, infra), unless control of debate on amendments has been placed by unanimous consent in managers, in which case a manager may yield for an amendment without losing control (see § 30.26, infra).

A motion or amendment may not be made by a Member unless the Member with the floor yields for that purpose (see §§ 29.20–29.22, infra). If a Member yields for the motion to adjourn (or the motion that the Committee of the Whole rise), he may resume when the subject matter is again resumed (see 5 Hinds' Precedents §§ 5009–5013. For general discussion of proceedings in the Committee of the Whole, see Ch. 19, supra).

11. See §§ 31.21, 31.22, 31.27, infra.

12. See §§ 31.19, 31.20, 31.27, infra, for restrictions on yielding yielded time.

13. See §§ 31.10, 31.11, infra.

14. See, for example, §§ 29.15, 29.30, infra.

Interruptions in debate, see § 42, infra.
Losing control generally, see § 33, infra.
Power of Chair over recognition, see § 9, supra.
Yielding of time by committee managers, see § 26, supra.
Yielding of time by manager of proposition, see § 24, supra.
Yielding of time under limitation on five-minute debate, see § 22, supra.

Seeking Yielded Time

§ 29.1 A Member desiring the Member with the floor to yield to him should address the Chair for the permission of the Member speaking.

On June 29, 1956,[15] Chairman Francis E. Walter, of Pennsylvania, sustained a point of order that a Member desiring to interrupt another in debate, by asking him to yield, should properly address the Chair for the permission of the Member speaking:

> MR. [RALPH W.] GWINN [of New York]: We had no exact testimony on the point before our committee.
>
> MR. [CLEVELAND M.] BAILEY [of West Virginia]: Will the gentleman yield?
>
> MR. GWINN: I would like to answer the question of the distinguished gentleman from Pennsylvania first.
>
> MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HOFFMAN of Michigan: The point of order is that a Member who seeks recognition must first address the Chair rather than inquire of the Member whether he will yield or not.
>
> THE CHAIRMAN: The point of order is sustained. The practice which has grown up here is not a good one. When a request is made for a Member to yield, the request should be made to the Chair, and the Chair in turn submits the request to the speaker having the floor.

—Recognition by Chair

§ 29.2 Members are not entitled to the floor until recognized by the Chair even though they may have been yielded time by the Member in charge of the time.

On Feb. 28, 1931,[16] Speaker Nicholas Longworth, of Ohio, recognized Mr. Thomas A. Jenkins, of Ohio, to move to suspend the rules and pass a bill. Mr. John J. O'Connor, of New York, objected that he had already been recognized for 30 minutes on a special rule which had been called up and read but not debated. The Speaker stated that Mr. O'Connor had not been recognized by the Chair for debate and had no right to the floor. (Mr. O'Connor had been

15. 102 CONG. REC. 11455, 84th Cong. 2d Sess.

16. 74 CONG. REC. 6675–77, 71st Cong. 3d Sess.

yielded time by the Member in charge of the special rule who had not been recognized for debate by the Speaker.)

Parliamentarian's Note: It is no longer the practice to entertain motions to suspend the rules while other business is pending before the House.

Speaking From Floor During Yielded Time

§ 29.3 In propounding a question in debate to a Member speaking from the well of the House, a Member should speak from a microphone at the majority or minority tables.

On Mar. 7, 1957,[17] Chairman Brooks Hays, of Arkansas, sustained a point of order that a Member seeking to ask a question of a Member with the floor and in the well should not seek to propound his question from the well:

> MR. AUGUST H. ANDERSEN [of Minnesota]: I will yield for a question, but I refuse to yield for a speech.
>
> MR. [GEORGE N.] CHRISTOPHER [of Missouri]: I would like to ask a question.
>
> MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HOFFMAN: I ask that the well be cleared.
>
> THE CHAIRMAN: The gentleman from Michigan makes a point of order that the well should be cleared. The gentleman will step back to the seats to ask his question.
>
> MR. CHRISTOPHER: I want to ask a question about the 51 million acre base.
>
> MR. HOFFMAN: Mr. Chairman, I insist on my point of order.
>
> THE CHAIRMAN: The gentleman from Missouri will suspend. We want to comply strictly with the rules. The gentleman will stand back out of the well, please, while the question is propounded.

Yielding Repeatedly to Same Members

§ 29.4 Members may speak in debate on a bill as many times as they are yielded time by those in control of the debate.

On July 11, 1946,[18] Chairman William M. Whittington, of Mississippi, answered a parliamentary inquiry as follows:

> MISS [JESSIE] SUMNER of Illinois: Mr. Chairman, a parliamentary inquiry?
>
> THE CHAIRMAN: The gentlewoman will state it.
>
> MISS SUMNER of Illinois: The gentleman from Arkansas [Mr. Hays] and the gentleman from Texas [Mr. Patman] have spoken two or three times

17. 103 CONG. REC. 3268, 85th Cong. 1st Sess.

18. 92 CONG. REC. 8694, 79th Cong. 2d Sess.

on this bill during general debate. Is that permissible under the rules of the House?

THE CHAIRMAN: The time is within the control of the chairman and the ranking minority member of the committee.

MISS SUMNER of Illinois: May the same person speak two or three times in general debate on the same bill?

THE CHAIRMAN: General debate on this bill has been fixed at 16 hours, the time equally divided between the chairman and the ranking minority member of the committee. They may yield, once, twice, or as many times as they desire to whom they desire.

Yielded Time Charged to Member With Floor

§ 29.5 Yielded time is taken out of the time of the Member with the floor, except for points of order.

On Apr. 8, 1937,[19] Mr. Arthur H. Greenwood, of Indiana, had the floor, having called up by direction of the Committee on Rules a privileged resolution. Mr. Carl E. Mapes, of Michigan, asked Mr. Greenwood to yield for the propounding of a parliamentary inquiry, thereby raising a question as to how such time should be charged:

MR. MAPES: Mr. Speaker, will the gentleman yield so that I may submit a parliamentary inquiry, not to be taken out of the gentleman's time?

MR. GREENWOOD: I yield for that purpose.

THE SPEAKER:[20] If the gentleman yields, it comes out of his time.

MR. GREENWOOD: Then I prefer to make my statement. I will not yield for that purpose at this time.

THE SPEAKER: The Chair will state to the gentleman from Michigan [Mr. Mapes] that the only exception where interruptions are not taken out of the time of the speaker is on points of order.[1]

§ 29.6 During consideration of a bill under the five-minute rule, a Member who has the floor may yield to another for a unanimous-consent request or a motion to limit debate, but the time consumed thereby comes out of the time of the Member holding the floor.

On June 11, 1968,[2] Mr. Daniel J. Flood, of Pennsylvania, was recognized on a pro forma amendment under the five-minute rule in the Committee of the Whole. He then yielded to Mr. George H. Mahon, of Texas, who asked unanimous consent that all debate on the pending amendment and

19. 81 CONG. REC. 3283, 75th Cong. 1st Sess.

20. William B. Bankhead (Ala.).

1. For interruptions of the Member with the floor, see § 32, infra.

2. 114 CONG. REC. 16699, 90th Cong. 2d Sess.

the substitute amendments thereto close at 5:30. Chairman James G. O'Hara, of Michigan, stated, in response to a parliamentary inquiry by Mr. Flood, that the time consumed by the unanimous-consent request came out of his (Mr. Flood's) time, since he had yielded for the purpose.

On June 1, 1972,[3] Chairman Robert N. Giaimo, of Connecticut, stated that time for interruptions, for which a Member with the floor under the five-minute rule had yielded, would be taken out of his time:

> MR. [WILLIAM V.] CHAPPELL [Jr., of Florida]: Mr. Chairman, I offer an amendment. . . .
>
> MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Chairman, would the gentleman yield to me?
>
> MR. CHAPPELL: I yield to the gentleman from West Virginia.
>
> MR. STAGGERS: I have asked the gentleman from Florida to yield to me in order to ascertain if we could set a limit of debate on this amendment.
>
> Having heard the amendment read, it is a very simple amendment, and it can be read again if needed.
>
> Therefore, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from West Virginia?
>
> MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, I object.
>
> THE CHAIRMAN: Objection is heard.
>
> MR. STAGGERS: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from West Virginia?
>
> MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state his parliamentary inquiry.
>
> MR. GROSS: Mr. Chairman, is this coming out of the gentleman's time?
>
> THE CHAIRMAN: The Chair will state that that is correct.

§ 29.7 If a Member yields for a parliamentary inquiry, the time consumed by the inquiry and the reply is taken out of his time.

On May 26, 1960,[4] while Mr. Donald R. Matthews, of Florida, had the floor, the following proceedings occurred:

> MR. MATTHEWS: Mr. Chairman, the poet, Robert Frost, in his poem "Road Not Taken," starts out with these lines——
>
> MR. [CLEVELAND M.] BAILEY [of West Virginia]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN:[5] Does the gentleman from Florida yield for a parliamentary inquiry?

3. 118 CONG. REC. 19476, 92d Cong. 2d Sess.

4. 106 CONG. REC. 11267, 11268, 86th Cong. 2d Sess.

5. Aime J. Forand (R.I.).

MR. MATTHEWS: Will it be taken out of my time?

THE CHAIRMAN: It will be taken out of the gentleman's time.

MR. MATTHEWS: I regret I cannot yield to my beloved colleague.[6]

Member Yielding Time Should Stand

§ 29.8 A Member recognized in support of an amendment may yield to another for a question or statement, but he must remain standing in order to protect his rights to the floor.

On Mar. 12, 1964,[7] Chairman Chet Holifield, of California, stated a Member recognized on an amendment who yields to another should remain standing:

MR. [THOMAS J.] MURRAY [of Tennessee]: Mr. Chairman, I will explain the amendment, I hope to the satisfaction of all.

MR. [THOMAS B.] CURTIS [of Missouri]: I wish to say, if the gentleman will yield further, that this is about 30 pages. Without copies available I believe possibly a recess will be in order.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, I make a point of order. The gentleman from Tennessee had the floor, and I have not heard him yield to any Member lately. He is not standing.

THE CHAIRMAN: The gentleman from Tennessee [Mr. Murray] has been recognized by the Chair. We hope the gentleman from Tennessee will maintain his position standing, if he wishes to obtain the attention of the Chamber.

MR. MURRAY: I thank the Chairman. I shall do so.

Effect of Yielding Back Balance of Time on Motion Without Moving Previous Question

§ 29.9 If a Member recognized to control one hour on a motion yields back the balance thereof without moving the previous question, another Member may be recognized for one hour.

On Oct. 10, 1940,[8] Speaker Sam Rayburn, of Texas, laid before the House a veto message from the President. Mr. Samuel Dickstein, of New York, moved that the message and the bill be referred to a House committee. He was recognized for one hour by the Speaker, delivered some remarks, and then stated "I yield back the balance of my time." Mr. John E. Rankin, of Mississippi, asked for recognition in opposition to the motion, and the Speaker in-

6. See also 113 CONG. REC. 19033, 90th Cong. 1st Sess., July 17, 1967; 113 CONG. REC. 4997, 90th Cong. 1st Sess., Mar. 1, 1967; 111 CONG. REC. 16836, 89th Cong. 1st Sess., July 25, 1965; and 81 CONG. REC. 3283–90, 75th Cong. 1st Sess., Apr. 8, 1937.

7. 110 CONG. REC. 5100, 88th Cong. 2d Sess.

8. 86 CONG. REC. 13522–24, 76th Cong. 3d Sess.

quired of Mr. Dickstein whether he yielded. When Mr. Dickstein stated that he had yielded the floor, Mr. Rankin was recognized for one hour. Mr. Dickstein then objected that he had not meant to surrender the floor, but the Speaker stated that he had affirmatively done so.

§ 29.10 A Member having yielded the floor without moving the previous question after making a motion, another Member seeking recognition is recognized for one hour.

On July 5, 1945,[9] Mr. Malcolm C. Tarver, of Georgia, offered a motion to correct the permanent Record, in order to accurately reflect a colloquy between himself and Mr. John E. Rankin, of Mississippi. Mr. Tarver discussed his motion and then yielded the floor without moving the previous question. Speaker Sam Rayburn, of Texas, recognized Mr. Rankin for one hour.

Effect on Time Already Yielded Where Member in Control Loses Floor

§ 29.11 A Member in control of the time under the hour rule may yield a portion of his time to another Member, but if he loses the floor (by yielding for an amendment), the time yielded to the other Member is also lost.

On Nov. 29, 1967,[10] Mr. William R. Anderson, of Tennessee, called up by direction of the Committee on Rules House Resolution 960, a privileged resolution authorizing travel by members of the Committee on Education and Labor, for investigatory purposes; as is customary on a Rules Committee resolution, he yielded 30 minutes to the minority (Mr. H. Allen Smith, of California). Mr. Anderson then yielded to Mr. Durward G. Hall, of Missouri, to offer an amendment, thereby surrendering control of the resolution to Mr. Hall. When Speaker Pro Tempore Carl Albert, of Oklahoma, stated that the question was on the resolution, a parliamentary inquiry was raised:

> MR. [H. ALLEN] SMITH of California: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state the parliamentary inquiry.
>
> MR. SMITH of California: I was yielded 30 minutes a while ago by the gentleman from Tennessee [Mr. Anderson]. Do I not have that time?
>
> THE SPEAKER PRO TEMPORE: When the gentleman from Tennessee [Mr.

9. 91 CONG. REC. 7221–25, 79th Cong. 1st Sess.

10. 113 CONG. REC. 34136–38, 90th Cong. 1st Sess.

Anderson] yielded to the gentleman from Missouri [Mr. Hall] for the purpose of offering an amendment, he surrendered all his time, and the Chair so informed the gentleman from Tennessee.

MR. SMITH of California: If the gentleman has agreed to yield 30 minutes to me, I lose it?

THE SPEAKER PRO TEMPORE: When the gentleman yielded for the purpose of amendment.

Yielding Is Discretionary

§ 29.12 Where debate on a bill is under control of the chairman and ranking minority member of a committee, they may yield as many times as they desire to whomever they desire.

On July 11, 1946,[11] Chairman William M. Whittington, of Mississippi, answered a parliamentary inquiry:

MISS [JESSIE] SUMNER of Illinois: Mr. Chairman, a parliamentary inquiry?

THE CHAIRMAN: The gentlewoman will state it.

MISS SUMNER of Illinois: The gentleman from Arkansas [Mr. Hays] and the gentleman from Texas [Mr. Patman] have spoken two or three times on this bill during general debate. Is that permissible under the rules of the House?

THE CHAIRMAN: The time is within the control of the chairman and the ranking minority member of the committee.

MISS SUMNER of Illinois: May the same person speak two or three times in general debate on the same bill?

THE CHAIRMAN: General debate on this bill has been fixed at 16 hours, the time equally divided between the chairman and the ranking minority member of the committee. They may yield, once, twice, or as many times as they desire to whom they desire.

§ 29.13 Where the House by unanimous consent fixed the time for and control of debate, it was held that the Members in control were not required to use or to yield all their available time.

On Mar. 11, 1941,[12] the House was considering House Resolution 131 under the terms of a unanimous-consent request providing two hours of debate in the House, dividing control of debate between Mr. Sol Bloom, of New York, and Mr. Hamilton Fish, Jr., of New York, and providing that at the conclusion of such debate the previous question shall be considered as ordered on the adoption of the resolution. After debate, Mr. Bloom asked for a vote on the resolution prior to the expiration of the two hours' time, and Mr. Martin J. Kennedy, of New York, objected on the ground that

11. 92 CONG. REC. 8694, 79th Cong. 2d Sess.

12. 87 CONG. REC. 2177, 2178, 77th Cong. 1st Sess.

the unanimous-consent agreement was not being complied with in that two hours of debate had not been consumed and Mr. Bloom had refused to yield further time. Speaker Sam Rayburn, of Texas, ruled as follows:

> THE SPEAKER: The unanimous-consent request agreed to yesterday left control of the time in the hands of the gentleman from New York [Mr. Bloom] and the gentleman from New York [Mr. Fish]. At any time those gentlemen do not desire to yield further time, compliance with the request has been had.

§ 29.14 A Member calling up a resolution providing for the order of business under the "21-day rule," in effect in the 89th Congress, was recognized for one hour and could yield time as he saw fit, and was not bound by the custom of the Committee on Rules to yield one-half the time to the opposition.

On Sept. 13, 1965,[13] Mr. Adam C. Powell, of New York, called up, pursuant to the provisions of Rule XI clause 23, House Resolution 478, providing for the consideration of H.R. 9460, which had been pending before the Committee on Rules for more than 21 calendar days without having been reported by the committee. Mr. Howard W. Smith, of Virginia, made a point of order against the manner in which debate was being conducted on the resolution, claiming that under the usual procedure one hour of debate in the House was in order, to be equally divided between the majority and minority.

Speaker John W. McCormack, of Massachusetts, ruled as follows:

> The Chair will state that the control of time in the present parliamentary situation rests with the gentleman from New York [Mr. Powell].
>
> The gentleman from Virginia [Mr. Smith] has referred to the action taken on the last resolution. That was a matter within the judgment of the gentleman from Texas [Mr. Patman]. The gentleman from New York [Mr. Powell] has control of the 1 hour and he can dispose of that time as his judgment dictates.[14]

Motion To Instruct Conferees: Former Practice

§ 29.15 A Member offering a motion to instruct conferees, and in control of the one hour for debate, yielded control of one-half his time to the opposition.

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13. 111 CONG. REC. 23618, 23619, 89th Cong. 1st Sess.

14. See also 111 CONG. REC. 18076, 89th Cong. 1st Sess., July 26, 1965.

The 21-day rule was deleted from the rules by H. Res. 7, 90th Cong. 1st Sess. (1967).

On Aug. 8, 1961,[15] the House agreed to a resolution taking from the Speaker's table a House bill with a Senate amendment, disagreeing to the amendment and requesting a conference with the Senate.

Mr. James E. Van Zandt, of Pennsylvania, offered a motion to instruct conferees, and Speaker Pro Tempore Carl Albert, of Oklahoma, advised him that he was entitled to one hour of debate on his motion. Mr. Van Zandt then stated:

> Under these circumstances, Mr. Speaker, I yield to my colleague the gentleman from California [Mr. Holifield] 30 minutes and yield myself 13 minutes.[16]

Parliamentarian's Note: Debate time on any motion to instruct conferees is now divided between the majority and minority parties. If both are supporters of the motion, one-third of the hour can be demanded by a Member opposed to the motion. See H. Res. 5, 101st Congress, Jan. 3, 1989. See § 26, supra, for further discussion.

Reversion of Unused Yielded Time

§ 29.16 Where a Member in control of a specific amount of time for debate in the House yields part or all of his remaining time to another Member, and the latter does not consume such time, the unused time reverts to the Member who yielded.

On Sept. 19, 1966,[17] Mr. Adam C. Powell, of New York, moved to suspend the rules and pass a bill. He used part of the 20 minutes available to him under the rules and then yielded the "balance" of his time to Mr. James G. O'Hara, of Michigan. Mr. O'Hara delivered a short address and Mr. Powell then yielded time to Mr. John H. Dent, of Pennsylvania. Mr. H. R. Gross, of Iowa, made a point of order that Mr. Powell had lost control of the floor and Speaker John W. McCormack, of Massachusetts, overruled the point of order:

> MR. GROSS: Mr. Speaker, I make the point of order that the gentleman from New York [Mr. Powell] yielded his remaining time to the gentleman from

15. 107 CONG. REC. 14947–49, 87th Cong. 1st Sess.

16. See also 108 CONG. REC. 18029, 18035, 18036, 87th Cong. 2d Sess., Aug. 29, 1962.

The Member in control under the hour rule may yield in his discretion for debate. See 97 CONG. REC. 5435–45, 82d Cong. 1st Sess., May 17, 1951; and 95 CONG. REC. 11139–45, 81st Cong. 1st Sess., Aug. 9, 1949.

17. 112 CONG. REC. 22933, 22934, 89th Cong. 2d Sess.

Michigan [Mr. O'Hara] and that he therefore cannot yield time.

THE SPEAKER: The gentleman from Michigan consumed 3 minutes.

MR. GROSS: Mr. Speaker, the gentleman from New York yielded the remainder of his time to the gentleman from Michigan [Mr. O'Hara].

MR. POWELL: Mr. Speaker, may I be heard?

THE SPEAKER: The Chair will state, when that is done on either side, when a Member does not consume the remainder of the time, control of the remaining time reverts to the Member who has charge of the time.

MR. GROSS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GROSS: When the Member in charge of time yields the remainder of his time to another Member, Mr. Speaker, I would not know how he would then be able to yield time to any other Member.

THE SPEAKER: The Chair will rule that when the gentleman in control of time yields the remainder of his time to another Member, and the other Member does not use up all the time, then the remainder of the time comes back under the control of the Member who originally had control of the time.

On Feb. 8, 1972,[18] the House was considering House Resolution 164, creating a select committee. Mr. Ray J. Madden, of Indiana, was in control of the time under the hour rule. He yielded 10 minutes to Mr. Cornelius E. Gallagher, of New Jersey; Speaker Carl Albert, of Oklahoma, ruled that Mr. Gallagher could not reserve any part of that time, and that any part of the 10 minutes not used by him reverted to Mr. Madden:

MR. MADDEN: Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey (Mr. Gallagher).

MR. GALLAGHER: Mr. Speaker, may I take 5 minutes now and reserve 5 minutes to the end of the debate since it is my bill?

THE SPEAKER: The gentleman may do that. Without objection, it is so ordered.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, reserving the right to object, and I hate to object, but is it in order to have a unanimous-consent request at a time like this when the time is controlled by the members of the Committee on Rules to bring the bill on the floor?

MR. GALLAGHER: I asked for the time to close the debate since there will be objections, and I would like to respond to those objections. It was my understanding that I would have the time at the conclusion of debate.

MR. HALL: Mr. Speaker, I submit this is between the gentleman and the man handling the rule, and therefore I must object.

THE SPEAKER: The Chair will notify the gentleman when 5 minutes are up. . . .

THE SPEAKER: The gentleman from New Jersey has consumed 5 minutes.

MR. GALLAGHER: Mr. Speaker, I reserve the balance of my time.

18. 118 CONG. REC. 3181–3200, 92d Cong. 2d Sess.

THE SPEAKER: The Chair must advise the gentleman that the time is under the control of the gentleman from Indiana (Mr. Madden) and the gentleman from Ohio (Mr. Latta).

MR. GALLAGHER: Mr. Speaker, I was granted 10 minutes and I reserve the balance of my time.

MR. GROSS: Mr. Speaker, the gentleman cannot reserve the balance of 5 minutes.

MR. GALLAGHER: I am not speaking under the 5-minute rule.

MR. GROSS: It does not make any difference. . . .

THE SPEAKER: The gentleman from Indiana has control of the time and the Chair has so advised the gentleman from New Jersey of that fact.

If the gentleman from Indiana desires to yield further time at this time he can do so.

Yielding for Reading of Paper

§ 29.17 A Member having the floor may yield to another to read a paper without losing the right to the floor.

On Apr. 25, 1947,[19] Mr. John J. Rooney, of New York, had the floor under the five-minute rule in the Committee of the Whole. Mr. Rooney yielded to Mrs. Helen Gahagan Douglas, of California, to read a statement made by the Secretary of the Interior. Mr. Clare E. Hoffman, of Michigan, made the point of order that Mr. Rooney had yielded and lost the floor. Chairman Earl C. Michener, of Michigan, overruled the point of order and stated that Mr. Rooney still had the floor.

Member Having Special Order Yielded to Member Having Next Special Order

§ 29.18 A Member having a special order was permitted, by unanimous consent, to relinquish part of his time to the Member having the next special order.

On July 11, 1966,[1] Mr. Wright Patman, of Texas, had scheduled a special order to address the House, with a special order to follow by Mr. Thomas B. Curtis, of Missouri. By unanimous consent, Mr. Patman relinquished the floor for five minutes to Mr. Curtis.

Use of Time Yielded for Debate Only

§ 29.19 A Member may not be recognized to offer an amendment in time yielded for debate only.

On Feb. 2, 1955,[2] Mr. Ray J. Madden, of Indiana, called up at the direction of the Committee on

19. 93 CONG. REC. 4086, 80th Cong. 1st Sess.

1. 112 CONG. REC. 14988, 89th Cong. 2d Sess.

2. 101 CONG. REC. 1076–79, 84th Cong. 1st Sess.

Rules House Resolution 63, authorizing the Committee on Veterans' Affairs to inspect the Veterans' Administration. Mr. Madden yielded three minutes' time for debate to Mrs. Edith Nourse Rogers, of Massachusetts. Mrs. Rogers indicated she wished to offer an amendment to prohibit the Committee on Veterans' Affairs from investigating any matter under investigation by another committee of the House. Mr. Madden stated that he did not yield for the purpose of having such an amendment offered. Speaker Pro Tempore Robert C. Byrd, of West Virginia, ruled that Mrs. Rogers did not have the right to offer an amendment in time yielded her for debate only.

§ 29.20 When a motion to recede from and concur in a Senate amendment is pending, an amendment to the motion may not be offered in time yielded for debate.

On July 11, 1968,[3] Mrs. Julia Butler Hansen, of Washington, offered a motion to recede and concur in a Senate amendment following adoption of a conference report on H.R. 17354, the Department of the Interior appropriations for fiscal 1969. At his request, Mrs. Hansen yielded for debate to Mr. Charles R. Jonas, of North Carolina, who then attempted to offer an amendment to the motion. However, Mrs. Hansen refused to yield for that motion saying she had yielded only for the purpose of debate.

§ 29.21 A Member may not in time yielded him for general debate move that the Committee of the Whole rise, nor may he yield to another for such motion.

On Feb. 22, 1950,[4] Mr. Howard W. Smith, of Virginia, moved, in time yielded him in the Committee of the Whole by Mr. Adam C. Powell, of New York, for general debate, that the Committee rise. Chairman Francis E. Walter, of Pennsylvania, ruled that that motion was not in order, since Mr. Powell had control of the time and since he had not yielded time to Mr. Smith for the making of the motion. Subsequently, Mr. Hugo S. Sims, Jr., of South Carolina, in time yielded for debate by Mr. Powell, yielded to Mr. Smith who again moved that the Committee rise, stating he had "some time of my own." The Chairman ruled that the motion was not in order, since Mr. Sims was yielded time

3. 114 CONG. REC. 20683, 90th Cong. 2d Sess.

4. 96 CONG. REC. 2178, 81st Cong. 2d Sess.

for general debate and could not yield to Mr. Smith for the making of the motion.

On appeal, the Chairman's ruling was sustained.[5]

Parliamentarian's Note: When the House has vested control of general debate in the Committee of the Whole in the chairman and ranking minority member of the committee reporting a bill, their control of general debate may not be abrogated by another Member moving that the Committee rise—unless they yield for that purpose.

—Parliamentary Inquiries in Time Yielded for Debate

§ 29.22 Where a Member controlling the time for debate yields to another for debate, the latter may, during the time so yielded, propound a parliamentary inquiry.

On July 17, 1967,[6] Speaker John W. McCormack, of Massachusetts, ruled that a Member yielded time for debate could within that time propound a parliamentary inquiry:

> MR. [SAMUEL N.] FRIEDEL [of Maryland]: Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. Adams].
>
> THE SPEAKER: The gentleman from Washington is recognized.
>
> MR. [BROCK] ADAMS: Mr. Speaker, a parliamentary inquiry.
>
> MR. FRIEDEL: Mr. Speaker, I yield 5 minutes to the gentleman for the purpose of debate.
>
> MR. ADAMS: Mr. Speaker, may I inquire of the gentleman controlling the time whether I may also make a parliamentary inquiry?
>
> THE SPEAKER: The Chair will state that if the gentleman wants to make a parliamentary inquiry, it is within his time. A parliamentary inquiry will take up the time of the gentleman.

Yielding for Parliamentary Inquiry

§ 29.23 A Member may not be taken from the floor by a parliamentary inquiry, but he may yield for that purpose.

On Oct. 8, 1968,[7] Mr. Ray J. Madden, of Indiana, called up by direction of the Committee on Rules a resolution providing an order of business. Mr. Madden was recognized for one hour, and Mr. Gerald R. Ford, of Michigan, attempted to raise a parliamentary inquiry. Speaker John W. McCormack, of Massachusetts, indicated that Mr. Madden could not be taken off the floor by an inquiry made without his consent,

5. See also 113 CONG. REC. 14121, 90th Cong. 1st Sess., May 25, 1967.

6. 113 CONG. REC. 19033, 90th Cong. 1st Sess.

7. 114 CONG. REC. 30217, 90th Cong. 2d Sess.

but that he could yield for that purpose:

MR. GERALD R. FORD: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: Does the gentleman from Indiana yield to the gentleman from Michigan?

MR. GERALD R. FORD: Mr. Speaker, a parliamentary inquiry.

MR. MADDEN: I do not yield.

THE SPEAKER: The Chair is asking the gentleman from Indiana if he yields to the gentleman from Michigan for the purpose of making a parliamentary inquiry.

MR. MADDEN: No.

MR. GERALD R. FORD: Mr. Speaker, I demand the right to make a parliamentary inquiry.

MR. MADDEN: I yield.

MR. GERALD R. FORD: Mr. Speaker, I make a demand of personal privilege.

THE SPEAKER: Just a minute. The gentleman from Indiana has yielded to the gentleman from Michigan for the purpose of making a parliamentary inquiry.

MR. GERALD R. FORD: I appreciate the delayed recognition by the gentleman from Indiana.

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

§ 29.24 A Member may not be interrupted by another Member for a parliamentary inquiry without his consent and if the Member who has the floor refuses to yield and demands regular order the Chair will not recognize another Member to propound a parliamentary inquiry.

On July 8, 1975,[9] the proceedings described above occurred in the Committee of the Whole, as follows:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Dingell to the amendment in the nature of a substitute offered by Mr. Hébert: . . .

MR. DINGELL: Mr. Chairman, this is an amendment about which my colleagues have received communications in the last few days from the Sierra Club and from other nationwide conservation organizations. . . .

MR. [DON] YOUNG of Alaska: Mr. Chairman, I have a point of order to the germaneness of this amendment.

MR. DINGELL: Mr. Chairman, I do not yield for the point of order. The point of order is too late.

THE CHAIRMAN:[10] The Chair rules that the point of order is too late.

MR. YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

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8. See also 111 CONG. REC. 17931, 89th Cong. 1st Sess., July 22, 1965; and 106 CONG. REC. 11267, 11268, 86th Cong. 2d Sess., May 26, 1960.

Where a Member yields to another for a parliamentary inquiry, the time consumed by the inquiry is charged against the yielding Member (see §§ 29.5, 29.7, supra).

9. 121 CONG. REC. 21628, 94th Cong. 1st Sess.

10. Neal Smith (Iowa).

MR. DINGELL: Mr. Chairman, may we have the regular order. . . .

THE CHAIRMAN: The gentleman from Michigan (Mr. Dingell) refuses to yield.

MR. YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: That could only be made before the gentleman from Michigan was recognized with respect to his amendment. . . .

MR. DINGELL: Mr. Chairman, I ask for the regular order.

THE CHAIRMAN: The gentleman from Michigan (Mr. Dingell) refuses to yield.

Under regular order, the gentleman from Michigan (Mr. Dingell) is recognized.

Time Yielded for Unanimous-consent Request; Debate Under Reservation of Objection

§ 29.25 Where the Committee of the Whole is considering an amendment under a "modified closed" rule permitting only one amendment and no amendments thereto, and equally dividing the debate time on the amendment, time consumed under a reservation of objection to a unanimous-consent request to offer an amendment to the pending amendment comes out of the time controlled by the Member yielding for that request.

During consideration of House Joint Resolution 413 (further continuing appropriations for fiscal 1984) in the Committee of the Whole on Nov. 10, 1983,[11] the following proceedings occurred:

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. Solomon).

MR. [GERALD B.] SOLOMON [of New York]: . . . Mr. Chairman, in just a moment I will be asking unanimous consent to offer an amendment which will reduce the amount of economic aid that we give to Zimbabwe by $30 million. . . .

MR. [THOMAS J.] HUCKABY [of Louisiana]: Mr. Chairman, reserving the right to object, is it my understanding that there is $75 million that is earmarked for Zimbabwe in the Wright amendment, and that Zimbabwe is also the country that has consistently supported the Cuban troops in Angola?

THE CHAIRMAN PRO TEMPORE:[12] The Chair would inform the Members that the debate on the reservation will have to come out of allotted time which is controlled by the gentleman from Massachusetts.

Interruption for Point of Order

§ 29.26 A Member having the floor may not be interrupted by another Member raising a parliamentary inquiry unless he yields for that purpose, but the Chair must permit an interruption to rule on any

11. 129 CONG. REC. 32120, 98th Cong. 1st Sess.

12. Wyche Fowler, Jr. (Ga.).

point of order raised during debate.

On Dec. 18, 1987,[13] during consideration of a privileged resolution (H. Res. 335, disciplining a Member) in the House, the following proceedings occurred:

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I call up a privileged resolution (H. Res. 335) in the matter of Representative Austin J. Murphy, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 335

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated December 16, 1987, in the matter of Representative Austin J. Murphy of Pennsylvania. . . .

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I commend the committee for its report and its recommendation. . . .

This committee's earlier report on the gentleman from Rhode Island should be reexamined with this new yardstick. The committee's letter on the gentlewoman from Ohio should be scrutinized with this new yardstick. The admission of $24,000 in election law violations by the gentleman from California should be held up to this new yardstick.

Finally, the numerous allegations about the Speaker must be——

MR. [TOMMY F.] ROBINSON [of Arkansas]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[14] The gentleman will state it.

MR. ROBINSON: Mr. Speaker, I thought we were here today to hear a very serious charge against one of our colleagues from Pennsylvania, not from California or other States.

THE SPEAKER PRO TEMPORE: Will the gentleman suspend? Does the gentleman from Georgia yield?

MR. GINGRICH: No, I do not yield, Mr. Speaker.

MR. ROBINSON: Mr. Speaker, I raise a point of order.

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

MR. ROBINSON: Mr. Speaker, my point of order is that we are here to consider the committee's report against our colleague Austin Murphy and not against other Members today that the charges have not been substantiated or presented to the committee.

MR. GINGRICH: Would the Chair——

THE SPEAKER PRO TEMPORE: Will the gentleman suspend?

The [gentleman] will yield on the point of order.

On the debate currently ongoing, there can be references made to other cases reported by the committee, not by individual or by name. The gentleman from Georgia, as the Chair understands, has not mentioned other individuals and the gentleman from Arkansas——

MR. ROBINSON: Mr. Speaker, he has, too.

THE SPEAKER PRO TEMPORE: The gentleman may compare disciplinary actions reported by the committee and should confine his remarks to the matters before the House.

13. 133 CONG. REC. 36266, 36271, 100th Cong. 1st Sess.

14. Dave McCurdy (Okla.).

One Recognized for Parliamentary Inquiry May Not Yield

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

On Mar. 16, 1988,[15] the following proceedings occurred in the House:

> MR. [JUDD] GREGG [of New Hampshire]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> Mr. Speaker, I was just in my office viewing the proceedings here, and during one of the proceedings, when the gentleman from California [Mr. Dornan] was addressing the House, it was drawn to my attention that the Speaker requested that Mr. Dornan's microphone be turned off, upon which Mr. Dornan's microphone was turned off.
>
> Mr. Speaker, my inquiry of the Chair is: Under what rule does the Speaker decide to gag opposite Members of the House? . . .
>
> THE SPEAKER PRO TEMPORE:[16] The Chair is referring to Mr. Dornan. He requested permission of the Chair to proceed for 1 minute, and that permission was granted by the House. Mr. Dornan grossly exceeded the limits and abused the privilege far in excess of 1 minute, and the Chair proceeded to restore order and decorum to the House. . . .
>
> MR. GREGG: . . . I have not heard the Chair respond to my inquiry which is what ruling is the Chair referring to which allows him to turn off the microphone of a Member who has the floor?
>
> THE SPEAKER PRO TEMPORE: Clause 2 of rule I.
>
> MR. GREGG: Mr. Speaker, I would ask that that rule be read. I would ask that that rule be read, Mr. Speaker. . . .
>
> THE SPEAKER PRO TEMPORE: It reads, 2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. . . .
>
> MR. GREGG: My parliamentary inquiry is that I want to know how the Chair can specifically turn off the microphone and what rule the Chair does it under, because the Chair has not answered that question.
>
> THE SPEAKER PRO TEMPORE: The Chair has responded to the parliamentary inquiry of the gentleman from New Hampshire.
>
> MR. GREGG: Mr. Speaker, I reserve my time, and yield to the gentlewoman from Illinois [Mrs. Martin]. . . .
>
> THE SPEAKER PRO TEMPORE: The Chair advises that a Member may not yield time to another Member under a parliamentary inquiry.

Yielding Blocks of Time—Further Yielding by Member to Whom Time Yielded

§ 29.28 A Member yielded time by the manager of a proposition in the House may yield a block of time to another Member by unanimous consent only.

15. 134 CONG. REC. 4084, 4085, 100th Cong. 2d Sess.

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

During consideration of the conference report on the Energy Security Act (S. 932) in the House on June 26, 1980,[17] the following proceedings occurred:

> THE SPEAKER PRO TEMPORE:[18] Pursuant to House Resolution 728 and the rules of the House, the gentleman from Pennsylvania (Mr. Moorhead) will be recognized for 2 hours, and the gentleman from Connecticut (Mr. McKinney) will be recognized for 2 hours.
>
> The Chair recognizes the gentleman from Pennsylvania (Mr. Moorhead). . . .
>
> MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I ask unanimous consent that I may be permitted to yield 5 minutes to the gentleman from Kentucky (Mr. Perkins).
>
> THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Washington?
>
> MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Reserving the right to object, Mr. Speaker, at this time I intended to yield a block of 20 minutes to the gentleman from Washington (Mr. Foley) for the purpose of yielding, debating, reserving his time, and yielding back his time.
>
> Mr. Speaker, I withdraw my reservation of objection.
>
> THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Washington (Mr. Foley)?
>
> There was no objection.

Parliamentarian's Note: An exception to this principle is during debate on special orders from the Committee on Rules, where the manager normally yields 30 minutes to the minority member, who in turn is permitted to yield blocks of time to other Members without remaining on his feet. And where time is divided by the House rules, each Member can yield blocks of time.

§ 29.29 A Member recognized in opposition to a motion to discharge a committee may not yield his time for debate to another to be yielded by the other Member.

On June 11, 1945,[19] Mr. Vito Marcantonio, of New York, called up the motion to discharge the Committee on Rules from the further consideration of House Resolution 139, providing for the consideration of H.R. 7, the antipoll tax bill. Speaker Sam Rayburn, of Texas, stated that Mr. Marcantonio would be recognized for 10 minutes in favor of the motion and that Mr. Edward E. Cox, of Georgia, would be recognized for 10 minutes in opposition.

Mr. Cox yielded to Mr. John E. Rankin, of Mississippi, who inquired whether he could be yielded the balance of Mr. Cox's time, with the privilege of yielding to

17. 126 CONG. REC. 16889, 16897, 96th Cong. 2d Sess.

18. Bruce F. Vento (Minn.).

19. 91 CONG. REC. 5892–96, 79th Cong. 1st Sess.

others. Mr. Cox yielded Mr. Rankin the balance of his time, but Speaker Rayburn stated that Mr. Cox and not Mr. Rankin would control the distribution of the time.

§ 29.30 The Member in charge of time for debate yielded one-half the time to a minority Member who was permitted, by unanimous consent, to further yield that time.

On Mar. 12, 1963,[20] Mr. Emanuel Celler, of New York, asked unanimous consent for the consideration of H.R. 4374, to bestow citizenship on Sir Winston Churchill. Speaker John W. McCormack, of Massachusetts, stated, in response to a parliamentary inquiry by Mr. H. R. Gross, of Iowa, that Mr. Celler was entitled to one hour of debate, to be yielded as he desired. The House then agreed to the following unanimous-consent request stated by Mr. Celler:

> Mr. Speaker, I ask unanimous consent to yield 30 minutes to the gentleman from Virginia [Mr. Poff], and that he may yield such time as he desires.

Parliamentarian's Note: Richard H. Poff was a minority Member of the House.

20. 109 Cong. Rec. 3993, 88th Cong. 1st Sess.

Five-minute Debate—Yielding Time Allocated Under Limitation on Debate

§ 29.31 A limitation on time for debate on a pending amendment and all amendments thereto in effect abrogates the five-minute rule and the Chair, at his discretion, may allocate time to all Members desiring to speak, whether or not they have previously spoken on the amendment; Members to whom time has been allocated may by unanimous consent yield their time to another Member.

On Oct. 1, 1975,[1] during consideration of the Department of Defense appropriation bill (H.R. 9861) in the Committee of the Whole, the proceedings described above occurred as follows:

> Mr. [George H.] Mahon [of Texas]: Mr. Chairman, I move to strike the requisite number of words.
>
> Mr. Chairman, I had misjudged before the desire of the House at an earlier time to try to limit debate to 30 minutes. I want to be sure that no one is denied the opportunity to speak. I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 15 minutes.
>
> The Chairman:[2] Is there objection to the request of the gentleman from Texas?

1. 121 Cong. Rec. 31074, 31075, 94th Cong. 1st Sess.
2. Dan Rostenkowski (Ill.).

There was no objection. . . .

MR. [BURT L.] TALCOTT [of California]: Mr. Chairman, may I inquire whether or not the Members who have already spoken on this amendment may speak again during limited time?

THE CHAIRMAN: When time is limited, Members are permitted to speak again under the allocation of time.

MR. TALCOTT: And they can yield their time to other Members?

THE CHAIRMAN: That is a unanimous-consent request. . . .

MR. [BARRY] GOLDWATER [Jr., of California]: . . . I ask unanimous consent that the time be extended another 15 minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from California?

MR. [ANDREW J.] HINSHAW [of California]: Mr. Chairman, reserving the right to object, if we were to accede to the unanimous-consent request, would that open the door for additional Members to stand up to seek additional time?

THE CHAIRMAN: The Chair has already announced his allocation of time.

§ 30.—For Motions or Amendments

Cross References

Amendments generally, see Ch. 27, supra.

Member must be recognized by Chair to offer amendment, see § 19, supra.

Member must be recognized by Chair to offer motion, see § 23, supra.

Motions generally, see Ch. 23, supra.

No motions or amendments in time yielded for debate, see §§ 29.20–29.22, supra.

In House: Yielding for Amendment

§ 30.1 A pending motion being considered in the House is not subject to amendment unless the Member in control specifically yields for that purpose or unless the previous question is rejected.

On Oct. 31, 1983,[3] during consideration of a motion to instruct conferees on H.R. 3222 (Departments of Commerce, State, and Justice appropriations for fiscal 1984) in the House, the following proceedings occurred:

MR. [GEORGE M.] O'BRIEN [of Illinois]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. O'Brien moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the bill, H.R. 3222, be instructed to insist on the House position on the amendment of the Senate numbered 93.

THE SPEAKER PRO TEMPORE:[4] The gentleman from Illinois (Mr. O'Brien) is recognized for 1 hour.

MR. O'BRIEN: Mr. Speaker, I yield myself such time as I may consume.

3. 129 CONG. REC. 29963, 29964, 98th Cong. 1st Sess.

4. Robert A. Roe (N.J.).

Mr. Speaker, this motion instructs the House conferees to insist on the House position on Senate amendment 93, which earmarks $70,155,000 in the bill for the juvenile justice program. . . .

MR. [HANK] BROWN of Colorado: Mr. Speaker, will the gentleman yield?

MR. O'BRIEN: I am happy to yield to the gentleman from Colorado.

MR. BROWN of Colorado: Mr. Speaker, I have a motion at the desk that I would like to offer in order to amend the motion.

THE SPEAKER PRO TEMPORE: Does the gentleman from Illinois (Mr. O'Brien) yield for that purpose?

MR. O'BRIEN: I yield not for the purposes of amendment.

THE SPEAKER PRO TEMPORE: Does the gentleman yield for debate only?

MR. O'BRIEN: For debate only, Mr. Speaker.

MR. BROWN of Colorado: Mr. Speaker, I believe I was yielded to without that limitation, and I would like to offer my amendment No. 1 as an amendment to the motion to instruct.

MR. O'BRIEN: In my naivete, I did not anticipate the amendment, Mr. Speaker. However my statement still prevails. I yielded only for comment.

THE SPEAKER PRO TEMPORE: The Chair recognizes that the gentleman yielded only for comment, so the Chair is going to sustain the position of the gentleman from Illinois (Mr. O'Brien). . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: A parliamentary inquiry, Mr. Speaker.

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

MR. WALKER: Mr. Speaker, if the gentleman from Colorado wishes to offer his amendment as an amendment to the instructions offered by the gentleman from Illinois (Mr. O'Brien), could that be done by defeating the previous question on the motion, thereby giving the gentleman from Colorado an opportunity to offer an amendment?

THE SPEAKER PRO TEMPORE: If the previous question is voted down, an amendment would be in order. . . .

MR. O'BRIEN: Mr. Speaker, I move the previous question on the motion.

[The previous question was defeated and Mr. Brown offered an amendment.]

§ 30.2 Bills requiring consideration in the Committee of the Whole are considered in the House as in the Committee of the Whole under the five-minute rule when unanimous consent is granted for their immediate consideration, but when consent is granted for their immediate consideration *in the House*, debate is under the hour rule and amendments are only in order if the Member controlling the time yields for that purpose.

On Apr. 11, 1974,[5] Speaker Carl Albert, of Oklahoma, responded to an inquiry regarding the consideration of amendments in the House as in Committee of the Whole:

MR. [JOHN A.] BLATNIK [of Minnesota]: Mr. Speaker, I ask unanimous

5. 120 CONG. REC. 10769, 10770, 10771, 93d Cong. 2d Sess.

consent for the immediate consideration in the House of the Senate bill (S. 3062) the Disaster Relief Act Amendments of 1974.

The Clerk read the title of the Senate bill.

THE SPEAKER: Is there objection to the request of the gentleman from Minnesota? . . .

MR. [RICHARD W.] MALLARY [of Vermont]: Mr. Speaker, if a bill is brought up under a unanimous-consent request and considered in the House at this time, would any amendment be in order?

THE SPEAKER: The Chair will state that since the gentleman is asking that it be considered in the House, the gentleman will then have control of the time.

—*Amendment to Committee Amendment*

§ 30.3 Where there was pending in the House under the hour rule a resolution and a committee amendment in the nature of a substitute, the Chair indicated that an amendment to the committee amendment could be offered only if the manager yielded for that purpose or if the previous question were rejected, and that a motion to recommit with instructions containing a direct amendment could not be offered if the committee substitute were adopted (since it is not in order to further amend a measure already amended in its entirety).

On Mar. 22, 1983,[6] after House Resolution 127 was called up for consideration in the House, Speaker Pro Tempore John F. Seiberling, of Ohio, responded to several parliamentary inquiries, as indicated below:

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 127), providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 1st session of the 98th Congress.

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

The Clerk read the resolution, as follows:

H. RES. 127

Resolved, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section. . . .

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert:

6. 129 CONG. REC. 6447, 6448, 6455, 98th Cong. 1st Sess.

That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section. . . .

Sec. 2. The committees and amounts referred to in the first section are: Select Committee on Aging, $1,316,057; Committee on Agriculture, $1,322,669; Committee on Armed Services, $1,212,273. . . .

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I have a parliamentary inquiry. . . .

If this Member from California would now offer an amendment to the total in this resolution . . . would that amendment now be in order?

THE SPEAKER PRO TEMPORE: The Chair would rule that the amendment would be in order if the gentleman from Illinois (Mr. Annunzio) would yield to the gentleman from California. . . .

MR. DANNEMEYER: . . . What if we were successful in defeating the previous question with respect to this issue? If we did, would an amendment to reduce spending consistent with what I stated previously then be in order?

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman if the previous question were defeated a germane amendment to the committee amendment would be in order at that time. . . .

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

We have a motion to commit which is available at the conclusion of a matter of this type. Is the procedure under which this process is now considered by the floor such that the motion to commit can be used with instructions to reduce spending by a certain amount or is it a motion to recommit without instructions?

THE SPEAKER PRO TEMPORE: If the committee amendment in the nature of a substitute is agreed to no further direct amendment could be made by a motion to recommit.

—*Resolution Raising Privileges of House*

§ 30.4 A Member recognized to debate a resolution raising a question of the privileges of the House controls one hour of debate, and the resolution is not amendable unless he yields for that purpose or unless the previous question is voted down.

On Feb. 13, 1980,[7] during consideration of House Resolution 578 (directing the Committee on Rules to make certain inquiries), the following proceedings occurred in the House:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I send to the desk a privileged resolution (H. Res. 578) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, Whereas it was reported in the public press on February 9,

7. 126 CONG. REC. 2768, 2769, 96th Cong. 2d Sess.

1980, that, "The House of Representatives this week lost a secret effort in court to obtain a ruling that congressmen do not have to respond to federal grand jury subpoenas for House records;" and . . .

Whereas such alleged House action involves the conduct of officers and employees of the House, newspaper charges affecting the honor and dignity of the House, and the protection of the constitutional prerogatives of the House when directly questioned in the courts. . . .

Therefore be it resolved, That the Committee on Rules be instructed to inquire into the truth or falsity of the newspaper account and promptly report back to the House its findings and any recommendations thereon. . . .

THE SPEAKER:[8] The Chair has examined the resolution and finds that under rule IX and the precedents of the House, the resolution presents the question of the privilege of the House.

The gentleman from Missouri (Mr. Bolling) will be recognized for 1 hour.

The Chair recognizes the gentleman from Missouri (Mr. Bolling). . . .

MR. BOLLING: Mr. Speaker, I am happy to yield to my distinguished friend from Arizona 5 minutes for debate only. . . .

THE SPEAKER: . . . The Chair recognizes the gentleman from Arizona (Mr. Rhodes).

—*Privileged Resolution*

§ 30.5 The Member calling up a privileged resolution from the Committee on Rules controls one hour of debate in the House, and the resolution is not subject to amendment unless the Member in charge yields for that purpose.

On Feb. 26, 1976,[9] the following proceedings occurred in the House relative to calling up a resolution from the Committee on Rules:

MR. [CLAUDE] PEPPER [of Florida]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 868 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 868

Resolved, That Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"7. It shall not be in order to consider any report of a committee unless copies or reproductions of such report have been available to the Members on the floor for at least two hours before the beginning of such consideration. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:[10] The gentleman will state it.

MR. BAUMAN: Mr. Speaker, this resolution is to be considered in the House

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

9. 122 CONG. REC. 4625, 4626, 94th Cong. 2d Sess. Since the 103d Congress, debate on questions of privilege is divided between the proponent and the Majority or Minority Leader. (Rule IX clause 2, as amended Jan. 5, 1993.)

10. Carl Albert (Okla.).

which would preclude an amendment from being offered by any Member.

THE SPEAKER: It is a rule that comes from the Committee on Rules. It is under the charge of the gentleman handling the resolution.

MR. BAUMAN: So unless the gentleman yields for the purpose of an amendment, none would be in order?

THE SPEAKER: The gentleman is correct.

MR. BAUMAN: Mr. Speaker, what unanimous-consent request might be entertained in order to allow amendments to be offered generally? Would it be a request to consider it in the House as in the Committee of the Whole?

THE SPEAKER: No. The gentleman from Florida controls the floor under the 1-hour rule in the House because this is a change in the rules brought to the floor by the Committee on Rules as privileged. Rules changes can be considered in the House.

—*Amendments to Motion To Recommit*

§ 30.6 A Member offering a motion to recommit with instructions controls the floor at the conclusion of the five minutes of debate in opposition to the motion and may yield for an amendment to his motion until such time as the previous question on the motion is moved; the Member speaking in opposition cannot yield for that purpose.

On July 19, 1973,[11] after the previous question was ordered on H.R. 8860, to amend and extend the Agricultural Act of 1970, to final passage, Mr. Charles M. Teague, of California, offered a motion to recommit with instructions. Pursuant to Rule XVI clause 4, Mr. Teague was recognized for five minutes in favor of the motion and Mr. William R. Poage, of Texas, was recognized for five minutes in opposition to the motion. Speaker Carl Albert, of Oklahoma, ruled that Mr. Teague, not Mr. Poage, was in control of the motion for the purpose of yielding to another Member to offer an amendment to the motion:

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, will the distinguished chairman of the committee yield for an amendment to the motion to recommit?

MR. POAGE: Certainly, I will yield, but I would like to hear the amendment.

THE SPEAKER: The gentleman is not in order. The gentleman from California (Mr. Teague) has control of the motion to recommit and can yield for that purpose if he desires to do so.

The gentleman from Texas now has the floor.

MR. POAGE: Mr. Speaker, I will not yield for a pig in a poke. I want to know what the gentleman is proposing.

THE SPEAKER: The gentleman cannot yield for that purpose. The gentleman

11. 119 CONG. REC. 24967, 93d Cong. 1st Sess.

from California can yield for that purpose. . . .

THE SPEAKER: The time of the gentleman from Texas has expired.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. HAYS: Mr. Speaker, my point of order is that I do not believe the gentleman from California can yield for this purpose without getting unanimous consent.

THE SPEAKER: The gentleman can yield for the purpose of an amendment, since he has the floor.

MR. TEAGUE of California: Mr. Speaker, I yield to the distinguished minority leader for the purpose of offering an amendment.

MR. GERALD R. FORD: Mr. Speaker, I offer an amendment to the motion to recommit.

MR. [JOHN E.] MOSS [Jr., of California]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MOSS: Mr. Speaker, my point of order is that the time of the gentleman from California has expired.

THE SPEAKER: That does not keep him from yielding.

MR. MOSS: He has not got the floor.

THE SPEAKER: The gentleman from California has the right to yield for an amendment, since he still has the floor as the previous question has not been ordered on the motion to recommit.

—Control of Floor Affected by Yielding for Amendment

§ 30.7 Where the Member in charge of a resolution in the House yields to another for the purpose of offering an amendment, he loses control of the floor, and the sponsor of the amendment gains control for an hour.

On Mar. 27, 1945,[12] the House was considering, as unfinished business, House Resolution 195, creating a select committee. Mr. Edward E. Cox, of Georgia, the manager of the resolution, was recognized and moved the previous question, which was ordered. Discussion then ensued on an agreement made by Mr. Cox with Mr. Clinton P. Anderson, of New Mexico, that before the resolution was voted on an amendment to the resolution would be considered. Mr. Cox therefore moved to reconsider the vote on the previous question; on reconsideration, the previous question was rejected. Mr. Cox then yielded to Mr. Anderson to offer an amendment to the resolution, with control of the floor passing to Mr. Anderson.

MR. [EARL E.] MICHENER [of Michigan]: Mr. Speaker, the acting chairman of the Committee on Rules having yielded for the offering of an amendment, as I understand the rule, the gentleman from New Mexico now has 1 hour, and the gentleman from Georgia has lost the floor.

12. 91 CONG. REC. 2861, 2862, 79th Cong. 1st Sess.

THE SPEAKER:[13] The gentleman is correct.[14]

§ 30.8 A Member calling up a privileged resolution reported from the Committee on House Administration and in control of the time under the hour rule yielded to the Majority Leader to offer an amendment, the latter thereby gaining control of the floor.

On Sept. 17, 1965,[15] Mr. Omar T. Burleson, of Texas, called up, as privileged by direction of the Committee on House Administration, House Resolution 585, dismissing election contests against certain Members-elect. Mr. Burleson yielded to the Majority Leader, Carl Albert, of Oklahoma, to offer an amendment to the resolution. Mr. Albert, having gained control of the time for debate, moved the previous question on the resolution. Mr. James G. Fulton, of Pennsylvania, then asked for time for debate in opposition to the amendment and was advised by Speaker John W. McCormack, of Massachusetts, that he could not be recognized since he was not yielded time by Mr. Albert.

§ 30.9 Where a Member calling up a bill in the House and in control of the time under the hour rule yields to a minority Member to offer an amendment, he loses control of the floor.

On Oct. 5, 1962,[16] Mr. Francis E. Walter, of Pennsylvania, called up by unanimous consent S. 3361, on the entry of aliens with special skills. He was recognized by Speaker John W. McCormack, of Massachusetts, to control one hour of debate. He then yielded to Arch A. Moore, Jr., of West Virginia (a minority Member) to offer an amendment, thereby losing control of the floor.

§ 30.10 Where a Member in control of the time in opposition to a measure yields to another Member to offer an amendment, he loses control of the floor.

On Mar. 13, 1939,[17] Mr. Howard W. Smith, of Virginia, called up at the direction of the Committee on Rules House Resolution

13. Sam Rayburn (Tex.).
14. See also 102 CONG. REC. 12922, 12923, 84th Cong. 2d Sess., July 16, 1956; and 100 CONG. REC. 2282, 83d Cong. 2d Sess., Feb. 25, 1954.
15. 111 CONG. REC. 24290, 24291, 89th Cong. 1st Sess.
16. 108 CONG. REC. 22606–09, 87th Cong. 2d Sess.
17. 84 CONG. REC. 2663–73, 76th Cong. 1st Sess.

113, authorizing the Committee on the District of Columbia to investigate the milk industry. The previous question was rejected on the resolution, and Speaker William B. Bankhead, of Alabama, stated that the right to be recognized passed to Carl E. Mapes, of Michigan, a Member opposed to the resolution. Mr. Mapes then yielded to Mr. Charles A. Halleck, of Indiana, to offer an amendment, Mr. Mapes thereby losing control of the floor.

In response to a number of parliamentary inquiries, the Speaker explained that a Member, having offered an amendment, could not yield to another Member to offer an amendment to his amendment without losing the floor.

§ 30.11 The manager of a conference report controlling the floor on a motion to dispose of an amendment in disagreement, by yielding to another Member to offer an amendment to his motion, loses the floor and the Member to whom he has yielded controls one hour of debate on his amendment and may move the previous question on his amendment and on the original motion.

During consideration of the conference report on H.R. 7933 (the Defense Department appropriation bill for fiscal year 1978) in the House on Sept. 8, 1977,[18] the following proceedings occurred:

> MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I hope we have had a fair debate on the issues. My motion provides for the continuation of the B–1 program, and I rise in further support of my motion and in opposition to the Addabbo amendment.
>
> By previous arrangement, in order to be absolutely fair with the House and give the House an opportunity to work its will, I yield to the gentleman from New York (Mr. Addabbo) for the purpose of offering an amendment.
>
> MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Speaker, I offer an amendment to the motion offered by the gentleman from Texas (Mr. Mahon).
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Addabbo to the motion offered by Mr. Mahon: In lieu of the sum proposed to be inserted by said motion insert: "$6,262,000,000".
>
> MR. ADDABBO: Mr. Speaker, I will not take the hour. By previous arrangement and agreement with the chairman of the full committee, the gentleman from Texas (Mr. Mahon), who has been kind enough to recognize me at this time for the purpose of offering this amendment, the agreement was that I would after offering the substitute move the previous question so that we would have a clear vote on the question of whether or not to fund the B–1. . . .

18. 123 CONG. REC. 28130–32, 95th Cong. 1st Sess.

Mr. Speaker, I move the previous question on the amendment to the motion.

The previous question was ordered.

THE SPEAKER PRO TEMPORE:[19] The question is on the amendment offered by the gentleman from New York (Mr. Addabbo) to the motion offered by the gentleman from Texas (Mr. Mahon).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 202, nays 199, not voting 33. . . .

So the amendment to the motion was agreed to.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Texas (Mr. Mahon), as amended.

The motion, as amended, was agreed to.

§ 30.12 Where the manager of a resolution under consideration in the House yields to another Member to offer an amendment, the manager loses control of the floor and the Member offering the amendment is recognized for one hour.

The following proceedings occurred in the House on June 10, 1980:[20]

THE SPEAKER:[1] The unfinished business is the further consideration of the resolution (H. Res. 660) in the matter of Representative Charles H. Wilson. . . .

Pursuant to the rules of the House and the unanimous-consent agreement, the gentleman from Florida (Mr. Bennett) has 12 minutes remaining; the gentleman from South Carolina (Mr. Spence), has 8 minutes remaining; the gentleman from California (Mr. Charles H. Wilson), or his designee has 1 hour remaining. . . .

The Chair recognizes the gentleman from Florida (Mr. Bennett).

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I yield to the gentleman from Washington (Mr. Foley) for an amendment.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Foley: Strike out the second clause of House Resolution 660 and renumber the subsequent clauses accordingly.

THE SPEAKER: The Chair recognizes the gentleman from Washington (Mr. Foley) for 1 hour.

Parliamentarian's Note: Mr. Bennett moved the previous ques-

19. George E. Brown, Jr. (Calif.).

20. 126 CONG. REC. 13801, 13811, 96th Cong. 2d Sess.

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

tion on the resolution as amended, although he had lost the floor when yielding to Mr. Foley for amendment, when no other Member sought the floor.

§ 30.13 Where a Member calling up a measure in the House offers an amendment and then yields to another Member to offer an amendment to his amendment, he loses the floor and the Member to whom he yielded is recognized for one hour and may move the previous question on the amendments and on the measure itself.

On Dec. 6, 1977,[2] the House had under consideration House Joint Resolution 662 (continuing appropriations for fiscal 1978) when the following proceedings occurred:

> MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, pursuant to the rule just adopted by the House, I call up the joint resolution (H.J. Res. 662) making further continuing appropriations for the fiscal year 1978, and for other purposes. . . .
>
> THE SPEAKER PRO TEMPORE:[3] The gentleman from Texas (Mr. Mahon) is recognized for 1 hour.
>
> MR. MAHON: Mr. Speaker, I yield myself such time as I may consume and, Mr. Speaker, during the consideration of House Joint Resolution 662, I shall yield only for the purposes of debate and not for amendment unless I specifically so indicate. . . .
>
> Second, immediately after I offer my amendment, I will yield to the gentleman from Illinois (Mr. Michel), the ranking minority member of the Labor-HEW Subcommittee and the ranking minority conferee on that appropriation bill for an amendment on the abortion issue. . . .
>
> Mr. Speaker, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Mahon: On page 2, after line 9, insert the following:
>
> Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1978 (H.R. 7555), at a rate of operations, and to the extent and in the manner, provided for in such Act as modified by the House of Representatives on August 2, 1977, notwithstanding the provisions of section 106 of this joint resolution.
>
> AMENDMENT OFFERED BY MR. MICHEL TO THE AMENDMENT OFFERED BY MR. MAHON
>
> MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I offer an amendment to the amendment.
>
> The Clerk read as follows:

Amendment offered by Mr. Michel to the amendment offered by Mr. Mahon: At the end of the amendment of the gentleman from Texas strike the period, insert a semicolon, and add the following: "*Provided*, That none of the funds

2. 123 CONG. REC. 38392, 38393, 38400, 38401, 95th Cong. 1st Sess.
3. Joe D. Waggonner, Jr. (La.).

provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of forced rape or incest. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Illinois (Mr. Michel) is recognized for 1 hour.

MR. MICHEL: Mr. Speaker, I yield 30 minutes to the gentleman from Texas (Mr. Mahon), the chairman of our committee, pending which I yield myself such time as I may consume. . . .

Mr. Speaker, I move the previous question on the amendments and the joint resolution.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered.

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the amendment offered by the gentleman from Illinois (Mr. Michel) to the amendment offered by the gentleman from Texas (Mr. Mahon). . . .

[The] amendment to the amendment was rejected. . . .

THE SPEAKER PRO TEMPORE: The question is on the amendment offered by the gentleman from Texas (Mr. Mahon).

The amendment was agreed to.

—*Offeror of Preferential Motion May Not Move Previous Question in Time Yielded for Debate*

§ 30.14 A Member who has offered a pending preferential motion to dispose of a Senate amendment in disagreement may not, during time yielded to him for debate only, move the previous question on his motion, thereby depriving the Members in charge of control of the time.

The proceedings of Dec. 4, 1975, during consideration of the conference report on H.R. 8069, the Department of Health, Education, and Welfare and related agencies appropriation bill for fiscal 1976, are discussed in § 33.12, infra.

Deferring Recognition to Another To Offer Motion To Dispose of Senate Amendment in Disagreement

§ 30.15 The manager of a conference report and amendments reported from conference in disagreement may defer to another member of the committee to offer the initial motion to dispose of an amendment reported in disagreement.

On May 24, 1984,[4] during consideration of the conference report on House Joint Resolution 492 (urgent supplemental appropriations for the Department of Agri-

4. 130 CONG. REC. 14254, 98th Cong. 2d Sess.

culture) in the House, the following proceedings occurred:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: . . .

THE SPEAKER PRO TEMPORE:[5] The question is on the motion offered by the gentleman from Mississippi (Mr. Whitten).

The motion was agreed to.

THE SPEAKER PRO TEMPORE: The Clerk will designate amendment No. 14.

The amendment reads as follows:

Senate amendment No. 14: Page 2, after line 17, insert:

CENTRAL INTELLIGENCE AGENCY

For activities of the Central Intelligence Agency . . . not to exceed $21,000,000. . . .

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Mississippi (Mr. Whitten).

MR. WHITTEN: Mr. Speaker, on this amendment I yield to the gentleman from Massachusetts (Mr. Boland).

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

No funds are appropriated herein for the Central Intelligence Agency in fiscal year 1984 for the purpose . . . of supporting, directly or indirectly, military or paramilitary operations in Nicaragua. . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I yield our time to my good friend from Virginia (Mr. Robinson).

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Boland) will be recognized for 30 minutes and the gentleman from Virginia (Mr. Robinson) will be recognized for 30 minutes.

Parliamentarian's Note: Mr. Whitten technically could not "yield" to Mr. Boland in this instance, since he did not have the floor between motions, but simply defer and not seek recognition.

Yielding for Motion To Adjourn

§ 30.16 Unless the Member who has control of the floor yields for that purpose, a motion to adjourn is not in order.

On Oct. 19, 1966,[6] Speaker John W. McCormack, of Massachusetts, ruled that unless Mr. Wayne L. Hays, of Ohio, who had the floor in debate on a resolution from the Committee on Rules,

5. George E. Brown, Jr. (Calif.).

6. 112 CONG. REC. 27725–27, 89th Cong. 2d Sess.

yielded for that purpose, a motion to adjourn would not be in order.[7]

§ 30.17 A Member holding the floor under a reservation of the right to object to a unanimous-consent request yielded to another Member to move to adjourn.

On Sept. 22, 1965,[8] Mr. Abraham J. Multer, of New York, had been recognized to address the House under a special order. Mr. Joe D. Waggonner, Jr., of Louisiana, made a point of order that a quorum was not present and a call of the House was ordered. After 307 Members had answered to their names, Speaker John W. McCormack, of Massachusetts, stated that without objection further proceedings under the call would be dispensed with. Mr. John D. Dingell, of Michigan, reserved the right to object and then yielded to Mr. Leslie C. Arends, of Illinois, who moved that the House adjourn. The Speaker inquired whether Mr. Dingell yielded for that purpose, and Mr. Dingell responded in the affirmative. The House rejected the motion.[9]

Under Five-minute Rule: Cannot Yield for Amendment

§ 30.18 A Member desiring to offer an amendment under the five-minute rule in Committee of the Whole must seek recognition from the Chair, and a Member recognized under the five-minute rule may not yield to another Member to offer an amendment.

On Sept. 8, 1976,[10] the Committee of the Whole had under consideration the Clean Air Act Amendments of 1976 (H.R. 10498) when the following exchange occurred:

> MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I move to strike the requisite number of words.
>
> MR. [ELLIOTT] LEVITAS [of Georgia]: Mr. Chairman, will the gentleman yield?
>
> MR. ROGERS: I yield to the gentleman from Georgia.
>
> MR. LEVITAS: Mr. Chairman, I have an amendment that I would like to offer at this point.

7. See also 109 CONG. REC. 10151–65, 88th Cong. 1st Sess., June 4, 1963; 102 CONG. REC. 6891, 84th Cong. 2d Sess., Apr. 24, 1956; and 91 CONG. REC. 7221–25, 79th Cong. 1st Sess., Oct. 18, 1945.

8. 111 CONG. REC. 24716, 24717, 89th Cong. 1st Sess.

9. When during debate the Member with the floor yields for the motion that the House adjourn, he does not lose the right to resume when debate is again continued (see 5 Hinds' Precedents §§ 5009–5013).

10. 122 CONG. REC. 29243, 94th Cong. 2d Sess.

THE CHAIRMAN:[11] The Chair will advise the gentleman from Georgia that the gentleman will have to seek recognition on his own time and in due order.

MR. LEVITAS: I thank the Chairman.

MR. ROGERS: I yield back the balance of my time.

§ 30.19 A Member who has the floor under the five-minute rule in Committee of the Whole may not yield to another Member to offer an amendment, as it is within the sole power of the Chairman of the Committee of the Whole to recognize Members to offer amendments.

During consideration of the Education Amendments of 1978 (H.R. 15) in the Committee of the Whole on July 13, 1978,[12] the following exchange occurred:

MR. [CARL D.] PERKINS [of Kentucky]: Let me say to the distinguished gentleman from Texas (Mr. Gonzalez) that we have spent about 24 hours on this amendment in the committee. Also we have a substitute amendment here that is agreed to and it will be offered either by the gentleman from Puerto Rico (Mr. Corrada) or the gentleman from California (Mr. Miller) so that right now I will yield to the gentleman from California (Mr. Miller) for the purpose of offering the substitute amendment.

THE CHAIRMAN:[13] The Chair will state that the gentleman cannot yield to another Member for the purpose of offering an amendment.

§ 30.20 The proponent of an amendment in Committee of the Whole is entitled to five minutes of debate in favor of the amendment before a perfecting amendment may be offered thereto, and he may not yield to another to offer an amendment.

During consideration of the Department of Defense authorization for fiscal year 1985 (H.R. 5167) in the Committee of the Whole on May 31, 1984,[14] the following proceedings occurred:

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dickinson: At the end of this bill insert the following new section:

Sec. (a). (1) Notwithstanding any other provision of this Act, the amount authorized to be appropriated for fiscal year 1985 for the Air Force for missiles is $7,756,600,000. . . .

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

11. J. Edward Roush (Ind.).

12. 124 CONG. REC. 20653, 95th Cong. 2d Sess.

13. Robert B. Duncan (Oreg.).

14. 130 CONG. REC. 14648, 98th Cong. 2d Sess.

There was no objection.

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, will the gentleman yield to me?

MR. DICKINSON: I am very pleased to yield to the chairman of the committee.

MR. PRICE: Mr. Chairman, I would like to offer a perfecting amendment to the amendment offered by the gentleman from Alabama. The amendment is at the desk.

THE CHAIRMAN:[15] The Chair will make the observation that the gentleman has not yet discussed his amendment. At the conclusion of that discussion, it will then be in order for the gentleman to offer an amendment.

§ 30.21 A Member recognized under the five-minute rule in Committee of the Whole may not yield to another Member to offer an amendment, as recognition to offer amendments rests in the Chairman of the Committee of the Whole.

On Apr. 9, 1979, during consideration of H.R. 3324, the International Development Cooperation Act of 1979, an amendment was under consideration which stated in part as follows:[16]

Amendment offered by Mr. [Robert E.] Bauman [of Maryland]: On page 23, line 10, strike all of Section 303(a) and insert in lieu thereof the following new Section 303:

"Sec. 303. (a) Section 533 of the Foreign Assistance Act of 1961 is amended to read as follows:

"'Sec. 533—Southern Africa Program

"'(a) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1980, $68,000,000 shall be available (only) for the countries of southern Africa and for—

"'(1) a southern Africa regional refugee support, training, and economic planning program. . . .

"'(c) Of the amounts authorized to be appropriated to carry out the purposes of this section, $20,000,000 shall be made available to the government of Zimbabwe/Rhodesia which is installed in that nation as a result of the election held in April 1979, which election may be evaluated and reported upon by observers as provided for in this section.'"

After inquiries as to the precise language intended to be used in the amendment, and the effect thereof, Mr. Paul Findley, of Illinois, sought to change certain language:[17]

MR. FINDLEY: Mr. Chairman, just to bring this to a head, I ask unanimous consent that the word "shall" which appears in two places in the last paragraph of the amendment be changed to "may."

THE CHAIRMAN:[18] Is there objection to the request of the gentleman from Illinois?

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I object.

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15. Dan Rostenkowski (Ill.).

16. 125 CONG. REC. 7755, 7756, 96th Cong. 1st Sess. Proceedings relating to the amendment are discussed in more detail in § 19.15, supra.

17. 125 CONG. REC. 7761, 96th Cong. 1st Sess.

18. Elliott H. Levitas (Ga.).

THE CHAIRMAN: Objection is heard.

The gentleman will have to submit an amendment in writing if the Chair is to consider it.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I move to strike the requisite number of words. . . .

MR. FINDLEY: Mr. Chairman, will the gentleman yield for the purpose of offering an amendment?

MR. ROUSSELOT: Yes.

MR. FINDLEY: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: The Chair will advise the gentleman from Illinois that he will have to seek his own time for the purposes of offering his amendment.

§ 30.22 A Member recognized under the five-minute rule in Committee of the Whole may not yield to another Member to offer an amendment, as recognition for amendments is in the Chair.

During consideration of the Department of Energy Authorization Act (H.R. 3000) in the Committee of the Whole on Oct. 18, 1979,[19] the following proceedings occurred:

MR. [DON] FUQUA [of Florida]: Mr. Chairman, I yield to the gentleman from California (Mr. Lagomarsino), for the purpose of offering his amendment.

THE CHAIRMAN PRO TEMPORE:[20] The Chair will advise the gentleman from Florida that the gentleman from California must seek his own time for the purpose of offering an amendment.

Does the gentleman from Florida yield back his time?

§ 30.23 A Member who has offered an amendment against which a point of order has been reserved may not during his time for debate yield to another Member to offer an amendment to the amendment.

The following proceedings occurred in the Committee of the Whole on Mar. 21, 1979:[1]

THE CHAIRMAN:[2] When the Committee rose on Tuesday, March 20, 1979, the gentleman from New York (Mr. Weiss) had been recognized to offer an amendment.

The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Weiss: Page 3, insert after line 5 the following:
>
> Sec. 5. (a) Section 3(b) of the Council on Wage and Price Stability Act is amended by striking out "Nothing in this Act" and inserting in lieu thereof "Except as provided in section 8, nothing in this Act". . . .

MR. [WILLIAM S.] MOORHEAD [of Pennsylvania]: Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

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19. 125 CONG. REC. 28814, 96th Cong. 1st Sess.

20. Gerry E. Studds (Mass.).

1. 125 CONG. REC. 5779–81, 96th Cong. 1st Sess.

2. Butler Derrick (S.C.).

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Moorhead) will be protected on his reservation of the point of order.

MR. [TED] WEISS [of New York]: Mr. Chairman, I rise to speak on the amendment. . . .

Mr. Chairman, I am today offering an amendment to H.R. 2283, the Council on Wage and Price Stability Reauthorization Act.

My amendment would give the President standby authority to impose wage, price, and related economic controls. . . .

MR. [MARC LINCOLN] MARKS [of Pennsylvania]: Mr. Chairman, will the gentleman yield?

MR. WEISS: I am pleased to yield to the gentleman from Pennsylvania.

MR. MARKS: Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have an amendment to the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The Chair will remind the gentleman from Pennsylvania (Mr. Marks) that his amendment is not in order at this point. . . .

The gentleman from Pennsylvania (Mr. Moorhead) has reserved a point of order against the pending amendment. . . .

MR. WEISS: Mr. Chairman, I would be pleased to accept that language [proposed by Mr. Marks] and make it part of my amendment, if that is satisfactory to the Chair. . . .

THE CHAIRMAN: The Chair will state that a point of order has been reserved, and the time of the gentleman from New York (Mr. Weiss) has not expired. It would be improper for the gentleman from Pennsylvania (Mr. Marks) to offer his amendment to the amendment at this time.

MR. WEISS: . . . I understood that what we had was a reservation of the point of order, and pending that, it is my understanding that the debate could proceed as if in fact there had been no intervention. I would ask if that is accurate.

THE CHAIRMAN: But the amendment offered by the gentleman from New York (Mr. Weiss) is the amendment that is pending before the Committee, and that is the subject at this moment.

MR. WEISS: That is right, Mr. Chairman.

THE CHAIRMAN: When the Chair disposes of the point of order, then the gentleman from Pennsylvania (Mr. Marks) may offer his amendment to the amendment, if it remains pending.

MR. WEISS: Mr. Chairman, I think what the gentleman from Pennsylvania (Mr. Marks) is asking, if the Chair would permit, is whether I would accept that language, not take it in the form of an amendment but accept it as part of my amendment. I would be pleased to do that.

THE CHAIRMAN: The Chair has no jurisdiction over that matter. That is between the gentleman from New York (Mr. Weiss) and the gentleman from Pennsylvania (Mr. Marks). The modification must be in writing and must be by unanimous consent.

—Member Offering Pro Forma Amendment May Not Yield for Amendment

§ 30.24 A Member offering a pro forma amendment under the five-minute rule may not

yield to another Member during that time to offer an amendment.

The following proceedings occurred in the Committee of the Whole during consideration of H.R. 6030 (military procurement authorization for fiscal year 1983) on July 29, 1982:[3]

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Chairman, I move to strike the last word.

MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, will the gentleman yield? . . .

MR. BENNETT: The gentlewoman from Rhode Island (Mrs. Schneider).

MRS. [CLAUDINE] SCHNEIDER [of Rhode Island]: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN PRO TEMPORE:[4] The gentlewoman will suspend. The gentleman from Florida has the time.

MR. BENNETT: I have the time, Mr. Chairman. I yield to the gentlewoman.

THE CHAIRMAN PRO TEMPORE: The gentleman is yielding to the gentlewoman from Rhode Island for debate only. . . .

The gentlewoman is not recognized to offer that amendment at this time. The gentleman from Florida has the time.

—Effect of Allocation of Debate Time Under Limitation; Time Fixed and Control Divided

§ 30.25 Where debate on an amendment, a substitute therefor and all amendments thereto had been limited and equally divided between proponents of the original amendment and substitute and an opponent prior to the offering of those amendments, the proponent of the substitute was not permitted to offer it during time yielded to him for debate on the original amendment, but the proponent of an amendment to the substitute was permitted to offer it during time yielded by the opponent of the substitute, since amendments were in order at any time during the allocated time and all debate time had been otherwise allocated to other Members.

On June 18, 1981,[5] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 3480, the Legal Services Corporation Act Amendments of 1981:

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kazen: Page 12, strike out lines 10 through 16 and insert in lieu thereof the following:

"(11) to provide legal assistance for or on behalf of any alien who has not

3. 128 CONG. REC. 18593, 18594, 97th Cong. 2d Sess.

4. Les AuCoin (Oreg.).

5. 127 CONG. REC. 12969–74, 97th Cong. 1st Sess.

been lawfully admitted for permanent residence in the United States unless the residence of the alien in the United States is authorized by the Attorney General; or

THE CHAIRMAN:[6] In accordance with the prior agreement, under the unanimous-consent agreement, the gentleman from Texas is allocated 15 minutes in support of his amendment. . . .

Under the prior agreement . . . the Chair allocates 15 minutes to the gentleman from New Jersey (Mr. Rodino) in opposition to this amendment. . . .

MR. [BILL] MCCOLLUM [of Florida]: Mr. Chairman, will the gentleman yield?

MR. [PETER W.] RODINO [Jr., of New Jersey]: I yield to the gentleman from Florida.

MR. MCCOLLUM: I thank the gentleman for yielding.

Mr. Chairman, I would like to speak in opposition to the amendment offered by the gentleman from Texas (Mr. Kazen) if I might, please. . . .

I have before the desk a substitute amendment, and I would like to offer that substitute at this time.

THE CHAIRMAN: The gentleman has been recognized under time controlled by the gentleman from New Jersey.

MR. RODINO: I yield to the gentleman for purposes of debate only, and I think the gentleman can offer his amendment on his own time.

MR. MCCOLLUM: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCollum as a substitute for the amendment offered by Mr. Kazen: . . .

THE CHAIRMAN: Under prior agreement, by unanimous consent, the gentleman from Florida (Mr. McCollum) is allocated 15 minutes in support of his amendment. . . .

Does the gentleman from New Jersey (Mr. Rodino) rise in opposition to the substitute?

MR. RODINO: Mr. Chairman, I rise in opposition. . . .

Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Fish).

MR. [HAMILTON] FISH [Jr., of New York]: I thank the chairman for yielding.

Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Fish to the amendment offered by Mr. McCollum as a substitute for the amendment offered by Mr. Kazen: . . .

§ 30.26 Where the Committee of the Whole has by unanimous consent fixed the time for debate on an amendment and divided control of the time, the two Members controlling debate may yield time as in general debate, and Members may offer and debate amendments in the time yielded them for that purpose.

On July 9, 1965,[7] the Committee of the Whole was consid-

6. Matthew F. McHugh (N.Y.).

7. 111 CONG. REC. 16207, 16217, 16218, 89th Cong. 1st Sess.

ering H.R. 6400, the Voting Rights Act of 1965, pursuant to a unanimous-consent agreement fixing debate on the pending amendment at two hours and dividing control of the time between Mr. William M. McCulloch, of Ohio, the proponent of the amendment, and Emanuel Celler, of New York, Chairman of the Committee on the Judiciary. Mr. McCulloch, who had the floor, yielded to Mr. Robert McClory, of Illinois, who offered an amendment and was recognized by Chairman Richard Bolling, of Missouri, for five minutes.

The Chairman stated, in response to a parliamentary inquiry by Mr. Celler that the two Members in control could, under the unanimous-consent agreement, yield time to other Members and that Members yielded to could offer amendments.

—*Offering Amendment Where Balance of Time Was Yielded by Unanimous Consent*

§ 30.27 A Member recognized under the five-minute rule may not yield to another Member to offer an amendment (thereby depriving the Chair of his power of recognition), but he may by unanimous consent yield the balance of his time to another Member who may thereafter offer an amendment.

The proposition described above was demonstrated in the Committee of the Whole on Oct. 30, 1975,[8] during consideration of H.R. 8603, the Postal Reorganization Act Amendments of 1975:

(Mr. Cohen asked and was given permission to revise and extend his remarks.)

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, will the gentleman yield?

MR. [WILLIAM S.] COHEN [of Maine]: I yield to the gentleman from Delaware.

MR. DU PONT: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[9] The Chair will state that the gentleman from Maine cannot yield for the purpose of the gentleman from Delaware offering an amendment.

MR. COHEN: Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Delaware (Mr. du Pont).

THE CHAIRMAN: Is there objection to the request of the gentleman from Maine?

There was no objection.

THE CHAIRMAN: The gentleman from Delaware is recognized for 2 minutes.

AMENDMENT OFFERED BY MR. DU PONT

MR. DU PONT: Mr. Chairman, I offer an amendment.

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8. 121 CONG. REC. 34442, 94th Cong. 1st Sess.

9. Walter Flowers (Ala.).

The Clerk read the amendment as follows:

Amendment offered by Mr. du Pont: Page 32, immediately after line 26, add the following new section:

Sec. 16. (a) Chapter 6 of title 39, United States Code, is amended by adding at the end thereof the following new section: . . .

Member in Control Does Not Yield to Another To Offer Preferential Motion

§ 30.28 A Member controlling the floor under the five-minute rule may not yield to another Member to offer a preferential motion, but must relinquish the floor by yielding back his time or withdrawing his amendment by unanimous consent; the Member offering the preferential motion must then seek recognition in his own right.

During consideration of H.R. 6942 (International Security and Development Cooperation Act of 1980) in the Committee of the Whole on May 28, 1980,[10] the following proceedings occurred:

THE CHAIRMAN:[11] Are there further amendments to title I?

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Chairman, I offer an amendment. . . .

THE CHAIRMAN: The gentleman from Michigan (Mr. Broomfield) is recognized for 5 minutes in support of his amendment.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, will the gentleman yield?

MR. BROOMFIELD: I am glad to yield to the chairman of the committee.

MR. ZABLOCKI: Mr. Chairman, I note that the hour of 7:30 has arrived.

I have advised all of the members of the committee who have inquired that we would rise at 7:30. I am sure the gentleman from Michigan (Mr. Broomfield) will not be offended if he will be the first Member recognized when the committee reconvenes for the purpose of considering his amendment.

Mr. Chairman, I move that the Committee do now rise.

THE CHAIRMAN: The Chair will state that the gentleman is out of order until the gentleman from Michigan yields back his time or the amendment is withdrawn.

Does the gentleman from Michigan (Mr. Broomfield) ask unanimous consent to withdraw his amendment, without prejudice, and with the right to offer it again?

MR. BROOMFIELD: Yes, Mr. Chairman. I ask unanimous consent, with that understanding, to withdraw my amendment.

THE CHAIRMAN: Is there objection to the request of the gentleman from Michigan?

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ROUSSELOT: Mr. Chairman, why does the gentleman have to withdraw

10. 126 CONG. REC. 12558, 12559, 96th Cong. 2d Sess.

11. Elliott H. Levitas (Ga.).

his amendment? It can be before us for consideration tomorrow.

THE CHAIRMAN: The Chair had already recognized the gentleman from Michigan (Mr. Broomfield) for 5 minutes and the motion to rise could not take him from the floor.

MR. ROUSSELOT: Mr. Chairman, then the amendment offered by the gentleman from Michigan (Mr. Broomfield) will be first in order tomorrow, is that right?

THE CHAIRMAN: The Chair will rule that the amendment is still pending. The gentleman's amendment will be pending tomorrow; if the gentleman now yields back his time and the motion to rise is then offered.

MR. ROUSSELOT: I thank the Chair. So the gentleman does not have to withdraw his amendment.

THE CHAIRMAN: That is correct. The gentleman from Michigan has yielded back his time. The Chair recognizes the gentleman from Wisconsin (Mr. Zablocki).

MR. ZABLOCKI: Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Yielding Time for Motion That Committee of the Whole Rise

§ 30.29 For a motion to be made in yielded time, the time must have been yielded for that purpose; thus, a Member may not in time yielded him for general debate move that the Committee of the Whole rise, nor may he yield to another for such motion.

On Feb. 22, 1950,[12] Mr. Howard W. Smith, of Virginia, moved that the Committee of the Whole rise; this motion was made in time yielded him in the Committee by Mr. Adam C. Powell, of New York, for general debate. Chairman Francis E. Walter, of Pennsylvania, ruled that the motion was not in order, since Mr. Powell had control of the time and since he had not yielded time to Mr. Smith for the making of the motion.[13]

Member Recognized for One-minute Speech Could Not Yield for Request To Restore Bill to Private Calendar

§ 30.30 The Speaker declined to permit a Member recognized for a one-minute speech to yield to another Member to make a request to restore a bill to the Private Calendar (which the House had previously agreed, by unanimous consent, should be passed over).

12. 96 CONG. REC. 2178, 81st Cong. 2d Sess.

13. See also 113 CONG. REC. 14121, 90th Cong. 1st Sess., May 25, 1967; 109 CONG. REC. 10151–65, 88th Cong. 1st Sess., June 4, 1963; 102 CONG. REC. 6891, 84th Cong. 2d Sess., Apr. 24, 1956; and 91 CONG. REC. 7221–25, 79th Cong. 1st Sess., Oct. 18, 1945.

On July 15, 1968,[14] Speaker John W. McCormack, of Massachusetts, recognized Mr. William L. Hungate, of Missouri, to make a one-minute speech. Mr. Hungate then asked unanimous consent that a bill previously stricken from the Private Calendar be restored thereto, and the Speaker ruled that he could not entertain that request. Mr. Hungate then proceeded for one minute and yielded to Mr. Thomas J. Meskill, of Connecticut, who moved that the same bill be restored to the Private Calendar. The Speaker ruled that he had not recognized Mr. Hungate for the purpose of yielding to Mr. Meskill for the motion, and that the motion was not in order.

§ 31. — For Debate

Cross References

Duration of debate, see §§ 67 et seq., infra (in the House) and §§ 74 et seq., infra (in the Committee of the Whole).

Power of Chair over recognition for debate, see § 9, supra.

Unanimous consent for control or allocation of yielded time, see §§ 29.30, 29.31, supra.

Yielded time charged to Member with the floor, see §§ 29.5–29.7, supra.

Yielding balance of time, see §§ 29.9, 29.10, 29.16, supra.

Yielding by Members in control, see §§ 24, supra (role of manager) and 26, supra (management by reporting committee).

Yielding during special order speeches, see § 29.18, supra.

Yielding for Debate Is Discretionary

§ 31.1 Yielding time for general debate is discretionary with the Members having control thereof.

On Aug. 12, 1959,[15] the Committee of the Whole was considering H.R. 8342, the Labor-Management Reporting and Disclosure Act, pursuant to the provisions of House Resolution 338, placing control of general debate with the chairman and ranking minority member of the Committee on Education and Labor. Chairman Francis E. Walter, of Pennsylvania, answered a parliamentary inquiry on the yielding of time:

> MR. [ROMAN C.] PUCINSKI [of Illinois]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. PUCINSKI: Mr. Chairman, in view of the disparity of time, whereby the proponents of the Landrum-Griffin bill have 4 hours while the proponents

14. 114 CONG. REC. 21326, 90th Cong. 2d Sess.

15. 105 CONG. REC. 15678, 86th Cong. 1st Sess.

of the committee bill and the Shelley bill have 1 hour each, is it possible under the rules for the gentleman from Pennsylvania [Mr. Kearns] who controls the time on the other side to share some of that time with some of us here who would like to ask some questions about the Landrum-Griffin bill?

THE CHAIRMAN: Of course, that is entirely possible, but that is in the discretion of the gentleman from Pennsylvania.

§ 31.2 A Member having the floor for debate may exercise discretion in yielding to other Members; and there is no rule of the House requiring a Member having the floor in debate to yield to another Member to whom he has referred during debate.

The following proceedings occurred in the House on Aug. 2, 1984:[16]

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. Is it not within the traditions of the House that when gentlemen on the floor are engaging in debate, and engaging in debate in a way in which they make constant references to particular individuals that they would then yield to those individuals in order to be able to reply to the charges and statements that are being made?

THE SPEAKER PRO TEMPORE:[17] There is no rule requiring that a Member yield to another Member when that Member has the floor.

MR. WALKER: Further parliamentary inquiry, Mr. Speaker.

MR. [WILLIAM B.] RICHARDSON [of New Mexico]: Reclaiming my time, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The parliamentary inquiry has been responded to.

MR. WALKER: Further parliamentary inquiry.

MR. RICHARDSON: I believe we should follow the rules of the House. I believe I had explained my position for not yielding, and it is based on similar treatment that I have received on the floor of the House when in this kind of special order with I believe one of the three gentlemen present I asked to be recognized and I do not recall that I was recognized. In fact, I was not recognized.

Member Recognized To Debate Amendment May Yield

§ 31.3 A Member recognized under the five-minute rule in the Committee of the Whole to debate an amendment may yield to another if he so desires.

On June 22, 1945,[18] the Committee of the Whole was considering a House joint resolution under the five-minute rule. Chairman Jere Cooper, of Tennessee, recognized for five minutes Mr.

16. 130 CONG. REC. 22241, 98th Cong. 2d Sess.

17. John McK. Spratt, Jr. (S.C.).

18. 91 CONG. REC. 6548, 79th Cong. 1st Sess.

Forest A. Harness, of Indiana, who then yielded his time to Mr. Fred L. Crawford, of Michigan, who had just consumed five minutes in debate. Mr. Wright Patman, of Texas, made a point of order on the ground that one Member could not yield another Member his time under the five-minute rule. The Chairman overruled the point of order and stated:

> Any Member can yield to another Member, or decline to yield, as he desires.

Parliamentarian's Note: Mr. Crawford had just consumed five minutes and Mr. Harness yielded to him to complete his remarks. Mr. Harness remained standing while Mr. Crawford completed his speech.

§ 31.4 A Member recognized to strike out the last word under the five-minute rule may yield to another Member, even if the latter has just spoken.

On Mar. 21, 1960,[19] Chairman Francis E. Walter, of Pennsylvania, ruled that a Member recognized on a pro forma amendment under the five-minute rule could yield to another Member:

> THE CHAIRMAN: The time of the gentleman from New York has expired.
>
> MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.
>
> MR. [CLARE E.] HOFFMAN of Michigan: I object, Mr. Chairman.
>
> MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I move to strike out the last word.
>
> Mr. Chairman, I yield to the gentleman from New York [Mr. Celler].
>
> MR. CELLER: I thank the gentleman.
>
> MR. HOFFMAN of Michigan: Just a minute. I make a point of order on this.
>
> MR. CELLER: Mr. Chairman, deprivation of the State's ballot is wrong.
>
> MR. YATES: Mr. Chairman, I am entitled to yield to the gentleman from New York.
>
> THE CHAIRMAN: The gentleman from Illinois was recognized, and he yielded to the gentleman from New York. The gentleman from New York is continuing in order.

Control of Time Where Time for Debate in Committee of the Whole Has Not Been Fixed

§ 31.5 When the House resolves itself into the Committee of the Whole for consideration of a bill without fixing time for debate, the Member first recognized is entitled to one hour and may yield such portions of that time as he desires (and after that hour another Member is recognized for an hour).

19. 106 CONG. REC. 6162, 86th Cong. 2d Sess.

On Mar. 24, 1947,[20] Mr. Frank B. Keefe, of Wisconsin, moved that the House resolve itself into the Committee of the Whole for the consideration of H.R. 2700, making appropriations for the Department of Labor and other agencies. He proposed a unanimous-consent request for the duration of general debate on the bill and the request was objected to. Speaker Joseph W. Martin, Jr., of Massachusetts, then answered a parliamentary inquiry:

> MR. KEEFE: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. KEEFE: Mr. Speaker, do I understand that on the adoption of the motion to go into the Committee of the Whole House on the State of the Union that there will be 1 hour for general debate for each side?
>
> THE SPEAKER: Under the rule, whoever is first recognized is entitled to 1 hour and, of course, the Member can yield such portions of that time as he wishes. . . .
>
> MR. [JOHN J.] ROONEY [of New York]: Mr. Speaker, is it understood that the minority is to have an equal division of the time for debate this afternoon?
>
> THE SPEAKER: After the first hour has been used by the majority, the minority then can have 1 hour under the rule.

20. 93 CONG. REC. 2464, 2465, 80th Cong. 1st Sess.

Time Yielded for Debate Only—No Amendment Without Unanimous Consent

§ 31.6 A Member to whom time is yielded for debate only in the House on a resolution reported from the Committee on Rules and who seeks unanimous consent to offer an amendment is not entitled to have the amendment read by the Clerk where another Member objects to the offering of the amendment.

The following proceedings occurred in the House on May 14, 1985,[1] during consideration of House Resolution 157 (providing for consideration of H.R. 1157, maritime authorization for fiscal 1986):

> MR. [JOHN JOSEPH] MOAKLEY [of Massachusetts]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 157, and ask for its immediate consideration.
>
> The Clerk read the resolution as follows:
>
> H. RES. 157
>
> *Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1157) to authorize appro-

1. 131 CONG. REC. 11713, 99th Cong. 1st Sess.

priations for fiscal year 1986 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission. . . .

THE SPEAKER PRO TEMPORE:[2] The gentleman from Massachusetts is recognized for 1 hour.

MR. MOAKLEY: Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi (Mr. Lott), and pending that, I yield myself such time as I may consume. . . .

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, I yield myself such time as I may consume. . . .

Mr. Speaker, I send an amendment to the desk and ask unanimous consent for its immediate consideration. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Moakley) did not yield for that purpose. . . .

MR. LOTT: This is a unanimous-consent request.

MR. MOAKLEY: I object to the unanimous-consent request. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Parliamentary inquiry, Mr. Speaker. . . .

What has the gentleman from Massachusetts objected to? The amendment has not been read at this point.

THE SPEAKER PRO TEMPORE: He is objecting to the offering and consideration of the amendment, including the reading.

MR. WALKER: It was my understanding that the gentleman from Mississippi (Mr. Lott) simply asked unanimous consent that he be allowed to offer an amendment. The Clerk was about to read the amendment. Could not the gentleman withhold until the amendment at least was read? . . .

THE SPEAKER PRO TEMPORE: The Chair has very clearly stated that the Clerk does not have to read the amendment. The gentleman from Massachusetts (Mr. Moakley) objected to the offering of the amendment. The Clerk is under no obligation to read the amendment.

Parliamentarian's Note: In this instance, the minority Member controlling debate time on the special rule sought unanimous consent to offer a (nongermane) amendment to require all Budget Act waivers recommended by that committee to be explained in the accompanying reports for the remainder of the 99th Congress.

Control of Time Where Time Under Five-minute Rule Has Been Limited and Divided

§ 31.7 Where the time for debate under the five-minute rule in the Committee of the Whole has been limited and divided by the Chair among those seeking recognition, a Member who has been recognized may retain the floor and yield to whomever he pleases.

On July 22, 1965,[3] during consideration under the five-minute

2. Dale E. Kildee (Mich.).

3. 111 CONG. REC. 17928–30, 89th Cong. 1st Sess.

rule of H.R. 8283, the economic opportunity amendments, Mr. Adam C. Powell, of New York, moved that all debate on the pending amendment and on amendments thereto close at a certain time, which was agreed to by the Committee. Chairman John J. Rooney, of New York, recognized Mr. John H. Dent, of Pennsylvania, under the limitation and Mr. Dent yielded to Mr. Arnold Olsen, of Montana. Mr. H. R. Gross, of Iowa, objected and the Chairman stated "The gentleman from Pennsylvania has the floor and he may yield to whomever he pleases."

§ 31.8 Where debate has been limited on a pending amendment to a time certain and the Chair has divided the remaining time among those Members desiring to speak, a Member may, by unanimous consent, yield all his allotted time to another Member who may while remaining on his feet yield back to that Member for debate.

On June 24, 1971,[4] the Committee of the Whole was proceeding under a limitation on five-minute debate, and Chairman Thomas G. Abernethy, of Mississippi, had divided the remaining time among those Members desiring to speak. A point of order was made against use of such time by yielding:

> MR. [JOHN B.] ANDERSON of Illinois: Mr. Chairman, I thank the gentleman from New York for yielding me his time. . . .
>
> MR. [JAMES H.] SCHEUER [of New York]: Mr. Chairman, will the gentleman yield?
>
> MR. ANDERSON of Illinois: I yield to the gentleman from New York (Mr. Scheuer).
>
> MR. SCHEUER: Mr. Chairman, I think it is beneath the dignity of our great Nation to renege and welsh on its dues. There are many gentlemen in this Chamber who have had more experience with international organizations than I, but I have had some. Before I was a Congressman, I attended international organization meetings as a delegate on housing and planning——
>
> MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I make the point of order that the gentleman from New York (Mr. Scheuer) is out of order at this time.
>
> The gentleman from New York (Mr. Scheuer) yielded his time to the gentleman from Illinois (Mr. Anderson).
>
> THE CHAIRMAN: The Chair will state that what happened was that the gentleman from New York (Mr. Scheuer) yielded his time to the gentleman from Illinois (Mr. Anderson). Therefore the gentleman from Illinois (Mr. Anderson) has control of the time.

§ 31.9 Where debate under the five-minute rule has been

4. 117 CONG. REC. 21884, 92d Cong. 1st Sess.

limited to 10 minutes by unanimous consent, with the final five minutes reserved to the committee, the Chair divides the first five minutes among those Members indicating a desire to speak, and a Member recognized during that time may yield to other Members for debate.

On May 18, 1972,[5] the Committee of the Whole agreed to a unanimous-consent request by Mr. John J. Rooney, of New York, that debate under the five-minute rule be limited to 10 minutes, with the last five minutes reserved to the reporting committee (Committee on Appropriations). Chairman Richard Bolling, of Missouri, ruled that a Member recognized during the first five minutes could yield to others for debate:

THE CHAIRMAN: As one of the two Members standing when the unanimous-consent request was agreed to the Chair recognizes the gentleman from Illinois (Mr. Yates).

MR. [ROBERT L. F.] SIKES [of Florida]: Mr. Chairman, I had hoped to get recognition.

THE CHAIRMAN: Time for debate has been fixed. Under the unanimous-consent agreement, the Chair recognizes the gentleman from Illinois (Mr. Yates) for 5 minutes.

MR. [SIDNEY R.] YATES: Does the gentleman from Florida desire to share my time?

MR. SIKES: Mr. Chairman, a parliamentary inquiry. It was my understanding that the time was fixed with the last 5 minutes reserved to the committee.

THE CHAIRMAN: Does the gentleman from Illinois yield for a parliamentary inquiry?

MR. YATES: I yield for a parliamentary inquiry.

MR. SIKES: Mr. Chairman, it was my understanding the time had been fixed, with the last 5 minutes to be reserved for the committee. Presumably that time would be controlled by the chairman of the subcommittee.

THE CHAIRMAN: There will be 5 minutes remaining after the time of the gentleman from Illinois.

MR. ROONEY of New York: Mr. Chairman, may I say it is my understanding there would be 10 minutes.

THE CHAIRMAN: The gentleman from New York propounded a unanimous-consent request that at the conclusion of the remarks by the gentleman from Florida (Mr. Fascell) the time be limited to 10 minutes and that 5 minutes be reserved to the committee. The unanimous-consent request was granted. There were two Members standing, the gentleman from Illinois (Mr. Yates) and the gentleman from New York (Mr. Rooney).

The Chair has recognized the gentleman from Illinois, and the time is now running. If the gentleman cares to yield to any Member, that is his privilege.

§ 31.10 Where by unanimous consent debate on a pending amendment in Committee of the Whole has been equally

5. 118 CONG. REC. 18025, 18026, 92d Cong. 2d Sess.

divided between the proponent and an opponent of the amendment, those Members control all the remaining time and the Chair does not divide the time among Members standing.

During consideration of the military procurement authorization for fiscal year 1983 (H.R. 6030) in the Committee of the Whole on July 21, 1982,[6] the Chair responded to inquiries regarding recognition for debate time. The proceedings were as follows:

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I asked the gentleman to yield for a unanimous-consent request. After consultation with the gentleman from Washington (Mr. Dicks) and with Members on our side, I would like to ask unanimous consent that we agree to vote on the Dicks amendment and all amendments thereto at 7 o'clock, with 1 hour of debate to be controlled by the gentleman from Washington and 1 hour of debate to be controlled by the Member from New York representing the committee.

THE CHAIRMAN PRO TEMPORE:[7] The request is for 2 hours of debate time equally divided between the gentleman from Washington (Mr. Dicks) and the gentleman from New York (Mr. Stratton)?

MR. STRATTON: That is correct.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from New York?

There was no objection.

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

[I]f time is to be controlled by the gentleman from Washington and by myself, is it required that those who wish to participate should stand at this time?

THE CHAIRMAN PRO TEMPORE: The recognition of Members is totally at the discretion of the managers of the time.

MR. [ROBERT E.] BADHAM [of California]: Mr. Chairman, I have a parliamentary inquiry. . . .

Am I given to understand that on this side we have no time; we are not able to have any time? . . .

[T]he gentleman from Washington has 1 hour and the gentleman from New York has 1 hour. I was inquiring as to what time this side had.

THE CHAIRMAN PRO TEMPORE: Under the unanimous-consent request the gentleman from Washington (Mr. Dicks) is recognized for 1 hour, and under the same unanimous-consent request the gentleman from New York (Mr. Stratton) is recognized for 1 hour.

Both managers of time may yield to members of the minority or members of the majority.

—Yielding Time Allocated Is by Unanimous Consent

§ 31.11 Where time for debate on an amendment and all amendments thereto has been limited and the time remaining has been allocated

6. 128 CONG. REC. 17345, 97th Cong. 2d Sess.
7. Les AuCoin (Oreg.).

by the Chairman to Members seeking recognition, a Member may, by unanimous consent yield his time to another Member but a motion to that effect is not in order.

On June 25, 1975,[8] during consideration of the Departments of Labor and Health, Education, and Welfare appropriations for fiscal year 1976 (H.R. 8069) in the Committee of the Whole, Mr. Daniel J. Flood, of Pennsylvania, made a motion as follows:

MR. FLOOD: Mr. Chairman, I move that all debate on this amendment and all amendments thereto close . . . in 10 minutes.

THE CHAIRMAN:[9] The gentleman from Pennsylvania moves that all debate on this amendment and all amendments thereto close in 10 minutes.

The question is on the motion offered by the gentleman from Pennsylvania. . . .

So the motion was agreed to.

THE CHAIRMAN: Members standing at the time the motion was made will be recognized for approximately one-half minute each.

The Chair recognizes the gentleman from New York (Mr. Downey).

MR. [THOMAS J.] DOWNEY of New York: Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Wisconsin (Mr. Obey). . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I object to any yielding.

THE CHAIRMAN: Objection is heard.

The gentleman from New York will be given the opportunity to speak for 30 seconds.

MR. DOWNEY of New York: Mr. Chairman, I move that my time be given to the gentleman from Wisconsin (Mr. Obey).

THE CHAIRMAN: That is an improper motion. The Chair would suggest that the gentleman from New York might yield for a question to the gentleman from Wisconsin.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, will the gentleman yield?

MR. DOWNEY of New York: I yield to the gentleman from Wisconsin.

Unanimous Consent Required if Member Yielded to Speaks on Matter Not Relevant

§ 31.12 A Member who has been recognized under the five-minute rule may yield all or a portion of his time to another Member for the purpose of debate, but a Member yielded to may speak out of order, on a matter not relevant to the pending measure or amendment, by unanimous consent only.

On Apr. 28, 1983,[10] during consideration of House Joint Resolution 13 (nuclear weapons freeze)

8. 121 CONG. REC. 20839, 94th Cong. 1st Sess.

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

10. 129 CONG. REC. 10432, 10433, 98th Cong. 1st Sess.

in the Committee of the Whole, the following exchange occurred:

MR. [JAMES G.] MARTIN of North Carolina: Will the gentleman yield?

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I already promised to yield the balance of my time to the gentleman from Texas (Mr. Gonzalez) to speak out of order.

THE CHAIRMAN:[11] Without objection, the gentleman from Texas (Mr. Gonzalez) is recognized for the balance of the time of the gentleman from Wisconsin.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Chairman, reserving the right to object, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GINGRICH: Does the gentleman have the power to yield that time out of order for that purpose?

THE CHAIRMAN: The Chair would advise that the gentleman may by unanimous consent yield to another Member to speak out of order.

MR. GINGRICH: I object, Mr. Chairman.

THE CHAIRMAN: Objection is heard.

The gentleman from Wisconsin (Mr. Zablocki) has 4½ minutes remaining. . . .

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GONZALEZ: Mr. Chairman, this request does not require unanimous consent, does it?

THE CHAIRMAN: If the gentleman from Wisconsin yielded to the gentleman from Texas, no unanimous consent is required, as long as the debate relates to the pending amendment.

11. Matthew F. McHugh (N.Y.).

Two Members Shared Time Yielded

§ 31.13 On one occasion in the Committee of the Whole, two Members were recognized jointly for general debate and shared the time yielded them by the Members controlling the time, the acting chairman and ranking minority member of the Committee on Foreign Affairs.

On May 12, 1958,[12] John M. Vorys, of Ohio, Chairman of the Committee on Foreign Affairs, and Mr. Thomas E. Morgan, of Pennsylvania, the ranking minority member, yielded time as follows in general debate on a bill under their control:

MR. VORYS: Mr. Chairman, I yield myself such time as may be necessary to announce the next part of general debate.

Our colleagues from the committee, the gentleman from Missouri [Mr. Carnahan] and the gentleman from New Hampshire [Mr. Merrow], have gone all over the United States talking to thousands of people, explaining with charts what this program is about. We asked them to do it before our committee and we were so impressed that

12. 104 CONG. REC. 8429, 85th Cong. 2d Sess.

we have asked them to do it for the Committee of the Whole today; and it is for that purpose I now yield 20 minutes to the gentleman from New Hampshire [Mr. Merrow]. I understand a similar amount of time will be yielded to the gentleman from Missouri, so that they may give us this explanation from the charts that has been so useful.

MR. MORGAN: Mr. Chairman, I yield 25 minutes to the gentleman from Missouri.

THE CHAIRMAN:[13] The gentleman from New Hampshire is recognized for 20 minutes and the gentleman from Missouri for 25 minutes.

The gentleman from Missouri may proceed.

MR. [ALBERT S. J.] CARNAHAN: Mr. Chairman, of the 25 minutes allotted to me I now allot to the gentleman from New Hampshire [Mr. Merrow], such part of it as he may use, and I ask that he now come to the floor.

THE CHAIRMAN: The gentleman from New Hampshire has 20 minutes time in his own right.

MR. CARNAHAN: Mr. Chairman, neither of us is going to use the entire time allotted to us in one continuous speech. We are going to talk back and forth and it is his intention to yield a portion of his time to me.

With the assistance of several charts we have here the gentleman from New Hampshire and I will attempt to explain some of the issues involved in the mutual-security program as we have been attempting to explain the program in several sections of the country. We are not going to speak simultaneously, although that might be doing you a favor, for we would get through a little sooner. At this time I yield to the gentleman from New Hampshire.

13. Hale Boggs (La.).

Yielding Time on Motion To Discharge

§ 31.14 A Member recognized for debate in opposition to a motion to discharge a committee may yield a portion of his time to other Members.

On Dec. 13, 1937,[14] Mr. Edward E. Cox, of Georgia, recognized for 10 minutes of debate in opposition to a motion to discharge, yielded his full 10 minutes to another Member after Speaker William B. Bankhead, of Alabama, stated that he could yield all or part of his time, the proponents of the motion having the right to open and close debate.

§ 31.15 A Member recognized to control half of the 20 minutes' debate on a motion to discharge may yield any part of it.

On June 15, 1960,[15] the House was considering a motion to discharge called up by Mr. T. Ashton Thompson, of Louisiana. Speaker Sam Rayburn, of Texas, stated he

14. 82 CONG. REC. 1387, 75th Cong. 2d Sess.

15. 106 CONG. REC. 12691–93, 86th Cong. 2d Sess.

would, pursuant to Rule XXVII providing for 10 minutes for and 10 minutes against the motion, recognize Mr. Thompson and Mr. Edward H. Rees, of Kansas, for that purpose.

In response to parliamentary inquiries, the Speaker stated that Mr. Thompson and Mr. Rees could yield any part of their 10 minutes that they desired.

§ 31.16 A Member recognized in opposition to a motion to discharge a committee may not yield his time for debate to another to be yielded by the other Member.

On June 11, 1945,[16] Mr. Edward E. Cox, of Georgia, was recognized by Speaker Sam Rayburn, of Texas, for 10 minutes in opposition to a motion to discharge a committee. Mr. John E. Rankin, of Mississippi, asked Mr. Cox to yield him the balance of his time and Mr. Cox stated he would so yield if no other members of the reporting committee desired time. Mr. Rankin then inquired of the Speaker whether he would be permitted to yield the time yielded him as he saw fit. The Speaker responded that Mr. Cox and not Mr. Rankin had control of the time.

16. 91 CONG. REC. 5892, 5895, 5896, 79th Cong. 1st Sess.

Previous Question Terminates Time Yielded to Minority

§ 31.17 The Member recognized to control one hour of debate in the House may, by moving the previous question, terminate utilization of debate time he has previously yielded to the minority.

On Mar. 9, 1977,[17] it was demonstrated that a Member calling up a privileged resolution in the House may move the previous question at any time, notwithstanding his prior allocation of debate time to another Member:

> THE SPEAKER:[18] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.
>
> MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), for the minority, pending which I yield myself 5 minutes. . . .
>
> Mr. Speaker, the other amendment that the gentleman offers proposes to give the House the opportunity to vote up or down in a certain period of time regulations proposed by the select committee. What that does, and it really demonstrates an almost total lack of understanding of the rules, is to upgrade regulations into rules. The Members of the House will have the opportunity to deal with all laws and rules. That is provided in the resolution. . . .

17. 123 CONG. REC. 6816, 95th Cong. 1st Sess.

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

Mr. Speaker, I move the previous question on the resolution. . . .

MR. [JOHN B.] ANDERSON of Illinois: I have time remaining. Do I not have a right to respond to the gentleman from Missouri?

THE SPEAKER: Not if the previous question has been moved, and it has been moved.

MR. ANDERSON of Illinois: Even though the gentleman mentioned my name and made numerous references to me for the last 10 minutes?

THE SPEAKER: The Chair is aware of that.

The question is on ordering the previous question.

Member Who Offered Preferential Motion To Dispose of Senate Amendment Does Not Move Previous Question

§ 31.18 A Member who has offered a pending preferential motion to dispose of a Senate amendment in disagreement may not, during time yielded to him for debate only, move the previous question on his motion, thereby depriving the Members in charge of control of the time.

The proceedings of Dec. 4, 1975, during consideration of the conference report on H.R. 8069, the Department of Health, Education, and Welfare and related agencies appropriation bill for fiscal 1976, are discussed in § 33.12, infra.

Yielding Yielded Time

§ 31.19 Where a Member is yielded time in the House for debate only, he may not yield to a third Member for purposes other than debate.

On Aug. 10, 1970,[19] Speaker Pro Tempore Chet Holifield, of California, answered a parliamentary inquiry on the yielding of time for debate:

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

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

MR. GERALD R. FORD: As I recollect, Mr. Speaker, the gentlewoman from Michigan [Mrs. Griffiths] yielded to the gentleman from New York only for the purpose of debate.

THE SPEAKER PRO TEMPORE: That is right.

MRS. [MARTHA W.] GRIFFITHS: That is right.

MR. GERALD R. FORD: Now, if the gentleman from New York yields time to any one or more Members, is he yielding solely on that basis as well?

THE SPEAKER PRO TEMPORE: The Chair will state that would be the situation.

MR. GERALD R. FORD: In other words, the gentleman cannot yield for any other purpose except debate?

THE SPEAKER PRO TEMPORE: The Chair will state that that is a correct interpretation of the situation.

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19. 116 CONG. REC. 28005, 28006, 91st Cong. 2d Sess.

§ 31.20 The Member who controls the time under the hour rule may yield a specific amount of time to another Member, and, although the latter may yield for debate, he may not (except by unanimous consent) yield a specific amount of time.

On Feb. 27, 1963,[20] Mr. Samuel N. Friedel, of Maryland, called up at the direction of the Committee on House Administration a privileged resolution providing funds for another House committee. Mr. Friedel was recognized for one hour.

Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry on the control of time:

> MR. [CHARLES A.] HALLECK [of Indiana]: As I understand it, the gentleman from Maryland [Mr. Friedel] has said that he would yield time to Members on the minority side, and that is what we want. If there is another minority Member who wants to be recognized at this time, it would be in order under the rules for that Member to be granted time in order that he might make such statement as he might want to make.
>
> THE SPEAKER: The Chair will state that under the rules of the House and pursuant to custom that has existed from time immemorial, on a resolution of this kind the Member in charge of the resolution has control of the time and he, in turn, yields time. The gentleman from Maryland [Mr. Friedel] in charge of the resolution has yielded 10 minutes to the gentleman from Ohio. If the gentleman from Ohio desires to yield to some other Member, he may do so but he may not yield a specific amount of time.[1]

—Unanimous Consent Required

§ 31.21 A Member to whom a specific amount of time is yielded for debate under the hour rule may, in turn, yield a portion of that allotted time to a third Member, but only by unanimous consent.

On Aug. 10, 1970,[2] Mrs. Martha W. Griffiths, of Michigan, recognized under the hour rule, yielded to Mr. Emanuel Celler, of New York, for 15 minutes, who yielded for seven minutes to Mr. William M. McCulloch, of Ohio, who yielded for five minutes to Mr. Charles E. Wiggins, of California.

Speaker Pro Tempore Chet Holifield, of California, ruled, in response to a point of order by Mr. H. R. Gross, of Iowa, that Mr. Celler was in control of the 15

20. 109 CONG. REC. 3051, 3052, 88th Cong. 1st Sess.

1. See also 86 CONG. REC. 4861–63, 76th Cong. 3d Sess., Apr. 22, 1940.

2. 116 CONG. REC. 28005, 28006, 91st Cong. 2d Sess.

minutes and that specific times could be yielded to other Members.

THE SPEAKER PRO TEMPORE: The gentlewoman from Michigan has yielded 15 minutes to the gentleman from New York (Mr. Celler). The gentleman from New York has control of his 15 minutes. He may yield to the gentleman from Ohio, and the Chair will notify the gentleman from New York when the gentleman from Ohio has consumed 7 minutes.

The gentleman from New York must remain on his feet, and he may yield to whomever he wishes.

MR. CELLER: That I will do, Mr. Speaker.

MR. MCCULLOCH: That I will do also, Mr. Speaker.

I now yield 5 minutes to the gentleman from California (Mr. Wiggins).

MR. GROSS: Mr. Speaker, a parliamentary inquiry.

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

MR. GROSS: Mr. Speaker, my parliamentary inquiry is this: May the gentleman yield to a third party?

THE SPEAKER PRO TEMPORE: The Chair will state that he may do so only by unanimous consent.[3]

§ 31.22 The Member in charge of a bill yielded one-half the time to a minority Member and the latter was permitted by unanimous consent to allocate that time.

On Mar. 12, 1963,[4] Mr. Emanuel Celler, of New York, asked unanimous consent for the consideration in the House of H.R. 4374, bestowing honorary citizenship on Sir Winston Churchill. Mr. H. R. Gross, of Iowa, inquired under a reservation of objection whether some time for debate would be extended to the minority, and Mr. Celler assured him it would.

The House then agreed to the following unanimous-consent request by Mr. Celler:

Mr. Speaker, I ask unanimous consent to yield 30 minutes to the gentleman from Virginia [Mr. Poff], and that he may yield such time as he desires.

Parliamentarian's Note: Richard H. Poff was a Member of the minority.

§ 31.23 While the minority member of the Committee on Rules to whom one-half the debate time is yielded may customarily yield portions of that time to other Members without remaining on his feet, another Member to whom a portion of time is yielded may in turn yield blocks of that time only by unanimous consent.

3. See also 86 CONG. REC. 4861–63, 76th Cong. 3d Sess., Apr. 22, 1940.

4. 109 CONG. REC. 3993, 88th Cong. 1st Sess.

On Jan. 29, 1976,[5] during consideration of House Resolution 982 (authorizing the Select Committee on Intelligence to file its final report) the following proceedings occurred:

H. RES. 982

Resolved, That the Select Committee on Intelligence have until midnight Friday, January 30, 1976, to file its report pursuant to section 8 of House Resolution 591, and that the Select Committee on Intelligence have until midnight, Wednesday, February 11, 1976, to file a supplemental report containing the select committee's recommendations.

With the following committee amendment:

Committee amendment: On page 1, after the first sentence, add the following:

"*Resolved further*, That the Select Committee on Intelligence shall not release any report containing materials, information, data, or subjects that presently bear security classification, unless and until such reports are published with appropriate security markings and distributed only to persons authorized to receive such classified information. . . .

THE SPEAKER:[6] The gentleman from Texas (Mr. Young) is recognized for 1 hour.

MR. [JOHN] YOUNG of Texas: . . . Mr. Speaker, I have agreed to yield 15 minutes en bloc to my distinguished friend, the gentleman from Missouri (Mr. Bolling), on the Committee on Rules. Again I say, I yield for the purpose of debate only.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I understood the gentleman from Texas (Mr. Young) to yield me 15 minutes.

I ask unanimous consent that I may be permitted to yield, for debate, to other Members a portion of that 15 minutes without remaining on my feet.

THE SPEAKER: Is there objection to the request of the gentleman from Missouri?

There was no objection.

§ 31.24 A Member in control of time for general debate in Committee of the Whole may yield a block of time up to one hour to another Member, but that Member in turn may yield a block of time to a third Member without remaining on his feet only by unanimous consent.

The following proceedings occurred in the Committee of the Whole on May 4, 1981,[7] during consideration of House Concurrent Resolution 115 (pertaining to the Congressional budget):

THE CHAIRMAN:[8] When the Committee of the Whole rose on Friday, May 1, 1981, the gentleman from Oklahoma (Mr. Jones) had 2 hours and 59 minutes of general debate remaining, and the gentleman from Ohio (Mr. Latta) had 4 hours and 13 minutes remaining.

The Chair recognizes the gentleman from Oklahoma (Mr. Jones).

5. 122 CONG. REC. 1632, 94th Cong. 2d Sess.

6. Carl Albert (Okla.).

7. 127 CONG. REC. 8331, 97th Cong. 1st Sess.

8. Martin Frost (Tex.).

MR. [JAMES R.] JONES of Oklahoma: Mr. Chairman, I yield 1 hour to the gentleman from California (Mr. Panetta).

MR. [LEON E.] PANETTA [of California]: Mr. Chairman, I yield myself 3 minutes. . . .

Mr. Chairman, I yield 9 minutes to the gentleman from Texas (Mr. de la Garza), chairman of the Agriculture Committee.

THE CHAIRMAN: Without objection, the gentleman from Texas (Mr. de la Garza) is recognized for 9 minutes.

There was no objection.

Parliamentarian's Note: The exception to this rule is in the case of general debate on economic goals and policies during debate on the first budget resolution, where the manager may yield for more than an hour to another Member, who may yield blocks of time to Members without remaining standing.

§ 31.25 Where all time for general debate in Committee of the Whole is equally divided and controlled by the chairman and ranking minority member of the committee reporting a bill, a Member to whom a block of time is yielded may not in turn yield a portion of that time to a third Member but must remain on his feet when yielding (except by unanimous consent).

During consideration of the Omnibus Budget Reconciliation Act of 1981 (H.R. 3982) in the Committee of the Whole on June 25, 1981,[9] the following exchange occurred:

THE CHAIRMAN PRO TEMPORE:[10] Does the gentleman from Florida wish to retain the floor?

MR. [CHARLES E.] BENNETT [of Florida]: Yes, I retain the floor, and I yield back as much time as I can to the Agriculture Committee.

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman that if that is the case, the gentleman must remain standing. . . .

The Chair will inquire of the gentleman from Illinois (Mr. Simon): How much time has the gentleman granted to the gentleman from Texas (Mr. de la Garza)?

MR. [PAUL] SIMON [of Illinois]: My understanding is that the gentleman from Florida (Mr. Bennett) yielded his time to the gentleman from Texas (Mr. de la Garza).

THE CHAIRMAN PRO TEMPORE: Under the amended rule, all the time is controlled by the gentleman from Illinois as a member of the Budget Committee.

§ 31.26 Where a special rule adopted by the House divides control of general debate in Committee of the Whole between the chairman and ranking minority member of

9. 127 CONG. REC. 14093, 97th Cong. 1st Sess.

10. Gerry E. Studds (Mass.).

the committee reporting the bill, time yielded to third Members must be utilized or yielded back and may only be reserved for allocation by such third Members by unanimous consent.

During consideration of the Olympic Coin Act (S. 1230) in the Committee of the Whole on May 20, 1982,[11] the following proceedings occurred:

THE CHAIRMAN:[12] Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Rhode Island (Mr. St Germain) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Wylie) will be recognized for 1 hour.

The Chair recognizes the gentleman from Rhode Island (Mr. St Germain).

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I yield one-half hour to the gentleman from Illinois (Mr. Annunzio). . . .

THE CHAIRMAN: The gentleman from Illinois (Mr. Annunzio) has consumed 12 minutes.

The Chair would inquire of the gentleman from Rhode Island, would he be amenable to yielding further at a later time to the gentleman from Illinois?

MR. ST GERMAIN: I yielded the gentleman 30 minutes under our agreement.

The gentleman from Illinois may proceed and have his other speakers speak. . . .

THE CHAIRMAN: The Chair would observe from a procedural point of view that the gentleman has been yielded 30 minutes which he may use now or yield back as he so desires.

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Chairman, I reserve the balance of my time.

THE CHAIRMAN: The gentleman is not able to reserve the balance of the time yielded to him by the gentleman from Rhode Island unless the gentleman from Rhode Island agrees to yield further at a later time.

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Chairman, a parliamentary inquiry. . . .

What I had intended to do was yield 20 minutes to the gentleman from Texas (Mr. Paul), who takes a similar position as the gentleman from Illinois. I understand the gentleman from Illinois' position and my parliamentary inquiry is, may I yield 30 minutes of my time, which I had agreed to do, to the gentleman from Texas at this time and allow the gentleman from Illinois to use his 30 minutes in exchange with the gentleman from Texas (Mr. Paul)?

THE CHAIRMAN: The Chair in response would advise the gentleman from Ohio that while he may yield 30 minutes to the gentleman from Texas (Mr. Paul), the gentleman from Texas (Mr. Paul) may use that time but may not reserve portions of that time for subsequent yielding except by unanimous consent. . . .

Does the gentleman from Illinois ask unanimous consent to be able to yield portions of the remaining 18 minutes he has available to him at subsequent times during the course of the general debate?

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11. 128 CONG. REC. 10766, 10767, 97th Cong. 2d Sess.

12. Elliott H. Levitas (Ga.).

MR. ANNUNZIO: Yes.

THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois?

There was no objection.

—*Debate on Conference Report*

§ 31.27 It is contrary to the usual practice for a Member in charge of a conference report to yield time to other Members to be in turn yielded by them.

On July 27, 1939,[13] Mr. Compton I. White, of Idaho, in charge of the hour of debate on a conference report, attempted to yield to Mr. Charles Hawks, Jr., of Wisconsin, for 20 minutes, to be allocated "on his side." Speaker William B. Bankhead, of Alabama, stated:

> It is contrary to the usual practice for the chairman of a conference to yield time to other Members to be in turn yielded by them. The gentleman may yield such time as he desires to individual Members.

Mr. White withdrew his yielding of time and yielded to Mr. Hawks for five minutes.

Offeror of Motion To Instruct Conferees

§ 31.28 Under a former practice, the Member moving to instruct House managers at a conference had one hour of debate at his disposal and could yield time as he desired.

On Aug. 9, 1949,[14] the House adopted a resolution taking from the Speaker's table a House bill with Senate amendments, disagreeing to the amendments, and agreeing to a conference requested by the Senate. Mr. Clarence Cannon, of Missouri, then offered a motion to instruct the House managers to insist on disagreement to a certain Senate amendment. In response to a parliamentary inquiry, Speaker Pro Tempore J. Percy Priest, of Tennessee, stated that Mr. Cannon was entitled to one hour on his motion with the right to yield time as he desired.

§ 31.29 The offeror of a motion to instruct conferees controls one hour of debate and may yield half of that time to an opponent.

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13. 84 CONG. REC. 10220, 76th Cong. 1st Sess. The current rule governing division of debate time on a conference report is found in Rule XXVIII, cl. 2(a), *House Rules and Manual* § 912a (1995).

14. 95 CONG. REC. 11139–45, 81st Cong. 1st Sess. This precedent preceded the rule dividing time on a motion to instruct. See Rule XXVIII, cl. 1(b), *House Rules and Manual* § 909a (1995).

During consideration of House Joint Resolution 372 (public debt limit increase) in the House on Oct. 11, 1985,[15] a motion was made by Robert H. Michel, of Illinois, as follows:

MR. MICHEL: Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Michel moves that the managers on the part of the House at the conference on the disagreeing votes on the two Houses on the joint resolution, H.J. Res. 372, be instructed to promptly report amendments to the Budget Control and Impoundment Act which provide mechanisms for deficit reductions, including specific and mandatory budget goals for achieving a balanced budget within the next 6 years.

THE SPEAKER:[16] The gentleman from Illinois (Mr. Michel) is recognized for 1 hour.

MR. MICHEL: Mr. Speaker, I would not expect to use the complete hour.

THE SPEAKER: Will the gentleman yield a half hour to the Democratic side?

MR. MICHEL: Mr. Speaker, I would like to yield 15 minutes for the moment and 15 minutes for our side and let us see where we go.

THE SPEAKER: Does the gentleman want to ask unanimous consent that the debate be 30 minutes instead of 1 hour?

MR. MICHEL: Mr. Speaker, I do not want to do anything that is going to upset some Members here, but if we can put a little bit of restraint——

THE SPEAKER: Does the gentleman intend to yield equal time to the opponents of the motion, if there is opposition?

MR. MICHEL: Mr. Speaker, I would certainly intend that the time be equally divided.

THE SPEAKER: The gentleman from Illinois (Mr. Michel) is recognized for 30 minutes and the gentleman from Illinois (Mr. Rostenkowski) is recognized for 30 minutes.

Additional Time Is Obtained From Members in Control, Not by Unanimous Consent

§ 31.30 During general debate in Committee of the Whole of a bill being considered under a special rule providing that the time be controlled by the chairman and ranking minority member of the committee reporting the bill, additional time must be yielded by the members controlling the time and may not be obtained by unanimous consent.

On June 2, 1975,[17] during consideration of the Voting Rights Act extension (H.R. 6219) in the

15. 131 CONG. REC. 27366, 27367, 99th Cong. 1st Sess.

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

The debate on a motion to instruct is now divided by Rule XXVIII, *House Rules and Manual* § 909a (1995).

17. 121 CONG. REC. 16285, 16286, 94th Cong. 1st Sess.

Committee of the Whole, the following proceedings occurred:

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

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I would ask unanimous consent to continue for an additional 5 minutes.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the gentleman from California (Mr. Edwards) has control of the time. Does the gentleman from California wish to yield additional time to the gentleman from Texas? . . .

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

MR. GONZALEZ: Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 1 additional minute.

THE CHAIRMAN PRO TEMPORE: The gentleman will suspend. The Chair must advise the gentleman that under the rule that request is not in order.

Charging Time Yielded for Parliamentary Inquiry

§ 31.31 Where a Member to whom time has been yielded for general debate poses a parliamentary inquiry, the time consumed to answer the inquiry is deducted from his time for debate.

On Sept. 25, 1975,[18] the Chairman of the Committee of the Whole responded to a parliamentary inquiry, as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. Buchanan).

(Mr. Buchanan asked and was given permission to revise and extend his remarks.)

MR. [JOHN] BUCHANAN [of Alabama]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[19] The gentleman will state his parliamentary inquiry.

MR. BUCHANAN: May I ask whether the making of this parliamentary inquiry is taken out of my time?

THE CHAIRMAN: The Chair will state that it will be taken out of the gentleman's time.

Member Offering Motion To Recommend Striking Enacting Clause May Yield Part of Time

§ 31.32 A Member offering a motion in the Committee of the Whole that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken may yield part of his time to another while he has the floor, but he may not yield all of his five minutes of debate to another to discuss the motion.

On Sept. 27, 1945,[20] Chairman Aime J. Forand, of Rhode Island,

18. 121 CONG. REC. 30196, 94th Cong. 1st Sess.

19. J. Edward Roush (Ind.).

20. 91 CONG. REC. 9095, 79th Cong. 1st Sess.

ruled as follows on the yielding of time under the five-minute rule:

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. May moves that the Committee do now rise and report the bill, H.R. 2948, back forthwith to the House with the recommendation that the enacting clause be stricken out.

MR. MAY: Mr. Chairman, I yield my 5 minutes to the gentleman from North Carolina, if I may.

MR. [ROBERT] RAMSPECK [of Georgia]: The gentleman cannot do that, Mr. Chairman.

THE CHAIRMAN: He can yield time while he is holding the floor.

MR. MAY: I yield part of my time, then, to the gentleman from North Carolina.

Member Opposed to Motion To Strike Enacting Clause May Not Extend Time Beyond Five Minutes by Using Yielded Time

§ 31.33 Debate on the preferential motion to strike the enacting clause is limited to two five-minute speeches, and the Member recognized in opposition to the motion may not extend his time by using time yielded to him by unanimous consent under an allocation of time on the remainder of the bill.

During debate in the Committee of the Whole on an appropriation for public works for water and power development and energy research (H.R. 8122) on June 24, 1975,[1] the following proceedings occurred:

MR. [JOE L.] EVINS of Tennessee: Mr. Chairman, I now move that all debate on the remaining portion of the bill and all amendments thereto conclude in 30 minutes.

THE CHAIRMAN:[2] The question is on the motion offered by the gentleman from Tennessee (Mr. Evins). . . .

So the motion was agreed to.

THE CHAIRMAN: Members standing at the time the motion was made will be recognized for 40 seconds each. . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Conte moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN: The Chair recognizes the gentleman from Massachusetts (Mr. Conte) for 5 minutes. . . .

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Chairman, I rise in opposition to the preferential motion.

(By unanimous consent, Messrs. Perkins, James V. Stanton, Moakley, and Burke of Massachusetts yielded their time to Mr. Boland). . . .

THE CHAIRMAN: The time of the gentleman has expired.

The Chair will advise the gentleman from Massachusetts, Mr. Boland, that

1. 121 CONG. REC. 20618, 20619, 94th Cong. 1st Sess.
2. Richard H. Ichord (Mo.).

the Chair will now put the question on the preferential motion, and after that time the Chair will recognize the gentleman from Massachusetts (Mr. Boland) for the remainder of the time.

The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. Conte).

The preferential motion was rejected.

THE CHAIRMAN: The Chair now recognizes the gentleman from Massachusetts (Mr. Boland) for 2 additional minutes.

Member in Control Under Reservation of Objection May Yield

§ 31.34 Debate under a reservation of objection to a unanimous-consent request is controlled by the Member reserving the right to object.

On Sept. 30, 1976,[3] Mr. Jack Brooks, of Texas, made the following motion with respect to a Senate amendment to H.R. 13367, extending the State and Local Fiscal Assistance Act of 1972:

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

The Clerk read as follows:

Mr. Brooks moves that the House recede from its disagreement and concur in the Senate amendment to the House bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972 and for other purposes, with an amendment as follows: . . .

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

SEC. 5. Extension of Program and Funding

(a) IN GENERAL.—Section 105 (relating to funding for revenue sharing) is amended—

(1) by inserting "or (c)" immediately after "as provided in subsection (b)" in subsection (a)(1): . . .

MR. BROOKS (during the reading): Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

THE SPEAKER:[4] Is there objection to the request of the gentleman from Texas?

MR. [FRANK] HORTON [of New York]: Mr. Speaker, I reserve the right to object.

THE SPEAKER: The gentleman from Ohio (Mr. Brown) has reserved a point of order against the amendment.

Does the gentleman from Ohio desire to make the point of order?

MR. HORTON: Mr. Speaker, I am reserving the right to object on the unanimous-consent request to have the motion considered as read.

I wanted to ask the gentleman from Texas (Mr. Brooks) whether he is going to explain the motion to the House.

MR. BROOKS: Mr. Speaker, if the gentleman will yield, I look forward to that opportunity to explain it as my distinguished friend, the gentleman from New York (Mr. Horton) desires.

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, my reservation of the

3. 122 CONG. REC. 34080, 34085, 94th Cong. 2d Sess.

4. Carl Albert (Okla.).

point of order relates to the fact that I have not seen the amendment of the gentleman; and if suspension of the reading of the amendment is to be undertaken, that is, if we are not going to hear it, there will be some necessity for me, in order to be able to make a point of order, to see the amendment or to hear an explanation of it from the gentleman from Texas. I would like to see the amendment, if I could.

MR. BROOKS: Mr. Speaker, will the gentleman yield?

MR. BROWN of Ohio: I will be happy to yield to the gentleman from Texas on my reservation of objection.

THE SPEAKER: The gentleman from Texas can make his explanation under the reservation of objection which has already been made by the gentleman from New York (Mr. Horton), of the reservation of objection of the gentleman from Ohio (Mr. Brown). . . . Does the gentleman from Texas desire to make a brief explanation of the amendment? If not, the gentleman from Ohio (Mr. Brown) desires to have the amendment read.

MR. BROOKS: Mr. Speaker, as soon as I am recognized, I will be pleased to explain the amendment in detail.

THE SPEAKER: The Chair will state that at this time the gentleman from Texas can be recognized only if the gentleman from Ohio yields under his reservation.

MR. BROWN of Ohio: I yield.

Time Yielded Back Reverts to Member in Control

§ 31.35 A Member to whom time was yielded under the hour rule in the House may not, except by unanimous consent, reserve a portion of that time to himself; the unused time reverts to the Member controlling the hour who may subsequently yield further time to that Member.

The following proceedings occurred in the House on Feb. 8, 1972,[5] during consideration of House Resolution 164 (creating a select committee on privacy, human values, and democratic institutions):

MR. [RAY J.] MADDEN [of Indiana]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 164 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 164 . . .

Whereas the full significance and the effects of technology on society and on the operations of industry and Government are largely unknown. . . .

Resolved, That there is hereby created a select committee to be known as the Select Committee on Privacy, Human Values, and Democratic Institutions. . . .

MR. MADDEN: Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey (Mr. Gallagher).

MR. [CORNELIUS E.] GALLAGHER [of New Jersey]: Mr. Speaker, may I take 5 minutes now and reserve 5 minutes to the end of the debate since it is my bill?

5. 118 CONG. REC. 3181–84, 92d Cong. 2d Sess.

THE SPEAKER:[6] The gentleman may do that. Without objection, it is so ordered.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, reserving the right to object . . . is it in order to have a unanimous-consent request at a time like this when the time is controlled by the members of the Committee on Rules . . . ?

MR. GALLAGHER: . . . It was my understanding that I would have the time at the conclusion of debate.

MR. HALL: Mr. Speaker, I submit this is between the gentleman and the man handling the rule, and therefore I must object.

THE SPEAKER: The Chair will notify the gentleman when 5 minutes are up. . . .

The gentleman from New Jersey has consumed 5 minutes.

MR. GALLAGHER: Mr. Speaker, I reserve the balance of my time.

THE SPEAKER: . . . The gentleman from Indiana has control of the time. . . .

If the gentleman from Indiana desires to yield further time at this time he can do so.

§ 31.36 Debate time yielded back by a Member to whom time was yielded under the hour rule reverts to the Member in control of the hour.

During consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana) in the House on Mar. 4, 1985,[7] the following proceedings occurred:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity; Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

Resolved, That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE:[8] . . . The Chair recognizes the gentleman from Arkansas (Mr. Alexander).

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration. . . .

THE SPEAKER PRO TEMPORE: The gentleman is entitled to 1 hour under

6. Carl Albert (Okla.).

7. 131 CONG. REC. 4277, 4282, 4283, 99th Cong. 1st Sess.

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

that motion, during which time the gentleman from Arkansas controls the time. . . .

MR. ALEXANDER: Mr. Speaker, I would yield 30 minutes for purposes of debate only, to the gentleman from Illinois (Mr. Michel). . . .

MR. MICHEL: Mr. Speaker, I yield myself such time as I may consume. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Illinois has consumed 10 minutes. The gentleman from Illinois (Mr. Michel) has 20 minutes remaining, and the gentleman from Arkansas (Mr. Alexander) has 10 minutes remaining.

Does the gentleman from Illinois desire to yield additional time?

MR. MICHEL: I yield back the balance of my time, Mr. Speaker. . . .

MR. ALEXANDER: How much time do I have remaining?

THE SPEAKER PRO TEMPORE: The gentleman has 25 minutes remaining.

MR. ALEXANDER: I thank the Chair.

MR. MICHEL: Mr. Speaker, I reserve the right with one remaining speaker.

MR. ALEXANDER: Mr. Speaker, the gentleman yielded back the balance of his time.

THE SPEAKER PRO TEMPORE: Let the Chair state that the gentleman from Illinois—the Chair understood the gentleman from Illinois to yield back the balance of his time.

Majority Leader Recognized on Privileged Resolution Yielded One-half Time to Minority Leader

§ 31.37 Where the Majority Leader was recognized for one hour of debate on a privileged resolution creating an ad hoc legislative committee pursuant to Rule X, clause 5(c), he yielded one-half of the time to the Minority Leader.

Proceedings in the House relating to consideration of House Resolution 508 (creating an ad hoc committee on energy) on Apr. 21, 1977,[9] were as follows:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, pursuant to clause 5 of rule X, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 508

Resolved, (a) that pursuant to rule X, clause 5, the Speaker is authorized to establish an Ad Hoc Committee on Energy to consider and report to the House on the message of the President dated April 20, 1977. . . .

THE SPEAKER:[10] The Chair recognizes the gentleman from Texas (Mr. Wright).

(Mr. Wright asked and was given permission to revise and extend his remarks.)

MR. WRIGHT: Mr. Speaker, I yield myself such time as I may consume. This resolution authorizes the Speaker to appoint an ad hoc committee to

9. 123 CONG. REC. 11550, 95th Cong. 1st Sess.

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

receive the messages and the recommendations of the President of the United States with respect to the energy problems of this country. . . .

Mr. Speaker, I now yield 30 minutes to the distinguished minority leader, or such part of that time as he may consume, and reserve to myself the remainder of the time. I yield to the gentleman from Arizona for purposes of debate only.

More Than One Hour May Be Yielded Under Budget Act

§ 31.38 While normally the "hour" rule (clause 2 of Rule XIV) prohibits a Member controlling the floor from yielding more than one hour to another Member, a statutory provision constituting a House rule which specifically allocates larger amounts of time may permit more than one hour to be yielded.

Pursuant to section 305(a)(3) of the Congressional Budget Act of 1974 (Public Law 93–344, as amended by Public Law 95–523), a period of up to four hours for debate on economic goals and policies follows the presentation of opening statements on the first concurrent resolution on the budget by the chairman and ranking minority member of the Committee on the Budget. Thus, the chairman of the Committee on the Budget (or his designee managing the resolution) may yield for more than one hour to another Member to control a portion of the time for such debate, which is equally divided and controlled by the majority and minority. The following exchange occurred on Apr. 30, 1981:[11]

THE CHAIRMAN:[12] The Chair recognizes the gentleman from Missouri (Mr. Gephardt).

MR. [RICHARD A.] GEPHARDT [of Missouri]: It is my wish now to yield to the gentleman from California (Mr. Hawkins) for a discussion of the provisions of Humphrey-Hawkins which relate to this entire debate.

THE CHAIRMAN: How much time does the gentleman from Missouri wish to yield?

MR. GEPHARDT: It is my understanding under the previously arranged rule that I yield 4 hours; is that correct?

THE CHAIRMAN: Two hours, under the statute. Two on each side.

MR. GEPHARDT: I yield 2 hours to the gentleman from California (Mr. Hawkins).

Parliamentarian's Note: Although section 305(a)(3) does not specify that the four hours of debate is equally divided and controlled by the majority and minority, such has been the practice, which is consistent with the management of other general debate on the resolution.

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11. 127 CONG. REC. 8016, 97th Cong. 1st Sess.

12. Martin Frost (Tex.).

Special Order Speech—Yielding Portion of Time

§ 31.39 By unanimous consent, a Member recognized for one hour in the House for a "special-order speech" may yield a designated portion of that time to another Member, to be yielded in turn by that Member.

The following proceedings occurred in the House on July 17, 1985:[13]

MR. [WILLIAM F.] CLINGER [Jr., of Pennsylvania]: Mr. Speaker, I am delighted to be joined in this special order by my distinguished chairman, the chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey (Mr. Howard), and by my distinguished leader of the Economic Development Subcommittee, the gentleman from New York (Mr. Nowak).

Mr. Speaker, I ask unanimous consent to yield to the gentleman from New Jersey (Mr. Howard) 30 minutes of my special order time.

THE SPEAKER PRO TEMPORE:[14] Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MR. CLINGER: Mr. Speaker, I yield to my chairman.

MR. [JAMES J.] HOWARD [of New Jersey]: Mr. Speaker, I ask unanimous consent that I be permitted to yield a portion of the time yielded to me by the gentleman from Pennsylvania (Mr. Clinger) to other Members of the House.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Member Permitted by Unanimous Consent To Take Seat While Yielding

§ 31.40 A Member recognized to offer an amendment (to a substitute) under the five-minute rule was permitted, by unanimous consent, to take his seat while yielding to another Member for purposes of debate.

On July 28, 1983,[15] during consideration of H.R. 2760 (prohibition on covert assistance to Nicaragua) in the Committee of the Whole, the following proceedings occurred:

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Boland to the amendment offered by Mr. Mica as a substitute for the amendment offered by Mr. Young of Florida: . . .

MR. BOLAND: . . . Mr. Chairman, I yield to the gentleman from New York (Mr. Solarz).

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13. 131 CONG. REC. 19474, 19475, 99th Cong. 1st Sess.

14. Richard A. Gephardt (Mo.).

15. 129 CONG. REC. 21413, 21414, 98th Cong. 1st Sess.

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I thank the gentleman for yielding once more.

Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts (Mr. Boland) may sit while I engage in my remarks.

THE CHAIRMAN:[16] Is there objection to the request of the gentleman from New York?

There was no objection. . . .

MR. [E. THOMAS] COLEMAN of Missouri: Mr. Chairman . . . does the gentleman have the time or does the chairman have the time?

THE CHAIRMAN: The gentleman from Massachusetts (Mr. Boland) has the time.

MR. BOLAND: Mr. Chairman, would the gentleman yield?

MR. COLEMAN of Missouri: I yield.

MR. BOLAND: My understanding is that the gentleman from New York (Mr. Solarz) asked unanimous consent that I be permitted to sit and there was no objection to it. So I yielded the time to the gentleman from New York so he could continue.

§ 32. Interruption of Member With the Floor

A Member with the floor may not be interrupted, without his consent, for ordinary motions, inquiries, or questions of privilege.[17] He may be interrupted by a point of order but is entitled to the floor when the point of order is disposed of,[18] unless the point of order is directed towards the failure of the Member with the floor to observe the rules of debate, in which case the Member may be called to order and required to take his seat.[19] Messages and conference reports have interrupted Members in debate, usually by the request of the Chair that the Member speaking suspend his remarks.[20]

A Member who seeks to interrupt another in debate, by requesting him to yield, should address the Chair and through the Chair gain the consent of the Member with the floor.[1]

Cross References

Disorderly interruptions in debate, see § 42, infra.

Points of order interrupting consideration and debate, see Ch. 31, infra.

Quorum calls interrupting consideration and debate, see Ch. 20, supra.

Reception of messages, see Ch. 32, infra.

Yielding for interruptions, see §§ 29–31, supra.

16. William H. Natcher (Ky.).

17. See §§ 32.4–32.7, 32.14, infra.

18. See §§ 32.11–32.13, infra.

19. See §§ 33.1, 33.2, infra.

20. See § 32.18, infra.

1. See § 32.1, infra. Unauthorized interruptions may be stricken from the *Congressional Record* (see § 32.3, infra).

Seeking Permission To Interrupt

§ 32.1 A Member desiring to interrupt another in debate should address the Chair for the permission of the Member speaking.

On June 29, 1956,[2] Chairman Francis E. Walter, of Pennsylvania, sustained a point of order that a Member desiring to interrupt another in debate, by asking him to yield, should properly address the Chair for the permission of the Member speaking:

> MR. [RALPH W.] GWINN [of New York]: We had no exact testimony on the point before our committee.
>
> MR. [CLEVELAND M.] BAILEY [of West Virginia]: Will the gentleman yield?
>
> MR. GWINN: I would like to answer the question of the distinguished gentleman from Pennsylvania first.
>
> MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HOFFMAN of Michigan: The point of order is that a Member who seeks recognition must first address the Chair rather than inquire of the Member whether he will yield or not.
>
> THE CHAIRMAN: The point of order is sustained. The practice which has grown up here is not a good one. When a request is made for a Member to yield, the request should be made to the Chair and the Chair in turn submits the request to the speaker having the floor.

§ 32.2 A Member may interrupt another Member in debate only if the Member who has the floor yields for that purpose.

On Oct. 14, 1978,[3] the following exchange occurred in the Committee of the Whole:

> MR. PHILLIP BURTON [of California]: Mr. Speaker, a point of order. Would the gentleman talk a little more slowly so we could absorb these very simple questions he is asking?
>
> THE SPEAKER PRO TEMPORE:[4] The gentleman from Ohio (Mr. Ashley) has the time.
>
> MR. PHILLIP BURTON: Mr. Speaker, does the gentleman have another copy of these questions and answers?
>
> THE SPEAKER PRO TEMPORE: The gentleman from Texas (Mr. Charles Wilson) has the floor.
>
> MR. CHARLES WILSON of Texas: Mr. Speaker, I do not yield.
>
> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, will the gentleman yield?
>
> MR. CHARLES WILSON of Texas: I yield to the gentleman from Michigan.

—When Remarks of Member Interrupting May Be Stricken; Charging Time

§ 32.3 Where a Member interrupts another Member dur-

2. 102 CONG. REC. 11455, 84th Cong. 2d Sess.

3. 124 CONG. REC. 38378, 95th Cong. 2d Sess.

4. William H. Natcher (Ky.).

ing debate without being yielded to and without making a point of order, the time consumed by his remarks will not be charged against the debate time of the Member controlling the floor and his remarks will not be printed in the Record.

On Feb. 7, 1985,[5] the House had under consideration House Resolution 52, directing the prima facie seating of a Member-elect, who had been denied seating pending a committee report on the question of the final right to the seat in the 99th Congress. A motion was made to refer the resolution:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I offer a motion to refer.

THE SPEAKER:[6] The Clerk will report the motion.

The Clerk read as follows:

Mr. Wright moves to refer the resolution to the Committee on House Administration.

THE SPEAKER: The gentleman from Texas [Mr. Wright] is recognized for 1 hour.

MR. WRIGHT: Mr. Speaker, for purposes of debate only I yield 30 minutes to the gentleman from Minnesota [Mr. Frenzel] or his designees, and pending that I yield myself such time as I may consume. . . .

MR. [BILL] FRENZEL [of Minnesota]: Now, Mr. Speaker, there is not time to do everything. First let us talk about the 5,000 invalidated votes that Republicans stole; 96 percent of the invalidated votes in the recount were done by a recount commission appointed with 2-to-1 Democrats, by a Democrat judge, hardly a Republican shenanigan. . . .

This is a blockbuster vote. This is murder. This is a rape of a system. The issue is the ultimate abuse of representative government. We have an elected, certified Member. . . .

[Mr. Wright interjected remarks at this point.]

MR. FRENZEL: Mr. Speaker, I did not yield to the gentleman. Was he making a point of order?

THE SPEAKER: The Chair would probably understand, as does the gentleman, what the gentleman from Texas was doing. He was questioning whether the words should be taken down or not. But no point of order was made.

The gentleman from Minnesota will continue.

MR. FRENZEL: Mr. Speaker, may I ask the Speaker if I might get an appropriate amount of time extra, as the gentleman from Texas did?

THE SPEAKER: The gentleman will continue.

MR. FRENZEL: I thank the Speaker. If I may continue.

THE SPEAKER: The remarks of the gentleman from Texas are not taken out of the time of the gentleman from Minnesota. . . .

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

THE SPEAKER: The gentleman will state his parliamentary inquiry.

5. 131 CONG. REC. 2220, 2229, 2231, 99th Cong. 1st Sess.

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

MR. FRENZEL: Mr. Speaker, my inquiry is will the Speaker protect my request to strike the intrusion into my discussion by the distinguished majority leader, the gentleman from Texas [Mr. Wright], under Deschler's Precedents, and this is volume 8, section 24.65, which says that—

> A Member desiring to interrupt another in debate should address the Chair for permission. If the Member having the floor declines to yield, he may strike from the record.

THE SPEAKER: As to the remarks of the gentleman from Texas [Mr. Wright], which were not a point of order in view of the fact that the gentleman from Minnesota [Mr. Frenzel] had the time and did not yield to the gentleman from Texas [Mr. Wright], the remarks of the gentleman from Texas [Mr. Wright] will not be printed in the Record.

Similarly, the question of the effect of remarks interjected into debate by one not properly recognized arose on Apr. 19, 1937,(7) on which date Speaker William B. Bankhead, of Alabama, answered a parliamentary inquiry on the requirement that Members seeking to interrupt a Member with the floor obtain recognition from the Chair and obtain consent of the Member with the floor:

MR. [EDWARD W.] CURLEY [of New York]: Last Thursday, April 15, during the discussion of the antilynching bill, I submitted two questions to the gentleman from New York [Mr. Wadsworth]. Upon reading the Congressional Record the following day I found they were omitted. . . .

What I wish to know Mr. Speaker, is whether or not I can have the permanent Record corrected so as to include the two questions and the offside remark that went with them?

THE SPEAKER: Will the gentleman from New York allow the Chair to ask him a question before ruling on the gentleman's inquiry?

MR. CURLEY: Certainly.

THE SPEAKER: Did the gentleman from New York address the Chair and ask whether or not the gentleman from New York [Mr. Wadsworth], then occupying the floor, would yield?

MR. CURLEY: I did, Mr. Speaker. I think the gentleman from New York [Mr. O'Connor] was presiding on both occasions.

THE SPEAKER: Did the gentleman from New York [Mr. Wadsworth] yield?

MR. CURLEY: The gentleman from New York [Mr. Wadsworth] did not yield, and so stated. But not long thereafter the gentleman from New York [Mr. Gavagan] asked the same questions, received the same reply, that the gentleman from New York [Mr. Wadsworth] did not yield; yet the questions and remarks of the gentleman from New York [Mr. Gavagan] are incorporated in the Congressional Record.

THE SPEAKER: This is a rather important inquiry that the gentleman from New York [Mr. Curley] has submitted. It has not been raised, so far as the Chair recalls, during the present session of Congress. In order that the rights of Members may be

7. 81 CONG. REC. 3588, 3589, 75th Cong. 1st Sess.

protected, and that the Members may know what the rules and precedents are with respect to this proposition, the Chair will read from section 3466, volume 8, of Cannon's Precedents of the House of Representatives, the following statement:

> The Speaker may order stricken from the notes of the reporters remarks made by Members who have not been recognized and to whom the Member having the floor has declined to yield. . . .

The Chair may say that in conformity with this precedent, and what the Chair conceives to be sound procedure, the rule should be reiterated that when a Member is occupying the floor and a Member after addressing the Chair and asking the Member then occupying the floor if he will yield for a question or for an interruption, and the gentleman then speaking declines to yield, it is not proper for a Member nevertheless to interject into the Record some remarks which he desires to make.

Speaker Bankhead also answered a parliamentary inquiry on the right of Members, when revising the *Congressional Record*, to delete from their remarks statements interposed by other Members not yielded time:

MR. [CASSIUS C.] DOWELL [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. DOWELL: When a Member has the floor and declines to yield, and no one is recognized to propound a parliamentary inquiry or direct an inquiry to the gentleman having the floor, and the other Member, not being recognized by the Chair, makes some statement, has not the Member who has the floor the right to leave those injected remarks out of the record?

THE SPEAKER: Under the decision referred to by the Chair, undoubtedly the Member interrupted would have the right to strike those remarks from the Record.[8]

Interruption by Motions—To Close Debate

§ 32.4 A Member having the floor in debate on his amendment may not be interrupted without his consent by a motion to close debate.

On Aug. 21, 1940,[9] Mr. John C. Schafer, of Wisconsin, offered an amendment under the five-minute rule in the Committee of the Whole and was recognized for five minutes. The proceedings were as follows:

THE CHAIRMAN:[10] The gentleman from Wisconsin is recognized for 5 minutes.

MR. SCHAFER of Wisconsin: Mr. Chairman——

8. If a Member with the floor declines to yield for a statement or question but then responds to such an interruption, he may not in his revision of remarks delete the interpolation. See 81 CONG. REC. 3669, 3670, 75th Cong. 1st Sess., Apr. 20, 1937.
9. 86 CONG. REC. 10698, 76th Cong. 3d Sess.
10. Abe Murdock (Utah).

MR. [HENRY B.] STEAGALL [of Alabama]: Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

MR. [JESSE P.] WOLCOTT [of Michigan]: Mr. Chairman, I object.

MR. STEAGALL: Mr. Chairman, I move that all debate on this section——

MR. SCHAFER of Wisconsin: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. SCHAFER of Wisconsin: Mr. Chairman, I did not yield to the gentleman from Alabama to submit a unanimous-consent request or to make a motion. I have some rights here under the rules of the House. I demand the regular order, and that is that I be permitted to continue without interruption.

THE CHAIRMAN: The gentleman is recognized for 5 minutes, but there is a motion before the House.

MR. SCHAFER of Wisconsin: Mr. Chairman, I make the point of order against that motion. I did not yield for the gentleman to make a motion. I had the floor. The gentleman did not ask me to yield and I did not yield. I have some rights under the rules of the House and I ask that they be respected by the gentleman who has interrupted even though he is chairman of the important committee in charge of the pending legislation.

THE CHAIRMAN: The gentleman from Wisconsin is recognized for 5 minutes.

—*To Rise*

§ 32.5 In the Committee of the Whole, a Member may not be interrupted by a motion to rise while he has the floor, unless he yields for that purpose.

On Mar. 12, 1964,[11] Chairman Chet Holifield, of California, stated in response to a parliamentary inquiry that unless the Member with the floor yielded for that purpose, another Member could not move that the Committee rise:

THE CHAIRMAN: Does the gentleman yield for a parliamentary inquiry?

MR. [ROBERT J.] CORBETT [of Pennsylvania]: I yield to the gentleman.

THE CHAIRMAN: The gentleman is recognized.

MR. [AUGUST E.] JOHANSEN [of Michigan]: Would a motion that the Committee rise be in order at this time?

THE CHAIRMAN: If the gentleman from Pennsylvania yields for that purpose.

MR. CORBETT: Mr. Chairman, I cannot yield further.

—*To Adjourn*

§ 32.6 A Member holding the floor may not be interrupted by a motion to adjourn unless he yields for the motion.

On Apr. 24, 1956,[12] Mr. Carl Vinson, of Georgia, was speaking under a special-order agreement.

11. 110 CONG. REC. 5101, 88th Cong. 2d Sess.
12. 102 CONG. REC. 6891, 84th Cong. 2d Sess.

Mr. Wayne L. Hays, of Ohio, moved that the House adjourn after Mr. William M. Colmer, of Mississippi, had made a point of no quorum. Speaker Sam Rayburn, of Texas, ruled:

> If the gentleman from Georgia retains the floor, that motion is not in order.[13]

Parliamentarian's Note: This principle does not hold true if a point of order of no quorum is made during debate and the Chair announces that a quorum is not present; Rule XV, clause 6, has been amended, however, to prohibit points of order of no quorum during debate only.

Parliamentary Inquiries

§ 32.7 A Member may not be taken from the floor for a parliamentary inquiry.

On May 26, 1960,[14] Mr. Donald R. Matthews, of Florida, had the floor in the Committee of the Whole and Mr. Cleveland M. Bailey, of West Virginia, attempted to state a parliamentary inquiry. Chairman Aime J. Forand, of Rhode Island, ruled that Mr. Matthews could not be interrupted by Mr. Bailey for a parliamentary inquiry without his consent.[15]

§ 32.8 A Member may not be interrupted by another Member for a parliamentary inquiry without his consent and if the Member who has the floor refuses to yield and demands regular order the Chair will not recognize another Member to propound a parliamentary inquiry.

On July 8, 1975,[16] the proceedings described above occurred in the Committee of the Whole, as follows:

> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Dingell to the amendment in the nature of a substitute offered by Mr. Hébert: . . .
>
> MR. DINGELL: Mr. Chairman, this is an amendment about which my colleagues have received communications in the last few days from the Sierra Club and from other nationwide conservation organizations. . . .

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13. For an occasion where a Member recognized for one hour on a special order was interrupted, with his consent, for a motion to suspend the rules made by another Member, see § 73.19, infra.

14. 106 CONG. REC. 11267, 11268, 86th Cong. 2d Sess.

15. See also 114 CONG. REC. 30217, 90th Cong. 2d Sess., Oct. 8, 1968; and 110 CONG. REC. 1998, 88th Cong. 2d Sess., Feb. 5, 1964.

16. 121 CONG. REC. 21628, 94th Cong. 1st Sess.

MR. [DON] YOUNG of Alaska: Mr. Chairman, I have a point of order to the germaneness of this amendment.

MR. DINGELL: Mr. Chairman, I do not yield for the point of order. The point of order is too late.

THE CHAIRMAN:[17] The Chair rules that the point of order is too late.

MR. YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

MR. DINGELL: Mr. Chairman, may we have the regular order. . . .

THE CHAIRMAN: The gentleman from Michigan (Mr. Dingell) refuses to yield.

MR. YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: That could only be made before the gentleman from Michigan was recognized with respect to his amendment. . . .

MR. DINGELL: Mr. Chairman, I ask for the regular order.

THE CHAIRMAN: The gentleman from Michigan (Mr. Dingell) refuses to yield.

Under regular order, the gentleman from Michigan (Mr. Dingell) is recognized.

§ 32.9 A Member may not interrupt another Member in debate by a parliamentary inquiry unless the Member having the floor yields for that purpose.

The following exchange occurred in the House on Feb. 25, 1985:[18]

THE SPEAKER PRO TEMPORE:[19] Under a previous order of the House, the gentleman from Georgia (Mr. Gingrich) is recognized for 60 minutes.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I am going to insert in the Record today and read into the Record several editorials, one from the Atlanta Journal and Constitution yesterday, Sunday, February 24, and one this morning from the Wall Street Journal. . . .

MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Speaker, parliamentary inquiry. . . .

MR. GINGRICH: Mr. Speaker, the gentlewoman has not asked me to yield, and I was in fact making an inquiry myself to the Chair. I was asking the Chair to rule in this sort of setting if one is reporting to the House on the written opinion of a columnist in which the columnist has said very strong things, is it appropriate for the House to be informed of this and, if so, what is the correct procedure?

THE SPEAKER PRO TEMPORE: The ruling of the Chair is that the gentleman should not read into the Record things which would clearly be outside the rules of this House. . . .[20]

MS. OAKAR: I am going to ask my own parliamentary inquiry. . . .

THE SPEAKER PRO TEMPORE: Will the gentleman yield to the gentlewoman for a parliamentary inquiry?

MR. GINGRICH: Not at the present moment. . . .

THE SPEAKER PRO TEMPORE: Let the gentleman continue with his parliamentary inquiry.

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17. Neal Smith (Iowa).

18. 131 CONG. REC. 3344, 3346, 99th Cong. 1st Sess.

19. Sam B. Hall, Jr. (Tex.).

20. For discussion of the prohibition against reading in debate of press accounts which are personally critical of a sitting Member, see § 83, infra.

MR. GINGRICH: I might tell the gentlewoman that since this is a special order that she cannot get the floor unless I yield it to her.

THE SPEAKER PRO TEMPORE: The Chair will make the rulings. . . .

The gentleman from Georgia (Mr. Gingrich) is recognized.

—*Parliamentary Inquiry and Point of Order*

§ 32.10 A Member having the floor may not be interrupted by another Member raising a parliamentary inquiry unless he yields for that purpose, but the Chair must permit an interruption to rule on any point of order raised during debate.

On Dec. 18, 1987,[1] during consideration of a privileged resolution (H. Res. 335, disciplining a Member) in the House, the following proceedings occurred:

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I call up a privileged resolution (H. Res. 335) in the matter of Representative Austin J. Murphy, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 335

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated December 16, 1987, in the matter of Representative Austin J. Murphy of Pennsylvania. . . .

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I commend the committee for its report and its recommendation. . . .

This committee's earlier report on the gentleman from Rhode Island should be reexamined with this new yardstick. The committee's letter on the gentlewoman from Ohio should be scrutinized with this new yardstick. The admission of $24,000 in election law violations by the gentleman from California should be held up to this new yardstick.

Finally, the numerous allegations about the Speaker must be——

MR. [TOMMY F.] ROBINSON [of Arkansas]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[2] The gentleman will state it.

MR. ROBINSON: Mr. Speaker, I thought we were here today to hear a very serious charge against one of our colleagues from Pennsylvania, not from California or other States.

THE SPEAKER PRO TEMPORE: Will the gentleman suspend? Does the gentleman from Georgia yield?

MR. GINGRICH: No, I do not yield, Mr. Speaker.

MR. ROBINSON: Mr. Speaker, I raise a point of order.

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

MR. ROBINSON: Mr. Speaker, my point of order is that we are here to consider the committee's report against our colleague Austin Murphy and not

1. 133 CONG. REC. 36266, 36271, 100th Cong. 1st Sess.

2. Dave McCurdy (Okla.).

against other Members today that the charges have not been substantiated or presented to the committee.

MR. GINGRICH: Would the Chair——

THE SPEAKER PRO TEMPORE: Will the gentleman suspend?

The [gentleman] will yield on the point of order.

On the debate currently ongoing, there can be references made to other cases reported by the committee, not by individual or by name. The gentleman from Georgia, as the Chair understands, has not mentioned other individuals and the gentleman from Arkansas——

MR. ROBINSON: Mr. Speaker, he has, too.

THE SPEAKER PRO TEMPORE: The gentleman may compare disciplinary actions reported by the committee and should confine his remarks to the matters before the House.

Point of Order and Call of the House

§ 32.11 A Member stating a question of privilege may be interrupted by a point of order relating thereto.

On June 30, 1939,[3] Mr. Clare E. Hoffman, of Michigan, was in the process of stating a point of personal privilege based on an insertion in the *Congressional Record*. Mr. Hoffman was interrupted by several points of order on the grounds that a question of privilege was not stated and on the grounds that Mr. Hoffman was not confining his remarks to the question of privilege. Mr. Hoffman objected to the interruptions and stated that he did not yield for a point of order. Speaker William B. Bankhead, of Alabama, ruled that a Member making a point of order was entitled to recognition while the question of privilege was being stated.

—Special Order Interrupted by Call of the House; Member Regains Floor After Motion To Dispense With Proceedings

§ 32.12 When a Member holding the floor under a special order is interrupted by a call of the House, he is again entitled to the floor when a motion to dispense with further proceedings under the call has been agreed to.

On June 4, 1963,[4] two special-order speeches were scheduled, the first by Mr. Clark MacGregor, of Minnesota. Mr. MacGregor was repeatedly interrupted by quorum calls which demonstrated a quorum as being present. Mr. MacGregor retained the right to the floor pending each quorum call,

3. 84 CONG. REC. 8468, 8469, 76th Cong. 1st Sess.

4. 109 CONG. REC. 10151–65, 88th Cong. 1st Sess.

and he resumed after a motion to dispense with further proceedings under a call had been agreed to.

Point of No Quorum

§ 32.13 A point of no quorum is a privileged matter and is in order at any time, even when a Member has the floor in debate.

On May 4, 1949,[5] in the Committee of the Whole, Chairman Henry M. Jackson, of Washington, ruled that a motion to adjourn was not in order and that the motion that the Committee rise could not be made unless the Member with the floor yielded for that purpose. Mr. Donald W. Nicholson, of Massachusetts, then made the point of order that a quorum was not present. Mr. Monroe M. Redden, of North Carolina, objected that Mr. Nicholson was out of order since he had not asked the Member with the floor [Mr. Miller] to yield for that purpose. Chairman Jackson ruled:

> The Chair will state that a point of order based on no quorum is a privileged matter and is in order at any time.

On July 12, 1949,[6] in the Committee of the Whole, Mr. William R. Poage, of Texas, who had the floor, declined to yield to Mr. Wayne L. Hays, of Ohio. Mr. Hays then made the point of order that a quorum was not present. Mr. John E. Rankin, of Mississippi, objected that Mr. Poage had not yielded for that purpose, but Chairman Charles M. Price, of Illinois, overruled the point of order:

> MR. RANKIN: Mr. Chairman, a point of order: A Member has no right to interrupt the speaker to make a point of no quorum.
>
> THE CHAIRMAN: A point of no quorum may be made at any time.
>
> MR. RANKIN: The gentleman from Texas did not yield for that point.
>
> THE CHAIRMAN: The point of no quorum is in order at any time.

Question of Personal Privilege

§ 32.14 A Member may not be deprived of the floor by another raising a question of personal privilege.

On July 5, 1945,[7] Mr. Malcolm C. Tarver, of Georgia, offered a motion to correct the Record, in order to accurately record a colloquy occurring between himself and Mr. John E. Rankin, of Mississippi. Mr. Rankin sought recognition to be heard in opposition to the motion, but Speaker Sam

5. 95 CONG. REC. 5616, 5617, 81st Cong. 1st Sess.
6. *Id.* at p. 9312.
7. 91 CONG. REC. 7221–25, 79th Cong. 1st Sess.

Rayburn, of Texas, ruled that Mr. Tarver had the floor. Mr. Rankin then attempted to raise a question of personal privilege. The Speaker ruled:

> The gentleman cannot take the gentleman from Georgia off the floor by a question of personal privilege. The only way he could do it would be by a point of order that a quorum is not present.

§ 32.15 A question of personal privilege cannot take another Member from the floor.

The following proceedings occurred in the House on Sept. 29, 1983:[8]

> MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I hope that within the next few minutes I can maintain my balance. I have really become so nauseated by the drivel I have heard from the gentleman from Arkansas (Mr. Alexander). He leaves out one important component about what contributes to deficits. Blaming the President for deficits is just unconscionable.
>
> No President, Republican or Democrat, whatever, can spend one dime unless this Congress first appropriates. . . .
>
> I am serving my 27th year in this Congress, always as a member of the minority party, and I will tell the Members that I have been down in this well supporting amendments to cut funding, and I will stack that record of mine up against that of the gentleman from Arkansas and any other Member who spoke on the Democratic side tonight. . . .
>
> MR. [BILL] ALEXANDER [of Arkansas]: Mr. Speaker, will the gentleman yield?
>
> MR. MICHEL: I will accord the gentleman the same courtesy he gave me. I will wait until the end of my remarks.
>
> MR. ALEXANDER: Well, the gentleman mentioned my name. I assert a point of personal privilege.
>
> MR. MICHEL: I know. And the gentleman referred to my name, too, so we will just accord him the same courtesy.
>
> MR. ALEXANDER: Mr. Speaker——
>
> MR. MICHEL: I refuse to yield, Mr. Speaker.
>
> MR. ALEXANDER: Mr. Speaker, I assert a point of personal privilege. The gentleman used my name, and I would like to assert a point of personal privilege.
>
> THE SPEAKER PRO TEMPORE:[9] The gentleman from Mississippi (Mr. Lott) controls the time and cannot be taken from the floor by a point of personal privilege.
>
> MR. [TRENT] LOTT [of Mississippi]: I do not yield, Mr. Speaker. I yielded to the gentleman from Illinois.
>
> THE SPEAKER PRO TEMPORE: The time is that of the gentleman from Mississippi.
>
> MR. LOTT: And I continue to yield to the gentleman from Illinois.
>
> MR. MICHEL: The Democratic Presidential contender, Ernest Hollings, said it best, I think: "Every time a special interest appeared, we responded."

Interruption To Reserve Objection

§ 32.16 Where a Member has been recognized for one hour

8. 129 CONG. REC. 26508, 26509, 98th Cong. 1st Sess.

9. Matthew F. McHugh (N.Y.).

of debate, and makes a unanimous-consent request, any time consumed by a Member who reserves the right to object to that request is not charged to the Member who has been recognized for an hour.

On Apr. 15, 1970, Mr. Louis C. Wyman, of New Hampshire, was recognized for one hour of debate for a special-order speech. As he began his remarks, he asked unanimous consent to revise and extend his remarks and include extraneous matter. Mr. Phillip Burton, of California, reserved the right to object and made several remarks on the pending resolution. In response to a parliamentary inquiry, Speaker John W. McCormack, of Massachusetts, ruled that Mr. Wyman still had one hour of debate available on his unanimous-consent request and that the time consumed by Mr. Burton would not be charged to Mr. Wyman's hour.(10)

Perfecting Amendment May Not Be Offered While Member Debating Motion To Strike

§ 32.17 While a motion to strike a pending portion of a bill will be held in abeyance until perfecting amendments to that portion are disposed of, a Member who has been recognized to debate his motion to strike may not be deprived of the floor by another Member who seeks to offer a perfecting amendment, but the perfecting amendment may be offered and voted on before the question is put on the motion to strike.

During consideration of H.R. 10024 (Depository Institutions Amendments of 1975) in the Committee of the Whole on Oct. 31, 1975,(11) the following proceedings occurred:

> MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Rousselot: Beginning on page 10, line 18, strike all that follows through page 188, line 10.
>
> MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I have a parliamentary inquiry. . . .
>
> I believe that under the rules of the House since this amendment involves a motion to strike the title, that perfecting amendments that are at the desk take precedence over such a motion to strike a title. Is that not correct?

10. 116 CONG. REC. 11917, 11918, 91st Cong. 2d Sess.

11. 121 CONG. REC. 34564, 34565, 34566, 94th Cong. 1st Sess.

THE CHAIRMAN:[12] That is true, if any are offered. . . .

MR. [JOHN J.] MOAKLEY [of Massachusetts]: Mr. Chairman, I might state that I was standing when the Chairman recognized the gentleman from California (Mr. Rousselot), and I have a perfecting amendment at the desk.

THE CHAIRMAN: The Chair will state that the amendment offered by the gentleman from California, Mr. Rousselot, is pending now, and that the gentleman from California has been recognized. The gentleman may offer his perfecting amendment after the gentleman from California has completed his five minutes in support of his amendment to strike.

Messages and Conference Reports

§ 32.18 Both the reception of a message from the Senate and the consideration of a conference report are highly privileged matters and may interrupt the consideration of a bill, even though the previous question has been ordered thereon.

On May 3, 1961,[13] the Committee of the Whole rose and reported back to the House H.R. 6441, to amend the Federal Water Pollution Control Act. Speaker Sam Rayburn, of Texas, stated that pursuant to the rule the previous question was ordered.

The Speaker then interrupted the further consideration of the bill to receive a message from the Senate that the Senate had agreed to a conference report on H.R. 3935 (to amend the Fair Labor Standards Act), and to recognize Mr. Adam C. Powell, of New York, to call up the conference report on H.R. 3935.

Parliamentarian's Note: When a Member with the floor suspends temporarily for the reception of a message or conference report or other pressing legislative business, the time consumed by the interruption is not charged to his time. See, for example, § 73.19, infra, where a Member occupying the floor for a "special order speech" suspended for a motion to suspend the rules and consumed the remainder of his time following adoption of the motion.[14]

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12. Spark M. Matsunaga (Ha.).

13. 107 CONG. REC. 7172, 87th Cong. 1st Sess.

14. The Speaker may request the Member with the floor to suspend for the reception of a message [see *House Rules and Manual* § 561 (1995)]. The presentation and consideration of a conference report is highly privileged [see Rule XXVIII clause 1(a) and comments thereto, *House Rules and Manual* § 909 (1995)], and takes precedence over the operation of the previous question on another measure.

§ 33. Losing or Surrendering Control

A Member in control of time may voluntarily surrender the floor by simply so stating,[15] by withdrawing the measure he is managing,[16] or by yielding for the offering of a motion or an amendment.[17]

A Member loses the floor, without the right to resume, if he yields for an amendment,[18] if he is ruled out of order for disorderly language and is not permitted by the House to proceed in order,[19] or if he yields the floor without moving the previous question.[20]

A Member may lose the floor if he yields for an ordinary motion, but he does not lose the floor if he yields for the motion to adjourn[1] or that the Committee of the Whole rise, and he does not lose the floor, when managing a conference report and amendments in disagreement, if a preferential motion is offered.[2]

15. See §§ 33.10, 33.11, infra.

16. See § 33.3, infra.

Withdrawal of bills, see Ch. 24, supra.

17. See § 30, supra.

18. See §§ 33.4–33.6, 33.8, infra.

19. See § 33.1, infra.

20. See §§ 29.9, 29.10, supra.

1. See § 30.17, supra.

2. See § 17.38, supra.

Cross References

Use of previous question, see Ch. 23, supra.

Yielding for amendments, see § 30, supra.

Yielding for motions, see § 30, supra.

Member Called to Order for Unparliamentary Words

§ 33.1 A Member called to order for words spoken in debate is required to take his seat, and where the words are held unparliamentary, he may not proceed without the consent of the House.

On Oct. 31, 1963,[3] Mr. Edgar Franklin Foreman, of Texas, was called to order for referring to another Member of the House as a "pinko." Speaker John W. McCormack, of Massachusetts, ruled that "to characterize any Member of the House as a 'pinko' is in violation of the rules."

Objection was then made to unanimous-consent requests to explain the remarks objected to and to allow Mr. Foreman to proceed in order:

> MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I desire to propound a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.

3. 109 CONG. REC. 20742, 88th Cong. 1st Sess.

MR. HALLECK: Mr. Speaker, I understand that the ruling of the Chair was that the use of the word "pinko" involves a violation of the rules of the House.

THE SPEAKER: That is correct.

MR. HALLECK: Under those circumstances may not the gentleman from Texas be permitted to continue with the balance of his statement?

THE SPEAKER: Only by permission of the House.

MR. HALLECK: Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Foreman] be permitted to continue with the balance of his statement.

THE SPEAKER: In order?

MR. HALLECK: Yes, sir.

THE SPEAKER: Is there objection to the request of the gentleman from Indiana?

MR. [JOHN J.] ROONEY [of New York]: Mr. Speaker, I object.

MR. [BRUCE R.] ALGER [of Texas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ALGER: I do not know the accuracy of Jefferson's Manual in this respect, but it says—and I am reading from the manual:

> Disorderly words are not to be noticed till the Member has finished his speech.

THE SPEAKER: The Chair will state that in accordance with the custom and under the rules the demand may be made to take down the words during a speech.[4]

Irrelevant Remarks

§ 33.2 Where a rule provides that debate in the Committee of the Whole shall be confined to the bill, a Member must confine his remarks to the bill and if he continues to talk to other matters after repeated points of order, the Chair will request that he take his seat.

On Mar. 29, 1944,[5] the Committee of the Whole House on the State of the Union was considering H.R. 4257, to expatriate or exclude certain persons for evading military service. (The House had adopted H. Res. 482 providing for the consideration of the bill in Committee of the Whole, general debate to be "confined to the bill.")

Mr. Emanuel Celler, of New York, requested unanimous consent to speak out of order, and Mr. Noah M. Mason, of Illinois, objected to the request on the ground that "under the rule adopted by the House, debate on this bill is to be restricted to the bill."

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4. For discussion of the requirement that a Member called to order must take his seat, see §§ 49 et seq., infra. A Member whose words are demanded to be taken down may retain the floor by obtaining unanimous consent for the withdrawal of the words (see § 51, infra) or by permission of the House (see § 52, infra).

5. 90 CONG. REC. 3263, 78th Cong. 2d Sess.

Mr. Celler was then called to order twice for speaking on a subject irrelevant to the bill, such as the conduct of certain other nations in relation to the American war effort. When Mr. Celler continued to speak out of order, the following exchange took place (Chairman James Domengeaux [La.], presiding):

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Chairman, I rise to a point of order.

THE CHAIRMAN: The gentleman will state the point of order.

MR. SABATH: The gentleman is not speaking to the bill. He has been admonished several times, he has refused, and I am obliged to make the point of order myself, though I regret it.

THE CHAIRMAN: The point of order is sustained and the gentleman is again requested to confine himself to the bill.

MR. MASON: Mr. Chairman, a parliamentary inquiry. How many times do we have to call the gentleman to order and try to get him to confine his remarks to the bill before the privilege of the House is withdrawn?

THE CHAIRMAN: This will be the last time. If the gentleman does not proceed in order, he will be requested to take his seat.[6]

Withdrawal of Pending Resolution

§ 33.3 The manager of a resolution providing for a special rule, pending when a recess had been declared to await the copy of an engrossed bill, retained the floor, but then withdrew the special rule from consideration.

On Apr. 8, 1964,[7] the House was considering House Resolution 665, offered by Mr. Richard Bolling, of Missouri, from the Committee on Rules, providing for taking a bill from the Speaker's table and agreeing to Senate amendments thereto. Before a vote was had on the resolution, Speaker John W. McCormack, of Massachusetts, declared a recess pending the receipt of an engrossed bill, H.R. 10222, the Food Stamp Act of 1964. When the House reconvened, the Speaker announced that the unfinished business was the reading of the latter bill. Mr. Oliver P. Bolton, of Ohio, made a parliamentary inquiry as to the status of the resolution pending at the recess and the Speaker, without responding

6. Special orders may provide that general debate in the Committee of the Whole be confined to the bill. See generally, for the requirement that debate be confined to the subject matter, §§ 35 et seq., infra. Rule XIV clause 1, *House Rules and Manual* § 749 (1995) requires that a Member confine himself to the subject under debate.

7. 110 CONG. REC. 7302–04, 88th Cong. 2d Sess.

to the inquiry, recognized Mr. Bolling, the manager of the resolution, who then withdrew the resolution from consideration.[8]

Yielding for Amendment

§ 33.4 A Member controlling time for debate in the House who yields to another Member to offer an amendment loses the floor and the right to move the previous question.

On Mar. 13, 1939,[9] Mr. Howard W. Smith, of Virginia, offered at the direction of the Committee on Rules House Resolution 113, authorizing a committee investigation. When the previous question was rejected, Speaker William B. Bankhead, of Alabama, ruled that Mr. Carl E. Mapes, of Michigan, opposed to the resolution, was entitled to recognition for one hour. Mr. Mapes inquired whether he could yield to another Member to offer an amendment and the Speaker responded that if he yielded for an amendment, he would lose control of the floor (and of the right to move the previous question).[10]

§ 33.5 Where the Member in charge of a resolution under the hour rule yields to another for the purpose of offering an amendment, he loses control of the floor and the sponsor of the amendment is given control.

On Mar. 27, 1945,[11] Speaker Sam Rayburn, of Texas, stated in response to a parliamentary inquiry that since the chairman of the Committee on Rules, Mr. Edward E. Cox, of Georgia, controlling debate on House Resolution 195, creating a select committee, yielded for an amendment to the resolution, he lost the floor and the sponsor of the amendment, Mr. Clinton P. Anderson, of New Mexico, gained control for one hour.

§ 33.6 The Member controlling the time for debate on his motion to instruct House managers at a conference loses the floor if he yields for an amendment.

On Feb. 8, 1965,[12] Mr. Robert H. Michel, of Illinois, was in con-

8. Where a Member consumes part of the hour on a resolution he has offered and then withdraws it, he may be entitled to a full hour when he again offers the resolution (see § 24.8, supra).

9. 84 Cong. Rec. 2663–73, 76th Cong. 1st Sess.

10. See also 102 Cong. Rec. 6264, 6265, 84th Cong. 2d Sess., Apr. 12, 1956.

11. 91 Cong. Rec. 2861, 2862, 79th Cong. 1st Sess.

12. 111 Cong. Rec. 2099, 89th Cong. 1st Sess.

trol of time for debate on a motion to instruct House managers at a conference, which motion he had offered. Mr. Michel yielded for five minutes to Mr. Odin Langen, of Minnesota. Mr. Langen then attempted to offer an amendment. Speaker John W. McCormack, of Massachusetts, inquired whether Mr. Michel yielded for that purpose and Mr. Michel stated that he would yield for the amendment. The Speaker advised Mr. Michel:

> The Chair will state that the gentleman from Illinois will lose the floor when he yields for that purpose.

Mr. Michel declined to yield for the offering of the amendment.

§ 33.7 The manager of a conference report controlling the floor on a motion to dispose of an amendment in disagreement, by yielding to another Member to offer an amendment to his motion, loses the floor and the Member to whom he has yielded controls one hour of debate on his amendment and may move the previous question on his amendment and on the original motion.

During consideration of the conference report on H.R. 7933 (the Defense Department appropriation bill for fiscal year 1978) in the House on Sept. 8, 1977,[13] the following proceedings occurred:

> MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I hope we have had a fair debate on the issues. My motion provides for the continuation of the B–1 program, and I rise in further support of my motion and in opposition to the Addabbo amendment.
>
> By previous arrangement, in order to be absolutely fair with the House and give the House an opportunity to work its will, I yield to the gentleman from New York (Mr. Addabbo) for the purpose of offering an amendment.
>
> MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Speaker, I offer an amendment to the motion offered by the gentleman from Texas (Mr. Mahon).
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Addabbo to the motion offered by Mr. Mahon: In lieu of the sum proposed to be inserted by said motion insert: "$6,262,000,000".
>
> MR. ADDABBO: Mr. Speaker, I will not take the hour. By previous arrangement and agreement with the chairman of the full committee, the gentleman from Texas (Mr. Mahon), who has been kind enough to recognize me at this time for the purpose of offering this amendment, the agreement was that I would after offering the substitute move the previous question so that we would have a clear vote on the question of whether or not to fund the B–1. . . .

13. 123 CONG. REC. 28130–32, 95th Cong. 1st Sess. For current practice regarding control of debate on conference reports and related matters under Rule XXVIII, see, e.g. § 34.15, infra; and see, generally, § 17, supra.

Mr. Speaker, I move the previous question on the amendment to the motion.

The previous question was ordered.

THE SPEAKER PRO TEMPORE:[14] The question is on the amendment offered by the gentleman from New York (Mr. Addabbo) to the motion offered by the gentleman from Texas (Mr. Mahon).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 202, nays 199, not voting 33. . . .

So the amendment to the motion was agreed to.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Texas (Mr. Mahon), as amended.

The motion, as amended, was agreed to.

—Yielding for Amendment to Amendment

§ 33.8 A Member controlling time for debate in the House on his amendment loses control of the floor if he yields for the purpose of having another amendment offered.

On Mar. 13, 1939,[15] Mr. Howard W. Smith, of Virginia, of the Committee on Rules called up House Resolution 113, authorizing the Committee on the District of Columbia to investigate the milk industry in the District. Mr. Smith moved the previous question and it was rejected. Speaker William B. Bankhead, of Alabama, recognized Mr. Carl E. Mapes, of Michigan, to control one hour of debate in opposition to the resolution. In response to numerous parliamentary inquiries, the Speaker stated that Mr. Mapes could not accept an amendment to the amendment he proposed, or yield to another Member to offer an amendment, without losing control of the floor and losing the right to move the previous question on the resolution and on his amendment.

§ 33.9 Where a Member calling up a measure in the House offers an amendment and then yields to another Member to offer an amendment to his amendment, he loses the floor and the Member to whom he yielded is recog-

14. George E. Brown, Jr. (Calif.).

15. 84 CONG. REC. 2663–73, 76th Cong. 1st Sess.

nized for one hour and may move the previous question on the amendments and on the measure itself.

On Dec. 6, 1977,[16] the House had under consideration House Joint Resolution 662 (continuing appropriations for fiscal 1978) when the following proceedings occurred:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, pursuant to the rule just adopted by the House, I call up the joint resolution (H.J. Res. 662) making further continuing appropriations for the fiscal year 1978, and for other purposes. . . .

THE SPEAKER PRO TEMPORE:[17] The gentleman from Texas (Mr. Mahon) is recognized for 1 hour.

MR. MAHON: Mr. Speaker, I yield myself such time as I may consume and, Mr. Speaker, during the consideration of House Joint Resolution 662, I shall yield only for the purposes of debate and not for amendment unless I specifically so indicate. . . .

Second, immediately after I offer my amendment, I will yield to the gentleman from Illinois (Mr. Michel), the ranking minority member of the Labor-HEW Subcommittee and the ranking minority conferee on that appropriation bill for an amendment on the abortion issue. . . .

Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mahon: On page 2, after line 9, insert the following:

Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1978 (H.R. 7555), at a rate of operations, and to the extent and in the manner, provided for in such Act as modified by the House of Representatives on August 2, 1977, notwithstanding the provisions of section 106 of this joint resolution.

AMENDMENT OFFERED BY MR. MICHEL TO THE AMENDMENT OFFERED BY MR. MAHON

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Michel to the amendment offered by Mr. Mahon: At the end of the amendment of the gentleman from Texas strike the period, insert a semicolon, and add the following: "*Provided*, That none of the funds provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of forced rape or incest. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Illinois (Mr. Michel) is recognized for 1 hour.

MR. MICHEL: Mr. Speaker, I yield 30 minutes to the gentleman from Texas (Mr. Mahon), the chairman of our committee, pending which I yield myself such time as I may consume. . . .

Mr. Speaker, I move the previous question on the amendments and the joint resolution.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered.

16. 123 CONG. REC. 38392, 38393, 38400, 38401, 95th Cong. 1st Sess.

17. Joe D. Waggonner, Jr. (La.).

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the amendment offered by the gentleman from Illinois (Mr. Michel) to the amendment offered by the gentleman from Texas (Mr. Mahon). . . .

[The] amendment to the amendment was rejected. . . .

THE SPEAKER PRO TEMPORE: The question is on the amendment offered by the gentleman from Texas (Mr. Mahon).

The amendment was agreed to.

Chairman of Committee Surrendered Control Where He Opposed Bill

§ 33.10 On one occasion, the chairman of a committee, acting at the President's request, introduced a bill, presided over the hearings in committee, reported the bill, applied to the Committee on Rules for a special rule, and moved that the House resolve itself into the Committee of the Whole; when recognized to control one-half of the debate in the Committee, he then announced his opposition to the measure and surrendered management of the bill to the ranking majority member of the committee.

On June 14, 1967,[18] Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce, moved that the House resolve itself into the Committee of the Whole for the consideration of House Joint Resolution 559, providing for the settlement of a railroad labor dispute. The House had adopted House Resolution 511, making in order the consideration of the bill and providing that general debate be controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce.

In the Committee of the Whole, Chairman Wilbur D. Mills, of Arkansas, recognized Mr. Staggers to control one-half the time on the bill. Mr. Staggers made the following statement:

> Mr. Chairman, I am here today in a most unusual position. I was requested by the President to introduce the bill we have before us today, and because of my responsibilities as chairman of the committee, I introduced the bill. If the House was to be given an opportunity to work its will on this legislation, it was necessary that hearings begin promptly and continue as expeditiously as possible, and I think the record will bear me out, that the hearings before our committee have been prompt, they have not been delayed in any respect.

18. 113 CONG. REC. 15822, 15823, 90th Cong. 1st Sess.

In fact we interrupted consideration of a very important piece of health legislation in order to take up this bill. We have heard every witness who wanted to be heard on the legislation. I did this because I felt it to be my responsibility to the House as chairman of the committee.

Following the conclusion of our hearings I promptly scheduled executive sessions for consideration of the bill and we met as promptly as possible both morning and afternoon and the committee reported the bill to the House.

Yesterday I went before the Rules Committee as chairman of the committee to present the facts to the Rules Committee and attempt to obtain a rule so that the bill would be considered by the House. I have done these things because I felt it is my responsibility to do so as chairman of the committee.

Unfortunately, Mr. Chairman, I was opposed to this bill when I introduced it, and having heard all the witnesses and all the testimony, I am still opposed to it. For that reason I have asked the gentleman from Maryland [Mr. Friedel] to handle the bill in Committee of the Whole, so that I would be free to express my opposition to it. . . .

Mr. Chairman, this concludes the presentation I desire to make on the bill. At this time I request the gentleman from Maryland [Mr. Friedel], the ranking majority member on the Interstate and Foreign Commerce Committee, to take charge of managing the bill on the floor.

Parliamentarian's Note: The chairman of a committee has the responsibility of reporting or causing to be reported any measure approved by his committee and taking or causing to be taken steps to have the matter considered and voted upon in the House, regardless of his personal opposition to the measure.[19]

—*Chairman of Committee Opposed Bill as Amended*

§ 33.11 The Committee of the Whole having adopted certain amendments to a bill, the chairman of the committee from which the measure was reported expressed his objections, relinquished control of the bill and subsequently offered a motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken.

On July 5, 1956,[20] the Committee of the Whole had adopted certain amendments to H.R. 7535, to authorize federal assistance to states and local communities in financing an expanded program of school construction. Graham A. Barden, of North Carolina, who

19. See Rule XI clause 2(l)(1)(A), *House Rules and Manual* § 713a (1995).

20. 102 CONG. REC. 11849, 84th Cong. 2d Sess.

was controlling consideration of the bill as the chairman of the reporting committee (Education and Labor), then made the following statement:

> Mr. Chairman, I move to strike out the last word. . . .
>
> I have very definitely reached the conclusion that the American people do not want this legislation in its present form. Certain things have happened to the bill that make it very, very obnoxious and objectionable to the people I represent.
>
> I never have claimed to be an expert when advocating something that I was sincerely and conscientiously for. I have always felt I would be a complete flop in trying to advocate something I did not believe in and did not advocate. This bill is objectionable to me. It has so many bad features and so many things have been given priority over the consideration of the objective that we set out to accomplish that I must say, in all frankness, to the House I cannot continue in the position here of directing this bill. I feel that someone who can be fairer to the bill in its present shape than I, should handle the bill. I would have to be a much better actor than I now am to proceed in the position of handling this piece of legislation which I cannot support and do not want to pass. For that reason, I want the House to understand my very definite position in the matter. So, with that, I think the House will understand my position and those in a position on the committee to handle the bill will have my cooperation to a certain extent, but no one need to expect any assistance from me or any encouragement for the bill.

Mr. Barden later offered a motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, which was defeated (the bill itself was later also defeated).[1]

Member Offering Preferential Motion Does Not Gain Control of Time

§ 33.12 The time for debate on an amendment reported from conference in disagreement is equally divided between the majority and minority parties under Rule XXVIII clause 2(b), and a Member offering a preferential motion does not thereby gain control of time for debate; nor can the Member who has offered the preferential motion move the previous question during time yielded to him for debate, since that would deprive the Members in charge of control of the time for debate.

On Dec. 4, 1975,[2] an example of the proposition described above occurred in the House during consideration of the conference report on H.R. 8069 (the Department of

1. *Id.* at pp. 11868, 11869.
2. 121 CONG. REC. 38714, 38716, 38717, 94th Cong. 1st Sess.

Health, Education, and Welfare and related agencies appropriation bill):

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:
>
> "Sec. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest or next nearest the student's home. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Bauman moves that the House recede from its disagreement to Senate amendment No. 72 and concur therein.

THE SPEAKER:[3] The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

MR. BAUMAN: Mr. Speaker, may I inquire, who has the right to the time under the motion?

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) has 30 minutes, and the gentleman from Illinois (Mr. Michel) has 30 minutes. The time is controlled by the committee leadership on each side, and they are not taken from the floor by a preferential motion. . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. Bauman).

MR. BAUMAN: The gentleman from Maryland has made his case and if the gentleman would like to concur in the stand taken by the majority party in favor of busing he can do that. I do not concur.

Mr. Speaker, I move the previous question on the motion.

MR. FLOOD: Mr. Speaker, I demand the question be divided.

MR. BAUMAN: Mr. Speaker, I move the previous question.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) has the floor and the Chair is trying to let the gentleman be heard.

MR. FLOOD: Mr. Speaker, I demand a division.

MR. BAUMAN: Mr. Speaker, I have not yielded. My time has not expired.

THE SPEAKER: The gentleman has time for debate only.

MR. BAUMAN: No; Mr. Speaker, it was not yielded for debate only.

THE SPEAKER: The gentleman from Maryland has 15 seconds.

MR. BAUMAN: Mr. Speaker, I move the previous question.

THE SPEAKER: The gentleman was yielded to for debate only. The gentleman from Illinois had no authority under clause 2, rule XXVIII to yield for any other purpose but debate.

Parliamentarian's Note: Debate on a motion that the House recede from its disagreement to a Senate amendment and concur is under the hour rule. In the above instance, the motion to recede and concur was divided.[4] If the mo-

3. Carl Albert (Okla.).

4. 121 CONG. REC. 38717, 94th Cong. 1st Sess.

tion is so divided, the hour rule applies to each motion separately.[5] Thus, technically, the Bauman motion to concur could have been debated under the hour rule, since the request for division of the question was made prior to the ordering of the previous question. Control of the time, however, would have remained with the majority and minority under the rule.

Whether or not the division demand was made before or after the ordering of the previous question on the motion to recede and concur, the preferential motion offered by Mr. Flood to concur with an amendment could have been debated under the hour rule equally divided, since it was a separate motion not affected by ordering the previous question on the motion to recede and concur.

Had the Bauman motion to concur been rejected, the motion to concur with another amendment would have been in order, and preferential to a motion to insist on disagreement.

§ 33.13 Time for debate on motions to dispose of amendments in disagreement is equally divided, under Rule XXVIII clause 2(b), between the majority and minority party; and if a minority Member has been designated by his party to control time, another minority Member who offers a preferential motion does not thereby gain control of the time given to the minority.

On May 14, 1975,[6] during consideration of the conference report on H.R. 4881[7] in the House, the following proceedings occurred:

> THE SPEAKER:[8] The Clerk will report the next amendment in disagreement.
>
> The Clerk read as follows:
>
> Senate amendment No. 61: Page 41, line 9, insert:
>
> "FEDERAL RAILROAD ADMINISTRATION
>
> "RAIL TRANSPORTATION IMPROVEMENT AND EMPLOYMENT
>
> "For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $700,000,000. . . .
>
> MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.
>
> The Clerk read as follows:
>
> Mr. Mahon moves that the House insist on its disagreement to the amendment of the Senate numbered 61.

5. See 86 CONG. REC. 5889, 76th Cong. 3d Sess., May 9, 1940.

6. 121 CONG. REC. 14385, 14386, 94th Cong. 1st Sess.

7. The Emergency Employment Appropriations for fiscal year 1975.

8. Carl Albert (Okla.).

PREFERENTIAL MOTION OFFERED BY MR. CONTE

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Conte moves that the House recede from its disagreement to Senate amendment Number 61 and concur therein with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

"CHAPTER VIII

"DEPARTMENT OF TRANSPORTATION

"FEDERAL RAILROAD ADMINISTRATION

"For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $200,000,000. . . .

MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SHUSTER: Mr. Speaker, how is the time divided?

THE SPEAKER: The time is divided equally between the gentleman from Texas (Mr. Mahon), who has 30 minutes, and the gentleman from Illinois (Mr. Michel) who has 30 minutes or such small fraction thereof as he may decide to use.

§ 33.14 The offering of a preferential motion cannot deprive the Member making an original motion (to dispose of a Senate amendment) of control of the floor for debate, and the Chair will recognize the Member controlling the floor when a preferential motion is offered.

During consideration of the foreign assistance appropriation bill (H.R. 7797) in the House on Oct. 18, 1977,[9] the following motions were offered:

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Long of Maryland moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"Sec. 503C. Of the funds appropriated or made available pursuant to this Act, not more than $18,100,000 shall be used for military assistance, not more than $1,850,000 shall be used for foreign military credit sales, and not more than $700,000 shall be used for international military education and training to the Government of the Philippines.". . .

MR. [C. W.] YOUNG of Florida: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Young of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein.

THE SPEAKER PRO TEMPORE:[10] The Chair recognizes the gentleman from Maryland (Mr. Long).

9. 123 CONG. REC. 34112, 95th Cong. 1st Sess.

10. William H. Natcher (Ky.).

Parliamentarian's Note: Although during the above proceedings Mr. Young moved the previous question on his preferential motion, ordinarily the maker of a preferential motion should not be permitted to move the previous question thereon, since he does not gain the floor for any purpose other than to offer the motion. The manager of the bill should be the one recognized to move the previous question on the motion.

Although, as in the above instance, the minority Member controlling half the time on a motion on an amendment in disagreement may make a preferential motion during his time for debate, the more usual practice is that the preferential motion be made either before or after the hour of debate on the initial motion.

§ 33.15 The motion to recede and concur in a Senate amendment reported back from conference in disagreement takes precedence over a motion to insist on disagreement thereto, but the proponent of the preferential motion does not thereby gain control of the time for debate.

During consideration of the conference report on H.R. 14238 (the legislative branch appropriations for fiscal year 1977) in the House on Sept. 22, 1976,[11] the following proceedings occurred:

THE SPEAKER:[12] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 56: Page 35, line 1 insert:

RESTORATION OF WEST CENTRAL FRONT OF CAPITOL

Notwithstanding any other provision of law, the Architect of the Capitol, under the direction of the Senate and House Office Building Commissions acting jointly, is directed to restore the West Central Front of the United States Capitol (without change of location or change of the present architectural appearance thereof), $25,000,000. . . .

MR. [GEORGE E.] SHIPLEY [of Illinois]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Shipley moves that the House insist on its disagreement to the amendment of the Senate numbered 56.

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Speaker, I offer a preferential motion to recede and concur in the Senate amendment No. 56 to the legislative appropriation conference report.

The Clerk read as follows:

Mr. Stratton moves that the House recede from its disagreement to the amendment of the Senate number 56 and concur therein.

---

11. 122 CONG. REC. 31899, 31900, 31902, 94th Cong. 2d Sess.

12. Carl Albert (Okla.).

MR. STRATTON: Mr. Speaker, will the distinguished gentleman from Illinois, the chairman, yield me 5 minutes.

MR. SHIPLEY: I yield the gentleman from New York 5 minutes. . . .

MR. STRATTON: Mr. Speaker, the gentleman from Illinois (Mr. Yates) wishes to offer a substitute motion to recede and concur with an amendment striking the cost plus fixed fee contract.

Is it in order for that motion to be offered if I withdraw my motion?

THE SPEAKER: The Chair will state that the gentleman may offer his motion if the gentleman from New York (Mr. Stratton) withdraws his preferential motion. . . .

MR. STRATTON: . . . Would a motion to recede and concur with an amendment be a preferential motion?

THE SPEAKER: It would be preferential over a motion to insist on disagreement. . . .

MR. STRATTON: . . . I withdraw my motion. . . .

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I offer a preferential motion.

THE SPEAKER: The Clerk will report the preferential motion.

The Clerk read as follows:

> Mr. Yates moves on amendment 56 to recede and concur with the Senate on amendment No. 56 with an amendment as follows: On page 35, line 11, strike out the words "including cost-plus-fixed-fee contracts". . . .

MR. SHIPLEY: Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. Yates).

§ 33.16 Although the motion to concur in a Senate amendment takes precedence over the motion to disagree where the stage of disagreement has been reached, the Member offering the preferential motion does not thereby gain control of the time for debate, which remains in the control of the manager of the bill under the hour rule.

On Nov. 29, 1977,[13] the following proceedings occurred in the House:

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I move to take from the Speaker's desk the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, with the amendment of the Senate to the amendment of the House to the amendment of the Senate No. 82, and disagree thereto.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to the Senate amendment No. 82, as follows:

> In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate numbered 82, insert the following:
>
> Sec. 209. None of the funds contained in this Act shall be used to perform abortions: . . .

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a preferential motion.

13. 123 CONG. REC. 38033, 95th Cong. 1st Sess.

The Clerk read as follows:

Mr. Mahon moves that the House concur in the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82. . . .

THE SPEAKER:[14] The gentleman from Pennsylvania is recognized for 1 hour.

Parliamentarian's Note: Debate on a motion to dispose of a Senate amendment which has not been reported from conference in disagreement but which is otherwise before the House, the stage of disagreement having been reached, is under the control of the manager of the bill under the hour rule and is not divided between the majority and minority parties under clause 2(b) of Rule XXVIII.

Member in Control of General Debate Loses Control Only if Time Is Yielded Back

§ 33.17 A Member controlling time for general debate in Committee of the Whole loses the right to consume such time only if it is yielded back, and not pursuant to any informal agreement on management of time that may be reached by the managers of the bill.

During consideration of the Immigration Reform and Control Act of 1982 (H.R. 7357) in the Committee of the Whole on Dec. 16, 1982,[15] the following exchange occurred:

THE CHAIRMAN:[16] For what purpose does the gentleman from California (Mr. Miller) rise?

MR. [GEORGE] MILLER of California: For the purpose of clarification, Mr. Chairman. It was my understanding under the agreement reached earlier today, that if you did not use your full allotment of your time in these 2 hours, you would lose it, and that tomorrow we would have 3 hours of debate, an hour remaining for Education and Labor, an hour remaining for Judiciary, and an hour for Agriculture.

THE CHAIRMAN: The Chair advises the gentleman from California that the only way you would lose your time, you would have to yield it back.

Parliamentarian's Note: If a case arose where no Member controlling general debate sought recognition to consume time or to move that the Committee rise, the Chair could, after requesting the managers whether they sought time, direct the Clerk to read the bill for amendment under the five-minute rule.

Time Yielded Back by One to Whom Time Was Yielded Reverts to Member in Control

§ 33.18 Debate time yielded back by a Member to whom

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

15. 128 CONG. REC. 31809, 97th Cong. 2d Sess.

16. William H. Natcher (Ky.).

time was yielded under the hour rule reverts to the Member in control of the hour.

During consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana) in the House on Mar. 4, 1985,[17] the following proceedings occurred:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity; Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

Resolved, That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE:[18] . . . The Chair recognizes the gentleman from Arkansas (Mr. Alexander).

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration. . . .

THE SPEAKER PRO TEMPORE: The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time. . . .

MR. ALEXANDER: Mr. Speaker, I would yield 30 minutes for purposes of debate only, to the gentleman from Illinois (Mr. Michel). . . .

MR. MICHEL: Mr. Speaker, I yield myself such time as I may consume. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Illinois has consumed 10 minutes. The gentleman from Illinois (Mr. Michel) has 20 minutes remaining, and the gentleman from Arkansas (Mr. Alexander) has 10 minutes remaining.

Does the gentleman from Illinois desire to yield additional time?

MR. MICHEL: I yield back the balance of my time, Mr. Speaker. . . .

MR. ALEXANDER: How much time do I have remaining?

THE SPEAKER PRO TEMPORE: The gentleman has 25 minutes remaining.

MR. ALEXANDER: I thank the Chair.

MR. MICHEL: Mr. Speaker, I reserve the right with one remaining speaker.

MR. ALEXANDER: Mr. Speaker, the gentleman yielded back the balance of his time.

THE SPEAKER PRO TEMPORE: Let the Chair state that the gentleman from Il-

17. 131 CONG. REC. 4277, 4282, 4283, 99th Cong. 1st Sess.

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

linois—the Chair understood the gentleman from Illinois to yield back the balance of his time.

—Member to Whom Time Was Yielded May Not Reserve a Portion

§ 33.19 A Member to whom time was yielded under the hour rule in the House may not, except by unanimous consent, reserve a portion of that time to himself; the unused time reverts to the Member controlling the hour who may subsequently yield further time to that Member.

The following proceedings occurred in the House on Feb. 8, 1972,[19] during consideration of House Resolution 164 (creating a select committee on privacy, human values, and democratic institutions):

MR. [RAY J.] MADDEN [of Indiana]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 164 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 164 . . .

Whereas the full significance and the effects of technology on society and on the operations of industry and Government are largely unknown . . . .

Resolved, That there is hereby created a select committee to be known as the Select Committee on Privacy, Human Values, and Democratic Institutions. . . .

MR. MADDEN: Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey (Mr. Gallagher).

MR. [CORNELIUS E.] GALLAGHER [of New Jersey]: Mr. Speaker, may I take 5 minutes now and reserve 5 minutes to the end of the debate since it is my bill?

THE SPEAKER:[20] The gentleman may do that. Without objection, it is so ordered.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, reserving the right to object . . . is it in order to have a unanimous-consent request at a time like this when the time is controlled by the members of the Committee on Rules. . . ?

MR. GALLAGHER: . . . It was my understanding that I would have the time at the conclusion of debate.

MR. HALL: Mr. Speaker, I submit this is between the gentleman and the man handling the rule, and therefore I must object.

THE SPEAKER: The Chair will notify the gentleman when 5 minutes are up. . . .

The gentleman from New Jersey has consumed 5 minutes.

MR. GALLAGHER: Mr. Speaker, I reserve the balance of my time.

THE SPEAKER: . . . The gentleman from Indiana has control of the time. . . .

If the gentleman from Indiana desires to yield further time at this time he can do so.

19. 118 CONG. REC. 3181–84, 92d Cong. 2d Sess.

20. Carl Albert (Okla.).

Under Trade Act: Member Controlling Time in Opposition May Not Be Compelled To Use Less Than Time Allotted

§ 33.20 Debate on an implementing revenue bill must be equally divided and controlled among those favoring and those opposing the bill under section 151(f)(2) of the Trade Act of 1974, and unanimous consent is required to divide the time between the chairman and ranking minority member of the committee if both favor the bill; in the absence of such a unanimous-consent agreement, a Member opposed to the bill is entitled to control 10 hours of debate in opposition, with priority of recognition to opposing members of the Committee on Ways and Means; and the Member recognized to control the time in opposition may not be compelled to use less than that amount of time unless the Committee rises and the House limits further debate in the Committee of the Whole.

During consideration of the Trade Agreement Act of 1979 (H.R. 4537) in the House on July 10, 1979,[1] the following proceedings occurred:

> MR. [AL] ULLMAN [of Oregon]: Mr. Speaker, pursuant to Section 151(f) of Public Law 93–618, the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4537) to approve and implement the trade agreements negotiated under the Trade Act of 1974, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be equally divided and controlled between the gentleman from New York (Mr. Conable) and myself. . . .
>
> THE SPEAKER:[2] Is there objection to the request of the gentleman from Oregon (Mr. Ullman)?
>
> MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, reserving the right to object. . . .
>
> I take this reservation for the purpose of propounding a parliamentary inquiry to the Chair.
>
> The rule, section 151, before consideration says:
>
>> Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 hours which shall be divided equally between those favoring and those opposing the bill or resolution. . . .
>
> My query to the Chair as a part of my reservation is, if the unanimous-consent request of the chairman is granted can the chairman then move

1. 125 CONG. REC. 17812, 17813, 96th Cong. 1st Sess.
2. Thomas P. O'Neill, Jr. (Mass.).

to terminate debate at any time during the course of debate before the 20 hours have expired?

THE SPEAKER: Reading the statute a motion further to limit the debate shall not be debatable, and that would be made in the House, either now or later, and not in the Committee of the Whole.

MR. ASHBROOK: Mr. Speaker, further reserving the right to object, if the gentleman from Ohio were to be recognized as opposing the bill, does the gentleman have the absolute right to the 10 hours regardless of the time that would be taken on the other side?

THE SPEAKER: Unless all general debate were further limited by the House a member of the Committee on Ways and Means who is opposed to the bill could seek to control the 10 hours of time. The gentleman would be entitled to the 10 hours unless a request came from a member of the Committee on Ways and Means who would be in opposition. . . .

MR. ASHBROOK: I thank the Speaker.

I ask this for a very specific purpose. Further reserving the right to object, it is my understanding then that the gentleman from Oregon could not foreclose debate as long as whoever controls the opposition time still has part of the 10 hours remaining. Is that correct, under the statute providing for consideration of this trade bill? . . .

THE SPEAKER: Not unless the committee rose and the House limited all debate.

A motion to limit general debate would not be entertained in the Committee of the Whole and the Chair cannot foresee something of that nature happening.

Effect of Rejection of Previous Question on Motion To Instruct Conferees

§ 33.21 Under Rule XXVIII, clause 1(b), debate on any motion to instruct conferees is equally divided between majority and minority parties or among them and an opponent; but where the previous question is rejected on a motion to instruct, a separate hour of debate on any amendment to the motion is fully controlled by the proponent of the amendment under the hour rule (Rule XIV, clause 2), as the manager of the original motion loses the floor.

The following proceedings occurred in the House on Oct. 3, 1989,[3] during consideration of H.R. 3026 (District of Columbia appropriations for fiscal year 1990):

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3026) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District

3. 135 CONG. REC. 22859, 22862, 22863, 101st Cong. 1st Sess.

For further discussion of Rule XXVIII, see § 26, supra.

for the fiscal year ending September 30, 1990, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER PRO TEMPORE:[4] Is there objection to the request of the gentleman from California?

There was no objection.

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

The Clerk read as follows:

> Mr. Green moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 3026, be instructed to agree to the amendment of the Senate numbered 3.

THE SPEAKER PRO TEMPORE: The gentleman from New York [Mr. Green] is recognized for 30 minutes in support his motion. . . .

MR. GREEN: Mr. Speaker, I move the previous question on the motion to instruct. . . .

THE SPEAKER PRO TEMPORE: The question is on ordering the previous question.

[The previous question was rejected.]

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

I understand now that the gentleman from California [Mr. Dannemeyer] intends to offer an amendment to the motion offered by the gentleman from New York [Mr. Green].

My question is: Under the offering will I receive part of the time?

THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman from California [Mr. Dixon] that 1 hour would be allotted to the gentleman from California [Mr. Dannemeyer]. He would have to yield time to the gentleman from California [Mr. Dixon]. . . .

The Clerk read as follows:

> Amendment offered by Mr. Dannemeyer to the motion to instruct: At the end of the pending motion, strike the period, insert a semicolon, and add the following language: "; *Provided further* that the conferees be instructed to agree to the provisions contained in Senate amendment numbered 22."

THE SPEAKER PRO TEMPORE: The gentleman from California [Mr. Dannemeyer] is recognized for 1 hour.

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I yield one-half of the time to the gentleman from California [Mr. Dixon], for purposes of debate only.

Parliamentarian's Note: The control of debate in the above instance is to be distinguished from debate on motions in the House to dispose of amendments in disagreement. In the latter case, although the manager of the original motion might lose the floor upon defeat of his motion, debate on a subsequent motion is nevertheless divided under Rule XXVIII, clause 2(b). It is only debate on amendments to such motions, when pending, that is not divided.

4. William J. Hughes (N.J.).

Member in Control Must Remain Standing—Member Inadvertently Seated Himself

§ 33.22 While a Member controlling the floor in debate must remain standing, a Member who inadvertently seats himself and then immediately stands again before the Chair recognizes another Member may be permitted to retain control of the floor.

On Oct. 19, 1977,[5] the following proceedings occurred in the Committee of the Whole during consideration of the Energy Transportation Security Act of 1977 (H.R. 1037):

> MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I make the point of order that the gentleman from California (Mr. McCloskey) seated himself and thereby yielded back the balance of his time.
>
> THE CHAIRMAN:[6] The Chair adopts a commonsense interpretation of the rule.
>
> MR. DANIELSON: Mr. Chairman, I ask for regular order.
>
> THE CHAIRMAN: The gentleman from California (Mr. McCloskey) was back up on his feet almost immediately and indicated that he wanted to continue his colloquy with the gentleman from New York (Mr. Murphy).
>
> Does the gentleman from California (Mr. McCloskey) desire to yield to the gentleman from New York (Mr. Murphy)?
>
> MR. [PAUL N.] MCCLOSKEY [Jr., of California]: Mr. Chairman, I desire to yield to the gentleman from New York (Mr. Murphy).

§ 34. Control Passing to Opposition

As noted earlier, when an essential motion made by the Member in charge of the bill is decided adversely, the right to prior recognition passes to the Member leading the opposition to the motion. Under this principle the control of the measure passes to the opposition when the House disagrees to the recommendation of the committee reporting the bill or when the motion for the previous question on the measure is rejected.[7]

The opposing side also gains control of some time, but not of the pending proposition, where the rules or an agreement provides that on a certain question or motion a fixed amount of debate be conducted, equally divided between those favoring and those opposing the question.[8]

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5. 123 CONG. REC. 34220, 95th Cong. 1st Sess.

6. Morris K. Udall (Ariz.).

7. *House Rules and Manual* § 755 (1995).

8. See, for example, § 30.6, supra (where opposition recognized for five minutes on motion to recommit, of-

Cross References

Motion to discharge and management of discharged bill or resolution, see Ch. 18, supra.

Prior right to recognition of opposition after rejection of essential motion, see § 15, supra.

Priority of recognition for opposing debate to committee member, see § 13, supra.

Right of opposition to demand second on motion to suspend the rules, see Ch. 21, supra.

Right of opposition to move to recommit, see Ch. 23, supra.

Effect of Rejection of Essential Motion, Generally

§ 34.1 When an essential motion made by the Member in charge of a bill is decided adversely, control passes to the Member leading the opposition to the motion.

On June 2, 1930,[9] the House was considering the passage of a vetoed bill originating in the Senate. A motion to postpone consideration of the bill had been made by the chairman of the committee managing the bill and had been rejected. Mr. John N. Garner, of Texas, stated a parliamentary inquiry whether that motion was not an essential motion whose defeat required recognition to pass to the minority. Speaker Nicholas Longworth, of Ohio, discussed the principle raised and ruled that the motion to postpone consideration was not an essential motion within the meaning of the rule.[10]

Defeat of Motion To Table Resolution

§ 34.2 Where a Member calling up a resolution in the House uses part of his hour of debate and then offers a motion to table the resolution which is defeated, the Chair normally recognizes another Member for an hour of debate; but where no other Member seeks recognition, the Chair may recognize the Member who called up the resolution to control the remainder of his hour of debate.

feror of motion still retains control and right to yield for amendment).

See §§ 25.3–25.6, supra, for division of time required by rule and § 25.2, supra, for division of time directed by statute.

The principles of recognition of the opposing side are generally covered in §§ 8–23, supra.

9. 72 Cong. Rec. 9913, 9914, 71st Cong. 2d Sess.

10. For the general requirement that recognition pass to the opposition after the rejection of an essential motion made by the Member in charge of a proposition, see § 15, supra.

On June 15, 1979,[11] proceedings in the House related to House Resolution 291, a resolution of inquiry directing the President to provide Members of the House with information on the energy situation:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I call up the resolution (H. Res. 291), a resolution of inquiry directing the President to provide Members of the House with information on the energy situation, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, That the President, to the extent possible, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, full and complete information on the following:

(1) the existence and percentage of shortages of crude oil and refined petroleum products within the United States and administrative regions; . . .

THE SPEAKER PRO TEMPORE:[12] The gentleman from Michigan (Mr. Dingell) is recognized for 1 hour. . . .

MR. DINGELL: Mr. Speaker, at this time I move to table the resolution of inquiry now before the House.

THE SPEAKER PRO TEMPORE: The question is on the motion to table offered by the gentleman from Michigan (Mr. Dingell).

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

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 4, nays 338, not voting 92, as follows. . . .

So the motion to table was rejected.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Michigan (Mr. Dingell).

MR. DINGELL: Mr. Speaker, may I inquire as to how much time remains?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that he has 48 minutes remaining.

MR. DINGELL: Mr. Speaker, I will, then, at this time yield 24 minutes to my distinguished friend, the gentleman from Ohio (Mr. Devine), for purposes of debate only.

Rejection of Previous Question

§ 34.3 If the previous question is voted down on a resolution before the House, control of the measure passes to the opponents of the resolution, and the Chair then recognizes a Member of the minority party, if opposed.

On July 20, 1939,[13] Mr. Howard W. Smith, of Virginia, man-

11. 125 CONG. REC. 15027, 15029, 15030, 96th Cong. 1st Sess.

12. John Brademas (Ind.).

13. 84 CONG. REC. 9591, 9592, 76th Cong. 1st Sess.

aging a resolution to authorize an investigation, moved the previous question on the resolution. Speaker William B. Bankhead, of Alabama, answered parliamentary inquiries as to control of the resolution should the previous question be rejected:

MR. [VITO] MARCANTONIO [of New York]: If the previous question is voted down, will that open up the resolution to amendment?

THE SPEAKER: Undoubtedly.

MR. SMITH of Virginia: A further parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. SMITH of Virginia: If I understand the situation correctly, if the previous question is voted down, the control of the measure would pass to the gentleman from Illinois [Mr. Keller]; and the resolution would not be open to amendment generally, but only to such amendments as the gentleman from Illinois might yield for. Is my understanding correct, Mr. Speaker?

THE SPEAKER: If the previous question is voted down, it would not necessarily pass to the gentleman from Illinois; it would pass to the opponents of the resolution. Of course, a representative of the minority would have the first right of recognition.

§ 34.4 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down, the Chair would recognize the Member who appeared to be leading the opposition.

On Oct. 19, 1966,[14] Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour and offered a committee amendment to the resolution, which amendment was agreed to. Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries as to the procedure to be followed should Mr. Pepper move the previous question and should the motion be defeated:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate. . . .

MR. [CORNELIUS E.] GALLAGHER [of New Jersey]: If the previous question is voted down we will have the option to reopen debate, the resolution will be open for amendment, or it can be tabled. Is that the situation as the Chair understands it?

THE SPEAKER: If the previous question is voted down on the resolution,

14. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

the time will be in control of some Member in opposition to it, and it would be open to amendment or to a motion to table.

§ 34.5 Where the motion for the previous question on a resolution (reported from the Rules Committee) is rejected, the Chair recognizes the Member who led the opposition to the previous question, who may offer an amendment and is recognized for one hour.

During consideration of House Resolution 312, waiving points of order and providing special procedures during consideration of H.R. 4390 (the legislative branch appropriations for fiscal year 1980) on June 13, 1979,[15] the following proceedings occurred:

THE SPEAKER:[16] The question is on ordering the previous question. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 292, not voting 16, as follows: . . .

[Mr. Delbert L. Latta, of Ohio, who had led the opposition to the previous question was recognized.]

MR. LATTA: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following: . . .

THE SPEAKER: The gentleman from Ohio (Mr. Latta) is recognized for 1 hour.

MR. LATTA: Mr. Speaker, I yield myself such time as I may consume.

§ 34.6 Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the fight against the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.

On May 29, 1980,[17] during consideration of House Resolution 682 (providing for consideration of H.R. 7428, public debt limit extension), the following proceedings occurred in the House:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 682, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 682

Resolved, That upon the adoption of this resolution it shall be in order

15. 125 CONG. REC. 14650, 96th Cong. 1st Sess.

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

17. 126 CONG. REC. 12667, 12668, 12672, 12677, 96th Cong. 2d Sess.

to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7428) to extend the present public debt limit through June 30, 1980. . . .

THE SPEAKER:[18] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour. . . .

The question is on ordering the previous question.

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

The vote was taken by electronic device, and there were—yeas 74, nays 312, not voting 47, as follows:

So the previous question was not ordered. . . .

THE SPEAKER: The Chair recognizes the gentleman from Maryland (Mr. Bauman).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Bauman: Strike out all after the resolving clause and insert in lieu thereof the following: . . .

A point of order against the amendment based on the germaneness rule was sustained.

MR. BAUMAN: Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. Bauman moves to refer House Resolution 682 to the Committee on Rules.

THE SPEAKER: The gentleman from Maryland (Mr. Bauman) is recognized for 1 hour. . . .

MR. BAUMAN: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER: The question is on the privileged motion offered by the gentleman from Maryland (Mr. Bauman).

The preferential motion was agreed to.

Parliamentarian's Note: Upon the rejection of the previous question on a special rule from the Committee on Rules, motions under Rule XVI, clause 4, to refer or to postpone are in order, as well as motions to amend and to lay on the table.

§ 34.7 Where the House rejects the previous question, the Member who led the opposition thereto is entitled to one hour of debate and is entitled to close debate where he has yielded half of his time to another Member.

The following proceedings occurred in the House on June 25, 1981,[19] during consideration of House Resolution 169 (providing for consideration of H.R. 3982, Omnibus Budget Reconciliation Act of 1981):

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 169 and ask for its immediate consideration.

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

19. 127 CONG. REC. 14065, 14078, 14079, 14081, 97th Cong. 1st Sess.

The Clerk read the resolution as follows:

H. RES. 169

Resolved, That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the fiscal year 1982. . . .

THE SPEAKER:[20] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour. . . .

After debate, Mr. Bolling moved the previous question on the resolution.

THE SPEAKER: The question is on ordering the previous question.

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

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, on that I demand the yeas and nays.

[The previous question was rejected.]

MR. LATTA: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following: . . .

THE SPEAKER PRO TEMPORE:[1] The gentleman from Ohio (Mr. Latta) is recognized for 1 hour.

MR. LATTA: Mr. Speaker, for purposes of debate only, I yield to my good friend, the Speaker of the House. . . .

THE SPEAKER PRO TEMPORE: Let the Chair inquire of the gentleman from Ohio, did he . . . yield 30 minutes of the hour to the Speaker?

MR. LATTA: Right. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: I reserve my right until such time as the gentleman wants to move the previous question.

MR. LATTA: We have the right under the rules of procedure to close debate.

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. LATTA: We have the right to close debate on this issue.

MR. O'NEILL: I have no requests for time on this side.

—*Prior to Adoption of the Rules*

§ 34.8 Recognition to offer an amendment to a resolution called up prior to the adoption of rules passes to a Member leading the opposition to the resolution if the previous question is rejected.

On Jan. 10, 1967,[2] at the convening of the 90th Congress and before the adoption of standing rules, Mr. Morris K. Udall, of Arizona, called up a resolution (H. Res. 1), authorizing the Speaker to administer the oath of office to challenged Member-elect Adam C.

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

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

2. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

Powell, of New York, and referring the question of his final right to a seat to a select committee. Pending debate on the resolution, Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the procedure to be followed:

> MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry. . . .
>
> Mr. Speaker, if the previous question is voted down would, then, under the rules of the House, amendments or substitutes be in order to the resolution offered by the gentleman from Arizona [Mr. Udall]?
>
> THE SPEAKER: The Chair will state to the gentleman from Louisiana [Mr. Waggonner] that any germane amendment may be in order to that particular amendment.
>
> MR. WAGGONNER: Mr. Speaker, one further parliamentary inquiry. . . .
>
> Mr. Speaker, under the rules of the House would the option or priority or a subsequent amendment or a substitute motion lie with the minority?
>
> THE SPEAKER: . . . [T]he usual procedure of the Chair has been to the effect that the Member who led the fight against the resolution will be recognized.

Rejection of Conference Report

§ 34.9 Where a conference report was rejected and the manager of the report did not seek further recognition, the Speaker recognized a minority member of the committee with jurisdiction of the bill to move to concur in the Senate amendment with an amendment.

On Dec. 10, 1969,[3] Mr. Wright Patman, of Texas, manager of a conference report, moved the previous question and the House rejected the conference report. When Mr. Patman did not seek further recognition, Speaker John W. McCormack, of Massachusetts, recognized Garry E. Brown, of Michigan, a minority member of the Committee on Banking and Currency which had reported the bill, to offer a motion to concur in the Senate amendment with an amendment.

§ 34.10 Where a conference report on a House bill with a Senate amendment is rejected, the Chair directs the Clerk to report the Senate amendment; and if the manager of the report does not seek recognition to offer a motion to dispose of the Senate amendment the Chair recognizes the Member who had led the opposition to the conference report to offer a motion to dispose of the amendment.

3. 115 CONG. REC. 38102–06, 91st Cong. 1st Sess.

On Sept. 16, 1977,[4] during proceedings relating to the consideration of the conference report on H.R. 5262 (international financial institutions), called up by Mr. Henry S. Reuss, of Wisconsin, the following occurred:

> So the conference report was rejected.
>
> The result of the vote was announced as above recorded.
>
> MR. [TOM] HARKIN [of Iowa]: Madam Speaker, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Harkin moves that the House recede from its disagreement to the amendment of the Senate to the text of the bill (H.R. 5262) to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Funds, and for other purposes, and agree to the same with an amendment as follows:
> >
> > In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .
>
> THE SPEAKER PRO TEMPORE:[5] The gentleman from Iowa (Mr. Harkin) will be recognized for 30 minutes in support of his motion, and the gentleman from Ohio (Mr. Stanton) will be recognized for 30 minutes.
>
> The Chair recognizes the gentleman from Iowa (Mr. Harkin).

4. 123 CONG. REC. 29597, 29599, 95th Cong. 1st Sess.
5. Barbara Jordan (Tex.).

Rejection of Motion To Dispose of Senate Amendment—Recognition To Offer Successor Motion

§ 34.11 Where a motion is made by the Member in charge of a conference report to recede and concur in a Senate amendment with an amendment and the motion is defeated, recognition for a motion to further insist on disagreement passes to a Member opposed.

On June 26, 1942,[6] Malcolm C. Tarver, of Georgia, the Member in charge of a bill reported from conference with amendments in disagreement, moved that the House recede and concur with an amendment in a Senate amendment in disagreement. The motion was rejected.

Clarence Cannon, of Missouri, a Member opposed to the Senate amendment, then arose to make the motion to further insist on disagreement to the Senate amendment, at the same time that Mr. Tarver arose to make the same motion. After the question of recognition was discussed, Speaker Sam Rayburn, of Texas, recognized Mr. Cannon to make the motion:

6. 88 CONG. REC. 5637, 77th Cong. 2d Sess.

MR. TARVER: Mr. Speaker, I desire to submit a parliamentary inquiry. It was my purpose to offer a motion as I have done in connection with the same subject matter on previous occasions. I had risen for the purpose of offering a motion to further insist upon the disagreement of the House to Senate amendments Nos. 90 and 91. I wish to inquire whether or not I am privileged, as chairman of the House conferees, to offer that motion?

MR. CANNON of Missouri: Mr. Speaker, my motion is to further insist.

MR. TARVER: Mr. Speaker, I was on my feet before the gentleman from Missouri rushed over between me and the microphone and offered his motion.

MR. CANNON of Missouri: Mr. Speaker, it is a long-established rule of procedure that when a vital motion made by the Member in charge of a bill is defeated, the right to prior recognition passes to the opposition. That is the position in which the gentleman finds himself. He has made a major motion. The motion has been defeated. Therefore the right of recognition passes to the opposition, and I ask to be recognized to move to further insist. . . .

THE SPEAKER: The Chair is of the opinion that the gentleman from Missouri has been properly recognized to offer a motion. The gentleman will state his motion.

MR. CANNON of Missouri: Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments.

The motion was agreed to.[7]

§ 34.12 Where the House rejects a motion by the manager of a bill to dispose of a Senate amendment remaining in disagreement, recognition to offer another motion is accorded to a Member who led the opposition to the rejected motion.

On Sept. 30, 1976,[8] Mr. Jack Brooks, of Texas, made the following motion with respect to a Senate amendment to H.R. 13367, extending the State and Local Fiscal Assistance Act of 1972, the Speaker having ruled out the conference report on a point of order and directed the Clerk to report the Senate amendments remaining in disagreement for disposition by motion.

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

The Clerk read as follows:

Mr. Brooks moves that the House recede from its disagreement and concur in the Senate amendment to the House bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972 and for other purposes, with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

---

7. *Id.* at pp. 5642, 5643.

The opposition has control only to offer a motion related to the pending amendment in disagreement; control over the conference report and the remaining amendments in disagreement remains with the manager (see § 17.38, supra).

8. 122 CONG. REC. 34080, 34085, 94th Cong. 2d Sess.

SEC. 5. Extension of Program and Funding.

(a) IN GENERAL.—Section 105 (relating to funding for revenue sharing) is amended—

(1) by inserting "or (c)" immediately after "as provided in subsection (b)" in subsection (a)(1): . . .

MR. [FRANK] HORTON [of New York]: Mr. Speaker, I would like to ask what the allocation of time is on this particular motion.

THE SPEAKER:[9] The Chair will state that the rule provides, of course, for 30 minutes on a side under consideration of a conference report but the practice has been followed, if the Chair recalls correctly, of allotting 30 minutes to a side on a motion when a conference report is ruled out on a point of order.

Under that procedure, the gentleman from Texas (Mr. Brooks) will be recognized for 30 minutes.

The Chair would inquire who will be handling the matter on the minority side?

MR. HORTON: Mr. Speaker, I will be handling time on this side.

THE SPEAKER: And the gentleman from New York (Mr. Horton) will be recognized for 30 minutes for debate only.

The motion was rejected.[10]

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

The Clerk read as follows:

Mr. Horton moves that the House recede and concur in the Senate amendment to H.R. 13367, with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

§ 34.13 Upon rejection of a motion offered by the manager of a conference report on an amendment in disagreement, recognition passes to a Member opposed to offer another motion.

During consideration of H.R. 9375 (supplemental appropriations) in the House on Dec. 6, 1977,[11] the following proceedings occurred:

THE SPEAKER PRO TEMPORE:[12] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 43: Page 20, after line 10, insert: Appropriations provided under this heading in the Department of Defense Appropriation Act, 1977, are rescinded in the amount of $462,000,000.

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein.

THE SPEAKER PRO TEMPORE: The gentleman from Texas (Mr. Mahon) and the gentleman from Michigan (Mr. Cederberg) will each be recognized for 30 minutes.

9. Carl Albert (Okla.).

10. 122 CONG. REC. 34092, 94th Cong. 2d Sess., Sept. 30, 1976.

11. 123 CONG. REC. 38421, 38431, 38432, 95th Cong. 1st Sess.

12. Lucien N. Nedzi (Mich.).

The Chair recognizes the gentleman from Texas (Mr. Mahon). . . .

MR. MAHON: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Texas (Mr. Mahon).

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

The vote was taken by electronic device, and there were—yeas 166, nays 191, answered "present" 3, not voting 74, as follows: . . .

So the motion was rejected.

The result of the vote was announced as above recorded.

MR. [B. F.] SIKES [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Sikes moves that the House insist on its disagreement to Senate Amendment No. 43.

—*Debate on Successor Motion*

§ 34.14 Under clause 2(b) of Rule XXVIII, the time allotted for debate on an original motion to dispose of disagreement on a Senate amendment is divided equally between majority and minority parties (except that if both floor managers support the motion then one-third of the time may be claimed by an opponent); and where the original motion to dispose of the Senate amendment in disagreement is rejected, the time for debate on a successor motion is also governed by clause 2(b) of Rule XXVIII and may be equally divided.

On Aug. 6, 1993,[13] the House had under consideration Senate amendments in disagreement to H.R. 2493 (Agriculture appropriations for 1994):

THE SPEAKER PRO TEMPORE:[14] The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 164: Page 81, after line 12, insert:

Sec. 730. (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide a total amount of payments to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of $50,000 in the 1994 crop year.

MOTION OFFERED BY MR. SKEEN

MR. [JOE] SKEEN [of New Mexico]: Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Motion offered by Mr. Skeen:

Mr. Skeen moves that the House recede and concur in the amendment

13. 139 CONG. REC. p. ____, 103d Cong. 1st Sess.

14. Romano L. Mazzoli (Ky.).

of the Senate numbered 164 with an amendment as follows: In the matter proposed to be inserted by the amendment, add the following: "The GAO shall conduct a study and report to Congress on the effectiveness of the program."

THE SPEAKER PRO TEMPORE: The gentleman from New Mexico [Mr. Skeen] is recognized for 30 minutes.

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

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

MR. FAWELL: First of all, the motion that the gentleman from New Mexico offered was read so fast I did not understand just what it was. But I rise in opposition.

THE SPEAKER PRO TEMPORE: If the gentleman is opposed to the motion offered by the gentleman from New Mexico, the gentleman [Mr. Fawell] is entitled to 20 minutes to debate the issue. . . .

MR. FAWELL: . . . Assuming that this particular motion fails, can the Chair advise me where we will be then?

THE SPEAKER PRO TEMPORE: Another Member will be recognized for another motion on this amendment in disagreement. . . .

The question is on the amendment offered by the gentleman from New Mexico [Mr. Skeen]. . . .

The vote was taken by electronic device, and there were yeas 140, nays 274, not voting 19, as follows: . . .

So the House refused to recede and concur in the amendment of the Senate numbered 164 with an amendment. . . .

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

The Clerk read as follows:

Mr. Fawell moves that the House recede and concur in the amendment of the Senate numbered 164 with an amendment as follows: In the matter proposed to be inserted by the amendment, strike "$50,000" and insert "$0".

THE SPEAKER PRO TEMPORE: The gentleman from Illinois [Mr. Fawell] will be recognized for 30 minutes in support of his motion, and the gentleman from Illinois [Mr. Durbin] will be recognized for 30 minutes in opposition.

Under a former practice, if the initial motion to dispose of the amendment in disagreement was rejected, the time for debate on a subsequent motion was under the hour rule and entirely within the control of the Member of the opposition recognized to make the motion. Thus, on July 19, 1977,[15] during consideration of the conference report on H.R. 7554 (Housing and Urban Development and independent agencies appropriation bill for fiscal 1978) in the House, it was demonstrated that, where a motion to dispose of an amendment reported from conference in disagreement, offered by the manager of the conference report, is rejected, the Speaker recognizes a Member leading the

15. 123 CONG. REC. 23668, 23669, 23678, 95th Cong. 1st Sess.

opposition to offer another motion to dispose of the amendment.

THE SPEAKER PRO TEMPORE:[16] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: Page 17, line 11, strike out "$2,943,600,000" and insert "$3,013,000,000".

MR. [EDWARD P.] BOLAND [of Massachusetts] [manager of the conference report]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,995,300,000".

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Boland) is recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Coughlin) is recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

MR. BOLAND: Mr. Speaker, I yield myself such time as I may consume. . . .

MR. [DON] FUQUA [of Florida]: Mr. Speaker, I rise in opposition to amendment No. 24. . . .

[After debate, the motion was rejected.]

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

The Clerk read as follows:

Mr. Fuqua moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

THE SPEAKER PRO TEMPORE: The gentleman from Florida (Mr. Fuqua) is recognized for 60 minutes. . . .

MR. FUQUA: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

16. Norman Y. Mineta (Calif.).

§ 34.15 Division of time for debate provided in clause 2(b) of Rule XXVIII between the majority and minority party on an amendment reported from conference in disagreement applies to a second motion to dispose of the Senate amendment upon defeat of the first, and where the second motion is offered by a minority Member, the Chair may allocate one-half of the time to him and one-half to a majority Member later to be designated, notwithstanding earlier control of time by the manager of the conference report and the ranking minority member on the initial motion.

During consideration of the supplemental appropriations and rescission bill for fiscal year 1980 (H.R. 7542) in the House on July 2, 1980,[17] the following proceedings occurred:

17. 126 CONG. REC. 18357, 18359, 18360, 96th Cong. 2d Sess.

THE SPEAKER PRO TEMPORE:[18] The question is on the motion offered by the gentleman from Maryland (Mr. Long), to concur with the Senate amendment numbered 95.

The motion was rejected.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Bauman moves to recede and concur in the amendment of the Senate (No. 95) with an amendment as follows: In lieu of the matter stricken and inserted by said amendment insert the following:
>
> CHAPTER VI
>
> FOREIGN OPERATIONS
>
> FUNDS APPROPRIATED TO THE PRESIDENT
>
> INTERNATIONAL DISASTER ASSISTANCE
>
> For an additional amount to carry out the provisions of Section 491 of the Foreign Assistance Act of 1961, as amended, $43,000,000 to remain available until expended. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Maryland is recognized. . . .

MR. [CLARENCE D.] LONG of Maryland: Mr. Speaker, I have a preferential motion.

MR. BAUMAN: Mr. Speaker, I have been recognized, I believe. . . .

MR. LONG of Maryland: Mr. Speaker, I was on my feet for a preferential motion.

THE SPEAKER PRO TEMPORE: On this motion the gentleman from Maryland (Mr. Bauman) has the time. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: . . . I offer a preferential motion that is at the desk.

MR. BAUMAN: Mr. Speaker, I did not yield to the gentleman to offer a motion.

MR. O'NEILL: I was recognized.

MR. BAUMAN: Well, I did not yield for that purpose, Mr. Speaker. I control the time, do I not?

THE SPEAKER PRO TEMPORE: The gentleman from Maryland (Mr. Bauman) has 30 minutes, the majority side has 30 minutes. . . .

MR. BAUMAN: My parliamentary inquiry is that the Chair stated a moment ago that the time on a preferential motion to concur with an amendment is divided between the majority and the minority. Is it not controlled by the maker of the motion? Only amendments in disagreement are divided.

THE SPEAKER PRO TEMPORE: The practice of the House is clearly on a motion of this type after an initial motion has been rejected on an amendment reported from conference in disagreement that the time is divided between the majority and the minority parties.

18. Paul Simon (Ill.).

E. RELEVANCY IN DEBATE

§ 35. Debate in the House

The House rules provide in Rule XIV clause 1 that in addressing the House a Member "shall confine himself to the question under debate, avoiding personality."[19] The rule is neither intended nor enforced to prevent free and open debate in the House at the appropriate time, but is designed to expedite proceedings when a specific proposition is before the House for action. Although the Speaker or the Chairman of the Committee of the Whole may on his own initiative call a Member to order for indulging in irrelevant debate,[20] the Chair generally awaits a point of order before ruling on the issue.[1] If a Member persists in irrelevant debate after being cautioned by the Chair to proceed in order, the House may proceed under clause 4 of Rule XIV, requiring that the Member take his seat and not proceed further without the consent of the House.[2]

The rule of relevancy of debate in the House is a rule of common sense and flexibility, and Members must be permitted some latitude to discuss issues related to the pending proposition.[3]

A Member may be authorized by the House (or Committee of the Whole) to discuss matters unrelated to the pending proposition by requesting unanimous consent "to speak out of order."[4]

Where a special rule from the Committee on Rules is pending, to provide for the consideration of a bill, debate in the House thereon should be confined to the merits and provisions of the resolution and should not extend to a general and complete discussion of the measure whose consideration is provided for in the resolution, since such debate should transpire

19. See *House Rules and Manual* § 749 (1995). For discussion of the rule against indulging in personalities in debate, see § 60, infra.

20. For occasions where the Speaker has called Members to order on his own initiative for failing to confine themselves to a question of privilege, see § 36.5, infra; 8 Cannon's Precedents § 2481. 5 Hinds' Precedents § 5043 (footnote) indicates that in the early practice of the House of Representatives, the Speaker routinely called Members to order for speaking beside the question.

1. See, for example, §§ 35.1 and 35.11, infra; 5 Hinds' Precedents §§ 5043–5048.

2. 8 Cannon's Precedents § 2534.

3. See the Speaker's statement at § 35.1, infra. Early practice took a very strict construction of the rule; see 5 Hinds' Precedents §§ 5043–5048.

4. See § 35.7, infra.

during the consideration of the measure itself. But the nature and importance of a special order requires that debate be allowed on the general purposes and necessity for consideration of the measure provided for, as well as discussion of past proceedings on other bills to demonstrate the reasons for the drafting of the resolution in question.[5]

It has always been held, and generally quite strictly, that in the House the Member must confine himself to the subject under debate.[6] Debate on a motion to amend must be confined to the amendment, and may neither include the general merits of the bill,[7] nor range to the merits of a proposition not included in the underlying resolution.[8]

A Member raising a question of privilege, either of the House or of the Member, must confine himself to the question presented,[9] and may not generally refer to pending legislation.[10] Where the question of privilege is based upon criticism of the Member's statements or actions with respect to a certain legislative proposal, he may refer to that proposal in order to justify his motivations and to answer the criticism raised.[11]

Where a proposition is not pending in the House, Members may express themselves on any subject (which is otherwise appropriate under the rules of the House) by requesting unanimous consent to address the House or by inserting remarks in the Record.[12]

Relevancy During General Debate

§ 35.1 Debate in the House is confined to the subject under consideration, but the Speaker has indicated that the rule of relevancy is applied with tolerance and latitude.

On Dec. 10, 1963,[13] Mr. Byron G. Rogers, of Colorado, raised a

5. See §§ 35.1–35.5, infra.
6. See 5 Hinds' Precedents §§ 5043, 5048; 6 Cannon's Precedents § 576; and 8 Cannon's Precedents §§ 2481, 2534.
7. See 5 Hinds' Precedents §§ 5049, 5051.
8. See § 35.21, infra.
9. See § 36.1, infra (personal privilege) and § 36.5, infra (privilege of the House). For earlier precedents, see 6 Cannon's Precedents § 576; 8 Cannon's Precedents § 2481.
10. See § 36.3, infra.
11. See § 36.2, infra.
12. For one-minute and special-order speeches, see § 73, infra.
13. 109 Cong. Rec. 23968, 88th Cong. 1st Sess.

point of order against the remarks of Mr. William H. Avery, of Kansas. Mr. Rogers observed that the House was at that time considering a special rule on the indigent defendants bill, whereas Mr. Avery was talking about the civil rights bill. Speaker John W. McCormack, of Massachusetts, ruled as follows:

> The Chair takes a lenient attitude toward debate in the House. If the gentleman from Kansas feels that there is anything involved in this bill that might be connected with legislation concerning civil rights, the Chair feels that the gentleman, who is conversant with the rules, is proceeding and will proceed in order.

Mr. H. R. Gross, of Iowa, then asked unanimous consent that Mr. Avery have permission to speak out of order and the House so ordered.

Debate on Special Order

§ 35.2 Debate on a resolution reported by the Committee on Rules and providing for the consideration of a bill is generally limited to the merits of such resolution.

On June 22, 1937, House Resolution 227 was offered by the Committee on Rules to provide a special rule for consideration in the Committee of the Whole of a bill relating to the tenure of certain federal judges (H.R. 2271).[14]

Mr. Leon Sacks, of Pennsylvania, who was yielded time, rose:

> Mr. Speaker, there are no words I can utter to defend that great Governor of Pennsylvania, George H. Earle, which would explain his humane qualities and true democratic principles more than his own action. Does the gentleman from Michigan prefer the action of the President of his own party at Anacostia, or would he prefer the orderly prevention of bloodshed in Johnstown?

Speaker William B. Bankhead, of Alabama, sustained a point of order that Mr. Sacks was not proceeding in order, since the matter under debate was the resolution reported from the Committee on Rules for the consideration of the bill and because Mr. Sacks' remarks were not directed to the merits of that procedure:

> THE SPEAKER: . . . The Chair will state the rule and its proper interpretation.
>
> Rule XIV provides as follows:
>
> > When any Member desires to speak or deliver any matter to the House, he shall . . . confine himself to the question under debate, avoiding personality.
>
> The matter now under debate is the resolution reported out of the Committee on Rules for the consideration of a bill from the Committee on the Judiciary. The gentleman from Pennsylvania will kindly proceed in order under the rule.[15]

---

14. 81 CONG. REC. 6157, 75th Cong. 1st Sess.

15. *Id.* at p. 6162.

§ 35.3 In debate on a special rule, the terms of which restrict general debate upon a bill to a specified time, it is in order to show by way of illustration from past experience the need for limiting general debate on the bill, but such discussion may not be broadened to include a reply to a speech made at some other time in general debate.

On June 20, 1935, while the House was considering a special rule (H. Res. 266) for consideration of a deficiency appropriation bill (H.R. 8554) in the Committee of the Whole, several points of order were made that Mr. Byron B. Harlan, of Ohio, was indulging in general debate rather than specific debate on the special rule.(16)

Speaker Joseph W. Byrns, of Tennessee, ruled that Mr. Harlan must confine himself to the resolution before the House and not discuss extraneous matters. After some intervening debate, the Speaker asked Mr. Harlan to suspend his debate for a comment from the Chair:

> . . . It has always been the custom heretofore in discussing resolutions making in order matters of legislation for Members to be rather liberal in their discussions and not necessarily to confine themselves to the pending resolution.
>
> The Chair thinks that discussion on these rules should not be too narrowly restricted. Of course, under the precedents, a Member must confine himself to the subject of debate when objection is raised. The pending resolution is one which undertakes to limit general debate upon the deficiency bill to 2 hours and to confine the debate to the bill itself. The Chair thinks it is entirely too narrow a construction to undertake to hold a Member, in discussing the resolution either pro or con, to the simple question of whether or not the rule should be adopted, and that it is entirely legitimate discussion for a Member who is undertaking to uphold the rule and to justify confining debate to the bill to cite as illustrations what has occurred in previous discussions. The Chair does not think a Member, in using such illustrations, is justified in answering a speech that has been made upon a previous occasion. However, the Chair repeats that the Chair does think it is perfectly legitimate for a Member who is undertaking to justify the rule to refer to experiences on previous occasions where the debate was not limited to the bill, and the Chair hopes that the gentleman from Ohio will proceed in order.

Debate on Special Order for Consideration of Bill

§ 35.4 While under clause 1 of Rule XIV, debate in the House is confined to the question under debate, debate on a special rule re-

16. 79 CONG. REC. 9783, 9784, 74th Cong. 1st Sess.

ported from the Committee on Rules providing for the consideration of a bill may range to the merits of the bill proposed to be considered.

On Sept. 26, 1989,[17] during consideration of House Resolution 245 (providing for consideration of H.R. 3299, the Omnibus Budget Reconciliation Act of 1989) in the House, the following proceedings occurred:

MR. [BUTLER] DERRICK [of South Carolina]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 245 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 245

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3299) to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990. . . .

MR. [JAMES A.] TRAFICANT [Jr., of Ohio]: . . . Now, in this package that we are discussing today, there is a capital gains cut proposal being bandied around. Here are the statistics I have, and if I am wrong, I would be glad to be corrected. If you are a family of four and you earn $25,000 your tax break will be $15.

MR. [CLIFFORD B.] STEARNS [of Florida]: Mr. Speaker, I have a point of parliamentary inquiry. . . .

My question, Mr. Speaker, is this: Is this debate relative to the rule?

THE SPEAKER PRO TEMPORE:[18] The House is presently debating the resolution from the Committee on Rules.

MR. STEARNS: And, Mr. Speaker, this particular debate by this distinguished gentleman is relevant to the rule?

THE SPEAKER PRO TEMPORE: The debate on the rule can go beyond the language of the resolution and the rule proposed to the merits of the legislation which will be considered by the rule.

§ 35.5 Debate on a special rule reported from the Committee on Rules authorizing the Speaker to entertain motions to suspend the rules on the current calendar day should be confined to that proposal; while it is permissible during debate on such rule to discuss the priority of business and the importance of bills that would not be scheduled for consideration under the rule, it is not permissible to discuss the substance of such bills on the merits.

On Sept. 27, 1990,[19] the House was considering a resolution[20]

17. 135 CONG. REC. 21530, 21532, 101st Cong. 1st Sess.

18. Richard J. Durbin (Ill.).

19. 136 CONG. REC. 26226, 101st Cong. 2d Sess.

20. H. Res. 479.

permitting motions to suspend the rules on that calendar day. A bill that would not be scheduled for consideration under the proposed rule was discussed:

MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . I am sure the chairman of the Judiciary Committee is speaking from the standpoint of this caucus when he says that he has a tough crime bill, but one of our concerns was that, for instance, in that bill that someone who blew up an airplane that contained 300 people would not be eligible for the death penalty. That would not be an option allowed to the jury under Federal law in the bill that he brought forward to us. We regard that as maybe being not quite tough enough.

There are concerns [about] the business of applying racial quotas to a death penalty consideration that is in the gentleman's bill. There are many people who feel that racial quota portion will, in fact, negate the ability of juries to deal meaningfully with death penalty decisions. . . .

I simply would say that we have to have a rule on the House floor that allows us to get real votes on some of these meaningful issues. . . .

MR. [JAMES A.] HAYES of Illinois: Mr. Speaker, I thought that we were discussing the rule on the suspensions. Now we have got into discussing the content of the crime bill. I think it is completely out of order.

THE SPEAKER PRO TEMPORE:[1] The gentleman is correct. The debate should proceed on the matter before the House, and that is the rule proposed by the gentleman from Massachusetts on the suspensions. . . .

MR. [BILL] MCCOLLUM [of Florida]: . . . I totally agree with the gentleman. The issue is this rule. The issue is on the question of the consideration of all these suspensions today, instead of considering the crime bill, instead of considering something that could have been out here much earlier than it is apparently going to be, not the substance of the work of the gentleman from Texas. . . .

MR. [CRAIG A.] WASHINGTON [of Texas]: Mr. Speaker I raise a point of order that the gentleman is not discussing the matter up for discussion on the floor.

THE SPEAKER PRO TEMPORE: The Chair will advise the Members, that in the Chair's opinion discussing the priority of business is probably within the confines of the resolution called up by the gentleman from Massachusetts, but when debate ranges into the merits of the relative bills not yet before the House, the Chair would admonish the Members that that probably goes beyond the resolution offered by the gentleman from Massachusetts.

Role of Chair in Enforcing Relevancy

§ 35.6 The Chair does not take the initiative to enforce the rule of relevance in debate but does enforce the rule when a point of order based thereon is made.

On Sept. 27, 1990,[2] during consideration of a special rule author-

1. Terry L. Bruce (Ill.).

2. 136 CONG. REC. 26226, 26227, 101st Cong. 2d Sess.

izing the Speaker to entertain motions to suspend the rules on that calendar day, substantive issues relating to bills that would not be scheduled for consideration under the rule were discussed during debate on the rule.[3] The Chair indicated that the rule of relevance in debate is enforced "where that point of order is made:"

> MR. [BILL] MCCOLLUM [of Florida]: . . . The issue is on the question of the consideration of all these suspensions today, instead of considering the crime bill, instead of considering something that could have been out here much earlier than it is apparently going to be. . . .
>
> MR. [CRAIG A.] WASHINGTON [of Texas]: Mr. Speaker, I raise a point of order that the gentleman is not discussing the matter up for discussion on the floor. . . .
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> Mr. Speaker, since we are suspending all of the rules of the House at the Speaker's discretion under this bill, is it not appropriate to discuss matters that the Speaker might decide to suspend the rules on this day? . . .
>
> THE SPEAKER PRO TEMPORE:[4] . . . [O]nce the House gets into debating the content of the legislation that might be brought before the House, the Chair would admonish Members they have gone beyond the confines of the motion made by the gentleman from Massachusetts. . . .
>
> MR. WALKER: . . . [I]n discussing suspending all of the rules of the House . . . for the rest of this day, it seems to us there are matters of content involved. Is the Chair suggesting we cannot discuss matters of content of things that might be suspended under the rules?
>
> THE SPEAKER PRO TEMPORE: The Chair would admonish the Members that they are not allowed to discuss the merits of matters not pending before the House where that point of order is made. The pending business before the House is the resolution offered by the gentleman from Massachusetts, to adopt the rule reported by the Committee on Rules.
>
> That is what is before the House.

Pro Forma Amendment

§ 35.7 Where a Member was addressing the House on a motion to strike out the last word and consent was granted to him to proceed for an additional time, the Speaker held that he must confine his remarks to the bill under consideration where objection was made, notwithstanding that in his original time he had not been proceeding in order.

On June 15, 1935,[5] Mr. Thomas L. Blanton, of Texas, arose to

3. For further discussion of the proceedings, see § 35.5, supra.

4. Terry L. Bruce (Ill.).

5. 79 CONG. REC. 9383, 74th Cong. 1st Sess.

state a parliamentary inquiry where the House was considering a bill by unanimous consent in the House as in the Committee of the Whole:

> Where a Member is speaking on the floor, out of order, under a motion to strike out the last word, and it is clearly apparent to every person present that his speech is out of order, and another Member . . . from Mississippi [Mr. Rankin] . . . asks that he be permitted to proceed for 15 minutes so that he may have time to examine his records, when it is generally understood that the whole speech is out of order, and the unanimous consent for such 15 additional minutes is granted by the House, is the Member precluded from so using his 15 minutes? I submit that it was generally understood that the extra 15 minutes granted by the House were to be used out of order.

Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

> The Chair will state to the gentleman from Mississippi, that the gentleman, of course, is familiar with the rules, and knows how consent may be obtained to speak out of order. The gentleman from Mississippi did not submit his request in that form. The gentleman made reference to some records that the gentleman from New Hampshire was searching for at the time. Consent was given to proceed for 15 minutes. When a Member of the House exercises his privilege and makes the point of order that the gentleman is proceeding out of order when consent has not been given, there is no alternative and the Chair must rule that the point of order is well taken and ask the gentleman speaking to confine himself to the matter before the House.

Parliamentarian's Note: The Speaker had previously advised that in order to obtain permission to deliver remarks unrelated to the pending question, a Member must specifically request unanimous consent to "speak out of order."

During Morning Hour Call of Committees

§ 35.8 Debate in the House during the morning hour call of committees must be confined to the pending matter under consideration.

On June 12, 1933,[6] during the morning hour call of committees, the Committee on the Judiciary was called and Mr. Gordon Browning, of Tennessee, called up a bill to establish a Tennessee judicial district. Mr. Edward W. Goss, of Connecticut, raised a parliamentary inquiry: "Do I understand this time is allotted for general debate, or is the debate confined to the bill, under the rule?" Speaker Henry T. Rainey, of Illinois, ruled that "In the House, de-

6. 77 Cong. Rec. 5816, 73d Cong. 1st Sess.

bate must be confined to the bill under consideration."

Debate on Impeachment Charges

§ 35.9 In presenting impeachment charges a Member is not confined to a bare statement of the charges but may supplement them with argumentative statements.

On May 7, 1935,[7] Mr. Everett M. Dirksen, of Illinois, rose in order to prefer charges of impeachment against Federal Judge Samuel Alschuler. During Mr. Dirksen's address, in which he stated his personal opinion of the judge in question and of other federal judges, Mr. Hatton W. Sumners, of Texas, arose to state:

> I am not familiar with the precedents, but I have the impression that in preferring charges of impeachment, argumentative statements should be avoided as much as possible. If I am wrong in that statement with reference to what the precedents and custom have established, I of course withdraw the observation.[8]

Mr. Dirksen stated that he had no desire to violate the precedents but stated that there were two additional pages of explanatory matter which he desired either to state to the House or to insert into the Record to elaborate the statement of specific charges that had been made. Speaker Joseph W. Byrns, of Tennessee, ruled:

> The Chair thinks it is entirely up to the gentleman from Illinois so far as the propriety of his statement is concerned.[9]

Similarly, on Jan. 14, 1936, Mr. Robert A. Green, of Florida, arose to present impeachment charges against Federal Judge Halsted L. Ritter.[10] Mr. Carl E. Mapes, of Michigan, rose to state a point of order that Mr. Green was presenting argumentative and personal statements, after Mr. Green had delivered the following remarks:

> . . . I am vitally interested in this investigation for two important reasons: First, from a careful study of the evidence I am convinced that Judge Ritter is an ignorant, unjust, tyrannical, and corrupt judge; that a majority of the people in his district have the same convictions that I have; that confidence in him and his court is lacking; that his usefulness as a judge of the southern district of Florida has long since come to an end. Second, a large portion of the district over which Judge Ritter presides is in my congressional district, and my people demand and feel that they are entitled to a judge learned in the law and one who has dignity, honor, and integrity.[11]

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7. 79 CONG. REC. 7081, 74th Cong. 1st Sess.

8. *Id.* at p. 7085.

9. *Id.*

10. 80 CONG. REC. 404, 74th Cong. 2d Sess.

11. *Id.* at pp. 405, 406.

Speaker Byrns ruled that Mr. Green was entitled to one hour's debate on the charges and that he could use all or any portion of the hour as he saw fit, including a general discussion of the charges.

§ 35.10 In debating articles of impeachment a Member may refer to the political, social, and family background of the accused.

On Mar. 2, 1936, Mr. Hatton W. Sumners, of Texas, called up for consideration House Resolution 422 presenting articles of impeachment against Federal Judge Ritter.[12] Extensive debate ensued on the resolution, and Mr. Louis Ludlow, of Indiana, arose to present himself as a "character witness" on behalf of Judge Ritter. He began to discuss the family background of the accused and the "outstanding character and personality" of the accused's father.

Mr. Malcolm C. Tarver, of Georgia, arose to state the point of order that Mr. Ludlow was "endeavoring to read into the Record a statement with regard to the progenitors of the gentleman against whom these impeachment proceedings are pending." Mr. Tarver stated that such matters were not properly to be considered by the House and should not be discussed.[13]

Speaker Joseph W. Byrns, of Tennessee, ruled that within the four and one-half hours of debate provided for on the resolution, Members could address themselves to any subject relating to the articles of impeachment and the accused.[14]

Electing Member to Committee

§ 35.11 During debate on the election of a Member to a standing committee, it is beyond the scope of permissible debate to indulge in personal attacks against the nominated Member or to address the possible future agenda of the committee, but should relate to the qualifications of the Member to serve on the committee.

On July 10, 1995,[15] the House had under consideration a resolution to elect a Member to a standing committee:

> MR. [JOHN A.] BOEHNER [of Ohio]: Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 183) and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:

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12. 80 CONG. REC. 3066, 74th Cong. 2d Sess.

13. *Id.* at pp. 3069, 3070.

14. *Id.* at p. 3069.

15. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

H. RES. 183

Resolved, that the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Ways and Means: Mr. Laughlin of Texas, to rank following Mr. Portman of Ohio. . . .

MR. BOEHNER: . . . Mr. Speaker, as chairman of the Republican Conference, I am pleased to welcome the gentleman from Texas, Mr. Greg Laughlin, to our party. Mr. Laughlin saw fit several weeks ago to change parties here in the House of Representatives, and we are glad to have him on our side of the aisle.

As a result, about a week and a half ago, the Republican conference did in fact vote by unanimous vote to place the gentleman from Texas [Mr. Laughlin] on the Committee on Ways and Means. To my colleagues on the other side of the aisle who appear to have some chagrin over the fact we are placing Mr. Laughlin on the Committee on Ways and Means, I would point out that today Republicans hold about 58 percent of the seats on the Committee on Ways and Means. It has been since 1923 that the majority party has had less than 60 percent of the votes on the Committee on Ways and Means. Historically, that percentage has been a 60 to 40 split between the majority and minority on the Committee on Ways and Means. . . .

MR. [RICHARD A.] GEPHARDT [of Missouri]: . . . Mr. Speaker, I would like to respond to the case that the distinguished gentleman from Ohio has made on behalf of the Republican side. I would like to respond to both what is happening here procedurally and what is happening substantively.

First, the procedure: The gentleman is correct in saying that in past Congresses there has been a desire on the part of the majority party on certain key committees to have a larger ratio than the ratio represented by the members of the House. Many times in the past, we have had 60 percent, as Democrats on the Committee on Ways and Means and on the Committee on Rules. But I would point out that in all of those times, the ratio that the Democrats represented in the House was higher than the 53 percent that the Republicans now represent as part of the House. . . .

Let me talk about the substance. What I think is really going on here is an attempt, as was pointed out in the Washington Times on Friday, June 30, 1995, to add a Republican member of senior status to shield freshman Republicans from having to vote for deep, deep cuts in Medicare.

I quote, "Mr. Laughlin likely will provide support for potentially unpopular reductions in Medicare benefits, should GOP leaders give three committee freshmen, all of whom won with less than 51 percent of the vote, permission to vote 'no.'"

My colleagues, what is about to happen in Medicare are the largest changes to Medicare in the history of the program. If the hints we are reading in the weekend press are right, we are talking about huge increases in the premiums for Medicare recipients. If that is what is going on here, a stacking of the committee in order to make sure those cuts go through, then this is substantively wrong. If Members on your side of the aisle believe in these kinds of changes in Medicare, everybody should vote for it. Why should we

be shielding Members from voting for these kinds of cuts?

Finally, let me tell you what I really think is going on here. In reading the comments of leaders on the Republican side for some time now, not just lately, I think there is an effort here to make Medicare a voluntary program. I think there is an effort to get rid of Medicare. I think that is what is really at stake. . . .

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

Mr. Speaker, is it my understanding that the debate on this issue should be confined to the resolution that is on the floor of the House?

THE SPEAKER PRO TEMPORE:[16] The rules and precedents of the House would indicate that debate on the matter should relate to the matter before the House. . . .

MR. [DAVID E.] BONIOR [of Michigan]: . . . Mr. Speaker, let us not kid ourselves this evening. This debate is about one simple thing. And while we may talk about representation on the committee, which, in fact, I believe has been skewed, this debate is about Medicare. It is about whether or not we should cut Medicare to provide tax cuts for the wealthiest people in our society. It is about whether or not we should double Medicare premiums to give a tax break to the wealthiest corporations in America. . . .

MR. BOEHNER: Mr. Speaker, I make a point of order that the gentleman is not speaking to the relevant issue at hand. I make a point of order that the gentleman in the well, the minority whip, is not talking to the relevant issue at hand that is in the debate today. The issue is the seating of the gentleman from Texas [Mr. Laughlin] on the Committee on Ways and Means. The gentleman proceeded, as others before him have, to talk about the issue of Medicare, which is not the subject of debate. As I understand the rules of the House, the gentleman should be required to speak to the issue that is on the floor.

THE SPEAKER PRO TEMPORE: The gentleman makes a point of order that engaging in debate should be on the topic before the House. The gentleman in the well is reminded that the debate topic before the House is the resolution with regard to membership on the committee and debate should be confined to that subject matter.

MR. BONIOR: Mr. Speaker, I would say to the Members that the members who serve on that committee will determine that fate of literally 40 million Americans on Medicare. There is no way you can divide or divorce the issue of who sits on that committee and the issue of what tax breaks are given, what tax breaks are taken away, what Medicare benefits are given, what Medicare benefits are taken away, what Medicaid benefits are given, what Medicaid benefits are taken away. They are bound together. . . .

THE SPEAKER PRO TEMPORE: The gentleman is requested by the Chair to proceed in order.

MR. BONIOR: As this Washington Times article points out, "Mr. Laughlin will provide support for potentially unpopular reductions in Medicare benefits, should the GOP leaders give three committee freshmen, all of whom won with less than 51 percent of vote, per-

16. Robert S. Walker (Pa.).

mission to vote no." Which raises the question, what will Mr. Laughlin do on this committee? Will he cover for these three freshmen? It is an interesting question. Mr. Laughlin ought to tell the American people. He ought to tell the people of the district what are his intentions with respect to Medicare, if he is going to serve as a member of this committee.

POINT OF ORDER

MR. BOEHNER: Mr. Speaker, I rise to a point of order.

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

MR. BOEHNER: Mr. Speaker, I make a point of order that the gentleman in the well is questioning the motives of the gentleman that is in question on the resolution appointing him to the committee.

THE SPEAKER PRO TEMPORE: The gentleman at this point has not named any member of the Committee on Ways and Means. The gentleman is reminded, however, that he has an obligation to the rules of the House to proceed in order. . . .

MR. BONIOR: Mr. Speaker, I would like to pose a question to the Speaker then. The question is this, how does the Speaker intend to separate those who serve on the committee from the jurisdiction which they have on that committee? What is the dividing line? Would the Chair give a ruling to this Member on where the dividing line is?

THE SPEAKER PRO TEMPORE: The resolution before the House is on the election of the gentleman from Texas [Mr. Laughlin] to the committee. The subject matter before the House is not what he plans to do once he joins the committee. The gentleman will confine himself to the issue before the House. . . .

MR. [JOHN D.] HAYWORTH [Jr., of Arizona]: . . . Mr. Speaker, it is absolutely fascinating to listen to the guardians of the old order, the new minority, espouse a form of institutional amnesia. I may not have been here in previous Congresses, but thanks to C–SPAN and thanks to the history books, we can take a look and we can see what happened time and again in this Chamber. Debate was shut up. People were stifled. We had a decision that existed that was egregious.

POINT OF ORDER

MR. BONIOR: Point of order, Mr. Speaker. The gentleman is not talking about the resolution and he is off the issue.

THE SPEAKER PRO TEMPORE: The gentleman from Arizona [Mr. Hayworth] must confine himself to the subject matter of the resolution before the House. . . .

MR. [BILL] PAXON [of New York]: Mr. Speaker, when the Democrats give a big tax liberal a seat on the Committee on Ways and Means, they call it good government. However, when Republicans give a smaller tax, smaller government conservative a seat on the Committee on Ways and Means, the Democrats say something is wrong with that. The truth is today's debate has nothing to do at all with selling out or with Medicare or anything else. It has to do with sour grapes.

For years the Democrats' liberal leadership has used conservatives. They have promised them seats on important committees, like the Com-

mittee on Ways and Means, but when it came time to deliver, it was not done.

POINT OF ORDER

MR. [BARNEY] FRANK of Massachusetts: Point of order, Mr. Speaker. My point of order is that unless the Speaker has taken the words of the gentleman from Michigan to heart, that violates the subject of the Speaker's previous instructions, Mr. Speaker. It is off the point of the issue of appointing the gentleman from Texas [Mr. Laughlin].

THE SPEAKER PRO TEMPORE: The gentleman from New York [Mr. Paxon] is reminded he must proceed in order.

MR. PAXON: Mr. Speaker, the truth about this whole committee's assignment brouhaha brought up by our friends across the aisle is that the liberal leadership wants conservative bodies in their caucus but does not want to deliver for them on this House floor. Now they are angry that the gentleman from Texas, Greg Laughlin, the gentleman from Georgia, Nathan Deal, Richard Shelby, Senator Campbell, and about 100 State and local Democrats have switched parties. That is what this debate is about here.

POINT OF ORDER

MR. FRANK of Massachusetts: Point of order, Mr. Speaker. This clearly violates the spirit of the Speaker's previous instructions. I would like to be clear that unless we are going to have one test of rules for this party and another set of rules for the other, that clearly violates what the gentleman stated to the gentleman from Michigan [Mr. Bonior].

THE SPEAKER PRO TEMPORE: The Chair had reminded Members on both sides of the aisle when the question has been raised that they are to proceed in order. The Chair would continue to say to both sides of the aisle in fairness that they must proceed in order on the resolution. The subject matter under discussion is the election of the gentleman from Texas [Mr. Laughlin] on the Committee on Ways and Means. That should be the subject of the discussion on the floor.

Resignation From Committee

§ 35.12 In response to parliamentary inquiries, the Speaker indicated that the question of whether a Member should be relieved from committee service was debatable only within narrow limits and that the Chair would take the initiative in enforcing that restriction.

On June 16, 1975,[17] after the Speaker[18] laid before the House a letter of resignation from the chairman of the Select Committee on Intelligence, the following proceedings occurred:

The Speaker laid before the House the [resignation of Mr. Lucien N. Nedzi, of Michigan] from the House Select Committee on Intelligence. . . .

THE SPEAKER: The question is, shall the resignation be accepted?

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17. 121 CONG. REC. 19054, 19056, 19059, 94th Cong. 1st Sess.

18. Carl Albert (Okla.).

The Chair recognizes the gentleman from Michigan (Mr. Nedzi). . . .

MR. NEDZI: . . . Mr. Speaker, I yield 15 minutes to the gentleman from Michigan (Mr. O'Hara).

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Speaker, before proceeding, I wonder if I could address to the Chair a parliamentary inquiry.

THE SPEAKER: The gentleman may state his parliamentary inquiry.

MR. O'HARA: Mr. Speaker, I have looked at the precedents and I am somewhat uncertain as to the proper scope of the debate on such a question. I would hope that the Chair could enlighten this gentleman and the House.

THE SPEAKER: . . . The Chair will state that rule XIV, clause 1, requires that a Member confine himself to the question under debate in the House, avoiding personalities. On January 29, 1855, as cited in section 4510 of volume 4, Hinds' Precedents, Speaker Boyd held that the request of a Member that he be excused from committee service was debatable only within very narrow limits.

The Chair trusts that debate on the pending question will be confined within the spirit of that ruling and the Chair will further state that he will strictly enforce the rule as to the relevancy of debate. . . .

MR. [GARRY] BROWN of Michigan: . . . Under the germaneness test that the Speaker recited at the commencement of this discussion did the Speaker contemplate that on his own volition and initiative that he would raise the question of germaneness; or must that question of germaneness be raised by someone on the floor? . . .

Does the Speaker [intend] to question the germaneness when in his mind it appears to be nongermane?

THE SPEAKER: The Chair has so stated, and the Chair so intends.

Disciplinary Resolution

§ 35.13 Debate on a resolution reprimanding a Member is confined to the official conduct of that Member and may not extend to the conduct or criminal convictions of other Members or former Members.

During consideration of House Resolution 1414 in the House on Oct. 13, 1978,[19] the following proceedings occurred:

MR. [JOHN J.] FLYNT [Jr., of Georgia]: Mr. Speaker, I call up a privileged resolution (H. Res. 1414) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1414

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated October 6, 1978, in the matter of Representative Charles H. Wilson of California.

THE SPEAKER:[20] The Chair recognizes the gentleman from Georgia (Mr. Flynt) for 1 hour.

MR. FLYNT: . . . Mr. Speaker, in early 1977 . . . the House directed the Committee on Standards of Official Conduct to . . . conduct a "full and

19. 124 CONG. REC. 36976–81, 95th Cong. 2d Sess.

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

complete inquiry and investigation to determine whether Members of the House of Representatives . . . accepted anything of value . . . from the Government of the Republic of Korea or representatives thereof.". . .

This violation charged against my colleague and my friend, Charles H. Wilson of California, is that he acted in a manner that did not reflect creditably on the House of Representatives, in that he made a statement in writing to the committee in response to a questionnaire, whether he had received anything of value over $100 from Tongsun Park.

When Mr. Wilson responded, he said that he had not. Subsequently, he told the committee . . . that he had previously received a wedding gift, on the occasion of his marriage in the Republic of Korea, from Tongsun Park. . . .

MR. CHARLES H. WILSON of California: . . . I have already informed the House of my decision not to contest the committee's recommendation that acceptance of its report shall constitute a reprimand. . . .

My decision was extraordinarily difficult for several reasons. My action may be considered by some as an admission of guilt. This is not the case. I assure you that I now believe, as I have throughout, that I am innocent. I freely admit that my wife and I received a cash wedding present from Tongsun Park. But there was nothing improper in this. The committee itself has found that the receipt of that present violates no statute or rule of this House. . . .

MR. [BRUCE F.] CAPUTO [of New York]: Mr. Speaker, I respect the right of everyone to feel differently about this matter; but some of us went to Korea to hear Tongsun Park. I do not know if you had a chance to read his testimony. I gather a lot of you did not. He testified that he made $850,000 in payments to some 34 Members of the House and the Senate. A lot of them are no longer Members of the House. Some of them are Members of the Senate. That is why all are not here today facing charges.

Second, a former Member of the House was indicted and convicted. Let me read to you from his conviction:

> It was further part of said conspiracy that Tongsun Park, with knowledge and under the direction of the Korean Central Intelligence Agency, would corruptly provide money to various Members of the Congress and the Senate.

MR. [B. F.] SISK [of California]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state the point of order.

MR. SISK: Mr. Speaker, I make a point of order that the gentleman is not speaking on the subject under consideration. At the present time we are hearing a situation in connection with our colleague from California (Mr. Charles H. Wilson). We are not discussing the whole Korean episode from start to finish.

I think the gentleman is talking out of line in connection with something he is raising. I do not think he is in order.

THE SPEAKER: The gentleman will speak on the subject matter before us, which is House Resolution 1414, concerning Mr. Charles H. Wilson of California.

§ 35.14 No point of order lies, during debate on a discipli-

nary resolution (of censure) reported from the Committee on Standards of Official Conduct, against discussion of evidence allegedly not presented before the Committee, as the Chair can only rule on the basis of relevancy in debate, and not on the admissibility of evidence which is related to the charges on which censure is based.

On May 29, 1980,[1] the following proceedings occurred in the House during consideration of a privileged resolution reported from the Committee on Standards of Official Conduct (censuring Charles H. Wilson):

MR. [FLOYD] SPENCE [of South Carolina]: Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Thomas).

(Mr. Thomas asked and was given permission to revise and extend his remarks.)

MR. [WILLIAM M.] THOMAS [of California]: . . . In addition to the sources the committee chairman mentioned located in the committee report, I have recently been able to obtain a candidate's campaign statement from the secretary of state of California, a statement that was required to be filed for primary elections and for general and special elections. I have before me this statement:

> I, Charles H. Wilson, hereby state that at the general election held on the 3rd day of November, 1970, I was a candidate for election to the office of: United States House of Representatives, and that all moneys paid, loaned, contributed, or otherwise furnished to me, directly or indirectly, . . . were, . . . as follows: . . .

MR. [WILLIAM D.] FORD of Michigan: . . . [A] point of order, Mr. Speaker. . . .

Mr. Speaker, I believe all we are supposed to be examining here is the record that was developed by the committee. I did not object when the gentleman from Wyoming (Mr. Cheney) brought in matters that were not in the record, but now the gentleman is going outside the action of the committee and presenting to this body evidence that was not presented before the committee, evidence that was apparently obtained by him independent of the committee's recommendation.

It is my assumption that Mr. Wilson has to defend against the record that was sent here by the committee. Now, if we have to defend against anything that anyone else wants to bring in, that is another matter.

THE SPEAKER PRO TEMPORE:[2] The Chair does not believe that the gentleman is stating a point of order specifically. . . .

MR. FORD of Michigan: Mr. Speaker, my point of order is against the gentleman's introducing evidence here that was not introduced before the committee.

THE SPEAKER PRO TEMPORE: The Chair would rule on the gentleman's point of order by saying that the only test of the debate on the issues is the

1. 126 CONG. REC. 12661, 12662, 96th Cong. 2d Sess.

2. Robert A. Roe (N.J.).

relevancy of the matter presented. . . .

MR. [WILLIAM L.] CLAY [of Missouri]: Mr. Speaker, I have a point of order.

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

MR. CLAY: Mr. Speaker, is it correct that we are supposedly deliberating on charges against one, Charles H. Wilson, that took place in 1971 and 1972? And, if so, what bearing on that does a record from 1970 have?

That is the record the gentleman is quoting from, Mr. Speaker.

MR. THOMAS: Mr. Speaker, may I answer that question?

THE SPEAKER PRO TEMPORE: Yes, the gentleman is recognized.

MR. THOMAS: Mr. Speaker, the loan of $10,000 was made July 31, 1970. It was stated in the committee that that loan was reimbursement for campaign expenses. I am quoting from a November 1970 document filed with the secretary of state of California which indicates no moneys whatsoever were expended on the basis of that loan. . . .

Mr. Speaker, the dollar amounts indicate in fact in the primary and in the general election there was a campaign surplus. . . .

THE SPEAKER PRO TEMPORE: If the Chair may address the point of order, as far as the Chair is concerned, the Chair observes that the dialog that is taking place in the colloquy relates to the subject matter that is before the House, and the Chair thinks that it may unfold as the gentleman in the well is presenting it. The Chair sees no valid reason for a point of order at this point.

MR. CLAY: Mr. Speaker, if I may proceed with my point of order, this committee has spent hundreds of thousands of dollars for investigators and attorneys. They spent 18 months investigating this case and did not present this at the hearing or at the trial of Charles H. Wilson.

THE SPEAKER PRO TEMPORE: The gentleman will suspend.

The Chair observes that this is a very vitally important matter. The Chair feels that there are 350 to 400 pages in this committee report alone, plus all kinds of other background data.

The Chair does not feel that it has the prerogative of judging specifically other than general relevancy.

The Chair overrules the point of order, and the gentleman in the well will proceed.

§ 35.15 Debate on a resolution recommending a disciplinary sanction against a Member may not exceed the scope of the conduct of the accused Member.

On Dec. 18, 1987,[3] during consideration of a privileged resolution (H. Res. 335, disciplining a Member) in the House, the following proceedings occurred:

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I call up a privileged resolution (H. Res. 335) in the matter of Representative Austin J. Murphy, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

3. 133 CONG. REC. 36266, 36271, 100th Cong. 1st Sess.

H. RES. 335

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated December 16, 1987, in the matter of Representative Austin J. Murphy of Pennsylvania. . . .

THE SPEAKER PRO TEMPORE:[4] The gentleman from California [Mr. Dixon] is recognized for 1 hour.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I commend the committee for its report and its recommendation. Given the facts, a reprimand is a reasonable recommendation and I will vote "yes" but I sympathize with the plight of Mr. Murphy. We must be careful not to make a scapegoat of the gentleman from Pennsylvania.

This committee's earlier report on the gentleman from Rhode Island should be reexamined with this new yardstick. The committee's letter on the gentlewoman from Ohio should be scrutinized with this new yardstick. The admission of $24,000 in election law violations by the gentleman from California should be held up to this new yardstick.

Finally, the numerous allegations about the Speaker must be——

MR. [TOMMY F.] ROBINSON [of Arkansas]: Mr. Speaker, I have a parliamentary inquiry. . . .

I thought we were here today to hear a very serious charge against one of our colleagues from Pennsylvania, not from California or other States.

THE SPEAKER PRO TEMPORE: Will the gentleman suspend? Does the gentleman from Georgia yield?

MR. GINGRICH: No, I do not yield, Mr. Speaker.

MR. ROBINSON: Mr. Speaker, I raise a point of order.

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

MR. ROBINSON: Mr. Speaker, my point of order is that we are here to consider the committee's report against our colleague Austin Murphy and not against other Members today that the charges have not been substantiated or presented to the committee.

MR. GINGRICH: Would the Chair——

THE SPEAKER PRO TEMPORE: Will the gentleman suspend?

The [gentleman] will yield on the point of order.

On the debate currently ongoing, there can be references made to other cases reported by the committee, not by individual or by name. The gentleman from Georgia, as the Chair understands, has not mentioned other individuals and the gentleman from Arkansas——

MR. ROBINSON: Mr. Speaker, he has, too.

THE SPEAKER PRO TEMPORE: The gentleman may compare disciplinary actions reported by the committee and should confine his remarks to the matters before the House.

MR. ROBINSON: I have a further parliamentary inquiry, Mr. Speaker. To my knowledge, these charges are not before the committee.

THE SPEAKER PRO TEMPORE: The gentleman from Georgia will proceed in order.

§ 35.16 Debate on a motion to postpone, whether when first offered or when reconsid-

4. Doug McCurdy (Okla.).

ered, must be confined to the advisability of postponement and may not go to the merits of the main proposition.

During consideration of House Resolution 660 (in the matter of Representative Charles H. Wilson) in the House on May 29, 1980,[5] the following proceedings occurred:

MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Speaker, I was in the House when the previous speaker got in the well and evidently brought in material which was not in the record before the committee, which in my judgment means there has been surprise to the defense in this case in the fact that the gentleman brought up evidence, which is a document from the State of California. . . .

I did vote on the prevailing side not to postpone. I would not have voted not to postpone, except for this what I consider to be a very unfair procedure. . . .

Mr. Speaker, I move to reconsider the vote to postpone. . . .

THE SPEAKER:[6] Does the gentleman have the motion in writing?

The Clerk will report the motion.

The Clerk read as follows:

Mr. Ertel moves that the House reconsider the vote on the motion to postpone to a day certain. . . .

THE SPEAKER: The question is on the motion offered by Mr. Ertel to reconsider the vote on the motion offered by Mr. Rousselot to postpone consideration. . . .

So the motion to reconsider the vote on the motion to postpone was agreed to. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from California (Mr. Rousselot) to postpone to June 10.

MR. [WYCHE] FOWLER [Jr., of Georgia]: Mr. Speaker, I would like to ask unanimous consent from this body for 10 minutes, to be equally divided between the opposition and the majority party, to debate the motion now before us by the gentleman from California (Mr. Rousselot). . . .

THE SPEAKER: Is there objection to the 10 minutes' debate?

The Chair hears none.

MR. FOWLER: Mr. Speaker, I have been permitted by my chairman of the committee to say to the body that we were willing, able, and prepared to stand on the report, the recommendations of our committee to this body on the matter of Charles H. Wilson. We were surprised today by the document introduced by the gentleman from California (Mr. Thomas). No other member of the committee had seen it. Mr. Charles H. Wilson had not seen it. We did not know that it was going to be introduced, and I would like to ask and would yield to the gentleman from California (Mr. Thomas) to ask him if he would request unanimous consent to strike from the Record that testimony in order to lay on the table.

MR. [WILLIAM D.] FORD of Michigan: Point of order, Mr. Speaker. . . .

I assume that the rules for debate of this 10 minutes are controlled by the

5. 126 CONG. REC. 12663–65, 96th Cong. 2d Sess.

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

House rules, as was the original debate on the amendment offered by the gentleman from California, and that limits it to the question of delaying this matter, and not the merits of the case.

THE SPEAKER: Under the unanimous-consent request the gentleman is within his rights, the debate is on the advisability of postponement.

Speaker's Reluctance To Rule in Advance on Relevancy

§ 35.17 Where a special order provided that one hour out of four hours of debate on conference reports considered en bloc be confined to one of the reports, the Speaker declined in advance of the debate to discuss the scope of relevancy during the designated hour, but stated he would rule on any points of order made during such debate.

On Oct. 14, 1978,[7] the following proceedings occurred in the House:

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Speaker, pursuant to House Resolution 1434, I call up the conference reports on the bills [H.R. 4018, Public Utility Rates; H.R. 5037, Energy Conservation; H.R. 5146, Coal Conversion; H.R. 5289, Natural Gas Policy; and H.R. 5263, Energy Tax].

THE SPEAKER PRO TEMPORE:[8] Pursuant to House Resolution 1434, the gentleman from Ohio (Mr. Ashley) will be recognized for 2 hours and the gentleman from Illinois (Mr. Anderson) will be recognized for 2 hours.

The Chair will recognize the gentleman from Ohio (Mr. Ashley) and the gentleman from Illinois (Mr. Anderson) for 30 minutes to debate the conference report on H.R. 5289. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: May I . . . inquire of the Chair whether the first hour of debate is to be directed to the natural gas conference report and not to the other four conference reports?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. BAUMAN: Only to the natural gas conference report?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. BAUMAN: Would it be out of order to discuss the other parts during that time?

THE SPEAKER PRO TEMPORE: The Chair would like to advise the gentleman that the Chair would have to rule as points along that line are brought to the attention of the Chair.

Motion To Postpone

§ 35.18 Debate on a motion to postpone must be confined to the issue of the desirability of postponement, and may not go to the merits of the main proposition.

During consideration of a privileged resolution reported from the Committee on Standards of Official Conduct, the Speaker advised

7. 124 CONG. REC. 38349, 38350, 95th Cong. 2d Sess.

8. William H. Natcher (Ky.).

the Members as to the scope of debate on a motion to postpone. The proceedings in the House on May 29, 1980,[9] were as follows:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, by direction of the Committee on Standards of Official Conduct, I call up a privileged resolution (H. Res. 660) in the matter of Representative Charles H. Wilson, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 660

Resolved,

(1) That Representative Charles H. Wilson be censured: . . .

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rousselot moves to postpone further consideration of House Resolution 660 until June 10, 1980.

THE SPEAKER:[10] The Chair recognizes the gentleman from California (Mr. Rousselot) for 1 hour.

MR. ROUSSELOT: Mr. Speaker, I yield 2 minutes, for the purposes of debate only, to my colleague, the gentleman from Arkansas (Mr. Bethune).

MR. [ED] BETHUNE [of Arkansas]: Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, during the course of the committee hearings one of the critical arguments that was made by the gentleman from California (Mr. Charles H. Wilson) was that the committee was acting as investigator, prosecutor, grand juror——

MR. [WILLIAM D.] FORD of Michigan: Mr. Speaker, I have a point of order.

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

MR. FORD of Michigan: Mr. Speaker, under the rules of the House the debate must be confined to the question of the postponement and not to any of the matters involving the matter being postponed.

THE SPEAKER: The gentleman is correct.

The Chair would like to advise the Members that a motion to postpone to a day certain is debatable within very narrow limits only. Under the precedents of the House, the motion is debatable only as to the desirability of postponing consideration of this resolution to June 10, and it does not admit debate on the merits of the pending proposition.

Debate as Legislative History

§ 35.19 A Member's allegation that debate between two other Members was an improper attempt to establish legislative history on a pending motion in the House was held not to constitute a proper point of order or parliamentary inquiry.

The following proceedings occurred in the House on Dec. 2, 1982,[11] during consideration of

9. 126 CONG. REC. 12649, 12650, 12652, 96th Cong. 2d Sess.

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

11. 128 CONG. REC. 28552, 28559, 28560, 97th Cong. 2d Sess.

H.R. 2330 (Nuclear Regulatory Commission authorization):

THE SPEAKER PRO TEMPORE:[12] Pursuant to clause 4, rule XXVIII, a motion to reject section 23 of the conference report having been adopted, the conference report is considered as rejected and the gentleman from Arizona (Mr. Udall) is recognized to offer an amendment consisting of the remainder of the conference report.

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, pursuant to clause 4, rule XXVIII, and the action of the House, I move that the House recede from its disagreement and concur in the Senate amendment with an amendment which I send to the desk.

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

The Clerk read as follows:

> Mr. Udall moves that the House recede and concur in the Senate amendment with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following: . . .

MR. [RICHARD L.] OTTINGER [of New York]: Is it correct that the Commission's existing uranium mill tailings licensing requirements would then automatically go into effect, without constraints related to possible inconsistencies with proposed EPA standards?

MR. UDALL: Yes, that is correct. The applicability of NRC's existing standards in total would not be left in doubt by any provisions of the amendment.

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Speaker, a point of order.

Are the gentleman from New York and the gentleman from Arizona establishing statutory legislation with these colloquies? They are giving to the EPA something that it does not have under the statutory law, or to the Nuclear Regulatory Commission.

THE SPEAKER PRO TEMPORE: The gentleman from New York fails to state a point of order.

MR. STRATTON: Well, it is a point of inquiry, Mr. Speaker. I am trying to determine whether this colloquy is going to go down in the law books as being the law of the land, because it certainly differs to what the legislation [is] at the present time. The Nuclear Regulatory Commission has no authority over mill tailings or has any authority to direct the EPA.

THE SPEAKER PRO TEMPORE: The Chair is unable to respond to the gentleman's inquiry. The response will have to come from the gentleman from Arizona (Mr. Udall).

MR. UDALL: Mr. Speaker, let me say to the gentleman from New York that obviously we cannot with a colloquy change the law. We cannot change the conference report. We can indicate what it means and how it is interpreted by Members who served on it.

Debate on Special Orders

§ 35.20 Unanimous-consent requests to address the House for up to one hour may specify the subject of the "special order", and the occupant of the Chair during that special order may enforce the rule of relevancy in debate if the special order has been permitted only on that subject.

12. William H. Natcher (Ky.).

Most special-order requests do not specify the subject to be debated, and if granted by the House the Member recognized may speak on any subject. Under Rule XIV, clause 1, however, if the question under debate has been specified by the House, the Member must confine his remarks to that subject. On Jan. 23, 1984,[13] a Member indicated the subject of special orders requested, and another Member asked for a ruling that the special orders be strictly limited to those subjects:

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include extraneous material:

Ms. Oakar, for 15 minutes;

Mr. Annunzio, for 5 minutes;

Mr. Gonzalez, for 30 minutes . . . .

THE SPEAKER PRO TEMPORE:[14] . . . Is there objection to the request of the gentlewoman from Colorado? . . .

MRS. SCHROEDER: Mr. Speaker, I also ask unanimous consent that following legislative business on the following days, these special orders be allowed so that Members may revise and extend their remarks, and include therein extraneous material:

Mrs. Schroeder, to honor the prior Congressman, Mr. Rogers——

MR. [ROBERT S.] WALKER [of Pennsylvania]: Regular order, Mr. Speaker.

MRS. SCHROEDER: Mr. Speaker, may I make a point? These are requests for the honoring of members who were deceased over the period that we have been adjourned.

MR. WALKER: Regular order, Mr. Speaker.

The unanimous-consent request is simply for time, and it is not supposed to include the title of what it is that is being done. . . .

MRS. SCHROEDER: Yes, Mr. Speaker. There is precedent for restating why we want special days assigned, and several Members, prior Members of this body, were deceased during this period while we have been adjourned.

Many Members would like to participate in the special orders, and Members have requested certain days in advance so that we could know that and send out a "Dear Colleague" in order to do that. . . .

The three orders dealing with that are these:

Myself, representing the memory of Byron Rogers, which we hope to do on January 30 for 60 minutes; and

Mr. Kastenmeier and Mr. Fascell on January 31, both wanting 60 minutes to the memory of our deceased prior chairman, Mr. Zablocki.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentlewoman from Colorado?

MR. WALKER: Mr. Speaker, reserving the right to object, I do so to request of the Chair whether or not these special orders will be absolutely limited to those subject matters. I ask whether

13. 130 CONG. REC. 90–93, 98th Cong. 2d Sess.

14. Richard B. Ray (Ga.).

the Chair will rule at this point that those special orders being entered into will be absolutely limited to those subject matters that were suggested by the gentlewoman from Colorado.

THE SPEAKER PRO TEMPORE: The Chair will state that the occupant of the chair at the time would have to rule on such matters.

Motion To Amend

§ 35.21 Debate on a motion to amend must be confined to the subject of the amendment, and may not range to the merits of a proposition not included in the underlying resolution.

On Jan. 31, 1995,[15] H. Res. 43, permitting committee chairmen to schedule and announce hearings, was being considered in the House:

H. RES. 43

Resolved, That, in rule XI of the Rules of the House of Representatives, clause 2(g)(3) is amended to read as follows:

"(3) The chairman of each committee of the House (except the Committee on Rules) shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing. If the chairman of the committee determines that there is good cause to begin the hearing sooner, the chairman shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.".

An amendment was offered:

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Solomon: Page 2, line 2, strike "If" and all that follows through the period on page 2, line 5 and insert the following: "If the chairman of the committee, with the concurrence of the ranking minority member, determines there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the chairman shall make the announcement at the earliest possible date.". . .

MR. SOLOMON: Mr. Speaker, the amendment speaks for itself. It is an agreed-upon amendment. I do not know of any opposition to it. At the appropriate time, if there are no other speakers on the other side of the aisle, I would expect to move the previous question.

Mr. Speaker, I would ask the gentleman from Massachusetts if he has any requests for time.

MR. [JOHN J.] MOAKLEY [of Massachusetts]: Mr. Speaker, I have requests from the Members who were part of the compact we struck last Friday. . . .

MR. [JOHN] BRYANT of Texas: Mr. Speaker, this is a rules change pending

15. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

before the House today that was worked out and brought to the floor over a period of several days. Into this rules change was invested a good deal of effort by the Republicans and by the Democrats, but this is not a rules change that the public is concerned about.

When the House of Representatives adopted its rules for the 104th Congress, a rules change, which the public is concerned about and that had the overwhelming support of Democrats, was conspicuously absent. That is a rule to prohibit the taking of gifts by Members of Congress from paid lobbyists.

MR. [JOHN] LINDER [of Georgia]: Point of order, Mr. Speaker. Regular order.

THE SPEAKER PRO TEMPORE:[16] For what purpose does the gentleman from Georgia [Mr. Linder] rise?

MR. LINDER: Mr. Speaker, I would inquire if the gentleman from Texas [Mr. Bryant] is speaking to the motion before the House.

THE SPEAKER PRO TEMPORE: The Chair will state that debate must be confined to the pending resolution.

The gentleman from Texas [Mr. Bryant] may proceed in order.

MR. BRYANT of Texas: Mr. Speaker, the pending resolution ought to include language to say that Members of Congress cannot take free meals and free vacations and free golf trips from lobbyists that are paid to influence the proceedings before this House. That addition to this provision could have been brought forward. It ought to be brought forward.

MR. SOLOMON: Mr. Speaker, regular order. The gentleman is not talking in regard to a germane amendment to the issue before us right now.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that the debate must be confined to the subject at hand.

MR. BRYANT of Texas: I have a parliamentary inquiry, Mr. Speaker. . . .

Mr. Speaker, if I advocate that this amendment ought to be defeated unless it includes the language that I have suggested with regard to prohibiting Members of Congress from taking freebies from lobbyists, would I then not be talking upon the amendment at hand?

THE SPEAKER PRO TEMPORE: It is not relevant to discuss unrelated issues as a contingency on this resolution.

§ 36. —On Question of Privilege

Question of Personal Privilege

§ 36.1 In addressing the House on a question of personal privilege a Member must confine himself to that question.

On May 6, 1932, Mr. John E. Rankin, of Mississippi, arose to state a question of personal privilege based on a newspaper editorial accusing the majority of the House of treason under the leadership of Mr. Rankin.[17]

16. William E. Barrett (Nebr.).

17. 75 CONG. REC. 9715, 72d Cong. 1st Sess.

Speaker John N. Garner, of Texas, ruled that a question of personal privilege was stated, and Mr. Rankin delivered further remarks. Mr. Albert Johnson, of Washington, then arose to make a point of order that Mr. Rankin was not speaking to the question of privilege. Speaker Garner ruled that Mr. Rankin must confine himself to the question.[18]

§ 36.2 In speaking to a question of personal privilege based on criticism of a Member, he is required to confine his remarks to the question involved, but is entitled to discuss related matters necessary to challenge the charge against him.

On Feb. 28, 1956,[19] Mr. Craig Hosmer, of California, arose to a point of personal privilege, based on an editorial from a newspaper accusing him of falsehoods in relation to a bill before the House.

After Speaker Pro Tempore John W. McCormack, of Massachusetts, ruled that Mr. Hosmer had stated a question of personal privilege Mr. Hosmer obtained unanimous consent to revise and extend his remarks and to include extraneous matter, including tables, during his debate.

Mr. Byron G. Rogers, of Colorado, subsequently rose to the point of order that Mr. Hosmer was not speaking on his question of personal privilege but was speaking as to the nature of the bill involved. The Speaker Pro Tempore ruled as follows:

> The Chair has previously stated that in laying the foundation for answering the charge of falsehood in the editorial, the gentleman from California would have rather a broad field to discuss his reasons for defending himself. The Chair calls attention to the gentleman from California, that there are limits to the liberality extended in this connection and suggests that the gentleman from California proceed in order.

Mr. Hosmer proceeded further on his point of personal privilege, and Mr. Rogers rose to another point of order that Mr. Hosmer was again discussing a bill and placing before the Members of the House a chart, and not referring in any way to the truth or falsity of the charges involved in the question of personal privilege. The Speaker Pro Tempore ruled:

> The Chair might state that he feels that the gentleman from California is very close to the line where the Chair may sustain a point of order. As the Chair understands it, the gentleman

18. See also 90 CONG. REC. 876, 877, 78th Cong. 2d Sess., Jan. 28, 1944; and 81 CONG. REC. 6309, 6310, 75th Cong. 1st Sess., June 24, 1937.

19. 102 CONG. REC. 3477, 3479, 3480, 84th Cong. 2d Sess.

has the right to discuss the facts involved in the pending bill insofar as that is necessary in order for the gentleman to express his views with reference to the charge of falsehood contained in the editorial, and to answer that charge, and make his record in that respect. The Chair again suggests to the gentleman from California, having in mind the observations of the Chair, particularly those just made, that he proceed in order and confine his discussion of the bill at this time only to that which is necessary to challenge the charge of falsehood contained in the editorial.

References to Pending Legislation

§ 36.3 A Member who is recognized on a question of personal privilege must limit himself to a discussion of the charges made against him and may not discuss a measure which is to come before the House for consideration.

On Apr. 9, 1943,[20] Mr. Clare E. Hoffman, of Michigan, rose to a question of personal privilege based on a newspaper article charging him with being one of "Hitler's American stooges." Speaker Sam Rayburn, of Texas, ruled that a question of personal privilege was stated.

While discussing his question of personal privilege, Mr. Hoffman digressed to discuss a tax bill which had been introduced in the House and which was to come before the House for consideration. Mr. Herman P. Eberharter, of Pennsylvania, arose to state a point of order:

> . . . I submit the gentleman is not speaking on a question of personal privilege when he is discussing a measure which is to come before the House for consideration.
>
> MR. HOFFMAN: I would like to be heard on that, Mr. Speaker.
>
> THE SPEAKER: The Chair will ask the gentleman from Michigan to proceed in order, and under the rule he must limit himself to a discussion of the charges made in his question for personal privilege. The gentleman will proceed in order.[1]

On Aug. 4, 1970,[2] Mr. Silvio O. Conte, of Massachusetts, rose to a question of personal privilege to challenge words spoken in debate in the House, although the ordinary procedure requires a timely demand that the objectionable words be taken down. Mr. Conte based his question of personal privilege on the fact that Mr. Page H. Belcher, of Oklahoma, had referred to Mr. Conte as "another guy" who had "horned in" on the act in relation to a certain bill. Mr. Conte then began discussing

20. 89 CONG. REC. 3195, 78th Cong. 1st Sess.

1. *Id.* at p. 3197.

2. 116 CONG. REC. 27130, 91st Cong. 2d Sess.

the bill in question, the Agricultural Act of 1970.

Mr. Delbert L. Latta, of Ohio, made the point of order that Mr. Conte was not directing his remarks to the words he challenged but to a legislative proposition which would be fully discussed when general debate commenced on the bill. Speaker Pro Tempore Edward P. Boland, of Massachusetts, directed Mr. Conte to confine his remarks to the point of personal privilege.

Parliamentarian's Note: A point of order was subsequently made that the raising of a point of personal privilege was not the proper procedure to challenge words spoken in debate but that the words should be demanded to be taken down. The Speaker Pro Tempore ruled that the point of order came too late, and unanimous consent was granted that the objectionable words be stricken from the Record.

References to Grounds for Impeachment

§ 36.4 Where a question of personal privilege is based upon newspaper editorials impugning a Member's motives in offering a resolution seeking to impeach the President, the Member in addressing the House may discuss the several charges contained in his resolution in order to justify his resolution.

On Jan. 23, 1933, Mr. Louis T. McFadden, of Pennsylvania, rose to a question of personal privilege based on newspaper criticism of his having moved for the impeachment of President Roosevelt.[3] When Mr. McFadden proceeded to read additional newspaper editorials, Mr. Thomas L. Blanton, of Texas, rose to make the point of order that Mr. McFadden was not confining himself to the question. Mr. Bertrand H. Snell, of New York, stated the rule that a Member proposing a question of personal privilege must confine his remarks to the matter contained in items on which he bases his question of privilege. Speaker John N. Garner, of Texas, stated that the newspaper articles read by Mr. McFadden raised questions as to his right to move for impeachment and that they were relevant to the question.

In response to a further point of order by Mr. Snell, Speaker Pro Tempore Blanton ruled that although Mr. McFadden could not refer to the experience and law of Great Britain in relation to impeachment, he could discuss the charges contained in his resolu-

3. 76 CONG. REC. 2294, 72d Cong. 2d Sess.

tion of impeachment in order to justify his moving for impeachment:

MR. SNELL: Mr. Speaker, I make the point of order that the gentleman is not confining himself to the question before the House or the matter of personal privilege, referring in particular to his actions in his representative capacity. He is quoting the King of England and stating matters that happened over in England which have nothing to do with the charge against the gentleman from Pennsylvania in his representative capacity. . . .

THE SPEAKER PRO TEMPORE: The Chair sustains the point of order in so far as it relates to any reference to England, unless there was some reference to England in the resolution. The gentleman from Pennsylvania knows the rules. He is confined absolutely to the matters that were embraced within his resolution, and must not go beyond that.

MR. SNELL: Just a moment, Mr. Speaker. Has he the right to go into every single phase of the charges he made in the resolution that he presented here a week or two ago?

THE SPEAKER PRO TEMPORE: The Chair thinks he is entitled to explain any matter that is contained within his resolution because for the filing of it he was called by certain newspapers contemptible, unpatriotic, and the author of an indecent act.

MR. SNELL: I maintain that he may not discuss what other men in England have said.

THE SPEAKER PRO TEMPORE: The Chair has sustained the point of order to that limit, and the gentleman from Pennsylvania understands the rule and must proceed in order.

Question of Privilege of the House

§ 36.5 A Member having been recognized on a question of the privileges of the House must confine himself to such question.

On Aug. 28, 1940,[4] Speaker William B. Bankhead, of Alabama, recognized Mr. Jacob Thorkelson, of Montana, on a matter of privilege of the House raised on the preceding day and pending at adjournment. Mr. Thorkelson's question of privilege was based on the alleged extension of remarks in the Record by Mr. Adolph J. Sabath, of Illinois, without first obtaining permission of the House. The Speaker ruled that such an extension of remarks gave grounds for a question of privilege of the House. Mr. Thorkelson proceeded in debate on his question of privilege and on a resolution which he had offered to expunge from the Record the remarks inserted by Mr. Sabath without permission to revise and extend. When Mr. Thorkelson began discussing British history,

4. 86 CONG. REC. 11150–58, 76th Cong. 3d Sess.

the Speaker interjected to inquire what relation the discussion had to the question of privilege of the House:

THE SPEAKER: Would the gentleman from Montana allow a question from the Chair?

MR. THORKELSON: Yes, Mr. Speaker.

THE SPEAKER: On what phase is the gentleman addressing himself so far as the question of privilege is concerned?

MR. THORKELSON: I did not want to read this, Mr. Speaker. I asked unanimous consent to have it inserted in the Record. This is a history of the secret service I am now reading.

THE SPEAKER: Conceding that, to what phase does it have reference so far as the question of privilege is concerned?

MR. THORKELSON: With regard to whether I have uttered truths or falsehoods. I believe that is part of my resolution.

THE SPEAKER: The Chair does not find any language in the gentleman's resolution where he is charged with an untruth or falsity.

MR. THORKELSON: There is the question of whether I have stated facts or not.

THE SPEAKER: The only question of privilege involved is whether or not the matter was put in without permission of the House.

MR. THORKELSON: The gentleman from Illinois [Mr. Sabath] asked me to read it. Now, then, if he does not want me to read it, I will put it in the Record.

THE SPEAKER: The gentleman from Illinois objected to the gentleman's request to incorporate the statement in the Record. He did not request the gentleman to read it. The Chair does not desire to interrupt the continuity of the gentleman's argument, but the Chair is under some obligation to see that the gentleman conforms with the rules and discusses the matter of privilege about which he complains.

Mr. Thorkelson then made a point of order that under the Constitution he had a right to present his case before the House and not to be deprived of that right by the Chair. The Speaker overruled the point of order.

Question of Personal Privilege

§ 36.6 Debate on a question of personal privilege must be confined to the statements or issue which gave rise to the question of privilege.

On May 31, 1984,[5] the following proceedings occurred in the House:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I rise to a question of personal privilege.

THE SPEAKER:[6] The gentleman will state it.

MR. WALKER: Mr. Speaker, in this morning's Washington Times newspaper, an article appears which, if accurate, constitutes a personalized attack, calls into question possible asso-

5. 130 CONG. REC. 14620, 14622, 14623, 98th Cong. 2d Sess.

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

ciations this Member may have and, therefore, it seems to me is subject to a point of personal privilege.

I quote from the newspaper article:

> Mr. O'Neill, meanwhile, shrugged off the ads but launched his own attack on the conservative Republicans with whom he has become increasingly irritated.
>
> "I understand the young fellows, the regressives, the John Bircher types, absolutely insisted they run the ads on me," the speaker said.
>
> In making the statement, Mr. O'Neill specifically names Reps. Newt Gingrich, R-Ga., and Robert S. Walker, R-Pa., and said "they want to turn back the clock to the days when there were only the rich and the poor in America."
>
> He said the conservatives oppose him because he is "fighting for the middle man and the poor man."

THE SPEAKER: May the Chair say I may have compared the gentleman's philosophy with those who belong to the Birch Society. I never said that the gentleman belonged to the Birch Society.

But nevertheless there is a point of personal privilege because of the fact that the newspaper printed an article. The point of personal privilege is against the newspaper.

The Chair recognizes the gentleman from Pennsylvania (Mr. Walker) for 1 hour. . . .

MR. [THOMAS S.] FOLEY [of Washington]: . . . Mr. Speaker, the gentleman said he thought the American people viewed the responsibility of the Speaker as being fair and impartial as the presiding officer. I think that is right, and I think this Speaker has been fair and impartial as a presiding officer.

As a matter of fact, going back over the last decade it is absolutely rare, probably to the point of being able to count the times on one hand, where we have had an appeal from a ruling of the Chair, whether it is being occupied by the Speaker personally, or by someone acting in his behalf. This cannot be said of the other body or of most State legislatures. . . .

[I]t is one thing for the gentleman to suggest that some action of the Speaker off the floor and not presiding over the floor is something he wants to criticize; it is another thing to imply that there is unfairness, partiality or partisanship in the way this Speaker has conducted himself in this Chamber.

MR. WALKER: I would say to the gentleman that the Speaker of the House is the Speaker of the House full time. He is the symbol of this body when he is on the floor and when he is off the floor. What he says and does as Speaker of the House reflects on us all, all of the time. . . .

MR. [VIN] WEBER [of Minnesota]: . . . What we have just heard from our colleague from Washington is a definition of fairness of the chair being that that Speaker's rulings are not appealed. Well, I will say to you on this side of the aisle we do not think that this Speaker has been fair. We do not think it is fair that legislation is bottled up in committee and not brought to the floor for votes, we do not think it is fair that constitutional amendments are scheduled for action on the Suspension Calendar, we do not think it is fair that we are not given proportional representation on any committees of the House of Representatives, and I could go on and on and on. . . .

MS. [MARY ROSE] OAKAR [of Ohio]: . . . You three gentlemen have been,

in my judgment, engaging in [McCarthyism] every evening. You take the liberty of not only engaging in that kind of rhetoric, but mentioning names. . . . I was one of them, and you are so ignorant of the truth that you got me mixed up, I think, with Congresswoman Schroeder. . . .

You indicated that I had an 18-year-old son who did not want to be drafted, or something like that. I do not have an 18-year-old son. . . .

MR. WALKER: The gentlewoman, of course, does make a point. There was an inaccurate reference to her, not to the statement that she made, but to the fact that she referred—but that she referred——

MR. [JOHN T.] MYERS [of Indiana]: Regular order, Mr. Speaker.

MR. WALKER: I was just about to apologize to the gentlewoman, which is more than the Speaker has given me. I would say to the gentlewoman she is owed an apology. . . .

MS. OAKAR: Will you yield?

MR. WALKER: I was trying to apologize to you. If you want me to stop, I will be very glad to yield to the gentlewoman.

MS. OAKAR: I gave a 1-minute speech about 3 weeks ago in which I mentioned that, and it is a little belated, your apology, and I am really surprised that you had not done so before this. But then I do not think you fellows are very interested in the truth. . . .

THE SPEAKER PRO TEMPORE:[7] The Chair would like to have order.

Let the Chair remind the Members to confine their remarks to the issue of personal privilege which is the newspaper article which was brought up in the first place. . . .

MR. [NEWT] GINGRICH [of Georgia]: You know, it does not surprise me that some Democrats get up and tell us how fair the Speaker is. I expect if we were all Democrats we might think he is fair, too. . . .

We have been through a cycle in which the President has been called heartless. It has been said he has ice water in his veins. . . .

The distinguished majority leader managed to describe the President as a liar 10 times in a 1-minute speech.

THE SPEAKER PRO TEMPORE: Let the Chair remind the participants in this debate to stick to the issue of the gentleman from Pennsylvania's personal privilege, which is not what the gentleman from Georgia was just debating.

Seating of Member

§ 36.7 It is in order during debate on a motion to refer a resolution directing the temporary seating of a Member-elect to discuss court decisions relating to the constitutional authority of the House to judge its elections.

During consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana) in the House on Mar. 4, 1985,[8] the following proceedings occurred:

7. John P. Murtha (Pa.).

8. 131 CONG. REC. 4277, 4278, 4280, 99th Cong. 1st Sess.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

Resolved, That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE:[9] The gentleman states a valid question of privilege.

The Chair recognizes the gentleman from Arkansas (Mr. Alexander).

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration. . . .

THE SPEAKER PRO TEMPORE: The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time. . . .

MR. ALEXANDER: . . . [A] certificate of election from the appropriate State officer is considered only as prima facie evidence of election and may be rendered ineffective by the House under its power to judge elections. . . .

Mr. Speaker, the matter before us today was . . . resolved in a memorandum opinion on March 1 by the U.S. district court for the District of Columbia in the case of McIntyre versus O'Neill, whereupon the court found as follows. . . .

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

Mr. Speaker, am I correct that the gentleman must address himself to the resolution that is before the House, and addressing district court matters that are outside the ability of this House to make decisions would not be addressing itself specifically to the resolution at hand?

THE SPEAKER PRO TEMPORE: The Chair must rule that if a court proceeding relates to a matter under discussion in the Chamber, then it is not out of order to make reference to the court's findings and related matter during debate on the motion to refer.

§ 37. Debate in Committee of the Whole

During general debate in the Committee of the Whole, remarks need not be confined to the pending bill unless ordered by the House or unless Calendar Wednesday business is being considered.[10] Under the modern

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

10. See § 39.1, infra.

practice, however, bills are generally considered in the Committee of the Whole pursuant to special rules reported by the Committee on Rules,[11] and such rules often provide that debate in the Committee shall "be confined to the bill," therefore requiring relevancy in debate.[12] Similarly, the Committee may by unanimous consent require that debate be confined to the bill,[13] in which case the Members in their remarks must conform to the rule of relevancy.

If a Member does not obtain unanimous consent to speak out of order and is repeatedly called to order for failing to confine himself to the subject, he may be directed by the Chair to take his seat.[14]

Where a bill is being read for amendment in the Committee of the Whole under the five-minute rule, all debate should be confined to the pending amendment,[15] and a Member should not discuss under the five-minute rule amendments to parts of the bill and subjects not then before the committee.[16] Although Members frequently avail themselves of the practice under the five-minute rule of offering pro forma amendments, the purpose of which is to gain time in debate without actually offering an amendment, a point of order against a Member so moving will require him to limit his remarks to the pending question.[17] But a Member offering the preferential motion to strike the enacting clause under the five-minute rule may discuss the entire bill, the motion bringing into question the entire bill before the Committee of the Whole.[18]

An appeal to the Chair's ruling in the Committee of the Whole is

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See Rule XXIII clause 3, *House Rules and Manual* § 865 (1995) and the comments thereto for the subjects requiring consideration in Committee of the Whole. Under clause 7 of Rule XXIV, general debate in Committee of the Whole on Calendar Wednesday business must be confined to the bill.

11. See Ch. 21, supra.

12. See § 37.1, infra.

13. See § 37.2, infra.

14. See § 37.1, infra; 8 Cannon's Precedents § 2592, 2594, 2595.

15. See § 38.1, 38.4, infra; 5 Hinds' Precedents § 5240–5256; 8 Cannon's Precedents § 2591.

Rule XXIII clause 5, *House Rules and Manual* § 870 (1995) allows a Member offering an amendment in the Committee of the Whole five minutes "to explain any amendment he may offer."

16. See § 38.5, infra.

A Member may obtain unanimous consent to speak out of order during the five-minute rule (see § 38.16, 38.17, infra).

17. See § 38.8–38.14, infra.

18. See § 37.5–37.11, 38.18–38.20, infra.

governed by the five-minute rule, and debate on the appeal must be confined to the subject of the Chair's ruling.[19]

Effect of Special Rule

§ 37.1 Where a rule provides that debate in the Committee of the Whole shall be confined to the bill, a Member must confine his remarks to the bill and if he continues to speak to other matters after repeated points of order, the Chair will request that he take his seat.

On Mar. 29, 1944,[20] the Committee of the Whole was considering H.R. 4257, to expatriate or exclude certain persons for evading military and naval service. (The House had adopted H. Res. 482 for consideration of the bill in Committee of the Whole, providing that general debate be "confined to the bill.")

Mr. Emanuel Celler, of New York, requested unanimous consent to speak out of order, and Mr. Noah M. Mason, of Illinois, objected to the request on the ground that "under the rule adopted by the House, debate on this bill is to be restricted to the bill."

Mr. Celler was then called to order twice for speaking to a subject irrelevant to the bill; he discussed the conduct of the Arabian nations in relation to the American war effort.

When Mr. Celler continued to speak out of order, the following exchange took place (Chairman James Domengeaux [La.] presiding):

> MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Chairman, I rise to a point of order.
>
> THE CHAIRMAN: The gentleman will state the point of order.
>
> MR. SABATH: The gentleman is not speaking to the bill. He has been admonished several times, he has refused, and I am obliged to make the point of order myself, though I regret it.
>
> THE CHAIRMAN: The point of order is sustained and the gentleman is again requested to confine himself to the bill.
>
> MR. MASON: Mr. Chairman, a parliamentary inquiry. How many times do we have to call the gentleman to order and try to get him to confine his remarks to the bill before the privilege of the House is withdrawn?
>
> THE CHAIRMAN: This will be the last time. If the gentleman does not proceed in order, he will be requested to take his seat.

Debate on "Omnibus" Appropriation Bill

§ 37.2 Where general debate was confined in the Com-

19. See § 38.15, infra.
20. 90 CONG. REC. 3263, 78th Cong. 2d Sess.

mittee of the Whole to an appropriation bill by unanimous consent, the Speaker indicated that since the pending bill included many different appropriations, debate on the bill would be broad in scope.

On Apr. 3, 1950,[1] the House resolved itself into the Committee of the Whole for the consideration of H.R. 7786, making appropriations for the support of the government for the fiscal year ending June 30, 1951. By unanimous consent, the House ordered that general debate be confined to the bill. Mr. Ben F. Jensen, of Iowa, arose to express the hope that the Chairman of the Committee, Clarence Cannon, of Missouri, and other Members would not make points of order on the relevancy of debate since there was so much involved in the bill. Speaker Sam Rayburn, of Texas, replied:

> The Chair would think that this appropriation bill actually being 11 bills in one, and covering everything in the Government, a Member speaking on the bill would have a rather wide range.

Parliamentarian's Note: The 1951 appropriation bill consolidated into one bill 11 different appropriation bills considered in prior years.

1. 96 Cong. Rec. 4614, 4615, 81st Cong. 2d Sess.

Speaking Out of Order by Unanimous Consent

§ 37.3 Where the Committee of the Whole House on the State of the Union is considering a bill under terms of a resolution which states that debate shall be "confined to the bill," a Member may proceed out of order only by unanimous consent.

On Nov. 27, 1967, the Committee of the Whole was considering H.R. 13489, a credit union measure.[2] The Member having the floor had yielded two minutes to Mr. John M. Murphy, of New York, who was speaking on the failure of the city administration of New York City to provide an adequate housing program. Mr. Durward G. Hall, of Missouri, rose to state a point of order that Mr. Murphy was speaking out of order. The Chairman, Donald M. Fraser, of Minnesota, indicated that Mr. Murphy could speak out of order only by unanimous consent.

§ 37.4 Where a resolution confines general debate on a bill in Committee of the Whole to the bill under consideration, a Member may speak on an-

2. 113 Cong. Rec. 33773, 90th Cong. 1st Sess.

other subject only by unanimous consent, and the Member controlling the time may not yield to another Member to speak out of order.

On Nov. 25, 1970, the Committee of the Whole was considering H.R. 19504, the Federal Aid Highway Act of 1970, under a resolution (H. Res. 1267) confining general debate to the subject matter of the bill.[3] Mr. John C. Kluczynski, of Illinois, who had the floor, yielded to Mr. Samuel S. Stratton, of New York, to speak out of order. Chairman Chet Holifield, of California, ruled that Mr. Kluczynski was required to make a unanimous-consent request for that purpose and that the Chair could not make the request for him.

Scope of Debate on Motion To Strike Enacting Clause

§ 37.5 Debate on a preferential motion that the Committee of the Whole rise with the recommendation that the enacting clause be stricken out may go to any portion of the bill under consideration.

On Apr. 4, 1974,[4] during consideration of the supplemental military procurement authorization for fiscal year 1974 (H.R. 12565) in the Committee of the Whole, Mr. John J. Flynt, Jr., of Georgia, made a motion, as follows:

> MR. FLYNT: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Flynt moves that the Committee now rise and report the bill back to the House with a recommendation that the enacting clause be stricken.
>
> THE CHAIRMAN PRO TEMPORE:[5] The gentleman is recognized for 5 minutes.
>
> MR. FLYNT: Mr. Chairman, make no mistake about it, this so-called $1.4 billion ceiling is in reality——
>
> MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Chairman, a point of order.
>
> THE CHAIRMAN PRO TEMPORE: The gentleman will state it.
>
> MR. WAGGONNER: I make a point of order that the gentleman is not speaking to the preferential motion.
>
> THE CHAIRMAN PRO TEMPORE: Under the rule governing preferential motions, the gentleman from Georgia is privileged to speak to any part of the bill, but he must confine his remarks to the bill.

§ 37.6 Debate in opposition to a preferential motion to strike out the enacting clause may relate to any portion of the bill, including the merits of an amendment

3. 116 CONG. REC. 38747, 91st Cong. 2d Sess.

4. 120 CONG. REC. 9853, 93d Cong. 2d Sess.

5. James G. O'Hara (Mich.).

pending when the preferential motion was offered.

During consideration of the military procurement authorization (H.R. 6674) in the Committee of the Whole on May 20, 1975,[6] the proposition described above was demonstrated as follows:

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I move that all debate on this amendment and all amendments thereto, and on further amendments to the bill, end in 20 minutes.

THE CHAIRMAN:[7] The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to. . . .

THE CHAIRMAN: The time of the gentleman has expired. [All time has expired.]

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

MR. BAUMAN: Mr. Chairman, I only offer this motion in order to obtain time since I was not able to receive any time from the gentleman from Iowa (Mr. Harkin) who offered what he claimed to be the Bauman amendment. I have read his amendment very carefully. It is not the same amendment which I offered to the National Science Foundation authorization bill. . . .

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the preferential motion.

I thank the gentleman from Maryland for giving me an opportunity to expand a little bit more on some of these ridiculous spending programs that waste the taxpayers' dollars.

If the offices of other Members are like mine, whenever they get one of these letters they begin to wonder, and people begin to ask the Members, just what it is we do to take care of these situations. If we pass this routine authorization bill for the Defense Department for $32 billion in the usual manner, we will have to answer to our constituents if we choose to be honest about it.

MR. BAUMAN: Mr. Chairman, I demand regular order.

THE CHAIRMAN: The gentleman speaks on the preferential motion.

The Chair would like to make the observation that any portion of the bill is open to [debate].

§ 37.7 Since the preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken applies to the entire bill, debate may be directed to any part of the bill (including a pending amendment) and need not be confined to the merits of the preferential motion.

On June 20, 1975,[8] during consideration of the Energy Research

6. 121 CONG. REC. 15458, 15465, 15466, 94th Cong. 1st Sess.

7. Dan Rostenkowski (Ill.).

8. 121 CONG. REC. 19971, 94th Cong. 1st Sess.

and Development Administration authorization for fiscal year 1976 (H.R. 3474), the following proceedings occurred:

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

MR. HARKIN: Mr. Chairman, this amendment simply does this. It sets a middle-ground course between the Coughlin amendment and the committee position.

What my amendment does is go back to the original law as it was enacted and ask that the utility companies and private industries come up within 50 percent of the capital cost of the construction of the Clinch River breeder reactor. . . .

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, a point of order. . . .

Mr. Chairman, does the gentleman not have to speak to the preferential motion?

THE CHAIRMAN:[9] The Chair would advise the gentleman, as he advised another gentleman awhile ago, that debate on the preferential motion opens the entire bill to debate. . . .

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, a parliamentary inquiry. . . .

My point of parliamentary inquiry is, does not the gentleman have to relate to his motion in some manner? He is not even remotely relating to his motion.

THE CHAIRMAN: The Chair has listened to the gentleman in the well and it seems to the Chair that the gentleman in the well is debating within the parameters of the bill which is before the Committee, and the point of order is overruled.

§ 37.8 Since the preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken applies to the entire bill, debate may be directed to any part of the bill, and the motion may be used by a Member to secure five minutes to debate a pending amendment notwithstanding a limitation of time for debate on the pending amendment and all amendments thereto.

On June 20, 1975,[10] during consideration of H.R. 3474[11] in the Committee of the Whole, the following proceedings occurred:

MR. [JOHN] YOUNG of Texas: Mr. Chairman, I move that all debate on this amendment and all amendments thereto cease in 30 minutes.

9. J. Edward Roush (Ind.).

10. 121 CONG. REC. 19941, 19951, 94th Cong. 1st Sess.

11. A bill authorizing appropriations for the Energy Research and Development Administration for fiscal year 1976.

THE CHAIRMAN:[12] The gentleman from Texas moves that all debate on the McCormack amendment and all amendments thereto cease in 30 minutes.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Texas (Mr. Young).

The motion was agreed to. . . .

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Edgar moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

MR. EDGAR: Mr. Chairman, I make this motion to get more time to talk about this very important matter. . . . We rise in support of the Coughlin amendment. We feel very strongly that the gentleman from Iowa (Mr. Harkin) has pointed out many of the important features of this program that have to be taken into consideration and we feel very strongly that we should delete this item from the budget.

Mr. Chairman, I yield the continuation of my time to the gentleman from Iowa (Mr. Harkin). . . .

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I demand regular order.

THE CHAIRMAN: The Chair is following regular order. . . .

MR. SYMMS: Is it regular order to seek recognition under a preferential motion?

THE CHAIRMAN: The Chair will state that under the parliamentary procedure the entire bill is under debate. The Chair is following regular order.

12. J. Edward Roush (Ind.).

§ 37.9 Debate on a preferential motion, that the Committee of the Whole rise and report the bill to the House with the recommendation that the enacting clause be stricken, may relate to any portion of the bill, including the merits of an amendment pending when the motion was offered.

During consideration of the energy and water appropriation bill (H.R. 4388) in the Committee of the Whole on June 14, 1979,[13] the following exchange occurred:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN:[14] The Clerk will report the preferential motion of the gentleman from Michigan.

The Clerk read as follows:

> Mr. Dingell moves that the Committee do now rise and report the bill back with the recommendation that the enacting clause be stricken out.

MR. [JOHN T.] MYERS of Indiana: Mr. Chairman, is the gentleman opposed to the bill?

THE CHAIRMAN: Is the gentleman from Michigan opposed to the bill?

MR. DINGELL: In its present form, I am, Mr. Chairman.

13. 125 CONG. REC. 14995, 96th Cong. 1st Sess.

14. Philip R. Sharp (Ind.).

THE CHAIRMAN: The gentleman qualifies. The gentleman from Michigan is recognized for 5 minutes in support of his motion. . . .

A point of order was made as to the relevancy of Mr. Dingell's subsequent remarks.

MR. [MICKEY] EDWARDS [of Oklahoma]: Mr. Chairman, I do not believe the gentleman is proceeding in order. I believe the gentleman is supposed to speak on his preferential motion and not on the amendment the gentleman is offering.

MR. DINGELL: Mr. Chairman, I am explaining why I will vote for the preferential motion.

THE CHAIRMAN: Any aspect of the bill is debatable.

The gentleman from Michigan is recognized.

§ 37.10 Debate on a preferential motion that the enacting clause be stricken may relate to any portion of the pending bill or amendment, and need not be confined to the propriety of the motion.

The following proceedings occurred in the Committee of the Whole on Aug. 20, 1980,[15] during consideration of the Treasury Department and Postal Service appropriations bill for fiscal 1981 (H.R. 7593):

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a preferential motion. . . .

THE CHAIRMAN:[16] . . . The Clerk will report the motion.

The Clerk read as follows:

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

MR. BAUMAN: . . . These health programs, which are provided to Federal employees, are paid for by a combination of Government and employees. . . .

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Chairman, a point of order.

Mr. Chairman, I do not believe the gentleman is discussing his preferential motion.

THE CHAIRMAN: The entire bill is debatable on a preferential motion.

§ 37.11 Debate in Committee of the Whole on a preferential motion to rise with the recommendation that the enacting clause be stricken need not be confined to a pending amendment but need only relate to the bill.

On July 29, 1982,[17] during consideration of the military procurement authorization for fiscal year 1983 (H.R. 6030) in the Committee of the Whole, the following proceedings occurred:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I offer a preferential motion.

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15. 126 CONG. REC. 22173–76, 96th Cong. 2d Sess.

16. Richardson Preyer (N.C.).

17. 128 CONG. REC. 18605, 97th Cong. 2d Sess.

THE CHAIRMAN:[18] The Clerk will report the preferential motion.

The Clerk read as follows:

> Mr. Walker moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

MR. WALKER: Mr. Chairman, I think we have had a very valuable debate on some vital issues here today. . . .

Now, I did not agree with everybody who brought their issues to the floor. As a matter of fact, I voted against I think most of the amendments that have been offered; but it has been very valuable debate and it has been debate that has taken place in pretty strict adherence to the 5-minute rule, primarily because I started objecting here earlier today, and I must say that I am sorry I had to object to the gentleman from Massachusetts who was making a point on something he felt very strongly about and particularly because I had to object to the gentleman from New York who for many years has stood strong on this floor for civil defense and was not permitted to make his full argument because I objected. . . .

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. JACOBS: Mr. Chairman, I make a point of order that the gentleman is not speaking to his motion.

THE CHAIRMAN: The Chair will observe that debate on this motion can range over the entire bill and procedure thereon.

The gentleman will continue.

18. Les AuCoin (Oreg.).

Argument on Point of Order

§ 37.12 Argument on a point of order must be confined to the point of order and may not go to the merits of the amendment being challenged.

On June 24, 1976,[19] during consideration of H.R. 14232 (the Departments of Labor and Health, Education, and Welfare appropriation bill for fiscal 1977), the following proceedings occurred:

MRS. [MILLICENT H.] FENWICK [of New Jersey]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Kansas (Mr. Skubitz).

The Clerk read as follows:

> Amendment offered by Mrs. Fenwick as a substitute for the amendment offered by Mr. Skubitz: On page 7, strike the period at the end of line 25, and insert in lieu thereof: ": *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to . . . enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation. . . ."

MR. [GARY A.] MYERS [of Pennsylvania]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Myers of Pennsylvania to the amendment

19. 122 CONG. REC. 20370, 20371, 94th Cong. 2d Sess.

offered by Mrs. Fenwick as a substitute for the amendment offered by Mr. Skubitz: At the end of the amendment offered by Mrs. Fenwick strike the period and add the following: "*Provided further,* That the funds appropriated under this paragraph shall be obligated or expended to assure full compliance of the Occupational Safety and Health Act of 1970 by Members of Congress and their staffs."

MR. [WILLIAM D.] FORD of Michigan: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN:[20] The Chair recognizes the gentleman from Michigan.

MR. FORD of Michigan: Mr. Chairman, the amendment is not germane. It is also in violation of the rule against legislating on an appropriation bill. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from Pennsylvania (Mr. Myers).

MR. MYERS of Pennsylvania: Mr. Chairman, because of my great concern for the safety of all workers and because of the fact that Members of Congress are allowed in fact to have several offices and up to 18 full-time employees, some of those who travel vehicular equipment on the highways are exposed to extreme hazards. . . .

The objective of this bill is to appropriate money to see that OSHA is bringing under compliance all workers who work in an environment such as an industrial office or similar facilities.

MR. [RONALD A.] SARASIN [of Connecticut]: Mr. Chairman, I make a point of order.

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Myers) is being heard on a point of order.

MR. SARASIN: Mr. Chairman, it would appear that the gentleman is not addressing himself to the point of order, but he is addressing himself to the amendment.

THE CHAIRMAN: The gentleman is correct.

The gentleman from Pennsylvania (Mr. Myers), at this point, should address his comments to the point of order made by the gentleman from Michigan (Mr. Ford), to-wit, that the amendment offered by the gentleman from Pennsylvania (Mr. Myers) would not be germane to the language of the substitute which it would seek to amend and, further, that it would constitute legislation on an appropriation bill.

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

§ 38. Debate Under Five-minute Rule

Relevancy Requirement

§ 38.1 Debate in the Committee of the Whole under the five-minute rule must be confined to the pending amendment.

On Jan. 23, 1936,[1] during debate on a supplemental appropriations bill, Mr. Hamilton Fish, Jr., of New York, arose to move to strike out the last word and stated that he was using the motion "merely as a vehicle for my remarks." He then commenced to discuss the failure to appropriate

1. 80 CONG. REC. 963, 74th Cong. 2d Sess.

compensation to the widow of a former Congressman. Mr. William B. Bankhead, of Alabama, arose to state a point of order that Mr. Fish's remarks did not relate to the amendment then pending. Chairman Jere Cooper, of Tennessee, ruled as follows:

> . . . The gentleman is aware, of course, that certain practices are sometimes indulged in by general consent but if a point of order is made against them, the point of order must be sustained. Debate under the 5-minute rule must be confined to the paragraph under consideration. The paragraph here under consideration relates to the National Labor Relations Board. The gentleman's remarks do not, apparently, refer to this subject matter. The point of order is, therefore, sustained.[2]

§ 38.2 Although debate on an amendment under the five-minute rule in Committee of the Whole must be confined to the subject matter of the amendment, enforcement of the rule requires that a point of order be made, since the Chair does not normally enforce the rule on his or her own initiative and may even allow some latitude in debate, at the sufferance of the Committee of the Whole.

On this occasion, the Speaker Pro Tempore had refused to recognize for one-minute speeches before the legislative business.[3] The Chairman of the Committee of the Whole stated his intention to allow, with the sufferance of the Committee of the Whole, the rule of relevancy in debate to be relaxed, in order to allow Members to address the subject of one-minute speeches. The proceedings in the Committee of the Whole on July 25, 1980,[4] were as follows:

> MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Chairman, I offer an amendment as a substitute for the amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Shuster as a substitute for the amendment offered by Mr. Mitchell of New York:
> >
> > None of the funds appropriated for the emergency preparedness and mobilization program may be used to purchase oil that originated in Libya, where evidence has been presented that said oil did in fact originate in Libya. . . .
>
> MR. SHUSTER: Mr. Chairman, I use this as a mechanism to focus on an

2. See also 110 CONG. REC. 755, 88th Cong. 2d Sess., Jan. 21, 1964; 96 CONG. REC. 1734, 81st Cong. 2d Sess., Feb. 9, 1950; and 90 CONG. REC. 421, 78th Cong. 2d Sess., Jan. 19, 1944.

3. For further discussion of the Chair's discretion with regard to recognizing Members for one-minute speeches, see § 9, supra.

4. 126 CONG. REC. 19766, 96th Cong. 2d Sess.

issue of great importance to the minority and junior Members of both parties. By way of background leading up to the Libyan-HUD relationship, I wish to inform the House that this morning I delivered to the Speaker of the House a letter expressing our shock and disappointment with the sudden reversal of a many year custom in this House where the Chair refused to recognize Members for 1-minute speeches at the beginning of the day's session. . . .

Fifth, 1-minute speeches are especially important for new Members on both sides of the aisle, because they must often wait for hours or days to express themselves in committee or on floor debate, since the seniority system puts them at the bottom of the ladder. Sometimes, they are allocated. . . .

MR. JOHN L. BURTON [of California]: The gentleman from California rises to inquire of the Chair if the gentleman is speaking on the HUD appropriation bill or has got an amendment to the House rules.

THE CHAIRMAN:[5] The gentleman from Pennsylvania is addressing the amendment offered by the gentleman from Pennsylvania. . . .

MR. JOHN L. BURTON: . . . We have an agreement to let him talk out of order?

THE CHAIRMAN: The Chair, with the sufferance of the Committee and at this point in the proceedings, is personally willing to allow the gentleman from Pennsylvania broad leeway. . . .

MR. [WILLIAM M.] THOMAS [of California]: Mr. Chairman, I thank the gentleman for yielding.

The old political saying was, "If you can't stand the heat, get out of the kitchen."

Apparently, the Democratic leadership has changed that to say, "If you can't stand the heat, move the kitchen."

MR. JOHN L. BURTON: Mr. Chairman, a point of order. . . .

Mr. Chairman, these people are not talking about a relevant, germane amendment to this bill, and I think it is outrageous that these dilatory tactics go on in the people's House. . . .

THE CHAIRMAN: Does the gentleman from California make a point of order?

MR. JOHN L. BURTON: Yes. He is out of order. Would you rule on my point of order?

THE CHAIRMAN: The gentleman must proceed in order.

§ 38.3 While debate under the five-minute rule must be confined to the pending portion of the bill, the Chair cannot anticipate whether debate on a particular issue might be related to what a pending portion of the bill contains or does not contain, or to a germane amendment thereto.

The following proceedings occurred in the Committee of the Whole during consideration of H.R. 2969 (the Department of Defense authorization for fiscal year 1984) on June 15, 1983:[6]

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, I am not trying to get the debate off on something that is ir-

5. Elliott H. Levitas (Ga.).

6. 129 CONG. REC. 15803, 98th Cong. 1st Sess.

relevant. I am now satisfied, based on the letter from the Secretary dated today in response to my announcement that I intended to call a secret session, that I can discuss the details concerning the Big Eye bomb. I intend to do that whether the gentleman wishes to have me do that or not. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I have a parliamentary inquiry. . . .

Mr. Chairman, the gentleman from Arkansas (Mr. Bethune) has indicated that he intends to discuss the Big Eye bomb under title I of the armed services procurement bill of 1984. My inquiry is, Would not such a discussion be ruled out of order, since there are no procurement funds in title I for the Big Eye bomb?

THE CHAIRMAN PRO TEMPORE:[7] The Chair will state that the question would only be whether it is relevant to the matter under consideration in title I of the procurement bill, if the debate were in open session in the Committee of the Whole.

MR. STRATTON: Mr. Chairman, there are no procurement funds for the Big Eye, and there are no production funds, so then it would be out of order, I take it, Mr. Chairman.

Let me advise the Chair, however, that we do have money in the R&D title II section, but not in title I.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the debate may advocate that production money be included for the Big Eye bomb. The Chair does not know what the amendment or debate would advocate.

Indulging in Personalities

§ 38.4 Debate under the five-minute rule in the Committee of the Whole must be confined to the pending amendment and a Member may not indulge in personalities.

On Apr. 17, 1936,[8] during consideration of a District of Columbia rent bill in the Committee of the Whole, Mr. Marion A. Zioncheck, of Washington, offered an amendment and during debate stated as follows:

> Mr. Chairman, there has been a bad rumor running around the town that the reason the gentleman from Texas [Mr. Blanton] objects to this bill is that he is a landlord.

Mr. Thomas L. Blanton, of Texas, made a point of order against those remarks, and Chairman William B. Umstead, of North Carolina, ruled as follows:

> . . . The gentleman from Washington will confine his remarks to the amendment which he offered and avoid personalities, and please proceed in order.

Following another personal remark by Mr. Zioncheck, the Chairman again reminded him that he could not indulge in personalities.

Confining Remarks to Pending Amendment

§ 38.5 Where a Member has been recognized under the

7. Marty Russo (Ill.).

8. 80 CONG. REC. 5647, 74th Cong. 2d Sess.

five-minute rule in the Committee of the Whole to propose an amendment, he must confine his remarks to the pending amendment and discussion of subjects which may be addressed later in the reading is not in order.

On Jan. 21, 1964,[9] Mr. Adam C. Powell, of New York, arose to offer an amendment, under the five-minute rule, to a bill amending the Library Services Act. Mr. Powell proceeded to state major differences between House practice and Senate practice with respect to striking language from a bill. Mr. Peter H. B. Frelinghuysen, Jr., of New York, rose to state the point of order that Mr. Powell was not confining himself to the present amendment but was stating major differences in all the amendments that Mr. Powell could offer to later parts of the bill. Chairman William S. Moorhead, of Pennsylvania, ruled as follows:

> The gentleman must confine himself to the discussion of the amendment. It may be to explain it he will have to be broader than just the narrow amendment itself, but it must be to the subject of the pending amendment.
>
> MR. FRELINGHUYSEN: And he must confine himself, Mr. Chairman, to the significance of the amendment which he has offered?
>
> THE CHAIRMAN: The gentleman will proceed in order.

§ 38.6 Only one amendment to a substitute may be pending at one time, and amendments which might be subsequently offered may not be debated while another amendment is pending.

On May 15, 1979,[10] during consideration of the Alaska National Interest Lands Conservation Act of 1979 (H.R. 39), the following proceedings occurred in the Committee of the Whole:

> THE CHAIRMAN:[11] The question is on the amendments offered by the gentleman from Louisiana (Mr. Huckaby) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.
>
> The amendments to the amendment in the nature of a substitute were agreed to.
>
> MR. [PETER H.] KOSTMAYER [of Pennsylvania]: Mr. Chairman, I have two amendments.
>
> THE CHAIRMAN: Are these amendments to the Merchant Marine Committee amendment?
>
> MR. KOSTMAYER: To Udall-Anderson.
>
> THE CHAIRMAN: There is already an amendment pending to the Udall substitute. Another amendment to the Udall substitute is not in order at this point.

9. 110 CONG. REC. 755, 88th Cong. 2d Sess.

10. 125 CONG. REC. 11178, 96th Cong. 1st Sess.

11. Paul Simon (Ill.).

MR. KOSTMAYER: Well, Mr. Chairman, they can be spoken on now and voted on later; is that correct?

THE CHAIRMAN: They are not in order at this time.

§ 38.7 It is relevant in debate under the five-minute rule to discuss what weapons could be funded by a pending portion of a bill containing general, unallocated authorizations for weapons production and procurement, particularly where an amendment is pending to prohibit use of the funds for the type of weapon under discussion.

On June 15, 1983,[12] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 2969 (the Department of Defense authorization for fiscal year 1984):

MR. [ED] BETHUNE [of Arkansas]: . . . Now, let us get to the Big Eye bomb, which is the only thing left before us here today. . . . The Big Eye bomb has an interesting history. Nineteen years ago . . . they started working on the Big Eye bomb. . . .

In October 1982, in the test chamber at Aberdeen, Md., . . . they tested a Big Eye bomb . . . and at 60 degrees Fahrenheit it blew up. . . .

I do not think, from what I know about this bomb, that they can make it work, based on this information. . . .

So I do not think you have got a situation here where you have got the bugs out of this bomb, frankly. In fact, all of the evidence is to the contrary.

Nineteen years they have been working on this bomb, and they finally decided to test it under something similar to what they might actually face in the modern combat world, and it blew up on them. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I make a point of order against the gentleman from Arkansas. The gentleman is discussing a munition that is not funded in this section of the bill, and he is spending considerable time of the Committee in discussing that, although there are no funds for the production of the weapon that he refers to. I think he is proceeding out of order.

THE CHAIRMAN PRO TEMPORE:[13] The gentleman from Arkansas is discussing chemical weapons, and it is difficult to restrict the gentleman to a narrow interpretation of that in the comments he is making.

MR. STRATTON: Mr. Chairman, if I may be heard further on the point of order, there are a number of things that are funded in the bill. Binary systems is the basic issue which the gentleman from Wisconsin addressed himself to. But the particular one that the gentleman from Arkansas is debating is something that is not funded in this portion of the bill, and it seems to me that this is a proceeding out of order and abusing the time of the Committee.

THE CHAIRMAN PRO TEMPORE: Does the gentleman from Arkansas (Mr. Bethune) wish to be heard on the point of order?

12. 129 CONG. REC. 15817, 15818, 98th Cong. 1st Sess.

13. Marty Russo (Ill.).

MR. BETHUNE: Mr. Chairman, is my time protected while the gentleman from New York makes his point of order?

THE CHAIRMAN PRO TEMPORE: The gentleman's time is protected.

MR. BETHUNE: I thank the Chair.

Mr. Chairman, I would just simply say that the bill does ask for moneys to build buildings, facilities, to do tooling work, to build the casings for the Big Eye bomb. I do not know what could be more relevant than to discuss whether or not it works before we start building facilities and the QL mix that would go in the bomb. . . .

MR. STRATTON: Mr. Chairman, the thrust of the gentleman's argument in discussing an item that is not funded in the legislation is to create the impression that all of the activities of the Department of the Army in dealing with chemical weapons, and particularly the binary weapons which are funded in this section, is defective. But the item which he is constantly referring to, and with all of its mistakes, is not included; and the problems that it had led the committee to remove the money for that particular weapon. If the gentleman wants to discuss it, it ought to be discussed in the research and development title of the bill rather than in the procurement and production title with which we are engaged now.

THE CHAIRMAN PRO TEMPORE:[14] The Chair will rule.

The money in the bill is unearmarked and the arguments of the gentleman from Arkansas are considered relevant to the debate on his amendment which is pending and which addresses the issues being debated.

The Chair will overrule the point of order.

14. John P. Murtha (Pa.).

Debate Under Pro Forma Amendment

§ 38.8 Debate in the Committee of the Whole under the five-minute rule must be confined to the pending amendment and, if a point of order is raised, a Member may not under a pro forma amendment discuss a section of the bill not immediately pending.

On Feb. 9, 1950,[15] Mr. Cecil F. White, of California, arose to make the point of order that Mr. Reid F. Murray, of Wisconsin, who had gained the floor through offering a motion to strike the last word, was not discussing the deficiency appropriation bill (H.R. 7200) then under consideration, nor had he asked for unanimous consent to proceed out of order. Mr. Murray replied:

Mr. Chairman, the gentleman from California is too hasty because I am talking on this bill and the things that I am talking about are leading up to this question of food for the Indians which has to do with this particular bill.

THE CHAIRMAN:[16] The matter under consideration at the moment

15. 96 CONG. REC. 1753, 81st Cong. 2d Sess.

16. Mike Mansfield (Mont.).

happens to be the Tennessee Valley Authority.

MR. MURRAY of Wisconsin: Mr. Chairman, that may be true, but I moved to strike out the last word. I am talking in connection with this bill. In this bill we have surplus foods for the Indians.

THE CHAIRMAN: The gentleman should discuss that matter which is pending at the present time. The part of the bill to which he refers has not been reached yet.

§ 38.9 Debate on a motion to strike out the last word in the Committee of the Whole must relate to the matter contained in the pending section or amendment.

On Jan. 23, 1936, Chairman Jere Cooper, of Tennessee, ruled that where a point of order was made against a Member who had moved to strike out the last word of a pending amendment and then discussed matters irrelevant to the amendment, the Chair was required to order the Member with the floor to confine his remarks to the pending amendment.[17]

§ 38.10 Debate on a pro forma amendment must be confined to the portion of the bill to which the pro forma amendment has been offered.

An example of the proposition stated above occurred on June 21, 1974,[18] during consideration of H.R. 15472 (agriculture, environment and consumer appropriations for fiscal year 1975) in the Committee of the Whole. The proceedings were as follows:

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, I move to strike the requisite number of words.

(Mr. du Pont asked and was given permission to revise and extend his remarks.)

MR. DU PONT: Mr. Chairman, I am taking this time now for fear that when we get down to the end of the bill there will be a limitation of time, and I will not have the opportunity to explain the amendment that I intend to offer on the last page of the bill.

Mr. Chairman, I intend to offer an amendment to set a maximum limit on the appropriations under this bill to $12.7 billion. . . .

MR. [JOHN E.] MOSS [of California]: Mr. Chairman, I insist on the regular order, and the regular order is the point of the bill where we are now reading. It is not a point to be reached at a later time. I insist upon the regular order.

THE CHAIRMAN:[19] The gentleman is correct. The gentleman in the well received permission to strike out the last word and then proceeded to discuss an amendment to be offered to the last section of the bill. The gentleman from [Delaware] is not discussing a part of the bill that is pending.

The point of order is sustained.

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17. 80 CONG. REC. 963, 74th Cong. 2d Sess.

18. 120 CONG. REC. 20595, 93d Cong. 2d Sess.

19. Sam Gibbons (Fla.).

§ 38.11 Debate in Committee of the Whole on a pro forma amendment offered under the five-minute rule must be confined to the subject of the pending bill.

During consideration of an appropriation bill (H.R. 7631) in the Committee of the Whole on July 24, 1980,[20] a point of order was sustained relative to the scope of debate on an amendment. The proceedings were as follows:

> MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I move to strike the last word. . . .
>
> Mr. Chairman, the gentleman from California (Mr. Danielson) has a bill in his committee, and I know I wrote some of the early language of that bill. I just wanted to ask the gentleman if that committee will be reporting that regulatory reform bill anytime soon.
>
> In his remarks the gentleman said that the Congress legislates, the executive will execute the law, and the judiciary will interpret it. The problem is that we have been turning over lawmaking powers to the executive, and that is wrong. . . .
>
> MR. [BOB] TRAXLER [of Michigan]: Mr. Chairman, with due respect and with due deference to my colleagues, I must rise to a point of order.
>
> October 1 is coming, and I feel we will not have this bill completed by that time. I would ask that we return to general order.
>
> THE CHAIRMAN PRO TEMPORE:[1] The debate must be confined to the subject of the bill. For that reason, the point of order is sustained.
>
> The gentleman from North Carolina (Mr. Broyhill) will proceed in order.

Parliamentarian's Note: While general debate in Committee of the Whole need not be confined to the subject matter of the pending bill in the absence of a special rule so providing, debate under the five-minute rule must be relevant to the pending bill or amendment.

§ 38.12 While normally under the five-minute rule debate on a pro forma amendment may relate either to a pending amendment in the nature of a substitute or to a perfecting amendment thereto (as not necessarily in the 3rd degree), where a special rule permitted both the offering of perfecting amendments in the 2nd degree and of pro forma amendments to the substitute when perfecting amendments were not pending, the Chair permitted pro forma amendments during pendency of perfecting amendments but in response to a point of order required that debate be related solely to the perfecting amendment.

During consideration of the first concurrent resolution on the bud-

20. 126 CONG. REC. 19442, 96th Cong. 2d Sess.

1. D. Douglas Barnard, Jr. (Ga.).

get for fiscal year 1983 (H. Con. Res. 345) in the Committee of the Whole on May 26, 1982,[2] the following exchange occurred:

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I move to strike the requisite number of words.

(Mr. AuCoin asked and was given permission to revise and extend his remarks.)

MR. AUCOIN: Mr. Chairman, I rise to strike the requisite number of words not because I intend to speak to the amendment of the gentleman from Michigan, but instead to take this time in concert with colleagues who care very much about what the Latta amendment does to housing. Not for housing, but to housing.

Because of the extent of the confusion in the House over this issue some time needs to be taken tonight before we ultimately vote on the Latta amendment. . . .

Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

MR. [JAMES H.] QUILLEN [of Tennessee]: Mr. Chairman, I understood we were debating the Conyers amendment, and I did not hear permission to speak out of order.

MR. AUCOIN: Mr. Chairman, my remarks go to the Latta substitute, and I believe that is pending before the committee.

THE CHAIRMAN:[3] The Chair will have to state that the matter that is pending is the Conyers amendment, and that debate should be germane to the Conyers amendment.

§ 38.13 Debate under the five-minute rule in Committee of the Whole must be confined to the pending amendment when that point of order is raised, even if a Member is attempting to respond to previous extraneous remarks in debate against which no point of order was raised.

During consideration of the Defense Industrial Base Revitalization Act (H.R. 5540) in the Committee of the Whole on Sept. 23, 1982,[4] the following exchange occurred:

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Erlenborn amendment.

Mr. Chairman, I would associate myself with the remarks made by the gentleman from Illinois (Mr. Erlenborn). . . .

We just passed a tax bill, and in that tax bill were all kinds of provisions to encourage investment, to encourage businesses to expand, and we have heard speech after speech about how those provisions that we passed in the tax bill were to favor——

MR. [JAMES J.] BLANCHARD [of Michigan]: Mr. Chairman, a point of order.

2. 128 CONG. REC. 12088, 12090, 97th Cong. 2d Sess.

3. Richard Bolling (Mo.).

4. 128 CONG. REC. 24967, 24968, 97th Cong. 2d Sess.

THE CHAIRMAN:[5] The gentleman will state his point of order.

MR. BLANCHARD: I believe the gentleman from Arkansas is out of order, Mr. Chairman, in the fact that he is not speaking on the amendment or anything related to the amendment.

I respect his views and we will fully air those, but this amendment is the Davis-Bacon amendment; it is not related to the debate.

MR. BETHUNE: Mr. Chairman, may I respond?

THE CHAIRMAN: The gentleman may respond.

The Chair will say that the gentleman should address the amendment.

MR. BETHUNE: The gentleman would be glad to address the amendment except that the subject that the gentleman is now treating was raised by the gentleman from Michigan (Mr. Ford), not the gentleman from Arkansas.

It seems to me only fair that I be permitted to take some of my time to rebut the statements made.

THE CHAIRMAN: The Chair will simply observe that the debate should relate to the amendment. The gentleman will continue with his time. . . .

MR. BETHUNE: Mr. Chairman, when a subject is raised by another Member and then a Member is subsequently recognized under the 5-minute rule, may the Member use whatever portion of his 5 minutes he desires to rebut the statements made in the course of the proceeding of the debate?

THE CHAIRMAN: The Chair will state that if extraneous debate occurred at a previous time, then a point of order would lie to object to that at that time. Since the point of order was not raised, the gentleman from Arkansas is under obligation to confine his remarks to the amendment.

5. Wyche Fowler, Jr. (Ga.).

§ 38.14 Debate under the five-minute rule must be confined to the pending portion of the bill if a point of order is made, but a Member may speak out of order by unanimous consent.

During consideration of H.R. 3132 (the Treasury and Postal Service appropriations for fiscal year 1984) in the Committee of the Whole on June 8, 1983,[6] the following proceedings occurred:

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Chairman, I have a parliamentary inquiry. . . .

I intend to have a colloquy with the distinguished chairman of the subcommittee on a matter that was contained in title I. I do not have an amendment to offer. I just want to clarify some of the language in the report.

Do I have to ask unanimous consent to go back to title I or am I privileged under my privilege to strike the last word? May I enter into that colloquy without asking for unanimous consent?

THE CHAIRMAN:[7] The Chair will advise the gentleman he may move to strike the last word and then ask

6. 129 CONG. REC. 14860, 98th Cong. 1st Sess.

7. Gerry E. Studds (Mass.).

unanimous consent to speak out of order if challenged.

(By unanimous consent, Mr. Kazen was allowed to speak out of order.)

Debate on Appeals

§ 38.15 An appeal in the Committee of the Whole is debatable under the five-minute rule and such debate is confined to the appeal.

On Feb. 22, 1950,[8] Chairman Francis E. Walter, of Pennsylvania, ruled that where the Member who had the floor yielded time in debate to a second Member, the second Member could not yield time to a third Member for the purpose of moving that the Committee of the Whole rise and report to the House. Mr. Howard W. Smith, of Virginia, appealed from the decision of the Chair and the Chairman stated that the appeal was debatable for five minutes but that the discussion was required to be on the appeal.

Mr. John E. Rankin, of Mississippi, was recognized and described the proposition then under consideration (H.R. 4453, to prohibit discrimination in employment because of race, color, religion, or national origin) as "communistic legislation that Stalin promulgated in 1920." Mr. Vito Marcantonio, of New York, arose to the point of order that "the gentleman from Mississippi [Mr. Rankin] must direct his remarks to the question of the appeal from the ruling of the Chair." The Chairman sustained the point of order.

Unanimous Consent To Speak Out of Order

§ 38.16 Since debate under the five-minute rule is confined to the subject matter of the bill, unanimous consent is required for a Member to propose a question of personal privilege under the guise of a pro forma amendment.

On Sept. 4, 1969,[9] Mr. Edward I. Koch, of New York, stated a question of personal privilege in the Committee of the Whole. Chairman Cornelius E. Gallagher, of New Jersey, stated that a point of personal privilege could not be raised in the Committee of the Whole but that Mr. Koch could offer a pro forma amendment to be heard on his question. Mr. Koch then did as the Chairman suggested. Mr. Joe D. Waggonner, Jr., of Louisiana, made a point of order that Mr. Koch could not proceed out of order by debating mat-

8. 96 CONG. REC. 2178, 81st Cong. 2d Sess.

9. 115 CONG. REC. 24372, 24373, 91st Cong. 1st Sess.

ters extraneous to the subject matter of the bill under consideration (H.R. 12085, extending the Clean Air Act) without requesting unanimous consent to proceed out of order. The Chairman sustained the point of order and Mr. Koch was granted unanimous consent to speak out of order on the question of personal privilege on a pro forma amendment.

§ 38.17 Debate under the five-minute rule in Committee of the Whole must be confined to the subject matter then pending, but a Member may speak out of order by unanimous consent, regardless of whether the Committee is proceeding pursuant to the provisions of a special order permitting only designated amendments to be offered.

On Aug. 3, 1977,[10] the Committee of the Whole had under consideration the National Energy Act (H.R. 8444) when the following proceedings occurred:

> MR. [MARIO] BIAGGI [of New York]: Mr. Chairman, I move to strike the last word.
>
> Mr. Chairman, I ask unanimous consent to be permitted to speak out of order. . . .
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Reserving the right to object, Mr. Chairman, may we know what the purpose is?
>
> MR. BIAGGI: . . . I am asking for permission to speak out of order because on this day Archbishop Makarios of Cyprus passed away. I would like, for the record, to make some appropriate comments.
>
> MR. BAUMAN: Mr. Chairman, I have a parliamentary inquiry. . . .
>
> Mr. Chairman, is this request in order under the rule which allows no amendments and no Members the opportunity to offer any changes in the bill?
>
> THE CHAIRMAN:[11] The Chair will respond that by unanimous consent, it would be in order to speak out of order.

Motion To Strike Enacting Clause

§ 38.18 On a motion to strike out the enacting clause of a bill in the Committee of the Whole, there is great latitude in debate and a Member having the floor may discuss the entire bill.

On Apr. 25, 1947,[12] Chairman Earl C. Michener, of Michigan, overruled a point of order that the gentleman with the floor, discussing the motion that the Committee of the Whole rise and report the bill back to the House with the recommendation that the

10. 123 CONG. REC. 26483, 95th Cong. 1st Sess.

11. Edward P. Boland (Mass.).

12. 93 CONG. REC. 4087, 80th Cong. 1st Sess.

enacting clause be stricken, must confine his remarks to the motion:

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. CASE of South Dakota: It has always been my understanding that when a preferential motion to strike out the enacting clause was used, that the debate had to be upon that motion. I submit to the Chair that the gentlewoman is not speaking on the motion.

THE CHAIRMAN: On a motion to strike out the enacting clause of a bill, the whole bill is before the House; therefore, there is great latitude in debate.[13]

§ 38.19 Debate in opposition to a preferential motion to strike out the enacting clause may relate to any portion of the bill, including the merits of an amendment pending when the preferential motion was offered.

During consideration of the military procurement authorization (H.R. 6674) in the Committee of the Whole on May 20, 1975,[14] the proposition described above was demonstrated as follows:

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I move that all debate on this amendment and all amendments thereto, and on further amendments to the bill, end in 20 minutes.

THE CHAIRMAN:[15] The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to. . . .

THE CHAIRMAN: The time of the gentleman has expired. [All time has expired.]

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

MR. BAUMAN: Mr. Chairman, I only offer this motion in order to obtain time since I was not able to receive any time from the gentleman from Iowa (Mr. Harkin) who offered what he claimed to be the Bauman amendment. I have read his amendment very carefully. It is not the same amendment which I offered to the National Science Foundation authorization bill. . . .

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the preferential motion.

I thank the gentleman from Maryland for giving me an opportunity to

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13. The Chair has repeatedly ruled that the motion opens up the entire scope of the bill for discussion. See, for example, 113 CONG. REC. 32679, 90th Cong. 1st Sess., Nov. 15, 1967; 113 CONG. REC. 14145, 14147, 14148, 90th Cong. 1st Sess., May 25, 1967; 104 CONG. REC. 16718, 16719, 85th Cong. 2d Sess., Aug. 8, 1958; and 79 CONG. REC. 3744, 74th Cong. 1st Sess., Mar. 15, 1935.

14. 121 CONG. REC. 15458, 15465, 15466, 94th Cong. 1st Sess.

15. Dan Rostenkowski (Ill.).

expand a little bit more on some of these ridiculous spending programs that waste the taxpayers' dollars.

If the offices of other Members are like mine, whenever they get one of these letters they begin to wonder, and people begin to ask the Members, just what it is we do to take care of these situations. If we pass this routine authorization bill for the Defense Department for $32 billion in the usual manner, we will have to answer to our constituents if we choose to be honest about it.

MR. BAUMAN: Mr. Chairman, I demand regular order.

THE CHAIRMAN: The gentleman speaks on the preferential motion.

The Chair would like to make the observation that any portion of the bill is open to [debate].

§ 38.20 Since the preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken applies to the entire bill, debate may be directed to any part of the bill, and the motion may be used by a Member to secure five minutes to debate a pending amendment notwithstanding a limitation of time for debate on the pending amendment and all amendments thereto.

On June 20, 1975,[16] during consideration of H.R. 3474[17] in the Committee of the Whole, the following proceedings occurred:

MR. [JOHN] YOUNG of Texas: Mr. Chairman, I move that all debate on this amendment and all amendments thereto cease in 30 minutes.

THE CHAIRMAN:[18] The gentleman from Texas moves that all debate on the McCormack amendment and all amendments thereto cease in 30 minutes.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Texas (Mr. Young).

The motion was agreed to. . . .

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Edgar moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

MR. EDGAR: Mr. Chairman, I make this motion to get more time to talk about this very important matter. . . . We rise in support of the Coughlin amendment. We feel very strongly that the gentleman from Iowa (Mr. Harkin) has pointed out many of the important features of this program that have to be taken into consideration and we feel very strongly that we should delete this item from the budget.

Mr. Chairman, I yield the continuation of my time to the gentleman from Iowa (Mr. Harkin). . . .

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I demand regular order.

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16. 121 CONG. REC. 19941, 19951, 94th Cong. 1st Sess.

17. A bill authorizing appropriations for the Energy Research and Development Administration for fiscal year 1976.

18. J. Edward Roush (Ind.).

THE CHAIRMAN: The Chair is following regular order. . . .

MR. SYMMS: Is it regular order to seek recognition under a preferential motion?

THE CHAIRMAN: The Chair will state that under the parliamentary procedure the entire bill is under debate. The Chair is following regular order.

§ 39. —General Debate in Committee of the Whole

Relevancy Not Required in General Debate Under General Rules

§ 39.1 A Member is not required to confine himself to the subject matter of the pending bill during general debate in the Committee of the Whole unless a special rule provides otherwise.

On Apr. 9, 1957,[19] Mr. Noah M. Mason, of Illinois, rose to make a point of order that Mr. Clarence Cannon, of Missouri, who was addressing the Committee of the Whole, was speaking about the Postmaster General and not confining his remarks to the bill then under discussion, H.R. 6700, the Department of Commerce and related agencies appropriation bill. Mr. Cannon countered that there was no rule confining debate to the subject matter of the pending bill in general debate in the Committee. Chairman Brooks Hays, of Arkansas, ruled as follows:

. . . The Chair is not aware of any rule that requires discussion during general debate to be restricted to the bill. It is only where a special rule limits debate to the subject of the bill that the speaker is restricted to the provisions of the bill.

MR. MASON: Then we are considering this bill without a rule from the Rules Committee which would limit debate to the bill; is that it?

THE CHAIRMAN: That is correct, the Chair will advise the gentleman; consequently, there is no limitation in general debate on an appropriation bill.[20]

On May 13, 1948,[21] while the Committee of the Whole was sitting, the following ruling by Chairman Charles B. Hoeven, of Iowa, was made in response to a point of order by Mr. Leon H. Gavin, of Pennsylvania:

I wish to ask the Chairman what legislation we are discussing. What good bill is before the House?

THE CHAIRMAN: The House is in the Committee of the Whole in general de-

19. 103 CONG. REC. 5360, 85th Cong. 1st Sess.

20. Where a special rule confines debate in the Committee of the Whole to the bill under consideration, unanimous consent is required to speak to another subject (see §§ 37.3, 37.4, supra).

21. 94 CONG. REC. 5802, 80th Cong. 2d Sess.

bate on the bill H.R. 6500 [legislative branch appropriation bill of 1949]. The gentleman from Missouri has been recognized for 5 minutes and his time has not expired.

MR. GAVIN: Mr. Chairman, I make the point of order that the gentleman is not discussing the bill under consideration. It is time we got back to a discussion of this bill. We have taken too much time on extraneous matters.

THE CHAIRMAN: The Chair will state that under general debate, the debate is not confined to the bill.

The point of order is overruled.

§ 39.2 General debate in Committee of the Whole House on the State of the Union need not relate to the bill under consideration in the absence of a special rule or a unanimous-consent agreement requiring general debate to be confined to the bill; thus, during general debate on a general appropriation bill in Committee of the Whole, a Member may discuss any subject relating to the state of the Union.

On June 28, 1974,[1] during consideration of the District of Columbia appropriation bill,[2] the Chair overruled a point of order as follows:

MR. [C. W.] YOUNG of Florida: Mr. Chairman, it is my intention to speak out of order at this time. I regret that I must use this procedure to continue a debate that was begun earlier, but the 2 minutes that were offered to me at that time were just not sufficient to cover the material.

MR. [BILL D.] BURLISON of Missouri: Mr. Chairman, a point of order.

THE CHAIRMAN:[3] The gentleman from Missouri will state it.

MR. BURLISON of Missouri: I do not believe the gentleman is speaking on the matter under consideration.

THE CHAIRMAN: The Chair is prepared to rule. Under the precedents and under present unanimous-consent agreement governing the general debate on the pending bill, there is no limitation on matters which may be discussed in the Committee of the Whole. If the Committee of the Whole, operating under a rule from the Committee on Rules which limited debate to consideration of the subject matter of the bill, the gentleman's point of order would be in order.

The point of order at this time is not in order, and the Chair overrules the point of order.

MR. YOUNG of Florida: Mr. Chairman, I rise as one Member of this House, one of a very few, in fact, maybe the only one who has ever been personally involved in an impeachment procedure from the time that it was first initiated in a State House of Representatives until the time that it was disposed of in the State Senate.

Parliamentarian's Note: Because general appropriation bills are privileged for consideration in Committee of the Whole under

1. 120 CONG. REC. 21743, 21744, 93d Cong. 2d Sess.
2. H.R. 15581.
3. Dante B. Fascell (Fla.).

Rule XI, and since the unanimous-consent request limiting and dividing control of general debate did not confine debate to the bill, the principle of wide latitude for debate as established in 8 Cannon's Precedents § 2590 was applicable in this instance.

On District of Columbia Day

§ 39.3 General debate in the Committee of the Whole House on the State of the Union on District of Columbia Day is not limited to the subject matter of the pending bill.

On June 14, 1937,[4] while the Committee of the Whole was considering District of Columbia legislation on cosmetology (H.R. 6869), and Mr. Howard W. Smith, of Virginia, had the floor, Mr. Everett M. Dirksen, of Illinois, rose to a point of order that Mr. Smith was addressing himself to a matter that had already been disposed of and was not confining his remarks to the bill then under consideration. Chairman Sam D. McReynolds, of Tennessee, ruled as follows:

> The gentleman is mistaken. We are not under unanimous consent. We are under the general rules of the House, and the gentleman from Maryland has 1 hour and he has yielded 5 minutes to the gentleman from Virginia, who can talk about whatever he pleases.[5]

On Apr. 22, 1940,[6] the Committee of the Whole House on the State of the Union was considering on District of Columbia Day H.R. 8980, a tax bill for the District of Columbia. During debate on the bill, Mr. Clare E. Hoffman, of Michigan, had the floor and was discussing matters related to the civil service, the coming war, and the decisions of the Supreme Court. Mr. Jack Nichols, of Oklahoma, arose to make a point of order:

> Mr. Chairman, I make the point of order that the gentleman is not proceeding in order. I presume the gentleman is entitled to this hour by reason of the fact that he is in opposition to the bill which is being considered. If I am not correct in that I would like to have the Chair correct me, but if I am correct, then I think the gentleman's remarks should be confined to the subject matter of the bill.
>
> THE CHAIRMAN:[7] The point of order is overruled. The gentleman will proceed.

Budget Resolution

§ 39.4 During the four hours of general debate on economic

4. 81 CONG. REC. 5670, 75th Cong. 1st Sess.

5. For the consideration of District of Columbia business on second and fourth Mondays, see Rule XXIV clause 8, *House Rules and Manual* § 899 (1995).

6. 86 CONG. REC. 4871, 4872, 76th Cong. 3d Sess.

7. R. Ewing Thomason (Tex.).

goals and policies provided for on a concurrent resolution on the budget by section 305(a)(3) of the Congressional Budget Act of 1974, the debate must be confined to the subject of such goals and policies.

On Apr. 23, 1980,[8] during consideration of the congressional budget for fiscal years 1981, 1982, and 1983 (H. Con. Res. 307) in the Committee of the Whole, the Chair responded to parliamentary inquiries relating to the scope of debate on the matter. The proceedings were as follows:

THE CHAIRMAN:[9] Pursuant to section 305(a), title 3, of Public Law 93–344, as amended, of the Congressional Budget Act of 1974, the gentleman from Connecticut (Mr. Giaimo) will be recognized for 5 hours, and the gentleman from Ohio (Mr. Latta) will be recognized for 5 hours.

After opening statements by the chairman and ranking minority member of the Committee on the Budget, the Chair will recognize the gentleman from Connecticut (Mr. Giaimo) and the gentleman from Ohio (Mr. Latta) for 2 hours each to control debate on economic goals and policies. After these 4 hours of debate have been consumed or yielded back, the Chair will recognize the chairman and ranking minority member of the Committee on the Budget to control the remainder of their 10 hours of debate.

The Chair recognizes the gentleman from Connecticut (Mr. Giaimo). . . .

THE CHAIRMAN PRO TEMPORE: The gentleman has consumed 45 minutes. The Chair will now recognize the gentleman from Connecticut (Mr. Giaimo) and the gentleman from Ohio (Mr. Latta) for 2 hours each to control debate on economic goals and policies.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have a parliamentary inquiry.

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

MR. BAUMAN: Mr. Chairman, as I understand the statutory requirements, the debate now will be confined to economic policy and goals; is that correct?

THE CHAIRMAN PRO TEMPORE: That is correct.

MR. BAUMAN: What if a Member strays from that and starts talking about other things, should other Members make points of order and point out that they are out of order? I mean, I do want to do this under the rule.

THE CHAIRMAN PRO TEMPORE: The Chair would have to interpret at that time whether they were within the bounds of the rule or not, and the rules relating to relevancy in debate would apply.

Under Special Rule Confining Debate "to the Bill"

§ 39.5 Where a special rule provided for the chairman of the Committee on International

8. 126 CONG. REC. 8809, 8815, 96th Cong. 2d Sess.
9. Richard Bolling (Mo.).

Relations to designate Members to equally divide and control two extra hours of general debate on a bill in Committee of the Whole, the chairman of said committee informed the Chairman of the Committee of the Whole of his designation of himself, another Member of the majority party and two Members of the minority party to control one-half hour each; and the Chairman of the Committee of the Whole advised that such debate was not required by the rule to be confined to any particular issue, but to the bill as a whole.

On July 31, 1978,[10] Mr. Clement J. Zablocki, of Wisconsin, the Chairman of the Committee on International Relations, made a statement as to the division of control of time for debate pursuant to a special rule providing for two extra hours of debate on H.R. 12514, foreign aid authorizations for fiscal 1979. The intent behind requesting the extra hours had been to afford debate directed at the Turkish arms embargo issue, but the rule properly omitted any reference to the scope of debate, other than the requirement that all general debate be confined to the bill.

MR. ZABLOCKI: Mr. Chairman, under the rule, it is my understanding that the 1 hour for general debate on the entire bill, that that hour is equally divided between myself and the ranking minority member, the gentleman from Michigan (Mr. Broomfield).

Then the 2 hours that the rule provides for the Greek-Turkey-Cyprus issue, that there be 1 hour in support of lifting the embargo and 1 hour in opposition, and that the hour in support would be divided between myself and the gentleman from Michigan (Mr. Broomfield), and those in opposition to lifting the embargo would be managed by the gentleman from Florida (Mr. Fascell) and the gentleman from Illinois (Mr. Derwinski).

THE CHAIRMAN:[11] The Chair will respond to the gentleman from Wisconsin (Mr. Zablocki) that the Chair has been informed that the gentleman from Wisconsin has designated the gentleman from Florida (Mr. Fascell) for 1 hour, and also the gentleman from Illinois (Mr. Derwinski) for 1 hour. The rule, of course, does not confine any such debate to the embargo issue alone.

F. DISORDER IN DEBATE

§ 40. In General

Order in debate is governed by numerous rules and practices of the House. Proceeding in order in

10. 124 CONG. REC. 23456, 23457, 95th Cong. 2d Sess.

11. Don Fuqua (Fla.).

debate means not only following all the rules and requirements for the conduct of business in the House or Committee of the Whole,[12] but also observing the principles of decorum and courtesy in debate. This chapter focuses on those rules and practices which require Members to address the House in a certain way and to avoid personal references or language, and which provide procedures for dealing with disorderly words and disorderly acts occurring in debate.

The Speaker has the authority and the responsibility to preserve order and decorum in debate,[13] and the Chairman has like power in the Committee of the Whole.[14] The House has the power to punish a Member for disorderly conduct in debate by way of censure, expulsion, or other disciplinary action.[15]

On the opening day of the 101st Congress, the Speaker prefaced his customary announcement of policies concerning such aspects of the legislative process as recognition for unanimous-consent requests and privileges of the floor with a general statement concerning decorum in the House, including particular adjurations against engaging in personalities, addressing remarks to spectators, and passing in front of the Member addressing the Chair.[16]

Cross References

Chairman's power to maintain order in Committee of the Whole, see Ch. 19, supra.

Clerk maintains order before election of Speaker, see Ch. 1, supra.

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12. For points of order based on specific rules governing the procedure of the House, the reader is advised to consult the table of contents and the index to this work.

13. See Rule I clause 2, *House Rules and Manual* § 622 (1995).

Decorum in debate is also governed by Rule XIV *House Rules and Manual* § 749 (1995) and by certain provisions in Jefferson's Manual (see *House Rules and Manual* §§ 353 et seq. [1995]).

14. See Rule XXIII clause 1(a), *House Rules and Manual* § 861 (1995).

15. See comments to U.S. Const. art. I, § 5, *House Rules and Manual* §§ 62 et seq. (1995). Although the House may question Members for their words or action in debate, Members may not be compelled to respond outside of Congress for their remarks or legislative activities. U.S. Const. art. I, § 6, clause 1 (see, in general, Ch. 7, supra). For conduct of Members and punishment by the House, see Ch. 12, supra.

Questions of privilege may be based upon accusations by one Member against another if the charges are not made in debate on the floor of the House (see Ch. 11, supra).

16. 135 CONG. REC. 88, 101st Cong. 1st Sess., Jan. 3, 1989. See also 139 CONG. REC. p. ____, 103d Cong. 1st Sess., Jan. 5, 1993; 141 CONG. REC. p. ____, 104th Cong. 1st Sess., Jan. 4, 1995.

Maintenance of order in committees, see Ch. 17, supra.

Member persisting in irrelevant debate may be required to take his seat, see § 37.1, supra.

Points of order generally, see Ch. 31, infra.

Questions of privilege based on conduct of Members, see Ch. 11, supra.

References to the House, its committees, and Members, see §§ 53 et seq., infra.

Speaker's power to maintain order and decorum, see Ch. 6, supra.

Collateral References

Disorder in debate in the Senate, see Riddick/Frumin, Senate Procedure, S. Doc. No. 101–28, 101st Cong. 2d Sess. (1992)

Decorum in Debate

§ 40.1 In response to a parliamentary inquiry as to order and decorum in debate, the Speaker recently having implemented a system for access to audio coverage of House proceedings by the news media for broadcast distribution, the Speaker advised and reminded Members that (1) clause 1 of Rule XIV requires Members on seeking recognition to rise, address themselves to the Chair, and confine themselves to the question under debate, avoiding personality; (2) Members should address their remarks only to the Chair and not to other entities such as the "press"; (3) Members should not refer to or address any occupant of the galleries; and (4) Members should refer to other Members in debate only in the third person, by State designation.

On June 14, 1978,[17] the following proceedings occurred in the House:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. BAUMAN: Mr. Speaker, my parliamentary inquiry is this:

On June 8, 1978, the Speaker announced to the House that audio coverage of the House would be allowed and that the national radio networks would be permitted to have access to the House system. At that time the Chair stated and requested from the House the cooperation of all parties involved to insure that the dignity and the integrity of the proceedings of the House would be upheld.

Mr. Speaker, the rules of the House, I am sure the Speaker knows, include as one of the duties of the Chair to preserve order and decorum. Under clause 8 of rule XIV, a prohibition forbids any Member to introduce or to bring to the

17. 124 CONG. REC. 17615, 95th Cong. 2d Sess.

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

attention of the House or to make reference to persons in the gallery, nor may the Speaker entertain a request for the suspension of this rule by unanimous consent or otherwise. Clause 1 of rule XIV also requires that all Members address the Chair at all times.

The gentleman from Maryland would further state that during the course of recent debate the gentleman has noted that, since the audio coverage of the floor proceedings has begun, and during the several months since televised proceedings have been permitted to be transmitted to the office of Members that Members on a number of occasions have addressed themselves to those people either viewing the proceedings on television or those listening to the radio.

My parliamentary inquiry is whether under the rules and the precedents of the House the Members must confine themselves to addressing the Chair without any reference to persons outside the Chamber or in the galleries?

THE SPEAKER: The Chair appreciates the parliamentary inquiry presented by the gentleman from Maryland (Mr. Bauman) and indeed anticipated such an inquiry because the Chair appreciates the talent and vast knowledge the gentleman from Maryland (Mr. Bauman) has as to the rules of the House and states that in no way may a Member address anybody but the Chair himself, and the Chair has prepared a statement to that effect.

The Chair is prepared to respond to the parliamentary inquiry put by the gentleman from Maryland.

The gentleman from Maryland inquires into the proper manner of addressing this body now that the audio coverage of floor proceedings has been authorized pursuant to House Resolution 84. The Chair would point out that clause I, rule XIV, of the rules of the House requires a Member in seeking recognition to rise, address himself to the Speaker, and on being recognized confine himself to the question under debate, avoiding personality. Further, chapter 29, section 13.3 of Deschler's Procedure states that a Member should address his remarks to the Chair and only to the Chair; it is not in order for a Member to address his remarks to "the press." Nor is it in order in debate to refer to anyone in the galleries under section 13.5 of the same chapter of Deschler's Procedure. And, a Member should refer to another Member only in the third person, by State designation.

Accordingly the Chair will inform the gentleman that Members should continue to address their remarks to the Speaker, or to the Chair, and only to the Speaker, or to the Chair.

MR. BAUMAN: I thank the Speaker for his ruling and his kind words.

§ 40.2 During a special order eulogizing the late Congressman Brooks Hays, author of a publication on order and decorum in the House ("Dignity of the House"), an address delivered by Mr. Hays on the subject in the 85th Congress was inserted in the Record.

On Nov. 4, 1981,[19] Mr. Beryl F. Anthony, Jr., of Arkansas,

19. 127 CONG. REC. 26550, 26572, 26576, 26577, 97th Cong. 1st Sess.

made the following remarks in the House:

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from Arkansas (Mr. Bethune) is recognized for 60 minutes. . . .

MR. [ED] BETHUNE [of Arkansas]: . . . I see the distinguished gentleman from south Arkansas is with us today. I would yield to the gentleman. . . .

MR. ANTHONY: . . . Something else that Brooks Hays did that our older Members will realize and I only realized because I accidentally bumped into a little book that Mr. Hays had prepared and it was on the decorum that should be used in this body. . . . I will insert his speech given on this floor on July 11, 1957 at this point in the Record:

There was no objection.

Mr. Hays of Arkansas. Mr. Speaker, for a number of years prior to his retirement at the end of the 84th Congress, the Honorable George Dondero, a distinguished Member of the House, followed the practice of making a brief presentation early in the first session of each Congress of some of the rules supplementing the instructions that our greatly esteemed Parliamentarian, Mr. Lewis Deschler, and his able assistant, Colonel Roy, always give to new Members. It is a little late in this session to attempt that service and I feel unequal to the task, but I have been requested to present these viewpoints, partly for the benefit of our new Members and partly as a reminder for all of us. . . . There are some things we learn by our individual experience in this body, but sometimes we have to rely on our predecessors. It is in this realm of faith upon those who preceded us that I point to the value of the traditions and Rules of the House. There is a reason for every rule we have. It is the product of our long experience in parliamentary government.

An error sometimes creeping into our speeches is to begin an address, after obtaining the Speaker's recognition, "Ladies and gentlemen of the House." This is bad practice and actually an affront to the Speaker, for when we address the Speaker we address the House, and we should never add anything to this significant phrase of respect, "Mr. Speaker." The proper beginning, of course, when we are in the Committee of the Whole is "Mr. Chairman." One can quickly ascertain whether it should be "Mr. Speaker" or "Mr. Chairman" by looking to see if the Mace is in its place. . . .

We are admonished when any Member has the floor never to walk between him and the Speaker or in front of the person having the floor. Smoking in every part of the Chamber is prohibited specifically . . . .

Let me move quickly to one or two other points. It is never proper to say "you" in addressing another Member nor should his first name ever be used. It is always "the gentleman from Wyoming, the gentleman from Alabama."

One must always stand to object to any unanimous consent request and, of course, address the Speaker before voicing the objection. Anyone who wishes to interrupt a Member should always rise and first address the Chair—"Mr. Speaker, will the gentleman yield?"

Badges

§ 40.3 Clause 1 of Rule XIV, requiring Members desiring to "speak or deliver any matter to the House" to rise and address the Speaker to be recognized, proscribes, in effect,

the wearing of badges by Members to communicate messages; thus, the Speaker, exercising his authority to preserve order and decorum, has advised Members that the wearing of badges is inappropriate under the rules of the House.

The following statement was made by the Speaker[20] during proceedings on Apr. 15, 1986:[1]

> All Members wearing yellow badges should be advised that they are inappropriate under the rules of the House.

The badges in question urged support of military assistance to the Nicaraguan Contras. In recent years, some Members and staff have worn various badges on the floor to convey political messages to their colleagues and to the TV audience. Under the definition of decorum and debate in clause 1 of Rule XIV, a Member must first seek recognition and then speak his message, or use exhibits as provided in Rule XXX subject to approval of the House if objection is made.

Speaker's Admonition

§ 40.4 The Speaker admonished all Members to preserve proper decorum in debate to permit Members to be heard during a series of one-minute speeches.

On July 23, 1987,[2] Speaker James C. Wright, Jr., of Texas, made the following announcement:

> THE SPEAKER: The Chair will request the cooperation of Members today in that there are a great many Members who have indicated a desire to be heard under the 1-minute rule which is our period of democracy here in the Chamber and during which any Member is entitled to be heard.
>
> The Chair would ask that Members cooperate in observing the 1-minute rule and that other Members observe the decorum of the Chamber and if they do not wish to hear what is being said, to retire from the Chamber, because whoever addresses the House is entitled to be heard.

§ 40.5 The rules which direct the Speaker to preserve order and decorum in the House authorize the Chair to take necessary steps to prevent or curtail disorderly outbursts by Members; thus, for example, the Chair may order the microphones in the Chamber turned off if being utilized by a Member, who has not been properly recognized, to engage in disorderly behavior.

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

1. 132 CONG. REC. 7525, 99th Cong. 2d Sess.

2. 133 CONG. REC. 20849, 100th Cong. 1st Sess.

On Mar. 16, 1988,[3] during the period for one-minute speeches in the House, it was demonstrated that, where a Member has been notified by the Chair that his debate time has expired, he is thereby denied further recognition in the absence of the permission of the House to proceed, and he has no right to further address the House after that time. The proceedings were as follows:

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

MR. [ROBERT K.] DORNAN of California: Mr. Speaker, and I address a different Member of this Chamber from New York, because you have left your chair, and Mr. Majority Whip from California, you have also fled the floor. In 10 years Jim and Tony—I am not using any traditional titles like "distinguished gentleman"—Jim and Tony, in 10 years I have never heard on this floor so obnoxious a statement as I heard from Mr. Coelho, which means "rabbit" in Portuguese, as ugly a statement as was just delivered. Mr. Coelho said that we on our side of the aisle and those conservative Democrats, particularly those representing States which border the Gulf of Mexico, sold out the Contras. That is absurd . . . . Panama is in chaos and Communists in Nicaragua, thanks to the liberal and radical left leadership in this House are winning a major victory, right now.

THE SPEAKER PRO TEMPORE:[4] The time of the gentleman from California [Mr. Dornan] has expired.

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

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

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

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

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

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

MR. DORNAN of California: People are dying.

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

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

MR. DORNAN of California: . . . I demand a Contra vote on aid to the Democratic Resistance and the freedom fighters in Central America. In the name of God and liberty and decency I demand another vote in this Chamber next week. . . .

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

Mr. Speaker, I was just in my office viewing the proceedings here, and during one of the proceedings, when the gentleman from California [Mr. Dornan] was addressing the House, it was

3. 134 CONG. REC. 4079, 4084, 4085, 100th Cong. 2d Sess.

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

drawn to my attention that the Speaker requested that Mr. Dornan's microphone be turned off, upon which Mr. Dornan's microphone was turned off.

Mr. Speaker, my inquiry of the Chair is: Under what rule does the Speaker decide to gag opposite Members of the House? . . .

THE SPEAKER PRO TEMPORE: The Chair is referring to Mr. Dornan. He requested permission of the Chair to proceed for 1 minute, and that permission was granted by the House. Mr. Dornan grossly exceeded the limits and abused the privilege far in excess of 1 minute, and the Chair proceeded to restore order and decorum to the House. . . .

MR. GREGG: . . . I have not heard the Chair respond to my inquiry which is what ruling is the Chair referring to which allows him to turn off the microphone of a Member who has the floor?

THE SPEAKER PRO TEMPORE: Clause 2 of rule I.

MR. GREGG: Mr. Speaker, I would ask that that rule be read. I would ask that that rule be read, Mr. Speaker. . . .

THE SPEAKER PRO TEMPORE: It reads, 2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. . . .

MR. [LYNN] MARTIN of Illinois: Mr. Speaker, I have a parliamentary inquiry. . . .

The gentlewoman from Illinois would inquire of the Chair, because it was difficult occasionally to hear the rather strained ruling from the Chair, when I heard the Chair read from the rule, and I hope the Chair will recheck that sentence, because the Chair talked about disturbances in the gallery and disturbances outside the floor of the House.

Would the Speaker reread the exact sentence that would indicate why and how a microphone could be turned off of a duly elected Member of the House on the floor of the House? . . .

THE SPEAKER PRO TEMPORE: Under rule I, clause 2—and I will only read the half of it that applies, so as not to cause confusion in the minds of those who appear to be confused—"He shall preserve order and decorum."

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, the sentence goes on.

MRS. MARTIN of Illinois: I believe, Mr. Speaker, that you have been requested specifically to quote that rule that affects a Member of the House on the floor, and that is not that sentence. . . . The Chair is not saying that a Member of the House, is subject to the same rule, even though it does not state it, as applied to the gallery, will apply to Members of the House. I do not believe that that can happen in an elected representative body.

Mr. Speaker, would the Chair please quote how it affects an elected Member speaking on the floor?

THE SPEAKER PRO TEMPORE: The Chair will read just what he read before.

"He shall preserve order and decorum, and,—" Then it proceeds to speak about in another place.

"Order and decorum is not just in the halls and in the galleries. The word "and" is followed by a comma.

Parliamentarian's Note: Clause 4 of Rule XIV[5] is, of course, also

5. See *House Rules and Manual* § 760 (1995).

applicable in situations such as that described above. In pertinent part, that rule states: "If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain . . .".

§ 40.6 A resolution proscribing the Chair from ordering microphones turned off any time a Member is speaking on the floor (not merely when a Member is recognized for debate) does not give rise to a question of the privileges of the House under Rule IX, since not alleging a violation of any rule of the House (an outburst or demonstration occurring beyond recognition for debate time not being a "proceeding" of the House); similarly, while a Member may as a question of personal privilege be recognized 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 ordered turned off during disorderly conduct during a period in which he had not been recognized.

On Mar. 16, 1988,[6] the following proceedings occurred in the House:

> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a question of a privilege of the House under rule IX. . . .
>
> THE SPEAKER PRO TEMPORE:[7] The Clerk will report the resolution.
>
> The Clerk read the resolution, as follows:[8]
>
> > Whereas, the Speaker pro tempore ordered the microphone cut off as a duly-elected Member of the House was speaking; Be it therefore
> >
> > *Resolved*, That the Speaker, Speaker pro tempore, or any Member of the House as the Presiding Officer of the House of Representatives may not order the microphone to be cut off while any Member is speaking on the floor of the House of Representatives. . . .
>
> THE SPEAKER PRO TEMPORE: The resolution does not allege an abuse of the House rules, and is not a question of privilege.
>
> The House will proceed to the unfinished business. . . .
>
> MR. [ROBERT K.] DORNAN of California: Mr. Speaker, I take a point of personal privilege . . . . It is my understanding . . . that my microphones

6. 134 CONG. REC. 4085, 4086, 100th Cong. 2d Sess.
7. Gary L. Ackerman (N.Y.).
8. The proceedings on which the resolution was based are discussed in § 40.5, supra. For subsequent proceedings, see § 40.10, infra.

were not cut off on the House floor, that the microphones were only cut off to my home in Garden Grove where my wife was watching and to all people observing these proceedings through the national technical means of these six cameras on this Chamber.

My point of personal privilege is that I was offended as a Member by having my words cut off going to the outside world through the electronic means that this House voted for—not unanimously—voted for in this Chamber.

THE SPEAKER PRO TEMPORE: The Chair has already just previously stated that his directions were to the House microphones and not to the electronic microphones.

Parliamentarian's Note: As noted above, clause 9(b)(1) of Rule I, which requires complete and unedited broadcast coverage of the proceedings of the House, does not require in-House microphone amplification of disorderly conduct by a Member following expiration of his recognition for debate. It is also arguable whether clause 9(b)(1) applies to disorderly debate or demonstrations, since these should not be construed to be "proceedings" of the House.

The Day They Broke Every Rule in the House

§ 40.7 The Speaker recognized a Member prior to legislative business for a "long minute" to pay tribute to Bob Hope (who was present in the gallery) on his 75th birthday; at the sufferance of the Speaker, Members referred to and addressed remarks to the guest in the gallery; and a Member, yielded to during an extended "one-minute" speech, sang during debate and was "excused" for that action by unanimous-consent request of the Speaker from the floor.

The following events occurred in the House on May 25, 1978:[9]

THE SPEAKER:[10] The Chair recognizes the gentleman from Illinois (Mr. Findley) for a long minute, and the Chair would request the Members to ask the gentleman to yield. That will be the procedure.

MR. [PAUL] FINDLEY [of Illinois]: Mr. Speaker, today is the 75th birthday celebration of Bob Hope, the greatest humorist of this century. . . . [W]e are taking this time to express our deep gratitude on behalf of the American people for his consistent willingness over the years to contribute countless hours serving his country and worthy charities. . . .

I yield to our assistant floor leader, the gentleman from New York (Mr. Wydler).

MR. [JOHN W.] WYDLER [of New York]: Mr. Speaker, I thank the gentleman for yielding.

I am going to violate the House rules for that one sentence and address a

9. 124 CONG. REC. 15397–402, 95th Cong. 2d Sess.

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

comment on our distinguished guest, Bob Hope.

THE SPEAKER: The gentleman is aware of the rules.

MR. WYDLER: I am aware of the rules.

On behalf of the people in my district, Bob, and on behalf of the people in America just this one sentence sums up our feelings toward you, and that is: "Thanks for the Memories." . . .

MR. [ROBERT H.] MICHEL [of Illinois]: . . . Mr. Speaker, If I could be granted one wish today it would be that this House could claim as a member, our honored guest, Bob Hope.

Think of it: All that expertise in foreign affairs from a man who has been on the road to Morocco, Singapore, and Zanzibar. . . .

Following the traditional prayer, Congressman Hope could regale us with a 1-minute comic monolog on the legislation before us. Since quite a bit of the legislation is funny enough as it is, his comments would serve as frosting on the cake.

The man who once was a prizefighter under the name of "Packy East" would have no trouble adjusting to the floor battles between Republicans and Democrats. . . .

While I would like to think Bob Hope is inclined to be a Republican, he plays golf like a Democrat. Why, he is the only golfer ever to run up a deficit score on the course. . . .

I would like to conclude this welcome with a parody on a familiar refrain so well known to our honored guest:

THANKS FOR THE MEMORIES

Thanks for the memories,
Of places you have gone,
To cheer our soldiers on.
President sent Kissinger,
But you sent Jill St. John.
We thank you so much!

Thanks for the memories,
Of bringing Christmas cheer,
You did your best, I hear,
But servicemen all say your jokes,
Were worse than Billy Beer. . . .
We thank you so much!

(Chorus)

Seventy plus five is now your age, Bob
We're glad to see your still upon the stage, Bob
We hope you make a decent living wage, Bob
For the more you make,
The more we take!

So thanks for the memories,
We honor you today,
And this is what we say:
Thank God you left Old England
And came to the U.S.A. . . .
We . . . thank you . . . soooooo much! . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I ask unanimous consent that the gentleman from Illinois, Bob Michel, be excused for "singing."

There was no objection.

MR. O'NEILL: Mr. Speaker, I explain to our guests, particularly, that singing in the House, and speaking in a foreign language are not customary in the House. Also, you may be interested to know that in my 26 years in Congress, and I know there are Members senior to me here, never before have I ever witnessed anything of this nature. The

rules say that nobody can be introduced from the galleries and that rule cannot be waived. Presidents' wives and former Presidents merely sit there. I have seen distinguished visitors, who have come to this House, sit in the galleries; but never before have I seen anything compared to what is transpiring on the floor today. It is a show of appreciation, of love and affection to a great American, and I think it is a beautiful tribute.

Speaking in Foreign Language

§ 40.8 A Member addressed the Committee of the Whole speaking Spanish, to whom another Member responded in Italian, there being no rule prohibiting a Member's speaking in a foreign language.

The following proceedings occurred in the Committee of the Whole on Oct. 5, 1981,[11] during consideration of H.R. 3112 (to extend the Voting Rights Act of 1965):

MR. [MICKEY] LELAND [of Texas]: Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

(The following is a translation of remarks which were delivered in Spanish:)

MR. LELAND: My colleagues, I want to begin speaking Spanish. I want to begin speaking the language of millions of citizens of this country. Many of you cannot understand me. And if you cannot understand me, nor can you understand 21 percent of the adult citizens of El Paso, Tex.; and nor can you understand 17 percent of all adult workers of the Southwest. These citizens of the United States speak only Spanish. You perhaps cannot understand them nor participate in their culture—but these are citizens of the United States, with the rights of citizens; their culture is an American culture, and an intimate part of our culture which makes it more rich and more strong.

And even though you cannot understand me when I speak Spanish maybe you can begin to understand the hypocrisy of our political system which excludes the participation of Hispanic-Americans only for having a different culture and speaking a different language. Ya Basta!!

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, will the gentleman yield?

MR. LELAND: I yield to the gentlewoman from New Jersey.

MRS. FENWICK (In Spanish): "Si, my colleague, I beg you have pity on us".

(In Italian) "I speak for our Italian citizens. They, too, have a great culture."

Personal Privilege Not Appropriate To Address Offenses in Debate

§ 40.9 A Member may not rise to a question of personal privilege under Rule IX merely to complain of words

11. 127 CONG. REC. 23187, 97th Cong. 1st Sess.

previously spoken of him in debate.

On Mar. 16, 1988,[12] the Chair responded to a parliamentary inquiry regarding a point of personal privilege, as indicated below:

MR. [ROBERT K.] DORNAN of California: Mr. Speaker, I have a point of parliamentary inquiry. . . .

I would like to inquire if this Member is able to take a point of personal privilege, that is 1 hour of debate on the House floor at the moment it is granted, if I feel that my honor was impugned when the majority whip, who also spoke way beyond 1 minute . . . if Mr. Coelho tells me that I have sold out the young men and women that I visited with not more than a month ago who are at this moment being strafed and rocketed by Soviet gunships, to tell me to my face—and I am sitting in the front row—that I sold them out impugned my honor.

THE SPEAKER PRO TEMPORE:[13] The gentleman will state a parliamentary inquiry.

MR. DORNAN of California: Do I have a right for a point of personal privilege on that?

THE SPEAKER PRO TEMPORE: That is not a remedy that the gentleman has under the circumstances.

MR. DORNAN of California: May I ask the ruling of the Chair as to why I cannot maintain a point of personal privilege that my honor was impugned.

THE SPEAKER PRO TEMPORE: The point of personal privilege does not derive from words spoken in debate.

Privilege of House Alleging Rule Violation

§ 40.10 A question of the privileges of the House under Rule IX may be based upon an alleged violation of a rule by the Chair; thus, a resolution alleging that termination by the Chair of audio broadcast coverage of House proceedings had been improperly ordered, and directing the Speaker to assure future compliance with Rule I, clause 9(b)(1), requiring complete audio coverage of House proceedings, by not permitting interruptions of coverage, was held to involve a question of the integrity of House proceedings and to constitute a question of the privileges of the House.

On Mar. 17, 1988,[14] the House adopted a resolution offered as a question of the privileges of the House directing the Speaker to assure uninterrupted audio and visual coverage of House proceedings, as indicated below:

MRS. [LYNN] MARTIN of Illinois: Mr. Speaker, I rise to a question of the

12. 134 CONG. REC. 4087, 100th Cong. 2d Sess.

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

14. 134 CONG. REC. 4180, 100th Cong. 2d Sess.

privileges of the House pursuant to rule IX of the rules of the House, and I have a resolution at the desk and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 406

Whereas, the broadcast coverage of House proceedings affects the dignity, decorum and integrity of those proceedings; and

Whereas, House Rule I, clause 9(b) requires the "complete and unedited audio and visual broadcasting" of House proceedings; and

Whereas, the Speaker held on April 30, 1985, that H. Res. 150, directing the Speaker to "provide for the audio and visual broadcast coverage of the Chamber while Members are voting," raised a legitimate question of the privileges of the House (*House Rules & Manual*, 100th Congress, § 662); and

Whereas, on Wednesday, March 16, 1988,[15] the audio broadcast coverage of House proceedings was terminated during a Member's spoken remarks while the audio system in the Chamber continued to operate; and

Whereas, such termination of audio broadcast coverage violates the provision of clause 9(b)(1) of House Rule I requiring "complete and unedited audio and visual broadcasting of House proceedings": Now, therefore, be it

Resolved, The Speaker is hereby directed to take such steps as are necessary to ensure future compliance with House Rule I, clause 9(b) that the audio and visual broadcast coverage of House proceedings not be interrupted, including instructions to any Members acting as Speaker pro tempore, and any officers or employees of the House involved with the broadcast system, and the implementation of any necessary safeguards to prevent the termination of such coverage.

THE SPEAKER:[16] The Chair believes that the resolution offered by the gentlewoman from Illinois [Mrs. Martin] does constitute a question of the privileges of the House under the precedents cited in the preamble of the resolution since it directs compliance with clause 9[(b)(1)] of rule I, which requires complete and unedited broadcast coverage of the proceedings of the House.

Therefore, the gentlewoman from Illinois [Mrs. Martin] is recognized for 1 hour. . . .

MR. [THOMAS S.] FOLEY [of Washington]: . . . Mr. Speaker, we have no objection to the adoption of the resolution on this side, but I think it is important to note as well that while the American people certainly have the right to see whatever occurs on the floor of the House during the legislative session of the House, it is also incumbent on all Members of the House on both sides of the aisle to observe the rules of the House and to observe good order and decorum. And without attempting to characterize the events of yesterday, it is clear that under the traditions and rules of the House, members who proceed out of order after their time has expired or proceed when not properly recognized by the Chair are not in good order and are not debating in the spirit of the rules of the House. . . .

As the gentlewoman has said, the American people have the right under

15. For further discussion of the occurrences on the floor on Mar. 16, 1988, see § 40.5, supra.

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

our rules to see what occurs on the House floor. We hope that Members on both sides of the aisle will behave in a way that indicates that they are observing good order and decorum, that they are responding to the rulings of the Chair, and that they are also observing the rules that proper debate cannot take place in the House when the time allotted to the Member has expired or the Member is acting in contravention to the proper rulings of the Chair.[17]

Comportment as Breach of Decorum

§ 40.11 A Member's comportment may constitute a breach of decorum even though the content of her speech is not, in itself, unparliamentary; it is a breach of decorum for a Member to ignore the Chair's gavel and request to be seated.

On July 29, 1994,[18] a Member ignored repeated requests by the Chair to suspend and be seated:

MS. [MAXINE] WATERS [of California]: Madam Speaker, last evening a Member of this House, Peter King, had to be gaveled out of order at the Whitewater hearings of the Banking Committee. He had to be gaveled out of order because he badgered a woman who was a witness from the White House, Maggie Williams. I am pleased I was able to come to her defense. Madam Speaker, the day is over when men can badger and intimidate women.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Madam Speaker, I demand the gentlewoman's words be taken down.

THE SPEAKER PRO TEMPORE:[19] The gentlewoman from California [Ms. Waters] must suspend and be seated.

The Clerk will report the words.

MS. WATERS:——

THE SPEAKER PRO TEMPORE: The gentlewoman will please desist and take her seat.

MS. WATERS:——

THE SPEAKER PRO TEMPORE: The Chair is about to direct the Sergeant at Arms to present the mace.

THE SPEAKER:[20] The Clerk will report the words. . . .

While in the opinion of the Chair the word "badgering" is not in itself unparliamentary, the Chair believes that the demeanor of the gentlewoman from California was not in good order in the subsequent period immediately following those words having been uttered.

Accordingly, the Chair rules that without leave of the House, the gentlewoman from California may not proceed for the rest of today. The Chair would ask whether there is objection to the gentlewoman from California receiving the right to proceed in good order.

MR. [GERALD B. H.] SOLOMON [of New York]: Reserving the right to ob-

17. The resolution was adopted. See 134 CONG. REC. 4181, 4182, 100th Cong. 2d Sess., Mar. 17, 1988.

18. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.

19. Carrie Meek (Fla.).

20. Thomas S. Foley (Wash.).

ject, Mr. Speaker, does that mean that all of the words will be taken down subsequent to the point that she was ruled out of order and stricken from the Record?

THE SPEAKER: None of those words will be in the Record, the Chair will state to the gentleman. None of the words will be in the Record subsequent to that since she was not recognized. . . .

MRS. [PATRICIA] SCHROEDER [of Colorado]: Reserving the right to object, Mr. Speaker, I am a little puzzled by the word "demeanor." I was in the Chamber at the time, and I did see the Chair try to gavel the gentlewoman down, but I can understand why she could not hear, because there were so many people at mikes and I think she was confused by that. So I am a little troubled about that. How can you challenge "demeanor"?

THE SPEAKER: The Chair wishes to advise the gentlewoman from Colorado that it is the opinion of the Chair that the Chair at the time was attempting to insist that the gentlewoman from California desist with any further statements and sit down. She did not accord cooperation to the Chair and follow the Chair's instructions. Consequently, it is the finding of the Chair that her demeanor at that point in refusing to accept the Chair's instructions was out of order.

Parliamentarian's Note: While a Member who is held to have breached the rules of decorum in debate is presumptively disabled from further recognition on that day, by tradition the Speaker's ruling and any necessary expungement of the Record are deemed sufficient sanction, and by custom the chastened Member is permitted to proceed in order (usually by unanimous consent).

§ 41. Disorderly Acts; Attire

Rule XIV, clause 7[1] provides: While the Speaker is putting a question or addressing the House no Member shall walk out of or across the hall, nor, when a Member is speaking, pass between him and the Chair; and during the session of the House no Member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms is charged with the strict enforcement of this clause. Neither shall any person be allowed to smoke or to use any personal, electronic office equipment (including cellular phones and computers) upon the floor of the House at any time. In the 104th Congress, the prohibition against using personal elec-

1. *House Rules and Manual* § 763 (1995).

tronic office equipment was added to the rule.[2] The prohibition was affirmed by response to a parliamentary inquiry.[3]

Demonstrations of approval or disapproval, such as applause, are not a part of the proceedings of the House, and are not reflected in the *Congressional Record* unless in joint session.[4]

Under his authority to maintain decorum,[5] the Speaker or Chairman may announce, preceding certain legislation or proceedings, the decorum to be observed.[6]

Participation in debate and obtaining the floor is governed by Rule XIV clause 1, which requires that a Member rise, address the Speaker, and obtain recognition to address the House.[7] While a Member has the floor, he may not request Members to act contrary to the rules, such as showing hands or rising in support of a certain measure.[8]

Assaults and affrays between Members are rare in the practice of the House.[9] The House may act on hostilities by ordering the resolution of differences,[10] demanding apology,[11] or in extreme cases censuring Members guilty of assault and provocation.[12]

Cross References

Conduct of Members and punishment, see Ch. 12, supra.

Disorder in the galleries of the House, see Ch. 4, supra.

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2. H. Res. 6, 141 CONG. REC. p. ____, 104th Cong. 1st Sess., Jan. 4, 1995.

3. 141 CONG. REC. p. ____, 104th Cong. 1st Sess., Feb. 23, 1995.

4. See §§ 41.8, 41.9, infra.

5. Rule I clause 2, *House Rules and Manual* § 622 (1995) (Speaker) and Rule XXIII clause 1, *House Rules and Manual* § 861(a) (1995) (Chairman of Committee of the Whole).

6. See § 41.7, infra. For decorum during ceremonial proceedings, see Ch. 36, infra.

7. *House Rules and Manual* § 749 (1995). For rulings on disturbances by Members, see §§ 41.1, 41.3, 41.4, infra.

Interruptions of a Member speaking are discussed in § 42, infra.

A Member must stand to address the House (see § 41.3, infra).

8. See § 41.10, infra; but see § 41.11, infra.

9. For a recent instance, see § 41.6, infra.

Assaults and hostilities are usually considered as questions of privilege. *House Rules and Manual* § 91 (comment to U.S. Const. art. I, § 6, clause 1) (1993).

10. See 2 Hinds' Precedents §§ 1646–1651, 1657–1662. For parliamentary law in cases of assaults and affray, see Jefferson's Manual, *House Rules and Manual* § 367 (1995).

11. See 2 Hinds' Precedents §§ 1643, 1646–1651, 1657.

12. See 2 Hinds' Precedents §§ 1655, 1656.

Disturbances by Members

§ 41.1 It is a breach of order for a Member to stand by or walk about a Member who has the floor in debate.

On Mar. 5, 1936,[13] while Mr. Thomas L. Blanton, of Texas, had the floor, Mr. Marion A. Zioncheck, of Washington, rose and stood by Mr. Blanton. Mr. Blanton objected to the interruption, and Chairman William L. Nelson, of Missouri, ruled that Mr. Zioncheck was out of order as not being in his seat while another Member had the floor.[14]

—Adhering to the Speaker's Gavel

§ 41.2 A Member's comportment may constitute a breach of decorum even though the content of her speech is not, in itself, unparliamentary; it is a breach of decorum for a Member to ignore the Chair's gavel and request to be seated.

On July 29, 1994,[15] a Member ignored repeated requests by the Chair to suspend and be seated:

> MS. [MAXINE] WATERS [of California]: Madam Speaker, last evening a Member of this House, Peter King, had to be gaveled out of order at the Whitewater hearings of the Banking Committee. He had to be gaveled out of order because he badgered a woman who was a witness from the White House, Maggie Williams. I am pleased I was able to come to her defense. Madam Speaker, the day is over when men can badger and intimidate women.
>
> MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Madam Speaker, I demand the gentlewoman's words be taken down.
>
> THE SPEAKER PRO TEMPORE:[16] The gentlewoman from California [Ms. Waters] must suspend and be seated.
>
> The Clerk will report the words.
>
> MS. WATERS:——
>
> THE SPEAKER PRO TEMPORE: The gentlewoman will please desist and take her seat.
>
> MS. WATERS:——
>
> THE SPEAKER PRO TEMPORE: The Chair is about to direct the Sergeant at Arms to present the mace.
>
> THE SPEAKER:[17] The Clerk will report the words. . . .
>
> While in the opinion of the Chair the word "badgering" is not in itself unparliamentary, the Chair believes that the demeanor of the gentlewoman from

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13. 80 CONG. REC. 3376, 74th Cong. 2d Sess.

14. Under parliamentary law, no Member is to disturb another in his speech, stand up to interrupt him, pass between the Speaker and the speaking Member, go across the House, or walk up and down the House. Jefferson's Manual, *House Rules and Manual* § 364 (1995).

15. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.

16. Carrie Meek (Fla.).

17. Thomas S. Foley (Wash.).

California was not in good order in the subsequent period immediately following those words having been uttered.

Accordingly, the Chair rules that without leave of the House, the gentlewoman from California may not proceed for the rest of today. The Chair would ask whether there is objection to the gentlewoman from California receiving the right to proceed in good order.

MR. [GERALD B. H.] SOLOMON [of New York]: Reserving the right to object, Mr. Speaker, does that mean that all of the words will be taken down subsequent to the point that she was ruled out of order and stricken from the Record?

THE SPEAKER: None of those words will be in the Record, the Chair will state to the gentleman. None of the words will be in the Record subsequent to that since she was not recognized. . . .

MRS. [PATRICIA] SCHROEDER [of Colorado]: Reserving the right to object, Mr. Speaker, I am a little puzzled by the word "demeanor." I was in the Chamber at the time, and I did see the Chair try to gavel the gentlewoman down, but I can understand why she could not hear, because there were so many people at mikes and I think she was confused by that. So I am a little troubled about that. How can you challenge "demeanor"?

THE SPEAKER: The Chair wishes to advise the gentlewoman from Colorado that it is the opinion of the Chair that the Chair at the time was attempting to insist that the gentlewoman from California desist with any further statements and sit down. She did not accord cooperation to the Chair and follow the Chair's instructions. Consequently, it is the finding of the Chair that her demeanor at that point in refusing to accept the Chair's instructions was out of order.

Parliamentarian's Note: While a Member who is held to have breached the rules of decorum in debate is presumptively disabled from further recognition on that day, by tradition the Speaker's ruling and any necessary expungement of the Record are deemed sufficient sanction, and by custom the chastened Member is permitted to proceed in order (usually by unanimous consent).

Interrupting Another Member

§ 41.3 It is a breach of order in debate for a Member without rising and addressing the Chair to interject remarks into another Member's speech.

On July 25, 1935,[18] while Mr. Thomas L. Blanton, of Texas, had the floor, Mr. Samuel Dickstein, of New York, interjected remarks from his seat without addressing the Chair or securing the consent of Mr. Blanton. Speaker Joseph W. Byrns, of Tennessee, intervened and ruled "it is distinctly against the rules for a gentleman

18. 79 CONG. REC. 11864, 74th Cong. 1st Sess.

in his seat to interrupt a Member who is speaking." [19]

On Apr. 18, 1973,[20] Chairman Morris K. Udall, of Arizona, sustained a point of order made by Mr. George E. Danielson, of California, that a Member then speaking was not standing as required by the rule of the House.

"Clear the Well"

§ 41.4 Where a point of order was made that the well of the House should be cleared in compliance with the House rules, the Chairman of the Committee of the Whole requested a Member to step back from the well of the House to propound his question.

On Mar. 7, 1957,[1] the following exchange and ruling by Chairman Wayne L. Hays, of Ohio, took place:

> MR. AUGUST H. ANDRESEN [of Minnesota]: I do not want to yield for a speech.
>
> MR. [GEORGE H.] CHRISTOPHER [of Missouri]: I did not come down to heckle the gentleman.
>
> MR. AUGUST H. ANDRESEN: I will yield for a question, but I refuse to yield for a speech.
>
> MR. CHRISTOPHER: I would like to ask a question.
>
> MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HOFFMAN: I ask that the well be cleared.
>
> THE CHAIRMAN: The gentleman from Michigan makes a point of order that the well should be cleared. The gentleman will step back to the seats to ask his question.
>
> MR. CHRISTOPHER: I want to ask a question about the 51 million acre base.
>
> MR. HOFFMAN: Mr. Chairman, I insist on my point of order.
>
> THE CHAIRMAN: The gentleman from Missouri will suspend. We want to comply strictly with the rules. The gentleman will stand back out of the well, please, while the question is propounded.[2]

§ 41.5 The Speaker announced that Members should not traffic the well of the House when another Member is speaking.

On Feb. 3, 1995,[3] the Chair,[4] in response to a parliamentary in-

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19. To speak, a Member must rise, address himself to the Speaker, and be recognized. Rule XIV clause 1, *House Rules and Manual* § 749 (1995).

20. 119 CONG. REC. 13136, 93d Cong. 1st Sess.

Parliamentarian's Note: Sitting on the committee table while speaking into a microphone is not in accord with proper decorum.

1. 103 CONG. REC. 3268, 85th Cong. 1st Sess.

2. While one Member is speaking, another may not pass between him and the Chair. Rule XIV clause 7, *House Rules and Manual* § 763 (1995).

3. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

4. Speaker Pro Tempore Peter G. Torkildsen (Mass.).

quiry, made an announcement concerning conduct of Members while a Member is speaking in the House:

MS. [MARCY] KAPTUR [of Ohio]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentlewoman will state her parliamentary inquiry.

MS. KAPTUR: Mr. Speaker, my inquiry has to do with the courtesy extended to Members who are attempting to deliver their 1-minute messages this morning. I notice that Members on the other side are moving around the podium and placing their papers there, distracting from the individual who is speaking. Now this side has not chosen to use those tactics.

My inquiry is as to appropriate behavior when another Member of the House is addressing the public.

THE SPEAKER PRO TEMPORE: The gentlewoman's observation is well taken. Members should not be standing in front of the rostrum while other Members are speaking, and the Chair would ask all Members to observe basic courtesy when Members are speaking in the House.

MS. KAPTUR: And Members awaiting their turn to speak should be seated until they are recognized by the Speaker?

THE SPEAKER PRO TEMPORE: Members should not traffic the well when any other Member is speaking.

Similarly, on Mar. 3, 1995,[5] the Speaker Pro Tempore[6] responded to parliamentary inquiries about the presence of Members in the well while a Member is speaking:

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. VOLKMER: Do the rules of the House permit Members to walk in the well, be present in the well while a Member is speaking in the well?

THE SPEAKER PRO TEMPORE: Members should not cross in front of Members while they are speaking in the well.

MR. VOLKMER: Is it permissible to walk on the other side of the well while a Member is speaking in the well?

THE SPEAKER PRO TEMPORE: Members should not walk between the Member speaking and the Chair.

MR. VOLKMER: What I am trying to point out to Members on the other side, we have never done it on this side, is not to get your papers up and get ready to make your 1-minute while a Member is speaking in the well.

Altercations Between Members

§ 41.6 Members of the House were permitted to comment as witnesses or make corroborating statements relative to an altercation between two Members in the Speaker's lobby.

On Oct. 29, 1963,[7] Mr. Bruce R. Alger, of Texas, was granted

5. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

6. John T. Doolittle (Calif.).

7. 109 CONG. REC. 20413, 88th Cong. 1st Sess.

permission to address the House relative to an altercation between two Members:

Mr. Speaker, I take the floor with some sorrow and some humor. All of us in Congress have certain standards to maintain on the floor of this House. It has come to my attention that one of the gentlemen from Texas threatened another Texan on the floor of the House, to pistol whip him the way they did back home. I ask the gentleman from California to tell of the incident as he saw it.

MR. [DEL M.] CLAWSON [of California]: I was a witness when this very unfortunate threat was made a few minutes ago on the floor of the House to pistol whip him as they did in Texas. Off the floor I saw the culmination of this thing when the gentleman from Texas [Mr. Gonzalez] threatened the gentleman from Texas [Mr. Foreman] and followed through by striking Mr. Foreman with his fist. I was frankly shocked and surprised to see this very undignified incident and irresponsible action by the gentleman from Texas [Mr. Gonzalez] take place in the House of Representatives.

MR. ALGER: I want to thank the gentleman for corroborating what I understand to be the case. I want to compliment my colleague, the gentleman from Texas [Mr. Foreman], for his restraint in not retaliating by striking the other gentleman, the gentleman from San Antonio [Mr. Gonzalez].

MR. [EDGAR FRANKLIN] FOREMAN: Mr. Speaker, will the gentleman yield?

MR. ALGER: I yield to the gentleman.

MR. FOREMAN: I thank the gentlemen for coming to my aid in this instance. In these matters I am perfectly capable of handling myself physically, particularly when it comes to fisticuffs. However, I was quite surprised to find that the gentleman from San Antonio completely lost his head, and evidently, his reasoning, and had to resort to striking me in these Halls of Congress because he disagreed with something that had been reported in the newspapers that I had said.

The gentleman from Texas [Mr. Gonzalez] said he understood that I had called him a Communist. This was certainly a misunderstanding on his part. I have stated that in my opinion Mr. Gonzalez' ultraliberal, leftwing voting record had done a disservice to the U.S. Constitution and helps to serve the Socialist-Communist cause. I stand behind this statement without retraction or apology.

Parliamentarian's Note: On Feb. 22, 1945, an altercation occurred between Mr. Frank E. Hook, of Michigan, and Mr. John E. Rankin, of Mississippi, the latter being disturbed by allegedly blasphemous words used against him in debate by Mr. Hook. Some physical contact took place between the two Members on the floor while the House was in session. Mr. Hook's words, which precipitated the incident, were stricken from the Record by order of Speaker Pro Tempore Robert Ramspeck, of Georgia. Mr. Hook and Mr. Rankin later apologized to the House on Feb. 23, 1945, and no further action was taken by the House.[8]

8. 91 CONG. REC. 1371, 1372, 1390, 1391, 1445, 79th Cong. 1st Sess.

Announcements as to Anticipated Disorder

§ 41.7 The Chairman of the Committee of the Whole may make an announcement concerning decorum on the floor during forthcoming debate on a certain bill.

On Oct. 21, 1969,[9] Chairman Daniel J. Flood, of Pennsylvania, made an announcement in relation to the decorum on the House floor during the debate on H.R. 13827, the Housing and Urban Development Act of 1969. The Chairman stated that House employees who did not have specific privileges of the floor would be withdrawn from the floor, that the whips would be quiet, that the aisles to the right and left would be cleared, and that there would be no undue activity at the rail during debate on the bill.[10]

Demonstrations, Approval, or Disapproval by Members; Applause

§ 41.8 Demonstrations of approval or disapproval by Members during debate, such as applauding or rising to applaud, are not a part of the Record, and the Speaker may direct the reporters of the debates to refrain from inserting indications of such activity in the Record.

On Mar. 6, 1945, Mr. John E. Rankin, of Mississippi, addressed the House on the subject of demonstrations of approval in the House by way of applause, shouts, and laughter. He made the suggestion that such demonstrations should be reflected in the *Congressional Record,* although the rulings of the Chair had been to the contrary. Speaker Sam Rayburn, of Texas, discussed his past rulings on the question and the rational thereof. He concluded, "the Chair has held that demonstrations in the House are not a part of the Record, and shall continue to hold that until the rules of the House are changed."[11]

Evidence of "Applause" Normally Omitted

§ 41.9 The word "applause" may be inserted in the Record where the demonstration occurs during a joint session of Congress.

9. 115 CONG. REC. 30806, 91st Cong. 1st Sess.

10. See also Chairman Flood's announcement during consideration of S. 3708, the Demonstration Cities Act of 1966, 112 CONG. REC. 26603, 26604, 89th Cong. 2d Sess., Oct. 13, 1966.

11. 91 CONG. REC. 1789, 79th Cong. 1st Sess.

On Mar. 6, 1945,[12] Mr. Charles L. Gifford, of Massachusetts, called attention to the appearance in the *Congressional Record* of Mar. 1 of the word "applause" 20 times. He stated that the insertions apparently included applause as part of the proceedings of the House, although Speaker Sam Rayburn, of Texas, had just stated that demonstrations in the House were not and should not be a part of the Record.[13] Speaker Rayburn responded that (1) he had not been presiding at the session referred to and (2) the insertions were not improper because the date referred to was the occasion of a joint session of Congress in which the President delivered an address.

Only Chair Puts Question

§ 41.10 Votes on questions may be put only by the Chair and it is not in order for a Member having the floor in debate to ask that Members who would vote for the pending bill if it contained a certain provision to express their approval by rising in their seats or raising their hands.

On May 5, 1955,[14] Mr. Abraham J. Multer, of New York, requested in debate that those Members who would vote for a pending bill if it contained a certain amendment to rise in their seats. Mr. Clare E. Hoffman, of Michigan, made the point of order that Mr. Multer had no right to ask for a vote, and Chairman Robert L. F. Sikes, of Florida, sustained the point of order. Mr. Multer then refused to yield to another Member, stating that he would yield only for a "show of hands or rising" by Members who would vote for the provision. Chairman Sikes reminded Mr. Multer to proceed in order.

§ 41.11 On one occasion during debate in Committee of the Whole, there being no objection, the Minority Leader requested his party members to demonstrate their support for a certain proposition by a show of hands.

On Aug. 6, 1963,[15] Minority Leader Charles A. Halleck, of Indiana, stated in regard to a pending bill:

> Mr. Chairman, I do not know whether it would be parliamentary or not,

12. 91 Cong. Rec. 1790, 79th Cong. 1st Sess.
13. See § 41.8, supra.
14. 101 Cong. Rec. 5778, 84th Cong. 1st Sess.
15. 109 Cong. Rec. 14289, 88th Cong. 1st Sess.

but I would like to have the Republicans who are here—and we are in goodly number—raise their hands to indicate whether they will vote for this bill with or without the amendment.

No objection was made to the request for a show of hands.

Proper Attire

§ 41.12 The Speaker announced, since questions had been raised concerning the proper attire for Members in the Chamber following the raising of thermostat controls to 78 degrees to comply with a Presidential order regarding energy conservation, that (1) the Speaker still considered traditional attire appropriate for Members, including a coat and tie for male Members and appropriate attire for female Members; (2) the Chair would recognize any Member to offer a resolution as a question of the privileges of the House to permit a relaxation in dress; and (3) the Chair would prefer not to rule on a point of order that a Member was in violation of the Speaker's guidelines, trusting that the standards of dress would be voluntarily maintained and accepted by Members, but would not foreclose the possibility of entertaining such a point of order; the Speaker also refused to recognize a Member in violation of traditional standards of dress, and requested the Member in question to remove himself from the floor and don proper attire.

On July 17, 1979,[16] Speaker Thomas P. O'Neill, Jr., of Massachusetts, made the following announcement:

THE SPEAKER: The Chair wishes to make a statement.

In recent days the Congress has undertaken measures to comply with the President's Executive order implementing thermostat controls for nonresidential buildings, most particularly by raising the temperature in the Capitol and congressional office buildings to 78 degrees. This effort to conserve energy has undoubtedly resulted in some discomfort for Members, staff, and visitors to the Capitol. As a result, some questions have arisen concerning proper dress for Members when they are in the House Chamber. Over many years and during some uncomfortable seasons, Members have respected an unwritten standard. Historically, a coat and tie has always been required for male Members and appropriate attire for female Members. The Chair believes that the House should continue to adhere to this practice. The Chair certainly intends to. Perhaps the Chair reflects the views of his own genera-

16. 125 CONG. REC. 19008, 96th Cong. 1st Sess.

tion but he feels that this is one of the ways in which he shows his respect for this institution.

The Chair does not believe he should become an arbiter of style. What color a person wears or the manner in which he or she combs his hair is certainly a matter for individual determination. . . .

If any Member would desire to offer a resolution raising a question of privilege of the House to the effect that Members may relax their dress, such Member may so offer the resolution and the Chair would recognize him for such purposes. . . . The Chair would ask the gentleman from Texas if he would kindly remove himself from the floor and appear in the customary attire that the Members of the Congress wear. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, in view of the ruling by the distinguished Speaker of the House, in the future would it be in order, under clause 2 of rule I, which grants the Speaker power to preserve order and decorum, to make a point of order against any Members of the House who do not accede to the dress code that the Speaker has described?

THE SPEAKER: The Chair will advise the gentleman from Maryland that the Chair hopes not to have to rule on a point of order concerning a dress code for Members and would prefer that the standards of dress be voluntarily maintained and accepted by the Members.

MR. BAUMAN: Mr. Speaker, would the Chair entertain such a point of order if it were made?

THE SPEAKER: The Chair would not foreclose that at this time.

MR. BAUMAN: I thank the Chair.

THE SPEAKER: The Chair would ask the gentleman from Texas to remove himself from the floor, and the gentleman can address the House at such time as he is in the proper attire.

MR. [JAMES A.] MATTOX [of Texas]: Mr. Speaker——

THE SPEAKER: The Chair is not recognizing the gentleman. The Chair has made his statement.

If any Member desires to offer a resolution to change the customs and attire with regard to dress, as a point of privilege of the House, the Chair would recognize the Member.

§ 41.13 The Speaker announced, during a vote by electronic device, that Members were not permitted under the traditions of the House to wear overcoats on the House floor.

On Dec. 16, 1981,[17] Speaker Thomas P. O'Neill, Jr., of Massachusetts, made an announcement in the House, as follows:

THE SPEAKER (during the vote): The Chair has been informed by some of the Members that the Chair has not been adhering to the customs and traditions of the House, one being that Members should not be on the floor with outer garments, with overcoats. So, they will kindly remove themselves and remove the garments.

Hats

§ 41.14 The wearing of hats on the floor by Members is not

17. 127 CONG. REC. 31847, 97th Cong. 1st Sess.

permitted under clause 7 of Rule XIV and the prohibition extends to the taking off of the hat in tribute to a constituent athletic team.

On June 22, 1993,[18] the Chair addressed the issue of the wearing of hats:

(Mrs. Collins of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

MRS. [CARDISS] COLLINS of Illinois: Mr. Speaker, I proudly rise today to congratulate the Chicago Bulls for their threepeat NBA championship victory Sunday night, which secured them a distinguished place in NBA history as one of the league's best teams of all time. For the first time in 27 years, and only the third time ever, an NBA champion took home the coveted crown 3 years in succession—an un-BULLievable feat in today's era of professional sports. . . .

Mr. Speaker, I salute my Chicago Bulls.

THE SPEAKER:[19] The Chair understands the enthusiasm of the gentlewoman from Illinois, but admonishes other Members that the wearing of hats on the floor of the House, even to doff them in honor of a very successful team, is not permitted under the House rules.

Smoking

§ 41.15 The Chairman of the Committee of the Whole sustained a point of order that Members were smoking on the floor in violation of clause 7 of Rule XIV.

On Aug. 14, 1986,[20] during consideration of H.R. 4428 (Department of Defense authorization for fiscal year 1987) in the Committee of the Whole, Chairman Pro Tempore Marty Russo, of Illinois, sustained a point of order as indicated below:

MR. [THOMAS J.] DOWNEY of New York: Mr. Chairman, I rise to a point of order.

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

MR. DOWNEY of New York: Mr. Chairman, is smoking permitted on the House floor?

THE CHAIRMAN PRO TEMPORE: The Chair will advise Members that there is no smoking on the House floor. Clause 7 of rule XIV is explicit on that point. The Chair will advise Members that the Chair has a very vigilant eye for those kind of infractions. The Chair will advise Members, the Chair is ever watchful for that opportunity to find someone out of order for smoking on the floor.

The Chair will advise Members that the Chair is reluctant to point out Members who have smoking material on their person on the floor. This is the Chair's last warning to those individuals. The Chair will have the Sergeant at Arms enforce the rule.

§ 41.16 The prohibition against smoking on the floor of the

18. 139 CONG. REC. p. ____, 103d Cong. 1st Sess.

19. Thomas S. Foley (Wash.).

20. 132 CONG. REC. 21714, 21718, 99th Cong. 2d Sess.

House extends to smoking behind the rail.

On Feb. 23, 1995,[1] the Chair responded to parliamentary inquiries on the subject of smoking:

MR. [RAY] LAHOOD [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[2] The gentleman will state it.

MR. LAHOOD: Mr. Speaker, is it within the realm of the House rules for Members to smoke on the floor?

THE SPEAKER PRO TEMPORE: That is prohibited.

MR. LAHOOD: I wish the Chair would advise Members of that, please.

THE SPEAKER PRO TEMPORE: The Members are so advised.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. VOLKMER: Mr. Speaker, at the rear of the Chambers, behind the rail, is that included in the area in which Members can smoke?

THE SPEAKER PRO TEMPORE: That has been ruled to be part of the floor.

MR. VOLKMER: And Members are not to smoke in the back behind the rail?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

Speaking From Well When House Not in Session

§ 41.17 Members may not speak from the well of the House if the House is in recess.

On Aug. 2, 1955,[3] Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry:

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, if the House is in recess, under the rules of the House may a Member speak from the well of the House while the recess is on?

THE SPEAKER: Not when the House is in recess.

§ 42. Manner of Address; Interruptions

When speaking in the House, a Member must rise and respectfully address himself to "Mr. Speaker."[4] In the Committee of the Whole, the proper form of address is "Mr. Chairman."[5] If the presiding officer is a woman, the proper address is "Madam Speaker" or "Madam Chairman."[6] Remarks in debate are not properly addressed either to individual Members[7] or to occupants of the galleries.[8]

1. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.
2. Thomas W. Ewing (Ill.).
3. 101 CONG. REC. 13067, 84th Cong. 1st Sess.
4. Rule XIV clause 1, *House Rules and Manual* § 749 (1995). The requirement is derived from parliamentary law; see Jefferson's Manual, *House Rules and Manual* § 354 (1995).
5. See § 42.1, infra.
6. See § 42.4, infra.
7. See § 42.5, infra. For the proper form of reference and of response to another Member, see § 56, infra.
8. See § 42.7, infra.

In order to interrupt a Member who is speaking, a Member may not simply interject remarks but must rise, address the Chair, and gain the consent of the Member speaking.[9] However, a Member may be interrupted for a point of order, the filing of a conference report, or the receipt of a message.[10]

Cross References

Form of reference to Members, see § 56, infra.

Interruption of Member with the floor, see § 32, supra.

Properly seeking recognition, see § 8, supra.

Yielding time for debate, motions and amendments, see §§ 29–31, supra.

Addressing Speaker or Chairman; Form

§ 42.1 In rising to address the House or the Committee of the Whole, Members should address only the Speaker or the Chairman, without making reference to the House or the Committee, or to any individual Member.

On Jan. 12, 1932,[11] Mr. Robert Luce, of Massachusetts, arose to state a question of privilege and then discussed at length the proper form of address in the House or in the Committee of the Whole:

> Mr. Speaker, I rise to a question of privilege.
>
> THE SPEAKER:[12] The gentleman will state it.
>
> MR. LUCE: . . . There is presented to me this morning an opportunity to call to the attention of the House a matter that has disturbed me for some time. This is my first convenient chance to lay it before the House. I find in the Record this morning that a few remarks I made yesterday are printed as follows on page 1694:
>
> "Mr. Speaker, ladies, and gentlemen."
>
> Not since I have been a Member have I thus broken parliamentary law. Of course, I desire not to go on record as supporting a practice which is obnoxious to me.
>
> When I came here 12 years ago, nobody, so far as I can recollect, ever deviated from the parliamentary rule that salutation should be confined to the occupant of the chair, either "Mr. Speaker" or "Mr. Chairman." Within a very few years the practice has grown up of addressing the House en masse by some form of preliminary language. This is contrary to the parliamentary precedent of several hundred years.
>
> I would read to you a statement by Sir Thomas Smith who described the

9. See §§ 42.8–42.10, 42.12, infra.

10. *House Rules and Manual* § 750 (1995).

For interruptions of the Member with the floor, generally, see § 32, supra.

11. 75 CONG. REC. 1815, 72d Cong. 1st Sess.

12. John N. Garner (Tex.).

practice of the Parliament of Queen Elizabeth's time. He said:

> Though one do praise the law, the other dissuade it. For every man speaketh as to the speaker, not as one to another, for that is against the order of the House.

Jefferson's Manual, which is the law of the House when it has no rule to the contrary, says that "when any Member means to speak . . . he is . . . to address himself not to the House, nor to any particular Member, but to the Speaker," and so forth. Notice that he is to address himself not to the House, but to the Speaker of the House.

. . . I am quite sure that the reason for the rule has always persisted and will continue to persist, because it is, as the writers say, to avoid altercations. Its purpose is to prevent men from directly addressing each other and thus invite a breach of decorum.

For that reason, and hoping that I have not unduly taken the time of the House in calling attention to this matter, I ask unanimous consent that the words "ladies and gentlemen" be stricken from the report of my speech. [Applause.]

Speaker Garner responded:

The Chair is in entire sympathy with the remarks made by the gentleman from Massachusetts [Mr. Luce]. It is supposed to be a slight upon the Chair, according to the expressions of the former Speakers of the House, when Members address the Chairman of the Committee of the Whole or the Speaker and then address the Members on the floor en masse. The Speaker represents the House of Representatives in its organization, and by addressing the Chair gentlemen address the entire membership of the House.

Similarly, on May 21, 1941,[13] Speaker Sam Rayburn, of Texas, stated in response to a parliamentary inquiry that the proper form of address was "Mr. Speaker" or "Mr. Chairman" without the addition of "ladies and gentlemen" or any other language.[14]

§ 42.2 Remarks in the House, even if critical of the Speaker, should be directed to "Mr. Speaker" under clause 1 of Rule XIV, even if he is not occupying the chair.

On Nov. 1, 1983,[15] Speaker Pro Tempore Paul Simon, of Illinois, responded to a parliamentary inquiry regarding the proper mode of addressing the Chair in the House:

> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, it is apparent from your remarks in the New York Times this morning that the political rhetoric of 1984 is going to get plenty rough. . . .

---

13. 87 CONG. REC. 4307, 77th Cong. 1st Sess.

14. See also 109 CONG. REC. 6892, 88th Cong. 1st Sess., Apr. 24, 1963; 83 CONG. REC. 3768, 3769, 75th Cong. 3d Sess., Mar. 21, 1938; and 78 CONG. REC. 10627, 73d Cong. 2d Sess., June 6, 1934.

15. 129 CONG. REC. 30267, 98th Cong. 1st Sess.

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. STRATTON: Mr. Speaker, is it in order for any Member of the House to address a Speaker pro tempore who is occupying the chair and make charges that were directed at the Speaker himself?

It would appear to be improper. I would think, under the rules of the House.

THE SPEAKER PRO TEMPORE: The Chair is advised that the remarks are directed to the Chair, whoever the occupant of the chair is.

Addressing the President

§ 42.3 Although Members may discuss past and present Presidential actions and suggest possible future Presidential actions, it is not in order to address remarks in debate directly to the President, as in the second person.

On Oct. 16, 1989,[16] during the period for one-minute speeches in the House, the Speaker cautioned Members against a renewed tendency to address remarks in debate directly to the President.

MR. [ROBERT G.] TORRICELLI [of New Jersey]: Mr. Speaker, George Bush's honeymoon is most assuredly now over. . . .

Mr. President, it is time to get to work, time to decide why is it you sought the Presidency, to tell us where it is you would take America. . . .

Mr. President, listen to this, if you will, from the president of the Chase Manhattan Bank: "There are some very significant issues out there such as the fiscal deficit, our relations with Japan, that have to be the subject of major initiatives. I'd like to see that initiative, and I haven't. There is no agenda."

Mr. President, listen to not only your critics but to your fans. It is time to lead our country.

THE SPEAKER:[17] As the Chair announced on July 23, 1987, it is not in order to address the President in debate. Members must address their remarks to the Chair. Although Members may discuss past and present Presidential actions and suggest possible future Presidential actions, they may not directly address the President, as in the second person.[18]

Addressing Female Occupant of Chair

§ 42.4 In addressing a lady occupant of the Chair the prop-

16. 135 CONG. REC. 24715, 101st Cong. 1st Sess.

17. Thomas S. Foley (Wash.).

18. See also the proceedings of May 17, 1989 (remarks of Mrs. Barbara Boxer, of California; and, in the 101st Cong. 2d Sess., the proceedings of May 8, 1990 (remarks of Mr. Richard J. Durbin, of Illinois) and May 9, 1990 (remarks of Mr. Charles E. Schumer, of New York).

er form of address is "Madam Chairman" in the Committee of the Whole and "Madam Speaker" in the House.

On Mar. 2, 1932, Speaker John N. Garner, of Texas, responded as follows to a parliamentary inquiry:

> MR. [CLAUDE V.] PARSONS [of Illinois]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. PARSONS: Yesterday afternoon the distinguished Congresswoman from Florida occupied the chair and in addressing the Chair I addressed her as Madam Chairman. I notice in the Record this morning, on page 5196, that it is printed as Mr. Chairman. I wish to inquire which one of the titles is correct.
>
> THE SPEAKER: In the opinion of the present occupant of the chair, the gentleman from Illinois in addressing the Chair as Madam Chairman used the correct form.[19]

On Sept. 20, 1973,[20] Chairman Martha W. Griffiths, of Michigan, was presiding in the Committee of the Whole and Mr. H. R. Gross, of Iowa, addressed her as "Ms. Chairperson." The Chairman responded as follows:

> For the benefit of Members, the Chair would like to announce that the Chair is properly addressed as Madam Chairman. While she seems to be neutral, she is not neuter.

Addressing Members

§ 42.5 It is a breach of parliamentary law for Members to preface their remarks by addressing themselves to "Mr. Speaker, gentlemen of the House," or "Mr. Speaker, Members of the House."

On Mar. 21, 1938,[1] Mr. John J. Cochran, of Missouri, raised a parliamentary inquiry as to the proper form of address by Members. He stated that a practice had grown up of addressing remarks to "gentlemen of the House" and "Members of the House." He stated that such a form was an insult to the female Members of the House and recommended return of the House to the universal parliamentary practice of addressing only the Speaker and not the Members.

After lengthy discussion, Speaker William B. Bankhead, of Alabama, cited the governing rule (Rule XIV) and stated that only the Speaker in the House and the Chairman in the Committee of the Whole should be addressed.

§ 42.6 The Chairman of the Committee of the Whole has

19. 75 CONG. REC. 5117, 72d Cong. 1st Sess.

20. 119 CONG. REC. 30594, 93d Cong. 1st Sess.

1. 83 CONG. REC. 3768, 3769, 75th Cong. 3d Sess.

on occasion reminded Members that remarks in debate should be addressed to the Chairman and not to other Members in the Chamber.

During consideration of House Joint Resolution 403 (making further continuing appropriations for fiscal year 1984) in the Committee of the Whole on Nov. 8, 1983,[2] the following exchange prompted the Chair to remind the Members of the rule regarding addressing the Chair in debate rather than other Members:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: I appreciate the gentleman's good wishes. I accept them in the spirit in which they are offered.

MR. [SILVIO O.] CONTE [of Massachusetts]: Somebody thought I got mad at you down here.

MR. WRIGHT: You? Of course, not you.

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, will the gentleman yield?

THE CHAIRMAN:[3] I invite the gentlemen participants in this colloquy to follow the rules and address the Chair and not each other.

MR. CONTE: Thank you, Mr. Chairman.

Addressing Galleries

§ 42.7 It is not in order for a Member to address his remarks to the "press."

On Apr. 24, 1963,[4] Chairman Eugene J. Keogh, of New York, ruled on a point of order directed against a Member who addressed "the press."

MR. [THOMAS B.] CURTIS [of Missouri]: Mr. Chairman, I want to say to my so-called liberal friends who voted the motion up which closed off debate on such a serious matter that you have clearly demonstrated your concern for the basic civil liberties.

I would say to the press that this is a good observation——

MR. [ROSS] BASS [of Tennessee]: Mr. Chairman, I make the point of order that the gentleman is out of order in addressing the press gallery or any other gallery from the floor of the House.

MR. CURTIS: I am not addressing the press gallery. I am addressing——

THE CHAIRMAN: The gentleman from Missouri will suspend. The Chair advises the gentleman that the correct parliamentary procedure is for the gentleman to address the Chair and only the Chair. The gentleman will proceed in accordance with the rules.

Parliamentarian's Note: Under the current practice of televising House proceedings, it is not in order to address remarks to anyone in the television audience or to anyone not present, including Members.

Interruptions in Debate

§ 42.8 The Speaker has repeatedly ruled that under

2. 129 CONG. REC. 31458, 98th Cong. 1st Sess.
3. Wyche Fowler, Jr. (Ga.).
4. 109 CONG. REC. 6892, 88th Cong. 1st Sess.

the rules and procedures of the House a Member who wishes to interrupt another who has the floor must first address the Chair and then obtain consent of the Member who has the floor.

On June 7, 1961,[5] while Mr. Clare E. Hoffman, of Michigan, had the floor, he yielded to Mr. Albert Thomas, of Texas, who thereafter attempted to interrupt Mr. Hoffman and to yield to a third Member. Mr. Hoffman made a point of order:

> Mr. Chairman . . . Members [have] to address the Chair or the Speaker before making a request that the Member speaking could yield to anyone. Is that right?
>
> THE CHAIRMAN:[6] That is the rule and practice of the House and Committee.
>
> MR. HOFFMAN of Michigan: Pardon me, then. I had not noticed that the practice was being observed.

Similarly, on July 16, 1935,[7] Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

> The rules of the House provide that Members of the House shall observe proper decorum in debate. This is the only way in which matters may be discussed in a sound, sensible, sane manner, and a proper conclusion arrived at. Those Members particularly who have been here for years, it seems to the Chair, should be doubly careful to strictly conform to the rule.
>
> The rules provide that when a Member rises to interrupt another he shall address the Chair and do it respectfully and secure the consent of the Member who is talking.

The Speaker then cited Rule XIV clause 1, governing the subject of address.[8]

The Speaker has ruled on numerous other occasions that it is not in order in debate for a Member to interrupt another who has the floor without first addressing the Chair and obtaining consent of the Member who has the floor.[9]

§ 42.9 In order to interrogate a Member who has the floor in debate a Member must first address the Chair and secure the consent of the Member who has the floor.

On Apr. 11, 1935,[10] Speaker Joseph W. Byrns, of Tennessee,

5. 107 CONG. REC. 9681, 87th Cong. 1st Sess.
6. Richard Bolling (Mo.).
7. 79 CONG. REC. 11256, 74th Cong. 1st Sess.
8. See *House Rules and Manual* § 749 (1995). See also § 32, supra.
9. See 102 CONG. REC. 11455, 84th Cong. 2d Sess., June 29, 1956; 83 CONG. REC. 591, 592, 75th Cong. 3d Sess., Jan. 15, 1938; 80 CONG. REC. 1665, 1666, 74th Cong. 2d Sess., Feb. 7, 1936; 79 CONG. REC. 5461, 74th Cong. 1st Sess., Apr. 11, 1935; and 78 CONG. REC. 10630, 73d Cong. 2d Sess., June 6, 1934.
10. 79 CONG. REC. 5461, 74th Cong. 1st Sess.

intervened in debate to rule as follows:

> MR. [JOSEPH P.] MONAGHAN [of Missouri]: May I say to the gentleman——
>
> MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I do not yield.
>
> MR. MONAGHAN: There will be a day of reckoning for those advocating the delusion plan suggested [consideration of H. Res. 197, a rule for consideration of social security legislation].
>
> MR. O'CONNOR: Mr. Speaker, I do not yield.
>
> THE SPEAKER: The Chair will state that the rules provide that a Member desiring to interrogate the Member who has the floor must first address himself to the Chair and obtain consent of the gentleman addressing the House. It is highly improper . . . for a Member to rise and interrupt the Member addressing the House without first addressing the Chair and obtaining consent of the gentleman who has the floor.

§ 42.10 It is a breach of order in debate for a Member without rising and addressing the Chair to interject remarks into another speech.

On July 25, 1935,[11] while Mr. Thomas L. Blanton, of Texas, had the floor, Mr. Samuel Dickstein, of New York, interjected remarks from his seat without addressing the Chair or securing the consent of Mr. Blanton. Speaker Joseph W. Byrns, of Tennessee, intervened and ruled "it is distinctly against the rules for a gentleman in his seat to interrupt a Member who is speaking."

§ 42.11 The Chair enforces section 364 of Jefferson's Manual by admonishing Members who attempt to disturb Members who are addressing the House by conversing with them.

In the proceedings of Feb. 21, 1984,[12] the Chair sought to preserve order by admonishing Members not to converse with a Member attempting to address the House:

> THE SPEAKER PRO TEMPORE:[13] The House will be in order.
>
> The Chair would like to suggest that the rules of the House prohibit the engagement of private conversation with someone who is in the process of speaking or has just concluded speaking and would ask the gentleman on his left and the gentleman on his right to extend to one another the courtesies commonly expected of Members of the House.

§ 42.12 One Member may not submit a parliamentary inquiry while another Member has the floor without his consent.

11. 79 CONG. REC. 11864, 74th Cong. 1st Sess.

12. 130 CONG. REC. 2758, 98th Cong. 2d Sess.

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

On Mar. 13, 1936,[14] when Mr. Thomas O'Malley, of Wisconsin, attempted to interrupt the Member who had the floor by stating a parliamentary inquiry, Speaker Joseph W. Byrns, of Tennessee, ruled that a Member could not take the Member speaking off the floor by stating a parliamentary inquiry without obtaining the latter's consent.[15]

—*Remarks Do Not Appear in Record*

§ 42.13 Where a Member interrupts debate without being recognized or yielded to by the Member under recognition and without rising to a point of order, his remarks do not appear in the Record as he was not recognized to make them, but his name is shown in the Record at the points of interruption.

On July 21, 1993,[16] the following proceedings occurred in the House:

THE SPEAKER PRO TEMPORE:[17] Under the previous order of the House, the gentleman from Indiana [Mr. Burton] is recognized for 60 minutes.

MR. [DAN] BURTON of Indiana: Mr. Speaker, we have a number of Members that want to speak tonight on the problems we have with the House Post Office. . . .

I just wanted to say to the gentleman that the Members of this body would not be nearly as concerned had this not been swept under the rug 1 year ago, and time goes on and on. It is the same, and it is very analogous to the check scandal. . . .

And so I think we have an obligation.

MR. [DAVID R.] OBEY [of Wisconsin]: . . .

MR. BURTON of Indiana: I did not yield; I did not yield. I do not yield.

THE SPEAKER PRO TEMPORE: The gentleman from Indiana [Mr. Burton] has the floor.

MR. BURTON of Indiana: . . . All I say to my colleagues is: Let us make a clean breast of it. Let us bring the facts before the House and not impede justice. . . .

MR. [JOHN T.] DOOLITTLE [of California]: If the gentleman will yield, there is a specific point I want to respond to.

The firing of those U.S. attorneys was not routine. It had never been done before in such a fashion. And to stand here on the floor and to represent that was routine is a misstatement. It was completely out of the ordinary.

MR. OBEY: . . .

MR. [RANDY] CUNNINGHAM [of California]: Mr. Speaker, I ask for regular order or to have the gentleman removed.

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14. 80 CONG. REC. 3720, 74th Cong. 2d Sess.

15. See also 79 CONG. REC. 11864, 74th Cong. 1st Sess., July 25, 1935.

16. 139 CONG. REC. p. ____, 103d Cong. 1st Sess.

17. Eric D. Fingerhut (Ohio).

MR. BURTON of Indiana: This gentleman keeps interfering. I yielded to him once. I have control of the time, as I understand it.

THE SPEAKER PRO TEMPORE: The gentleman from Indiana [Mr. Burton] has control of the time.

MR. OBEY: Mr. Speaker, has the gentleman asked the U.S. attorney?

MR. BURTON of Indiana: Mr. Speaker, I have the time. I am not yielding to the gentleman.

MR. [ROBERT S.] WALKER [of Pennsylvania]: I think there are questions about whether or not this letter is an attempt to prevent an investigation.

MR. OBEY: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Indiana has the time.

MR. WALKER: The gentleman knows the rules of the House.

MR. OBEY: Yes, I do.

MR. WALKER: If the gentleman from Indiana will yield to the gentleman, the gentleman is not obeying the rules of the House.

MR. OBEY: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Indiana controls the time and has yielded to the gentleman from Pennsylvania.

MR. BURTON of Indiana: Mr. Speaker, may I make an inquiry? We have been interrupted several times. This is taking away from our time. I hope that the Chair will be fair in allocating the time, because we have had to endure this now for about the last 10 minutes.

THE SPEAKER PRO TEMPORE: The Chair will endeavor to be fair.

MR. BURTON of Indiana: Mr. Speaker, I yield to the gentleman from Pennsylvania.

MR. WALKER: Mr. Speaker, I thank the gentleman for yielding to me. . . .

MR. OBEY: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Indiana has yielded to the gentleman from Pennsylvania, who controls the floor.

MR. WALKER: The gentleman from Wisconsin [Mr. Obey] of course does not want to listen to the points being made here because the gentleman from Wisconsin was one of those who voted last year to table the resolution attempting to make——

MR. OBEY: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin [Mr. Obey] has not been yielded time, has not been recognized.

Member Declines To Yield

§ 42.14 A Member wishing to interrupt another in debate should address the Chair for permission of the Member speaking who may exercise his own discretion as to whether or not to yield; the Chair will take the initiative in preserving order when a Member declining to yield in debate continues to be interrupted by another Member, and may order that the remarks of the Member interrupting not appear in the Record.

On July 26, 1984,[18] the Committee of the Whole had under

18. 130 CONG. REC. 21247, 98th Cong. 2d Sess.

consideration H.R. 11, the Education Amendments of 1984. Mr. Robert S. Walker, of Pennsylvania, who was discussing prayer in schools, was interrupted by George Miller, of California, who was reading passages aloud from the Bible for purposes of demonstrating his argument that the right to pray is not absolute:

MR. WALKER: . . . It has been referred to by many people on the floor today that they know of no situation in the country where silent prayer has ever been ruled out of order by the courts. That is wrong.

I have here an article before me from CQ in which it says that in Alabama the silent prayer in Alabama was ruled out of order by the 11th U.S. Circuit Court of Appeals. . . .

[MR. MILLER of California proceeded to read from the Bible at this point.]

THE CHAIRMAN PRO TEMPORE:[19] The gentleman will suspend. The gentleman from California will suspend. The gentleman is out of order.

MR. MILLER of California: Mr. Chairman, I would just like to raise the point——

THE CHAIRMAN PRO TEMPORE: The gentleman is out of order.

MR. WALKER: Mr. Chairman, I have not yielded to the gentleman.

THE CHAIRMAN PRO TEMPORE: The gentleman has not yielded.

The gentleman's words when he spoke in the well without getting the permission of the Member who had the floor will not appear in the Record.

The gentleman from Pennsylvania may proceed. . . .

MR. WALKER: . . . I must say that the gentleman reading from the Holy Bible in the course of the discussion here I think is somewhat inappropriate. It was far more appropriate in the course of political debate; it was far more appropriate than the so-called prayer uttered earlier by the gentleman from New York.

MR. MILLER of California: Mr. Chairman, will the gentleman yield?

MR. WALKER: I would be glad to yield to the gentleman.

MR. MILLER of California: I think the point is this: That suggesting that this is an absolute right and that in fact to try to prescribe it, whether it is audible, whether it is oral, whether it is loud, whether it is soft, whether it is silent, is a point of real contention, because it is not an absolute right, as the gentleman suggests.

We just saw the rules of the House work against that right. The gentleman raised the point earlier about a teacher——

THE CHAIRMAN PRO TEMPORE: The time of the gentleman from Pennsylvania has expired.

Addressing Television Audience

§ 42.15 The Chairman of the Committee of the Whole reminded the Members that remarks in debate should be addressed to the Chairman, and not to Members or others not present in the Chamber.

19. Abraham Kazen, Jr. (Tex.).

On Apr. 5, 1979,[20] during consideration of the International Development Cooperation Act of 1979 (H.R. 3324) in the Committee of the Whole, Chairman Elliott Levitas, of Georgia, made the following statement:

> THE CHAIRMAN: Before recognizing the gentleman from Illinois (Mr. Derwinski), the Chair would like to observe that when the Members are engaging in debate in the Committee of the Whole, they should be addressing the Chairman of the Committee; they are not addressing Members who are watching on television sets or others outside the Chamber. The Chair would remind the Members to observe that rule.
>
> The Chair recognizes the gentleman from Illinois.

§ 42.16 It is not in order in debate to address remarks to the "television" or to anyone, including Members not present, viewing televised House proceedings, and the Chair on his or her own initiative calls a Member to order for violating that rule.

On Nov. 8, 1979,[1] the following exchange occurred in the Committee of the Whole during consideration of the Milk Price Support Act (H.R. 4167):

> MR. [PAUL] FINDLEY [of Illinois]: Mr. Chairman, while the attendance in this Chamber is very light, just about as light as I can recall in my experience here, we have the hope that some of the Members are watching by television and therefore even though——
>
> THE CHAIRMAN:[2] The gentleman will suspend.
>
> The Chair will admonish the gentleman to address the Chair and the Members in the body and not to make reference to the television.

§ 42.17 Remarks in debate must be addressed to the Chair only, and it is not in order to address remarks to the broadcast proceedings of the House or anyone viewing them.

On Sept. 29, 1983,[3] during special-order speeches, Speaker Pro Tempore Matthew F. McHugh, of New York, responded to a parliamentary inquiry regarding violation of the rules in addressing anyone other than the Chair:

> MR. [BILL] ALEXANDER [of Arkansas]: . . . I am grateful for this opportunity to be here this evening in this forum broadcast over television, for people to see for themselves the facts which have caused these gigantic and tragic deficits. . . .
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> I just want to inquire whether or not it is not true that referring to broad-

20. 125 CONG. REC. 7356, 96th Cong. 1st Sess.

1. 125 CONG. REC. 31519, 96th Cong. 1st Sess.

2. Gladys Noon Spellman (Md.).

3. 129 CONG. REC. 26501, 98th Cong. 1st Sess.

casting of the proceedings of the House on television is not a violation of a rule of the House.

THE SPEAKER PRO TEMPORE: The gentleman (Mr. Alexander) should direct his remarks to the Chair.

Parliamentarian's Note: It should be noted that the Chair did not specifically rule on whether a Member could discuss the fact that the proceedings were being televised.

§ 42.18 Members in debate should address their remarks to the Chair and not to "our viewing audience."

On Aug. 2, 1984,[4] in sustaining a point of order, the Speaker Pro Tempore admonished the Member against referring to audiences, as indicated below:

MR. [DUNCAN L.] HUNTER [of California]: I thank the gentleman for yielding. He has made most of the points that I wanted to make and that is that sure, these are selective votes, although they were not selected particularly for us. These were selected because these were 19 of the most important votes that would have taken the biggest pieces of the deficit, and you voted regularly against them. And the point that is being made is that over the last 5 years we voted for $274.5 billion more than the President requested. . . .

I think for the purpose of keeping our viewing audience totally informed we should not misrepresent ourselves.

MR. [ROBERT E.] WISE [Jr., of West Virginia]: Point of order, Mr. Speaker. Point of order.

THE SPEAKER PRO TEMPORE:[5] The point of order is sustained.

Please do not refer to the viewing audience or television or any other reference of that kind.

§ 42.19 Prior to a special-order speech in which several Members intended to use photographic exhibits of missing children, the Chair reminded all Members to address the Chair and to avoid direct references to the television audience.

On Apr. 2, 1985,[6] the Speaker Pro Tempore made an announcement, as follows:

THE SPEAKER PRO TEMPORE:[7] The Chair will ask that all Members who wish to exhibit pictures to address the Chair and avoid direct references to the television audience.

Under a previous order of the House, the gentleman from Oklahoma (Mr. Edwards) is recognized for 60 minutes.

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Speaker, last summer I began a project to use the televised proceedings of the House of Representatives to help find some of the 160,000 children who each year are reported kidnaped either by strangers or by a parent who does not have custody.

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4. 130 CONG. REC. 22271, 98th Cong. 2d Sess.

5. John McK. Spratt, Jr. (S.C.).

6. 131 CONG. REC. 7221, 99th Cong. 1st Sess.

7. Kenneth J. Gray (Ill.).

§ 42.20 Remarks in debate should be addressed to the Chair, and not to others who are not in the Chamber, such as those in the television (whether closed circuit or public) audience.

On Oct. 9, 1985,[8] the Chair took the initiative to remind a Member that references to any television audience were not in order. The proceedings in the Committee of the Whole during consideration of H.R. 3008 (Federal Pay Equity Act) were as follows:

> MR. [TOMMY F.] ROBINSON [of Arkansas]: . . . I know the females in my office are watching. Louise, I pay you $47,000 a year. I do not discriminate in my office. I do not know about the rest of my Democratic colleagues. But I pay my employees based on their ability to do the job.
>
> THE CHAIRMAN PRO TEMPORE: The gentleman will suspend for a moment.
>
> In accordance with the procedure of the House, the gentleman should not refer to any television audience.

§ 42.21 It is not in order in debate to address remarks to anyone viewing televised House proceedings, and the Chair enforces this rule on his or her own initiative.

The following proceedings occurred in the House on Feb. 25, 1986:[9]

> THE SPEAKER PRO TEMPORE:[10] Under a previous order of the House, the gentleman from Utah (Mr. Hansen) is recognized for 5 minutes.
>
> MR. [JAMES V.] HANSEN [of Utah]: Mr. Speaker, I will not pretend that the House Chamber is full of people. In fact, there are just a few people in the House Chamber presently. I want to take this special order time to speak about tobacco use in America. . . .

Mr. Hansen in his opening remarks specifically referred to and addressed the television audience. He revised his remarks when requested by the Speaker Pro Tempore:

> THE SPEAKER PRO TEMPORE: The Chair would respectfully request the gentleman to revise his comments, and delete all references to the TV audience.
>
> MR. HANSEN: Mr. Speaker, I ask unanimous consent to revise and extend my remarks, deleting all comments as specified by the Chair.
>
> THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Utah?
>
> There was no objection.

§ 42.22 Members should address the Chair in debate and should not address the television audience.

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8. 131 CONG. REC. 26961, 99th Cong. 1st Sess.

9. 132 CONG. REC. 2676, 2677, 99th Cong. 2d Sess.

10. Thomas R. Carper (Del.).

On June 3, 1987,[11] during consideration of H.R. 1934 (fairness in broadcasting) in the Committee of the Whole, the Chair admonished the House about the proper manner of address during debate:

> MR. [MIKE] SYNAR [of Oklahoma]: . . . I had some prepared remarks, but as I listened to the debate, I realized that most of the issues have been responded to, so let me take my 2 minutes to talk directly to the 8 million or more people who are watching this on C–SPAN and the millions or more who will be listening on radio with respect to this debate. . . .
>
> THE CHAIRMAN:[12] The Chair would request all speakers to address themselves to the Chair and not refer to the television audience.

§ 42.23 It is not in order in debate to address the viewing television audience, including other Members who might be watching, since under Rule XIV, clause 1, a Member must address the Chair.

On Dec. 17, 1987,[13] the Chair took the initiative during a special-order speech to remind a Member that all remarks should be directed to the Chair:

> THE SPEAKER PRO TEMPORE:[14] Under a previous order of the House, the gentleman from Indiana [Mr. Burton] is recognized for 60 minutes.
>
> MR. [DAN] BURTON of Indiana: Mr. Speaker, I intend to talk more tonight about the problems in Central America that we have to face as a nation and that the freedom fighters have to face as a people who are fighting against tyranny down there. Before I do, I would just like to say that I feel a sense of frustration, as many of my colleagues do, and if any of the leadership happens to be watching on television, I hope they will take these remarks under advisement, because it is really sad that here we are very close to Christmas Eve and we have not completed the business of this House.
>
> THE SPEAKER PRO TEMPORE: The Chair must remind the gentleman from Indiana [Mr. Burton] that Members should not direct their remarks to any viewing audience. All remarks should be made to the Chair.

Proper Manner of Addressing Colleague

§ 42.24 Clause 1 of Rule XIV and section 361 of Jefferson's Manual prohibit a Member from engaging in personalities in debate and specifically require references to another Member only "by his seat in the House, or who spoke last, or on the other side of the question," and not by name or in the second person.

During debate on the military procurement authorization for fis-

11. 133 CONG. REC. 14524, 100th Cong. 1st Sess.
12. Jim Moody (Wis.).
13. 133 CONG. REC. 36139, 36140, 100th Cong. 1st Sess.
14. Doug Barnard, Jr. (Ga.).

cal year 1983 (H.R. 6030) in Committee of the Whole on July 21, 1982,[15] the following exchange occurred:

> MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, the gentleman is in a sense remaking his speech again and not responding to my point.
>
> MR. [NICHOLAS] MAVROULES [of Massachusetts]: Well, Sam, I am responding to you. I am going to ask a basic question.
>
> If we are going to discuss basic defense posture for this country, why is it always we go on to the MX missile. . . .
>
> THE CHAIRMAN PRO TEMPORE:[16] The Chair will state to the gentleman that references to Members should not be by familiar name but by reference to the gentleman from the State of New York or the gentleman from the State of Massachusetts, rather than their familiar names. . . .
>
> The Chair will . . . advise all Members that references to Members shall not be by their familiar names, under House rules. . . .
>
> The Chair is not addressing the gentleman from New York. The Chair is addressing all Members, on the basis of what he has heard in the discussion.

§ 42.25 The proper form of reference to another Member is to the "gentleman (or gentlewoman) from (State)," and not any other appellation or characterization.

On Oct. 2, 1984,[17] during consideration of the balanced budget bill (H.R. 6300) in the House, the Chair, in responding to a parliamentary inquiry, reminded the Members of the proper form of reference to other Members:

> MR. [DANIEL E.] LUNGREN [of California]: Well, Mr. Speaker, thank God this is not a medical research center, because if you believe laetrile cures cancer, you think that Dr. "Feelgood's" bill here on the floor is going to do something, but the fact of the matter is that it has nothing to do with the legislation on the floor; it has to do with the will of the Members of Congress. . . .
>
> MR. [RONALD V.] DELLUMS [of California]: Mr. Speaker, is it a violation of the comity and custom of the House to refer to a Member of this body in terms other than as the gentleman from a particular State?
>
> The Chairman of this committee was referred to as "Dr. Feelgood Jones," and I would think that is in violation of the comity and custom of the House. . . .
>
> THE SPEAKER PRO TEMPORE:[18] The gentleman is correct in stating that it is the custom and practice and tradition of the body that Members of the body should be referred to as the gentleman or gentlewoman from a certain State.

§ 42.26 Members in debate should not refer to other

15. 128 CONG. REC. 17314, 17315, 97th Cong. 2d Sess.

16. Les AuCoin (Oreg.).

17. 130 CONG. REC. 28519, 28520, 98th Cong. 2d Sess.

18. Richard A. Gephardt (Mo.).

Members by their first names; rather such references should be in the third person, by state delegation.

The following proceedings occurred in the House on Mar. 7, 1985:[19]

> MR. [ROBERT S.] WALKER [of Pennsylvania]: Sure, I do very much, and that is the reason why I want every one of those votes counted to determine the result. . . .
>
> MR. [MICKEY] LELAND [of Texas]: Yes, but now, Bob, you will admit——
>
> THE SPEAKER PRO TEMPORE:[20] Will the gentleman refrain from using personal names and use formal address in addressing another Member.

§ 43. Disorderly Language

The determination of what language is unparliamentary in debate is not subject to immutable rules; the current meaning of language, the tone and intent of the Member speaking, and the subject of his remarks, must all be taken into account by the Speaker. There have been instances in which the same word has on one occasion been ruled permissible and on another ruled unparliamentary.[1] A colloquialism may be ruled unparliamentary because of its commonly known implication.[2] And the context of the debate itself must be considered in determining whether the words objected to constitute disorderly criticism or merely general opinion.

Both the English[3] and American legislative practice suggest guidelines to be followed in determining whether certain words in relation to a certain subject are disorderly or permissible. For example, no reference may be made to gallery occupants.[4] And although the proposals of other Members may be criticized, their motives and personalities may not be attacked.[5] (Most of the rulings on the propriety of certain language in debate have involved references to Members and are so numerous as to occupy their own portion of this work.)[6]

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19. 131 CONG. REC. 5028, 99th Cong. 1st Sess.

20. Dale E. Kildee (Mich.).

1. See, for example, §§ 43.7, 43.8, infra, for rulings on "damn" and "damnable."

2. See § 61, infra, for rulings on colloquialisms used in reference to Members.

3. Parliamentary law in relation to disorderly words in debate is generally discussed in Jefferson's Manual, *House Rules and Manual* §§ 353–379 (1995).

For an analysis of principles governing the House of Commons, see Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 448–471, Butterworth & Co. Ltd. (London 1964) (17th ed.).

4. See § 45, infra.

5. See § 60, infra.

6. References to Members, to the House and its parties, and to committees

Several general rules may be safely stated as to disorderly language in general. Persons not Members of the House may be freely criticized on the floor without restriction as to personalities or motive, if such reference is not irrelevant and if language used is not in itself objectionable.(7) Profanity may not be voiced in debate regardless of the subject of the remarks,(8) and remarks with critical racial overtones are out of order.(9)

The manner in which a Member addresses or seeks to address the House, regardless of his proposed remarks, is subject to a point of order under House rules.(10)

Under clause 1 of Rule XIV, Members should refrain from using profanity or vulgarity in debate; the Chair has taken the initiative against a Member's use of profanity.(11)

Under a new provision of House Rule XIV clause 9(b),(12) unparliamentary remarks may be deleted only by permission or order of the House.

References to State or Region

§ 43.1 A statement in debate "when this committee investigates the recent wave of police lynch murder in Mississippi . . . and in the capital itself" was held in order.

On Mar. 9, 1948,(13) the following words in debate, referring to the Committee on Un-American Activities, were objected to by Mr. John E. Rankin, of Mississippi, and demanded taken down: "When this committee investigates the recent wave of police lynch murder in Mississippi, in the area of Jackson, and in the capital itself—"

Mr. Rankin based his point of order on the fact that the Member speaking was accusing Mr. Rankin's state of murder. Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words were not unparliamentary and that the Member speaking was merely expressing his opinion.(14)

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are discussed at §§ 53 et seq., infra, and are only mentioned here where relevant.

7. See, for example, §§ 43.2, 43.3, infra.

8. See §§ 43.6–43.9, infra.

9. See §§ 43.4, 43.5, infra.

10. See § 42, supra.

11. See the proceedings of Mar. 5, 1991, at 137 CONG. REC. 5036, 5037, 102d Cong. 1st Sess., during consideration of H. Res. 95 (commending Operation Desert Storm).

12. *House Rules and Manual* § 764a (1995), adopted on Jan. 4, 1995 (H. Res. 6), 104th Cong. 1st Sess.

13. 94 CONG. REC. 2408, 80th Cong. 2d Sess.

14. Under the standing rules of the Senate, "No Senator shall refer offensively to any State of the Union."

References to Associations or Groups

§ 43.2 A statement in debate accusing a medical association of "spurious reasoning" in regard to their opposition to a bill was held in order.

On Mar. 19, 1962,[15] a Member stated in debate, "this is an example of the spurious reasoning that the AMA has with regard to their opposition to this bill." The words were demanded to be taken down, and Speaker Pro Tempore W. Homer Thornberry, of Texas, ruled that the words were not violative of House rules.

References to Former President

§ 43.3 It has been held in order to state "that Abraham Lincoln was a Communist."

On Nov. 15, 1945,[16] Mr. Andrew J. Biemiller, of Wisconsin, accused Mr. John E. Rankin, of Mississippi, of having termed Abraham Lincoln a Communist, and on being corrected by Mr. Rankin, stated "I am delighted to have the record show that there is at least one liberal in the past century that Mr. Rankin does not consider as a Communist." Mr. Rankin then demanded that those words be taken down, but Speaker Sam Rayburn, of Texas, ruled that they were in order.

The Speaker then responded as follows to an additional point of order by Mr. Rankin:

> MR. RANKIN: Mr. Speaker, the point of order is this: That, taken in the light of his previous statements, where he [Mr. Biemiller] falsely accused me of making a statement with reference to Abraham Lincoln that was exactly opposite from what I did say, his utterance was a violation of the rules of the House.
>
> THE SPEAKER: Even if the gentleman had given his opinion that Mr. Lincoln was a Communist, that would not have been a violation of the rules of the House.

Remarks as to Race or Class

§ 43.4 A statement in debate expressing the opinion of the Member that if he were a Negro he would avoid association with non-Negroes was held not to reflect on any Member of the House and therefore to be in order.

On Apr. 5, 1946,[17] Mr. John E. Rankin, of Mississippi, delivered

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Rule XIX clause 3, Standing Rules of the Senate § 19.3. There is no such House rule nor mention of the subject in Jefferson's Manual. See 8 Cannon's Precedents §§ 2522–2525 for Senate rulings.

15. 108 CONG. REC. 4458, 87th Cong. 2d Sess.

16. 91 CONG. REC. 10736, 79th Cong. 1st Sess.

17. 92 CONG. REC. 3229, 3230, 79th Cong. 2d Sess.

the following words in debate, in relation to an amendment denying funds to segregated schools offered by Mr. Adam C. Powell, of New York:

> If I were a Negro I would want to be as black as the ace of spades, and I would not be running around here trying to play tennis on a white man's court. I would go with the other Negroes and have the best time in my life.

Mr. Powell demanded those words be taken down, but Speaker Sam Rayburn, of Texas, ruled that the words used did not refer by name or otherwise to any Member and were in order.[18]

§ 43.5 It has been held not a breach of order to refer in debate to a class or group of persons as "Negroes," although it was claimed that a corruption of that term was used.

On Feb. 18, 1947,[19] Mr. John E. Rankin, of Mississippi, delivered the following remarks in debate:

> Now, let us turn back to this Negro witness. His name is Nowell. He lived in Detroit. He said he was born in Georgia. Now, I have lived all my life and practiced law for years in a State where we had many, many lawsuits between Negroes and whites and between Negroes themselves. I am used to cross-examining them. I know something of the way they testify, and have a fairly good way weighing testimony, and if I am any judge this Negro, Nowell, was sincere in every word he said.

Speaker Joseph W. Martin, Jr., of Massachusetts, then considered the following point of order:

> MR. [ADAM C.] POWELL [of New York]: Is it within the rules of this Congress to refer to any group of our Nation in disparaging terms?
>
> MR. RANKIN: It is not disparaging to call them Negroes, as all respectable Negroes know.
>
> MR. POWELL: I am addressing the Speaker.
>
> THE SPEAKER: The Chair is not aware of the disparaging term used.
>
> MR. POWELL: He used the term "nigger" in referring to a group.
>
> THE SPEAKER: The Chair understood the gentleman to say "Negro."
>
> MR. RANKIN: Mr. Speaker, I said what I always say and what I am always going to say when referring to these people.
>
> THE SPEAKER: The gentleman will proceed in order.
>
> MR. POWELL: Mr. Speaker, a point of order.
>
> THE SPEAKER: The Chair overrules the point of order.

Similarly, on Sept. 21, 1949,[20] Mr. Rankin was delivering remarks in debate against Paul

18. See also §§ 65.1–65.3, infra.

19. 93 CONG. REC. 1131, 80th Cong. 1st Sess.

20. 95 CONG. REC. 13124, 81st Cong. 1st Sess.

Robeson, whom he termed a "Negro Communist." Mr. Vito Marcantonio, of New York, made the following point of order:

> The gentleman from Mississippi used the word "nigger." I ask that that word be taken down and stricken from the Record inasmuch as there are two Members in this House of the Negro race, and that word reflects on them.

Speaker Sam Rayburn, of Texas, stated that he had understood Mr. Rankin to say "Negro." Mr. Marcantonio insisted that Mr. Rankin had said "nigger"; the Speaker ruled as follows:

> The Chair holds that the remarks of the gentleman from Mississippi are not subject to a point of order. He referred to the Negro race, and they should not be ashamed of that designation.

Profanity

§ 43.6 It is a breach of order in debate to use words bordering on profanity.

On July 18, 1951,[1] Speaker Sam Rayburn, of Texas, ruled after objection had been made to the use of the word "damn" in debate:

> The Chair is bound to hold that the using of words like those just used . . . or any other words bordering on profanity, is a violation of the rules of the House.

§ 43.7 Use of the word "damnable" has been held in order, although the Speaker in ruling on those words found the term rather harsh and expressed the hope that his ruling would not be a precedent for further use.

On Jan. 15, 1948,[2] Mr. Emanuel Celler, of New York, stated in reference to the remarks on Palestine of Mr. John E. Rankin, of Mississippi:

> . . . [H]e makes an aspersion upon those who, with great intrepidity and great wisdom, pioneered to set up that state, that they are inclined to be Communists or are Communists. That is a damnable statement to make.

Mr. Rankin objected to the use of the word "damnable" as a violation of House rules and of "all rules of common decency," and Speaker Joseph W. Martin, Jr., of Massachusetts, ruled as follows:

> The Chair is not too conversant with the word "damnable" but does not find that it is banned in the rules of parliamentary procedure. The Chair thinks it is a rather harsh word.
>
> The Chair hopes that the Members will not take this as a precedent for using the word on too many occasions.

§ 43.8 A statement that a group does "not give a damn" was held to be a violation of rules on debate.

1. 97 Cong. Rec. 8415, 82d Cong. 1st Sess.

2. 94 Cong. Rec. 205, 80th Cong. 2d Sess.

On July 18, 1951,[3] the Committee of the Whole was considering amendments to H.R. 3871, the Defense Production Act of 1950. Mr. William J. Green, Jr., of Pennsylvania, made the following remarks about an amendment offered by Mr. Wingate H. Lucas, of Texas:

> . . . Certainly I have a great deal of respect and admiration for the gentleman from Texas and for the other people that support these issues, but they all remind me of the fellow who sold a blind horse to the farmer. When the horse walked into the barn the farmer said to the city slicker, "Why, that horse is blind." He said, "No, he is not blind; he just doesn't give a damn."

Mr. Clare E. Hoffman, of Michigan, demanded that the statement implying that a group of Members didn't give a damn be taken down, and Speaker Sam Rayburn, of Texas, ruled the words out of order as bordering on profanity. Mr. Green then obtained unanimous consent to withdraw the objectionable words.

Blasphemous Words

§ 43.9 The Speaker ordered allegedly blasphemous words stricken from the Record without awaiting objection by the House.

On Feb. 22, 1945, Mr. Frank E. Hook, of Michigan, used critical and allegedly blasphemous language in debate, directed against Mr. John E. Rankin, of Mississippi. After some disturbance on the floor, Mr. Rankin demanded the words be taken down. Speaker Pro Tempore Robert Ramspeck, of Georgia, ruled the language a breach of order and immediately ruled the words stricken from the Record, without awaiting the objection of the House.[4]

Parliamentarian's Note: The exact words used were stricken and do not therefore appear in the Record. Normally the Speaker says "without objection" the offending words will be stricken from the Record since the House, not the Chair, controls the Record. Mr. Rankin claimed that Mr. Hook had referred to him as a "God damn liar" but Mr. Hook contended he had stated "you are a dirty liar." The language used precipitated a short affray on the floor, but both Mr. Hook and Mr. Rankin apologized to the House, which took no further action.[5]

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3. 97 CONG. REC. 415, 82d Cong. 1st Sess.

4. 91 CONG. REC. 1371, 1372, 79th Cong. 1st Sess.

5. *Id.* at pp. 1371, 1372, 1390, 1391, 1445.

§ 44. —Reference to Senate or to Senators

The principle of comity governs the propriety of certain references in debate to the Senate or to individual Senators.[6] The basis for applying the principle of comity is drawn from Jefferson's Manual:

> It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.[7]

Although Jefferson's Manual specifically prohibits reference only as to what has been *said* on the same subject in the other House, the weight of precedent favors the position that Members are not allowed to *refer* to any debates or proceedings in the Senate, to individual Senators, or even to speeches and statements made by Senators on or off the Senate floor.[8]

The standards established by precedent were somewhat changed beginning in the 100th Congress and were in part codi-

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6. The common definition of comity is kindly, courteous behavior or mutual consideration between equals. The term also refers to the legal principle whereby courts of one sovereignty defer to the laws of another. *Webster's Third New International Dictionary*, G. & C. Merriam Co. (Springfield, 1966).

7. *House Rules and Manual* § 371 (1995).

Jefferson's Manual is a part of the standing rules of the House where not inconsistent with them. Rule XLII, *House Rules and Manual* § 938 (1995).

In the procedure of the House of Commons, the rule has been held "not to apply to reports of committees of the other House, even though they have not been communicated to the commons, nor is the rule extended to the votes or proceedings of either House, as they are recorded and printed by authority." Erskine May's *Parliamentary Practice*, 451, 452, Butterworth & Co. Ltd. (London, 1964) (17th ed.).

8. See §§ 44.32, 44.33, infra, for the prohibition against reference to a Senator's statements outside the Senate; § 44.45, infra, for the prohibition against reference to a Senator's vote on legislation; §§ 44.24, 44.25, 44.45, infra, for the prohibition against quoting Senate proceedings in the *Congressional Record;* and §§ 44.12, 44.16, 44.23, infra, for the prohibition against reference to Senate proceedings on propositions before the House.

Although the Vice President presides over the Senate, he is not a Member thereof, and comity does not prohibit references to the Vice President in his capacity as an executive branch official (see § 47.9, infra).

fied by a further amendment to the rules which became effective in 1989.[9] Clause 1 of Rule XIV, now provides that debate may include references to actions taken by the Senate or by committees thereof which are a matter of public record, references to the pendency or sponsorship in the Senate of bills, resolutions, and amendments, factual descriptions relating to Senate action or inaction concerning a measure then under debate in the House, and quotations from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure, but may not include characterizations of Senate action or inaction, other references to individual Members of the Senate, or other quotations from Senate proceedings.

In addition to the references now specifically permitted by the rule, there are other relevant precedents which help define the parameters of debate. While it has normally been considered a breach of order to quote from Senate proceedings in the *Congressional Record*, unanimous consent has been granted for the insertion in the Record of portions of remarks made in the Senate on a particular bill.[10] Members have on occasion been permitted to refer to speeches made by Senators which appeared in newspapers, without denominating the persons quoted as Senators.[11] Where a Member is discussing a question involving conference committee procedure, he may state what occurred in the conference committee session without referring to a named Senator.[12]

With respect to such references to the Senate or Senators as are still prohibited, the rule is of such positive force in the House that it has always been considered the particular duty of the Speaker or the Chair to intervene in debate and to prohibit references to the Senate on his own responsibility.[13]

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9. H. Res. 5, Jan. 3, 1989, p. 72; *House Rules and Manual* § 749 (1995).

10. See § 44.24, infra.

It has been generally stated that the Senate may be referred to properly in debate if the principles of the rule of comity are not violated. See 5 Hinds' Precedents §§ 5098, 5099, 5107–5111, 5114–5120.

11. See § 44.25, infra.

12. See § 44.10, infra.

13. See §§ 44.7, 44.8, infra. Jefferson's Manual states "it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual

The rule of comity applies in the Senate, but in the enforcement of the rule much is left to the discretion of the Senators and to the Presiding Officer of the Senate.[14] However, the extent to which the rule is enforced or not enforced in the Senate is irrelevant to its application to the House.[15]

A difficult question arises when debate or proceedings in the Senate infringe upon the privileges of the House.[16] Where a Representative alleges that statements were made in the Senate impugning the intergrity of the House or of its Members, the proper procedure is the adoption of a resolution to be messaged to the Senate and requesting corrective action, such as expungement of remarks from the *Congressional Record*.[17] It has been held that a resolution offered in the House requesting the Senate to expunge from the Record statements in criticism of a Member of the House was in violation of the rule prohibiting references to the Senate in debate;[18] on the other hand, a properly drafted resolution referring to language published in the Record on a designated page of Senate proceedings as constituting a breach of privilege and requesting the Senate to take appropriate action concerning the subject was considered to present a question of the privileges of the House, and, having been agreed to, was messaged to the Senate.[19]

As stated above, the new provisions of Rule XIV, clause 1,[20]

accusations between the two Houses, which can hardly be terminated without difficulty and disorder." *House Rules and Manual* § 374 (1995).

14. See § 46, infra.

15. See § 44.3, infra.

16. "Neither House can exercise any authority over a Member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. . . . Where the complaint is of words disrespectfully spoken by a Member of another House, it is difficult to obtain punishment. . . ." Jefferson's Manual, *House Rules and Manual* §§ 373, 374 (1995).

17. Where the House or a Member is assailed in the Senate, the question must be raised in the House without discussing Senate debate or criticizing the Senator involved. See § 44.9, infra, and 5 Hinds' Precedents §§ 5123, 5126.

For an instance where such a resolution was messaged to the Senate but no Senate action was taken, see § 46.13, infra.

18. 8 Cannon's Precedents § 2519.

19. 8 Cannon's Precedents § 2516.

20. See *House Rules and Manual* § 749 (1995): Debate may include references to actions taken by the Senate or by committees thereof which are a matter of public record, ref-

added in the 101st Congress,[1] have changed some of the ground rules on what is a permissible reference to "the other body" and its actions. Certain precedents carried in section 44 must be considered in light of this new rule and practice.

In one instance, a Member in debate referred to a Senator's participation, at the Member's invitation, in meetings on the House side of the Capitol with House Members; and to the Senator's position on issues discussed.[2] Even in this instance, however, the Member should have been requested to avoid specific references to members of the other body.

A Member may not refer to confirmation proceedings in the Senate by criticizing the action of a Senate committee, as by describing the committee as "continuing its downhill slide" in recommending a judicial nominee.[3]

erences to the pendency or sponsorship in the Senate of bills, resolutions, and amendments, factual descriptions relating to Senate action or inaction concerning a measure then under debate in the House, and quotations from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure, but may not include characterizations of Senate action or inaction, other references to individual Members of the Senate, or other quotations from Senate proceedings.

1. See H. Res. 5, 135 CONG. REC. 72, 101st Cong. 1st Sess., Jan. 3, 1989.
2. See 131 CONG. REC. 6438, 99th Cong. 1st Sess., Mar. 27, 1985 (remarks of Mr. William V. Alexander, Jr., of Arkansas).
3. See the proceedings at 138 CONG. REC. p. ____, 102d Cong. 2d Sess., July 9, 1992.
4. 92 CONG. REC. 6043, 6044, 79th Cong. 2d Sess.

Cross References

House-Senate relations generally, see Ch. 32, infra.

Question of privilege, see Ch. 11, supra.

References in Senate to House or to Representatives, see § 46, infra.

Collateral References

Reference in Senate debate to the House of Representatives and to Representatives, see Riddick/Frumin, Senate Procedure, pp. 745–48, S. Doc. No. 101–28 (1992).

Explanations of the Rule of Comity

§ 44.1 Historically, it has been held that a Representative could not in debate comment either directly or indirectly, even for complimentary remarks, on the action, speeches, or proceedings of a Senator or of the Senate itself.

On May 31, 1946,[4] Mr. Andrew J. Biemiller, of Wisconsin, cited recent remarks made on the floor

of the Senate criticizing the proceedings of the House on a certain legislative measure. He inquired whether such Senate references were not a violation of the rule of comity between the two Houses.

Speaker Sam Rayburn, of Texas, delivered the following statement and analysis:

> Ever since the present occupant of the chair has held that position he has sustained the point of order each and every time it has been made when there was any reflection on a Member of the other body that might disturb the comity of the two bodies, and has even taken it upon himself on various occasions voluntarily to call the attention of Members to Jefferson's Manual, upon which we base our rules and upon which the comity of the Houses has been preserved so long.
>
> In Cannon's Precedents, volume VIII, section 2519, we find the following:
>
> > It is not in order in debate to criticize the action of Members of the Senate in connection with their legislative duties. Members may not in debate reflect upon the actions or speeches of Senators or upon the proceedings in the Senate.
>
> This question has been raised many times in connection with actions of individual Members of the House. The rule, I believe, is rigid and the decisions have followed along that line. An inquiry was made of one Speaker as to whether it was proper to speak of a Senator or actions of the Senate if the remarks were not critical. The then Speaker held:
>
> > The rule is that a Member of the House cannot discuss a Senator at all, not even complimenting him, because if you do compliment him somebody might jump up and say that he was the grandest rascal in the country and you would then have on your hands a debate of a very acrimonious nature.
>
> The Chair at that time went on to say, and this is the rule that the present occupant of the chair has consistently followed and will:
>
> > The Chair is firm and he believes that the House will remain firm to our adherence to the rules of sportsmanship and comity as laid down in Jefferson's Manual.
>
> The House of Representatives, if the Chair can control the situation, will live up to that rule of comity now and hereafter. That is the statement the Chair desires to make.
>
> MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. MARTIN of Massachusetts: Mr. Speaker, the statement referred to was made in the other body, therefore is [it] not before the House at all?
>
> THE SPEAKER: The Chair cannot rule on that and the Chair made no reference to a statement made in another body. He was very careful about that.[5]

§ 44.2 The purpose of the rule prohibiting reference in debate to speeches of Senators

5. A series of important rulings and statements on comity between the Houses was made between 1930 and 1935; See 8 Cannon's Precedents §§ 2503, 2506, 2518–2520.

or to the proceedings of the Senate is to preserve harmony between the two Houses.

On Jan. 16, 1946,[6] in response to a parliamentary inquiry as to whether references to the other body were proper on the floor of the House, Speaker Pro Tempore John W. McCormack, of Massachusetts, stated as follows:

> The Chair will state, without the response being other than a general expression of the Chair's opinion on a matter which is not before the Chair to decide at the present time, that of course under the rules of the House and under the rules of any legislative body reference to debate in another body, generally speaking, violates the rules and tends to create lack of harmony between the branches.

Mr. Reid F. Murray, of Wisconsin, then arose to inquire whether a letter that he had written to a Member of the other body could be included in an extension of remarks in the Record. The Speaker Pro Tempore informed him that a point of order could always be raised following the insertion in the Record of material that violated a House rule. Further discussion then took place:

> MR. [JOSEPH W.] MARTIN, [Jr.] of Massachusetts: Mr. Speaker, I am raising this question not because of this particular instance concerning which I have no desire to enter into any discussion, but in the interest of proper observance of the rules of the House I believe we ought to have a clear-cut decision as to whether we can mention in debate the name of a person who is a Member of the other body. I understand, of course, that the Chair has not been called upon to make a rule in this particular case because no objection was raised, but I do not think the matter should be left with the understanding that, generally speaking, it would not be in order. We ought to know whether it is in order or not in case an objection is raised. . . .
>
> MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, the gentleman from Massachusetts [Mr. Martin] is right, so far as mentioning the name of a Member of the other body as a Senator. But when a man arises here and mentions the name of a distinguished citizen of a State as a candidate for President, who happens to be a Member of the other body and does not mention that fact, I doubt if he violates the rules of the House. That rule is to create and maintain comity between the two Houses. It is to prevent the criticism of Members of the other body as such on the floor of the House. The same thing applies in the Senate. However, the gentleman from Wisconsin was a little late. A while ago when some Member here mentioned the fact that the other body was not in session and referred to it in that respect, I think he violated the rules of the House. But if you merely refer to a man, a distinguished citizen of the United States who happens to be a Member of the other body and do not

6. 92 CONG. REC. 40, 79th Cong. 2d Sess.

refer to that fact, I do not think it violates the rule.

THE SPEAKER PRO TEMPORE: The whole purpose of the rule, of course, is to maintain and preserve comity between the two legislative bodies, which is of paramount importance.

§ 44.3 Speaker Longworth ruled that references to the Senate or its proceedings were not in order in House debate under the principles of Jefferson's Manual, notwithstanding contrary Senate practice.

On May 16, 1930, following a point of order against reference to the proceedings of a Senate committee, Mr. Bertrand H. Snell, of New York, quoted those sections of Jefferson's Manual pertinent to the subject of comity between the two Houses. Speaker Nicholas Longworth, of Ohio, delivered a lengthy statement on the development of Senate practice and on the recent decisions in that body holding that the sections of Jefferson's Manual did not apply to the Senate and that Senators could use their own discretion in commenting or reflecting upon House speeches or House proceedings.[7]

Speaker Longworth stated that he would nevertheless insist upon strict adherence to both the letter and the spirit of Jefferson's Manual, prohibiting reflections "in any way on the floor of the House against the actions, speeches, or proceedings of another Member [of the Senate] or of the body itself."

§ 44.4 It is a violation of the rules of parliamentary procedure to refer by name to the remarks or actions of a Senator occurring in the Senate or elsewhere, and where a Member in debate or through an insertion in the Record transgresses this rule the Speaker calls him to order under Rule XIV clause 4.

Where a Member had on a previous day made an unchallenged reference in debate and in a Record insertion to the actions of a named Senator outside of the Senate, the Speaker, in response to a parliamentary inquiry, indicated that those remarks were in violation of the rule of comity between the two Houses[8] and by unanimous consent the remarks were stricken from the permanent Record. The proceedings of Oct. 7, 1975,[9] were as follows:

7. Since the Senate has not adopted Jefferson's Manual, the rule of comity in debate has been less strictly enforced there than in the House. See § 46, infra, for Senate precedents.

8. See *House Rules and Manual* (Jefferson's Manual) § 374 (1995).

9. 121 CONG. REC. 32055, 32056, 94th Cong. 1st Sess.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, I have asked for this time for the purpose of addressing the Chair so that I may make an inquiry, which will be in the nature of a parliamentary inquiry, of the Chair, in regard to the following matter:

On last April 17, at page H2884 of the Record, I was commenting on the manner in which the Senate was handling aspects of the New Hampshire Senate election, remarks were critical of the Senate and the Speaker at this time called me to order, and, quoting from the Speaker's remarks, the Speaker asked me to desist and stated that my remarks were in violation of the rules of the House and the rules of comity.

For this reason, Mr. Speaker, I wish to bring this to the attention of the Chair: I noticed on October 1 that at pages H9424–H9425 of the Record the gentleman from New York (Mr. Koch) addressed the House under the 1-minute rule and had been extremely critical of the junior Senator from New York (Mr. Buckley).

Mr. Speaker, I would like to inquire if the remarks of the gentleman from New York (Mr. Koch), like those of mine earlier in the year, are in violation of the rules of the House and the rules of comity.

THE SPEAKER:[10] Does the gentleman from New York (Mr. Koch) desire to be heard?

MR. [EDWARD I.] KOCH [of New York]: I do, Mr. Speaker. . . .

In Cannon's Precedents, Mr. Speaker, there is a statement that it is not in order in debate to criticize Members of the other body, but such rule does not apply to criticisms of statements made by Members of the other body outside the Chamber.

In my remarks to which the gentleman from New Hampshire (Mr. Cleveland) refers, I did discuss the remarks of a Member of the other body, the younger brother of a noted columnist. . . .

In any event, as a result of those remarks, this noted columnist, for whom I have high regard . . . took exception to my remarks in his column.

In examining the precedents, I have come to the conclusion that I ought not to have mentioned the exact name of that Member of the other body. Therefore, with the Chair's permission, I would consent to a withdrawal of that unutterable name and have substituted in each and every case where that name was mentioned a reference to the fact that I was referring to the younger brother of a noted columnist.

THE SPEAKER: The Chair is ready to rule.

The Chair will state that not only was this matter brought to his attention today, but the Chair noted the remarks of the gentleman from New York when they appeared in the Record of October 1, 1975, and anticipated that this question might arise.

The Chair has, accordingly, checked the precedents. The precedents of the House indicate that it is not in order for a Member of this body to refer to the actions or remarks of a Member of the other body occurring either within the other body or elsewhere—Speaker Rayburn, May 5, 1941. The motives of the Member making the remarks are

10. Carl Albert (Okla.).

not relevant to a determination of whether they are or are not in order, as even complimentary remarks have been held to violate the rule of comity between the two Houses—Volume VIII, 2509.

Speaker Rayburn succinctly stated the reason for the rule in 1941, subsequent to the citation given by the gentleman from New York, observing that—

> If there is a thing in the world that is important, it is that there be comity and good feeling between the two legislative bodies.

To allow references in one body to the actions of Members of the other, he continued:

> In all probability would lead to a situation which might make ordered legislative procedure impossible. (May 5, 1941, Record, pp. 3566–3567).

The present and all previous occupants of this Chair have attempted to preserve the comity between the two Houses.

The Chair notes that the remarks in question were in part delivered from the floor of the House and in part inserted for printing in the Record. Had the Chair been aware of the content of the remarks when uttered or been informed of the contents of the matter to be inserted, he would have enforced the rule of comity at that time.

The rule of comity has clearly been violated and, without objection, the remarks of the gentleman from New York will be stricken from the Record.

There was no objection.

Parliamentarian's Note: The Rayburn ruling of May 5, 1941, to the extent that it is inconsistent with the precedent cited by Mr. Koch (5 Hinds' Precedents § 5112) overruled that prior precedent and it is no longer proper to refer to a Senator's statement made outside the Senate.

§ 44.5 Although the Senate does not strictly incorporate Jefferson's Manual as a rule and is not bound by the prohibitions against reference to Members of the House, the Speaker strictly enforces the House rule on his own initiative and may deny an offending Member further recognition; thus, in anticipation of debate potentially critical of the Senate and its members, the Speaker announced his intention to strictly enforce section 374 of Jefferson's Manual prohibiting improper references to the Senate, including a denial of further recognition to offending Members subject to House permission to proceed in order.

On June 16, 1982,[11] Speaker Thomas P. O'Neill, Jr., of Massachusetts, made a statement re-

11. 128 CONG. REC. 13843, 13873, 97th Cong. 2d Sess.

garding comity in debate. The proceedings were as follows:

THE SPEAKER: The Chair appreciates the fact that there is an amendment that will be offered very shortly concerning the Senate.

The Chair deems it necessary to make a statement at this time to firmly establish an understanding that improper references to the other body or its Members during debate are contrary to the rules and precedents of the House and will not be tolerated. The Chair will quote from section 374 of Jefferson's Manual which is a part of the rules of the House:

> It is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder.

Traditionally when a Member inadvertently transgresses this rule of the House, the Chair upon calling the Member to order prevails upon that Member to remove the offending remarks from the Record. With the advent of television, however, the Chair is not certain that such a remedy is sufficient. Henceforth, where a Member's references to the other body are contrary to the important principle of comity stated in Jefferson's Manual, the Chair may immediately deny further recognition to that Member at that point in the debate subject to permission of the House to proceed in order. The Chair requests all Members to abide by this rule in order to avoid embarrassment to themselves and to the House.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CONTE: Mr. Speaker, in order to abide by the rules, which are very difficult, does the Senate have the same rule? Does the other body?

THE SPEAKER: No; the Senate does not have the same rule, but it is a rule of our House and we are going to abide by it as long as I am Speaker.

MR. CONTE: Is it permissible to refer to them as "the other body"?

THE SPEAKER: That is permissible, the other body. . . .

MR. [DAVID R.] OBEY [of Wisconsin]: If the gentleman will yield on that point, I do not want to behave like the other body. I am fed up with Members of the other body posing for holy pictures on congressional pay and then running around, collecting $60,000 in outside income.

THE SPEAKER PRO TEMPORE: The Chair is constrained to admonish the body, in accordance with the warning of the Speaker earlier, that the Members should be careful in their references to the other body.

—Criticism of the Idea of "Comity"

§ 44.6 A Member took the floor to advocate a change in that provision of House rules contained in Jefferson's Manual prohibiting references to actions of the Senate and to Senators.

The following remarks were made in the House on Dec. 20, 1985:[12]

> (Mr. Frank asked and was given permission to address the House for 1 minute.)
>
> MR. [BARNEY] FRANK [of Massachusetts]: . . . A couple of hundred years ago there was a proposal that said the Houses ought not to comment on each other. It has become very clear that it has become difficult to transact business and impossible to transmit intelligent information while we have that constraint.
>
> So I hope that in the session that begins in 1987 we will change that archaic rule and we will be able in the House and Senate to talk about each other and to stop this pretense that each is off on some other planet somewhere uninfluenced by and uninfluenceable by the other.

Role of the Speaker

§ 44.7 It is the duty of the Chair to interrupt a Member in debate when the Member proposes to refer to the opinions or statements of Senators or to Senate proceedings in violation of the rules.

On May 25, 1937,[13] when a Member proposed to read a letter from a member of the Senate in Committee of the Whole, Chairman John J. O'Connor, of New York, on his own responsibility called him to order for reading a letter from a member of the other body.

Similarly, on Apr. 18, 1939,[14] when a Member referred to the action of the Senate on a particular appropriation bill then before the House, Speaker William B. Bankhead, of Alabama, stated as follows:

> The Chair desires to call the attention of the gentleman from Pennsylvania to the fact that under the rules of the House he is not permitted to refer to any action taken in the Senate of the United States.[15]

Announcements as to Enforcement of Rule of Comity

§ 44.8 The Speaker has on occasion addressed the House in relation to violations of the rule prohibiting references to the Senate in debate, and has stated his intention to prevent violations thereof.

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12. 131 CONG. REC. 38731, 38732, 99th Cong. 1st Sess.

13. 81 CONG. REC. 5013, 75th Cong. 1st Sess.

14. 84 CONG. REC. 4404, 76th Cong. 1st Sess.

15. "[I]t is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House. . . ." Jefferson's Manual, *House Rules and Manual* § 374 (1995).

On May 5, 1941,[16] following a ruling by Speaker Sam Rayburn, of Texas, on a violation of the House rules, whereby a Member inserted in his extension of remarks in the *Congressional Record* critical references to the speeches of a Senator made off the floor of the House, the Speaker addressed the House on the unprecedented frequency with which the particular rule was being violated in the 77th Congress. The Speaker stated that thereafter he would on his own initiative call the attention of Members to violations of the provision.

Again, on Jan. 17, 1955,[17] Speaker Sam Rayburn, of Texas, made the following announcement:

> The Chair desires to make this statement at the beginning of this session with reference to something that has been maintained by every Speaker of the House since the present occupant of the Chair has been a Member of this body, and that is that the House of Representatives, regardless of what any other body or any other individual does, has maintained strictly those rules and regulations which protect and perpetuate the comity between the two Houses. And when any Member of this House rises to make remarks about what has happened in another body or about any individual in that body, the present occupant of the Chair will certainly see that the rules of the House and the rules of comity between the two Houses are enforced.

On Mar. 26, 1964,[18] after ruling on a point of order based on House references to the Senate, Speaker John W. McCormack, of Massachusetts, made the following announcement:

> The Chair is going to be very strict in the future with relation to references to speeches made in the other body or to references to Members of the other body. The Chair feels at this time it might be well to read the rule of the House covering this subject:
>
> > It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.[19]

Comment on Senate Proceedings Critical of House

§ 44.9 A Member may not in debate comment on Senate proceedings impugning the integrity of the House, the

16. 87 Cong. Rec. 3566, 3567, 77th Cong. 1st Sess.
17. 101 Cong. Rec. 386, 84th Cong. 1st Sess.
18. 110 Cong. Rec. 6365, 88th Cong. 2d Sess.
19. The Speaker cited the provisions of parliamentary law contained in Jefferson's Manual, *House Rules and Manual* § 371 (1995).

proper procedure being the introduction of a resolution requesting corrective action by the Senate.

On May 11, 1932,[20] Mr. Fred A. Britten, of Illinois, stated his intention in the Committee of the Whole (which was considering H.J. Res. 149) to read from the *Congressional Record* proceedings in the Senate which impugned the honesty of purpose of every Member of the House. Mr. Thomas L. Blanton, of Texas, arose to make the point of order that "in order to preserve the friendliness and the amity and the comity that exists and should exist between the two Houses of Congress, it has always been the rule that no criticism or censure could be made from this floor concerning any Member of the body in the other end of the Capitol."

Chairman Gordon Browning, of Tennessee, ruled that Mr. Britten could neither quote from the *Congressional Record* nor quote from newspaper reports of Senate speeches or proceedings. The Chairman referred to the precedent of May 6, 1930, wherein Speaker Nicholas Longworth, of Ohio, had held that a Member could not reflect in any way in debate on the floor of the House on the actions, speeches, or proceedings of a Senator, or of the Senate itself.[1]

Mr. Britten appealed the Chairman's decision, but withdrew his appeal after William B. Bankhead, of Alabama, then Speaker of the House, was granted five minutes' time. Mr. Bankhead supported the Chairman's ruling and alluded to the "very elaborate and very learned, and in my opinion very correct" ruling of Speaker Longworth. Mr. Bankhead added that when the Committee of the Whole rose Mr. Britten could raise his question of privilege by introducing a resolution to be sent to the Senate asking that any language impugning the House or its Members be corrected.

Comment on Conference Proceedings

§ 44.10 It is in order in debate while discussing a question involving conference committee procedures to state what occurred in a conference committee session, without referring to a named Senator.

On July 29, 1935,[2] Mr. John G. Cooper, of Ohio, was discussing

20. 75 Cong. Rec. 10019, 72d Cong. 1st Sess.

1. For the exhaustive opinion of Speaker Longworth on May 6, 1930, see 8 Cannon's Precedents § 2518.

2. 79 Cong. Rec. 12011, 74th Cong. 1st Sess.

the procedure followed at a conference committee and stated:

> Mr. Speaker, I apologize, but I will say that the Senator, who is chairman of the conference committee, stated to us that if Mr. Cohen could not sit in at the conference there would be no conference.
>
> He further said:
>
> > I doubt if I know enough about the bill to give it an intelligent discussion unless Mr. Cohen sits in here with me.

Mr. John E. Rankin, of Mississippi, made a point of order against Mr. Cooper's remarks on the ground that he had "no right to criticize Members of the Senate on the floor of the House, whether he calls them by name or not. This tirade against the Senate is in violation of the rules of the House."

Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

> The rule provides that Members shall not criticize a Member of the other body in a discussion on the floor. As the Chair understands the gentleman, he is not referring to a Senator by name, but stating what occurred in the conference committee.

Comment on Senate Proceedings on Measure Pending in House

§ 44.11 Under the old rule, it was not in order in debate to quote Senate proceedings on a bill or resolution then before the House.

On Aug. 24, 1935,[3] while the House was considering Senate Joint Resolution 175, amending the Independent Offices Appropriation Act of 1934, Mr. Schuyler Otis Bland, of Virginia, quoted from Senate debate on the joint resolution:

> . . . Then Senator Black says about his resolution:
>
> > I am not trying to throw this matter into a state of chaos.

Mr. Edward C. Moran, Jr., of Maine, made the point of order that Mr. Bland was quoting from Senate proceedings and Mr. Bland responded:

> For heaven's sake, has the Senate gotten to the place where its Senators cannot be quoted, and Senator Black, the great apostle of these gentlemen, cannot have his views presented for your consideration?

Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

> The Chair reads from Jefferson's Manual, as follows:
>
> > It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the

3. 79 CONG. REC. 14599, 74th Cong. 1st Sess.

quoting them might beget reflections leading to a misunderstanding between the two Houses.

MR. BLAND: I beg the Chair's pardon.

THE SPEAKER: The Chair is of the opinion that the point of order is well taken. The gentleman from Virginia will proceed in order.[4]

§ 44.12 Although it is a breach of order in House debate to quote from Senate debate, Members may by unanimous consent insert in the Record Senate remarks on bills pending before the House.

On May 23, 1968,[5] during consideration of H.R. 8578, amending the Land and Water Conservation Act of 1965, Mr. Hale Boggs, of Louisiana, asked unanimous consent that the Senate debate on a certain amendment to the bill be printed in the Record. No objection was heard, and a lengthy excerpt from Senate proceedings of April 23, 1968, was inserted.[6]

§ 44.13 As provided in Jefferson's Manual,[7] it is a breach of order in debate to notice what has been said on the same subject in the Senate, or to refer to particular Senators.

On Oct. 21, 1981,[8] during consideration of the Food and Agriculture Act of 1981 (H.R. 3603) in the Committee of the Whole, the following proceedings occurred:

MR. [ROBERT N.] SHAMANSKY [of Ohio]: I thank the gentleman for yielding.

Mr. Chairman, I would like to quote from Senator Hatfield, from the Congressional Record of September 17, 1981——

THE CHAIRMAN:[9] The Chair will advise the gentleman from Ohio (Mr. Shamansky) that it is not in order to quote from the proceedings of the other body. . . .

MR. [JOEL] PRITCHARD [of Washington]: That is an excellent question and I intend to address that very question with the rest of my remarks.

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4. For the provisions cited by the Speaker, see Jefferson's Manual, *House Rules and Manual* § 371 (1995). See Rule XIV clause 1, *House Rules and Manual* § 749 (1995), for current rule on Senate references.

5. 114 CONG. REC. 14640–51, 90th Cong. 2d Sess.

6. Senate practice is similar, unanimous consent being required to refer to House proceedings on a proposition then before the Senate (see § 46.6, infra).

7. See *House Rules and Manual* §§ 371, 372 (1995). Following changes made in Rule XIV clause 1 beginning in 1987, the quote from Senate proceedings would be considered permissible, as helping to illuminate the legislative history of the bill under consideration in the House. See *House Rules and Manual* § 749 (1995).

8. 127 CONG. REC. 24748, 24753, 97th Cong. 1st Sess.

9. Matthew F. McHugh (N.Y.).

First of all, let us remember where this bill is going to go. It is going to go to conference committee. And the gentleman from North Carolina in the other body is the chairman of the Senate delegation.

THE CHAIRMAN: The Chair will advise the gentleman that reference to a particular Member of the other body is not in order.

§ 44.14 Under clause 1 of Rule XIV, the range of permissible references in debate to the Senate does not extend to characterizations of Senate actions or to votes of individual Senators; thus, the Chair sustained a point of order against remarks in debate to the effect that certain Senators had, by their votes in that body, given an imprimatur of reasonableness to a particular position.

On Nov. 2, 1989,[10] during consideration of House Concurrent Resolution 221 (supporting Central American peace and democracy) in the House, the following proceedings occurred:

MR. [HENRY J.] HYDE [of Illinois]: Mr. Speaker, the distinguished chairman of the Foreign Affairs Committee feels that there has been an agreement. . . .

We have a consensus document and the chairman with great diplomacy, wants to get a document that everybody can support. I do not object to our resolution. It is an adequate resolution, but it lacks substance. It is more cotton candy than T-bone steak.

The Senate, on the other hand, the other body, passed a real resolution that is awfully tough. I would like the opportunity to vote for the Senate language rather than our rather pastel, pallid, accurate-as-far-as-it-goes but mild resolution.

Now first of all I would be interested to see how the gentleman on the other side could not vote for something because it is too abrasive when it is supported by both of the distinguished Senators from California, both of the distinguished Senators from Ohio, both of the distinguished Senators from Connecticut, the majority leader, the chairman of the Foreign Relations Committee in the other body. It would seem to me that would qualify it, having their imprimatur, to get the support from everybody in this Chamber.

MR. [TED] WEISS [of New York]: Mr. Speaker, I have a point of order. . . .

Mr. Speaker, is it in order discussing what went on in the Senate and what the motivations were of the people in the Senate? . . .

THE SPEAKER PRO TEMPORE:[11] The gentleman may report the general collective action taken by the other body, but may not characterize the votes of individual Senators as good or bad.

—*Senators as Sponsors of Legislation*

§ 44.15 Under clause 1 of Rule XIV, debate ordinarily may

10. 135 CONG. REC. 26918, 26919, 101st Cong. 1st Sess.

11. Jim McDermott (Wash.).

include references to individual Senators only to identify them as sponsors of legislation; the range of permissible references to the Senate does not extend to the opinions or policy positions of individual Senators.

The following proceedings occurred in the House on July 12, 1990:[12]

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, it is outrageous for the Senate Democratic leader to publicly demand higher taxes and a massive 25-percent increase in the income tax top rate. The Senate Democratic leader is threatening to destroy the budget summit.

Mr. Speaker, Senator Mitchell does not attend summit meetings. He publicly demands tax increases. Senator Mitchell does not offer serious budget reforms. He publicly demands tax increases. Senator Mitchell does not offer spending cuts.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, I ask that the words of the gentleman from Georgia [Mr. Gingrich] be taken down.

THE SPEAKER:[13] The Chair will merely caution the gentleman from Georgia that such references to Members of the other body are not in order. . . .

MR. GINGRICH: I would inquire of the Speaker, if it is in reference to a public newspaper account of public activity by a political leader, and I believe in this House we have a remarkably wide range of free speech, and this is not a reference to any action by the Senator of Maine in the Senate.

THE SPEAKER: Under clause 1, rule XIV, it is an improper reference to a Member of the other body. . . .

MR. GINGRICH: . . . Would the Speaker, and I am not trying to play games with the Speaker, would the Speaker simply instruct the gentleman what precisely are the ground rules for discussing publicly the activities of the Democratic leader of the other body when they appear in public and not in the other body? . . .

THE SPEAKER: The Chair will remind the gentleman of clause 1 of rule XIV which states that when any member desires to speak or deliver any matter to the House:

> He shall rise and respectfully address himself, Mr. Speaker, and on being recognized may address the House from any place on the floor or from the Clerk's desk, and he shall confine himself to the question under debate, avoiding personality. Debate may include references to actions taken by the Senate or by committees thereof, which are a matter of public record, references to the pendency or sponsorship of Senate bills, resolutions or amendment, factual description relating to Senate action or inaction concerning those then under debate in the House and questions from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure, but may not include characteristics of Senate action or inaction, other references to individual Members of the Senate or other quotations from Senate proceedings.

12. 136 CONG. REC. p. ____, 101st Cong. 2d Sess.

13. Thomas S. Foley (Wash.).

Parliamentarian's Note: As indicated above, in the House, the Chair takes the initiative in calling to order a Member for making unparliamentary references to the Senate or its members.[14]

Critical or Derogatory References to Senators

§ 44.16 The Speaker held out of order a statement on a pending bill "[i]f Senators in a moment of aberration approve such language, I do not approve. . . ."

On Jan. 29, 1946,[15] the Committee of the Whole was considering H.R. 4437, to return public employment offices to state operation. Mr. Everett M. Dirksen, of Illinois, offered an amendment, which was opposed by Mr. Emanuel Celler, of New York. Mr. Dirksen informed him that the language of the amendment had been approved by two Senators, whom he named, and Mr. Celler responded "[i]f Senators in a moment of aberration approve such language, I do not approve. . . ."

The words were taken down in the House on the demand of Mr. John E. Rankin, of Mississippi, and stricken from the Record, after Speaker Sam Rayburn, of Texas, ruled the language "unparliamentary in referring to the action of the membership in another body."

§ 44.17 It is a violation of the rule of comity to criticize in debate the actions of a Senator with regard to legislation, and it is the duty of the Chair to call to order a Member who violates the rule.

During consideration of the Alaska National Interest Lands Conservation Act of 1979 (H.R. 39) in the Committee of the Whole on May 15, 1979,[16] the following proceedings occurred:

> MR. [MORRIS K.] UDALL [of Arizona]: I just want to put it in the record. I do not think it has much to do with what we are doing today, but on May 8 the gentleman from Ohio (Mr. Seiberling), on page H2851, tells this whole story chapter and verse. I want to endorse what he said. It is a different ball game. It is akin to being in a poker game 10 minutes to midnight and I have a pair of deuces, and my opponent says, "I will split the pot with you." Time is about to run out.
>
> Under this December 18 deadline we made a deal, the best deal we could make. Then, some guy named Gravel comes on and the chips are all over the

14. For further discussion of procedures relating to calls to order, or control by the Chair of disorderly proceedings, see § 48, infra.

15. 92 CONG. REC. 533, 534, 79th Cong. 2d Sess.

16. 125 CONG. REC. 11133, 96th Cong. 1st Sess.

floor. Then, we decide to play until 3 o'clock and we redeal the cards and we find that we do not have that situation in our hand and nobody asks to split the pot. We want a strong bill. That was a pretty lousy compromise. I made it and I would have fought for it on the floor, but it was upset by the Senator from Alaska and it has no status here today.

THE CHAIRMAN:[17] The Chair would simply point out that references to actions taken in the other body are contrary to the rules of the House.[18]

§ 44.18 It is a breach of order under clause 1 of Rule XIV to characterize Senate action or inaction, such as mocking the resolve, courage or conviction of the Senate or referring to that body as "jello".

Speaker Thomas S. Foley, of Washington, made an announcement regarding comity between the House and Senate following certain remarks made in debate in the House on Aug. 4, 1989.[19] The proceedings were as follows:

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

THE SPEAKER: Without objection, the gentleman from Massachusetts (Mr. Frank) is recognized for 1 minute. . . .

MR. FRANK: I thank the gentleman for yielding.

Mr. Speaker, having consulted with the very distinguished and objective parliamentarians and with the Speaker, on reflection it did seem to me that my comparison of the U.S. Senate to Jell-O was not totally in keeping with the traditions of this institution and I thought it would be appropriate for me to indicate that fact to the House.

MR. [DENNIS E.] ECKART [of Ohio]: Continuing my reservation of objection on this matter, Mr. Speaker, perhaps the gentleman should offer his apology to General Foods.

Mr. Speaker, I withdraw my reservation of objection.

THE SPEAKER: Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE SPEAKER: The gentleman from Massachusetts (Mr. Frank) is recognized for 1 minute.

MR. FRANK: Mr. Speaker, as I said in foolish answer to the gentleman from Ohio, while I was not enthralled with the performance of our constitutional equal, the U.S. Senate, my comparison to them as Jell-O did not seem to me, on sober second thought, to be entirely appropriate, and I therefore apologize.

ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER: The Chair will take this occasion to state that the Chair appreciates the good humor of debate, but the Chair also believes that all Members should observe the rules of

17. Paul Simon (Ill.).

18. See Jefferson's Manual, section 371. Mr. Udall subsequently revised his remarks to delete the references to Senator Gravel.

19. 135 CONG. REC. 19314, 19315, 101st Cong. 1st Sess.

comity with respect to the other body. I am glad the gentleman from Massachusetts has made his statement.

§ 44.19 It is a violation of the rule of comity as expressed in section 374 of Jefferson's Manual, to read into the Record critical references to members of the Senate, even if the criticism was stated in a letter written by a non-Member.

During consideration of the Civil Rights Commission Act of 1983 (H.R. 2230) in the Committee of the Whole on Aug. 4, 1983,[20] the Chair admonished the Committee that references to either the other body or members thereof were not in order:

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: . . . I have in my possession a letter dated July 15 from Albert Shanker, president of the American Federation of Teachers, AFL–CIO, to Senator Biden which states in part:

> Rarely have I been as outraged at the behavior of a fellow Democrat as I was watching you on the evening news Wednesday. Your performance at the Senate Judiciary Committee hearings on the Civil Rights commission nominees may as well have been bought, paid for and delivered by the Republican National Committee. Do you really believe, Senator Biden, that Democrats or fair minded people anywhere are going to think you a fit representative for telling the nation that you've made up your mind how you're going to vote on a nomination before you've heard one word of testimony from the nominees? . . .
>
> Your anti-quota and anti-busing rhetoric at the hearing will not mask your action on these nominations. I can imagine no finer candidates for the Civil Rights Commission than Morris Abram, John Bunzel and Robert Destro . . . .
>
> Senator Biden, you have before your committee four excellent nominees with impeccable civil rights credentials. You will irreparably harm yourself and other Democrats next year if you insist on obstructing action on these nominees. You give Ronald Reagan an excellent issue on which to run next year if you and your colleagues insist on protecting the pro-quotas, pro-busing interests and attacking staunch civil rights veterans like Abram, Bunzel, Destro and Chavez. . . .

THE CHAIRMAN:[1] Before recognizing another Member to speak, the Chair would like to make a statement.

Regardless of the effect that pending legislation may have on proceedings in the other body, reference to actions or proceedings in that body or remarks critical of Members of that body are not in order under the rules and precedents of the House.

§ 44.20 It is a breach of order in debate to refer to the motives of the Senate or Senators in passing certain legislation; nor is it in order to read from the *Congressional Record* as to specific actions taken in the Senate on legislative issues.

20. 129 CONG. REC. 23135, 23136, 23145, 98th Cong. 1st Sess.

1. Morris K. Udall (Ariz.).

On Oct. 17, 1985,[2] the Chair took the initiative to admonish a Member against references to the Senate or Senators. The proceedings were as follows:

MR. [MIKE] LOWRY of Washington: Mr. Speaker, with all due respect to my well-meaning friends, what the Gramm/Rudman movement over in the other body really did was simply provide a way by which at least 30-some Senators can get past the next election without having to face the tough proposition of how you really cut the budget. That was proven.

THE SPEAKER PRO TEMPORE:[3] The Chair would advise the gentleman that it is against the rules of the House to refer to the motives of the other body or its Members.

MR. LOWRY of Washington: Mr. Speaker, I would not even consider inferring the motives of the other body.

Mr. Speaker, what I would like to do is read the record of the other body of the day after the Gramm-Rudman passed and they voted specifically on the items not to cut the budget.

On the Bradley amendment to cut the defense budget——

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman that he must not refer to actions of the other body in that way.

§ 44.21 The Chair admonished a Member during debate not to refer to a Senator in a critical manner although not identified by name.

On Dec. 18, 1985,[4] the following proceedings occurred in the House:

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: . . . Mr. Speaker, as the gentleman from Pennsylvania is a member of our Committee on Banking, Finance and Urban Affairs, I would like to state that it has come to my attention that the other body has placed in the continuing resolution some special legislation for special people. There is a Member of the other body who, in 1983, fought tooth and nail to prevent a housing bill from being adopted in the Congress.

Again this year, Members will recall we put our housing bill into reconciliation. Once again, the same individual Member of the other body is saying, "No, no, no." He is using parliamentary chicanery to deny the people of this Nation safe, decent, sanitary housing.

THE SPEAKER PRO TEMPORE:[5] The gentleman should not refer to the other body and he is skirting very closely on offensive language.

§ 44.22 It is not in order under clause 1 of Rule XIV to cast reflections on remarks made by a Senator, occurring in the Senate or elsewhere, even if the Senator is not identified by name.

On Feb. 23, 1994,[6] a Member in debate criticized remarks made

2. 131 CONG. REC. 27772, 99th Cong. 1st Sess.
3. Howard E. Wolpe (Mich.).
4. 131 CONG. REC. 37813, 37814, 99th Cong. 1st Sess.
5. Dale E. Kildee (Mich.).
6. 140 CONG. REC. p. ____, 103d Cong. 2d Sess. Under consideration was H.

by a Senator, by referring to the Senator as "a person who resides in the State of South Carolina."

MR. [KWEISI] MFUME [of Maryland]: Mr. Speaker, I rise today to offer a friendly amendment to the amendment in hopes of bringing balance and substance to this debate and to this issue of repudiation that go directly to the heart of remarks made by a gentleman of the other body. . . .

MR. [CHARLES B.] RANGEL [of New York]: I am trying to find out from the author of this amendment how could it be related to this amendment and whether it is inviting, whether it has been distributed, what it is that you bring before this House at this time. . . .

MR. MFUME: The amendment that I had hoped to offer was an amendment that would have brought balance to this debate in which all of us have a sense of outrage and revulsion at remarks that were made at Kean College, but many of us also have a sense of outrage and revulsion at remarks made by a Member of the other body recently in which black people were referred to as darkies, Hispanics were referred to as wetbacks, and Africans were referred to as cannibals. . . .

THE SPEAKER PRO TEMPORE:[7] The Chair would like to remind the gentleman in the well that he cannot refer to Members of the other body and statements made by that Member of the other body.

MR. MFUME: Mr. Speaker, I have a question of the Chair. Is the Chair telling me that I cannot say or make mention of a Member of the other body as long as I do not use that person's name?

THE SPEAKER PRO TEMPORE: The gentleman, under the rules, cannot refer to statements made by the Members of the other body.

MR. MFUME: If I could ask further, may I have permission to refer to statements made from someone from South Carolina?

THE SPEAKER PRO TEMPORE: If that is a Member from the other body, the gentleman cannot do that.

MR. MFUME: With all due respect, there are many people from South Carolina. I am not necessarily mentioning a Member of the other body but a resident of the State of South Carolina.

THE SPEAKER PRO TEMPORE: The gentleman would proceed in order at the Chair's request.

Similarly, on June 30, 1995,[8] the Chair addressed the issue of references to Senators (as well as to the President), in response to remarks made by Mr. Robert K. Dornan, of California:

MR. DORNAN: I am going to get justice here. I am going to get justice for all the Vietnamese who were tortured to death in those so-called reeducation concentration camps. . . .

I will tell you this: This ex-member here, now a Senator, is from a Bible Belt State. . . .

I will tell you, if you are from Iowa, you know most of this material. I can-

Res. 343, expressing the Sense of Congress on the Senior Representative of the Nation of Islam.

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

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

not believe what you have sent to represent your country. I hope you enjoy your Fourth of July in Iowa and New Hampshire, because you are going to have U.S. Senators and, God forbid, the three House Members from the minority, one of them a distinguished Army captain from the D-Day period. I hope they are not toasting the terrorists and the Communist victors who brought such human rights abuse and grief to all of Southeast Asia. . . .

I am going to go over with the parliamentarians how I can recoup my honor from January 25 of this year, when I used the expression "aid and comfort to the enemy." I know it is in the Constitution. I know there is a technicality when war is not declared. But I am going to discuss every dictionary definition, British and American, of aid, of comfort and of what constitutes an enemy. . . .

When I tell you that Clinton gave aid and comfort to the enemy in Hanoi by his Moscow trip and his demonstrations in London, where they were called the fall offensive, so named by the same Communists in Hanoi that will be toasting Americans today——

THE SPEAKER PRO TEMPORE:[9] The Chair would caution the Member to be very cautious of any statements about the President of the United States. . . .

The Chair would like to also point out for the Record something that the Representative does know, just to remind him, that personal references to members of the other body, even though not mentioned by name, when it is very clear to whom the references are made, should be avoided, and this is something that had been mentioned on February 23, 1994, by the Chair.

9. Constance A. Morella (Md.).

Reading Senate Proceedings From the Record

§ 44.23 It is not in order in debate to read from the Record statements made in the Senate or Senate proceedings which are not related to a pending measure in the House.

On Aug. 24, 1935,[10] the following exchange and ruling by Speaker Joseph W. Byrns, of Tennessee, took place:

MR. [SCHUYLER OTIS] BLAND [of Virginia]: . . . Then Senator Black says about his resolution:

> I am not trying to throw this matter into a state of chaos.[11]

MR. [EDWARD C.] MORAN [Jr., of Maine]: Mr. Speaker, I make the point of order that the present speaker is quoting from the Senate proceedings.

MR. BLAND: For heaven's sake, has the Senate gotten to the place where its Senators cannot be quoted, and Senator Black, the great apostle of these gentlemen, cannot have his views presented for your consideration?

MR. MORAN: Mr. Speaker, I ask for a ruling on the point of order.

10. 79 CONG. REC. 14599, 74th Cong. 1st Sess.

11. The resolution under discussion was S.J. Res. 175, amending the Independent Offices Appropriation Act of 1934.

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I understand the gentleman is reading from the Congressional Record.

MR. BLAND: Yes.

MR. O'CONNOR: And is not referring to a Senator in any disparaging manner.

MR. BLAND: Not in the slightest—I am commending him.

MR. MORAN: If the Speaker will refer to the discussion of the Bland bill upon the floor of the House, he will find that the same point of order was made against me—that is how I recall it—and the point of order was sustained.

THE SPEAKER: The Chair reads from Jefferson's Manual, as follows:

> It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

MR. BLAND: I beg the Chair's pardon.

THE SPEAKER: The Chair is of the opinion that the point of order is well taken. The gentleman from Virginia will proceed in order.

§ 44.24 Although in certain circumstances it is a breach of order to refer to Senate debate, on one occasion a Member by unanimous consent secured permission to include in the Record portions of remarks made in the Senate.

On May 23, 1968,[12] during consideration of H.R. 8578, amending the Land and Water Conservation Act of 1965, Mr. Hale Boggs, of Louisiana, asked unanimous consent that the Senate debate on a certain amendment be printed in the Record. No objection was heard, and a lengthy excerpt from Senate proceedings of Apr. 23, 1968, was inserted.[13]

§ 44.25 On one occasion, the Speaker declined to rule on a point of order directed against a critical reference to the views of a Senator, expressed in a speech on the Senate floor, and, after noting the applicable rule, permitted the Member to proceed in order.

On Mar. 26, 1964,[14] while making a one-minute speech in the House, Mr. Louis C. Wyman, of New Hampshire, expressed his disagreement with remarks of the Chairman of the Senate Committee on Foreign Relations made

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12. 114 CONG. REC. 14640–51, 90th Cong. 2d Sess.

13. Insertions in the Record, see Ch. 5, supra. Under the more liberal practice beginning in the 100th Congress, such references, if related to a measure then pending in the House, would be permitted.

14. 110 CONG. REC. 6361, 6362, 88th Cong. 2d Sess.

on the Senate floor on the preceding day. A point of order was made against reference to a member of the other body and the following exchange took place:

MR. WYMAN: Mr. Speaker, I want to express myself as being in wholehearted disagreement with the amazing, incredible, and dismaying remarks regarding American foreign policy of the chairman of the Senate Foreign Relations Committee made on the Senate floor yesterday wherein he has indicated in regard to Cuba that Castro is here to stay; that we will not fight to oust him because it is not worth it, and has implied that such a policy is called "daring thinking" for America, a policy I might say that invites surrender on the installment plan of the rest of the free world to communism bit by bit and piece by piece.

May the Lord help us should this sort of policy be in effect——

MR. [KEN] HECHLER [of West Virginia]: Mr. Speaker, a point of order.

THE SPEAKER:[15] The gentleman will state it.

MR. HECHLER: Mr. Speaker, the gentleman's remarks are directed to a Member of the other body, which is a violation of the rules of the House.

THE SPEAKER: The Chair will say that under the rules no Member may refer to a Member of the other body, or to a speech another Member has made in that body.

The gentleman from New Hampshire will proceed in order.

MR. WYMAN: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. WYMAN: Mr. Speaker, I had no intention to violate the rules of the House. The speech is a matter of record. It was made by the chairman of the Foreign Relations Committee of the Senate, and I do not know how I could refer to it otherwise. The speech is in the Record, and it is before us at our seats.

May I inquire as to how I may now properly refer to the speech and disassociate myself from its views without referring to its author?

THE SPEAKER: The Chair has stated what the rules of the House are. The Chair did not use the word "violate." The Chair did not go that far. The Chair simply says reference to a Member of the other body is not proper, and is not consistent with the rules of the House. The gentleman was recognized to proceed in order.

MR. WYMAN: Mr. Speaker, I will, of course, accord with the rule and I will therefore refer only to prominently publicized remarks appearing on the front pages of the Nation's newspapers of last night and this morning.

Indirect Reference to the Senate

§ 44.26 It has been held that the restriction against certain references to "the Senate" applies equally to comments critical of "the other body" or members thereof.

On Feb. 17, 1936,[16] Mr. Harold Knutson, of Minnesota, on the

15. John W. McCormack (Mass.).

16. 80 CONG. REC. 2218, 74th Cong. 2d Sess.

floor delivered the following remarks:

> . . . A very remarkable address was delivered in another body a week ago today that I feel should not go unanswered. In that address the speaker virtually served notice on Japan that if the Japanese do not live up to the obligations which she has assumed in certain treaties this country would go to considerable lengths to compel her to do so. In view of the fact that the speaker to whom I have reference occupies a position unusually close to the administration, I am wondering whether he spoke by the card.

In response to a point of order, Mr. Knutson stated that he did not mention the Senate but simply some remarks that had been made in another body. Speaker Pro Tempore John J. McSwain, of South Carolina, ruled as follows:

> The Chair sustains the point of order. The implication is plain that the reference is to the Senate of the United States. The point of order is sustained. The gentleman will please proceed in order.

On May 19, 1948,[17] Mr. Herman P. Eberharter, of Pennsylvania, referred to inaction of "the other body" on H.R. 5852, the subversive activities control bill of 1948. A point of order was made against the reference to the Senate, and Chairman James W. Wadsworth, Jr., of New York, ruled that the point of order was well taken and that Mr. Eberharter must proceed in order. Mr. Eberharter stated as follows:

> Mr. Chairman, it is my understanding under the rules of the House that a Member of the House is not permitted to refer to the Senate of the United States and is not permitted to refer to any Senator by name. However, it is my understanding, and I think it has been so ruled on many occasions, that it is perfectly within the rules of the House to refer to the other branch of the Congress as "the other Body." I did not mention the word "Senate," Mr. Chairman, nor did I mention the name of any Senator. I submit that the point of order is not well taken, and I hope the Chairman will so rule.

The Chairman then called the attention of Mr. Eberharter to the provision on the subject in Jefferson's Manual and directed Mr. Eberharter to proceed in order.

§ 44.27 A Senator may not be referred to, even indirectly, in debate on the floor of the House.

On Mar. 24, 1961,[18] a point of order was made against remarks in debate by Mr. Neal Smith, of Iowa, who referred indirectly to the Goldwater Department Store in Arizona, in an apparent ref-

17. 94 Cong. Rec. 6112, 80th Cong. 2d Sess.

18. 107 Cong. Rec. 4780, 87th Cong. 1st Sess.

erence to Senator Barry M. Goldwater, of Arizona. Mr. Smith stated that "some people call it the Goldwater-Ayres Bill because it is an example of exempting multimillion dollar stores in Arizona." The Committee of the Whole rose and the objectionable words were reported to the House where they were ordered stricken from the record, after Speaker Sam Rayburn, of Texas, ruled that a reference to a member of the other body by name is a violation of the rules of the House. Mr. John H. Dent, of Pennsylvania, then raised a parliamentary inquiry:

> If a trade name or the name of a product bears the same name as a Member of the Senate, are we forbidden from mentioning that particular product or chain or store, or whatever the item may be?
>
> THE CHAIRMAN:[19] The Chair will pass on that question when it arises. The Chair may say that the gentleman's inquiry is not a parliamentary inquiry.

§ 44.28 A Member may not in debate refer to a Senator indirectly by the use of the term "senior Senator" from a particular state.

On May 2, 1941,[20] after Speaker Pro Tempore Fadjo Cravens, of Arkansas, ruled out of order a reference to a Senator, he stated in response to a parliamentary inquiry that such reference would not be corrected by referring to the Senator as the senior Senator from a state. He stated that a Member could not do indirectly what he could not do directly.

Complimentary References to Named Senator

§ 44.29 It is not in order in debate in the House to refer to a Senator by name, even in a complimentary way.

On Mar. 24, 1961,[1] Mr. James Roosevelt, of California, inquired of Chairman Eugene J. Keogh, of New York:

> Mr. Chairman, do I correctly understand that the rules of the House do not prevent a Member from mentioning a Senator's name as long as he does not mention it in a derogatory manner?

Chairman Keogh ruled:

> It is the understanding of the Chair that under the rules of the House, the name of a Member of the other body may not be mentioned in any fashion.

The Speaker of the House and the presiding Chairman of the Committee of the Whole have so ruled on numerous occasions.[2]

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19. Eugene J. Keogh (N.Y.).

20. 87 CONG. REC. 3536, 3537, 77th Cong. 1st Sess.

1. 107 CONG. REC. 4780, 87th Cong. 1st Sess.

2. For a discussion of the prohibition against naming a Senator, see § 44.2,

§ 44.30 It is in violation of Jefferson's Manual to quote from Senate proceedings even if the intent is to commend and not to criticize.

On Mar. 31, 1982,[3] during consideration of House Resolution 378 (providing investigative funds for House committees), the Speaker Pro Tempore took the initiative to call a Member to order for making improper references to the Senate. The proceedings were as follows:

> MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 378) providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 2d session of the 97th Congress, and ask for its immediate consideration. . . .

In answer to a defeated motion to reduce the Senate resolution by an additional $409,000, Senator Mathias informed his colleagues, just like I did several weeks ago:

> We will get to the point where we will damage the effectiveness of the committees. I think that we have to ask the Senate what it would cost the taxpayers in not being able to deal efficiently and, most important, effectively with the problems that beset this country.

THE SPEAKER PRO TEMPORE:[4] Will the gentleman suspend momentarily?

The Chair would remind the gentleman that he should not refer to specific debate in the other body.

The gentleman from Illinois will resume.

MR. ANNUNZIO: I am quoting; I am not saying anything derogatory. I am just quoting from the Record, and it is complimentary.

THE SPEAKER PRO TEMPORE: The Chair would only remind the gentleman from Illinois of the rules of the House, in which the House should not refer to specific proceedings of the other body, even in a complimentary way.

MR. ANNUNZIO: I appreciate the suggestion from the Chair. But I thought that I was abiding by the rules because I was saying some nice things about a Republican Senator from Maryland.

THE SPEAKER PRO TEMPORE: The Chair respects the respectful nature of the gentleman in the well, but would again only remind the gentleman of the rules of the House and the Chair's responsibility thereunder to take the initiative he has taken.

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supra. See also 109 CONG. REC. 1985, 88th Cong. 1st Sess., Feb. 7, 1963; 96 CONG. REC. 3131, 81st Cong. 2d Sess., Mar. 9, 1950; 87 CONG. REC. 3536, 3537, 77th Cong. 1st Sess., May 2, 1941; and 79 CONG. REC. 12011, 74th Cong. 1st Sess., July 29, 1935. For the current practice, which permits certain references to legislative actions by a Senator, see Rule XIV clause 1 as amended in the 100th and 101st Congresses. *House Rules and Manual* § 749 (1995).

3. 128 CONG. REC. 6081, 6083, 97th Cong. 2d Sess.

4. Timothy E. Wirth (Colo.).

Reference to Statements Made Off Senate Floor

§ 44.31 It has been held a breach of order in debate to notice what a Senator has said in his official capacity, even if his statements were made for newspaper publication.

On June 26, 1935,[5] in the Committee of the Whole Mr. Charles V. Truax, of Ohio, quoted a statement made by a Senator and was challenged on a point of order by Mr. Schuyler Otis Bland, of Virginia. Mr. Truax then stated a parliamentary inquiry whether it was against the rules of the House to notice what a Member of the other body had said for a newspaper publication. Chairman Thomas L. Blanton, of Texas, stated as follows:

> If made as a Senator in his official capacity, yes. The gentleman understands the English language, and the Chair has read the rule of the House. [§ 371 of Jefferson's Manual.] It was held by Mr. Speaker Clark that it is improper for a Member of the House to refer to a Senator even in complimentary terms.

§ 44.32 It is a breach of order in debate to refer to speeches by Senators made outside of the Senate.

On May 2, 1941,[6] after a point of order was made against a reference by a Member to a certain Senator, Speaker Pro Tempore Fadjo Cravens, of Arkansas, ruled that such reference constituted a violation of the rules. The Member whose remarks were objected to stated that his violation of the rules was unintentional, since he had not realized that the House rules also covered statements made by members of the Senate outside the Capitol walls.[7]

The Speaker Pro Tempore then stated in response to a parliamentary inquiry that a Member could not do indirectly what he could not do directly, and that the violation of the rules would not be corrected by referring to the Senator in such a way as to avoid specifically naming him.

§ 44.33 It is a breach of order in debate for a member to read a letter from a member of the Senate.

On May 25, 1937,[8] a Member remarked that he had letters from

5. 79 Cong. Rec. 10189, 10190, 74th Cong. 1st Sess.

6. 87 Cong. Rec. 3536, 3537, 77th Cong. 1st Sess.

7. This ruling represents the current line of precedent; for the former practice, see 8 Cannon's Precedents § 2519 ("The rule against criticism of Senators in debate applies only to words spoken on the floor and does not extend to speeches and interviews outside the House.").

8. 81 Cong. Rec. 5013, 75th Cong. 1st Sess.

members of the Senate voicing their sympathy with a political movement and stated his immediate intention to read one of those letters. Chairman John J. O'Connor, of New York, intervened to rule "the Chair, on its own responsibility, makes the point of order against the reading of the letter from a member of another body."[9]

§ 44.34 The principle of comity between the two Houses prohibits any reference in debate to actions of Senators within or outside the Senate.

On June 13, 1974,[10] a Member demanded that another Member's references in debate to a Senator be stricken from the Record, but did not demand that the words be "taken down" (pursuant to Rule XIV clause 5). The Speaker Pro Tempore sustained the point of order against violation of the principle of comity[11] but did not submit to the House the question of striking the unparliamentary words. The proceedings were as follows:

THE SPEAKER PRO TEMPORE:[12] Under a previous order of the House, the gentleman from Arizona (Mr. Steiger) is recognized for 45 minutes.

MR. [SAM] STEIGER [of Arizona]: Mr. Speaker, with a petulance usually reserved to Secretaries of State, Mo Udall and Henry Jackson have blamed the defeat of the land-use planning bill on "impeachment politics." Mr. Udall states that the President changed his position on land-use planning in order to retain the support of conservative Members of the House regarding impeachment. . . .

We can fully appreciate that the gentleman from Washington, who is an active candidate for President, might be seeking ways to present his case in some kind of a different manner.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, if the gentleman will suspend for a minute, I would like to make a parliamentary inquiry. . . .

I pose the parliamentary inquiry, whether or not discussion of the motives of a Member of the other body is in order.

THE SPEAKER PRO TEMPORE: The gentleman is correct. It is not in order, in view of the rule of comity between the two Houses.

The gentleman will proceed.

MR. STEIGER OF ARIZONA: Mr. Speaker, I would advise the gentleman from California (Mr. Rousselot) that I am about to continue to yield him the time; that I, too, think it is very presumptive of the gentleman from Washington, who is running for President; all I heard the gentleman from California (Mr. Rousselot) say was that the Senator was a candidate for President.

MR. [JOHN H.] ROUSSELOT [of California]: He is a potential candidate for President. If that is impugning his motives, I do not see how it is.

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9. In earlier practice, reference was permitted to a letter expressing a Senator's views on legislation; see 5 Hinds' Precedents § 5112.

10. 120 CONG. REC. 19083, 19085, 19086, 93d Cong. 2d Sess.

11. See Jefferson's Manual § 374, *House Rules and Manual* (1995).

12. John J. McFall (Calif.).

MR. FOLEY: Mr. Speaker, a point of order. The remarks of the gentleman from California and the remarks of the gentleman from Arizona are out of order. I ask that they be stricken.

MR. STEIGER of Arizona: Mr. Speaker, might I be heard on that point of order?

THE SPEAKER PRO TEMPORE: The gentleman will proceed on the point of order.

MR. STEIGER of Arizona: I would restate what I said, that in my view it is presumptuous of the gentleman from Washington to hold himself up as a candidate for the Presidency of the United States. I fail to see that that is impugning the gentleman's motives.

It is an accepted fact in political life that the gentleman from Washington is, indeed, a candidate for the Presidency, at least in his own eyes.

I suspect, and I am certainly entitled to a view of that candidacy and I have stated that view, with no intent at all of demeaning the gentleman from Washington.

THE SPEAKER PRO TEMPORE: While the gentleman has not demanded that words be taken down, the Chair will state that under the rules of debate it is not in order for a Member to voice an opinion or cast a reflection on either Members of the House or Members of the other body and it is not in order to refer to Senators by name or in terms of personal criticism, or even for the purpose of complimenting and the inhibition extends to comments of criticism of their actions outside the Senate.

The Chair would also point out to the gentlemen who are carrying on this debate that it is Thursday afternoon and there is no need to get involved in a big political debate.

So the gentleman in the well will proceed in order.

§ 44.35 It is a violation of the rules of parliamentary procedure to refer by name to the remarks or actions of a Senator occurring in the Senate or elsewhere, and where a Member in debate or through an insertion in the Record transgresses this rule the Speaker calls him to order under Rule XIV clause 4.

See the proceedings of Oct. 7, 1975, at § 44.4, supra.

§ 44.36 On one occasion, a Member upon being cautioned by the Chair not to refer to a Senator in debate, obtained unanimous consent to refer to correspondence between the Senator and a federal official.

The following proceedings occurred in the Committee of the Whole on June 25, 1986,[13] during consideration of H.R. 5052 (military construction appropriations):

MR. [DENNIS M.] HERTEL of Michigan: . . . Let me talk about the defense side of this and read a letter from Barry Goldwater, the chairman of the Armed Services Committee in the Senate. . . .

13. 132 CONG. REC. 15492, 99th Cong. 2d Sess.

THE CHAIRMAN:[14] The Chair would caution the gentleman not to refer to Members of the other body.

MR. HERTEL of Michigan: Mr. Chairman, is it in order to refer to the letter?

THE CHAIRMAN: Without objection, it may be submitted.

There was no objection.

MR. HERTEL of Michigan: Mr. Chairman, I refer to this letter from Mr. Goldwater. He writes: . . .

Hon. Caspar Weinberger,
Secretary of Defense, Department of Defense, Washington, D.C.

Dear Cap: The issue of homeporting for navy ships is soon to come up before the Senate and quite frankly I'm opposed to it. . . .

This is a letter from the chairman of the Senate Armed Services Committee. This is his opinion.

§ 44.37 It is improper in debate to refer to quotations of Senators appearing in outside publications ("Senator Proxmire was quoted in The American Banker as saying . . .").

During consideration of the Federal Savings and Loan Insurance Corporation Revitalization Act of 1987 (H.R. 27) in the Committee of the Whole on May 5, 1987,[15] a Member made reference to a quotation from a Senator that had been published whereupon the Chair reminded the Members that it was against the rules to quote a member of the other body. The proceedings were as follows:

MR. [STEPHEN L.] NEAL [of North Carolina]: . . . Furthermore Mr. Chairman, a distinguished Member of the other body was quoted in a publication dated May 5, The American Banker, as saying that the condition of the FSLIC is being deliberately exaggerated by the U.S. Treasury and the Federal Home Loan Bank Board to pressure Congress into acting on a $15 billion "clean FSLIC bill.". . .

THE CHAIRMAN:[16] The Chair would like to remind Members that it is not in accordance with our rules to quote an individual Member of the other body.

Reference to Senate Votes

§ 44.38 Reference in debate to Senate votes on a legislative proposition is not in order.

On Aug. 17, 1961,[17] after Mr. Frank Thompson, Jr., of New Jersey, moved to strike out the last word on a pending proposition, he read into his remarks a newspaper editorial referring to the vote of some Republicans on a proposition before Congress. A point of order was made that it was contrary to the rules of the House to mention the vote of a

14. William J. Hughes (N.J.).

15. 133 CONG. REC. 11214, 100th Cong. 1st Sess.

16. Dan Glickman (Kans.).

17. 107 CONG. REC. 16210, 87th Cong. 1st Sess.

Senator and Chairman Wilbur D. Mills, of Arkansas, sustained the point of order.[18]

§ 44.39 Under section 371 of Jefferson's Manual, it is not in order in the House to refer to particular votes in the Senate or to the positions taken by individual Senators.

The following proceedings occurred in the Committee of the Whole on July 29, 1981,[19] during consideration of H.R. 4242 (Tax Incentive Act of 1981):

> MR. [JACK] KEMP [of New York]: I appreciate the comments of my friend from Georgia. They are very important to all of us and in the same spirit of bipartisanship I am pleased to announce that the Senate, in an overwhelming vote of 89 to 11, passed substantially the same bill as the Conable-Hance substitute. . . .
>
> MR. [GERALD B.] SOLOMON [of New York]: Mr. Chairman, I rise in favor of the Conable-Hance bill, and I bring the Members' attention to a list of 23 more Democratic Senators who have just supported this fine bill.
>
> THE CHAIRMAN:[20] The gentleman will suspend. As the gentlemen from New York know, the action of the Senate and individual votes in that body may not be mentioned in debate. The Members will keep that in mind.

§ 44.40 Jefferson's Manual prohibits reference in debate to specific votes in the Senate.[1]

During consideration of the conference report on S. 1503 (Standby Petroleum Allocation Act) in the House on Mar. 2, 1982,[2] the following exchange occurred:

> MR. [TIMOTHY E.] WIRTH [of Colorado]: This is a conference report and this has been through the Senate, as the gentleman said. Has this not already been voted on?
>
> MR. [PHILIP R.] SHARP [of Indiana]: The Senate voted for this 86 to 7.
>
> MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Speaker, a point of order.
>
> MR. WIRTH: The Senate voted for it 86 to 7.
>
> MR. BROYHILL: Mr. Speaker, point of order.

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18. See also 78 CONG. REC. 1111, 73d Cong. 2d Sess., Jan. 22, 1934.

References to the votes of Senators on legislative propositions are specifically prohibited by Jefferson's Manual: "It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there. . . ." *House Rules and Manual* § 371 (1995). See § 44.14, infra, for current decisions on references to Senate votes.

19. 127 CONG. REC. 18244, 18249, 97th Cong. 1st Sess.

20. William H. Natcher (Ky.).

1. See *House Rules and Manual* § 371 (1995). However, this proscription has been relaxed somewhat by virtue of the new language in Rule XIV, clause 1, added in the 101st Congress.

2. 128 CONG. REC. 3117, 97th Cong. 2d Sess.

THE SPEAKER PRO TEMPORE:[3] The gentlemen are reminded that they should not refer to the specific vote in the other body.

§ 44.41 It is a violation of the rule of comity to refer in debate to the votes of particular members of the Senate, and the Chair has called Members to order on his own initiative for quoting the vote totals on a measure when it was before the Senate.

On Apr. 12, 1984,[4] during consideration of House Concurrent Resolution 290 (expressing the sense of Congress that no appropriated funds be used for the purpose of mining the ports or territorial waters of Nicaragua) in the House, the Chair exercised his initiative in admonishing the Members against references to the Senate:

MR. [HENRY J.] HYDE [of Illinois]: . . . I have this hopelessly old-fashioned notion that as leader of the free world we have an obligation to resist handing Central America over to the Fascists of the left, the Communists. . . .

I would remind you that a few days ago the senior Senator from New York stood on the floor of the other body and reminded his colleagues that as of the moment he was talking, half of the arms and 80 percent of the ammunition being used by the guerrillas to kill and to bomb and to maim and to destroy powerlines and schools and to burn buses in El Salvador was coming through Nicaragua. . . .

MR. [THEODORE S.] WEISS [of New York]: Mr. Speaker, might I remind the distinguished minority leader in this House that the other body, under the leadership of its Republican leader, by a vote of 84 to 12 adopted this identical resolution. The Foreign Affairs Committee, with the dissent of only three members of the minority party, by a vote of 32 to 3 reported out this resolution. . . .

THE SPEAKER PRO TEMPORE:[5] The Chair would remind the Members of the House that it is not within the purview of the rules to state a vote of the other body. That has now been done twice and the Chair would caution the Members of the House not to do that. . . .

MR. [ELLIOTT H.] LEVITAS [of Georgia]: . . . Tonight I will act in a bipartisan way, and I will not repeat the overwhelming bipartisan vote in the other body on this identical resolution, but tonight I will join in a bipartisan way voting with people who have names like Armstrong, Baker, D'Amato, Garn, Grassley, Laxalt, Percy, Simpson, Stevens, and Warner.

This should be a bipartisan vote in this House as well.

THE SPEAKER PRO TEMPORE: The Chair would again remind the Members that it is not within the purview of the rules either to state a specific vote on an issue in the other body or to

3. George E. Danielson (Calif.).

4. 130 CONG. REC. 9474, 9477, 9478, 98th Cong. 2d Sess.

5. Steny H. Hoyer (Md.).

reference specific Members of the other body as to how they vote.

§ 44.42 It is a breach of order in debate to notice particular votes in the Senate, even on a subject related to that under House debate, and it is the duty of the Chair to take the initiative in enforcing this rule.

On July 31, 1984,[6] during consideration of House Resolution 555 (expressing the sense of the House that it disapproves the appointment of Anne M. Burford) in the House, the Speaker Pro Tempore, in response to a parliamentary inquiry, admonished the Members against references to votes occurring in the other body:

MR. [NORMAN E.] D'AMOURS [of New Hampshire]: . . . I would like to compliment my very good friend from Alaska (Mr. Young) . . . for having completely avoided injecting partisan politics into his approach to this resolution. . . .

The Senate last week voted in a fully bipartisan way to object to the appointment of Anne Burford. As a matter of fact, the Republicans voted overwhelmingly against her appointment. I think the vote was 33 to 19, in the Republican Party 19 supporting her. This truly is bipartisan.

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

Mr. Speaker, on occasions in the recent past, Members of the minority on the floor have been cautioned about utilizing votes in the Senate or referring to the Senate's deliberations in any way on this floor.

Is that something which is only going to apply to the minority and references such as we just heard used extensively in the debate of the gentleman from New Hampshire go unreprimanded by the Chair?

THE SPEAKER PRO TEMPORE:[7] The Chair would indicate that those references should not have been made to specific votes in the other body. Members on both sides of the aisle will refrain from those kinds of references.

§ 44.43 Although it is proper to refer to the fact that particular matters have been sent from the Senate, it is not in order in debate to refer to specific votes in the Senate or to criticize members of the Senate who voted a particular way.

During consideration of the conference report on House Joint Resolution 372 (to extend the public debt limit) in the House on Nov. 6, 1985,[8] the following proceedings occurred:

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the dis-

6. 130 CONG. REC. 21670, 98th Cong. 2d Sess.

7. Leon E. Panetta (Calif.).

8. 131 CONG. REC. 30852, 30853, 30863, 30864, 99th Cong. 1st Sess.

agreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 372) entitled "Joint resolution increasing the statutory limit on the public debt." . . .

The message also announced that the Senate concurs in House amendment to Senate amendment No. 2, with an amendment. . . .

MR. [CONNIE] MACK [III, of Florida]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Mack moves to take from the Speaker's table House Joint Resolution 372, with the Senate amendment to the House amendment to Senate amendment No. 2 and to concur in the Senate amendment as follows: . . .

MR. MACK: Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. Lott).

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, earlier this afternoon, the other body once again voted on this issue that we have been debating, the deficit reduction package known as the Gramm-Rudman-Hollings-Mack deficit reduction package. The vote was almost identical to the vote that occurred some 3 weeks ago, I guess now, 74 to 24.

I understand from talking to our colleagues in the other body that the gentleman from Michigan (Mr. Levin) added an amendment that was an improvement on the bill and that was accepted.

MR. [LES] AUCOIN [of Oregon]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:[9] The gentleman will state his parliamentary inquiry.

MR. AUCOIN: Mr. Speaker, is it not against the rules of the House to refer to actions in the other body, either Members of the other body or votes in the other body?

THE SPEAKER: Under normal circumstances, the answer is in the affirmative. But we are referring to a matter that has just been sent over from the other body, so the gentleman may refer to that fact.

MR. AUCOIN: Mr. Speaker, does that include that announcement of the actual vote in the other body?

THE SPEAKER: The Chair will state to the gentleman that that would not be in order.

§ 44.44 It is not in order in debate to refer to specific votes in the Senate, and the Chair calls to order Members on his or her own initiative for violating the rule of comity.

The following proceedings occurred in the House on Mar. 13, 1986:[10]

> MR. [WILLIAM H.] GRAY [3d] of Pennsylvania: Mr. Speaker, I rise in strong support of the rule allowing for consideration of House Concurrent Resolution 296, the concurrent resolution on the budget for fiscal year 1987. . . .
>
> Last week the Senate Budget Committee considered the President's budget and voted against its adoption. In considering the President's budget, the Senate Budget Committee was able to gain some idea of the level of support

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

10. 132 CONG. REC. 4636, 99th Cong. 2d Sess.

for that plan and use that experience in setting out to formulate an alternative. Then after the vote, they started to work on an alternative and they are still working. They did not have an alternative when they voted on the President's budget. They voted and they are now working, and I propose the same thing.

THE SPEAKER PRO TEMPORE:[11] The Chair would ask that Members not refer to any specific vote in the other body.

Insertions in the Record

§ 44.45 Inserting references to Senate speeches or proceedings in the *Congressional Record* Extension of Remarks is a violation of House rules.

On May 2, 1941, Mr. Adolph J. Sabath, of Illinois, inserted in the Extension of Remarks of the *Congressional Record* extensive references to speeches made by a certain Senator, principally off the floor of the Senate.[12]

On May 5, 1941, Mr. Clare E. Hoffman, of Michigan, raised a question of the privilege of the House.[13] Mr. Hoffman referred to the extension of remarks of Mr. Sabath and introduced a resolution to have those remarks expunged from the Record since they were in violation of the rules of the House prohibiting reference in debate to Senators and their proceedings.

Mr. Sabath then addressed the House and was granted unanimous consent to withdraw the objectionable remarks from the permanent Record.[14]

Critical References to Senate or its Committees

§ 44.46 It is not in order in debate to criticize actions of the Senate or its committees, and it is the duty of the Speaker to call the offending Member to order;[15] thus, where improper reference to the Senate has been made by a Member, the Speaker has called the Member to order.

On Apr. 17, 1975,[16] the proceedings described above, relative to a violation of the principle of

11. John Joseph Moakley (Mass.).
12. See 87 CONG. REC. 3609, 77th Cong. 1st Sess.
13. *Id.* at pp. 3566, 3567.
14. See also § 44.2, supra (where a Member inquired whether a letter written by him to a Senator could be inserted in the Record as an extension of his remarks, the Speaker stated that a point of order could be based on the objectionable insertion).
15. See Jefferson's Manual § 374, *House Rules and Manual* (1995).
16. 121 CONG. REC. 10458, 94th Cong. 1st Sess.

comity, occurred in the House, as follows:

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

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, I am amazed that four Democratic members of the Rules Committee of the other body, reviewing the challenge of Democrat John Durkin to the seating of Senator-elect Louis Wyman, should have yesterday voted to take away from Wyman 10 straight Republican ballots that had been properly counted for him in New Hampshire. These critically important votes belong to Mr. Wyman by settled New Hampshire law in a contest with an existing margin of two votes.

As even Durkin's counsel acknowledged before the committee, the ballots were and would have consistently been counted for Wyman in New Hampshire. On each the voter had voted a cross in the straight Republican circle with no marks on the Democratic side of the ballot. He had also voted a cross in every voting square except Mr. Wyman's. By operation of statute and court decision in New Hampshire for 60 years—as well as in other States having the straight ticket option—a vote in the straight ticket circle is a vote for every candidate under the circle and a vote in every box under the circle by operation of law.

Worse yet, similar ballots for Durkin in the original New Hampshire recount had not been challenged by Wyman because under settled New Hampshire law they were recognized as valid votes. These remain in the totals relied on by the Senate committee, counted for Durkin.

On April 9 in this Record I called for a new election in New Hampshire and surely this has now become a compelling necessity, unless we are to witness a legislative Watergate.

THE SPEAKER:[17] The Chair must ask the gentleman to desist and must call to the attention of the gentleman from New Hampshire that his remarks are in violation of the rules of the House and rules of comity. The Chair has been very lenient, but this goes far beyond the bounds.

It is not proper to criticize the actions of the other body, or any committee of the other body, in any matter relating to official duties.

MR. CLEVELAND: Mr. Speaker, would it be in order for me to quote a Member of the other body who characterized this?

THE SPEAKER: No, it would not be. The Chair was very lenient by letting the gentleman make his point, but the Chair is going to be strict in observing the rules of comity between the two bodies. Otherwise we cannot function as an independent, separate legislative body under the Constitution of the United States.

Removing Remarks Violative of Comity From Record

§ 44.47 The Speaker, upon hearing words in debate which were critical of a Senator, assumed the duty imposed upon him by Jefferson's Manual[18] and in-

17. Carl Albert (Okla.).

18. See *House Rules and Manual* § 374 (1995).

formed the offending Member that his words were in violation of the principle of comity and should be removed from the Record.

On Nov. 18, 1975,[19] the proceedings described above occurred as follows:

(Mr. [R. Lawrence] Coughlin [of Pennsylvania] asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

[Mr. Coughlin addressed the House and in his remarks was critical of Senator Proxmire and his support for the Joint Committee on Defense Production.]

THE SPEAKER:[20] The Chair, in view of the noise that was in the Chamber, was unable to hear all of the remarks of the gentleman from Pennsylvania which, I understand, referred to activities of the Senate and to Members of the other body. This is in violation of the Rules of the House, and any remarks made by the gentleman from Ohio should not touch upon that subject. Any remarks made by the gentleman from Pennsylvania that touched upon that subject should be removed from the Record and should not be put in the Record.

§ 44.48 It is not in order in debate to refer critically to members of the Senate, and the Chair is required on his own initiative by both clause 4, Rule XIV, and section 374 of Jefferson's Manual to call a Member to order for such remarks unless the Member voluntarily withdraws them from the Record (prior to demand by another Member that the words be "taken down").

In the proceedings of Aug. 20, 1980,[1] the Chair, in inquiring whether a Member wished to withdraw his remarks concerning a Senator, referred to section 374 of Jefferson's Manual, which relates to the duty of the Speaker to prevent expressions offensive to the other House. The proceedings were as follows:

MR. [ROBERT K.] DORNAN [of California]: . . . The FEC, through its Office of General Counsel, has allowed an elected Federal official, just like ourselves, to keep for over 1 year, $1,150 of acknowledged illegal corporate campaign contributions. The corporation—whatever it did is somewhat unclear—laundered $13,000 into my opponent's campaign and $23,150 of illegal corporate money into this elected Federal official's campaign coffers. . . .

And now a convicted felon down at the Talladega Prison in Alabama . . . denies that this Federal official ever returned the money to him. I direct my colleagues to read the relevant

19. 121 CONG. REC. 37010, 94th Cong. 1st Sess.

20. Carl Albert (Okla.).

1. 126 CONG. REC. 22151–53, 96th Cong. 2d Sess.

Jack Anderson columns. I was told while at the Talladega Federal prison in Alabama in the presence of an FBI agent and an assistant U.S. district attorney from Birmingham that my young opponent merely went through the motions of returning illegal $1,000 corporate campaign contributions. I was told that this $13,000 was returned. The money never left California. It was reloaned to my young opponent by his original Alabama benefactor. . . .

MR. [RONNIE G.] FLIPPO [of Alabama]: . . . I wish the gentleman would refrain from referring to the Senator from Alabama, and give the Senator an opportunity to do what he needs to do to explain the situations. He does not need to be tried by the Jack Andersons of this world. We have a proper court procedure and a way to proceed in that regard.

I would hope that the gentleman would refrain from bringing up the name of any official from Alabama, or any other State official's name up, in a manner that would tend to encourage people to believe that they had done something wrong, when no such thing exists or it has not been proven in a court of law. I know the gentleman's high regard for court proceedings.

MR. DORNAN: If the gentleman will yield, I believe I have discovered a major coverup; a terribly inept, if not illegal obstruction of justice by Justice Department people assigned to the fair State of Alabama. I gave the Senator mentioned before a face-to-face opportunity, alone in his office, to explain his involvement but he would not do so.

MR. FLIPPO: Mr. Chairman, I ask that the gentleman's words be taken down.

THE CHAIRMAN:[2] The gentleman may not refer to Members of the other body.

MR. FLIPPO: Mr. Chairman, I would ask that the gentleman's words be taken down. . . .

THE CHAIRMAN: The Chair will state to the gentleman from California (Mr. Dornan) that under the rules of the House it is not in order to refer to Members of the other body and in the light of that the Chair would ask the gentleman from California if he wishes to withdraw his remarks concerning the Member of the other body.

MR. DORNAN: Mr. Chairman, as of about a year-and-a-half ago, videotape records of House proceedings have been made. Taking that into consideration I will accede to the Chair's suggestion and remove all statements in the written Record pertaining to Members of the other body.

THE CHAIRMAN: The gentleman will proceed. The gentleman has agreed to remove all the statements in question from the Record. Otherwise the Chair would exercise his authority under section 374 of Jefferson's Manual [relating to the duty of the Speaker to prevent expressions in debate offensive to the other House].

§ 44.49 It is against the rules of order stated in Jefferson's Manual to read into the Record remarks critical of members of the Senate or to the actions of individual Senators, and while the Speaker does not have unilateral au-

2. Richardson Preyer (N.C.).

thority to expunge improper references from the Record, he may request Members who have made improper references to Senators to omit those references from the Record.

While under section 374 of Jefferson's Manual it is the duty of the Speaker to interfere "so as not to permit expressions to go unnoticed which may give a ground of complaint to the other House," the Speaker has not been presumed to have unilateral authority to expunge improper references from the Record, but merely to request the offending Member to delete the references. The House and not the Speaker controls the Record and the Speaker must rely on the good faith of Members to heed his admonition to delete the offending material. (Of course, the Speaker may deny further recognition to Members violating the prohibition against improper references.)[3] A request that offending material be deleted from the Record was made by the Speaker Pro Tempore[4] on May 8, 1984.[5]

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from Pennsylvania (Mr. Walker) is recognized for 60 minutes.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, recently Frank Gregorsky, from the Republican Study Committee, prepared a paper entitled "What's the Matter with Democratic Foreign Policy?" . . . I am going to begin presenting this paper as Mr. Gregorsky has written it.

PART ONE: A WORLD VIEW IN SEARCH OF A WORLD . . .

Everyone knows that Senator Ted Kennedy has a "dovish" voting record on defense and foreign policy matters. . . .

Kennedy chose to write in Rolling Stone on March 15, 1984:

> Reagan is the best pretender as president that we have had in modern history. Some White House aides talk of "the peace issue" as if it were mostly a political problem for Ronald Reagan. Others imply that they only need to play for time before launching a wider war in Central America in 1985. . . .

That definitive prose is worth more for insight than a printout of Kennedy's 21 plus years of Senate votes; there's a comprehensive way of viewing America and the world behind it. . . .

To be a rising Democrat today requires a certain view of what shaped the present. It was stated with a flourish by a man elected to the House in 1974 and the Senate in 1978, Paul Tsongas of Massachusetts, in a floor speech January 29, 1980:

> Twenty years ago, Mr. President, people stood up on the floor of this Chamber and said, "Well, maybe Batista was not such a great soul after all," but they never said any-

3. See the proceedings of June 16, 1982, discussed in § 44.5, supra.
4. Theodore S. Weiss (N.Y.).
5. 130 CONG. REC. 11421, 11425, 11428, 98th Cong. 2d Sess.

thing about him when he was in power. "And this fellow, Fidel Castro, we do not like the way he combs his beard."

THE SPEAKER PRO TEMPORE: Would the gentleman pause just a moment. The Chair does request the gentleman to omit those portions of the paper which he is reading which refer to specific sitting Members of the other body and to their actions in that body.

As you know, there is a rule against it, and the Chair is required to take the initiative to enforce that rule.

MR. WALKER: Mr. Speaker, if I am not mistaken, the gentleman to whom I am referring was a Member of the House during the period of the time that this speech was made.

THE SPEAKER PRO TEMPORE: As long as it is not a reference to his actions in the other body, in the Senate, or critical of him as a Senator.

There are a couple of other references a bit earlier that the Chair would respectfully request the gentleman to omit when he has finished his reading today.

§ 44.50 In response to a point of order, the Speaker Pro Tempore called to order a Member for referring to proceedings in the Senate and ordered the remarks stricken from the Record without objection.

On Dec. 10, 1980,[6] a point of order was made against the following remarks of Mr. Don Edwards, of California:

MR. EDWARDS of California: Mr. Speaker, yesterday, in a moment that will long be remembered with bitterness by the minorities, women, and the handicapped of America, the Congress sounded the death knell for the Fair Housing Amendments Act of 1980. . . .

We must also fully recognize why the measure failed. Republican leaders, intimidated by a small minority of their own party, aided and abetted this abdication of responsibility. President-elect Reagan himself, asked to reassure minorities, that a Republican administration will not turn its back on their needs, issued meaningless platitudes instead of support for a bill that the House of Representatives adopted by a 3-to-1 margin. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I make a point of order against the gentleman's remarks. They are not in keeping with the rule that requires no mention of the other body.

THE SPEAKER PRO TEMPORE:[7] The gentleman from California (Mr. Edwards) is referring to the proceedings of the other body. He will please restrict them. They are out of order and without objection, will be stricken from the Record.

§ 44.51 On his own initiative, the Speaker Pro Tempore called a Member to order for referring to the Senate in a critical manner.

6. 126 CONG. REC. 33204, 96th Cong. 2d Sess.

7. Ray Roberts (Tex.).

On Dec. 10, 1980,[8] Mr. Robert S. Walker, of Pennsylvania, was called to order by the Chair for remarks made in the following statement:

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

MR. WALKER: Mr. Speaker, it appears as though Washington lame-ducks are lining up for one last major rape of the American taxpayer. In the continuing appropriations bill that has emerged, section 155 builds in the potential for severance pay for the Senate staff members displaced by the transition to a Republican majority.

I took a look at the figures and figured out that in one committee, in the Foreign Relations Committee, if everybody draws the maximum permitted under that bill, that one committee will be eligible for $426,500 in severance pay.

THE SPEAKER PRO TEMPORE:[9] The Chair will advise the gentleman from Pennsylvania that the Chair just had to call to order a Member from the other side of the aisle. The gentleman simply cannot refer to the other body in those terms. Will the gentleman please remove these remarks?

MR. WALKER: I thank the Chair for his correction. I thought the Chair ruled in favor of it in the previous instance.

THE SPEAKER PRO TEMPORE: The gentleman may proceed.

8. 126 CONG. REC. 33205, 96th Cong. 2d Sess.

9. Ray Roberts (Tex.).

Historical References to Senate Actions

§ 44.52 The inhibition against referring in debate to members or proceedings of the Senate does not extend to historical discussion of previous members of the Senate; on one occasion, where a point of order was made that a Member was violating the rule of comity by referring to past members of the Senate, the Chair did not directly rule on the point of order but advised the Member having the floor to continue to proceed in order.

On May 18, 1977,[10] the proceedings described above occurred in the Committee of the Whole as follows:

MR. [WILLIAM] CLAY [of Missouri]: Mr. Chairman, I might say that the passage of this act had something to do with the personalities and personal conflict between two Senators from the State of New Mexico, one whose name bears the title of this bill, the Hatch Act. Senator Hatch, even though a Democrat, had not been privy to the political spoils system because he was an opponent of Franklin Roosevelt, so his counterpart in the Senate was the recipient of all of the political jobs under the WPA and other relief programs.

10. 123 CONG. REC. 15388, 95th Cong. 1st Sess.

Consequently, in an effort to get back at this counterpart and at Franklin Delano Roosevelt——

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, a point of order.

THE CHAIRMAN:[11] The gentleman will state his point of order.

MR. BAUMAN: The gentleman is referring to the other body and actions in the other body. Under our rules, that is forbidden.

THE CHAIRMAN: The gentleman may proceed in order.

MR. CLAY: Thank you, Mr. Chairman. I thought I was referring to history. If the other body is not a part of history, I am sorry.

Members Wishing To Discuss Actions of Senate Should Do So Off the Floor

§ 44.53 A Member stated in a one-minute speech that because the rules of comity prohibited him from referring in debate to the actions or statements of a member of the Senate, he would make his comments elsewhere.

On May 10, 1978,[12] Mr. David R. Obey, of Wisconsin, made the following statement in the House:

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

MR. OBEY: Mr. Speaker, I wish House rules did not prevent me from saying on this floor what I would like to say about a speech delivered Monday by a certain Member of the other body but, because they do, I will make my comments elsewhere.

Parliamentarian's Note: Mr. Obey objected to statements by Senator Weicker reported in the press, criticizing the administration's policy in the Middle East, but was advised that any statement in debate criticizing or referring to a member of the Senate or his remarks either on or off the Senate floor would violate the rule of comity.

References to Senators Who Are Presidential Candidates

§ 44.54 The rule of comity in debate, which has been strictly construed to prohibit references to the words or actions of members of the Senate, does not prohibit references to Senators in their capacity as candidates for the Presidency or other office, but references attacking the character or integrity of a member of the Senate are improper (and the Chair on his own initiative enforces the rule of comity in debate).

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

12. 124 CONG. REC. 13211, 95th Cong. 2d Sess.

On Oct. 30, 1979,[13] the following proceedings occurred in the House:

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

MR. [ROBERT K.] DORNAN [of California]: Mr. Speaker, I support what the distinguished gentleman from Florida (Mr. Young) has called for: The resignation of Robert Strange McNamara from the World Bank. Only one Member of the Congress of the United States has ever negotiated the Chappaquiddick Channel by swimming it. Only one Member of Congress has ever made it across that channel on his own power. And he was not a Member of the U.S. Senate. That person is this Congressman standing here before this body, me. . . .

THE SPEAKER PRO TEMPORE:[14] It is a violation of the rules of the House to attack the character or integrity of a Member of the other body and the rule of comity also prohibits references either directly or indirectly to words or actions of a Member of the other body, with respect to his actions in that body. There is a delicate line which lies sometimes almost invisibly between a Member in his capacity as a Member of Congress, and that same individual in his capacity as a candidate for the Presidency or other office.

The Chair hopes and trusts that Members will exercise sufficient prudence and sufficient good taste that they will respect that difference.

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Speaker, I will not demand that the secretary take down the words of the previous speaker, but in the light of the ruling that the Chair just made, if similar outbursts occur I will make that demand.

§ 44.55 Remarks in debate ordinarily may not include references to members of the Senate other than to identify their sponsorship of legislation; but where a Senator is also a candidate for President or Vice President his official policies, actions, and opinions as a candidate may be criticized in terms not personally offensive.

On Sept. 29, 1988,[15] during the period for one-minute speeches in the House, the following proceedings occurred:

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

MR. [PAT] WILLIAMS [of Montana]: Mr. Speaker, yesterday Republican Vice-Presidential candidate Dan Quayle was in Texas. He visited, he was kind enough to go by and visit a Job Corps center in El Paso, and while there he looked 300 Job Corps students in the eye and said, "We believe in you."

He did not tell them that he had voted to shut that center down. He did

13. 125 CONG. REC. 30150, 96th Cong. 1st Sess.

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

15. 134 CONG. REC. 26683, 26684, 100th Cong. 2d Sess.

not tell them that the Reagan-Bush administration in fact has demanded that every Job Corps center in America, bar none, be closed.

This is the same Senator Quayle that supports wars that he won't fight, the same Senator Quayle who got into law school under an entry minority program that he later votes against.

There is a word for it, my colleagues, it is called hypocrisy.

MR. [DAN] LUNGREN [of California]: Mr. Speaker, I ask that the gentleman's words be taken down. . . .

THE SPEAKER:[16] The Clerk will report the words of the gentleman from Montana.

The Clerk read as follows:

> This is the same Senator Quayle that supports wars that he won't fight, the same Senator Quayle who got into law school under an entry minority program that he later votes against.
>
> There is a word for it, my colleagues, it is called hypocrisy.

THE SPEAKER: The Chair has considered closely the question of the use of words to distinguish policies as opposed to individuals. There are precedents touching on proper and improper references in debate and dealing with the preservation of comity between the House and Senate. It is important to recognize that the individual referenced in the remarks not only is a candidate for Vice President of the United States but is a Member of the other body.

The precedents relating to references in debate to the President, Vice President, or to a Member of the other body who is a nominated or declared candidate for President or Vice President permit criticisms of official policy, actions and opinions of that person as a candidate, but do not permit personal abuse, do not permit innuendo and do not permit ridicule, and they do require that the proper rules of decorum must be followed during any debate relating to the President of the United States or a Member of the other body.

It could be argued that there is a distinction between calling an individual a hypocrite, for example, and referring to some policy as hypocrisy, but the Chair has discovered a precedent that seems to be directly in point. In 1945, a Member of the House from Georgia referred to another Member and said, "I was reminded that pretexts are never wanting when hypocrisy wishes to add malice to falsehood or cowardice to stab a foe who cannot defend himself." Speaker Rayburn ruled that this was out of order as an unparliamentary reference to another Member of the body.

By extension, the same identical words should be held out of order in reference to a Member of the other body whether or not he were a candidate for a high office, and under these circumstances and citing this precedent, the Chair would suggest that the gentleman from Montana withdraw the offending remarks, including the particular word "hypocrisy," and either amend his reference in the permanent Record or delete it. . . .

MR. WILLIAMS: Mr. Speaker, do I understand correctly that the Speaker's ruling is based upon my characterization of a U.S. Senator, in this case Senator Quayle, that had the Republican Vice-Presidential candidate not been at

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

this time a U.S. Senator, that my remarks would, in fact, be in order? . . .

THE SPEAKER: . . .The Chair would suggest to the gentleman from Montana that there are standards that apply in the Chamber and in the precedents with respect to nominated candidates for President and Vice President. The Chair is not certain if they are precisely the same as applied to a Member of the other body or a Member of this body, but in this instance, it is not necessary to make that hypothetical distinction since the individual involved is a Member of the other body.

MR. WILLIAMS: Further parliamentary inquiry, Mr. Speaker: Would it be within the rules of the House if the last sentence of my 1-minute, the one which characterizes Senator Quayle's actions as hypocrisy, be removed by unanimous consent from my 1-minute statement?

THE SPEAKER: The Chair would suggest to the gentleman from Montana that this might be a satisfactory solution.

MR. WILLIAMS: Mr. Speaker, I ask unanimous consent that the last sentence of my 1-minute statement, the sentence in which I characterized Senator Quayle's actions as hypocrisy, be stricken.

MR. LUNGREN: Mr. Speaker, parliamentary inquiry.

THE SPEAKER: Please, the Chair will recognize the gentleman for a parliamentary inquiry, but, first, please permit the gentleman from Montana to complete his request. . . .

MR. LUNGREN: I reserve the right to object, Mr. Speaker.

THE SPEAKER: That is fine. The gentleman may reserve his right to object, but in the interests of orderly procedure, permit the Chair to allow the gentleman from Montana to complete his request.

MR. WILLIAMS: Let me be sure the Chair understands my request: I have asked unanimous consent that the last sentence of my 1-minute statement be stricken. . . .

THE SPEAKER: . . . Has the gentleman from Montana completed his request?

MR. WILLIAMS: No, Mr. Speaker, I have not. Both times I have been interrupted as I have attempted to ask unanimous consent that the last sentence of my 1-minute statement be eliminated. That was the sentence which referred to Senator Quayle's actions as hypocrisy. I seek unanimous consent to strike the last sentence of my 1-minute statement.

THE SPEAKER: Is there objection to the request of the gentleman from Montana?

MR. LUNGREN: Mr. Speaker, reserving the right to object, Mr. Speaker, under normal circumstances and in the interests of comity of this House and the relationship of this House and the other body, I would not object. However, as is very obvious from the statements of the gentleman, the insult, the language that is not to be used under our rules was repeated three times in an effort to make a point which violates, in my judgment, the sense of the rules of the House and, therefore, since it is not, I believe, appropriate to do that, I object.

THE SPEAKER: Objection is heard.

Parliamentarian's Note: On Sept. 29, 1988,[17] Speaker Wright

17. 134 CONG. REC. 26683, 26684, 100th Cong. 2d Sess.

ruled that although it is not in order in debate to criticize a member of the Senate, where the Senator is also a candidate for President or Vice President, his official policies, actions, and opinions as a candidate may be criticized so long as those references are not personally offensive. That ruling was consistent with an earlier ruling of Oct. 30, 1979,[18] also cited in the *House Rules and Manual* at § 371. Similar rulings prohibiting personally abusive references to the President or Vice President are cited in § 370 of the *Manual*. Thus, it is clear that a standard exists under the precedents under which personally offensive references to a sitting President, Vice President, or Senator are out of order although that person may be a candidate for office.

On Sept. 29, 1988,[19] Speaker Wright was asked whether a similar standard applied to references in debate to a candidate who did not happen to hold any of those offices. The Speaker responded that "there are standards that apply in the Chamber and in the precedents with respect to nominated candidates for President and Vice President. The Chair is not certain if they are precisely the same as applied to a member of the other body or a Member of this body . . ." but in that instance it was only a hypothetical question which the Chair declined to answer with any greater specificity.

Referring to Senate Inaction on Subject Under Debate in House

§ 44.56 Jefferson's Manual[20] proscribes references in debate to specific proceedings of the Senate or to Senators by name, and the Chair should take the initiative to prevent such references.

The following proceedings occurred in the House on Oct. 29, 1981,[1] during consideration of S. 815 (Department of Defense authorization for fiscal year 1982):

> MR. [DUNCAN L.] HUNTER [of California]: . . . Mr. Speaker, I would simply like to say I am a member of the Special Procurement Procedures Panel that was started this year on the Armed Services Committee. In fact, we have held a large number of hearings. . . .
>
> But we have a problem with accepting the Senate recommendations,

18. 125 CONG. REC. 30150, 96th Cong. 1st Sess.

19. 134 CONG. REC. 26683, 26684, 100th Cong. 2d Sess.

20. See *House Rules and Manual* §§ 371, 374 (1995).

1. 127 CONG. REC. 26051, 97th Cong. 1st Sess.

which I understand came about without benefit of hearings.

I would be happy to yield to the gentlewoman from Colorado if she could address that point.

Is that true, that Senator Nunn had no hearings on this?

MRS. [PATRICIA] SCHROEDER [of Colorado]: I would be delighted to respond if the gentleman will yield.

THE SPEAKER PRO TEMPORE:[2] The Chair would observe it is not appropriate to refer to the proceedings of the other body. It is not in order to refer to Senators by name. It is not in order to refer to debates, probable action or procedure of the Senate.

§ 44.57 Under Jefferson's Manual,[3] the Chair takes the initiative in calling Members to order who make improper references during debate to Senate legislative inaction.

During debate in the House on Mar. 23, 1982,[4] the following proceedings occurred:

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, as the Members know, it is a difficult job to try to bring out these bills responsibly. We are working on a timetable with the administration. There are several bills, the health and education and labor bill and the Post Office and Treasury bill, that have not been passed by the Congress.

But it is not the fault of this House. They passed this House early last year. They have been sitting over there in the Senate. If you have a gripe, go over there and tell them to pass those bills.

THE SPEAKER PRO TEMPORE:[5] The gentleman will observe regular order. The gentleman will be advised that such characterizations of the proceedings in the other body are inappropriate on this floor.

§ 44.58 While it is not in order in debate to refer to actual proceedings or debate in the Senate, it is in order to state whether or not the Senate has acted on House-passed legislation; and in making an appropriate reference to the other body, the term "Senate" may be used and is not in itself a violation of the rule of comity.

Although it is traditional in debate to refer to the Senate as "the other body," Jefferson's Manual does not totally proscribe use of the word "Senate" during debate if merely a reference to that body's existence, particularly if the reference is not critical in nature and does not mention specific actions taken by that body nor specific members thereof. A ruling to that effect was made on Oct. 4, 1984:[6]

2. James L. Oberstar (Minn.).
3. See *House Rules and Manual* § 374 (1995).
4. 128 CONG. REC. 5014, 97th Cong. 2d Sess.
5. Elliott H. Levitas (Ga.).
6. See 130 CONG. REC. 30046, 30047, 98th Cong. 2d Sess. In an isolated

MR. [JAMES C.] WRIGHT [Jr., of Texas]: . . . Today at the White House in a ceremony the President of the United States was asked why he is shutting down the Government. . . .

"This has been very typical," said the President, "of what has happened ever since we have been here. You can lay this right on the majority party of the House of Representatives."

The President went on to say, "Just once it would be great to have a budget on time."

Now, I think it is important that we recite the chronological facts in order that the honor of the House as an institution may be defended. . . .

Now, that is inaccurate in the extreme. He can have a second simple extension to sign if the Senate will act. The House already has done so, and it is pending in the Senate right now.

The House passed the first continuing resolution on the 25th of September. The other body has not acted upon it yet.

So, in light of that, the House on the 1st of October, Monday, the first day of the new fiscal year, sent a second continuing resolution to the Senate. It was a simple 2-day extension to give the Senate additional time to act upon the first one. This bill was passed and sent to the President on Monday, the 1st of October.

The President allowed the Government to go on and continue operating without even signing that bill until 3 o'clock yesterday, 2 days after the lapse of time in which a legalistic interpretation would have required him to close the Government. Then finally he signed that bill and now it is expiring again. So the House on the 4th of October, today, has sent yet another continuing appropriation bill to the other body and we are still awaiting Senate action. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: A point of order, Mr. Speaker. . . .

Mr. Speaker, is it not against the rules of the House to be referring to the actions of the other body?

THE SPEAKER PRO TEMPORE:[7] The gentleman has not referred to actions of the other body. . . .

MR. WALKER: The other body was just referred to as the Senate. Is that not against the rules of the House?

THE SPEAKER PRO TEMPORE: According to the precedents, reference can be made to the fact of the legislative product of the other body, which the gentleman from Texas has done.

instance, however, the Chair did sustain a point of order against the use of the word "Senate" in a context descriptive merely of the existence of that body (see 130 CONG. REC. 22270, 98th Cong. 2d Sess., Aug. 2, 1984).

§ 44.59 While a Member in debate may refer to the pendency of a House-passed bill in the Senate, it is a breach of order in debate to refer to a House bill as "languishing" in the Senate and it is the duty of the Chair to call to order an offending Member.

The following proceedings occurred in the House on July 31, 1986,[8] during the period allocated for special-order speeches:

7. William R. Ratchford (Conn.).

8. 132 CONG. REC. 18253, 99th Cong. 2d Sess.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, the trade deficit, which is closing American factories and throwing Americans out of work, took another upward bound last month. It is time for the Senate to act on the House-passed trade bill which has been languishing there for 10 weeks. . . .

If the Senate fails to take up H.R. 4800, it will do the Nation a grave injustice and the American people will expect more than a mere apology for its inaction.

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

Mr. Speaker, is it not against the rules of the House for someone to refer to legislative action in the Senate and that "the House bill languishing in the Senate" is beyond the scope of the House rules?

THE SPEAKER:[9] . . . The Chair would respond to the inquiry by reminding Members that a Member may refer to where legislation is in the Senate; that is within the rules. Members cannot be critical of the Senate or name any Senator by name. . . .

MR. WRIGHT: Mr. Speaker, I ask unanimous consent to amend my statement to say that, "This important legislation has been languishing without action in the honorable Senate for the past 10 weeks."

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

There was no objection. . . .

MR. WALKER: Mr. Speaker, even in the gentleman's amended version, the gentleman is beyond the scope of the House rules. . . .

Parliamentarian's Note: Although the Speaker did not rule on the latter point, Mr. Walker's observation was correct, in that "languishing" implies suffering neglect or inaction.

Advocating Senate Action on Nomination

§ 44.60 In response to a parliamentary inquiry, the Speaker Pro Tempore indicated that it is a breach of order under section 371 of Jefferson's Manual for a Member to refer in debate to confirmation proceedings in the Senate by advocating that that body take a certain action with regard to a Presidential nominee.

The following proceedings occurred in the House on Feb. 7, 1984:[10]

MR. [JIM] MOODY [of Wisconsin]: Mr. Speaker, our colleagues in the Senate will soon consider President Reagan's nomination of Edward Meese as Attorney General. I urge our colleagues in the other body to take an extremely close look at the record of this man who would shape our country's policy on Justice-related issues. . . .

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

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

10. 130 CONG. REC. 1978, 1979, 98th Cong. 2d Sess.

Mr. Speaker, is it correct that we are not supposed to refer in any way to actions of the Senate on the floor of the House?

THE SPEAKER PRO TEMPORE:[11] The gentleman is correct.

Parliamentarian's Note: Under section 374 of Jefferson's Manual, the Chair may take the initiative to call a Member to order for attempting to influence the Senate in debate. A mere reference to the fact of confirmation proceedings in the other body, however, in the absence of characterization of those proceedings, would not be out of order.

Referring to Remarks Made by Senator at Time He Was a Member of the House

§ 44.61 References in debate to a former Member of the House who is presently a member of the Senate are permissible only if they merely address prior House service and are not implicitly critical of the individual as a Senator.

On May 8, 1984,[12] the following proceedings occurred in the House:

THE SPEAKER PRO TEMPORE:[13] Under a previous order of the House, the gentleman from Georgia (Mr. Gingrich) is recognized for 60 minutes.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I am going to pick up where the gentleman from Pennsylvania (Mr. Walker) left off in the document entitled, "What is the Matter With the Democratic Foreign Policy," by Mr. Frank Gregorsky. . . .

> Somehow, some day, this country has got to learn to live with revolution in the Third World. It's endemic. It's relatively easy to suppress revolution in Grenada, so we congratulate ourselves. . . .

Savimbi was quoted in the Washington Post May 29, 1983: . . .

> . . . These Westerners say we should not take aid from South Africa for our struggle. But they will never give us aid themselves. They seem to be asking us to commit suicide, to accept being crushed by the Cubans and the Russians in our own country. We do not want to be an African Hungary. To avoid it, we have to take help from wherever it is on offer.

It won't come from a Democratic House. It won't come from Democrats like Chris Dodd, who is more entranced than Jonas Savimbi by the thought of another Hungary.

THE SPEAKER PRO TEMPORE: The Chair is sure the gentleman is aware of the rule that he cannot make reference to sitting Members of the other body or to the activities or proceedings in that body.

MR. GINGRICH: In the body. All right. . . .

Let me ask the Chair for just a moment, to insure the Chair understands what I am now doing, I have a series of quotations from a gentleman who is

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11. Mario Biaggi (N.Y.).

12. 130 CONG. REC. 11428, 11431, 98th Cong. 2d Sess.

13. Ike Skelton (Mo.).

currently in the other body, but the quotations are from the floor of the House when he was in this body. I presume they are, therefore, legitimate.

THE SPEAKER PRO TEMPORE: If they are not references to or critical of him as a Senator.

MR. GINGRICH: All right.

Messrs. Dodd and Downey are two who've been saying the same thing since they got to Washington over nine years ago.

Chris Dodd on Cambodia, March 12, 1975: . . .

> . . . The greatest gift our country can give to the Cambodian people is not guns but peace. And the best way to accomplish that goal is by ending military aid now.

Chris Dodd on Angola, December 19, 1975:

> Mr. Speaker, I am urging my colleagues . . . to denounce equivocally the blatant intrusion on the part of the Ford Administration, the Soviet Union, and the South African and Cuban regimes in the domestic affairs of [Angola].

Speculating on Senate Legislative Action

§ 44.62 It is not in order in debate to refer to legislative actions which might be taken by named members of the Senate, or by Senators designated by position, and the Chair calls Members to order on his own initiative for violating this rule of comity.

On Oct. 11, 1984,[14] Speaker Pro Tempore Steny H. Hoyer, of Maryland, exercised his initiative in calling a Member to order for references to members of the Senate:

> MR. [STEPHEN J.] SOLARZ [of New York]: If the gentleman will continue to yield, it is too late in effect, for another rule. It is too late for another bill, too late for another conference, too late for another amendment. It is this or nothing.
>
> Mr. Speaker, if this is adopted, we have reason to believe that it can pass in the Senate. Senator Heinz, who has been one of the key actors in this whole drama in the other body, is committed to moving it forward.
>
> We understand the very distinguished majority leader is looking sympathetically on this approach in the other body.
>
> There is strong support for it, but if this goes down, it is all over.
>
> I know that we are not supposed to mention other names in other bodies, but several Members have done it here today. But I can tell you that the chairman of the Banking Committee, when you have taken away his authority and put something in here, he is not going to accept that. Neither is the majority leader, and neither is——
>
> THE SPEAKER PRO TEMPORE: The gentleman should not refer, as the Chair observed earlier, to possible actions of Members of the other body.

§ 44.63 The Chair admonished Members that statements in

14. 130 CONG. REC. 32151, 32153, 98th Cong. 2d Sess.

debate speculating as to the intent of the Senate or of individual Senators as to action in that body on legislation pending in the House was a violation of the rule of comity.

During consideration of the Local Government Antitrust Act of 1984 (H.R. 6027) in the House on Oct. 11, 1984,[15] the Speaker Pro Tempore called Members to order for references to specific Senators:

MR. [MARTIN O.] SABO [of Minnesota]: . . . Are certain Senators serious when they say they would leave all the municipalities in the country subject to antitrust suits unless they can have their way in overriding this rider? I cannot make that judgment.

THE SPEAKER PRO TEMPORE:[16] The Chair would observe that the discussion about the other body, of course, and what they may or may not do is speculation and that is not consistent with the rules and would urge Members to try to refrain from such expressions. . . .

MR. PHILIP M. CRANE [of Illinois]: I respect the statement of the Speaker, but I have before me a letter from the National Association of Counties, signed by Matthew Coffey, who is executive director, indicating that from the standpoint of county government this is the most important issue to come through the 98th Congress and that they reluctantly went along with this FTC provision added to it because, in their own words, the Senate has made it clear that they will not accept protective legislation unless this FTC provision is included.

Senate is a broad term. How can anyone read the mind of the Senate? My interest is that if there is anybody who is conversant, because I certainly know the mechanisms whereby that could be an obstructionist body to passage if this legislation were made, but can anyone provide any insight as to specifics with regard to Senate objections? . . .

MR. [JOHN F.] SEIBERLING [of Ohio]: . . . The problem was not a Senate conferee, but another Member who would exercise his full powers as a Member of that body.

MR. [HENRY J.] HYDE [of Illinois]: Mr. Speaker, would the gentleman yield further?

MR. [CHARLES] WILSON [of Texas]: I yield.

MR. HYDE: I think the gentleman is talking about a different Member of the other body. This illustrates the terrible confusion on this issue.

THE SPEAKER PRO TEMPORE: The gentlemen are out of order and should delete specific references to the other body's Members.

§ 44.64 The Chair will call to order Members who make improper references in debate to proceedings in the Senate.

On Feb. 27, 1985,[17] the Speaker admonished a Member not to

15. 130 CONG. REC. 32221–23, 98th Cong. 2d Sess.

16. Steny H. Hoyer (Md.).

17. 131 CONG. REC. 3850, 99th Cong. 1st Sess.

refer to proceedings in the other body:

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

MR. [DAN] GLICKMAN [of Kansas]: Mr. Speaker, reports are that the leadership of the other body, fearing the votes might be there to pass farm credit legislation similar to that which we are taking up today, has been delaying votes.

THE SPEAKER:[18] Under the rules the gentleman is not to refer to proceedings in the other body.

Addressing Remarks to Members of Senate

§ 44.65 It is improper in debate to call on Senators to act or to characterize action or inaction of the Senate.

On Apr. 29, 1986,[19] the Speaker Pro Tempore exercised his initiative in calling to order a Member for references to the Senate. The proceedings were as follows:

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

MR. [CHARLES E.] SCHUMER [of New York]: Mr. Speaker, it was with some confusion that I read in today's New York Times that a distinguished Member of the other body said that Congress had become "so enmeshed in political maneuvering" that it cannot produce a Federal budget. A little later in the article he said he wanted to wait until he could get a majority of his party to agree on a budget before he would bring one to the floor. And the confusion about this, Mr. Speaker, is very simple. There are 24 Republicans generally on the right side of the other body who are saying that they will not go for a budget unless XYZ is met.

That is no way to produce a budget, Mr. Speaker. If on our side of the aisle we decided that we had to bring every Member along and every Member's specific interest had to be weighed without compromise, we would not have a budget either. . . .

I say to my colleagues in the other body, it is about time you tried to reach a consensus, as some of your Members are starving to do, and move on a budget in the Senate.

THE SPEAKER PRO TEMPORE:[20] The Chair wishes to point out that the gentleman should not refer to proceedings from the other body.

§ 45. —Reference to Gallery Occupants

By standing rule of the House, no Member may introduce or refer to any occupant of the galleries of the House.[1] The rule is strictly

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

19. 132 CONG. REC. 8855, 8856, 99th Cong. 1st Sess.

20. Richard B. Ray (Ga.).

1. Rule XIV clause 8, *House Rules and Manual* § 764 (1995). The rule was not adopted until 1933; however,

enforced, and the Speaker may intervene on his own initiative to prevent infraction thereof.[2] The rule may not be suspended by permission to proceed out of order, even for commendations for honored guests.[3]

Generally; Reference to Guests

§ 45.1 Reference in debate to an honored guest in the gallery is not in order under House rules, even with permission to proceed out of order.[4]

On July 27, 1954,[5] during debate on a bill, Mr. Clarence Cannon, of Missouri, yielded to Mr. Walter H. Judd, of Minnesota, who stated his purpose to call attention to a "French nurse who is in the gallery." Chairman Benjamin F. James, of Pennsylvania, ordered Mr. Judd to suspend since the rules of the House prohibited references to persons in the gallery. Mr. Judd then asked for unanimous consent to proceed out of order, and the Chairman answered as follows:

> THE CHAIRMAN: The gentleman may not proceed out of order for the purpose which he manifestly intends to use the time. The Chair regrets extremely that he must so hold under the rules of procedure of the House. We are all conscious of the great heroism of the person to whom the Chair knows that the gentleman wishes to allude, but it is a matter of extreme regret that because of the rules of the House, reference may not be made to anyone in the gallery.
>
> MR. JUDD: I shall not say anything about the gallery. I shall say she is on the Hill today.
>
> THE CHAIRMAN: The Chair greatly regrets that under the rules of procedure of the House, the gentleman must be denied the privilege of introducing anyone in the gallery which, I know, every Member of the House would greatly appreciate in this instance, if it were possible under the rules.
>
> MR. JUDD: Mr. Chairman, I had no intention of introducing anyone in the gallery. Is it not possible to refer here to persons who are in our country?
>
> THE CHAIRMAN: It is not possible to refer to any person in the gallery.
>
> MR. JUDD: May I not call attention to a most distinguished visitor in our country today?

Speaker John N. Garner (Tex.) independently invoked a prohibition against introducing gallery occupants. 6 Cannon's Precedents § 197.

2. See §§ 45.4, 45.7, infra.
3. See Rule XIV clause 8, *House Rules and Manual* § 764 (1995) and the ruling of Chairman Benjamin F. James (Pa.) cited at § 45.1, infra.
4. See Rule XIV clause 8, *House Rules and Manual* § 764 (1995). For an occasion where a Member referred to a certain individual—who happened to be in the gallery—without violating the rule, see § 45.9, infra.
5. 100 CONG. REC. 12253, 83d Cong. 2d Sess.

THE CHAIRMAN: The gentleman may refer to one who is in our country.

MR. JUDD: Well, then, I should like to refer to the distinguished heroine of Dien Bien Phu who we, in the United States, are happy these days to welcome to our shores and to our city, and to pay tribute to her as a person whose heroism is acclaimed by all, and as a symbol of all women of the world who in times of great crisis and peril are faithful to their duty, particularly that of ministering to men wounded in the defense of freedom. We pay tribute to her wherever she may be in our country at the present moment.

Similarly, on Apr. 16, 1940,[6] Speaker Pro Tempore Sam Rayburn, of Texas, called to order Mr. Bernard J. Gehrmann, of Wisconsin, for calling attention to "a couple of children that were rescued in Finland" who were in the gallery, over Mr. Gehrmann's protestations that the children were rescued from a war zone through the efforts of the State Department.[7]

§ 45.2 It is a violation of the rules for a Member to call attention to any person or group in the gallery, including his constituents.

On Mar. 16, 1945,[8] the following exchange took place:

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the Committee, it so happens that I have some of my constituents come to the House once in awhile and visit me, and they happen to be in the gallery now. I was in the gallery when I heard the statement made by the chairman of the subcommittee, and immediately started down.

MR. [FRANK E.] HOOK [of Michigan]: Mr. Chairman, a point of order.

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

MR. HOOK: If I understand the rules correctly, no reference is to be made to any parties in the gallery. I make the point of order against the statement of the gentleman from Pennsylvania.

THE CHAIRMAN: The gentleman from Michigan properly understands the rules of the House. The gentleman from Pennsylvania will proceed in order.

Guests Interested in Pending Bill

§ 45.3 Reference to federal officials present in the gallery and interested in pending legislation is a breach of order.

On Feb. 6, 1964,[10] the following exchange and ruling took place:

MR. [PAUL C.] JONES of Missouri: . . . I think this is just another exam-

6. 86 CONG. REC. 4589, 76th Cong. 3d Sess.
7. See also 103 CONG. REC. 10585, 85th Cong. 1st Sess., June 28, 1957.
8. 91 CONG. REC. 2371, 79th Cong. 1st Sess.
9. Wilbur D. Mills (Ark.).
10. 110 CONG. REC. 2264, 88th Cong. 2d Sess.

ple of how misinformed we have been on some of the features of this bill. . . . [W]hat are you looking at the gallery for? I know the Justice Department is there. Maybe the guy who prepared the figures is up there in the gallery. If he is, he ought to step down here and keep the man posted.

THE CHAIRMAN:[11] The gentleman from Missouri, I am sure, knows the rules.

MR. JONES of Missouri: I am not addressing the gallery.

THE CHAIRMAN: You are not to refer to anybody in the gallery. The gentleman will proceed in order.

§ 45.4 It is not in order in debate to refer to or to direct questions regarding pending legislation to persons in the gallery; and the Chair must on his own initiative enforce this rule.

On Oct. 19, 1977,[12] Chairman Morris K. Udall, of Arizona, exercised his duty to enforce the rule[13] prohibiting reference to occupants of the gallery during debate. The following proceedings occurred during consideration of the Energy Transportation Security Act of 1977 (H.R. 1037) in the Committee of the Whole:

MR. [PAUL N.] MCCLOSKEY [Jr., of California]: Mr. Chairman, I notice the sole administration spokesman, the Maritime Administrator, is in the gallery. Can we get the administration's position, so that the House can be advised?

It was never discussed in committee. Can we ask the Administrator what the administration's position is?

THE CHAIRMAN: The gentleman will proceed in order. The Chair will inform the gentleman from California (Mr. McCloskey) that the precedents of the House do not permit questions of persons in the House gallery and the rules do not permit reference in debate to persons in the gallery.

§ 45.5 It is a breach of order in debate to refer to the observations of an occupant of the gallery on a bill pending before the House.

On June 4, 1963, the House was considering civil rights legislation which engendered numerous quorum calls and motions to adjourn. During the debate, Mr. Clark MacGregor, of Minnesota, yielded to Mr. William T. Cahill, of New Jersey, who stated that he "thought the House might like to have the observation of a disinterested, objective observer who was sitting up in the gallery and who happens to be a visitor of mine". Speaker John W. McCormack, of Massachusetts, interrupted Mr. Cahill and ordered him to suspend, since reference to anyone in the gallery or reference to his observations or opinions

11. Eugene J. Keogh (N.Y.).

12. 123 CONG. REC. 34220, 95th Cong. 1st Sess.

13. Rule XIV clause 8, *House Rules and Manual* § 764 (1995).

was not consistent with the rules of the House.[14]

References to the Press Gallery

§ 45.6 It is not in order for a Member to refer to or address remarks to the press gallery.

On Apr. 24, 1963,[15] Chairman Eugene J. Keogh, of New York, ruled as follows on a point of order:

> MR. [THOMAS B.] CURTIS [of Missouri]: Mr. Chairman, I want to say to my so-called liberal friends who voted the motion up which closed off debate on such a serious matter that you have clearly demonstrated your concern for the basic civil liberties.
>
> I would say to the press that this is a good observation——
>
> MR. [ROSS] BASS [of Tennessee]: Mr. Chairman, I make the point of order that the gentleman is out of order in addressing the press gallery or any other gallery from the floor of the House.
>
> MR. CURTIS: I am not addressing the press gallery. I am addressing——
>
> THE CHAIRMAN: The gentleman from Missouri will suspend. The Chair advises the gentleman that the correct parliamentary procedure is for the gentleman to address the Chair and only the Chair. The gentleman will proceed in accordance with the rules.

14. 109 CONG. REC. 10151–66, 88th Cong. 1st Sess.

15. 109 CONG. REC. 6892, 88th Cong. 1st Sess.

Duty of Speaker

§ 45.7 When a Member indicates in debate that he intends to make reference to an occupant of the gallery, the Chair on his own initiative invokes the rule prohibiting such references.

On July 27, 1954,[16] a Member to whom time was yielded stated his purpose to call attention to a person in the gallery who had demonstrated great heroism in foreign combat. Chairman Benjamin F. James, of Pennsylvania, interrupted the remarks of Mr. Walter H. Judd, of Minnesota, to ask him to suspend due to those provisions of House rules which prohibit reference to any occupant of the gallery in House debate.[17]

Announcements by the Chair

§ 45.8 The Speaker stated his intention in the 72d Congress

16. 100 CONG. REC. 12253, 83d Cong. 2d Sess.

17. For other instances where the Chair has on his own initiative prevented infraction of the rules prohibiting reference to gallery occupants, see 110 CONG. REC. 2264, 88th Cong. 2d Sess., Feb. 6, 1964; and 109 CONG. REC. 10151–66, 88th Cong. 1st Sess., June 4, 1963.

For an occasion where the Speaker did not hear a reference to gallery occupants and therefore did not call the Member speaking to order, see 111 CONG. REC. 6022, 6023, 89th Cong. 1st Sess., Mar. 25, 1965.

(when the rule was not yet adopted) not to recognize any Member for the purpose of calling attention to gallery occupants.

On June 27, 1932,[18] Speaker John N. Garner, of Texas, made an announcement after permission had been requested to address the House:

> MR. [JAMES V.] MCCLINTIC of Oklahoma: Mr. Speaker, I ask unanimous consent to address the House for one minute to make an announcement.
>
> THE SPEAKER: Is it concerning anyone in the gallery?
>
> MR. MCCLINTIC of Oklahoma: No, sir.
>
> THE SPEAKER: The Chair desires to state that after consultation with a great many Members, he believes it is the better policy not to recognize Members to call attention to guests in the gallery. The Chair does not intend to recognize anyone in the future for that purpose.

Acknowledging a Visitor Without Reference to His Presence

§ 45.9 On one occasion, a Member obtained unanimous consent to speak out of order on time yielded him during debate on a motion to suspend the rules, and delivered encomiums to a guest in the gallery, but did not mention the guest's presence or directly address remarks to him.

On Sept. 25, 1978,[19] the following proceedings occurred in the House:

> MR. [THOMAS S.] FOLEY [of Washington]: I yield to the gentleman from Ohio for the purpose of a unanimous-consent request.
>
> (By unanimous consent, Mr. Luken was allowed to speak out of order.)
>
> MR. [THOMAS A.] LUKEN [of Ohio]: Mr. Speaker, I appreciate the fact that the House has given its unanimous consent to take just 1 minute or at the most 2 minutes of the time of the House.
>
> I rise today to salute a man whose accomplishments on the baseball diamond amount to more than most records in National League baseball history. I am talking about my friend and fellow Cincinnatian and constituent, Pete Rose.

§ 46. References in Senate to House

No standing rule of the Senate prohibits reference in debate to proceedings of the House, to individual Representatives, or to their remarks in debate.[20]

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18. 75 CONG. REC. 14051, 72d Cong. 1st Sess.

19. 124 CONG. REC. 31197, 95th Cong. 2d Sess.

20. The Senate rule governing order in debate is Rule XIX, Standing Rules of the Senate § 19. For an unsuccess-

The Senate has not adopted as part of its rules Jefferson's Manual,[1] which prohibits reference in either the House or in the Senate to Members or proceedings of the other body.[2] And it has been said that since the Senate is a self-governing body it is for the Senate to determine how far Senators might go in commenting upon language used or proceedings in the other body.[3] Nevertheless, the Senate generally follows the parliamentary principle that it is a breach of order, as interfering with the independence of the two Houses, to allude to what has been done in the other House as a means of influencing the judgment of the one in which a question is pending.[4] References to the House or its Members have on occasion been ruled out when a point of order was raised, but it is not the custom in the Senate for the Chair to initiate action with respect to such remarks.[5]

Reference to House proceedings on a bill being considered in the Senate has been permitted by unanimous consent,[6] or where the propriety of House action or procedure on a Senate measure is in issue.[7]

The Presiding Officer of the Senate has ruled that, when refer-

ful attempt in the 88th Congress to amend Rule XIX by prohibiting reference in debate to the House, see § 46.1, infra.

For a summary of the Senate precedents on references in debate to Representatives or to the House, see Riddick/Frumin, Senate Procedure, pp. 745–48, S. Doc. No. 101–28 (1992).

For a discussion of procedure in the House for challenging unparliamentary remarks made in the Senate relating to the House or the Members, see § 44 (introductory discussion), supra.

1. See § 46.2, infra.

2. Jefferson's Manual, *House Rules and Manual* § 371 (1995).

3. Riddick/Frumin, Senate Procedure, pp. 745–48, S. Doc. No. 101–28 (1992).

For similar statements made by the Presiding Officer on more recent occasions, see §§ 46.2, 46.3, infra.

4. See § 46.7, infra, and Jefferson's Manual, *House Rules and Manual* § 371 (1995) for the parliamentary principle that "the opinion of each House should be left to its own independency."

5. See § 46.3, infra.

6. See § 46.6, infra.

7. On one occasion, the Senate was considering a resolution of inquiry into allegedly improper action by the Speaker of the House on a Senate joint resolution. The Presiding Officer ruled that Senators could use their own discretion in mentioning the Members or the proceedings of the House. See § 46.2, infra. Under normal practice, Senators may not refer to the actions of the Speaker of the House (see § 46.7, infra).

ring to a Member of the House, a Senator may not refer to the Member by name[8] or impute to him unworthy motives or falsehood.[9]

The House has on a very few occasions messaged resolutions to the Senate, characterizing language by a Senator in debate as unparliamentary and as a reflection on the House or on its Members. Pursuant to one such message the Senate ordered the objectionable language expunged from the Record,[10] but more recently the Senate took no action on a similar House resolution.[11]

The Senate has messaged a resolution to the House concerning objectionable language by a Representative in debate impugning a Senator; although the House returned the resolution to the Senate on the ground that it was a breach of privilege (because declaring a Representative's statement untrue), the House later expunged the objectionable remarks from the Record on the grounds they violated the rules of the House.[12]

Cross References

Communications from the Senate, see Ch. 32, infra.

House references to Senate, its proceedings, or Members, see § 44, supra.

House-Senate relations generally, see Ch. 32, infra.

Collateral References

Riddick/Frumin, Senate Procedure, pp. 745–48, S. Doc. No. 101–28 (1992).

Senate Rules Provisions

§ 46.1 In the Senate a resolution providing for amendment to Senate Rule XIX on debate to prohibit references in debate to certain conduct or motives of Representatives was referred to committee but was not acted on.

On Feb. 6, 1963,[13] after discussing the need for comity between the two Houses, Senator Wayne L. Morse, of Oregon, introduced in the Senate Senate Resolution 84, to prohibit by standing

8. See § 46.9, infra.

9. See §§ 46.10–46.12, infra. As those precedents indicate, Senators are allowed wider latitude, in referring to and criticizing Representatives, than Members of the House are allowed in mentioning Senators. See § 44, supra, for House precedents on the rule of comity.

10. 8 Cannon's Precedents § 2516 (cited as support for similar resolution in § 46.13, infra).

11. See § 46.13, infra.

12. See 8 Cannon's Precedents § 2514.

13. 109 Cong. Rec. 1929, 88th Cong. 1st Sess.

rule certain references in debate to Members of the House.

> *Resolved*, That rule XIX be amended to add a new paragraph at the end thereof, as follows:
>
> "8. No Senator in debate shall by any form of words impute to any Member of the House of Representatives any conduct or motive unworthy or unbecoming a Representative."

The resolution was referred to the Committee on Rules and Administration, but no action was taken in the 88th Congress.

§ 46.2 In contrast to earlier decisions, the President of the Senate ruled in the 71st Congress that since the Senate had not adopted Jefferson's Manual as a part of its standing rules, references to the proceedings of the House were left to the discretion of Senators.

On Apr. 21, 1930, Senator George W. Norris, of Nebraska, discussed at length in the Senate the alleged action of the House in retaining a Senate joint resolution for more than 10 months rather than referring it to committee (S.J. Res. 3, the so-called "lame-duck" constitutional amendment).[14] Senator Norris referred extensively to House proceedings and described the action taken on the resolution as "arbitrary."

Senator Simeon D. Fess, of Ohio, then arose to make the point of order that "the rule of the Senate does not permit a Senator on the floor of the Senate to criticize what is said by a Congressman on the floor of the House nor the action of the House."

Senator Norris challenged Senator Fess to point out any such standing rule, and after intervening debate, Senator Fess cited page 248 of Jefferson's Manual, prohibiting Members of one House from referring to the proceedings of the other House. Senator Norris responded that the provisions of Jefferson's Manual stated general parliamentary law but were not binding or adopted by the Senate as part of the rules.

Vice President Charles Curtis, of Kansas, ruled on the question:

> The Senate has not adopted Jefferson's Manual as a part of the rules of the Senate. It is left to the discretion of Senators as to what they may or may not say about the proceedings of the House in connection with the resolution under consideration.
>
> MR. FESS: This is not a rule.
>
> THE VICE PRESIDENT: The Chair makes that ruling now.

Parliamentarian's Note: In so ruling, the Vice President overruled decisions to the contrary by President Pro Tempore Jacob H.

14. For Senator Norris' remarks, see 72 CONG. REC. 7311–13, 71st Cong. 2d Sess.

Gallinger, of New Hampshire, on Aug. 26, 1912,[15] and by Presiding Officer William H. King, of Utah, on July 31, 1917.[16]

Discretion of Presiding Officer

§ 46.3 The Presiding Officer of the Senate stated in response to a parliamentary inquiry that the propriety of references to Representatives is a matter of discretion with the Presiding Officer.

On Feb. 20, 1963,[17] Senator Michael J. Mansfield, of Montana, inquired of Presiding Officer Birch E. Bayh, of Indiana, whether reference by name to a Member of the House was proper in Senate debate. The Presiding Officer responded:

> The Chair respectfully submits that, according to rule XIX of the Senate, the point which the majority leader raises is not mentioned; that the subject covered in his question to the Chair has been a matter of discretion with the Presiding Officer at the specific time in question. Unless a point of order is made by the majority leader or any other Member of the Senate, the Chair will not call to order the Senator who is speaking in the Senate.

Parliamentarian's Note: Senator John J. Williams, of Delaware, who had the floor and was referring critically to a Member of the House, was permitted to proceed without objection to his remarks.

Announcements

§ 46.4 The Senate Majority Leader announced his intention in the 84th Congress to seek enforcement of the rule of comity as to disparaging remarks between the two Houses.

On Jan. 18, 1955,[18] Lyndon B. Johnson, of Texas, the Majority Leader of the Senate, made the following announcement on the floor:

> Mr. President, I have a brief announcement I should like to make. Yesterday in the House of Representatives the beloved and respected Speaker, Mr. Rayburn, made an announcement of interest, and I think of tremendous importance, to this body. The Speaker advised that it would be his practice during this Congress to enforce strictly the rule of comity between the Houses when Members of that body arose to make derogatory remarks about either the Senate or any Member of the Senate.[19]

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15. See 8 Cannon's Precedents § 2501.

16. See 8 Cannon's Precedents § 2513. Senate practice prior to the 20th century was not uniform and in some cases not ruled upon; see 5 Hinds' Precedents §§ 5096, 5098, 5100, 5110, 5122, 5126.

17. 109 Cong. Rec. 2648, 88th Cong. 1st Sess.

18. 101 Cong. Rec. 441, 442, 84th Cong. 1st Sess.

19. The announcement of Jan. 17, 1955, by Speaker Sam Rayburn (Tex.) stat-

Mr. President, I should like at this time to announce that, as majority leader, I, too, will follow the longstanding precedents of this body during the coming Congress in the enforcement of this rule of comity. Good relations between the House and the Senate and its Members are of the utmost importance in these critical times. I think it is equally important that the standards of Senate rule XIX which apply in the Senate should, under the precedents of comity between the Houses, be vigorously applied if the occasion arises.

It will be my intention to see that that rule is followed in the Senate while I am sitting in this chair as majority leader.

MR. [WILLIAM F.] KNOWLAND [of California]: Mr. President, will the Senator yield?

MR. JOHNSON of Texas: I yield to the distinguished minority leader.

MR. KNOWLAND: I should like to associate myself with the distinguished majority leader in his remarks. I think the orderly processes of the two Houses will be better served if the precedents of comity as between the two Houses are followed, and I am sure the public business will be expedited if the Senate observes those precedents and adheres to the rule.

MR. JOHNSON of Texas: I am delighted to have the minority leader associate himself with the statement I have made. It is quite in keeping with the course of conduct he has always followed.

References to House Legislative Proceedings

§ 46.5 A Senator was permitted to refer in debate to proceedings in the House, but not to its character or integrity.

On July 24, 1954,[20] Senator Paul H. Douglas, of Illinois, asked the Presiding Officer in the Senate a parliamentary inquiry:

The Senator from Illinois inquires whether the rules of the Senate permit reference to the proceedings of the House of Representatives. I am aware that the rules of the House of Representatives prohibit such references, and I rise to inquire whether the rules of the Senate prohibit such references, or whether they are permitted under our rules.

THE PRESIDING OFFICER: The Chair will state there is no rule to prevent a Senator from referring to the proceedings of the House of Representatives, but a Senator is not permitted to refer to its character, integrity, and so forth.

Senator Douglas then referred to legislative action of the House on the preceding evening.[1]

Effect of Unanimous Consent

§ 46.6 By unanimous consent, a member of the Senate may allude to or quote from the proceedings of the House.

ing his intention to enforce the rule of comity, appears *id.* at p. 386.

20. 100 CONG. REC. 11893, 83d Cong. 2d Sess.

1. See also 72 CONG. REC. 11677, 71st Cong. 2d Sess., June 25, 1930.

By contrast, Members of the House may not in debate mention the Senate even through complimentary remarks (see § 44.1, supra).

On Feb. 28, 1966,[2] during consideration of S. 2791, supplemental military and procurement authorization for fiscal 1966, a Senator raised a parliamentary inquiry:

> MR. [J. WILLIAM] FULBRIGHT [of Arkansas]: Mr. President, is it in order to read from a report of a committee of the House of Representatives?
>
> THE PRESIDING OFFICER:[3] The Chair reads from page 314 of "Senate Procedure":[4]
>
> > Under the precedents it has been held not in order in debate for a Senator to make reference to action by the House of Representatives, to read an extract from the proceedings of the House relating to a matter under discussion, to read from a speech made by a Member of the House during that particular Congress on the pending subject, to refer to or make any illusion to or comment upon the proceedings of the House of Representatives, or to make reference to the proceedings in the House on the matter under consideration for the purpose of influencing the action of the Senate.
> >
> > It is out of order, as interfering with the independence of the two Houses, to allude to what has been done in the other House as a means of influencing the judgment of the one in which a question is pending.
>
> However, if no objection is interposed, the Senator may proceed.
>
> MR. [RICHARD B.] RUSSELL of Georgia: Mr. President, I ask unanimous consent that the Senator from Arkansas be permitted to read the report of any House committees.
>
> THE PRESIDING OFFICER: Is there objection? The Chair hears none, and it is so ordered.

Portions of House Report No. 1293 on the pending bill were then read in debate and inserted in the Record.[5]

Reference to Speaker of the House

§ 46.7 It has been held out of order in Senate debate to refer to the actions of the Speaker of the House.

On Aug. 12, 1935,[6] Senator Huey P. Long, of Louisiana, stated in Senate debate "The Speaker of the House went to the White House, and he gave out a statement on the steps of the White House." Senator Joseph T. Robinson, of Arkansas, rose to the point of order that a Senator had no right to refer to the action of the Speaker of the House in debate. Vice President John N. Garner, of Texas, sustained the point of order. Senator Long then continued:

> I may not mention that he is a Representative? Very well; then I will for-

2. 112 CONG. REC. 4300, 89th Cong. 2d Sess.
3. Ernest Gruening (Alaska).
4. Watkins and Riddick, Senate Procedure, S. Doc. No. 44, 88th Cong. (1964).
5. See also § 46.9, infra (permission granted to Senator by Presiding Officer to read from House proceedings on certain bill).
6. 79 CONG. REC. 12892, 74th Cong. 1st Sess.

get that; but once upon a time there was a man of influence in the United States who announced on the White House steps that there would not be anything done about the Black bill, and there was not anything done about it.

§ 46.8 The President of the Senate ruled that a Senator could refer critically to the Speaker of the House when the Senate was considering a resolution to inquire into House inaction on a Senate joint resolution.

On Apr. 21, 1930,[7] the Senate was considering a resolution to inquire into the failure of the Speaker of the House to take prompt action on Senate Joint Resolution 3, a constitutional amendment passed by the Senate. Senator George W. Norris, of Nebraska, referred extensively in debate to the action of Speaker Nicholas Longworth, of Ohio, which he described as "arbitrary."

In response to a point of order, Vice President Charles Curtis, of Kansas, ruled that "it is left to the discretion of the Senators as to what they may or may not say about the proceedings of the House in connection with the resolution under consideration."

7. 72 CONG. REC. 7313, 71st Cong. 2d Sess.

Naming House Member

§ 46.9 The Senate rules do not specifically prohibit a Senator's reference to a Member of the House by name, but such a reference, if objected to, has been held out of order.

On Feb. 20, 1963,[8] Senator John J. Williams, of Delaware, had the floor in the Senate and was referring critically and by name to a Member of the House, Adam C. Powell, of New York. Senator Michael J. Mansfield, of Montana, asked Senator Williams to yield for the propounding of a parliamentary inquiry and stated as follows:

Mr. President, at page 265 of the manual entitled "Senate Procedure," the following statement appears in the fifth full paragraph:

> It has been held out of order for a Senator to make references to Members of the House——

MR. WILLIAMS of Delaware: Mr. President——

MR. MANSFIELD: The next phrase reads—I am sure the Senator would wish me to keep the continuity—"to refer to a Member of the House by name."

My question is—and I ask this question in my present capacity for clarification: Is the reference to "to refer to

8. 109 CONG. REC. 2648, 88th Cong. 1st Sess.

a Member of the House by name" out of order?

Presiding Officer Birch E. Bayh, of Indiana, responded as follows:

> The Chair respectfully submits that, according to rule XIX of the Senate, the point which the majority leader raises is not mentioned; that the subject covered in his question to the Chair has been a matter of discretion with the Presiding Officer at the specific time in question. Unless a point of order is made by the majority leader or any other Member of the Senate, the Chair will not call to order the Senator who is speaking in the Senate.

No point of order was made against Senator Williams' remarks.

On Aug. 26, 1935, the Senate was considering H.R. 9215, a supplemental deficiency appropriation bill. Senator Huey P. Long, of Louisiana, asked whether he would be permitted to read from the *Congressional Record* portions of House proceedings on the bill, and Vice President John N. Garner, of Texas, ruled that he did have a right to so read from the Record. Senator Long read a lengthy excerpt and then, in commenting upon it, mentioned the name of a Member of the House. The Vice President ruled:

> The Chair calls the Senator from Louisiana to order. . . . The Senator has no right to refer to the House of Representatives. The Chair has called his attention to that rule before, and does so now for the second time. The next time the Chair calls the Senator's attention to it the Senator will have to take his seat.

Senator Long protested that he had been granted permission to read from the Record and the Vice President responded:

> The Senator is familiar with the rule of the Senate—it has been called to his attention a number of times—with reference to referring to an individual Member of the House of Representatives, or to the House of Representatives itself in its procedure. The Senator did ask the Chair if he could read the Record of the House of Representatives. The Chair thinks he could; but the Chair does not think the Senator ought to speak with reference to the Membership of the House, or of the House itself, in a derogatory manner. That is in violation of the rule of the Senate.[9]

Reference to Member's Integrity or Motives

§ 46.10 A Senator introduced a resolution to expunge from the Record certain remarks made in the Senate impugning the integrity of a Member of the House.

On Feb. 6, 1963,[10] Senator Wayne L. Morse, of Oregon, addressed the Senate on the subject

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9. 79 CONG. REC. 14735, 14736, 74th Cong. 1st Sess.

10. 109 CONG. REC. 1927–29, 88th Cong. 1st Sess.

of comity between the two Houses. He took exception to a speech made on the Senate floor the previous day by Senator John J. Williams, of Delaware, entitled "The Administration Has Been Shoveling Out the Taxpayers' Money to Congressman Adam Powell."[11] Senator Morse discussed the precedents of the Senate on the subject:

> . . . I rise to take exception to a speech made on the floor of the Senate yesterday by the Senator from Delaware. It contained, in my opinion, such a serious imputation against the character and reputation of a colleague on the House side that in my judgment the speech should not stand, at least without a protest. It should not, in my judgment, stand as a precedent.
>
> Therefore, before finishing my remarks, I shall offer . . . a resolution to expunge the speech of the Senator from Delaware on yesterday from the permanent record of the Congressional Record. . . .
>
> The Senator from Delaware has made clear to me that he does not intend to expunge his speech from the Record, and I respect his attitude. . . .
>
> I am not going to speak at any great length, but I am going to start my discussion by calling attention to rule XIX of the Senate, to be found on page 20 of the Senate Manual. I will read section 2 of it, which is relevant and pertinent to my remarks:
>
> > No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.
>
> Section 3 reads:
>
> > No Senator in debate shall refer offensively to any State of the Union.

Senator Morse then introduced the following resolution (S. Res. 85):

> *Resolved*, That the matter appearing in the daily issue of the Congressional Record of February 5 (legislative day, January 15), 1963, beginning on page 1673, at the top of the second column, under the caption "The Administration Has Been Shoveling Out the Taxpayers' Money to Congressman Adam Powell," and extending down to and including so much of the second column on page 1675 as precedes the matter entitled "The New York City Newspaper Strike," be, and it is hereby, ordered to be expunged from the Record.

No action was taken on the resolution during the 88th Congress.

§ 46.11 It is not in order in Senate debate to impute unworthy motives to Members of the House.

On Feb. 28, 1966,[12] Senator Stephen M. Young, of Ohio, arose in the Senate to state a question

11. Senator Williams' speech, which claimed misuse of government funds for the benefit of Mr. Powell, appears at 109 CONG. REC. 1769–71, 88th Cong. 1st Sess., Feb. 5, 1963.

12. 112 CONG. REC. 4245, 89th Cong. 2d Sess.

of personal privilege, and concluded by stating a parliamentary inquiry to the Chair:

> Mr. President, I rise to a question of personal privilege. A short time ago my attention was called to some remarks made in the other body on Thursday by Representative Wayne Hays, of the 18th Ohio District, and Robert Sweeney, Ohio Representative at large, as reported on page 4019 of the Congressional Record adverting to the Vietnam conflict.
>
> According to the Congressional Record, the Representative from the 18th Ohio District stated:
>
> > Mr. Chairman, there is one matter that I would like to mention. I would like to sort of apologize to the House of Representatives. There have been a lot of remarks made on the other side of this building which I believe have aided our enemies out there, because I believe they are hoping for us to get tired of this war and quit. I further believe that is the reason they think they are winning.
> >
> > Yesterday the junior Senator from my State made a personal attack upon the Secretary of State and said that he ought to resign. On behalf of the people of my district, I want to apologize because I supported the junior Senator a year ago last fall. . . .
>
> Mr. President, I propound a parliamentary inquiry: Would it be a violation of the rules of the Senate were I to assert in this Chamber at this time that Representative Hays, of Ohio, and one-term Representative Sweeney, of Ohio, are guilty of falsely, viciously, and maliciously making stupid, lying statements assailing the loyalty and patriotism of Senators, including the junior Senator from Ohio, and that they are liars in alleging that we "have aided our enemies"?

Presiding Officer Ernest Gruening, of Alaska, ruled as follows:

> In response to the inquiry of the Senator from Ohio, the Chair states that under the precedents it has been held not in order in debate for a Senator to make reference to action by the House of Representatives. Also, it has been held out of order for Senators to make reference to Members of the House or to refer to a Member of the House by name, to criticize the action of the Speaker, to refer in debate to a Member of the House in opprobrious terms, or to impute to him unworthy motives.
>
> MR. YOUNG of Ohio: I, of course, abide by the ruling of the Chair, and I respect it. If, however, on some future occasion a similar contemptible attack is made on me with the insect-like buzzing of lying allegations by either or both of these publicity seekers, I shall surely embalm and embed them in the liquid amber of my remarks.

§ 46.12 It is a breach of order in debate in the Senate to refer to a Representative as a "liar."

On Feb. 28, 1966,[13] after a Senator had raised a parliamentary inquiry on the subject of references in debate to Representatives and had received a ruling from Presiding Officer Ernest

13. 112 CONG. REC. 4246, 89th Cong. 2d Sess.

Gruening, of Alaska, Senator Everett McKinley Dirksen, of Illinois, raised another parliamentary inquiry on the subject:

> Mr. President, for the sake of clarification and a meticulous interpretation of the rules, I should like to inquire whether calling a Member of another body a liar is an imputation of improper motive.
>
> THE PRESIDING OFFICER: Under the precedents, that would not be in order.

House Action on Senate References

§ 46.13 A Senator having assailed a House Member in debate, the House messaged to the Senate a resolution declaring the language a breach of privilege and requesting the Senate to take appropriate action concerning the subject.

On Sept. 27, 1951,[14] Mr. Clare E. Hoffman, of Michigan, arose in the House to state a question of privilege based on critical references in the Senate to a Member of the House and to introduce a resolution to be agreed to and then messaged to the Senate:

> It appears from page 12098 of the Congressional Record of yesterday, September 26, 1951, that in the other body, a Member of that body from Michigan, among other things, from the floor of that body made the following statement:
>
> Now, Mr. President, I should like to address myself briefly to the allegations and insinuations of the Representative from the Second District of Michigan, Mr. Meader.
>
> According to the newspaper clippings reaching me from the Republican National Committee, Mr. Meader and others have charged that the Democratic Party in Michigan is selling jobs in the Post Office Department. That, Mr. President, is what I meant by a political smear. Mr. Meader is a lawyer. I am surprised that he is reaching conclusions before the evidence is in. He has reached his conclusion on the basis of the fund-solicitation letter plus one letter from a constituent who complains that, as a veteran, he was passed over unlawfully for a postmaster's appointment. I immediately asked Mr. Meader for the identity of this man.
>
> Mr. Meader refused to let me know the identity of the man.
>
> Mr. Meader must be acquainted with the civil-service and post-office laws and regulations governing these matters. He must know that without cause a veteran cannot possibly be passed over by a nonveteran. The rest of his anonymous correspondent's complaint deals with hearsay.

The foregoing language which assails a Member of the House constitutes a breach of privilege. Inasmuch as the House is without authority to itself act to correct the foregoing, I send to the Clerk's desk the following resolution:

HOUSE RESOLUTION 441

Resolved, That the language published in the daily Congressional Record on Wednesday, September 26, 1951, on page 12377, in the report of an address to the Senate by

14. 97 CONG. REC. 12269, 12270, 82d Cong. 1st Sess.

the Senator from Michigan, Mr. Moody, is improper, unparliamentary, and a reflection on the character of a Member of the House, the gentleman from Michigan, Mr. Meader, and constitutes a breach of privilege and is calculated to create unfriendly relations and conditions between the House of Representatives and the Senate: Therefore be it

Resolved, That a copy of this resolution be transmitted to the Senate and that the Senate be requested to take appropriate action concerning the subject.

Mr. Speaker, the precedent for this action is found in Eighth Cannon's Precedents, page 231, section 2516. From that precedent it appears that on August 18, 1921, a Member of the other body made certain remarks referring, though not by name, to a Member of the House, which reflected upon the House Member's integrity in his representative capacity.

On August 22, following, a question of privilege was raised and a resolution, similar to the one which has been sent to the Clerk's desk, was adopted by the House and a copy was sent to the other body. Subsequently, on a unanimous-consent request in the other body, the matter referred to in the resolution was expunged from the Record. The purpose of this resolution, if that be the sense of the Senate, is to call for similar action with reference to the language used yesterday and which, by name, challenged the integrity of the Member of the House from Michigan, Mr. Meader, in his representative capacity.

Mr. Speaker, it will be noted that I have referred to a Member of the other body by name, but I followed word for word, except as to identity, a previous resolution and ruling by a former Speaker of the House to which reference has been made. I send a resolution to the Clerk's desk.

The House adopted the resolution without further debate, but no action was taken by the Senate in the 82d Congress.[15]

Reference to Presence of Member of House on Senate Floor

§ 46.14 During debate in the Senate, a member of the Senate introduced and acknowledged the presence on the floor of a Member of the House, discussed actions of and communications between Members of the House, and caused to be inserted in the Record letters from the said Member of the House to the Speaker and to the Majority Leader of the Senate.

On Feb. 10, 1978,[16] during debate in the Senate on the ratification of the Panama Canal Treaty,

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15. For a similar occurrence, where a Member of the House rose to a question of privilege based on a Senator's having assailed the House in debate, see 102 CONG. REC. 12522, 12523, 84th Cong. 2d Sess., July 12, 1956. The Senator in question, Hubert H. Humphrey (Minn.) withdrew the objectionable remarks from the permanent *Congressional Record*.

16. 124 CONG. REC. 3204, 3205, 95th Cong. 2d Sess.

Mr. Orrin G. Hatch, of Utah, made the following statements:

MR. HATCH: Mr. President . . . I would . . . like to call the attention of the Senate to the fact that one of our distinguished colleagues from the House has just brought some, I think, important papers to me.

I would like to just say that this colleague's name is Congressman George Hansen from the Second District of Idaho. Congressman Hansen has been very active of late doing everything he possibly can to justify and to bring about a means whereby the House of Representatives will not be ignored with regard to the Panama Canal treaties, and that the article IV, section 3, clause 2 sections of the Constitution likewise will not be ignored.

Congressman Hansen has put a great deal of time and effort into talking with his colleagues in the House, and he has brought over a list of 219 Members of the House who are basically subscribers or cosponsors of his resolution which states:

> That it is the sense of the Congress of the United States that any right to, title to, or interest in the property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be . . . disposed of to any foreign government without specific authorization . . . by an Act of Congress.

Two hundred and nineteen of his House Members have cosponsored this resolution . . . .

[Congressman Hansen] has also brought to me two letters, one written to our own distinguished colleague and friend Senator Robert C. Byrd, the majority leader, and a letter to the Honorable Thomas P. O'Neill, Jr., Speaker of the House of Representatives.

I would just quote from one aspect of the letter to Speaker O'Neill.

Congressman Hansen states in his letter to Speaker O'Neill.

> You will note that the concept of the Resolution is to protect the integrity of the legislative process against default or Executive usurpation. . . .

MR. ROBERT C. BYRD [of West Virginia]: For the Record, my answer was that under the Constitution the Senate has the sole prerogative and responsibility to give its approval to the ratification of a treaty No. 1; and, No. 2, property transfers can be self-executing by treaties that are approved by the Senate. . . .

THE PRESIDING OFFICER:[17] There is a request before this body for a unanimous consent to have printed in the Record certain documents [together with the remarks pertinent thereto]. . . .

Is there objection?

There being no objection, the material was ordered to be printed in the Record. . . .

§ 47. Criticism of Executive and Governmental Officials; References to Presidential or Vice-Presidential Candidates

Members are permitted wide latitude to criticize the President,

17. Robert Morgan (N.C.).

other officials of the executive branch, and the government itself, contrary to the English parliamentary law which prohibits speaking "irreverently or seditiously against the King."[18] A Member may criticize the motives or action of the President or of other executive officials,[19] but such disapproval may not extend to personal attacks, innuendo, or ridicule.[20] The Chief Executive must be referred to in debate as the President or Chief Executive and not by surname.[1]

Members may employ strong language in criticizing the government,[2] government agencies,[3] and governmental policies.

In debating propositions to impeach, Members may freely discuss charges and the basis for them,[4] but may not resort to personally offensive language.[5]

Reference to President

§ 47.1 In discussing the President of the United States in debate a Member may not refer to him contemptuously or by surname.

On Jan. 23, 1933,[6] Mr. James M. Beck, of Pennsylvania, arose to a point of order and stated as follows:

> The gentleman from Pennsylvania [Mr. McFadden] who is now addressing the House has on more than one occasion in the course of his address referred to the President of the United States as "Hoover." My point of order is that it does not accord with the dig-

18. See Jefferson's Manual, *House Rules and Manual* § 370 (1995) for the English rule and the differing practice of the House.

U.S. Const. art. I, § 6, clause 1 protects Members from being questioned outside the House for any reference to the executive branch. See, in general, Ch. 7, supra.

19. See §§ 47.3, 47.4, infra; 5 Hinds' Precedents §§ 5087–5091; 8 Cannon's Precedents §§ 2499, 2500.

The precedents on comity, which prohibit most references in debate to the Senate or Senators, do not apply to the Vice President, who may preside over the Senate but is not a member (see § 47.9, infra).

20. See § 47.1, infra; 5 Hinds' Precedents § 5094; and 8 Cannon's Precedents § 2497.

1. See § 47.1, infra.

2. See §§ 47.3, 47.5, 47.6, infra.

3. See § 47.4, infra.

4. See §§ 47.7, 47.8, infra; 5 Hinds' Precedents § 5093.

5. See the report prepared by a select committee pursuant to H. Res. 494, 60th Cong. 2d Sess., and cited at 8 Cannon's Precedents § 2497. See also 5 Hinds' Precedents § 5094 for personally offensive and unparliamentary language used in reference to President Andrew Johnson when being impeached. Impeachment proceedings and references to respondent, see Ch. 14, supra.

6. 76 CONG. REC. 2297, 72d Cong. 2d Sess.

nity of this House that the President of the United States should be contemptuously referred to by his last name.

Speaker Pro Tempore Thomas L. Blanton, of Texas, sustained the point of order.

§ 47.2 A statement in debate that a Member would have no more reason for criticizing the administration than for "shoving the Vice President around" was held not a breach of order.

On June 10, 1964,[7] Mr. Wayne L. Hays, of Ohio, stated in response to a comment critical of the present administration, "You would not have any more reason for criticizing the administration than you would for shoving the Vice President around in Dallas." (Addressed to Mr. Edgar Franklin Foreman [Tex.]).

The words were demanded to be taken down, and Speaker John W. McCormack, of Massachusetts, ruled that there was nothing objectionable or in violation of the rules of the House in the language used, being simply an opinion by Mr. Hays.

Conduct of Government Officials

§ 47.3 In debate Members may arraign in strong terms the conduct of officials of the executive branch of the government.

On Oct. 1, 1940,[8] Mr. John C. Schafer, of Wisconsin, delivered the following remarks in debate:

> . . . God knows our half-baked nitwits who are handling the foreign affairs have been carrying on a course of conduct which inevitably will plunge us into the new European war. . . .

Mr. Sam Hobbs, of Alabama, demanded that those words be taken down, and Speaker Pro Tempore Jere Cooper, of Tennessee, ruled that the words were not a breach of order since they did not refer to Members of the House but to certain officials in the executive branch of the government.

Characterization of Government Agency

§ 47.4 A statement in debate referring to a federal agency as a socialist and communist experiment was held not to reflect upon the membership of the House and not to be a breach of order.

On Mar. 31, 1954,[9] Mr. Ralph W. Gwinn, of New York, speaking on an amendment before the Com-

7. 110 Cong. Rec. 13275, 88th Cong. 2d Sess.

8. 86 Cong. Rec. 12985, 12986, 76th Cong. 3d Sess.

9. 100 Cong. Rec. 4221, 83d Cong. 2d Sess.

mittee of the Whole stated as follows: "Mr. Chairman, we have had 20 years' experience now with America's first, much-touted, great, Socialist, Communist experiment." (Referring to the Tennessee Valley Authority) Mr. James P. Sutton, of Tennessee, demanded that the words be taken down, and Speaker Joseph W. Martin, Jr., of Massachusetts, ruled, after Mr. Gwinn unsuccessfully attempted to read a definition of communism, that nothing in the language cited reflected upon the membership of the House or would otherwise be considered unparliamentary.

General Criticism of Government

§ 47.5 A statement in debate characterizing the national government as a "labor government, rapidly headed into a labor dictatorship, which, if not checked, will soon run into labor despotism" was held merely an expression of opinion and not a breach of order.

On Feb. 26, 1942,[10] Mr. Edward E. Cox, of Georgia, stated in debate: "We are already living under a labor government, rapidly headed into a labor dictatorship, which, if not checked, will soon run into labor despotism." Mr. Raymond S. McKeough, of Illinois, demanded that the words be taken down and Speaker Sam Rayburn, of Texas, ruled as follows:

> Whatever might be the opinion of anybody who occupies this place, the present occupant would think that it would be going very far, even though words were harsh, if Members were precluded from expressing an opinion with respect to a Government tendency. The Chair sees only in these words the expression of an opinion by the gentleman from Georgia and therefore feels constrained to hold that they are not unparliamentary.

§ 47.6 The Speaker held that language condemning the government as having become "something hated, something oppressive" did not transgress House rules.

On June 14, 1929,[11] the following words were used in debate by Mr. Fiorello H. LaGuardia, of New York, "Why, Mr. Speaker, Uncle Sam, the United States Government, was always considered by the American people as something kindly, something to love; instead, now, it has become something hated, something oppressive." Mr. B. Frank Murphy,

10. 88 Cong. Rec. 1714, 77th Cong. 2d Sess.

11. 71 Cong. Rec. 2924, 71st Cong. 1st Sess.

of Ohio, demanded that the words be taken down, and Speaker Pro Tempore Thomas S. Williams, of Illinois, ruled that "the gentleman from New York was merely condemning a measure that has been enacted into law. That certainly does not transgress any rule of the House and the Chair holds the words to be in order."

Debate on Impeachment

§ 47.7 In presenting impeachment charges a Member is not confined to a bare statement of the charges but may supplement them with argumentative statements as to the official in question.

On May 7, 1935,[12] Mr. Everett M. Dirksen, of Illinois, rose in order to prefer charges of impeachment against a federal judge. During Mr. Dirksen's address, during which he stated his personal opinion of the judge in question and of other federal judges, Mr. Hatton W. Sumners, of Texas, arose to state as follows:

> I am not familiar with the precedents, but I have the impression that in preferring charges of impeachment, argumentative statements should be avoided as much as possible. If I am wrong in that statement with reference to what the precedents and custom have established, I of course withdraw the observation.[13]

Mr. Dirksen stated that he had no desire to violate the precedents but stated that there were two additional pages of explanatory matter which he desired either to state to the House or to insert into the Record to elaborate the statement of specific charges that had been made. Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

> The Chair thinks it is entirely up to the gentleman from Illinois so far as the propriety of his statement is concerned.[14]

Similarly, on Jan. 14, 1936, Mr. Robert A. Green, of Florida, arose to present impeachment charges against a federal judge.[15] Mr. Carl E. Mapes, of Michigan, rose to state a point of order that Mr. Green was presenting argumentative and personal statements, after Mr. Green had delivered the following remarks:

> . . . I am vitally interested in this investigation for two important reasons: First, from a careful study of the evidence I am convinced that Judge Ritter is an ignorant, unjust, tyrannical, and corrupt judge; that a majority of the people in his district have the same convictions that I have; that

12. 79 Cong. Rec. 7081, 74th Cong. 1st Sess.

13. *Id.* at p. 7085.

14. *Id.*

15. 80 Cong. Rec. 404, 74th Cong. 2d Sess.

> confidence in him and his court is lacking; that his usefulness as a judge of the southern district of Florida has long since come to an end. Second, a large portion of the district over which Judge Ritter presides is in my congressional district, and my people demand and feel that they are entitled to a judge learned in the law and one who has dignity, honor, and integrity.[16]

Speaker Byrns ruled that Mr. Green was entitled to one hour's debate on the charges and that he could use all or any portion of the hour as he saw fit, including a general discussion of the charges.[17]

§ 47.8 In debating articles of impeachment a Member may refer to the political, social, and family background of the accused.

On Mar. 2, 1936, Mr. Hatton W. Sumners, of Texas, called up for consideration House Resolution 422, presenting articles of impeachment against Federal Judge Halsted L. Ritter.[18] Extensive debate ensued on the resolution, and Mr. Louis Ludlow, of Indiana, arose to present himself as a "character witness" on behalf of Judge Ritter. He began to discuss the family background of the accused and the "outstanding character and personality" of the accused's father.

Mr. Malcolm C. Tarver, of Georgia, arose to state the point of order that Mr. Ludlow was "endeavoring to read into the Record a statement with regard to the progenitors of the gentleman against whom these impeachment proceedings are pending." Mr. Tarver stated that such matters were not properly to be considered by the House and should not be discussed.[19]

Speaker Joseph W. Byrns, of Tennessee, ruled that within the four and one-half hours of debate provided for on the resolution, Members could address themselves to any subject relating to the articles of impeachment and the accused.[20]

Application of Rule of Comity

§ 47.9 The Minority Leader stated that the rule of comity, prohibiting any reference in the House to the Senate or to Senators, was not applicable to criticisms in debate of the Vice President as an official of the executive branch, the Vice President not being a member of the Senate.

16. *Id.* at p. 405.
17. *Id.* at p. 406.
18. 80 CONG. REC. 3066, 74th Cong. 2d Sess.
19. *Id.* at p. 3069.
20. *Id.*

On July 22, 1971,[1] Mr. John H. Dent, of Pennsylvania, referred critically in debate to Vice President Spiro T. Agnew. The Minority Leader, Gerald R. Ford, of Michigan, responded that Mr. Dent's remarks were inappropriate and in poor taste, and then discussed in the same context a special-order speech made on the preceding day by Mr. William L. Clay, of Missouri:

> . . . If I could, let me add another comment at this point: in a special order yesterday one of the gentlemen from the other side of the aisle, on page 26517, used language in reference to a high official in the U.S. Government that I have never seen used or heard used in this Chamber. I have checked it out, and apparently under the rules of the House, that language of the gentleman from Missouri is not subject to the rules of the House because the Vice President is not a Member of the other body.
>
> MR. [WAYNE L.] HAYS [of Ohio]: May I say to the gentleman——
>
> MR. GERALD R. FORD: May I finish my thought? And I appreciate the gentleman giving me this time.
>
> I cannot imagine somebody in this body on either side of the aisle using language of that kind on the floor of the House in reference to the second ranking Member of the U.S. Government in the executive branch. I could appropriately categorize that language in one way or another, but I would have to use language, in my opinion, that would violate the rules of the House.
>
> It seems to me that the gentleman from Missouri (Mr. Clay) for having used that language, owes an apology to the House and an apology to the Vice President.

References to Senators, Candidates for President

§ 47.10 Although it is not in order in debate to criticize a member of the Senate, where a Senator is also a candidate for President or Vice President, his official policies, actions, and opinions as a candidate may be criticized in terms not personally offensive.

On Sept. 29, 1988,[2] Speaker James C. Wright, Jr., of Texas, set forth the principles governing references to candidates for President or Vice-President, particularly where a candidate is a member of the Senate. On that day, after a demand that words uttered in debate be taken down as unparliamentary, the Speaker ruled that the remarks characterizing the relationship between Senator and Vice-Presidential candidate J. Danforth Quayle's political words and his living deeds as "hypoc-

1. 117 CONG. REC. 26654, 92d Cong. 1st Sess.

2. 134 CONG. REC. 26683, 26684, 100th Cong. 2d Sess.

risy" were out of order and should be withdrawn:

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

MR. [PAT] WILLIAMS [of Montana]: Mr. Speaker, yesterday Republican Vice-Presidential candidate Dan Quayle was in Texas. He visited, he was kind enough to go by and visit a Job Corps center in El Paso, and while there he looked 300 Job Corps students in the eye and said, "We believe in you."

He did not tell them that he had voted to shut that center down. He did not tell them that the Reagan-Bush administration in fact has demanded that every Job Corps center in America, bar none, be closed.

This is the same Senator Quayle that supports wars that he won't fight, the same Senator Quayle who got into law school under an entry minority program that he later votes against.

There is a word for it, my colleagues, it is called hypocrisy.

MR. [DAN] LUNGREN [of California]: Mr. Speaker, I ask that the gentleman's words be taken down. . . .

THE SPEAKER: The Clerk will report the words of the gentleman from Montana.

The Clerk read as follows:

> This is the same Senator Quayle that supports wars that he won't fight, the same Senator Quayle who got into law school under an entry minority program that he later votes against.
>
> There is a word for it, my colleagues, it is called hypocrisy.

THE SPEAKER: The Chair has considered closely the question of the use of words to distinguish policies as opposed to individuals. There are precedents touching on proper and improper references in debate and dealing with the preservation of comity between the House and Senate. It is important to recognize that the individual referenced in the remarks not only is a candidate for Vice President of the United States but is a Member of the other body.

The precedents relating to references in debate to the President, Vice President, or to a Member of the other body who is a nominated or declared candidate for President or Vice President permit criticisms of official policy, actions and opinions of that person as a candidate, but do not permit personal abuse, do not permit innuendo and do not permit ridicule, and they do require that the proper rules of decorum must be followed during any debate relating to the President of the United States or a Member of the other body.

It could be argued that there is a distinction between calling an individual a hypocrite, for example, and referring to some policy as hypocrisy, but the Chair has discovered a precedent that seems to be directly in point. In 1945, a Member of the House from Georgia referred to another Member and said, "I was reminded that pretexts are never wanting when hypocrisy wishes to add malice to falsehood or cowardice to stab a foe who cannot defend himself." Speaker Rayburn ruled that this was out of order as an unparliamentary reference to another Member of the body.

By extension, the same identical words should be held out of order in reference to a Member of the other body whether or not he were a can-

didate for a high office, and under these circumstances and citing this precedent, the Chair would suggest that the gentleman from Montana withdraw the offending remarks, including the particular word "hypocrisy," and either amend his reference in the permanent Record or delete it. . . .

MR. WILLIAMS: Mr. Speaker, do I understand correctly that the Speaker's ruling is based upon my characterization of a U.S. Senator, in this case Senator Quayle, that had the Republican Vice-Presidential candidate not been at this time a U.S. Senator, that my remarks would, in fact, be in order? . . .

THE SPEAKER: . . . The Chair would suggest to the gentleman from Montana that there are standards that apply in the Chamber and in the precedents with respect to nominated candidates for President and Vice President. The Chair is not certain if they are precisely the same as applied to a Member of the other body or a Member of this body, but in this instance, it is not necessary to make that hypothetical distinction since the individual involved is a Member of the other body.

MR. WILLIAMS: Further parliamentary inquiry, Mr. Speaker: Would it be within the rules of the House if the last sentence of my 1-minute, the one which characterizes Senator Quayle's actions as hypocrisy, be removed by unanimous consent from my 1-minute statement?

THE SPEAKER: The Chair would suggest to the gentleman from Montana that this might be a satisfactory solution.

MR. WILLIAMS: Mr. Speaker, I ask unanimous consent that the last sentence of my 1-minute statement, the sentence in which I characterized Senator Quayle's actions as hypocrisy, be stricken.

MR. LUNGREN: Mr. Speaker, parliamentary inquiry.

THE SPEAKER: Please, the Chair will recognize the gentleman for a parliamentary inquiry, but, first, please permit the gentleman from Montana to complete his request. . . .

MR. LUNGREN: I reserve the right to object, Mr. Speaker.

THE SPEAKER: That is fine. The gentleman may reserve his right to object, but in the interests of orderly procedure, permit the Chair to allow the gentleman from Montana to complete his request.

MR. WILLIAMS: Let me be sure the Chair understands my request: I have asked unanimous consent that the last sentence of my 1-minute statement be stricken. . . .

THE SPEAKER: . . . Has the gentleman from Montana completed his request?

MR. WILLIAMS: No, Mr. Speaker, I have not. Both times I have been interrupted as I have attempted to ask unanimous consent that the last sentence of my 1-minute statement be eliminated. That was the sentence which referred to Senator Quayle's actions as hypocrisy. I seek unanimous consent to strike the last sentence of my 1-minute statement.

THE SPEAKER: Is there objection to the request of the gentleman from Montana?

MR. LUNGREN: Mr. Speaker, reserving the right to object, Mr. Speaker, under normal circumstances and in the interests of comity of this House and

the relationship of this House and the other body, I would not object. However, as is very obvious from the statements of the gentleman, the insult, the language that is not to be used under our rules was repeated three times in an effort to make a point which violates, in my judgment, the sense of the rules of the House and, therefore, since it is not, I believe, appropriate to do that, I object.

THE SPEAKER: Objection is heard.

References to President Made Outside Chamber

§ 47.11 The Minority Leader took the floor to criticize the Speaker for making certain remarks in his daily press conference concerning the President of the United States.

On July 25, 1984,[3] the following statement was made on the floor by Minority Leader Robert H. Michel, of Illinois:

MR. MICHEL: Mr. Speaker, a few moments ago the distinguished majority leader referred to the President as "intellectually dishonest."

Mr. Speaker, on July 19, 1984, United Press International reported that the Speaker of the House said the following things about the President of the United States—and I quote:

> The evil is in the White House at the present time . . . and that evil is a man who has no care and no concern for the working class . . . He's cold. He's mean. He's got ice water for blood.

In almost 30 years in the House, I have never heard such abusive language used by a Speaker of the House about the President of the United States. . . .

There are precedents in our House rules forbidding personal abuse of a President on the floor of the House.

Surely the spirit of these rules ought to be adhered to by the Speaker off the floor as well as on the floor.

Parliamentarian's Note: While there are precedents indicating that it is a breach of order in debate to refer to the President disrespectfully,[4] the principle has not been extended to statements made outside the Chamber.

Inserting in Record Remarks Made in Press Critical of President

§ 47.12 In response to a parliamentary inquiry, the Chair, while declining to rule on the propriety in prior debates of certain references to the President, indicated that a more permissive standard than that applicable to references to a sitting Member does not permit language personally abusive of the President.

3. 130 CONG. REC. 20931, 98th Cong. 2d Sess.

4. See 8 Cannon's Precedents §§ 2497, 2498.

The following proceedings occurred in the House on Feb. 25, 1985:[5]

THE SPEAKER PRO TEMPORE:[6] Under a previous order of the House, the gentleman from Georgia (Mr. Gingrich) is recognized for 60 minutes.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I am going to insert in the Record today and read into the Record several editorials, one from the Atlanta Journal and Constitution yesterday, Sunday, February 24, and one this morning from the Wall Street Journal. . . .

> Yet twice the House has voted to deny McIntyre the seat while it investigates. . . .
>
> A few Republicans near each election try to remind voters that the Democrats' first vote will be for O'Neill and that vote signals bondage. This year it meant the abandonment of fairness. . . .

MR. GINGRICH: . . . I was asking the Chair to rule in this sort of setting if one is reporting to the House on the written opinion of a columnist in which the columnist has said very strong things, is it appropriate for the House to be informed of this and, if so, what is the correct procedure?

THE SPEAKER PRO TEMPORE: The ruling of the Chair is that the gentleman should not read into the Record things which would clearly be outside the rules of this House. . . .

MR. GINGRICH: If I may continue a moment to ask the gentleman, if we are in a situation where in the view of some people, such as Mr. Williams of the Atlanta Journal-Constitution, very strong things are legitimately being said, and this is obviously his viewpoint, what is the appropriate manner in which to report his language to the House?

That is not me saying these things; he is saying these things.

THE SPEAKER PRO TEMPORE: The gentleman knows the rules of the House, I am certain, and he can take out or delete any things that he knows would violate the rules of this House if spoken from the floor. . . .

MR. GINGRICH: If I may reclaim my time and also ask the Chair . . . would the Chair uphold the same precedents on the unparliamentary remarks with respect to the President of the United States?

THE SPEAKER PRO TEMPORE: If they violate the rules of the House the Chair would certainly do that. If the President is personally being abused on the floor of this House, the Chair would do so. . . .

Anyone could raise a point of order concerning such language, and the Chair cannot now say how the Chair would rule. . . .

MR. GINGRICH: But it is the Chair's—I will yield in just a second—but it would be the Chair's understanding, or the Chair's inclination that the President has the same basic protection as a Member of the House in terms of his name?

THE SPEAKER PRO TEMPORE: The gentleman would recognize that it is not quite the same standard, but nonetheless anyone, of course, is capable of making an objection.

In Cannon's Procedure, as to the President, section 370, it says:

5. 131 CONG. REC. 3344–47, 99th Cong. 1st Sess.

6. Sam B. Hall, Jr. (Tex.).

> The principles of decorum and courtesy governing the relations of the two Houses should extend to the relations of the House with the President. In referring to the President a Member shall abstain from language personally offensive and shall eschew terms of [opprobrium]. It is the duty of the House to protect the President from personal abuse or innuendo.

MR. GINGRICH: So about a year ago when the very distinguished majority leader referred to him I think 16 times in 1 minute, using words like "untrue" and "lie"——

THE SPEAKER PRO TEMPORE: First of all let the Chair say to the gentleman from Georgia that the Chair is not going to rule on something that happened before. . . .

The Chair heard no objection to that speech to which the gentleman is referring.

Addressing President in Debate

§ 47.13 Although Members may discuss past and present Presidential actions and suggest possible future Presidential actions, it is not in order to address remarks in debate directly to the President, as in the second person.

On Oct. 16, 1989,[7] during the period for one-minute speeches in the House, the Speaker cautioned Members against a renewed tendency to address remarks in debate directly to the President.

MR. [ROBERT G.] TORRICELLI [of New Jersey]: Mr. Speaker, George Bush's honeymoon is most assuredly now over. . . .

Mr. President, it is time to get to work, time to decide why is it you sought the Presidency, to tell us where it is you would take America. . . .

Mr. President, listen to this, if you will, from the president of the Chase Manhattan Bank: "There are some very significant issues out there such as the fiscal deficit, our relations with Japan, that have to be the subject of major initiatives. I'd like to see that initiative, and I haven't. There is no agenda."

Mr. President, listen to not only your critics but to your fans. It is time to lead our country.

THE SPEAKER:[8] As the Chair announced on July 23, 1987, it is not in order to address the President in debate. Members must address their remarks to the Chair. Although Members may discuss past and present Presidential actions and suggest possible future Presidential actions, they may not directly address the President, as in the second person.[9]

§ 47.14 Under clause 1 of Rule XIV, remarks in debate

7. 135 CONG. REC. 24715, 101st Cong. 1st Sess.

8. Thomas S. Foley (Wash.).

9. See also the proceedings of May 17, 1989 (remarks of Mrs. Barbara Boxer, of California); and, in the 101st Cong. 2d Sess., the proceedings of May 8, 1990 (remarks of Mr. Richard J. Durbin, of Illinois) and May 9, 1990 (remarks of Mr. Charles E. Schumer, of New York).

should be addressed to the Chair, and it is not in order to direct remarks outside the Chamber or to address others, including the President, in the second person.

During a one-minute speech in the House on Oct. 11, 1990,[10] the Chair admonished a Member against directing his remarks to any individual other than the Chair. The proceedings were as follows:

> MR. [LES] AUCOIN [of Oregon]: Mr. Speaker, I am truly amazed at the President's flip-flop on whether the wealthy should pay their fair share of income taxes. . . .
>
> Well, Mr. President, you were elected to know what to do.
>
> The American people are confused. They want you to lead. Let me make a suggestion:
>
> Drop your commitment to no new taxes for your rich friends, and take a stand for the middle class and say, "I am with you. I'm going to make this Tax Code fair for American working families." . . .
>
> THE SPEAKER PRO TEMPORE:[11] The Chair is constrained to remind Members that it is not proper directly to address the President from the floor.

Unparliamentary References to President

§ 47.15 Language in debate charging that the President has been "intellectually dishonest" is a breach of order connoting an intent to deceive that is personally abusive of the President; the Chair clarified his ruling in this instance by comparing similar words that were distinguishable in connotation.

On May 9, 1990,[12] following an admonition to a Member to refrain from unparliamentary references to the President, the Chair clarified that earlier ruling, as indicated below:

> (Mr. Torricelli asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
>
> MR. [ROBERT G.] TORRICELLI [of New Jersey]: Mr. Speaker, you heard it here today: Republican Member after Republican Member taking the floor, predicting that the President will never raise taxes.
>
> I am here to predict that he will raise taxes. And, Mr. Speaker, we are both right because no doubt, for the President's friends, for those of privilege in America he will never raise taxes.
>
> But for you and for me and for the overwhelming majority of Americans, he is—he says that he is going to, and he is about doing it. It isn't, Mr. Speaker, that the President is intellectually dishonest, though indeed in the last election he was. It is about the fact that he has a $500 billion——

10. 136 CONG. REC. p. ____, 101st Cong. 2d Sess.

11. Romano L. Mazzoli (Ky.).

12. 136 CONG. REC. 9828, 9829, 101st Cong. 2d Sess.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask that the gentleman's words be taken down.

[The words in question were held to be unparliamentary, the Speaker Pro Tempore[13] stating as follows:]

In referring to the President during debate a Member shall abstain from "terms of approbrium," such as calling the President a "liar"—V, 5094, VIII, 2498.

Subsequently in the proceedings, the Chair stated as follows:

THE SPEAKER PRO TEMPORE: If the Chair could have order, let the Chair clarify his ruling.

The Chair would like to clarify his earlier ruling on the words of the gentleman from New Jersey.

The Chair does not believe that an allegation of intellectual inconsistency is necessarily unparliamentary.

However, to whatever extent the phrase "intellectual dishonesty" may connote an intent to deceive, the Chair believes that it does tend to be personally offensive and therefore unparliamentary.

§ 47.16 Debate may not include remarks personally offensive toward the President, including references to accusations of sexual misconduct, and the Chair will caution Members against using such personally offensive references.

On May 10, 1994,[14] in response to frequent remarks relative to allegations of sexual misconduct by the President, the Speaker reminded all Members that the rules of comity prevent discussions of the President's personal character.

THE SPEAKER:[15] Under the Speaker's announced policy of February 11, 1994, the gentleman from Texas (Mr. Smith) is recognized during morning business for 5 minutes.

MR. [LAMAR S.] SMITH of Texas: Mr. Speaker, a few days ago Newsweek published an article the likes of which I have never seen before concerning a current President. Titled "The Politics of Promiscuity," it examines the basic question of President Clinton's character. . . .

The Newsweek author is not talking about promiscuity's most common meaning, but its fullest meaning—casual or irregular behavior. Whether at home or abroad, this kind of careless, cavalier conduct has been the trademark of this administration. . . .

President Clinton's financial dealings are a case in point. . . .

The President has insisted that he lost money on his financial transactions and he believes that should be the end of the discussion. . . .

The question is not whether money was made, but why was he involved in the first place? And the answer is that he had no business doing business with people whose business it was his business to regulate.

If this fault were the only lapse—or if the administration's faults were only lapses—then there would not be such a

13. John P. Murtha (Pa.).

14. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.

15. Thomas S. Foley (Wash.).

cause for concern. But as the administration's faults continue to mount and continue to erode America's foundations, it becomes daily more obvious that they are not lapses. They are not strayings from a shared path of principles, but a new route of questionable rights and values altogether. . . .

The Newsweek article observes President Clinton tells his closest advisers that "character is a journey, not a destination." Klein writes:

> This evolutionary notion of character is something of a finesse: it can drift from explaining lapses to excusing them. There is an adolescent, unformed, half-baked quality to it—as there is to the notion of promiscuity itself: an inability to settle, to stand, to commit. It will not suffice in a president. . . .

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

MR. [CASS] BALLENGER [of North Carolina]: Mr. Speaker, the President has hired Robert Bennett, the noted defense attorney, to defend him against charges of sexual harassment.

Can Bennett defend the President against charges of factual harassment? This is where the President says one thing, but does another.

His health care plan was supposed to promote health security for all, but in reality would lower health care quality while costing a million jobs.

He promised to end welfare as we know it, but if he has a plan he will not show it. . . .

THE SPEAKER: The Chair wishes to remind Members that comments regarding the President of the United States are covered by House rules of comity, and Members should avoid any references to the President that involve suggestions of a personal character.

The Chair wishes to allow reasonable latitude for debate on subjects of personal interest and importance, but Members will observe the rules of comity with regard to the President, Members of the other body, and their fellow Members.

Parliamentarian's Note: The Speaker, with the concurrence of the Minority Leader, advised the Parliamentarian that extraneous matter inserted in the Record should also be perused for conformity with the Speaker's statement on this matter.

§ 47.17 A Member was disciplined for stating that the President had given "aid and comfort to the enemy," and the Chair indicated that the Member would not be allowed to speak on the floor of the House or to insert remarks in the Record in any manner or form for 24 hours.

On Jan. 25, 1995,[16] a Member was disciplined for remarks relating to the President:

> (Mr. Dornan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
>
> MR. [ROBERT K.] DORNAN [of California]: . . . I was offended by Clinton's speech last night on 15 points.

16. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

I will do a 5-minute special order tonight I have just signed up for. I can only mention four.

The first one is new covenant. The Ark of the Covenant was the Old Covenant. The New Covenant was the Son of God, Jesus Christ. . . .

No. 2, to put a Medal of Honor winner in the gallery that joined the Marine Corps at 16, fudging his birth certificate, that pulled that second grenade under his stomach, miraculously surviving and saving his four friends, he did that 6 days past his 17th birthday.

Does Clinton think putting a Medal of Honor winner up there is not going to recall for most of us that he avoided the draft three times and put teenagers in his place possibly to go to Vietnam?

No. 3, the line on the cold war. . . .

By the way, Mr. Speaker, the second amendment is not for killing little ducks and leaving Huey and Dewey and Louis without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away. . . .

MR. [VIC] FAZIO of California: Mr. Speaker, I move the gentleman's words be taken down. . . .

THE SPEAKER PRO TEMPORE:[17] All Members will suspend. The Clerk will report the words spoken by the gentleman. . . .

The Clerk read as follows:

> Even Andrea Mitchell of NBC took note that [it] is Ronald Reagan's prerogative, George Bush's and all of us who wore the uniform or served in a civilian capacity to crush the evil empire. Clinton gave aid and comfort to the enemy.

THE SPEAKER PRO TEMPORE: In the opinion of the Chair, that is not a proper reference to the President. Without objection, the words are stricken from the Record. . . .

MR. FAZIO of California: Mr. Speaker, reserving the right to object, I think the gentleman from California [Mr. Dornan] owes the entire institution, the Congress, and the President an apology.

MR. DORNAN: Hell no; hell, no. . . .

Unanimous consent to proceed for 15 seconds? . . .

THE SPEAKER PRO TEMPORE: The gentleman from California [Mr. Fazio] has the floor at this moment.

MR. FAZIO of California: I would be happy to yield to my colleague from California, since I have the time, to hear his response.

MR. DORNAN: Will the gentleman yield?

MR. FAZIO of California: I yield to the gentleman from California.

MR. DORNAN: To my distinguished friend and colleague, Maj. Earl Kolbile, Lt. Comdr. J. J. Connell was beaten to death in Hanoi. I have had friends beaten to death in Hanoi, tortured and beaten. You have not. . . .

I will not withdraw my remarks. I will not only not apologize. . . .

MR. [HAROLD L.] VOLKMER [of Missouri]: I ask that the words of the gentleman from California be taken down.

MR. DORNAN: Good. I will leave the floor, no apology, and I will not speak the rest of the day. The truth is the truth.

THE SPEAKER PRO TEMPORE: The House will be in order. The gentleman's words have already been taken down. . . .

---

17. John J. Duncan, Jr. (Tenn.).

MR. FAZIO of California: The gentleman is challenging the words that were uttered in response to my question.

THE SPEAKER PRO TEMPORE: The Chair rules that those words as follows "I believe the President did give aid and comfort to the enemy, Hanoi," were also out of order. The Chair has ruled that, based on the precedents of the House, the words of the gentleman from California were out of order, and without objection, both sets of words will be stricken from the Record. . . .

MR. FAZIO of California: I have a parliamentary inquiry of the Speaker at this point.

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

MR. FAZIO of California: When the Speaker rules that the gentleman should not be allowed to speak for 24 hours, does that encompass remarks that might be placed in the Record, participation in special orders, and other activities that might not involve the gentleman speaking on the floor?

THE SPEAKER PRO TEMPORE: It is the House's determination as to whether or not the Member should be allowed to proceed in order for the remainder of the day. That determination shall not be made by the Chair.

MR. FAZIO of California: In other words, is the House required to vote on whether or not remarks should be placed in the Record?

THE SPEAKER PRO TEMPORE: Unparliamentary remarks cannot be inserted in the Record.

MR. FAZIO of California: But remarks that are not ruled unparliamentary may be placed in the Record if they are not uttered on the floor; is that the ruling of the Speaker?

THE SPEAKER PRO TEMPORE: Unparliamentary remarks should not be inserted in the Record in any manner or form. . . .

MR. FAZIO of California: So in other words, just to confirm the Speaker's ruling, we will not read or hear from the gentleman from California [Mr. Dornan] for the next 24 hours; is that correct?

THE SPEAKER PRO TEMPORE: Unless the House permits him to proceed in order, the gentleman is correct.

MR. FAZIO of California: And for the House to permit that would require a majority vote?

THE SPEAKER PRO TEMPORE: It would require either unanimous consent or a majority vote of the House to permit the gentleman to proceed in order. . . .

MR. [DAVID E.] BONIOR [of Michigan]: Mr. Speaker, the gentleman from California [Mr. Dornan] is on his feet. Is he not supposed to remain seated until the determination?

THE SPEAKER PRO TEMPORE: The gentleman can either be seated or leave the Chamber.

MR. BONIOR: He chose to leave the Chamber; OK. . . .

In a further ruling, the Chair stated that the following words were not unparliamentary:

> By the way, Mr. Speaker, the Second Amendment is not for killing little ducks and leaving Huey, Duey and Louie without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away. Thank you, Mr. Speaker.

References to President's Family

§ 47.18 In response to a parliamentary inquiry, the

Speaker advised that it is not in order in debate to refer to the President in terms personally offensive; but that the traditional protections (in Jefferson's Manual and the precedents) against unparliamentary references to the President do not necessarily extend to members of his family.

On July 12, 1990,[18] after the Chair had exercised his initiative in cautioning a Member against improper references to individual Senators, he responded to a parliamentary inquiry regarding references to the President. The proceedings in the House were as follows:

> MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, it is outrageous for the Senate Democratic leader to publicly demand higher taxes and a massive 25-percent increase in the income tax top rate. The Senate Democratic leader is threatening to destroy the budget summit.
>
> Mr. Speaker, Senator Mitchell does not attend summit meetings. He publicly demands tax increases. Senator Mitchell does not offer serious budget reforms. He publicly demands tax increases. . . .
>
> THE SPEAKER:[19] The Chair will . . . caution the gentleman from Georgia that such references to Members of the other body are not in order. . . .
>
> Debate may include references to actions taken by the Senate or by committees thereof, which are a matter of public record . . . but may not include other references to individual Members of the Senate or other quotations from Senate proceedings.
>
> MR. GINGRICH: Let me then ask the Speaker:
>
> Is the Chair prepared, because there is a similar phrase about protecting the integrity of the President, is the Chair as prepared to rule tightly when members of the Democratic Party describe President Bush and his immediate family? Are we going to have a standard by which I may not refer to the action of the Democratic leader in the Senate, which is a public action in a newspaper, but the members of the Democratic Party may say virtually anything weakening, and defaming and insulting the President of the United States? . . .
>
> THE SPEAKER: The Chair will tell the gentleman from Georgia [Mr. Gingrich] that references to the President of the United States that are personally offensive references are not permitted in debate. They are not covered by this particular rule. This rule reflects upon references to the other body and is in a long tradition of comity between the two bodies of the Congress. It has been recently amended to permit references to Senate actions, but the tradition against making references to individual Senators or characterizing their activity on or off the floor is against the rule and traditions of the House. . . .
>
> MR. GINGRICH: . . . I would simply want to serve notice to my colleagues

18. 136 CONG. REC. p. ____, 101st Cong. 2d Sess.

19. Thomas S. Foley (Wash.).

on the Democratic side that we will ask the Chair to be as strict in protecting the President and his immediate family as the Chair is legitimately being with respect to the other body.

THE SPEAKER: The gentleman from Georgia [Mr. Gingrich] has, in effect, cooperated with the Chair on the matter. . . .

MR. [DENNIS E.] ECKART [of Ohio]: Mr. Speaker, I have a parliamentary inquiry. . . .

To what extent do the rules of the House extend to individuals who may be related to public officials.

THE SPEAKER: The traditions only go to the references to Members of the other body personally or to the President personally, but do not necessarily go to the matters of the President's family.

Parliamentarian's Note: In some instances, of course, a particular criticism of the President's family might constitute a personal affront to the President himself.

§ 48. Procedure; Calls to Order

Clause 4 of Rule XIV of the House rules provides a procedure for dealing with disorderly words or actions by Members:

> If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.[1]

Where the violation of the rules is technical and not willful, a point of order, rather than a demand that words be taken down, is often made, and if sustained the Speaker directs the Member who had the floor to proceed in order.[2]

Where objectionable words are uttered in debate and are called to the attention of the House, the provisions of the cited rule are followed explicitly. If a Member demands that the offending words "be taken down," the Member must take his seat until the words are reported pursuant to Rule XIV clause 5:

> If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor to be subject to the censure of the House therefor, if further debate or other business has intervened.[3]

1. *House Rules and Manual* § 760 (1995).
2. See Ch. 31, infra, for points of order.
3. *House Rules and Manual* § 761 (1995).

As clause 4 of the rule indicates, the Speaker may on his own initiative call a Member to order for words spoken in debate or for other acts of disorder and has so done on occasion;[4] and where a Member has persisted in speaking when not recognized and in spite of repeated calls to order, the Speaker has ordered his microphone turned off.[5] The Speaker has an affirmative duty to call a Member to order for referring, in violation of the rules, to individual Senators or to proceedings of the Senate.[6] If the words used in debate refer critically to the Speaker and are taken down, the Speaker leaves the chair after appointing another Member to preside for the purpose of ruling on the words objected to.[7]

Because the demand to take down words spoken in debate must come immediately after the words are uttered,[8] a question of privilege based upon such words may not be raised at a subsequent time.[9] But the insertion of objectionable words in the *Congressional Record* by a Member, either under leave to revise and extend, or without such leave, will support a question of privilege.[10]

Where objectionable words are uttered in the Committee of the Whole, a demand must be made to take them down, the Committee rises, and the words are reported by the Clerk for a ruling by the Speaker. After the House determines whether to expunge offensive words from the Record, and whether to permit an offending Member to proceed in order, the Committee then resumes sitting without motion.[11] House action is strictly limited to the words reported from the Committee,[12] and the Speaker will not entertain a request that further words spoken in the Committee be taken down.[13] The Committee of the Whole can take no action on

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A Delegate may call a Member to order (2 Hinds' Precedents § 1295).

4. See, for example, §§ 48.1, 48.2, 48.5–48.7, 48.9, 48.10, infra.

5. See § 48.20, infra.

6. See § 48.3, infra.

"[I]t is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House. . . ." Jefferson's Manual, *House Rules and Manual* § 374 (1995).

For announcements by the Chair stating his intention to strictly enforce the rule of comity, see § 44.8, supra.

7. See § 48.11, infra.

8. See § 49, infra.

9. See §§ 48.14, 48.15, infra.

10. See § 48.16, infra.

11. See § 49.42, infra.

12. See § 50.10, infra.

13. See § 49.39, infra.

objectionable words, such as expungement from the Record,[14] but both the objectionable words and the demand that words be taken down may be withdrawn in the Committee.[15]

The following is the order of precedence of motions if words are sought to be ruled out of order in the House: (1) under Rule XIV clause 4, before the Speaker rules, a motion to explain is in order and is preferential; (2) when the Speaker rules, any appeal from the ruling must come immediately and is not debatable; (3) after the ruling, a motion to strike or expunge from the Record has priority, since permitting a motion to explain at that stage would undermine the Speaker's ruling and a possible appeal; the motion to strike is debatable and the previous question should be moved; (4) a motion to permit the offending Member to proceed in order is debatable and the previous question should be moved, but the motion should be made so that the Member is not prohibited from speaking for the remainder of the day.[16]

14. See § 49.16, infra.

15. See § 49.27, infra (demand may be withdrawn without unanimous consent) and § 49.31, infra (objectionable words may be withdrawn by unanimous consent).

16. See § 52, infra.

Forms

Form of call to order in the House.

THE SPEAKER: For what purpose does the gentleman rise?

MEMBER: Mr. Speaker, I rise to a point of order.

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

MEMBER: Mr. Speaker, I make the point of order that the gentleman from [State] is . . . .

THE SPEAKER: The point is well taken and the gentleman will proceed in order.[17]

Cross References

Call to order for disorderly acts, see § 43, supra.

Call to order may take Member off the floor, see § 33, supra.

Chairman's role in maintaining order in the Committee of the Whole, see Ch. 19, supra.

Clerk maintains order before election of Speaker, see Ch. 1, supra.

Expungement and deletion of matter from the *Congressional Record* generally, see Ch. 5, supra.

Member persisting in irrelevant debate may be required to take his seat, see § 37, supra.

Punishment for acts by Members, see Ch. 12, supra.

Recognition for points of order, see § 20, supra.

Collateral References

Call to order in the Senate, see Riddick/Frumin, Senate Procedure, S. Doc. No. 101–28, 101st Cong. 2d Sess. (1992).

17. *Cannon's Procedure of the House of Representatives*, 75, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

Authority of Speaker or Chairman

§ 48.1 The Speaker, observing that debate is becoming personal and approaching a violation of the rules, may request Members to proceed in order.

On June 23, 1964,[18] Speaker John W. McCormack, of Massachusetts, intervened during debate in the House:

> MR. [WAYNE L.] HAYS [of Ohio]: The gentleman had better stop right there, or I will have his words taken down, because I am not the head of two national banks. We do not have two charters. You had better either stick to the facts, or you will stop talking; one or the other.
>
> MR. [WRIGHT] PATMAN [of Texas]: If the gentleman will retract his own words, I cannot help that.
>
> THE SPEAKER: The gentleman will suspend. Both gentlemen will suspend.
>
> MR. HAYS: Will the gentleman yield?
>
> MR. PATMAN: I will not yield until I finish my statement.
>
> THE SPEAKER: The Chair suggests that the rules are established as the law of the House and the Chair is not passing at this time on any question in connection with the rules, but the Chair suggests that there has been a very close approach in more than one way or two ways to a violation of the rules. The Chair suggests that the gentleman from Texas proceed in order and, if he yields, that the gentleman from Ohio make his observations in order.

§ 48.2 The Speaker may call a Member to order for words spoken in debate.

On Jan. 12, 1961,[19] when Mr. H. R. Gross, of Iowa, referred in debate to the "so-called painless method of packing the Rules Committee," Speaker Sam Rayburn, of Texas, called him to order on his own initiative and ruled the language out of order.

§ 48.3 It is the duty of the Chair to interrupt a Member in debate when the Member proposes to refer to the opinions or statements of Senators or to Senate proceedings.

On May 25, 1937,[20] when a Member proposed to read a letter from a member of the Senate on the floor of the House, Chairman John J. O'Connor, of New York, on his own responsibility made a point of order against the reading of the letter from a member of the other body.

Similarly, on Apr. 18, 1939,[1] when a Member referred to the

18. 110 CONG. REC. 14717, 88th Cong. 2d Sess.

19. 107 CONG. REC. 650, 87th Cong. 1st Sess.

20. 81 CONG. REC. 5013, 75th Cong. 1st Sess.

1. 84 CONG. REC. 4404, 76th Cong. 1st Sess.

action of the Senate on a particular appropriation bill then before the House, Speaker William B. Bankhead, of Alabama, stated as follows:

> The Chair desires to call the attention of the gentleman from Pennsylvania to the fact that under the rules of the House he is not permitted to refer to any action taken in the Senate of the United States.[2]

Chair May Take Initiative

§ 48.4 The Chairman of the Committee of the Whole called the Committee to order and stated that he would not hesitate to call Members to order by name if order was not promptly established.

During consideration of House Concurrent Resolution 307 (first concurrent resolution on the congressional budget for fiscal years 1981, 1982 and 1983) in the Committee of the Whole on Apr. 30, 1980,[3] the Chair made a statement, as indicated below:

> MR. [JOHN W.] WYDLER [of New York]: Mr. Chairman, I make the point of order that the Committee is not in order.
>
> THE CHAIRMAN:[4] Permit the Chair to say that he believes that every Member has a right to be heard in the Committee of the Whole. It is not a matter of the Chair desiring order. It is a matter of Members deserving order so that there can be a reasonable procedure; and the Chair proposes to see to it that each Member is given an opportunity to express himself. It will be a great deal easier for everybody if the Committee comes to order a little bit more quickly.
>
> The Chair will conclude by saying he does not hesitate to call names if he must.

§ 48.5 The Chair may take the initiative to enforce the prohibition in clause 1 of Rule XIV against Members engaging in personalities during debate and call to order a Member alleging that an identifiable group of sitting Members have committed a crime.

During proceedings in the House on Mar. 21, 1989,[5] Speaker James C. Wright, Jr., of Texas, exercised his prerogative under Rule XIV, clause 1, in calling a Member to order for use of personalities in debate. The proceedings were as follows:

> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, bipartisanship

2. The Chair also intervenes on his own initiative to prevent reference to gallery occupants (see § 45, supra).
3. 126 CONG. REC. 9471, 96th Cong. 2d Sess.
4. Richard Bolling (Mo.).
5. 135 CONG. REC. 5016, 5017, 101st Cong. 1st Sess.

in the House has taken a curious twist. It now appears that the Democrat leadership is attempting to influence and interfere in the race for Republican whip. . . .

To those Democrats who have been a part of trying to influence the outcome of this election, let it be noted that the last time you played this game, you stole the Indiana seat from the Republican Party. That outrage and this one tell us more than we need to know about your definition of bipartisanship.

THE SPEAKER: The gentleman is not proceeding in a parliamentary manner. He used the word "stole." His accusation that Members of the House stole an election is improper, and the gentleman realizes that. . . .

The gentleman is engaging in personalities and when he uses words like the word "stole" with reference to an identifiable group of Members, that has been held improper.

§ 48.6 Instance where the Speaker ignored the demand that words be taken down and exercised his initiative to caution the offending Member.

On July 12, 1990,[6] it was demonstrated that the range of permissible references to the Senate in debate does not extend to the opinions or policy positions of individual Senators. The proceedings in the House were as follows:

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

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, it is outrageous for the Senate Democratic leader to publicly demand higher taxes and a massive 25-percent increase in the income tax top rate. The Senate Democratic leader is threatening to destroy the budget summit.

Mr. Speaker, Senator Mitchell does not attend summit meetings. He publicly demands tax increases. Senator Mitchell does not offer serious budget reforms. He publicly demands tax increases. Senator Mitchell does not offer spending cuts.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, I ask that the words of the gentleman from Georgia [Mr. Gingrich] be taken down.

THE SPEAKER:[7] The Chair will merely caution the gentleman from Georgia that such references to members of the other body are not in order. . . .

MR. GINGRICH: I would inquire of the Speaker, if it is in reference to a public newspaper account of public activity by a political leader, and I believe in this House we have a remarkably wide range of free speech, and this is not a reference to any action by the Senator of Maine in the Senate.

THE SPEAKER: Under clause 1, rule XIV, it is an improper reference to a Member of the other body.

The Chair would ask the gentleman from Georgia [Mr. Gingrich] to observe the traditions of the House.

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6. 136 CONG. REC. ____, 101st Cong. 2d Sess.

7. Thomas S. Foley (Wash.).

Speaker Sometimes Takes Initiative Where Improper Remarks Are Uttered

§ 48.7 The Speaker cautioned a Member that it is a breach of order under clause 1 of Rule XIV to allege in debate that a Member has engaged in conduct similar to the subject of a complaint pending before the Committee on Standards of Official Conduct against another Member; and under clause 4 of that rule, the Chair takes the initiative in calling to order Members improperly engaging in personalities in debate.

Speaker Pro Tempore G. V. (Sonny) Montgomery, of Mississippi, called a Member to order in the House on Mar. 22, 1989,[8] as indicated below:

> (Mr. Alexander asked and was given permission to revise and extend his remarks and to include extraneous material.)
>
> MR. [BILL] ALEXANDER [of Arkansas]: Mr. Speaker, after arriving at the Capitol a few minutes ago on this glorious spring day, I learned that our colleagues on the other side of the aisle have conducted an election for minority whip resulting in the election of the gentleman from Georgia (Mr. Gingrich) as minority whip. . . .
>
> I would note to those who are observing that the gentleman from Georgia made his name, so to speak, by a sustained personal attack on the good name of Jim Wright, the Speaker of the House of Representatives who has devoted decades of meritorious service to our country. The gentleman from Georgia alleged that the Speaker has circumvented minimum income limits of Members of Congress by writing a book for which he received a royalty.
>
> Now, it is also to be noted that just this week it was learned that the gentleman from Georgia (Mr. Gingrich) also allegedly has a book deal. It is alleged in the Washington Post this week that the gentleman from Georgia received a royalty or a payment in the nature of a royalty. This is apparently similar to the Wright arrangement which is the basis of the gentleman from Georgia's complaint before the Ethics Committee.
>
> THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman that he cannot make personal references, as the gentleman has done in his remarks.

§ 48.8 The Chair enforces section 364 of Jefferson's Manual by admonishing Members who attempt to disturb Members who are addressing the House by conversing with them.

In the proceedings of Feb. 21, 1984,[9] the Chair sought to preserve order by admonishing Mem-

8. 135 CONG. REC. 5130, 101st Cong. 1st Sess.

9. 130 CONG. REC. 2758, 98th Cong. 2d Sess.

bers not to converse with a Member attempting to address the House:

THE SPEAKER PRO TEMPORE:[10] The House will be in order.

The Chair would like to suggest that the rules of the House prohibit the engagement of private conversation with someone who is in the process of speaking or has just concluded speaking and would ask the gentleman on his left and the gentleman on his right to extend to one another the courtesies commonly expected of Members of the House.

§ 48.9 Where a Member transgresses clause 1 of Rule XIV by engaging in personalities in debate, and discusses behavior of a Member where a complaint has been filed with the Committee on Standards of Official Conduct concerning that conduct, the Chair takes the initiative to call him to order pursuant to clause 4 of Rule XIV.

On Nov. 3, 1989,[11] the following proceedings occurred in the House during a special-order speech:

THE SPEAKER PRO TEMPORE:[12] Under a previous order of the House, the gentleman from California [Mr. Dannemeyer] is recognized for 60 minutes.

MR. [WILLIAM E.] DANNEMEYER [of California]: . . . I want to make clear to my colleagues that at the appropriate time in the near future, I will offer a resolution, in one form or another, to expel [two Members specified]. . . .

THE SPEAKER PRO TEMPORE: The gentleman will pause. The gentleman is discussing a matter pending before the Ethics Committee. I would remind the gentleman from California that clause 1 of rule XIV prevents Members in debate from engaging in personalities. Clause 4 of that rule provides that if any member transgresses the rules of the House, the Speaker shall, or any Member may, call him to order.

The gentleman may proceed within the rules of the House.

MR. DANNEMEYER: . . . George Washington Law Professor John Banzhaf has done extensive research on a case of Member "X." He concludes that Member "X" has publicly admitted to committing crimes, and a refusal to take any action would undermine the public's confidence in the mechanism set up to ensure that Members of Congress abide by ethical and moral standards at least as high as those to which we currently hold attorneys, cadets at the Nation's military academies, high military officials, and even school principals.

Indeed, since the prostitute was prosecuted and convicted for sodomy and his school principal lover was forced to resign, a failure to take any action against a Congressman who commits the same crimes would lead

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

11. 135 CONG. REC. 27077, 27082, 101st Cong. 1st Sess.

12. Jolene Unsoeld (Wash.).

people to believe that lesser rather than stricter standards were being applied.

The Boston Globe wrote, *"Were Member X's transgressions serious enough to warrant his departure from Congress? Yes. For his own good and for the good of his constituents, his causes and Congress"*——

THE SPEAKER PRO TEMPORE: The gentleman will cease. The Chair would remind the gentleman, and will repeat again, and will read the Speaker's full statement, clause 1 of rule XIV prevents Members in debate from engaging in personalities. Clause 4 of that rule provides that if any Member transgresses the rules of the House, the Speaker shall, or any Member may, call him to order. Members may recall that on December 18, 1987, the Chair enunciated the standard that debate would not be proper if it attempted to focus on the conduct of a Member about whom a report had been filed by the Committee on Standards of Official Conduct or whose conduct was not the subject of a privileged matter then pending before the House. Similarly, the Chair would suggest that debate is not proper which speculates on the motivations of a Member who may have filed a complaint before the Committee on Standards of Official Conduct against another Member.

MR. DANNEMEYER: Madam Speaker, I have no longer made reference to a specific Member. I have merely made reference to "Member X."

THE SPEAKER PRO TEMPORE: The gentleman is referring to newspaper stories which specifically names Members.

§ 48.10 Where a Member transgresses clause 1 of Rule XIV, by engaging in personalities in debate (as by discussing the facts surrounding a disciplinary resolution then pending on the House Calendar), the Chair takes the initiative to call him to order pursuant to clause 4 of Rule XIV.

On July 24, 1990,[13] the following proceedings occurred in the House during a special-order speech:

THE SPEAKER PRO TEMPORE:[14] Under a previous order of the House, the gentleman from California [Mr. Dannemeyer] is recognized for 60 minutes.

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker and Members, I have taken this special order this evening for the purpose of talking to my colleagues about the matter that will be coming up on the floor of the House for consideration, probably sometime this week, dealing with our colleague, the gentleman from Massachusetts [Mr. Frank]. The House Ethics Committee submitted a report on July 20, which was just last Friday and that report has now been printed in the Record, and I will make reference to it as I discuss this issue. . . .

I would like briefly to discuss the issue of what was contained in the Ethics Committee report to the House on July 20. I believe that the newspaper accounts of the conduct of Mr. Frank are quite well-known to all of

13. 136 CONG. REC. ____, 101st Cong. 2d Sess.

14. Timothy J. Penny (Minn.).

us, but I think it is also appropriate that some discussion be made so that we have the issue before us.

Beginning sometime in 1985, believed to be around April of that year, at least in the statement of——

THE SPEAKER PRO TEMPORE: If the gentleman from California [Mr. Dannemeyer] will suspend for a moment, at this point the Chair would caution all Members that it is not in order in debate to engage in personalities. Members should refrain from references in debate to the conduct of other Members, where such conduct is not the subject then pending before the House as a question of the privileges of the House.

When a privileged resolution is offered, it would be appropriate for any Member then to discuss the details of the case. At this point, it would be inappropriate.

MR. DANNEMEYER: Do I understand the Speaker to say that it would be inappropriate for me to discuss the details of the report that has been filed?

THE SPEAKER PRO TEMPORE: It would be inappropriate to discuss the conduct of other Members, where such conduct is not the subject then pending before the House as a question of privilege.

MR. DANNEMEYER: Well, if I may inquire of the Speaker, the report of the Committee on Standards of Official Conduct was filed July 20. It describes in detail the items that I feel like I am in a position to discuss at this time, by virtue of the fact that this report is now part of the public record.

THE SPEAKER PRO TEMPORE: The report has been filed. The report is not the pending business.

Parliamentarian's Note: It is not in order in debate to refer to the official conduct of a Member where such conduct is not the subject then pending before the House by way of a report of the Committee on Standards of Official Conduct or as a question of the privileges of the House. Moreover, it is the consideration of a disciplinary resolution, not the filing of a report thereon, that is the condition for debate on the conduct of the Member concerned. Any discussion of a Member's conduct should be considered as dealing in "personality" unless the conduct is the subject of the business then pending before the House. When the conduct is the pending business of the House, its relevance under the Constitutional prerogative of the House to punish its Members for disorderly behavior supersedes the prohibition against "personality" in debate and its probative value outweighs its tendency to impair decorum. The only other permissible debate of a Member's conduct would be in the context of debate on another Member's conduct, by way of comparison of contemplated punishments, but within narrower limits than if the conduct being debated were the Member's own in the context of a disciplinary resolution relating to him.

Where Objectionable Words Impugn the Speaker

§ 48.11 Where words used in debate have affected the Speaker and have been taken down, the Speaker has left the Chair after designating another Member to preside.

On Feb. 7, 1935,[15] and on May 31, 1934,[16] when words were used in debate impugning the integrity of the Speaker, the Speaker left the Chair after designating another Member to preside and to rule on the words objected to.

Procedure In the House

§ 48.12 The only method by which the words of the Member having the floor may be challenged is through a demand that his words be taken down.

The following proceedings occurred in the House on June 4, 1984,[17] during consideration of the Oregon Wilderness Act of 1983 (H.R. 1149):

MR. [LES] AUCOIN [of Oregon]: . . . The House has had its opportunity to work its will. The only thing that would be gained now by not voting for this bill as it is would be to delay a final resolution, pushing it off further down the road . . . running this issue up against all the other issues that the Congress is going to be dealing with in its rush toward adjournment and that will guarantee the doom of this bill.

Obviously, no responsible person on either side of this issue wants such a thing to happen.

MR. [DON] YOUNG of Alaska: Mr. Speaker, a point of order.

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

MR. YOUNG of Alaska: Mr. Speaker, I would like to suggest that the gentleman not use the term "no responsible person."

Both Members from Oregon are very responsible members of the committee that I am ranking member of, and I consider my responsibility very seriously and to say that we are not responsible because we are in opposition to this bill is incorrect.

I would respectfully suggest that the gentleman reconsider his words.

MR. AUCOIN: Mr. Speaker, this gentleman said that no responsible person wants to see a resolution of this bill delayed to such a date in which no passage of the bill dealing with the Oregon RARE II problem would be possible. . . .

I assume it applies to the gentleman from Alaska. I think he is responsible. I do not think he wants to see a resolution of this bill delayed.

MR. YOUNG of Alaska: The bill is basically wrong. I rose against the bill

15. 79 CONG. REC. 1680, 1681, 74th Cong. 1st Sess.

16. 78 CONG. REC. 10167–70, 73d Cong. 2d Sess.

17. 130 CONG. REC. 14805, 98th Cong. 2d Sess.

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

and to allude to the fact that we are irresponsible does not become the gentleman at all. That disturbs me a great deal. . . .

So I would suggest again to the gentleman to choose his words very carefully.

MR. AUCOIN: Mr. Speaker, what is the regular order?

THE SPEAKER PRO TEMPORE: The gentleman may proceed. The gentleman has not asked the words be taken down. The gentleman may proceed.

—*Where Member Has Breached Rules of Decorum*

§ 48.13 Upon a timely demand that words spoken in debate be taken down as unparliamentary, the Chair gavels the proceedings to a halt, directs the challenged Member to be seated under clause 4 of Rule XIV and directs the Clerk to report the words; but, while a Member who is held to have breached the rules of decorum in debate is presumptively disabled from further recognition on that day, by tradition the Speaker's ruling and any necessary expungement of the Record are deemed sufficient sanction, and by custom the chastened Member is permitted to proceed in order (usually by unanimous consent).

The proceedings of July 29, 1994,[19] demonstrate procedures following a demand that the words be taken down:

MS. [MAXINE] WATERS [of California]: Madam Speaker, last evening a Member of this House, Peter King, had to be gaveled out of order at the Whitewater hearings of the Banking Committee. He had to be gaveled out of order because he badgered a woman who was a witness from the White House, Maggie Williams. I am pleased I was able to come to her defense. Madam Speaker, the day is over when men can badger and intimidate women.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Madam Speaker, I demand the gentlewoman's words be taken down.

THE SPEAKER PRO TEMPORE:[1] The gentlewoman from California [Ms. Waters] must suspend and be seated.

The Clerk will report the words.

MS. WATERS:——

THE SPEAKER PRO TEMPORE: The gentlewoman will please desist and take her seat.

MS. WATERS:——

THE SPEAKER PRO TEMPORE: The Chair is about to direct the Sergeant at Arms to present the mace.

THE SPEAKER:[2] The Clerk will report the words.

The Clerk read as follows:

He had to be gaveled out of order because he badgered a woman who

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19. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.

1. Carrie Meek (Fla.).

2. Thomas S. Foley (Wash.).

was a witness from the White House, Maggie Williams. I am pleased I was able to come to her defense. Madam Chairwoman, the day is over when men can badger and intimidate women.

THE SPEAKER: While in the opinion of the Chair the word "badgering" is not in itself unparliamentary, the Chair believes that the demeanor of the gentlewoman from California was not in good order in the subsequent period immediately following those words having been uttered.

Accordingly, the Chair rules that without leave of the House, the gentlewoman from California may not proceed for the rest of today. . . . The Chair wishes to advise the gentlewoman from Colorado that it is the opinion of the Chair that the Chair at the time was attempting to insist that the gentlewoman from California desist with any further statements and sit down. She did not accord cooperation to the Chair and follow the Chair's instructions. Consequently, it is the finding of the Chair that her demeanor at that point in refusing to accept the Chair's instructions was out of order.

The Chair wishes to ask if there is objection to the gentlewoman from California proceeding in good order.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Reserving the right to object, Mr. Speaker, do I understand that the Chair is putting the question to the House under unanimous consent of the gentlewoman being able to proceed for the rest of the day?

THE SPEAKER: That is correct.

MR. WALKER: I thank the Chair.

THE SPEAKER: Without objection, so ordered.

There was no objection.

—*Raising Question of Personal Privilege*

§ 48.14 A question of personal privilege may not normally be based upon language uttered on the floor of the House in debate, the proper course being the demand that words be taken down before other debate on business intervenes.[3]

On June 7, 1935,[4] Mr. Jennings Randolph, of West Virginia, arose to a question of personal privilege, resulting in the following ruling:

MR. RANDOLPH: I wish to answer certain remarks made yesterday by the gentleman from Texas referring to testimony I gave in the district court on two occasions, and also his comment upon my service in the Congress.

THE SPEAKER:[5] In the opinion of the Chair it is not in order to rise to a question of personal privilege based on matters uttered in debate on the floor of the House. The proper course to be

3. 95 CONG. REC. 2651, 2652, 81st Cong. 1st Sess., Mar. 16, 1949; 93 CONG. REC. 2314, 80th Cong. 1st Sess., Mar. 20, 1947; 92 CONG. REC. 5000, 79th Cong. 2d Sess., May 14, 1946; 84 CONG. REC. 2883, 2884, 76th Cong. 1st Sess., Mar. 16, 1939; and 81 CONG. REC. 6309, 6310, 75th Cong. 1st Sess., June 24, 1937.

4. 79 CONG. REC. 8864, 74th Cong. 1st Sess.

5. Joseph W. Byrns (Tenn.).

pursued under such circumstances is to demand that the objectionable words be taken down.

The Chair does not think the gentleman can rise to a question of personal privilege under the circumstances.

§ 48.15 A Member may rise neither to a question of personal privilege nor to a question of privilege of the House based on words uttered in debate on the floor of the House.

On Feb. 6, 1950,[6] Mr. Clare E. Hoffman, of Michigan, arose to state a "question of the privilege of the House and also a question of personal privilege." He based his question on a one-minute speech made on the floor of the House on Feb. 2, 1950, by Mr. Anthony Cavalcante, of Pennsylvania, wherein reflections were cast "upon the House as a whole," upon "more than two-thirds of the Members of the House," upon an individual Member of the House, and upon a member of "the other body." Mr. Hoffman then introduced a resolution to strike the allegedly objectionable words from the *Congressional Record* of Feb. 2.

Speaker Sam Rayburn, of Texas, stated his opinion that a question of privilege coming several days after objectionable words were uttered was improper and impracticable. Mr. Hoffman responded that although the words were uttered on the floor and that he was present in the Chamber at the time, he had not heard all the words spoken. He stated that there were precedents to the effect that a point of order need not necessarily be made at the time the words were uttered.

Speaker Rayburn ruled as follows:

The Chair will read the rule:

If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefore, if further debate or other business has intervened.[7]

The Chair, in the interest of orderly procedure, is forced to hold that after the Journal has been read and approved and the Record read and approved, it would be bad practice to go back and open it up.

Parliamentarian's Note: Under normal practice, the only situation where a question of personal privilege can be raised for objectionable words after intervening debate is where the words are in-

6. 96 CONG. REC. 1514, 81st Cong. 2d Sess.

7. Rule XIV clause 5, *House Rules and Manual* § 761 (1995).

serted, not spoken, and appear in the Record or under Extensions of Remarks.

§ 48.16 A question of personal privilege may be based upon unparliamentary language inserted by a Member in his speech under leave to revise and extend his remarks.

On June 24, 1937,[8] Mr. Clare E. Hoffman, of Michigan, arose to a question of personal privilege. He based his question on remarks printed in the *Congressional Record* of June 22, 1937, made by Mr. Adolph J. Sabath, of Illinois, and Mr. Maury Maverick, of Texas. Mr. Maverick's remarks had been uttered on the floor in debate, but Mr. Sabath's remarks had not been made on the floor but inserted in the Record under leave to revise and extend.

Speaker William B. Bankhead, of Alabama, stated that in his opinion Mr. Hoffman could not base a question of personal privilege on remarks which had been uttered on the floor in debate.

As to the remarks inserted in the Record by Mr. Sabath, the Speaker stated as follows:

> If, as a matter of fact, the gentleman from Illinois inserted in the Record matters not actually stated by him upon the floor at the time which gave offense to the gentleman from Michigan, it was then the privilege of the gentleman from Michigan to raise that question, as he has now raised it, as a matter of personal privilege when his attention was called to the offending language. In view of the fact that the gentleman from Illinois has undertaken to make an explanation of the matter and has offered to move to have the offending language stricken from the Record, does the gentleman still insist on the matter of personal privilege? . . .
>
> The gentleman would, if he insisted, after the ruling of the Chair on the second point of order involving the language of the gentleman from Illinois, be entitled to discuss that matter.

§ 48.17 Words spoken in the Committee of the Whole may be taken down and ruled on in the House by the Speaker, but they do not give rise to a question of personal privilege.

On Mar. 16, 1949,[9] while the Committee of the Whole was considering Senate Joint Resolution 36, authorizing a contribution by the United States for the relief of Palestine refugees, Mr. John W. McCormack, of Massachusetts, stated in reference to Mr. John E. Rankin, of Mississippi, "Before Pearl Harbor the gentleman was opposed to every bill necessary for

8. 81 Cong. Rec. 6309, 6310, 75th Cong. 1st Sess.

9. 95 Cong. Rec. 2651, 2652, 81st Cong. 1st Sess.

the defense of our country." The words were demanded to be taken down, the Committee rose, and Speaker Sam Rayburn, of Texas, ruled that the language objected to was merely an opinion and not a violation of the rules of the House.

The Committee resumed its sitting, and Mr. McCormack proceeded in debate. Mr. Rankin then arose to a question of personal privilege. Chairman John J. Rooney, of New York, ruled as follows:

> Such a point may not be raised in the Committee of the Whole.
>
> MR. RANKIN: Oh, yes; where the offense is committed in the Committee of the Whole, it is in order.
>
> THE CHAIRMAN: The proper remedy is to have the words taken down.
>
> MR. RANKIN: The words have been taken down and were read by the Clerk.
>
> THE CHAIRMAN: I may say to the gentleman from Mississippi that the Speaker of the House has already ruled on that.

§ 48.18 Where a Member attempted to raise a question of personal privilege based on objectionable words spoken in debate, the Speaker, while declining to rule on the question presented, recognized him for a one-minute speech to reply to the derogatory remarks.

On Oct. 15, 1969,[10] Mr. William E. Brock, 3d, of Tennessee, made the following one-minute speech in the House:

> Mr. Speaker, most of us heard last evening a great plea for honest debate, for free and open discussion of the issues of the tragedy of Vietnam. That debate went on for 5 hours.
>
> Now, today, we have witnessed a turn. Those who spoke so eloquently for freedom and full debate now object to the consideration of a resolution which endorses the right of dissent in this country. I think it is typical of the double standard that is applied in this country by those elements who are so critical of an honest effort of a great Nation to achieve a lasting peace.

Mr. Arnold Olsen, of Montana, then rose to a point of privilege:

> Mr. Speaker, my point of personal privilege is the attack just made from the well of the House on the loyalty of so many of us and the right of free speech in this country.
>
> Mr. Speaker, I think that address is entitled to a response of 1 minute.

Speaker John W. McCormack, of Massachusetts, did not rule on whether a question of personal privilege was presented, but granted Mr. Olsen "under the circumstances" the right to make a one-minute speech in reply to Mr. Brock's remarks.

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10. 115 CONG. REC. 30080, 91st Cong. 1st Sess.

Interrupting Member Who Declines To Yield; Deleting Remarks of Member Not Recognized

§ 48.19 A Member wishing to interrupt another in debate should address the Chair for permission of the Member speaking who may exercise his own discretion as to whether or not to yield; the Chair will take the initiative in preserving order when a Member declining to yield in debate continues to be interrupted by another Member, and may order that the remarks of the Member interrupting not appear in the Record.

On July 26, 1984,[11] the Committee of the Whole had under consideration H.R. 11, the Education Amendments of 1984. Mr. Robert S. Walker, of Pennsylvania, who was discussing prayer in schools, was interrupted by George Miller, of California, who was reading passages aloud from the Bible for purposes of demonstrating his argument that the right to pray is not absolute:

MR. WALKER: . . . It has been referred to by many people on the floor today that they know of no situation in the country where silent prayer has ever been ruled out of order by the courts. That is wrong.

I have here an article before me from CQ in which it says that in Alabama the silent prayer in Alabama was ruled out of order by the 11th U.S. Circuit Court of Appeals. . . .

[Mr. Miller of California proceeded to read from the Bible at this point.]

THE CHAIRMAN PRO TEMPORE:[12] The gentleman will suspend. The gentleman from California will suspend. The gentleman is out of order.

MR. MILLER of California: Mr. Chairman, I would just like to raise the point——

THE CHAIRMAN PRO TEMPORE: The gentleman is out of order.

MR. WALKER: Mr. Chairman, I have not yielded to the gentleman.

THE CHAIRMAN PRO TEMPORE: The gentleman has not yielded.

The gentleman's words when he spoke in the well without getting the permission of the Member who had the floor will not appear in the Record.

The gentleman from Pennsylvania may proceed. . . .

MR. WALKER: . . . I must say that the gentleman reading from the Holy Bible in the course of the discussion here I think is somewhat inappropriate. It was far more appropriate in the course of political debate; it was far more appropriate than the so-called prayer uttered earlier by the gentleman from New York.

MR. MILLER of California: Mr. Chairman, will the gentleman yield?

MR. WALKER: I would be glad to yield to the gentleman.

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11. 130 CONG. REC. 21247, 98th Cong. 2d Sess.

12. Abraham Kazen, Jr. (Tex.).

MR. MILLER of California: I think the point is this: That suggesting that this is an absolute right and that in fact to try to prescribe it, whether it is audible, whether it is oral, whether it is loud, whether it is soft, whether it is silent, is a point of real contention, because it is not an absolute right, as the gentleman suggests.

We just saw the rules of the House work against that right. The gentleman raised the point earlier about a teacher——

THE CHAIRMAN PRO TEMPORE: The time of the gentleman from Pennsylvania has expired.

In the House; Turning Off Microphone as Way To Preserve Order

§ 48.20 The rules which direct the Speaker to preserve order and decorum in the House authorize the Chair to take necessary steps to prevent or curtail disorderly outbursts by Members; thus, for example, the Chair may order the microphones turned off if being utilized by a Member, who has not been properly recognized, to engage in disorderly behavior.

On Mar. 16, 1988,[13] during the period for one-minute speeches in the House, it was demonstrated that, where a Member has been notified by the Chair that his debate time has expired, he is thereby denied further recognition in the absence of the permission of the House to proceed, and he has no right to further address the House after that time. The proceedings were as follows:

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

MR. [ROBERT K.] DORNAN of California: Mr. Speaker, and I address a different Member of this Chamber from New York, because you have left your chair, and Mr. Majority Whip from California, you have also fled the floor. In 10 years Jim and Tony—I am not using any traditional titles like "distinguished gentleman"—Jim and Tony, in 10 years I have never heard on this floor so obnoxious a statement as I heard from Mr. Coelho, which means "rabbit" in Portuguese, as ugly a statement as was just delivered. Mr. Coelho said that we on our side of the aisle and those conservative Democrats, particularly those representing States which border the Gulf of Mexico, sold out the Contras. That is absurd. . . . Panama is in chaos and Communists in Nicaragua, thanks to the liberal and radical left leadership in this House are winning a major victory, right now.

THE SPEAKER PRO TEMPORE:[14] The time of the gentleman from California [Mr. Dornan] has expired.

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

13. 134 CONG. REC. 4079, 4084, 4085, 100th Cong. 2d Sess.

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

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

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

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

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

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

MR. DORNAN of California: People are dying.

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

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

MR. DORNAN of California: . . . I demand a Contra vote on aid to the Democratic Resistance and the freedom fighters in Central America. In the name of God and liberty and decency I demand another vote in this Chamber next week. . . .

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

Mr. Speaker, I was just in my office viewing the proceedings here, and during one of the proceedings, when the gentleman from California [Mr. Dornan] was addressing the House, it was drawn to my attention that the Speaker requested that Mr. Dornan's microphone be turned off, upon which Mr. Dornan's microphone was turned off.

Mr. Speaker, my inquiry of the Chair is: Under what rule does the Speaker decide to gag opposite Members of the House? . . .

THE SPEAKER PRO TEMPORE: The Chair is referring to Mr. Dornan. He requested permission of the Chair to proceed for 1 minute, and that permission was granted by the House. Mr. Dornan grossly exceeded the limits and abused the privilege far in excess of 1 minute, and the Chair proceeded to restore order and decorum to the House. . . .

MR. GREGG: . . . I have not heard the Chair respond to my inquiry which is what ruling is the Chair referring to which allows him to turn off the microphone of a Member who has the floor?

THE SPEAKER PRO TEMPORE: Clause 2 of rule I.

MR. GREGG: Mr. Speaker, I would ask that that rule be read. I would ask that that rule be read, Mr. Speaker. . . .

THE SPEAKER PRO TEMPORE: It reads, 2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. . . .

MRS. [LYNN] MARTIN of Illinois: Mr. Speaker, I have a parliamentary inquiry. . . .

The gentlewoman from Illinois would inquire of the Chair, because it was difficult occasionally to hear the rather strained ruling from the Chair, when I heard the Chair read from the rule, and I hope the Chair will recheck that sentence, because the Chair talked about disturbances in the gallery and disturbances outside the floor of the House.

Would the Speaker reread the exact sentence that would indicate why and how a microphone could be turned off of a duly elected Member of the House on the floor of the House? . . .

THE SPEAKER PRO TEMPORE: Under rule I, clause 2—and I will only read the half of it that applies, so as not to cause confusion in the minds of those who appear to be confused—"He shall preserve order and decorum."

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, the sentence goes on.

MRS. MARTIN of Illinois: I believe, Mr. Speaker, that you have been requested specifically to quote that rule that affects a Member of the House on the floor, and that is not that sentence. . . . The Chair is not saying that a Member of the House, is subject to the same rule, even though it does not state it, as applied to the gallery, will apply to Members of the House. I do not believe that that can happen in an elected representative body.

Mr. Speaker, would the Chair please quote how it affects an elected Member speaking on the floor?

THE SPEAKER PRO TEMPORE: The Chair will read just what he read before.

"He shall preserve order and decorum, and,—" Then it proceeds to speak about in another place.

"Order and decorum is not just in the halls and in the galleries. The word "and" is followed by a comma.

Parliamentarian's Note: Clause 4 of Rule XIV[15] is, of course, also applicable in situations such as that described above.

Procedure Before Adoption of Rules

§ 48.21 Prior to adoption of the rules, the Speaker suggested that, if necessary, he might maintain decorum by directing a Member who had not been recognized in debate beyond an allotted time to be removed from the well, and by directing the Sergeant at Arms to present the mace as the traditional symbol of order.

The following exchange occurred on Jan. 3, 1991, during consideration of House Resolution 5, adopting the rules of the 102d Congress:[16]

THE SPEAKER PRO TEMPORE:[17] The time of the gentlewoman has expired.

MRS. [NANCY L.] JOHNSON of Connecticut: The majority party is proposing a rules change. . . .

THE SPEAKER PRO TEMPORE: The House will operate under proper decorum.

MRS. JOHNSON of Connecticut: Rather through the rule, they are intending to abrogate the content and meaning of the laws. . . .

THE SPEAKER PRO TEMPORE: The gentlewoman is out of order. . . .

MRS. JOHNSON of Connecticut: . . . I am sorry. I know this is unpleasant.

THE SPEAKER PRO TEMPORE: The gentlewoman will remove herself from the well within 30 seconds.

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

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15. See *House Rules and Manual* § 760 (1995).

16. 137 CONG. REC. 58, 59, 102d Cong. 1st Sess.

17. Steny H. Hoyer (Md.).

The gentlewoman is out of order . . . I am imploring the Chair to exercise its authority to enforce the rules of the House by summoning the Sergeant at Arms and presenting the mace.

THE SPEAKER PRO TEMPORE: The Chair may do that.

§ 49. —The Demand That Words Be Taken Down

Pursuant to clause 5 of Rule XIV, the demand that a Member's words be taken down must be made immediately after they are uttered and comes too late if further debate has intervened.

A demand that words be taken down must indicate with specificity the objectionable words,[18] and must come immediately after the objectionable words were uttered.[19] If made after intervening business or debate, the demand comes too late,[20] unless the Member seeking to make the demand was on his feet seeking recognition at the proper time.[1]

The demand should indicate the words excepted to and the identity of the Member who uttered them; it may indicate briefly the grounds for the demand, such as indulging in personalities, referring to a Senator, or impugning the integrity of a colleague. But the Member making the demand may not at that time debate the reasons for making the demand.[2] Indeed, following the demand, no debate is in order, and the Speaker does not entertain unanimous-consent requests, other than for withdrawal of the words, or parliamentary inquiries pending the report of the words and a ruling on them.[3]

Pending disposition of the demand by a ruling of the Chair, the demand may be withdrawn by the Member making it, and unani-

18. See §§ 49.2, 49.3, infra.

For an occasion where the Speaker ordered additional words reported, to deliver an informed ruling, see § 49.4, infra.

19. See §§ 49.6, 49.7, infra.

20. See Rule XIV clause 5, *House Rules and Manual* § 761 (1995): "If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened."

Where words are not spoken in debate but are inserted in the Record under leave to revise and extend, a question of privilege may be based on the objectionable words after they are published (see § 48.16, supra).

1. See 8 Cannon's Precedents § 2528.

2. See § 49.18, infra.

3. See §§ 49.14, 49.15, infra.

mous consent is not required for withdrawing the demand.[4] The demand may also be disposed of without a ruling pursuant to a unanimous-consent request of the Member who uttered the words to withdraw his remarks, which are thereby expunged from the Record.[5]

Unless the Member whose words are challenged asks unanimous consent to withdraw his remarks, he is required to take his seat when the demand is made,[6] and may not be recognized until the Chair has ruled on the words or until he is permitted on motion to explain his remarks pending the Speaker's ruling.[7] On several occasions, the Speaker has recognized the Member called to order, before definitively ruling on the words, to determine whether the Member was in fact violating the rules of the House.[8] Under clause 4 of Rule XIV, a motion to permit a Member to explain is, in recent practice, only in order before the Speaker rules.[9]

A Member called to order loses his right to proceed in debate without the consent of the House but does not lose his right to demand either a recorded or nonrecorded vote.[10]

Where there is a demand that words be taken down, the Clerk reads the words excepted to and the Chair decides if the words are in order; once the words are held out of order the House may, by unanimous consent, strike the words from the *Congressional Record* and permit the offending Member to proceed in order for the remainder of his time.[11]

When words are taken down and reported in the Committee of the Whole, the Committee must immediately rise and the Chairman report the words objected to to the House.[12] Consideration in the House of such words is limited to the words reported.[13] After the

4. See § 49.24, infra.

5. See §§ 51.1 et seq., infra.

6. See § 49.19, infra.

7. See § 49.20, infra.

8. See § 52.16, infra.

9. See Jefferson's Manual, § 760.

10. See § 49.23, infra.

11. See, for example, the proceedings at 138 CONG. REC. 25757, 25758, 102d Cong. 1st Sess., Oct. 8, 1991.

12. See, for example, 110 CONG. REC. 13275, 88th Cong. 2d Sess., June 10, 1964; 110 CONG. REC. 756, 757, 88th Cong. 2d Sess., Jan. 21, 1964; 80 CONG. REC. 3465, 74th Cong. 2d Sess., Mar. 9, 1936; 79 CONG. REC. 1680, 1681, 74th Cong. 1st Sess., Feb. 7, 1935; 75 CONG. REC. 10135, 10136, 72d Cong. 1st Sess., May 13, 1932; and 72 CONG. REC. 1905–07, 71st Cong. 2d Sess., Jan. 18, 1930.

13. 111 CONG. REC. 18441, 89th Cong. 1st Sess., July 27, 1965; 86 CONG. REC. 1529, 76th Cong. 3d Sess., Feb.

Speaker has ruled on words taken down, the House automatically resolves again into the Committee.[14]

Forms

Demand that words be taken down.

MEMBER: Mr. Speaker, I rise to a point of order, and ask that the gentleman's words be taken down.

CHAIR: The gentleman will indicate the words objected to. . . .

CHAIR: The Clerk will report the words indicated by the gentleman.[15]

If words are to be withdrawn:

FIRST MEMBER: Mr. Chairman, I demand that the gentleman's words be taken down.

THE CHAIR: The Clerk will report the words.

SECOND MEMBER: I ask unanimous consent to withdraw the words.

FIRST MEMBER: I withdraw my demand.

Cross References

Permission to explain or proceed in relation to demand, see § 52, infra.

Withdrawing objectionable words pending demand, see § 51, infra.

15, 1940; and 84 CONG. REC. 2883, 2884, 76th Cong. 1st Sess., Mar. 16, 1939.

14. 111 CONG. REC. 18441, 89th Cong. 1st Sess., July 27, 1965; and 111 CONG. REC. 6107, 89th Cong. 1st Sess., Mar. 26, 1965.

15. *Cannon's Procedure of the House of Representatives*, 75, 76, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

For the form of the motions and resolutions admissible after a Member has been ruled out of order for words spoken in debate—withdrawal, expungement, permission to proceed in order, censure, investigation of charges, and expulsion—see *id.* at pp. 87–89.

Generally

§ 49.1 The Speaker drew attention to the overuse of the practice of demanding that words uttered in debate be taken down.

On July 23, 1935,[16] Mr. Hamilton Fish, Jr., of New York, demanded that words used in debate by Mr. John W. McCormack, of Massachusetts, referring to Mr. Fish as guilty of a crime be taken down. In delivering his ruling on the words objected to, Speaker Pro Tempore John J. O'Connor, of New York, discussed recent overuse of the demand that words be taken down:

> The Chair may state, even though it may be gratuitous, that from his personal standpoint there has grown up in this House a ridiculous habit of causing the words of a Member to be taken down, which course often consumes a great deal of time; and, as the Chair said on the floor the other day, it appears to have come to pass recently that a Member cannot even say "boo" to another Member without some Member demanding that the words be taken down. This practice has become reductio ad absurdum.
>
> The gentleman from Massachusetts [Mr. McCormack] has just uttered the

16. 79 CONG. REC. 11699, 74th Cong. 1st Sess.

words reported. The gentleman from New York [Mr. Fish] thereupon demanded that the words be taken down.

For the gentleman from Massachusetts to state that what the gentleman from New York did or said was a "crime", in the opinion of the present occupant of the chair, is but a loose expression—a word commonly used as a mere figure of speech. The word "wrong" in the dictionary is a synonym for "crime", and the Chair holds that the use of the word "crime", under the particular circumstances, is not unparliamentary language; and the gentleman from Massachusetts may proceed.

Identification of Objectionable Words

§ 49.2 A Member calling another to order for words spoken in debate must indicate specifically the words which shall be taken down.

On June 14, 1940,[17] a demand that certain words used in debate be taken down was made:

MR. [ADOLPH J.] SABATH [of Illinois]: I felt these inserts are unjustifiable and unwarranted. They are not founded on facts. You cannot substantiate any of them—I think you should desist—taken from Nazi elements who are feeding you with that stuff.

MR. [JACOB] THORKELSON [of Montana]: What is a Nazi element?

MR. SABATH: I am not going to argue with you.

MR. THORKELSON: I demand that the remarks be taken down. I want the gentleman to prove what he has said. I resent being called a Nazi by this gentleman here. I want those remarks taken down.

Speaker Pro Tempore Emmet O'Neal, of Kentucky, asked Mr. Thorkelson to state which words he objected to and Mr. Thorkelson responded that he objected to the remarks made in regard to him. The Speaker Pro Tempore stated "The gentleman from Montana will have to be more specific as to the words to which he objects."[18]

On July 11, 1945,[19] Mr. Emanuel Celler, of New York, delivered a lengthy speech on the floor in relation to H.R. 3384, offered by Mr. John E. Rankin, of Mississippi, relative to honorably discharged veterans and labor unions. Mr. Celler referred to an incident occurring on the prior day when a veteran was allegedly ordered arrested by Mr. Rankin.

Further debate ensued following Mr. Celler's speech and then Mr. Rankin arose to a point of order.

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17. 86 CONG. REC. 8269, 76th Cong. 3d Sess.

18. Compare 78 CONG. REC. 6947, 6948, 73d Cong. 2d Sess., Apr. 19, 1934, where the words objected to were not specifically indicated and an entire speech made upon offering of a pro forma amendment was reported to the House.

19. 91 CONG. REC. 7409, 7410, 79th Cong. 1st Sess.

He demanded that Mr. Celler's entire speech be taken down as a "deliberate false attack." Mr. Rankin added that he had not been in the Chamber at the time Mr. Celler's speech was delivered. Speaker Pro Tempore Robert Ramspeck, of Georgia, ruled as follows:

> The gentleman from Mississippi must specify the words to be taken down.
>
> MR. RANKIN: I cannot get hold of the manuscript, but I know what he was saying when I came in. No veteran was cuffed around. A man who says he was a veteran discharged for nervous disability or mental disorder came to the office and the officer took him downstairs.
>
> THE SPEAKER PRO TEMPORE: The gentleman will suspend. The rule provides that the gentleman must demand taking down of the words at the time they are spoken, and specify the words.
>
> MR. RANKIN: Mr. Speaker, I demand the words be taken down in which he deliberately and falsely charged that this veteran was cuffed around and abused in the Veterans Committee or in my office. It is a deliberate and dastardly falsehood, and I demand those words be taken down.
>
> THE SPEAKER PRO TEMPORE: The Chair is compelled to rule that the gentleman's point comes too late. He did not demand the words be taken down at the time the words were spoken.

§ 49.3 Consideration in the House of words taken down and reported from the Committee of the Whole is limited to the words reported.

On July 27, 1965,[20] Mr. Neal Smith, of Iowa, demanded in the Committee of the Whole that certain words used in debate by Mr. Charles E. Goodell, of New York, be taken down. The Clerk read the words objected to, the Committee rose, and the words were reported to the House. Mr. Smith then stated that the Clerk did not read all of the objectionable remarks.

Speaker John W. McCormack, of Massachusetts, stated that he could rule only on the words that had been reported to the House as taken down in the Committee of the Whole. The Speaker declined to pass upon what could be done when the Committee of the Whole resumed sitting in relation to additional words not initially reported.

On Feb. 15, 1940,[1] certain words used in debate in the Committee of the Whole were demanded to be taken down. After the Committee rose and the words were reported to the House, Mr. Clare E. Hoffman, of Michigan, made the point of order "that the

20. 111 CONG. REC. 18441, 89th Cong. 1st Sess.

1. 86 CONG. REC. 1529, 76th Cong. 3d Sess.

words to which I objected are not all reported. There was a further statement there containing similar language." Speaker Pro Tempore Sam Rayburn, of Texas, ruled that "It is too late to raise that question now."

On Mar. 16, 1939,[2] Mr. Lee E. Geyer, of California, described at length the personal characteristics of another Member while on the floor. Mr. John Taber, of New York, demanded that the words be taken down.

The Clerk read one sentence and Mr. Taber stated "Mr. Chairman, there were some other words." The Clerk reported the additional words and the Committee then arose for a ruling by the Speaker.

§ 49.4 The Speaker ordered the Clerk to report words uttered previously to words to which objection was taken.

On July 23, 1935,[3] Mr. Hamilton Fish, Jr., of New York, demanded that certain words used in debate by Mr. John W. McCormack, of Massachusetts, be taken down. On the direction of Speaker Pro Tempore John J. O'Connor, of New York, the Clerk read the following words:

> The gentleman from New York [Mr. Fish], whether he intended it or not, is guilty of that crime; not only a few days ago, but is again guilty of the same crime on this occasion.

Mr. Edward E. Cox, of Georgia, then made a point of order to insist "in connection with those words, that the previous statement that he had made an unfair argument also be included."

The Speaker Pro Tempore responded:

> The Chair was about to make that suggestion. To properly inform the Chair, the words previously uttered should be read in connection with the words just reported.
>
> The Clerk will report the words uttered previously to the words to which objection was taken.
>
> The Clerk read as follows:
>
> > I respect men who fight hard. I respect men, members of the Republican Party and the Democratic Party, who fight hard for their party, but who fight clean. I respect men who make constructive criticisms; but my general respect for men is somewhat lost when they depart from what should be and what ordinarily is their general conduct and enter into the field of unnecessary, unfair, and unwarranted attacks and arguments.

The Speaker Pro Tempore ruled that having alleged that a Member had committed a "crime" in the manner used by Mr. McCormack, and when taken in context, was not unparliamentary language.

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2. 84 CONG. REC. 2871, 76th Cong. 1st Sess.

3. 79 CONG. REC. 11699, 74th Cong. 1st Sess.

Method of Challenging Member's Words

§ 49.5 The only method by which the words of the Member having the floor may be challenged is through a demand that his words be taken down.

The following proceedings occurred in the House on June 4, 1984,[4] during consideration of the Oregon Wilderness Act of 1983 (H.R. 1149):

MR. [LES] AUCOIN [of Oregon]: . . . The House has had its opportunity to work its will. The only thing that would be gained now by not voting for this bill as it is would be to delay a final resolution, pushing it off further down the road . . . running this issue up against all the other issues that the Congress is going to be dealing with in its rush toward adjournment and that will guarantee the doom of this bill.

Obviously, no responsible person on either side of this issue wants such a thing to happen.

MR. [DON] YOUNG of Alaska: Mr. Speaker, a point of order.

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

MR. YOUNG of Alaska: Mr. Speaker, I would like to suggest that the gentleman not use the term "no responsible person."

Both Members from Oregon are very responsible members of the committee that I am ranking member of, and I consider my responsibility very seriously and to say that we are not responsible because we are in opposition to this bill is incorrect.

I would respectfully suggest that the gentleman reconsider his words.

MR. AUCOIN: Mr. Speaker, this gentleman said that no responsible person wants to see a resolution of this bill delayed to such a date in which no passage of the bill dealing with the Oregon RARE II problem would be possible. . . .

I assume it applies to the gentleman from Alaska. I think he is responsible. I do not think he wants to see a resolution of this bill delayed.

MR. YOUNG of Alaska: The bill is basically wrong. I rose against the bill and to allude to the fact that we are irresponsible does not become the gentleman at all. That disturbs me a great deal. . . .

So I would suggest again to the gentleman to choose his words very carefully.

MR. AUCOIN: Mr. Speaker, what is the regular order?

THE SPEAKER PRO TEMPORE: The gentleman may proceed. The gentleman has not asked the words be taken down. The gentleman may proceed.

Timeliness of Demand That Words Be Taken Down

§ 49.6 The demand that words used in debate be taken down must be made directly after objectionable language is uttered and comes too late if further debate has ensued.

4. 130 CONG. REC. 14805, 98th Cong. 2d Sess.

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

On Sept. 4, 1969,[6] Mr. Albert W. Watson, of South Carolina, referred in the Committee of the Whole to another Member who "took a moment under the one-minute rule to praise Ho Chi Minh or to compare him with Washington and Lincoln and other great leaders of the past in this Nation." Subsequent to those remarks, further debate ensued, including several points of order.

Mr. Richard L. Ottinger, of New York, then arose and demanded that Mr. Watson's words be taken down and reported to the House. Chairman Cornelius E. Gallagher, of New Jersey, ruled as follows:

> The request comes too late. Further debate has continued beyond that point and the gentleman's demand is not in order.

On Mar. 20, 1947,[7] Mr. John E. Rankin, of Mississippi, rose to a question of personal privilege. He stated that on the preceding Monday, Mar. 17, he made a one-minute speech on the floor of the House. He then stated that later on the same day when he was not present on the floor Mr. Adolph J. Sabath, of Illinois, rose and made insulting and false statements about him on the floor of the House.

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled as follows on the question of personal privilege:

> . . . The gentleman has not stated a question of personal privilege. The rules provide that strictures in debate do not give rise to a question of privilege, but are properly contravened by a demand that the words be taken down.
>
> It is too late to make the demand that the words in question be taken down after business has intervened. It is plainly indicated that what transpired was in debate and the remedy of the gentleman from Mississippi at that time was to demand that the words be taken down.[8]

§ 49.7 A demand that words be taken down must be made immediately after the words are uttered, and not "at any time before the Member uttering the words closes his speech."

On July 11, 1945,[9] Mr. Emanuel Celler, of New York, addressed the House for 15 minutes on the subject of a bill offered by Mr. John E. Rankin, of Mississippi, for the purpose of protecting veterans and their rights with respect to joining labor unions. Mr. Celler

6. 115 CONG. REC. 24372, 24373, 91st Cong. 1st Sess.

7. 93 CONG. REC. 2314, 2315, 80th Cong. 1st Sess.

8. See also 89 CONG. REC. 2787, 78th Cong. 1st Sess., Mar. 31, 1943; 87 CONG. REC. 8893, 77th Cong. 1st Sess., Nov. 13, 1941; and 79 CONG. REC. 11423, 74th Cong. 1st Sess., July 18, 1935.

9. 91 CONG. REC. 7409, 7410, 79th Cong. 1st Sess.

referred to an incident on the prior day when Mr. Rankin had allegedly caused a veteran to be arrested.

Further debate intervened and then Mr. Rankin rose to a point of order. He demanded that Mr. Celler's entire speech be taken down as a "deliberate false attack." Mr. Rankin acknowledged that he had not been in the Hall for the majority of Mr. Celler's speech.

Speaker Pro Tempore Robert Ramspeck, of Georgia, ruled that Mr. Rankin's point of order came too late since further debate had intervened following the objectionable words.

Mr. Rankin objected to the ruling but was overruled by the Speaker:

> MR. RANKIN: Oh, no, Mr. Speaker. At any time before the Member leaves the floor or closes his speech, because I did not know how many times he would repeat it.
>
> THE SPEAKER PRO TEMPORE: The Chair is compelled to hold that the gentleman had to make his demand at the time the words were spoken. Other debate has intervened and the gentleman has yielded to other Members on the floor.
>
> MR. RANKIN: Not other debate. Mr. Speaker, I am within the rules, and any time before he closes his vicious speech I have a right to have his words taken down.
>
> THE SPEAKER PRO TEMPORE: The Chair cannot agree with the gentleman. The Chair overrules the point of order.

§ 49.8 Pursuant to clause 5 of Rule XIV, the demand that a Member's words be taken down must be made immediately after they are uttered and comes too late if further debate has intervened.

On Apr. 29, 1976,[10] during consideration of the first concurrent resolution on the budget,[11] the following exchange occurred:

> MR. [RONALD V.] DELLUMS [of California]: . . . What does this budget do? Does it reflect human values? . . .
>
> We continue to build monuments to our military madness, spending over $100 billion in this budget for those purposes. . . . Will we be attacked by the Warsaw Pact?
>
> The answer to that is obviously no. However, we are being attacked in this country with lack of attention, cynicism, demagoguery, ineptness, inadequacy, expediency, pontificating, and politicking. . . .
>
> If we need to understand the reality, we are a third-rate power right now in terms of our ability to sustain life. We are a third-rate power in our ability to deal with human conditions in this country. We are a third-rate power in many of the areas that speak to the human misery of people.
>
> This is the Bicentennial Year. Is the Congress of the United States fighting

10. 122 CONG. REC. 11880, 11881, 94th Cong. 2d Sess.

11. H. Con. Res. 611.

valiantly to make sure that democracy is real? No. The Bicentennial has become a sham, a justification for selling red, white, and blue everything. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . I do not accept in any way, the indictment the gentleman has laid upon the great Nation that is the United States of America. I think his criticism is totally misplaced. I think it comes to this House with particular bad grace because, quite frankly, this Nation over the years has done more to bring freedom to more people than any other nation on the face of the Earth. . . .

MR. DELLUMS: Mr. Chairman, I would like to make a very brief statement. I hope the gentleman's emotional feeling has calmed down. I feel quite calm and rational, at least.

MR. BAUMAN: That is a change from your condition when you last spoke.

MR. DELLUMS: I like to think that I am always rational. I would like to simply state to the gentleman from Maryland, when you talk about shame, and those of you on the right, when you talk about waving the flag, all I know is what has happened. . . .

There is one thing that I am sure of and that is the fact of my right to take that well of the House and make statements and express my own convictions without fear.

MR. BAUMAN: Mr. Chairman, I do not deny the gentleman the right to speak his convictions but I do have the equal right not to agree with them.

MR. DELLUMS: I appreciate the gentleman's courtesy for telling me that. . . .

MR. [JOHN] CONYERS [Jr., of Michigan]: Mr. Chairman, I would ask that the gentleman from Maryland's words be taken down in his last presentation. I think that they were in violation of the Rules of the House. I think that they insulted the gentleman from California, and I make that request at this time.

THE CHAIRMAN:[12] Will the gentleman from Michigan inform the Chair precisely what words he has in mind? Were they the last words spoken by the gentleman from Maryland?

MR. CONYERS: No, Mr. Chairman. They were the words spoken during the time that he was speaking.

THE CHAIRMAN: The Chair will have to advise the gentleman that it is now too late to make any point of order on those words, since there has been intervening debate.

—*Intervening Debate*

§ 49.9 A point of order may not be made or reserved against remarks delivered in debate after subsequent debate has intervened, the proper remedy being a demand that the words be taken down as soon as they are spoken.

On Aug. 20, 1980,[13] the following proceedings occurred in the House:

The Clerk read as follows:

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For expense necessary to carry out the provisions of the Federal Elec-

12. Richard Bolling (Mo.).

13. 126 CONG. REC. 22150–54, 96th Cong. 2d Sess.

tion Campaign Act Amendments of 1976, $9,283,000.

MR. [ROBERT K.] DORNAN [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dornan: Page 14, after line 15, insert the following: "For expenses necessary to carry out the provisions of the Federal Election Campaign Act Amendments of 1976, $8,195,000, of which not more than $1,700,000 may be expended by the office of General Counsel.".

MR. DORNAN: Mr. Chairman, had this bill been offered in a timely fashion earlier this year, this might have been thoroughly aired as to all the aspects that relate to politics, the FEC, and the pursuit of justice. The amendment I am offering reduces the appropriation to the Federal Election Commission. . . .

The FEC, through its Office of General Counsel, has allowed an elected Federal official, just like ourselves, to keep for over 1 year, $1,150 of acknowledged illegal corporate campaign contributions. The corporation—whatever it did is somewhat unclear—laundered $13,000 into my opponent's campaign and $23,150 of illegal corporate money into this elected Federal official's campaign coffers. Some of this $23,150 may have been given in cash. . . .

THE CHAIRMAN:[14] The gentleman from California (Mr. Dornan) has . . . asked unanimous consent to withdraw his amendment. . . .

MR. [HENRY A.] WAXMAN [of California]: Mr. Chairman, I reserve an objection. . . .

Mr. Chairman, and my colleagues, I am not familiar with the allegations being made. This amendment has been offered for the purpose of our colleague using the time of the House of Representatives to engage in a good number of accusations attacking the integrity of men in public office and those who would seek to be in public office and those who have assisted them. . . . It does, however, seem to me quite curious to have an amendment offered for the sole purpose of using the time of the House to air all these accusations. If there are accusations of serious moment they ought to be brought to the proper authorities. . . .

Mr. Chairman, I just wanted to take this opportunity to say this strikes me as curious and gives me a great deal of hesitancy to see that an amendment would be offered solely for the purpose of discussing other matters than what is proposed in the amendment and that relates to the gentleman's campaign for reelection. . . .

Mr. Chairman, I will reclaim my time by saying there must be other ways to do what the gentleman proposes. It is awfully self-serving for the gentleman to use the opportunity of the floor of the House of Representatives to make all of these accusations in order to benefit the gentleman's personal reelection.

MR. DORNAN: That is not why I am pursuing this. Were the Members of Congress who used this well for Watergate self-serving?

MR. WAXMAN: Mr. Chairman, I think it is improper. If the gentleman has serious charges he has to make, this is not the place to make them unless one

14. Richardson Preyer (N.C.).

would assume it is being done for demagogic purposes.

MR. DORNAN: I assure the gentleman it is not.

MR. WAXMAN: Or for reelection purposes. . . .

MR. DORNAN: I assure the gentleman it was not done for demagogic purposes. I have lived with the knowledge of this scandal for over a year. I sincerely intended to offer this amendment 4 months ago, 3 months ago, 2 months ago. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from California (Mr. Dornan) to withdraw his amendment? If not, the amendment is withdrawn.

MR. DORNAN: Mr. Chairman, I reserve a point of order.

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

MR. DORNAN: Mr. Chairman, I reserve a point of order in opposition to the Member's words against me.

To suggest that someone's remarks are demagogic is impugning the motives of that Member. I could have had my good colleague's words taken down. I reserve the point of order, but add that I am emotionally concerned about a 1-year coverup by the Federal officials who are charged with investigating these matters here. . . .

THE CHAIRMAN: The gentleman has no standing to raise the point of order at this point. Debate has intervened. There is no other amendment before the committee, and the Chair will ask the Clerk to read.

§ 49.10 A demand in Committee of the Whole that words be taken down is in order only if made in a timely manner; where debate has intervened, the demand comes too late.

The following proceedings occurred in the Committee of the Whole on May 5, 1981,[15] during consideration of House Concurrent Resolution 115 (pertaining to the congressional budget):

MR. [PAUL S.] TRIBLE [Jr., of Virginia]: . . . I still oppose the Hefner amendment. I oppose it on two grounds. First, it is wrong to hold the defense of this great Nation hostage to petty political purposes, whatever they might be. Are these funds really being sought to strengthen our Nation's defense or to strengthen the prospects for passage of the Jones budget proposal?

The flawed approach of the majority cannot be saved. It ought not to be saved. . . .

MR. [W. G.] HEFNER [of North Carolina]: I would just like to repeat, did the gentleman refer to this as cheap, petty politics, is that what the gentleman said? I am just curious.

MR. TRIBLE: Those were not my words, but I said that I questioned whether today's effort was dictated by a requirement to save this flawed package. I believe it is obvious from the maneuvers of the last few minutes where the gentleman's amendment was once again changed. It is a last-ditch effort to save this flawed program, a program that will not be saved, a program that will not gen-

15. 127 CONG. REC. 8496, 97th Cong. 1st Sess.

erate the economic growth and recovery so vital to this land, a program that cannot support the substantial increases in defense spending required in the context of this dangerous world.

MR. HEFNER: Mr. Chairman, will the gentleman yield?

MR. TRIBLE: I would be happy to yield to my friend.

MR. HEFNER: Well, is the gentleman suggesting that I deliberately—that the gentlewoman from California has suggested earlier, it kind of makes me feel a little bit bad when the gentleman would insinuate that I would deliberately miss a vote, had I been there, I would have voted for the gentleman, that I have no strong desires for defense spending and this is a last minute ploy on the gentleman from North Carolina?

MR. TRIBLE: At no time did I suggest the motives of my friend, the gentleman from North Carolina. The gentleman is in a far better position to speak for his intentions than I am.

MR. HEFNER: I am the author of the amendment. . . .

MR. [PARREN J.] MITCHELL of Maryland: Mr. Chairman, a point of inquiry.

THE CHAIRMAN:[16] The gentleman will state it.

MR. MITCHELL of Maryland: I, too, thought I heard some words spoken that might constitute a personal attack on the motives of a Member. I would not like to proceed until such time as we have had a clarification of what those words were. Is that possible?

THE CHAIRMAN: Is the gentleman asking that words be taken down?

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman from Arkansas.

MR. BETHUNE: Mr. Chairman, the gentleman from Arkansas makes a point of order that the gentleman's parliamentary inquiry and his question comes too late.

THE CHAIRMAN: Debate has intervened. The point is well taken.

Parliamentarian's Note: Mr. Trible's words as carried in the Record did not violate the rules, since not referring to a specific Member or his motives.

§ 49.11 Pursuant to clause 5 of Rule XIV, a demand during debate that a Member's words be taken down comes too late if further debate has intervened.

During consideration of the military procurement authorization for fiscal year 1985 (H.R. 5167) in the Committee of the Whole on May 23, 1984,[17] the following proceedings occurred:

MR. [HENRY J.] HYDE [of Illinois]: Mr. Chairman, I move to strike the last word. . . .

I am sorry that our members of the Armed Services Committee accepted this blatantly cowardly and political amendment, and I reject it, and I am proud to vote no.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, I move to strike the necessary number of words. . . .

16. Martin Frost (Tex.).

17. 130 CONG. REC. 13941, 98th Cong. 2d Sess.

MR. [DAN] DANIEL [of Virginia]: Mr. Chairman, will the gentleman yield?

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

MR. DANIEL: Mr. Chairman, I rise to a point of personal privilege.

MR. HYDE: Would the gentleman let me respond before he makes his point of personal privilege?

MR. FOLEY: I yield first to the gentleman from Virginia.

MR. DANIEL: Mr. Chairman, if it is not too late, I demand that the words of the gentleman from Illinois be taken down.

THE CHAIRMAN PRO TEMPORE:[18] The Chair will advise the Member that a point of personal privilege is not in order in the Committee of the Whole, and the request that words be taken down comes too late.

MR. HYDE: Mr. Chairman, will the gentleman yield to me for a moment?

MR. DANIEL: Mr. Chairman, the gentleman referred to members of the Armed Services Committee as cowards.

THE CHAIRMAN: The gentleman from Washington (Mr. Foley) has the floor. . . .

MR. FOLEY: I yield to the gentleman for the purpose of responding.

Parliamentarian's Note: As noted by the Chairman, a question of personal privilege under Rule IX may not be raised in the Committee of the Whole.

§ 49.12 Papers read during debate are subject to a timely demand that words be "taken down" as an unparliamentary reference to other sitting Members, but the demand must be made before subsequent reading intervenes.

The following proceedings occurred in the House on Feb. 25, 1985:[19]

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

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I am going to insert in the Record today and read into the Record several editorials, one from the Atlanta Journal and Constitution yesterday, Sunday, February 24, and one this morning from the Wall Street Journal. . . .

> Yet twice the House has voted to deny McIntyre the seat while it investigates. . . .
>
> The technicalities aside, the case is interesting for what it says about the Congress. The votes on the McIntyre matter went right along party lines. In the second vote only five Democrats dared abandon O'Neill and the leadership. . . .
>
> A few Republicans near each election try to remind voters that the Democrats' first vote will be for O'Neill and that vote signals bondage. This year it meant the abandonment of fairness.
>
> It didn't use to happen this way. The 1966 election in the Georgia 4th District saw Ben Blackburn nip Rep. James A. Mackay by 360 votes. The Republican Blackburn was certified

18. Frank Harrison (Pa.).

19. 131 CONG. REC. 3344–46, 99th Cong. 1st Sess.

20. Sam B. Hall, Jr. (Tex.).

by state officials and sent to Washington.

There, a little-known congressman was chairing a little-known subcommittee. The congressman tried to deny Blackburn his seat, but was overruled harshly by the speaker of those days, Rep. John McCormack. . . .

MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Speaker, parliamentary inquiry. . . .

MR. GINGRICH: Mr. Speaker, the gentlewoman has not asked me to yield, and I was in fact making an inquiry myself to the Chair. I was asking the Chair to rule in this sort of setting if one is reporting to the House on the written opinion of a columnist in which the columnist has said very strong things, is it appropriate for the House to be informed of this and, if so, what is the correct procedure?

THE SPEAKER PRO TEMPORE: The ruling of the Chair is that the gentleman should not read into the Record things which would clearly be outside the rules of this House. . . .

MR. GINGRICH: Let me continue to ask the Chair, because I am a little confused, in other words, if a columnist writing in the largest newspaper in the State of Georgia says very strong things about his concern about the House's behavior, would the House in effect censor a report of that concern?

THE SPEAKER PRO TEMPORE: No; the House does not censor any report of that kind. The gentleman does take the responsibility, however, for words uttered on the floor, and he is certainly capable of leaving out those items which he knows would be outside the rules of this House. . . .

MS. OAKAR: My primary inquiry is this, Mr. Chairman, the gentleman from Georgia has already read into the House proceedings what I consider to be a possible violation of the rules of the House when he made reference to the Speaker of the House. I am wondering if the Chair will rule on that, whether or not that item violates the rules of the House.

THE SPEAKER PRO TEMPORE: The Chair cannot rule on remarks that have already been made. They have already been made and they are now part of the Record. As the gentlewoman knows, she has to make those objections timely.

Multiple Demands

§ 49.13 The words of two Members engaged in a colloquy have been taken down in the House and ruled out of order.

On Feb. 12, 1946,[1] language used by two Members in debate were demanded to be taken down and were reported and ruled on simultaneously:

MR. [HUGH] DE LACY [of Washington]: Mr. Speaker, if there is no parliamentary means of stopping the use of such language as "slime-mongering kike," which appears in yesterday's Record, then certainly we who believe in the right of people to stand up and express their opinions should protest it visibly and audibly upon this floor.

I am standing here today to state to the gentleman from Mississippi that

1. 92 CONG. REC. 1241, 79th Cong. 2d Sess.

we do not propose to permit this kind of language to be indulged in on this floor. It is disgraceful.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I demand that those words be taken down. I am not going to sit here and listen to these communistic attacks made on me.

MR. [JOHN M.] COFFEE [of Washington]: Mr. Speaker, I demand that those words be taken down.

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Speaker, I demand that the words of the gentleman from Mississippi be taken down.

THE SPEAKER PRO TEMPORE:[2] The gentlemen will both take their seats, and the words will be taken down.

The Clerk will report the words objected to.

The Clerk read as follows:

> I am standing here today to state to the gentleman from Mississippi that we do not propose to permit this kind of language to be indulged in on this floor. It is disgraceful.
>
> MR. RANKIN: Mr. Speaker, I demand that those words be taken down. I am not going to sit here and listen to these communistic attacks made on me.
>
> MR. COFFEE: Mr. Speaker, I demand that those words be taken down.

THE SPEAKER:[3] The Chair will be compelled to hold that both gentlemen used language that was unparliamentary.

Motions and Requests Pending Demand

§ 49.14 The Chair does not entertain a unanimous-consent request that a Member be allowed to proceed for one minute pending a demand that another Member's words be taken down.

On Jan. 21, 1964,[4] certain words used in debate in the Committee of the Whole were demanded to be taken down and reported to the House. Before the Committee rose, Mr. James Roosevelt, of California, asked unanimous consent to proceed for one minute, but Chairman William S. Moorhead, of Pennsylvania, refused to entertain the request.

§ 49.15 The Speaker does not entertain a parliamentary inquiry pending a demand that words be taken down.

On Oct. 31, 1963,[5] after the words of a Member used in debate were demanded to be taken down, Mr. Bruce R. Alger, of Texas, attempted to state a parliamentary inquiry, but Speaker John W. McCormack, of Massachusetts, ruled that it could not be entertained pending the demand that words be taken down.

§ 49.16 Where a demand is made that certain words in

2. John J. Sparkman (Ala.).
3. Sam Rayburn (Tex.).
4. 110 CONG. REC. 756, 88th Cong. 2d Sess.
5. 109 CONG. REC. 20742, 88th Cong. 1st Sess.

debate be taken down in the Committee of the Whole, such words must be reported to the House and a motion to expunge words from the Record is not in order in the Committee.

On Feb. 18, 1941,[6] Mr. Clare E. Hoffman, of Michigan, stated in debate in the Committee of the Whole in reference to a Member "You are going to skin us." Mr. Robert F. Rich, of Pennsylvania, demanded that the words be taken down.

Before the Committee rose, Mr. Rich asked that the words he had objected to be expunged from the Record. Chairman Warren G. Magnuson, of Washington, ruled that expungement was "a matter for the House to decide."

§ 49.17 Upon a timely demand that the words uttered in debate be taken down as unparliamentary, the Speaker ruled that remarks characterizing the relationship between Senator and Vice-Presidential candidate J. Danforth Quayle's political words and his living deeds as "hypocrisy" were out of order and should be withdrawn; subsequently, objection was made to a unanimous-consent request that the offending language be stricken.

On Sept. 29, 1988,[7] during the period for one-minute speeches in the House, the following proceedings occurred:

> (Mr. Williams asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
>
> MR. [PAT] WILLIAMS [of Montana]: Mr. Speaker, yesterday Republican Vice-Presidential candidate Dan Quayle was in Texas. He visited, he was kind enough to go by and visit a Job Corps center in El Paso, and while there he looked 300 Job Corps students in the eye and said, "We believe in you."
>
> He did not tell them that he had voted to shut that center down. He did not tell them that the Reagan-Bush administration in fact has demanded that every Job Corps center in America, bar none, be closed.
>
> This is the same Senator Quayle that supports wars that he won't fight, the same Senator Quayle who got into law school under an entry minority program that he later votes against.
>
> There is a word for it, my colleagues, it is called hypocrisy.
>
> MR. [DAN] LUNGREN [of California]: Mr. Speaker, I ask that the gentleman's words be taken down. . . .
>
> THE SPEAKER:[8] The Clerk will report the words of the gentleman from Montana.

6. 87 CONG. REC. 1126, 77th Cong. 1st Sess.

7. 134 CONG. REC. 26683, 26684, 100th Cong. 2d Sess.

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

The Clerk read as follows:

> This is the same Senator Quayle that supports wars that he won't fight, the same Senator Quayle who got into law school under an entry minority program that he later votes against.
>
> There is a word for it, my colleagues, it is called hypocrisy.

THE SPEAKER: The Chair has considered closely the question of the use of words to distinguish policies as opposed to individuals. There are precedents touching on proper and improper references in debate and dealing with the preservation of comity between the House and Senate. It is important to recognize that the individual referenced in the remarks not only is a candidate for Vice President of the United States but is a Member of the other body.

The precedents relating to references in debate to the President, Vice President, or to a Member of the other body who is a nominated or declared candidate for President or Vice President permit criticisms of official policy, actions and opinions of that person as a candidate, but do not permit personal abuse, do not permit innuendo and do not permit ridicule, and they do require that the proper rules of decorum must be followed during any debate relating to the President of the United States or a Member of the other body.

It could be argued that there is a distinction between calling an individual a hypocrite, for example, and referring to some policy as hypocrisy, but the Chair has discovered a precedent that seems to be directly in point. In 1945, a Member of the House from Georgia referred to another Member and said, "I was reminded that pretexts are never wanting when hypocrisy wishes to add malice to falsehood or cowardice to stab a foe who cannot defend himself." Speaker Rayburn ruled that this was out of order as an unparliamentary reference to another Member of the body.

By extension, the same identical words should be held out of order in reference to a Member of the other body whether or not he were a candidate for a high office, and under these circumstances and citing this precedent, the Chair would suggest that the gentleman from Montana withdraw the offending remarks, including the particular word "hypocrisy," and either amend his reference in the permanent Record or delete it. . . .

MR. WILLIAMS: Mr. Speaker, do I understand correctly that the Speaker's ruling is based upon my characterization of a U.S. Senator, in this case Senator Quayle, that had the Republican Vice-Presidential candidate not been at this time a U.S. Senator, that my remarks would, in fact, be in order? . . .

THE SPEAKER: . . . The Chair would suggest to the gentleman from Montana that there are standards that apply in the Chamber and in the precedents with respect to nominated candidates for President and Vice President. The Chair is not certain if they are precisely the same as applied to a Member of the other body or a Member of this body, but in this instance, it is not necessary to make that hypothetical distinction since the individual involved is a Member of the other body.

MR. WILLIAMS: Further parliamentary inquiry, Mr. Speaker: Would it be

within the rules of the House if the last sentence of my 1-minute, the one which characterizes Senator Quayle's actions as hypocrisy, be removed by unanimous consent from my 1-minute statement?

THE SPEAKER: The Chair would suggest to the gentleman from Montana that this might be a satisfactory solution.

MR. WILLIAMS: Mr. Speaker, I ask unanimous consent that the last sentence of my 1-minute statement, the sentence in which I characterized Senator Quayle's actions as hypocrisy, be stricken.

MR. LUNGREN: Mr. Speaker, parliamentary inquiry.

THE SPEAKER: Please, the Chair will recognize the gentleman for a parliamentary inquiry, but, first, please permit the gentleman from Montana to complete his request. . . .

MR. LUNGREN: I reserve the right to object, Mr. Speaker.

THE SPEAKER: That is fine. The gentleman may reserve his right to object, but in the interests of orderly procedure, permit the Chair to allow the gentleman from Montana to complete his request.

MR. WILLIAMS: Let me be sure the Chair understands my request: I have asked unanimous consent that the last sentence of my 1-minute statement be stricken. . . .

THE SPEAKER: . . . Has the gentleman from Montana completed his request?

MR. WILLIAMS: No, Mr. Speaker, I have not. Both times I have been interrupted as I have attempted to ask unanimous consent that the last sentence of my 1-minute statement be eliminated. That was the sentence which referred to Senator Quayle's actions as hypocrisy. I seek unanimous consent to strike the last sentence of my 1-minute statement.

THE SPEAKER: Is there objection to the request of the gentleman from Montana?

MR. LUNGREN: Mr. Speaker, reserving the right to object, Mr. Speaker, under normal circumstances and in the interests of comity of this House and the relationship of this House and the other body, I would not object. However, as is very obvious from the statements of the gentleman, the insult, the language that is not to be used under our rules was repeated three times in an effort to make a point which violates, in my judgment, the sense of the rules of the House and, therefore, since it is not, I believe, appropriate to do that, I object.

THE SPEAKER: Objection is heard.

Debating Reasons for Demand

§ 49.18 When a Member demands that certain words spoken in debate be taken down, he may not at that time debate his reasons for making such a demand.

On July 26, 1951,[9] in the Committee of the Whole, Mr. John J. Rooney, of New York, referred in debate to other Members as following "slippery, snide, and sharp practices." Following those re-

9. 97 CONG. REC. 8968, 8969, 82d Cong. 1st Sess.

marks, Mr. Clare E. Hoffman, of Michigan, demanded that the words be taken down and added that he wanted to "state the grounds." Chairman Jere Cooper, of Tennessee, ruled that Mr. Hoffman could not "state reasons when he makes the demand."

Speaking Member To Take His Seat

§ 49.19 Where a demand is made that the words of a Member be taken down, such Member must immediately resume his seat.

On Mar. 24, 1961,[10] words used in debate by Mr. Neal Smith, of Iowa, were demanded to be taken down. When Mr. Smith rose to object to the demand on the grounds that he had not violated the rules of the House, Chairman Eugene J. Keogh, of New York, ruled pursuant to a point of order that Mr. Smith was required to take his seat pursuant to a demand that his words be taken down.

On Oct. 9, 1940,[11] Mr. Sol Bloom, of New York, objected to certain words used in debate by Mr. John C. Schafer, of Wisconsin, and demanded that they be taken down. When Mr. Schafer attempted to explain his remarks and to contend that he was proceeding in order, Speaker Sam Rayburn, of Texas, ruled pursuant to a point of order by Mr. Bloom that Mr. Schafer was required to take his seat.

After the words were reported to the House and prior to the Chair's ruling, Speaker Rayburn recognized Mr. Schafer for the purpose of explaining to the Chair whether he was referring to a Member of the House or to another person.

On Feb. 7, 1935,[12] when Mr. Thomas L. Blanton, of Texas, demanded that certain words used in debate by Mr. George H. Tinkham, of Massachusetts, be taken down, Mr. Tinkham interjected some further remarks in relation to the demand.

Chairman William N. Rogers, of New Hampshire, directed Mr. Tinkham to take his seat.

§ 49.20 When the demand is made that certain words be taken down, the Member uttering such words must take his seat and may not be recognized until the Chair has ruled.

10. 107 Cong. Rec. 4780, 87th Cong. 1st Sess.

11. 86 Cong. Rec. 13477, 76th Cong. 3d Sess.

12. 79 Cong. Rec. 1680, 1681, 74th Cong. 1st Sess.

On May 4, 1943,[13] while Mr. Harold Knutson, of Minnesota, had the floor in the Committee of the Whole, Mr. Wright Patman, of Texas, asked him to yield, and Mr. Knutson replied, "No. I do not yield to any more demagogs."

After Mr. Patman demanded that the words be taken down, Chairman Alfred L. Bulwinkle, of North Carolina, ruled that Mr. Knutson was required to take his seat when such a demand was made.

After Speaker Sam Rayburn, of Texas, ruled that the words objected to were a violation of the rules of the House, he recognized Mr. Knutson for the purpose of withdrawing the words by unanimous consent.[14]

MR. PATMAN: Mr. Chairman, I ask that the words of the gentleman be taken down.

MR. KNUTSON: I withdraw them.

MR. PATMAN: I object to that, Mr. Chairman. I ask that the gentleman's words be taken down.

Mr. Chairman, I ask that the gentleman take his seat under the rules.

MR. KNUTSON: Mr. Chairman, I ask that the gentleman from Texas take his seat.

THE CHAIRMAN: The Clerk will report the words objected to.

The Clerk read as follows:

MR. KNUTSON: No; I do not yield to any more demagogs.

MR. KNUTSON: Mr. Chairman——

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. RANKIN: The gentleman from Minnesota has no right to speak until this matter is disposed of. I demand that the gentleman take his seat until the matter is disposed of.

THE CHAIRMAN: The gentleman will please be seated.

Business Suspended Until Words Are Reported

§ 49.21 Pending a demand that words spoken in debate be taken down and read by the Clerk, debate is suspended and no business is in order.

On Feb. 8, 1978,[15] during proceedings related to H.R. 6805, the Consumer Protection Act of 1977, Mr. Benjamin S. Rosenthal, of New York, stated, in reference to statements previously made in de-

13. 89 CONG. REC. 3915, 3916, 78th Cong. 1st Sess.

14. But see 86 CONG. REC. 13477, 76th Cong. 3d Sess., Oct. 9, 1940 (before ruling on objectionable words, Speaker inquired of Member called to order whether he had been referring to a Member of the House). Under clause 4 of Rule XIV, a Member may, on motion or at the request of the Speaker, explain the words objected to prior to the Chair's ruling (see § 52, infra).

15. 124 CONG. REC. 2831, 2832, 95th Cong. 2d Sess.

bate by Mr. Robert E. Bauman, of Maryland: "I think that is really an unfair statement, and I myself am sorry that I did not stand up to have Mr. Bauman's words taken down earlier today. I regret that I hesitated, because they impugned the motives of Members and groups supporting the bill. It not only is extraordinarily bad taste, it is violative of the Rules of the House."[16] The following exchange then occurred:

MR. BAUMAN: Mr. Chairman, a point of order, Mr. Chairman, a point of order.

THE CHAIRMAN:[17] The time of the gentleman from New York has expired.

MR. BAUMAN: Mr. Chairman, I made the point of order while the gentleman from New York was speaking, before the gentleman's time expired.

THE CHAIRMAN: There was so much noise the Chair did not hear the gentleman from Maryland. The gentleman from Maryland will state his point of order.

MR. BAUMAN: Mr. Chairman, I demand that the words of the gentleman from New York be taken down.

THE CHAIRMAN: The gentleman from Maryland is referring to which words?

MR. BAUMAN: To the entire series of words of the gentleman from New York, from the first reference to the gentleman from Maryland to the last.

THE CHAIRMAN: The Clerk will report the words the gentleman from Maryland wishes taken down.

MR. [PAUL N.] MCCLOSKEY [Jr., of California]: Mr. Chairman, a point of parliamentary inquiry.

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

MR. MCCLOSKEY: Mr. Chairman, is it possible, while we are waiting for the reporter, to continue in this dialog?

MR. BAUMAN: Mr. Chairman, a point of order.

The committee cannot proceed under the rules.

MR. MCCLOSKEY: That is the point of my inquiry.

THE CHAIRMAN: The Chair will state we cannot proceed, not until we have resolved the demand of the gentleman from Maryland that the words be taken down.

Business Suspended Pending Speaker's Ruling on Words

§ 49.22 When a demand is made that words spoken in debate in Committee of the Whole be taken down, the words are reported by the Clerk, the Committee rises and the words are reported again to the House, and the Speaker rules whether the words are in order; no business or debate is in order after the demand that the words be taken down and before the words are reported to the House for a ruling by the Speaker, except unanimous-consent requests such

16. *Note:* The words in question would probably not in fact have been ruled to be unparliamentary.

17. Frank E. Evans (Colo.).

as requests to withdraw or modify the words or parliamentary inquiries regarding the procedure to be followed.

The following proceedings occurred in the Committee of the Whole on May 26, 1983,[18] during consideration of H.R. 2969 (Department of Defense authorization for fiscal year 1984):

MR. [THOMAS F.] HARTNETT [of South Carolina]: . . . The gentleman from California, for whom I have a great deal of respect, is, through his proposals, through his amendment, advocating unilateral disarmament on behalf of the United States. . . .

MR. [RONALD V.] DELLUMS [of California]: . . . Mr. Chairman, I object and I move that the gentleman's words be taken down. . . .

THE CHAIRMAN PRO TEMPORE:[19] . . . Does the gentleman from South Carolina seek to modify his previous statement?

MR. HARTNETT: Mr. Chairman, I would have to read exactly what I said.

Mr. Chairman, I believe I said that there is an element here in this Congress—it has been referred to as the peace community, the freeze community, the progressive community, or whatever, who advocates unilateral disarmament, if that is what I said, sir.

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I ask that those words also be taken down.

THE CHAIRMAN PRO TEMPORE: The Clerk will report the words objected to. . . .

MR. [KENNETH B.] KRAMER [of Colorado]: Mr. Chairman, would the Chair kindly tell us when a parliamentary inquiry would be in order?

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

MR. KRAMER: The parliamentary inquiry is: Can the Chair tell us the procedure that relates to taking down words and what will follow?

THE CHAIRMAN PRO TEMPORE: The procedure is as follows: After the Clerk reports the words, the Speaker will review the words of the gentleman from South Carolina, making a ruling thereon; unless, of course, the gentleman from South Carolina wishes, by unanimous consent, to withdraw his words.

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

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. KRAMER: Mr. Chairman, is the ruling of the Speaker the final word on that or is there an appeal process or how does that work exactly?

THE CHAIRMAN PRO TEMPORE: The Chair would inform the gentleman that the Speaker would rule on that but that after the Speaker has ruled it would be in order to dictate the consequences of the ruling of the Chair by proper motions in the House.

Rights of Member Called to Order To Vote or To Request Votes

§ 49.23 Although a Member when called to order must

18. 129 CONG. REC. 14048, 98th Cong. 1st Sess.

19. Thomas J. Downey (N.Y.).

take his seat and refrain from debate he is not prevented by the rules from voting or from demanding a division vote, a teller vote, or the yeas and nays.

On May 31, 1934,[20] Mr. Harold McGugin, of Kansas, was called to order during debate in the Committee of the Whole for impugning the integrity of the Speaker. The Committee rose, and Speaker Pro Tempore Joseph W. Byrns, of Tennessee, ruled that the language used was out of order.

When the previous question was moved on a motion to expunge the remarks from the Record, Mr. John J. O'Connor, of New York, objected that Mr. McGugin was standing and voting although he had been called to order. The Speaker Pro Tempore ruled that he retained the right to vote.

The Committee of the Whole resumed sitting, and a motion that Mr. McGugin be allowed to proceed in order was rejected on a teller vote. The Chairman then put the question on a motion to limit debate on a pending amendment, and Mr. McGugin demanded a division vote thereon. Following the vote Mr. McGugin demanded tellers. Mr. O'Connor then stated a parliamentary inquiry:

Under the rule a Member who has been compelled to take his seat after his words have been taken down can vote, and he can demand the yeas and nays. I wish the Chair to rule whether or not he can go further than that and demand divisions and demand tellers.

MR. [BERTRAND H.] SNELL [of New York]: Oh, he is not out of Congress yet. That does not preclude him from doing anything the rest of the session, does it?

THE CHAIRMAN:[1] The Chair holds that the gentleman has a right to demand a division and to demand tellers.

Withdrawing the Demand

§ 49.24 A demand that words spoken in debate in the House or in the Committee of the Whole be taken down may be withdrawn without unanimous consent.

On July 3, 1946,[2] Chairman Wright Patman, of Texas, ruled that a demand that words spoken in debate be taken down could be withdrawn without unanimous consent in the Committee of the Whole:

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I have just finished listening to two political tirades by two political tyros, and I say to those gentlemen that they cannot——

20. 78 CONG. REC. 10167–70, 73d Cong. 2d Sess.

1. John H. Kerr (N.C.).

2. 92 CONG. REC. 8295, 79th Cong. 2d Sess.

MR. [MATTHEW M.] NEELY [of West Virginia]: Mr. Chairman, I demand that those words be taken down.

MR. BROWN of Ohio: If the gentleman knows what the word "tyro" means he can have it taken down.

MR. NEELY: The gentleman knows that that statement is not true and that the statement is not justified. I demand that the words be taken down and stricken from the Record.

THE CHAIRMAN: The Clerk will report the words objected to.

MR. NEELY: Mr. Chairman, for fear that this procedure will delay the final vote on the bill, I withdraw my request.

MR. [EARL] WILSON [of Indiana]: I object, Mr. Chairman.

THE CHAIRMAN: It does not require unanimous consent to withdraw the request.

On June 14, 1940,[3] Speaker Pro Tempore Emmet O'Neal, of Kentucky, ruled that unanimous consent was not required to withdraw a demand that words spoken in debate in the House be taken down:

MR. [JACOB] THORKELSON [of Montana]: Mr. Speaker, I will withdraw the request that the remarks be taken down, because I do not believe they are worth recording.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, that will have to be done by unanimous consent, and I object, and, Mr. Speaker, I demand recognition.

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman from Michigan [Mr. Dingell] rise?

MR. DINGELL: The remarks of the gentleman cannot now be withdrawn without unanimous consent.

THE SPEAKER PRO TEMPORE: Does the gentleman make that as a point of order?

MR. DINGELL: Yes, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The point of order is overruled, and the gentleman from Illinois is recognized.

On Feb. 10, 1964,[4] Mr. John J. Rooney, of New York, demanded in the Committee of the Whole, during consideration of the Civil Rights Act of 1963, that a reference in debate by Mr. Albert W. Watson, of South Carolina, to other Members as "bleeding hearts" be taken down. Mr. Rooney then withdrew his demand:

Mr. Chairman, in the interest of expediting passage of this civil rights bill and although I feel that no Member has the right to characterize another Member or Members as the gentleman from South Carolina has done, I withdraw my demand that his words be taken down.

§ 49.25 A demand that words spoken in debate be taken down may be withdrawn by the Member making the demand, and unanimous consent is not required for that purpose.

3. 86 CONG. REC. 8269, 8270, 76th Cong. 3d Sess.

4. 110 CONG. REC. 2780, 88th Cong. 2d Sess.

The following proceedings occurred in the Committee of the Whole on Aug. 3, 1978,[5] during consideration of the foreign aid appropriation bill (H.R. 12931):

MR. [JOHN M.] ASHBROOK [of Ohio]: . . . You use very good grounds as an umbrella and a cover for some of the greatest travesties, some of the greatest wastes. . . .

The programs are a travesty.

MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Chairman, I demand that the gentleman's words be taken down. . . .

THE CHAIRMAN:[6] Does the gentleman from Iowa (Mr. Blouin) insist on his demand?

MR. BLOUIN: Mr. Chairman, I withdraw my request.

MR. [ROBERT E.] BAUMAN [of Maryland]: I object.

THE CHAIRMAN: The request does not take unanimous consent to be withdrawn.

MR. BAUMAN: Did the gentleman not object to the words and demand that they be taken down?

THE CHAIRMAN: The gentleman can withdraw his objection, and it does not take a unanimous-consent request to do that. The gentleman can automatically withdraw his request. That is what the gentleman is doing.

§ 49.26 Prior to a ruling by the Chair, unanimous consent is not required for a Member to withdraw his demand that another Member's words spoken in debate be "taken down."

On June 18, 1986,[7] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 4868 (Anti-Apartheid Act of 1986):

MR. [MARK] SILJANDER [of Michigan]: . . . Mr. Chairman, there are two dominating issues I would say about this debate. The first one, which granted is less important than the overall concern of apartheid, is the way this bill has been handled. The Subcommittee on Africa has been holding hearings on apartheid, the implications of the system, and how America can best influence change in that country. . . .

It is quite obvious that one of the major motivations of the ramrodding of this legislation was not so much because it was imperative because of the deaths and the concerns in South Africa, but rather to coincide the debate with the 10th anniversary of the Soweto riots, seizing the political and media opportunities in a manipulative way. So I think that is an important issue that the membership of this body needs to understand. . . .

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I would like to move that the gentleman's words be taken down on the grounds that the gentleman is challenging the motives of Members of Congress, and as this gentleman understands, it is inappropriate to challenge the motives of

5. 124 CONG. REC. 24238, 95th Cong. 2d Sess.

6. Abraham Kazen, Jr. (Tex.).

7. 132 CONG. REC. 14231, 14232, 99th Cong. 2d Sess.

Members of Congress. One can challenge the political position asserted by Members of Congress, but I do not believe that it is within the purview or the prerogatives of any Member to challenge the motives. The gentleman has mischaracterized the motives of Members of Congress. . . .

THE CHAIRMAN:[8] The Chair would make an inquiry of the gentleman: does he insist upon his demand?

MR. DELLUMS: Yes, Mr. Chairman. I think one gentleman earlier said that this debate ought to move on a higher level. This gentleman wants to insist upon it.

THE CHAIRMAN: The Chair, under the rules, will ask that the Clerk take down the words in question.

MR. DELLUMS: Mr. Chairman, in order to allow the debate to proceed, I will withdraw my point of order. The gentleman from California has made his point.

I wish that this debate go forward on the merits of the issue, rather than on impugning the motives or integrity of any Member of Congress on either side of the aisle. I think I have made that point. It is not necessary to rule, and I withdraw it.

THE CHAIRMAN: The gentleman from California withdraws his demand.

MR. SILJANDER: Mr. Chairman, I object, if that is appropriate, because I would like to have a ruling. . . .

THE CHAIRMAN: The gentleman will suspend.

The Chair would observe that under the rules, unanimous consent is not required for the gentleman to withdraw his request. The gentleman's request is withdrawn.

8. Bob Traxler (Mich.).

§ 49.27 A demand that words spoken in debate in the Committee of the Whole be taken down may be withdrawn without unanimous consent.

On July 3, 1946,[9] Mr. Clarence J. Brown, of Ohio, stated in debate in the Committee of the Whole in reference to other Members "I have just finished listening to two political tirades by two political tyros." Mr. Matthew M. Neely, of West Virginia, demanded that the words be taken down and Chairman Wright Patman, of Texas, directed that the Clerk report the words objected to.

Mr. Neely then withdrew his demand that the words be taken down "for fear that this procedure will delay the final vote on the bill." When Mr. Earl Wilson, of Indiana, objected to such withdrawal, Chairman Patman ruled that it did not require unanimous consent to withdraw the demand that the words be taken down.

Withdrawal of Offending Words

§ 49.28 A demand that certain words spoken in debate be taken down must be made before further debate inter-

9. 92 CONG. REC. 8295, 79th Cong. 2d Sess.

venes, but a Member may by unanimous consent withdraw from the Record words he had previously spoken.

During debate on H.R. 11[10] in the Committee of the Whole on Feb. 24, 1977,[11] the proceedings described above occurred as follows:

MR. [E. G.] SHUSTER [of Pennsylvania]: I would like to call the attention of the Committee to the very significant point just made by the gentleman from Puerto Rico, which was that, in effect, Puerto Rico received under the previous jobs bill $127 million—more than almost any State of the Union.

Under the Shuster amendment, certainly Puerto Rico would not be left out. They would receive $47 million. The gentleman has made a good point. . . .

MR. [ROBERT A.] ROE [of New Jersey]: Madam Chairman, I am glad that came up. I am very glad that came up. So let us deal with that [demagogic] approach.

In every other piece of legislation that we have had, so far as I know, out of the public works end of it, what we are faced with is that we treat Puerto Rico as a State.

MR. SHUSTER: Madam Chairman, I ask that his words be taken down.

THE CHAIRMAN:[12] The gentleman from Pennsylvania (Mr. Shuster) asks that the words of the gentleman from New Jersey (Mr. Roe) be taken down. The demand comes too late, since debate has proceeded beyond that point.

MR. ROE: Madam Chairman, if I have used the wrong words, I apologize right here and now. I did not mean anything personal.

MR. SHUSTER: Madam Chairman, I was on my feet.

THE CHAIRMAN: The gentleman was not seeking recognition.

Does the gentleman from New Jersey ask unanimous consent to withdraw his words?

MR. ROE: Madam Chairman, I ask unanimous consent that I may be allowed to withdraw any words that I may have used inappropriately.

MR. SHUSTER: I thank the gentleman.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

§ 49.29 Where a demand is made that words uttered in debate be taken down, the Member using those words may, by unanimous consent, withdraw them before the Chair rules on their propriety.

On Mar. 2, 1977,[13] during consideration of House Resolution 287 (amending the rules of the House) in the Committee of the Whole, the following proceedings occurred:

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I move to strike the

10. Local Public Works Capital Development and Investment Act Amendments.

11. 123 CONG. REC. 5349, 95th Cong. 1st Sess.

12. Barbara Jordan (Tex.).

13. 123 CONG. REC. 5937, 95th Cong. 1st Sess.

requisite number of words, and I oppose the amendment.

Mr. Chairman, speeches like the one we just heard from the gentleman from Minnesota are the reason that we have wound up with so many Members of the House having the very kind of slush funds that we are trying to abolish today. What we are trying to do is to meet official expenses in an official, honest, aboveboard, open fashion. That is all we are trying to do. The gentleman can toss around all of the words he wants and all of the inflammatory words he wants.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I demand the gentleman's words be taken down.

THE CHAIRMAN:[14] Does the gentleman from Wisconsin ask to withdraw the words that were objected to?

MR. OBEY: I have no idea which words he objected to, but to satisfy the gentleman from Maryland, I will withdraw them.

MR. BAUMAN: To clarify, Mr. Chairman, the gentleman from Wisconsin (Mr. Obey) has referred to the language used by the gentleman from Minnesota as "phony words." He has also referred to his remarks as "baloney."

I hardly think that the words do anything, I would say to the Chairman, except impugn the motives of the gentleman from Minnesota.

THE CHAIRMAN: Does the gentleman from Wisconsin ask to withdraw those words?

MR. OBEY: Mr. Chairman, since it is necessary for someone around here to be responsible in the interest of getting things done, surely I withdraw those words.

THE CHAIRMAN: Without objection it is so ordered. The gentleman may continue.

§ 49.30 Clause 1 of Rule XIV proscribes Members in debate from engaging in personalities, including allegations that an identifiable group of sitting Members have committed a crime; thus, a Member by unanimous consent withdrew a statement in debate that the majority Members of the House had "stolen" a seat, pending a demand that those words be taken down.

On Feb. 27, 1985,[15] Mr. Andrew Jacobs, Jr., of Indiana, demanded that words spoken by Mr. John Rowland, of Connecticut, be taken down:

MR. JACOBS: Mr. Speaker, I demand the gentleman's words be taken down in that he said "stolen." . . .

THE SPEAKER PRO TEMPORE:[16] The Clerk will read the words taken down.

The Clerk read as follows:

> The scary thing about it, as a person who served in the legislature for 4 years, and as a person who happens to be sitting as the youngest Member of Congress, I find it difficult that the first situation that we

14. Edward P. Boland (Mass.).

15. 131 CONG. REC. 3898, 3899, 99th Cong. 1st Sess.

16. Tommy F. Robinson (Ark.).

run into in this House, the first class project, as we may call it, is trying to retain a seat that has been stolen from the Republican side of the aisle, and I think it is rather frustrating.

THE SPEAKER PRO TEMPORE: Would the gentleman care to modify his remarks before the Chair rules?

MR. ROWLAND of Connecticut: Yes, I would, Mr. Speaker. . . . I would like to ask unanimous consent that the words objected to be withdrawn.

THE SPEAKER PRO TEMPORE: That what word be withdrawn?

MR. ROWLAND of Connecticut. The word "stolen," Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Connecticut?

There was no objection. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Georgia is recognized.

MR. [NEWT] GINGRICH [of Georgia]: I would yield in just a moment, after asking the Chair if in fact Members were convinced an action were being taken which involved a word which was ruled by the Chair to be inappropriate, how could a Member report to the House on that action? Should we substitute the word "banana"? What is it one should say if in fact—not just as a joke, but if in fact—Members of the Republican side honestly believed strongly something is being done? In other words, is "unconstitutional" an acceptable term but "illegal" not acceptable?

THE SPEAKER PRO TEMPORE: Is the gentleman asking the Chair?

MR. GINGRICH: I am asking the Chair.

THE SPEAKER PRO TEMPORE: Simply put, Members should not accuse other Members of committing a crime. When the majority is accused of "stealing," that may suggest illegality. Other words could be used but not those accusing Members of committing a crime.

MR. GINGRICH: What if one honestly believes, for a moment, that a crime is being committed? Would it in fact be against the rules——

THE SPEAKER PRO TEMPORE: Members may not engage in personalities.

MR. GINGRICH: But he did not talk in personalities. . . .

MR. ROWLAND of Connecticut: . . . Mr. Speaker, I would simply point out that I did not refer to anybody stealing an election. I just referred to the frustration that we as freshmen are exhibiting and fearing as we go through the deliberations. I did not refer to anybody.

THE SPEAKER PRO TEMPORE: The gentleman seemed to refer to the majority of the House, that it had stolen the election.

§ 49.31 After a demand was made that certain words used in debate in the Committee of the Whole be taken down, the words were withdrawn by unanimous consent.

On Feb. 10, 1964,[17] Mr. Emanuel Celler, of New York, stated in debate in the Committee of the Whole in reference to another Member "I want to state that the gentleman from Missouri has spo-

17. CONG. REC. (daily ed.), 88th Cong. 2d Sess.

ken longer and more often than any other Member in the Chamber and contributed less." Mr. Paul C. Jones, of Missouri, demanded that those words be taken down and Chairman Eugene J. Keogh, of New York, directed that the Clerk report the words objected to. Mr. Celler then withdrew his remarks by unanimous consent "in the interests of expediency."

Parliamentarian's Note: The permanent Record was corrected to show that the words were actually withdrawn pursuant to the request.

Words Ruled Unparliamentary

§ 49.32 Where the demand is made that certain words used in debate be taken down in the House, the business of the House is suspended until the words are reported to the House.

The procedure (under Rule XIV clause 5) for taking down words in the House was demonstrated on Aug. 21, 1974,[18] as indicated below:

> MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman).
>
> Yesterday, Mr. Speaker, by mutual consent of the leadership on both sides of the aisle and by the members of the Judiciary Committee, I offered to this House a resolution. At the completion of the resolution, Mr. Speaker, I asked that all Members may have 5 legislative days in which to extend their remarks and it was objected to, Mr. Speaker, by the gentleman from Maryland (Mr. Bauman). He gave a reason at that particular time.
>
> I told him that I thought he should have cleared it with the leadership on his own side of the aisle; but nevertheless, Mr. Speaker, when all the Members had left last night, the gentleman came to the well and asked unanimous consent of the then Speaker of the House who was sitting there, if he may insert his remarks in the Record, with unanimous consent, following the remarks where he had objected.
>
> So, Mr. Speaker, in today's Record on page H8724 you will find the remarks of Mr. Bauman. You will not find the remarks of Mr. McClory, one of the people who had asked me to do this. You will not find the remarks of other members of the Judiciary Committee, who were prepared at that time to put their remarks in the Record; but you will find the remarks of Mr. Bauman and Mr. Bauman alone.
>
> [I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.]
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I demand that the gentleman's words be taken down.
>
> THE SPEAKER:[19] The gentleman demands that the words be taken down.
>
> The Clerk will report the words objected to. . . .

18. 120 CONG. REC. 29652, 29653, 93d Cong. 2d Sess.

19. Carl Albert (Okla.).

MR. BAUMAN: Mr. Speaker, does the gentleman ask unanimous consent to withdraw his remarks?

THE SPEAKER: The Chair did not understand that.

MR. BAUMAN: Does he not have to request that, or does not the Chair have to rule?

THE SPEAKER: The Chair will rule when the Clerk reports the words taken down.

MR. BAUMAN: Then, I demand the regular order.

THE SPEAKER: Regular order is underway. . . .

The Clerk will report the words objected to.

The Clerk read as follows:

> Mr. O'Neill: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman). . . .
>
> I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.

THE SPEAKER: The words in the last sentence are not parliamentary. Without objection, the offending words will be stricken from the Record.

Speaker Sometimes Takes Initiative Where Improper Remarks Are Uttered

§ 49.33 The Speaker cautioned a Member that it is a breach of order under clause 1 of Rule XIV to allege in debate that a Member has engaged in conduct similar to the subject of a complaint pending before the Committee on Standards of Official Conduct against another Member; and under clause 4 of that rule, the Chair takes the initiative in calling to order Members improperly engaging in personalities in debate.

Speaker Pro Tempore G. V. (Sonny) Montgomery, of Mississippi, called a Member to order in the House on Mar. 22, 1989,[20] as indicated below:

> (Mr. Alexander asked and was given permission to revise and extend his remarks and to include extraneous material.)
>
> MR. [BILL] ALEXANDER [of Arkansas]: Mr. Speaker, after arriving at the Capitol a few minutes ago on this glorious spring day, I learned that our colleagues on the other side of the aisle have conducted an election for minority whip resulting in the election of the gentleman from Georgia (Mr. Gingrich) as minority whip. . . .
>
> I would note to those who are observing that the gentleman from Georgia made his name, so to speak, by a sustained personal attack on the good name of Jim Wright, the Speaker of the House of Representatives who has devoted decades of meritorious service to our country. The gentleman from Georgia alleged that the Speaker has circumvented minimum income limits of Members of Congress by writing a book for which he received a royalty.
>
> Now, it is also to be noted that just this week it was learned that the gen-

20. 135 CONG. REC. 5130, 101st Cong. 1st Sess.

tleman from Georgia (Mr. Gingrich) also allegedly has a book deal. It is alleged in the Washington Post this week that the gentleman from Georgia received a royalty or a payment in the nature of a royalty. This is apparently similar to the Wright arrangement which is the basis of the gentleman from Georgia's complaint before the Ethics Committee.

THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman that he cannot make personal references, as the gentleman has done in his remarks.

Chair's Request That Member Proceed in Order

§ 49.34 The Chairman of the Committee of the Whole requested Members to proceed in order when a Member objected to remarks delivered in debate impugning the honesty and motives of another Member but did not demand that the words be taken down.

On May 10, 1978,[1] during debate in the Committee of the Whole, the following exchange occurred:

MR. [PARREN J.] MITCHELL of Maryland: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Texas (Mr. Krueger). . . . I would suggest . . . that this amendment strains my tolerance and engenders emotions in me because of the unintended evil that it does.

What is this unintended evil? For the first time—and I repeat—for the first time during our consideration of this issue we have an amendment that will tend to pit one group against another, one segment against another, one class against another.

I suggest that this kind of an amendment is, unwittingly, an evil amendment, because that is what this cut is all about, this cut that is proposed is about to pit one class against another. That is what the amendment does. . . .

MS. [ELIZABETH] HOLTZMAN [of New York]: . . . I want to compliment my colleague for his eloquent statement with which I wholeheartedly agree. I just want to point out that I think he does the gentleman from Texas an injustice when he says that he acts unwittingly or that the evil effects of the amendment are unintended. I think that the gentleman from Texas, who is a distinguished scholar, certainly knows well the effects of this amendment. When he comes on the floor and says the people of the United States want us to adopt this amendment, I do not know what people he is talking about because this amendment would cut back social security benefits and would affect over 80 million people in this country who receive annual cost-of-living increases in their social security checks. Surely there are old people who live in Texas. I understand it is a paradise, but surely there are people who receive social security benefits there and would be harmed by this amendment. . . .

1. 124 CONG. REC. 13214, 13215, 95th Cong. 2d Sess.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, a point of order.

THE CHAIRMAN:[2] The gentleman will state the point of order.

MR. BAUMAN: Mr. Chairman, it may well be the desire of the gentleman from Maryland to demand that words be taken down if this type of debate continues.

MR. MITCHELL of Maryland: Demand all you want.

MR. BAUMAN: The gentleman from Maryland has listened closely to the debate. It is not the intent of the gentleman from Maryland to defend the honor of the gentleman from Texas; it needs no defense; but the rules of the House do forbid certain types of words and they require decorum.

The gentleman from Maryland has listened to characterizations of "lies" and "dishonesty" and the use of amendments for the promotion of political campaigns, none of which the gentleman from Maryland feels fall within proper conduct in the House.

Now, I may well not be disposed to demand that the words be taken down, including the words just spoken, but if this continues and the Chair does not admonish those responsible, the gentleman from Maryland will demand they be taken down.

I know passions are high on this issue. Neither the gentleman from Maryland (Mr. Mitchell) or the gentleman from Texas (Mr. Krueger) need have their motives impugned or questioned. I grant the best of motives to all Members.

THE CHAIRMAN: The gentleman from Maryland, Mr. Bauman, has not made a point of order; but, the Chair feels sure all Members participating in the debate on this bill will proceed in order. That is the way it should be and that is the way it will be.

Parliamentarian's Note: Mr. Mitchell deleted from his remarks the reference to Mr. Krueger's amendment as "wittingly or unwittingly a lie." Ms. Holtzman's suggestion that Mr. Krueger had wittingly lied was also subject to a demand that the words be taken down.

—*Chair May Take Lead in "Calming" Debate*

§ 49.35 A demand that words be taken down is untimely if further debate has intervened.

The following proceedings occurred in the House on Mar. 4, 1985,[3] during consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana):

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always

2. William H. Natcher (Ky.).

3. 131 CONG. REC. 4277, 4283–85, 99th Cong. 1st Sess.

carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration. . . .

THE SPEAKER PRO TEMPORE:[4] The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time. . . .

MR. [WILLIAM D.] FORD of Michigan: . . . Mr. Speaker, this issue is being handled now in a manner being allowed in this House that does not meet the dignity of this body which is very much needed at the moment. At the time that the people of this country are wondering whether or not the Congress is going to do the things that are necessary, some of them painful, to protect our country, we have Members playing petty politics over there in a way that is calculated to do nothing except destroy public confidence in this body.

I can see how people would lose confidence in the House, which is put into this kind of mess by this bushwhacking method of causing a vote. . . . [W]e count on assertions from our leaders on both sides that on particular days you can take care of other important matters because there will not be rollcalls. They know that many of the Members are being deprived, who have been seated, of representing their districts because of the way in which this vote is called up. And if they want to show good faith at this point, Mr. Speaker, then the gentleman should withdraw his motion and move to take it up at a time when due notice has been given so that my constituents and all of the districts in Michigan will have their representative here to vote on them. . . .

MR. [CARROLL] CAMPBELL [Jr., of South Carolina]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, am I correct in saying that we do not seek to impugn the motives of a Member when they bring a matter to the floor? Is that correct under the way this House operates? And that when a Member's motives have been impugned that that Member or others on their behalf would have a right to ask that words be stricken? Is that a correct assumption?

THE SPEAKER PRO TEMPORE: The gentleman is correct that no Member's motive is to be impugned by another Member in the course of orderly debate on the House floor.

MR. CAMPBELL: Well, Mr. Speaker, my concern lies with the fact that with the previous speaker that the motivation of those of us who are concerned with this matter may have been impugned when the accusation was made that this was being done under petty politics and that it was bushwhacking and instead of the motivation of trying to protect legitimately the rights of a

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

Member of the minority party who had been denied, though being certified, his seat.

To make that charge I raise the point of order does impugn the motivation of those of us who seek to seat Mr. McIntyre. I ask that the gentleman's words be stricken.

THE SPEAKER PRO TEMPORE: The gentleman's point of order in this particular instance comes too late. Intervening debate has proceeded.

MR. CAMPBELL: The gentleman who previously spoke, Mr. Speaker, I was on my feet asking to be recognized on a point of order, who had made those accusations.

THE SPEAKER PRO TEMPORE: The Chair will state the Chair expects all Members to maintain the dignity of the Chamber, and that includes the proper use of language in reference to their colleagues of either political party.

The Chair will state that the point of order made by the gentleman at this time is not timely made. But the Chair will instruct all Members with the expectation that parliamentary language will be observed.

§ 49.36 While the Chair will not rule on the propriety of words used in debate and not challenged by a timely demand that they be "taken down," the Chair may caution all Members not to question the integrity or motivation of other Members in debate.

The following proceedings occurred in the House on Apr. 22, 1985:[5]

MR. [CONNIE] MACK [3d, of Florida]: Possibly the reason he is not here tonight is that this is too open a session, I mean it is too much of an opportunity for people to question him as to what happened during that discussion. . . .

Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, there was a reference by a colleague that maybe I violated the rules of the House, and suggested that maybe my words ought to be taken down.

Is that an idle threat that is being posed, or did I in fact violate the rules? I certainly have no intention of violating the rules of the House . . . .

THE SPEAKER PRO TEMPORE:[6] The Chair has received no request from the floor to have the gentleman's words taken down.

MR. MACK: So as far as the Chair is concerned, anything that I have said so far this evening certainly would be within the rules?

THE SPEAKER PRO TEMPORE: The Chair would caution the Members not to question the integrity of other Members or to impugn the motivation of individual Members.

MR. MACK: Mr. Speaker, when you say the "motivation" does that mean a negative or a positive motivation? If I make a statement about the positive motivation on the part of the Members, does that certainly fall within the rules, I would take it?

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5. 131 CONG. REC. 8692, 8693, 99th Cong. 1st Sess.

6. Kenneth J. Gray (Ill.).

THE SPEAKER PRO TEMPORE: The Chair would rule as each particular incident is brought to its attention. We ought to be cautious as to our personal comments about our colleagues.

§ 49.37 On one occasion, upon a demand that certain words used in debate (characterizing unnamed Members as taking "potshots" at the Nicaraguan resistance and as lacking judgment) be taken down, the Chair suggested that the words only questioned the judgment of unspecified Members in a manner not in violation of House rules, and the demand was withdrawn prior to a ruling thereon.

During the proceedings in the House on Mar. 18, 1986,[7] the following occurred:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I just got back from Nicaragua, and in light of what I saw and heard, I find today's speeches by the left wing of the Democratic Party astonishing.

For Members of Congress to stand safely on this floor and take potshots at men and women of tremendous courage who are struggling against great odds to oppose Communist tyranny in Nicaragua is, indeed, astonishing. That questions no one's patriotism; it questions their judgment.

MR. [PARREN J.] MITCHELL [of Maryland]: Mr. Speaker, I request the gentleman's words be taken down. He is questioning the judgment of other Members of the House.

THE SPEAKER PRO TEMPORE:[8] The gentleman from Maryland (Mr. Mitchell) requests that the words of the gentleman from Pennsylvania (Mr. Walker) be taken down. The Chair would inquire as to which words the gentleman refers to.

MR. MITCHELL: He questions the judgment of the Members of the House who oppose the Reagan proposition.

THE SPEAKER PRO TEMPORE: The Chair would suggest that the gentleman did not refer to any specific Member in violation of the rules of the House. Does the gentleman insist on his request?

MR. MITCHELL: Yes, Mr. Speaker, I do because it followed a statement that I just made where I indicated that I oppose the President's position, and certainly by inference he is questioning my judgment and I resent it.

THE SPEAKER PRO TEMPORE: The gentleman insists, and the Clerk will report the words. . . .

MR. MITCHELL: If the Speaker so desires, I will not press the point of order, but with the indulgence of the Speaker, I will state that I personally resent any attempt to impugn my motives.

THE SPEAKER PRO TEMPORE: The gentleman withdraws his demand.

Chair's Role in Interpreting Proceedings

§ 49.38 It is appropriate for the Chair to interpret a point of

7. 132 CONG. REC. 5200, 5201, 99th Cong. 2d Sess.

8. Bill Alexander (Ark.).

order to determine whether it is being raised under a particular rule of the House; and a Member's point of order (that remarks just made in debate impugn another Member's motives), and the Chair's determination as to whether the point of order constitutes a demand that those words be "taken down," is not such intervening debate or business as to render the demand untimely.

On Oct. 2, 1984,[9] during consideration of the balanced budget bill (H.R. 6300), Mr. John V. Weber, of Minnesota, stated that another Member had come to the floor with a gimmick "which he thinks will fool the people of Tulsa."[10] A point of order was made:

MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE:[11] The gentlewoman will state her point of order.

MS. OAKAR: Mr. Speaker, I question the speaker regarding impugning the motives of the chairman who has introduced this legislation.

THE SPEAKER PRO TEMPORE: Does the gentlewoman insist that the gentleman's words be taken down?

MS. OAKAR: Yes, Mr. Speaker, I do.

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

MR. [GUY V.] MOLINARI [of New York]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. MOLINARI: Mr. Speaker, as an observer of what transpired here, it was my impression that the point of order raised by the gentlewoman was raised too late, and I would ask the Chair to make a ruling that in fact a point of order was made too late.

THE SPEAKER PRO TEMPORE: The Chair would state that at the time the point of order was made further debate had not taken place and therefore the point is entertained.

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

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

MR. WALKER: It was my impression that the gentlewoman never asked that the words be taken down, that the Chair guided her into that.

MS. OAKAR: I asked.

MR. WALKER: The gentlewoman never made that point in her language. Is that usual procedure?

THE SPEAKER PRO TEMPORE: The Chair was simply attempting to understand the intent and the motive of the gentlewoman's point of order.

Words Not Taken Down and Reported

§ 49.39 A demand for the reporting of certain additional

9. 130 CONG. REC. 28522, 98th Cong. 2d Sess.
10. The words were stricken from the Record.
11. Richard A. Gephardt (Mo.).

words uttered in the Committee of the Whole but not reported to the House is not in order in the House, and the Speaker will not pass upon what can be done in the Committee of the Whole regarding a new demand.

On July 27, 1965,[12] Mr. Neal Smith, of Iowa, demanded that certain words used in debate in the Committee of the Whole by Mr. Charles E. Goodell, of New York, be taken down. In the House, Speaker John W. McCormack, of Massachusetts, directed the Clerk to read the words that had been objected to, and the Clerk read two sentences that were reported from the Committee of the Whole.

Mr. Smith then rose and objected that "there was another sentence following that. He did not read the last sentence." Speaker McCormack ruled that the Chair could pass only on the words that had been reported. After the Speaker delivered a ruling on the words, Mr. Smith again rose to demand that the sentence following the words ruled on be taken down. Speaker McCormack responded "The Chair will state that the Chair can only pass upon the words presented to the Chair and which were taken down in the Committee of the Whole." Mr. Smith then raised a parliamentary inquiry:

> Are we not entitled to have the words taken down that were objected to in the Committee of the Whole so that Members can exercise their rights?

The Speaker stated that he was "confronted with the words actually reported by the Clerk." Mr. Smith then asked:

> Then when we go back into the Committee of the Whole, am I entitled to demand that the words be taken down that I objected to and report them back?

Speaker McCormack ruled:

> The Chair will not pass upon what can be done in the Committee of the Whole. Of course, if the gentleman desires to renew his request, that would be a matter for the Chairman of the Committee of the Whole to consider on the question of whether or not the words were taken down as demanded by the gentleman from Iowa.
>
> The Committee will resume its sitting.

When the Committee resumed its sitting, Mr. Smith made a further demand that additional words not reported in the House be taken down and reported therein. The Clerk read the additional words objected to, and Mr. Smith stated "That is not all of it, Mr. Chairman. That is not all of

12. 111 CONG. REC. 18441, 89th Cong. 1st Sess.

the words." Chairman Leo W. O'Brien, of New York, responded that the words reported were "all that the Clerk was able to furnish the Chairman." Mr. Smith then withdrew his objection to the words.

References to Motives of Senators

§ 49.40 Where a Member demanded that another Member's references in debate to a Senator be stricken from the Record but did not demand that the words be "taken down" (pursuant to Rule XIV clause 5), the Speaker Pro Tempore sustained the point of order against violation of the principle of comity (under section 374 of Jefferson's Manual) but did not submit to the House the question of striking the unparliamentary words.

On June 3, 1974,[13] it was demonstrated that the principle of comity between the two Houses prohibits any reference in debate in the House to actions of Senators within or outside the Senate. The proceedings were as follows:

> THE SPEAKER PRO TEMPORE:[14] Under a previous order of the House, the gentleman from Arizona (Mr. Steiger) is recognized for 45 minutes.
>
> MR. [SAM] STEIGER [of Arizona]: Mr. Speaker, with a petulance usually reserved to Secretaries of State, Mo Udall and Henry Jackson have blamed the defeat of the land-use planning bill on "impeachment politics." Mr. Udall states that the President changed his position on land-use planning in order to retain the support of conservative Members of the House regarding impeachment. . . .
>
> We can fully appreciate that the gentleman from Washington, who is an active candidate for President, might be seeking ways to present his case in some kind of a different manner.
>
> MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, if the gentleman will suspend for a minute, I would like to make a parliamentary inquiry. . . .
>
> I pose the parliamentary inquiry, whether or not discussion of the motives of a Member of the other body is in order.
>
> THE SPEAKER PRO TEMPORE: The gentleman is correct. It is not in order, in view of the rule of comity between the two Houses.
>
> The gentleman will proceed.
>
> MR. STEIGER of Arizona: Mr. Speaker, I would advise the gentleman from California (Mr. Rousselot) that I am about to continue to yield him the time; that I, too, think it is very presumptive of the gentleman from Washington, who is running for President;

13. 120 CONG. REC. 19083, 19085, 19086, 93d Cong. 2d Sess.

14. John J. McFall (Calif.).

all I heard the gentleman from California (Mr. Rousselot) say was that the Senator was a candidate for President.

MR. [JOHN H.] ROUSSELOT [of California]: He is a potential candidate for President. If that is impugning his motives, I do not see how it is.

MR. FOLEY: Mr. Speaker, a point of order. The remarks of the gentleman from California and the remarks of the gentleman from Arizona are out of order. I ask that they be stricken.

MR. STEIGER of Arizona: Mr. Speaker, might I be heard on that point of order?

THE SPEAKER PRO TEMPORE: The gentleman will proceed on the point of order.

MR. STEIGER of Arizona: I would restate what I said, that in my view it is presumptuous of the gentleman from Washington to hold himself up as a candidate for the Presidency of the United States. I fail to see that that is impugning the gentleman's motives.

It is an accepted fact in political life that the gentleman from Washington is, indeed, a candidate for the Presidency, at least in his own eyes.

I suspect, and I am certainly entitled to a view of that candidacy and I have stated that view, with no intent at all of demeaning the gentleman from Washington.

THE SPEAKER PRO TEMPORE: While the gentleman has not demanded that words be taken down, the Chair will state that under the rules of debate it is not in order for a Member to voice an opinion or cast a reflection on either Members of the House or Members of the other body and it is not in order to refer to Senators by name or in terms of personal criticism, or even for the purpose of complimenting and the inhibition extends to comments of criticism of their actions outside the Senate.

The Chair would also point out to the gentlemen who are carrying on this debate that it is Thursday afternoon and there is no need to get involved in a big political debate.

So the gentleman in the well will proceed in order.

Procedure in House When Committee Rises

§ 49.41 Where the Speaker has ruled upon words taken down in the Committee of the Whole and reported to the House, and has ordered the Committee to resume its sitting, a point of order of no quorum in the House comes too late and is not in order.

On Nov. 10, 1971,[15] the Committee of the Whole rose in order that words used in debate by Mr. John H. Dent, of Pennsylvania, demanded taken down by Mr. John N. Erlenborn, of Illinois, be reported to the House. Speaker Carl Albert, of Oklahoma, ruled that the words were not unparliamentary, after Mr. Dent explained that he had not been referring to a Member of the House. The Speaker ordered the Committee to resume its sitting. Mr. Durward

15. 117 CONG. REC. 40442, 40443, 92d Cong. 1st Sess.

G. Hall, of Missouri, then attempted to make a point of order that a quorum was not present, and the Speaker ruled that the point of order could not be made at that time.

Committee of Whole Resumes Sitting Automatically

§ 49.42 When the demand is made that certain words used in debate be taken down in Committee of the Whole, the business of the Committee is suspended until the words are reported to the House; after the Speaker has ruled on words reported from the Committee of the Whole, and after disposition of any motion that the Member whose words are ruled out of order may proceed in order, the House automatically resolves back into the Committee of the Whole.

During consideration of the Department of Education Organization Act of 1979 (H.R. 2444) in the Committee of the Whole, certain words used in debate were reported to the House, the Speaker ruled on those words and the Committee resumed its deliberations. The proceedings on June 12, 1979,[16] were as follows:

> MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I expected resistance to this amendment and not necessarily my getting involved. I am not a member of this committee. But this amendment is probably the most detrimental to the main purposes of equal opportunity of education to the most needed segments of our society that has been presented thus far and probably could ever be presented. The insidiousness of the amendment is compounded by the sponsor's deceptive—I should say hypocritical—presentation of this amendment, disguising it as a quota prohibition.
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I demand that the words be taken down.
>
> THE CHAIRMAN:[17] The Clerk will report the words objected to. . . .
>
> THE CHAIRMAN: The Committee will rise. . . .
>
> THE SPEAKER:[18] The Clerk will report the words objected to.
>
> The Clerk read as follows: . . .
>
> > The insidiousness of the amendment is compounded by the sponsor's deceptive—I should say hypocritical—presentation of this amendment, disguising it as a quota prohibition.
>
> THE SPEAKER: The Chair is ready to rule.
>
> The Chair, having read the references concerning deception and hy-

16. 125 CONG. REC. 14461, 96th Cong. 1st Sess.

17. Lucien N. Nedzi (Mich.).

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

pocrisy, will state that there have been previous opinions by the Chair that there is nothing wrong with using the word, "deceptive," or the word, "hypocritical," in characterizing an amendment's effect but when a Member so characterizes the motivation of a Member in offering an amendment that is not in order.

Consequently, the words in the last sentence read by the Clerk are unparliamentary and without objection, the offensive words are stricken from the Record. . . .

The Chair recognizes the gentleman from Texas (Mr. Brooks).

MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I move that the gentleman from Texas (Mr. Gonzalez) be allowed to proceed in order.

The motion was agreed to.

THE SPEAKER: The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2444, with Mr. Nedzi in the chair.

THE CHAIRMAN: The gentleman from Texas (Mr. Gonzalez) has the floor, and the gentleman will proceed in order.

§ 49.43 When a demand is made in Committee of the Whole that words spoken in debate be taken down, the words are transcribed by the Official Reporters of Debate to be read by the Clerk, and the Committee then rises automatically and reports the words to the House; following a decision by the Speaker that the words reported to the House by the Committee of the Whole are in order, the Committee resumes its sitting without motion.

The following proceedings occurred during consideration in the Committee of the Whole of H.R. 2760 (prohibition on covert aid to Nicaragua) on July 28, 1983:[19]

MR. [DAVID R.] OBEY [of Wisconsin]: I am concerned, as I said, about the statements that I have heard on the floor today, because I believe that what they have a tendency to do, even though that may not be the intention, I think they have the tendency to try to assassinate the character of the person making the statement rather than to effectively assassinate the argument.

MR. [C. W. BILL] YOUNG of Florida: Mr. Chairman, I demand that the gentleman's words be taken down.

THE CHAIRMAN:[20] Words will be taken down.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I have a parliamentary inquiry. . . .

[W]hy could we not have the words read back promptly? . . .

Mr. Chairman, are we not taking down the proceedings of the House verbatim?

THE CHAIRMAN: As soon as the words can be transcribed, as the gentleman knows, the Speaker will then

19. 129 CONG. REC. 21461, 21462, 98th Cong. 1st Sess.

20. William H. Natcher (Ky.).

pass upon the words that are being taken down.

The Clerk will report the words.

The Clerk read as follows:[1] . . .

THE CHAIRMAN: The Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2760) to amend the Intelligence Authorization Act for fiscal year 1983 . . . certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

THE SPEAKER:[2] . . . The Clerk will report the words objected to in the Committee of the Whole House on the State of the Union.

The Clerk read as follows: . . .

THE SPEAKER: The words having been read, and the gentleman from Wisconsin having very definitely included in his statement a disclaimer that he does not impugn the motives or intentions of any Member of the House, in the opinion of the Chair, in his legislative argument the words of the gentleman from Wisconsin are not unparliamentary and the gentleman may proceed.

The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2760, with Mr. Natcher in the chair.

§ 50. —Ruling by the Speaker

The Speaker or Speaker Pro Tempore has the sole power to rule whether words objected to violate the rules and precedents of the House.[3] The question is not open to debate.[4] Appeals may be taken from the Speaker's ruling on objectionable words but such appeals are rare.[5]

In ruling on words, the Speaker considers not only past precedents

1. It is still required, under the customs and traditions of the House, for the Clerk to read the transcript, which, whether it has been taken electronically or taken in shorthand, must be reduced to writing.
2. Thomas P. O'Neill, Jr. (Mass.).
3. See § 50.9, infra; 2 Hinds' Precedents § 1249; 5 Hinds' Precedents §§ 5163, 5169, 5187.

   The Chairman of the Committee of the Whole does not rule on objectionable words (see Rule XIV clause 4, *House Rules and Manual* § 760 (1995)).
4. See § 50.7, infra.
5. See § 50.8, infra. Under clause 4 of Rule XIV, appeals are in order from the Speaker's ruling. The rule provides that: "the House shall, if appealed to, decide the case without debate." On a past occasion where an appeal was not allowed (see 5 Hinds' Precedents § 6944), the appeal was demanded on a ruling on words taken down in debate on a pending appeal. In that situation, appeals could be multiplied indefinitely.

on exact or similar words,[6] but also weighs the importance of preserving free debate and expression of opinion in the House.[7] The Speaker has consulted a dictionary where he was in doubt as to the meaning of colloquial expressions.[8] The Speaker may seek further information than the exact words reported in order to deliver an informed ruling. For example, the Speaker has inquired of the Member called to order whether he was in fact referring to certain persons or proceedings,[9] and has directed the Clerk to report words uttered in the House in addition to those objected to in order to judge the words in context.[10]

Cross References

Courses of action if words ruled out of order, see §§ 51, 52, infra.

Necessity of ruling if words withdrawn, see § 51, infra.

Speaker's rulings generally on points of order, see Ch. 31, infra.

Factors Considered by the Speaker

§ 50.1 In ruling on words objected to in debate, the Speaker gives weight to past precedent.

On Feb. 5, 1940,[11] a Member referred to another Member in debate as "President of the Demagogue Club." The words were demanded to be taken down and Speaker Pro Tempore Sam Rayburn, of Texas, ruled the language out of order.

On May 4, 1943,[12] when one Member called another Member in debate a demagogue, Speaker Rayburn ruled that he had passed upon identical language in the past and would conform to his prior ruling, holding that words accusing a Member of demagoguery was a breach of order.

On Dec. 13, 1973,[13] a Member termed an amendment offered by another as "demagogic or racist because it is only demagoguery or racism which impels an amendment like this."

Speaker Carl Albert, of Oklahoma, cited Speaker Rayburn's ruling of May 4, 1943, ruling the use of the word "demagogue" or "demagoguery" in reference to another Member out of order. In reliance on that ruling, Speaker Al-

6. See § 50.1, infra.
7. See § 50.2, infra.
8. See § 50.4, infra.
9. See § 50.3, infra.
10. See § 50.5, infra.
11. 86 CONG. REC. 1529, 76th Cong. 3d Sess.
12. 89 CONG. REC. 3915, 3916, 78th Cong. 1st Sess.
13. 119 CONG. REC. 11289, 11290, 93d Cong. 1st Sess.

bert ruled that the language used was a breach of order in debate.

§ 50.2 In ruling on words objected to in debate, the Speaker gives weight to the preservation of free debate in the House.

On Mar. 7, 1942,[14] Mr. Vito Marcantonio, of New York, stated "since the gentleman from Texas raised the question here of dereliction of duty, I say that dereliction in this matter rests at the doorstep of his committee."

A point of order was made and the words were taken down. Speaker Sam Rayburn, of Texas, ruled as follows:

> The Chair thinks that if he were to hold upon as fine a point as that, at some time free debate in the House of Representatives might cease. The Chair holds that the language does not violate the rules of the House.

On July 26, 1951,[15] Mr. Joseph W. Martin, Jr., of Massachusetts, demanded that words used in debate by Mr. John J. Rooney, of New York, in reference to the Republican Conference be taken down. Speaker Rayburn ruled as follows:

> The Chair in every instance of this kind has been most liberal with the Member who uttered the words objected to, because he has always thought that great liberality must be indulged in so that we may have free and full debate. On very few occasions has the present occupant of the chair held that remarks were a violation of the rules of the House.
>
> The Chair can hardly agree, however, that the words, applied to the meeting of the Republicans in caucus yesterday were quite proper. . . .[16]

Explanation of Member Called to Order

§ 50.3 The Speaker has relied on the assurance of a Member called to order that in using a word which was also the name of a Member he was not referring to the other Member.

On Oct. 9, 1940,[17] Mr. Sol Bloom, of New York, objected to the alleged use by Mr. John C. Schafer, of Wisconsin, of Mr. Bloom's name in debate rather than referring to him as the gentleman from New York. Speaker Sam Rayburn, of Texas, ruled, on the assurance of Mr. Schafer that he was not referring to his colleague Mr. Bloom, that he was not speaking out of order.[18]

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14. 88 Cong. Rec. 2056, 77th Cong. 2d Sess.

15. 97 Cong. Rec. 8969, 82d Cong. 1st Sess.

16. For the exact words demanded to be taken down, see § 53.3, infra.

17. 86 Cong. Rec. 13477, 76th Cong. 3d Sess.

18. See also 113 Cong. Rec. 8411, 8412, 90th Cong. 1st Sess., Apr. 5, 1967

Dictionary Definitions

§ 50.4 The Speaker has consulted a dictionary in ruling on colloquial expressions which have been objected to in debate.

On July 16, 1935,[19] Mr. Hamilton Fish, Jr., of New York, referred to Mr. Wright Patman, of Texas, in debate as a "snooper." The words were taken down, and Speaker Joseph W. Byrns, of Tennessee, held that the use of the term violated the rules of the House, after consulting Webster's Dictionary and reading the following definition to the House: "to look or pry about or into others' affairs in a sneaking way. One who snoops; a prying sneak."

On June 16, 1934,[20] Speaker Henry T. Rainey, of Illinois, ruled that the word "yapping", used by Mr. George E. Foulkes, of Michigan, in debate to refer to addresses on the floor by Mr. John Taber, of New York, was not unparliamentary. The Speaker had consulted the dictionary and stated that the term meant "to talk loudly; chatter; scold" and was not objectionable.[1]

Speaker Rules on Propriety of Words Objected to

§ 50.5 When there is a demand that certain words used in debate be taken down, the words objected to may be withdrawn by unanimous consent by the Member using them, but where the words are not withdrawn, the Speaker will rule on the propriety of the words.

The following proceedings occurred in the House on Mar. 19, 1985:[2]

> MR. [HARRY] REID [of Nevada]: Mr. Speaker, on February 26 of this year one of my constituents traveled nearly 3,000 miles to Washington specifically to see me about a critical issue, but he

(Speaker inquired of Member called to order whether he was in fact quoting executive proceedings of a House committee).

Under normal practice, a Member whose words have been objected to must take his seat and may not debate the demand that his words be taken down or explain his words except on motion pursuant to clause 4 of Rule XIV (see § 52, infra).

19. 79 CONG. REC. 11256, 74th Cong. 1st Sess.

20. 78 CONG. REC. 12114, 73d Cong. 2d Sess.

1. See also 79 CONG. REC. 11256, 74th Cong. 1st Sess., July 16, 1935 (when ruling out of order in debate the term "stool pigeon," the Speaker stated it was not necessary to consult a dictionary to ascertain the meaning of the expression).

2. 131 CONG. REC. 5532, 5533, 99th Cong. 1st Sess.

did not. . . . I was called away from something very important to become captive, once again, to an abusive practice, an abuse inflicted upon the entire House of Representatives and the legislative process itself, voting on the Journal.

Mr. Reid made further comments, indicated below, which were the subject of a demand that the words be taken down:

MR. [VIN] WEBER [of Minnesota]: Mr. Speaker, I demand that the gentleman's words be taken down. . . .

Mr. Speaker, would it be in order, in view of the gentleman's statement a minute ago, for me to ask unanimous consent that he be permitted to withdraw his words?

THE SPEAKER PRO TEMPORE:[3] Yes. The Chair would entertain such a motion. . . .

MR. REID: Mr. Speaker, I respectfully submit that I appreciate the request of the gentleman from Minnesota, but I do not think I said anything offensive, and I would ask for a ruling on that.

THE SPEAKER PRO TEMPORE: The Chair will rule.

The Clerk will report the words.

The Clerk read as follows:

> One of the most important things to remember is that those Members who call for these wasteful votes are led by my distinguished colleague from Pennsylvania, Mr. Walker, who speaks constantly of the need to do away with government waste, and he is literally speaking out of both sides of his mouth.

THE SPEAKER PRO TEMPORE: The Chair would announce that it is not proper to impugn the motive of another Member. We have precedents here in the House. Mr. Knutson, of Minnesota: "I cannot believe that the gentleman from Mississippi is sincere in what he has just said." And that was held not in order on November 2, 1942.

The Chair must state that the words of the gentleman from Nevada have, in his opinion, an unparliamentary connotation and shall be stricken.

Without objection, the gentleman from Nevada may proceed. Do I hear an objection?

MR. WEBER: Yes, Mr. Speaker. . . .

Would the Chair clarify the parliamentary situation in which the gentleman from Nevada finds himself?

THE SPEAKER PRO TEMPORE: . . . The Chair has ruled that the gentleman from Nevada misspoke on the words "speaking out of both sides of his mouth," and therefore those words shall be stricken.

The Member only can proceed by permission of the House.

Context of Words Used

§ 50.6 The Speaker ordered the Clerk to report words uttered previously to words to which objection was taken in order to deliver an informed ruling.

On July 23, 1935,[4] Mr. Hamilton Fish, Jr., of New York, demanded that certain words used in debate by Mr. John W. McCor-

3. Kenneth J. Gray (Ill.).

4. 79 CONG. REC. 11699, 74th Cong. 1st Sess.

mack, of Massachusetts, be taken down. On the direction of Speaker Pro Tempore John J. O'Connor, of New York, the Clerk read the following words:

> The gentleman from New York [Mr. Fish], whether he intended it or not, is guilty of that crime; not only a few days ago, but is again guilty of the same crime on this occasion.

Mr. Edward E. Cox, of Georgia, then made a point of order to insist "in connection with those words, that the previous statement that he had made an unfair argument also be included."

The Speaker Pro Tempore responded:

> The Chair was about to make that suggestion. To properly inform the Chair, the words previously uttered should be read in connection with the words just reported.
>
> The Clerk will report the words uttered previously to the words to which objection was taken.
>
> The Clerk read as follows:
>
> > I respect men who fight hard. I respect men, members of the Republican Party and the Democratic Party, who fight hard for their party, but who fight clean. I respect men who make constructive criticisms; but my general respect for men is somewhat lost when they depart from what should be and what ordinarily is their general conduct and enter into the field of unnecessary, unfair, and unwarranted attacks and arguments.

The Speaker Pro Tempore ruled that the word "crime" used by Mr. McCormack, when taken in context, was not unparliamentary language.[5]

Debate

§ 50.7 The question of whether words taken down violate the rules is for the Speaker to decide and is not debatable.

On Jan. 15, 1948,[6] Mr. Emanuel Celler, of New York, referred in debate to a statement by Mr. John E. Rankin, of Mississippi, as "damnable." Mr. Rankin demanded that the words be taken down. After the words were read to the House, Speaker Joseph W. Martin, Jr., of Massachusetts, inquired of Mr. Rankin whether the word "damnable" was the word objected to. Mr. Rankin responded in the affirmative and Mr. Celler interjected the inquiry "Mr. Speaker, may I be heard?"

The Speaker ruled "This is not debatable. The Chair will pass on the question."

On Mar. 9, 1948,[7] after Mr. Rankin had demanded that cer-

5. Under normal practice, the Chair rules only on the language specifically objected to and reported to the House (see §§ 49.2, 49.3, supra).

6. 94 Cong. Rec. 205, 80th Cong. 2d Sess.

7. 94 Cong. Rec. 2408, 80th Cong. 2d Sess.

tain words used in debate be taken down and Speaker Martin had ruled them not a breach of order, the following exchange occurred:

> MR. RANKIN: Mr. Speaker, I would like to be heard.
>
> THE SPEAKER: It is a matter for the Chair to determine.
>
> MR. RANKIN: I understand; but I would like to be heard on the matter. We have a right to be heard.
>
> THE SPEAKER: The Chair has held that the words are not unparliamentary. The gentleman from New York [Mr. Celler] is merely expressing his own opinion. The gentleman from New York will proceed.

Parliamentarian's Note: Clause 4 of Rule XIV specifies that this question of order is not debatable on appeal. On infrequent occasions, the Chair has declined to rule directly on the propriety of words but has implicitly ruled them out of order by entertaining a debatable motion to expunge the words from the Record. See 8 Cannon's Precedents § 2539. See also 6 Cannon's Precedents § 617.

Appealing the Chair's Ruling

§ 50.8 Appeals have been permitted from rulings of the Chair that certain words spoken in debate were out of order or in order.

On Dec. 20, 1943,[8] Speaker Pro Tempore John W. McCormack, of Massachusetts, ruled that a statement in debate that remarks of another Member were "false and slanderous" was a breach of the rules of the House.

Following the ruling, Mr. John E. Rankin, of Mississippi, who had uttered the objectionable words, entered an appeal from the ruling of the Chair on the ground the ruling was "so one-sided I do not think the House will sustain it." The House voted to sustain the ruling of the Speaker Pro Tempore.

On July 23, 1935,[9] Mr. John W. McCormack, of Massachusetts, was proceeding in House debate, and certain words were deemed offensive by Mr. Hamilton Fish, of New York. The challenge was to an allegation that a Member "was guilty of that crime." The words which were taken down were as follows:

> I respect men who fight hard. I respect men, members of the Republican Party and the Democratic Party, who fight hard for their party, but who fight clean. I respect men who make constructive criticisms; but my general respect for men is somewhat lost when they depart from what should be and what ordinarily is their general conduct and

8. 89 CONG. REC. 10922, 78th Cong. 1st Sess.

9. 79 CONG. REC. 11699, 74th Cong. 1st Sess. See also 75 CONG. REC. 10019, 72d Cong. 1st Sess., May 11, 1932, where the Chair sustained a point of order and an appeal thereto was subsequently withdrawn.

enter into the field of unnecessary, unfair, and unwarranted attacks and arguments.

THE SPEAKER PRO TEMPORE: The Clerk will again report the words to which objection was taken.

The Clerk read as follows:

The gentleman from New York [Mr. Fish], whether he intended it or not, is guilty of that crime; not only a few days ago, but is again guilty of the same crime on this occasion.

The Speaker Pro Tempore, Mr. John J. O'Connor, of New York, ruled as follows:

The Chair may state, even though it may be gratuitous, that from his personal standpoint there has grown up in this House a ridiculous habit of causing the words of a Member to be taken down, which course often consumes a great deal of time; and, as the Chair said on the floor the other day, it appears to have come to pass recently that a Member cannot even say "boo" to another Member without some Member demanding that the words be taken down. This practice has become reductio ad absurdum.

The gentleman from Massachusetts [Mr. McCormack] has just uttered the words reported. The gentleman from New York [Mr. Fish] thereupon demanded that the words be taken down.

For the gentleman from Massachusetts to state that what the gentleman from New York did or said was a "crime", in the opinion of the present occupant of the chair, is but a loose expression—a word commonly used as a mere figure of speech. The word "wrong" in the dictionary is a synonym for "crime", and the Chair holds that the use of the word "crime", under the particular circumstances, is not unparliamentary language; and the gentleman from Massachusetts may proceed.

Mr. John Taber, of New York, appealed the ruling and, on a division vote of 165–35, the Chair's ruling was upheld.

Speaker's Ruling, Challenges to

§ 50.9 The Speaker, and not the Chairman of the Committee of the Whole, rules on whether words spoken and objected to in the Committee of the Whole are in order; and the House may by proper motion dictate the consequences of the Chair's ruling the words out of order, such as whether the words should be expunged from the Record and whether the Member called to order may proceed in debate.

The following proceedings occurred in the Committee of the Whole on May 26, 1983,[10] during consideration of H.R. 2969 (Department of Defense authorization for fiscal year 1984):

MR. [THOMAS F.] HARTNETT [of South Carolina]: . . . The gentleman

10. 129 CONG. REC. 14048, 14049, 98th Cong. 1st Sess.

from California, for whom I have a great deal of respect, is, through his proposals, through his amendment, advocating unilateral disarmament on behalf of the United States. . . .

I would say to my colleague from Indiana that when we are told by the gentleman from California that we go beyond a deterrence to a war-fighting capability, that when your deterrence is no longer a deterrence it is probably time that you build that deterrence at least to a war-fighting capability.

I do not want my colleague from Indiana to be ashamed whatsoever or to let this element over here who advocates unilateral disarmament to browbeat you into thinking they know more than you do.

MR. [RONALD V.] DELLUMS [of California]: . . . Mr. Chairman, I object and I move that the gentleman's words be taken down. . . .

MR. [KENNETH B.] KRAMER [of Colorado]: The parliamentary inquiry is: Can the Chair tell us the procedure that relates to taking down words and what will follow?

THE CHAIRMAN PRO TEMPORE:[11] The procedure is as follows: After the Clerk reports the words, the Speaker will review the words of the gentleman from South Carolina, making a ruling thereon; unless, of course, the gentleman from South Carolina wishes, by unanimous consent, to withdraw his words. . . .

MR. KRAMER: Mr. Chairman, is the ruling of the Speaker the final word on that or is there an appeal process or how does that work exactly?

THE CHAIRMAN PRO TEMPORE: The Chair would inform the gentleman that the Speaker would rule on that but that after the Speaker has ruled it would be in order to dictate the consequences of the ruling of the Chair by proper motions in the House. . . .

MR. HARTNETT: Mr. Chairman, I am not certain as to which of my remarks struck such a sensitive chord among my colleagues here this afternoon. My words that have been now requested to have been taken down were to the point that there is an element here in the House that would advocate unilateral disarmament. Now it is my understanding, Mr. Chairman, and I would like a ruling on this, that the element means a section, a portion, a fraction or a part or less than the whole and my statement was that there was an element or a less than the whole membership of this House who would advocate a unilateral disarmament and I would like the Chair to rule.

THE CHAIRMAN PRO TEMPORE: It is neither the intention nor the privilege of the current presiding officer of the Committee of the Whole to make such a ruling. That is the prerogative of the Speaker and when the gentleman's words are read to the House, the Speaker will so rule.

Rulings on Words Reported From Committee of the Whole

§ 50.10 Where words uttered in the Committee of the Whole are taken down and reported to the House, the Speaker will not rule on other words that may have been used in the Committee.

On July 27, 1965,[12] Mr. Howard W. Smith, of Virginia, de-

11. Thomas J. Downey (N.Y.).

12. 111 CONG. REC. 18441, 89th Cong. 1st Sess.

manded that certain words used in debate in the Committee of the Whole by Mr. Charles E. Goodell, of New York, be taken down. Speaker John W. McCormack, of Massachusetts, directed the Clerk to read the words that had been objected to, and the Clerk read two sentences that were reported from the Committee of the Whole.

Mr. Smith rose and objected that the Clerk had failed to read all of the language used. Speaker McCormack ruled that the Chair could pass only on the words that had been reported. After the Speaker delivered a ruling on the words, Mr. Smith arose to demand that the sentence following the words ruled out be taken down. Speaker McCormack responded "The Chair will state that the Chair can only pass upon the words presented to the Chair and which were taken down in the Committee of the Whole."

Senate Practice

§ 50.11 Where a Senator is called to order for words spoken in debate, the Presiding Officer makes a determination as to whether the words transgress the rules; an appeal from his decision is in order and is debatable within any time limitations adopted by the Senate.

On May 14, 1964,[13] Senator Spessard L. Holland, of Florida, asked unanimous consent to interrupt pending business for the consideration of Senate Resolution 330, such consideration not to exceed 40 minutes (the resolution extended the time and scope of a committee investigation). Senator Michael J. Mansfield, of Montana, made some remarks on the resolution and was called to order by Senator Clifford P. Case, of New Jersey, for stating: "The intemperate inference, the thinly veiled implication in which some have indulged."

Presiding Officer Edward M. Kennedy, of Massachusetts, ruled that the words indicated did not violate the rules of debate, and Senator Case appealed that ruling and suggested the appeal was debatable. The Presiding Officer responded:

> Under paragraph 4 of rule XIX, the appeal from the ruling of the Chair is debatable. The rule provides that if any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rule, such Senator may appeal from the ruling of the Chair, which appeal shall be open to debate.

The Presiding Officer then stated that the time limitation had expired, and that the question

13. 110 CONG. REC. 10926–31, 88th Cong. 2d Sess.

was on the consideration of the resolution. Senator Case asked for recognition on his appeal, but the Presiding Officer ruled that the expiration of the time limitation, and the intervening motion of Senator Mansfield to lay the resolution on the table, precluded further debate.[14]

§ 51. —Withdrawal or Expungement of Words; Disciplinary Measures

Rule XIV clause 4 provides for action by the House where a Member is called to order:

> If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order . . . if the decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case requires it, he shall be liable to censure or such punishment as the House may deem proper.[15]

Under the rule, a Member whose words are taken down must take his seat and may not be recognized until the House permits him to proceed in order[16] or unless the House by motion permits him to explain the words before a ruling. But he may be recognized in the discretion of the Speaker, either before or after the words have been reported, for the limited purpose of requesting unanimous consent to withdraw the words in question.[17] Where such request is granted, the objectionable words are no longer before the House and the Member called to order may proceed without the consent of the House.[18]

Where the words are not withdrawn and are ruled unparliamentary by the Speaker, the fol-

14. For a memorandum, prepared by the Senate Parliamentarian and inserted in the Record by the Senate Majority Leader, explaining the parliamentary situation on S. Res. 330, see 110 CONG. REC. 11087, 88th Cong. 2d Sess., May 16, 1964.

15. *House Rules and Manual* § 760 (1995).

See also Jefferson's Manual, *House Rules and Manual* § 303 (1995): "[W]hatever is spoken in the House is subject to the censure of the House; and offenses of this kind have been severely punished by calling the person to the bar to make submission, committing him to the tower, expelling the House, etc."

For obsolete parliamentary procedure in relation to disorderly words, see Jefferson's Manual, *House Rules and Manual* §§ 366, 368 (1995).

For the remedy of one House against a Member of the other House for disorderly words in debate reflecting upon the former, see §§ 44.9, 46.13, supra.

16. See §§ 52.4, 52.5, infra.

17. See §§ 51.1–51.3, infra.

18. See § 52.3, infra.

lowing motions and resolutions have been entertained:

—unanimous-consent request by the Member called to order to withdraw the words;

—unanimous-consent request to explain the words ruled offensive;

—debatable motion to expunge the words;

—debatable motion that the Member called to order be allowed to proceed in order;

—resolution to punish the Member for the offense of uttering unparliamentary words, which can take the form of a reprimand, censure, or even expulsion.[19]

Although the Speaker has ordered unparliamentary remarks stricken from the Record,[20] a motion is usually made by a Member and voted upon by the House to determine whether objectionable words shall be expunged. The motion is privileged after the words have been ruled out of order.[1] The motion to expunge is debatable under the hour rule,[2] and may be moved even after the House has authorized the Member called to order to proceed in order.[3] The House may expunge certain words, or an entire speech, or remarks inserted in the Record in abuse of leave to revise and extend.[4]

In past Congresses, the House has censured Members for disorderly words.[5] On a recent occasion, a resolution of censure was introduced and later withdrawn.[6] Censure or other disciplinary action is a matter for the House and not the Chair to decide,[7] but no action is in order until the Chair has ruled on the words objected to.[8]

Under the precedents,[9] where a Member is granted permission

19. *Cannon's Procedure of the House of Representatives,* 78, 79, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

For motions to permit the Member called to order to proceed or to explain, see § 52, infra. Resolutions of expulsion are not discussed herein, as the House has never expelled a Member for disorderly words.

See also *House Rules and Manual* § 760 (1995).

20. See § 51.36, infra.

1. See § 51.22, infra.

2. See § 51.26, infra.

3. See § 51.23, infra. To a motion to expunge the remarks of one Member, an amendment to expunge the remarks of another is not germane. See § 51.32, infra.

4. See §§ 51.18, 51.35, infra.

5. See 2 Hinds' Precedents §§ 1253, 1254, 1259, 1305; 6 Cannon's Precedents § 236.

6. See § 51.28, infra.

7. See § 51.27, infra.

8. See § 51.21, infra.

9. For an example under the former practice of an instance where remarks were not deleted because the

to withdraw disorderly remarks from the Record, he must personally delete the words from the transcript, and the Official Reporters of Debate will not assume that responsibility.

Under a new provision of House Rule XIV clause 9(b),[10] unparliamentary remarks may be deleted only by permission or order of the House.

Forms

Request by Member called to order to withdraw words objected to.

I ask unanimous consent to withdraw the words objected to.[11]

Motion to expunge words objected to from the Record.

I move that the words just read by the Clerk be expunged from the Record, and on that motion I demand the previous question.[12]

Resolution as question of privilege of the House to expunge objectionable words inserted in the Record.

Resolved, That as much of the extension in the Record referred to by the gentleman from [State] and which refers to the gentleman from [State] be and hereby is ordered expunged.[13]

Resolution to censure Member called to order for objectionable words.

Resolved, That the gentleman from [State], in the language used by him in the Committee of the Whole, and taken down and reported to the House and read at the Clerk's desk, has been guilty of a violation of the rules and privileges of the House, and merits the censure of the House for the same.

Resolved, That the said gentleman be now brought to the bar of the House by the Sergeant-at-Arms, and there the censure of the House be administered by the Speaker.[14]

Privileged resolution to expunge words from the Record.

Whereas the gentleman from [State] referring to the gentleman from [State], stated on the floor of the House on "_____", as appears in the Record on page "____", "_____", [words objected to] and

Whereas such words were a violation of the rules of the House and, as reprinted in the Record, charge the gentleman from [State] with a lack of patriotism, and with disloyalty to his country, reflect upon him in his representative capacity and upon the dignity of the House: Therefore, be it

Resolved, That the words, "_____", be expunged from the Record.[15]

Privileged resolution to investigate charges made by one Member against another.

Whereas, in _____, purporting to have been written by _____, a Member of the House of Representa-

---

Member did not take the necessary action, see 110 CONG. REC. 13254, 88th Cong. 2d Sess., June 10, 1964.

10. *House Rules and Manual* § 764a (1995), adopted on Jan. 4, 1995 (H. Res. 6), 104th Cong. 1st Sess.

11. 8 Cannon's Precedents § 2544.

12. 8 Cannon's Precedents § 2538.

13. *Cannon's Procedure of the House of Representatives*, 78, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

14. 2 Hinds' Precedents § 1259; 91 CONG. REC. 1371, 1445, 79th Cong. 1st Sess., Feb. 22, 26, 1945.

15. 86 CONG. REC. 11552, 76th Cong. 3d Sess., Sept. 5, 1940 (expungement of remarks inserted in the Record under leave to revise and extend).

tives from [State], the following charge appears: "_____"; and

Whereas the said gentleman has reiterated the same on the floor of the House: Therefore, be it

Resolved, That a committee of five Members be appointed by the Speaker to investigate and report to the House whether such charges are true, and if untrue, whether the said gentleman has violated the privileges of the House, and their recommendations to the same. That said committee have leave to sit during the sessions of the House, to send for persons and papers, to swear witnesses, and to compel their attendance.[16]

Withdrawal of Words Before Ruling

§ 51.1 When a demand is made that certain words used in debate be taken down, such words may be withdrawn by unanimous consent in the House or in the Committee of the Whole before being reported to the House.[17]

16. 3 Hinds' Precedents § 2637.

17. 110 CONG. REC. 13275, 88th Cong. 2d Sess., June 10, 1964; 110 CONG. REC. 13254, 88th Cong. 2d Sess., June 10, 1964; 110 CONG. REC. 10448, 88th Cong. 2d Sess., May 11, 1964; 110 CONG. REC. 2698, 88th Cong. 2d Sess., Feb. 10, 1964; 109 CONG. REC. 13865, 13866, 88th Cong. 1st Sess., Aug. 1, 1963; 92 CONG. REC. 533, 79th Cong. 2d Sess., Jan. 29, 1946; 86 CONG. REC. 11516, 11517, 76th Cong. 3d Sess., Sept. 4, 1940.

§ 51.2 Although a Member's words have been taken down on demand and read to the House, the Speaker may recognize the Member who uttered the words to ask unanimous consent to withdraw or modify the words.

On June 5, 1962,[18] Mr. John D. Dingell, Jr., of Michigan, referred to another Member as a "mouthpiece" for the American Medical Association. Mr. Thomas B. Curtis, of Missouri, demanded those words be taken down, and the Clerk read them to the House on the direction of Speaker Pro Tempore Arnold Olsen, of Missouri.

Mr. Dingell then asked unanimous consent to change the words complained of to "self-appointed spokesman" instead of "mouthpiece." There was no objection to the request, and Mr. Curtis withdrew his point of order.

On June 12, 1947,[19] Mr. John E. Rankin, of Mississippi, objected to certain words used in debate by Mr. Chet Holifield, of California. Before the Clerk could report the words objected to, Mr. Holifield attempted to address the House and Mr. Rankin objected that he

18. 108 CONG. REC. 9739, 87th Cong. 2d Sess.

19. 93 CONG. REC. 6895, 80th Cong. 1st Sess.

could not speak until his objectionable words were disposed of. Mr. Rankin stated that Mr. Holifield could not even make a unanimous-consent request in relation to the words. Speaker Joseph W. Martin, Jr., of Massachusetts, responded:

> The Chair can always recognize anyone to propound a unanimous-consent request. Of course, it would be within the province of the gentleman from Mississippi to object, but the Chair can put unanimous-consent requests at any time.

§ 51.3 The Speaker suggested that a Member who had uttered unparliamentary words request unanimous consent to withdraw them.

On July 29, 1948,[20] Mr. Abraham J. Multer, of New York, characterized the remarks of Mr. John E. Rankin, of Mississippi, in debate as offensive. Speaker Joseph W. Martin, Jr., of Massachusetts, stated that the language used was a reflection upon Mr. Rankin and requested that Mr. Multer ask unanimous consent to strike the words from his remarks.

Mr. Multer asked unanimous consent to so strike the words and there was no objection.

§ 51.4 Where a demand is made that words uttered in debate be taken down, the Member using those words may, by unanimous consent, withdraw them before the Chair rules on their propriety.

On Mar. 2, 1977,[1] during consideration of House Resolution 287 (amending the rules of the House) in the Committee of the Whole, the following proceedings occurred:

> MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I move to strike the requisite number of words, and I oppose the amendment.
>
> Mr. Chairman, speeches like the one we just heard from the gentleman from Minnesota are the reason that we have wound up with so many Members of the House having the very kind of slush funds that we are trying to abolish today. What we are trying to do is to meet official expenses in an official, honest, aboveboard, open fashion. That is all we are trying to do. The gentleman can toss around all of the words he wants and all of the inflammatory words he wants.
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I demand the gentleman's words be taken down.
>
> THE CHAIRMAN:[2] Does the gentleman from Wisconsin ask to withdraw the words that were objected to?
>
> MR. OBEY: I have no idea which words he objected to, but to satisfy the gentleman from Maryland, I will withdraw them.

---

20. 94 CONG. REC. 9532, 80th Cong. 2d Sess.

1. 123 CONG. REC. 5937, 95th Cong. 1st Sess.

2. Edward P. Boland (Mass.).

MR. BAUMAN: To clarify, Mr. Chairman, the gentleman from Wisconsin (Mr. Obey) has referred to the language used by the gentleman from Minnesota as "phony words." He has also referred to his remarks as "baloney."

I hardly think that the words do anything, I would say to the Chairman, except impugn the motives of the gentleman from Minnesota.

THE CHAIRMAN: Does the gentleman from Wisconsin ask to withdraw those words?

MR. OBEY: Mr. Chairman, since it is necessary for someone around here to be responsible in the interest of getting things done, surely I withdraw those words.

THE CHAIRMAN: Without objection it is so ordered. The gentleman may continue.

§ 51.5 On one occasion, two Members demanded that each other's words be taken down and then, by unanimous consent, withdrew their remarks in Committee of the Whole before they were reported to the House.

On Apr. 29, 1976,[3] during consideration of the first concurrent resolution on the budget for fiscal 1977,[4] remarks were exchanged in which one Member characterized remarks made by another as racist, and the latter Member referred to the other as a "pipsqueak." (The remarks in question do not appear in the Record, because both Members received permission to withdraw their remarks before they were reported to the House.) The following exchange occurred during the proceedings:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I demand that the gentleman's words be taken down. . . .

THE CHAIRMAN:[5] The Clerk will report the words.

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, I ask unanimous consent to withdraw my remark.

THE CHAIRMAN: Does the Chair understand that the gentleman desires to withdraw the remark?

MR. OTTINGER: That is correct, the remarks that the gentleman made, I ask unanimous consent to withdraw the remarks.

THE CHAIRMAN: Is there objection to the request of the gentleman from New York?

There was no objection.

MR. BAUMAN: Mr. Chairman, I likewise make a similar request. I ask unanimous consent that my characterization of the gentleman be withdrawn.

THE CHAIRMAN: Is there objection to the request of the gentleman from Maryland that his remark be withdrawn from the record?

There was no objection.

Parliamentarian's Note: Under the precedents,[6] where a Member

3. 122 CONG. REC. 11882, 94th Cong. 2d Sess.

4. H. Con. Res. 611.

5. Richard Bolling (Mo.).

6. See, for example, 110 CONG. REC. 13254, 88th Cong. 2d Sess., June 10,

is granted permission to withdraw disorderly remarks from the Record, he must personally delete the words from the transcript, and the Official Reporters of Debate will not assume that responsibility.

§ 51.6 Words objected to in Committee of the Whole may be withdrawn by unanimous consent.

On Feb. 8, 1978,[7] during proceedings related to H.R. 6805, the Consumer Protection Act of 1977, Mr. Benjamin S. Rosenthal, of New York, stated, in reference to statements previously made in debate by Mr. Robert E. Bauman, of Maryland: "I think that is really an unfair statement, and I myself am sorry that I did not stand up to have Mr. Bauman's words taken down earlier today. I regret that I hesitated, because they impugned the motives of Members and groups supporting the bill. It not only is extraordinarily bad taste, it is violative of the rules of the House."[8] The following exchange then occurred:

MR. BAUMAN: Mr. Chairman, a point of order, Mr. Chairman, a point of order.

THE CHAIRMAN:[9] The time of the gentleman from New York has expired.

MR. BAUMAN: Mr. Chairman, I made the point of order while the gentleman from New York was speaking, before the gentleman's time expired.

THE CHAIRMAN: There was so much noise the Chair did not hear the gentleman from Maryland. The gentleman from Maryland will state his point of order.

MR. BAUMAN: Mr. Chairman, I demand that the words of the gentleman from New York be taken down.

THE CHAIRMAN: The gentleman from Maryland is referring to which words?

MR. BAUMAN: To the entire series of words of the gentleman from New York, from the first reference to the gentleman from Maryland to the last.

THE CHAIRMAN: The Clerk will report the words the gentleman from Maryland wishes taken down. . . .

MR. ROSENTHAL: Mr. Chairman, in the interest of expediency, I would ask unanimous consent that the words the gentleman from Maryland thought offensive be withdrawn.

THE CHAIRMAN: Is there objection to the request of the gentleman from New York?

MR. BAUMAN: Mr. Chairman, do I understand that all reference made by the gentleman from New York to the gentleman from Maryland will be withdrawn completely from the remarks of the gentleman from New York as they will appear in the Record?

MR. ROSENTHAL: Yes, in this particular case.

THE CHAIRMAN: Is there objection to the request of the gentleman from New York?

1964, where the Member did not take the necessary action to delete.

7. 124 CONG. REC. 2831, 2832, 95th Cong. 2d Sess.

8. Note: The words in question would probably not in fact have been ruled to be unparliamentary.

9. Frank E. Evans (Colo.).

There was no objection.

§ 51.7 Words in debate demanded to be taken down were withdrawn by unanimous consent.

On July 13, 1978,[10] Mr. Ronald V. Dellums, of California, made the following remarks with reference to House Resolution 1267, a resolution to impeach Andrew Young, United States Ambassador to the United Nations, on the basis of statements made by Mr. Young concerning "political prisoners" in the United States:

> [Any] citizen of America has a right to free speech. So, Andrew Young exercised that.
>
> It seems to me that there is no legal justification for offering a resolution of impeachment of Andrew Young.

Mr. Dellums further stated:

> It seems to me folly and absolute madness, total insanity, totally devoid of intellectual capability, no legal backup, to offer a resolution of impeachment of Andrew Young, for there is no treason for making a statement. That is a violation of freedom.

A demand was made that these words be taken down:

> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I make a point of order against the last remarks made by the gentleman, and I demand that his words be taken down.
>
> MR. DELLUMS: Which points is the gentleman responding to?
>
> MR. BAUMAN: I would say to the Chair that the Chair well knows the precedents of the House to require Members to respect the motives of other Members. . . .
>
> MR. DELLUMS: Mr. Speaker, I withdraw the term "madness" and "insanity" and make my case without those two words. . . .
>
> MR. BAUMAN: Is my understanding correct that unanimous consent has been granted to withdraw those words from the Record?
>
> THE SPEAKER PRO TEMPORE:[11] Without objection.

§ 51.8 Words objected to in debate may be withdrawn by unanimous consent, but no debate is in order pending such a request.

During consideration of the foreign aid authorization bill (H.R. 12514) in the Committee of the Whole on Aug. 2, 1978,[12] the following exchange occurred:

> MR. [JOHN J.] CAVANAUGH [of Nebraska]: . . . I am highly offended and irritated by much of the language presented here by Mr. Bauman and by our colleague from Minnesota concerning the administration support.
>
> [Mr. Cavanaugh further characterized Mr. Bauman's language as "outrageous," the characterization in question.]

10. 124 CONG. REC. 20714–15, 95th Cong. 2d Sess.

11. John Joseph Moakley (Mass.).

12. 124 CONG. REC. 23944, 23945, 95th Cong. 2d Sess.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I make a point of order against the language of the gentleman from Nebraska if he cannot conduct himself civilly in debate. . . . I demand his words be taken down. . . .

MR. CAVANAUGH: Mr. Chairman, insofar as the characterization that I used regarding the gentleman's language could in any way be construed to impugn the gentleman's character, I would ask unanimous consent to withdraw it. It was an attempt to simply convey my feelings of the inappropriateness of the language that the gentleman had used in putting forth his argument.

MR. BAUMAN: Mr. Chairman, a point of order.

THE CHAIRMAN:[13] The gentleman will state his point of order.

MR. BAUMAN: Is not the only request the gentleman from Nebraska (Mr. Cavanaugh) can make, under the rules of the House, a unanimous-consent request to withdraw his remarks, and not to make a speech?

THE CHAIRMAN: The gentleman from Maryland (Mr. Bauman) is correct.

Is there objection to the request of the gentleman from Nebraska?

There was no objection.

§ 51.9 Words objected to in debate were withdrawn by unanimous consent prior to being reported to the House.

The following proceedings occurred in the Committee of the Whole on Aug. 3, 1978,[14] during consideration of the foreign aid appropriation bill (H.R. 12931):

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I just want to say I think it is too bad all the Members of the House are not here. I think we have heard from the gentleman from Wisconsin one of the most outstanding and refreshing statements I have heard on the subject of foreign affairs in many, many months. We heard a voice of reason and responsibility bringing us all back to our senses and asking us whether or not the American people are still ready to assert leadership in the world, to work through to a more sane and rational world state of affairs, or whether we are going to heed all the extreme voices that would tear apart the structure we have so painstakingly built up over the last 30 years to try to make sense out of the world.

[Mr. Seiberling further characterized some discussion of the subject as "hysterical."]

MR. [C. W. BILL] YOUNG of Florida: Mr. Chairman, I demand the gentleman's words be taken down. I just do not think my remarks should be considered as hysterical and I demand the gentleman's words be taken down. . . .

MR. SEIBERLING: Mr. Chairman, I ask unanimous consent to withdraw whatever the remarks are that the gentleman from Florida found objectionable. They were not addressed to him or against any other Member. I did not mention his name. Whatever the words are that he finds objectionable, then, in the interest of an amicable debate, I ask unanimous consent to withdraw them.

THE CHAIRMAN:[15] Is there objection to the unanimous-consent request of the gentleman from Ohio?

13. Don Fuqua (Fla.).

14. 124 CONG. REC. 24238, 95th Cong. 2d Sess.

15. Abraham Kazen, Jr. (Tex.).

There was no objection.

Parliamentarian's Note: The words in question, characterizing some discussion of the issues as "hysterical", would probably not have been ruled out of order, since not in the context used referring to any Member.

§ 51.10 By unanimous consent, the Speaker was permitted to withdraw remarks he delivered from the floor in debate in reference to a specific Member, following a demand that the words be taken down.

During consideration of H.R. 7542 (supplemental appropriations and rescission bill for fiscal year 1980) in the House on July 2, 1980,[16] the following proceedings occurred:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I have served in legislative bodies for . . . years. In my legislative lifetime I have never seen a Speaker ever make a wrong ruling. . . .

I was 16 years in the Massachusetts Legislature, and only once did I ever see anybody appeal the Chair's ruling. . . .

I am sorry that the gentlewoman from Massachusetts was duped the way she was. I am sorry, in my opinion——

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I demand that the gentleman's words be taken down. . . .

THE SPEAKER PRO TEMPORE:[17] Does the gentleman from Massachusetts withdraw the word that was used?

MR. O'NEILL: The Speaker will withdraw the word. . . .

MR. BAUMAN: Mr. Speaker, I ask unanimous consent that the gentleman be permitted to withdraw the word "duped."

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Maryland?

There was no objection.

Parliamentarian's Note: The word "duped," used to mean "fooled," was arguably not out of order.

§ 51.11 Pending a demand that words spoken in debate be taken down and ruled unparliamentary, the Chair may inquire whether the Member whose remarks are challenged wishes to request unanimous consent to modify his remarks before directing the Clerk to read them.

On Dec. 8, 1982,[18] during consideration of the Defense appropriation bill (H.R. 7355) in the Committee of the Whole, demand was made that the following

16. 126 CONG. REC. 18361, 96th Cong. 2d Sess.

17. Paul Simon (Ill.).

18. 128 CONG. REC. 29466, 97th Cong. 2d Sess.

words of Mr. Robert K. Dornan, of California, be taken down:

MR. DORNAN of California: . . . When I overheard Mr. Harkin in Communist China as he put on a Mao hat say, and he did not realize I could hear him, "It is an honor to wear a worker's hat"; that is the hat of Mao who killed 30, 40, maybe 50 million people, I realized what is Mr. Harkin's terrorist is my freedom fighter, and what is my freedom fighter is his terrorist.

I implore the Members to vote down this mischievous amendment. . . .

MR. JOHN L. BURTON [of California]: Mr. Chairman, I demand the gentleman's words be taken down about our colleague, Mr. Harkin supporting terrorists.

THE CHAIRMAN PRO TEMPORE:[19] Does the gentleman from California (Mr. Burton) withdraw his request?

MR. JOHN L. BURTON: No, Mr. Chairman.

THE CHAIRMAN PRO TEMPORE: Is the gentleman from California (Mr. Dornan) willing to request that his remarks be modified in any way?

MR. DORNAN of California: Did you ask, Would I modify my remarks, Mr. Chairman?

THE CHAIRMAN PRO TEMPORE: Yes.

MR. DORNAN of California: No; it is a matter of personal perception. I repeat, what is Mr. Harkin's terrorist is my freedom fighter. What is my freedom fighter is obviously his terrorist. I may be wrong. He may be wrong. That is up to the judgment of the Members, but my perception about his misperceptions stands.

MR. JOHN L. BURTON: I have seen people crawfish. That is good enough for me.

Mr. Chairman, I withdraw my request.

§ 51.12 Clause 1 of Rule XIV proscribes Members in debate from engaging in personalities, including allegations that an identifiable group of sitting Members have committed a crime; thus, a Member by unanimous consent withdrew a statement in debate that the majority members of the House had "stolen" a seat, pending a demand that those words be taken down.

On Feb. 27, 1985,[20] Mr. Andrew Jacobs, Jr., of Indiana, demanded that words spoken by Mr. John Rowland, of Connecticut, be taken down:

MR. JACOBS: Mr. Speaker, I demand the gentleman's words be taken down in that he said "stolen." . . .

THE SPEAKER PRO TEMPORE:[1] The Clerk will read the words taken down.

The Clerk read as follows:

The scary thing about it, as a person who served in the legislature for 4 years, and as a person who happens to be sitting as the youngest Member of Congress, I find it difficult that the first situation that we

19. Don Bailey (Pa.).

20. 131 CONG. REC. 3898, 3899, 99th Cong. 1st Sess.

1. Tommy F. Robinson (Ark.).

run into in this House, the first class project, as we may call it, is trying to retain a seat that has been stolen from the Republican side of the aisle, and I think it is rather frustrating.

THE SPEAKER PRO TEMPORE: Would the gentleman care to modify his remarks before the Chair rules?

MR. ROWLAND of Connecticut: Yes, I would, Mr. Speaker. . . . I would like to ask unanimous consent that the words objected to be withdrawn.

THE SPEAKER PRO TEMPORE: That what word be withdrawn?

MR. ROWLAND of Connecticut. The word "stolen," Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Connecticut?

There was no objection. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Georgia is recognized.

MR. [NEWT] GINGRICH [of Georgia]: I would yield in just a moment, after asking the Chair if in fact Members were convinced an action were being taken which involved a word which was ruled by the Chair to be inappropriate, how could a Member report to the House on that action? Should we substitute the word "banana"? What is it one should say if in fact—not just as a joke, but if in fact—Members of the Republican side honestly believed strongly something is being done? In other words, is "unconstitutional" an acceptable term but "illegal" not acceptable?

THE SPEAKER PRO TEMPORE: Is the gentleman asking the Chair?

MR. GINGRICH: I am asking the Chair.

THE SPEAKER PRO TEMPORE: Simply put, Members should not accuse other Members of committing a crime. When the majority is accused of "stealing," that may suggest illegality. Other words could be used but not those accusing Members of committing a crime.

MR. GINGRICH: What if one honestly believes, for a moment, that a crime is being committed? Would it in fact be against the rules——

THE SPEAKER PRO TEMPORE: Members may not engage in personalities.

MR. GINGRICH: But he did not talk in personalities. . . .

MR. ROWLAND of Connecticut: . . . Mr. Speaker, I would simply point out that I did not refer to anybody stealing an election. I just referred to the frustration that we as freshmen are exhibiting and fearing as we go through the deliberations. I did not refer to anybody.

THE SPEAKER PRO TEMPORE: The gentleman seemed to refer to the majority of the House, that it had stolen the election.

§ 51.13 Words taken down may be withdrawn only by unanimous consent.

In the 100th Congress, upon a timely demand that certain words uttered in debate be taken down as unparliamentary, the Speaker ruled that the remarks characterizing the relationship between Senator and Vice-Presidential candidate J. Danforth Quayle's political words and his living deeds as "hypocrisy" were out of order and should be withdrawn. Subsequently, objection was made to a unanimous-consent request

that the offending language be stricken. The proceedings of Sept. 29, 1988, are discussed in § 47.10, supra.

§ 51.14 A Member, by unanimous consent, withdrew a statement in debate that the majority members of the House had "stolen" a seat, pending a demand that those words be taken down.

The proceedings of Feb. 27, 1985, concerning remarks alleging that certain Members of the House had "stolen" an election, are discussed in § 53.7, infra.

—Modifying Words

§ 51.15 Where a demand is made that a Member's words be taken down, he may by unanimous consent be allowed to proceed in debate if permission is first granted to modify the words in order to delete the objectionable matter.

On Oct. 2, 1984,[2] during consideration of the balanced budget bill (H.R. 6300), Mr. John V. Weber, of Minnesota, stated that another Member had come to the floor with a gimmick "which he thinks will fool the people of Tulsa."[3] A point of order was made:

> MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Speaker, a point of order.
>
> THE SPEAKER PRO TEMPORE:[4] The gentlewoman will state her point of order.
>
> MS. OAKAR: Mr. Speaker, I question the speaker regarding impugning the motives of the chairman who has introduced this legislation.
>
> THE SPEAKER PRO TEMPORE: Does the gentlewoman insist that the gentleman's words be taken down?
>
> MS. OAKAR: Yes, Mr. Speaker, I do.
>
> THE SPEAKER PRO TEMPORE: The Clerk will report the words.

After several parliamentary inquiries, the following occurred:

> THE SPEAKER PRO TEMPORE: Does the gentleman have a unanimous-consent request?
>
> MR. [GUY V.] MOLINARI [of New York]: Mr. Speaker, I repeat my request that the gentleman from Minnesota (Mr. Weber) be permitted to speak in order . . . .
>
> THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New York?
>
> Does the gentleman from Minnesota first ask unanimous consent to modify his words?
>
> MR. WEBER: Mr. Speaker, I ask unanimous consent to modify my words.
>
> THE SPEAKER PRO TEMPORE: Is there objection?

2. 130 CONG. REC. 28522, 98th Cong. 2d Sess.

3. The words were stricken from the Record.

4. Richard A. Gephardt (Mo.).

MS. OAKAR: Mr. Speaker, reserving the right to object, I would like to know what his words are going to be that he is going to modify. . . .

THE SPEAKER PRO TEMPORE: The words that were uttered just prior to the gentlewoman's demand.

MS. OAKAR: Mr. Speaker, I withdraw my reservation of objection.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Minnesota?

There was no objection.

THE SPEAKER PRO TEMPORE: The gentleman from Minnesota (Mr. Weber) may proceed in order.

Parliamentarian's Note: Permission for a Member to proceed in debate should not be granted until the words have been ruled on, or modified or withdrawn.

Withdrawal of Demand That Words Be Taken Down

§ 51.16 On one occasion, upon a demand that certain words used in debate (characterizing unnamed Members as taking "potshots" at the Nicaraguan resistance and as lacking judgment) be taken down, the Chair suggested that the words only questioned the judgment of unspecified Members in a manner not in violation of House rules, and the demand was withdrawn prior to a ruling thereon.

During the proceedings in the House on Mar. 18, 1986,[5] the following occurred:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I just got back from Nicaragua, and in light of what I saw and heard, I find today's speeches by the left wing of the Democratic Party astonishing.

For Members of Congress to stand safely on this floor and take potshots at men and women of tremendous courage who are struggling against great odds to oppose Communist tyranny in Nicaragua is, indeed, astonishing. That questions no one's patriotism; it questions their judgment.

MR. [PARREN J.] MITCHELL [of Maryland]: Mr. Speaker, I request the gentleman's words be taken down. He is questioning the judgment of other Members of the House.

THE SPEAKER PRO TEMPORE:[6] The gentleman from Maryland (Mr. Mitchell) requests that the words of the gentleman from Pennsylvania (Mr. Walker) be taken down. The Chair would inquire as to which words the gentleman refers to.

MR. MITCHELL: He questions the judgment of the Members of the House who oppose the Reagan proposition.

THE SPEAKER PRO TEMPORE: The Chair would suggest that the gentleman did not refer to any specific Member in violation of the rules of the House. Does the gentleman insist on his request?

MR. MITCHELL: Yes, Mr. Speaker, I do because it followed a statement that

5. 132 CONG. REC. 5200, 5201, 99th Cong. 2d Sess.

6. Bill Alexander (Ark.).

I just made where I indicated that I oppose the President's position, and certainly by inference he is questioning my judgment and I resent it.

THE SPEAKER PRO TEMPORE: The gentleman insists, and the Clerk will report the words. . . .

MR. MITCHELL: If the Speaker so desires, I will not press the point of order, but with the indulgence of the Speaker, I will state that I personally resent any attempt to impugn my motives.

THE SPEAKER PRO TEMPORE: The gentleman withdraws his demand.

Striking Words From Record

§ 51.17 Where allegedly unparliamentary words were used in debate but not objected to nor taken down, the House rejected a later resolution called up by unanimous consent proposing to strike those words from the Record.

On May 10, 1948, the House granted unanimous consent for the immediate consideration of House Resolution 587, to strike from the Record allegedly unparliamentary words made on the floor of the House on May 6, 1948.(7) When the words were uttered, they were not objected to nor taken down and ruled upon by the Speaker.

The House rejected the resolution proposing to strike the words from the Record and the sponsor of the resolution objected to a unanimous-consent request of the Member who uttered the words that he be permitted to withdraw them. A discussion ensued as to the practice to be followed when alleged unparliamentary words are used in debate but not taken down, and whether the unanimous-consent consideration of the resolution proposed by Mr. Clarence Cannon, of Missouri, furnished a precedent to permit future Members to move to strike out words in the Record because allegedly not heard at the time of utterance.(8)

§ 51.18 The Speaker having ruled out of order certain words used by a Member in debate, the House expunged from the Record his entire speech.

On Feb. 11, 1941,(9) Mr. Samuel Dickstein, of New York, was recognized for five minutes and was granted permission to revise and extend his remarks. Following Mr. Dickstein's address, Mr. John E. Rankin, of Mississippi, demanded

7. 94 CONG. REC. 5507, 80th Cong. 2d Sess.

8. *Id.* at pp. 5507–09. The Speaker has consistently held that words uttered in debate must be objected to at the time they are made (see §§ 49.6, 49.7, supra).

9. 87 CONG. REC. 894, 895, 899, 77th Cong. 1st Sess.

that certain words used in debate by Mr. Dickstein be taken down. The Clerk read the following words:

> MR. DICKSTEIN: I also charge, Mr. Speaker, that 110 facist organizations in this country had the back key, and have now the back key to the backdoor of the Dies committee.

Speaker Sam Rayburn, of Texas, ruled that the language reported was a breach of order and Mr. Rankin moved to expunge the entire speech of Mr. Dickstein from the Record. Following debate by Mr. Rankin, the House agreed to the motion.

§ 51.19 On one occasion, the proceedings under which a Member's remarks were taken down were by unanimous consent deleted from the Record and the Member was granted the privilege of revising and extending his remarks.

On May 31, 1939,[10] Mr. Sam Rayburn, of Texas, asked unanimous consent that "the proceedings under which the remarks of the gentleman from Oklahoma [Mr. Sam C. Massingale], in reference to the gentleman from Michigan [Mr. Carl E. Mapes], were taken down may be deleted from the Record and that the gentleman from Oklahoma may have the right to revise and extend his own remarks."

The request was granted after Mr. Rayburn gave assurances that the request was made with the approval of both Mr. Mapes and Mr. Massingale.

§ 51.20 A Member, having been called to order for words spoken in debate and those words having been held unparliamentary may not proceed without the permission of the House; and, on motion, the unparliamentary words may be stricken from the Record by the House.

On Aug. 21, 1974,[11] it was demonstrated that where the demand is made that certain words used in debate be taken down in the House, the business of the House is suspended until the situation is properly resolved. The proceedings were as follows:

> MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman).
>
> Yesterday, Mr. Speaker, by mutual consent of the leadership on both sides of the aisle and by the members of the Judiciary Committee, I offered to this

10. 84 CONG. REC. 6465, 76th Cong. 1st Sess.

11. 120 CONG. REC. 29652, 29653, 93d Cong. 2d Sess.

House a resolution. At the completion of the resolution, Mr. Speaker, I asked that all Members may have 5 legislative days in which to extend their remarks and it was objected to, Mr. Speaker, by the gentleman from Maryland (Mr. Bauman). He gave a reason at that particular time.

I told him that I thought he should have cleared it with the leadership on his own side of the aisle; but nevertheless, Mr. Speaker, when all the Members had left last night, the gentleman came to the well and asked unanimous consent of the then Speaker of the House who was sitting there, if he may insert his remarks in the Record, with unanimous consent, following the remarks where he had objected.

So, Mr. Speaker, in today's Record on page H8724 you will find the remarks of Mr. Bauman. You will not find the remarks of Mr. McClory, one of the people who had asked me to do this. You will not find the remarks of other members of the Judiciary Committee, who were prepared at that time to put their remarks in the Record; but you will find the remarks of Mr. Bauman and Mr. Bauman alone.

[I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.]

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I demand that the gentleman's words be taken down.

THE SPEAKER:[12] The gentleman demands that the words be taken down.

The Clerk will report the words objected to. . . .

The Clerk read as follows:

> Mr. O'Neill: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman). . . .
>
> I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.

THE SPEAKER: The words in the last sentence are not parliamentary. Without objection, the offending words will be stricken from the Record.

MR. BAUMAN: Mr. Speaker, reserving the right to object, I would only like to say to the gentleman from Massachusetts and to the House that as for the gentleman from Massachusetts, I can understand his concern about my objection yesterday. It was the only possible way in which I or any other Member could have actually spoken on the resolution pending.

If he will look at the page numbers he cited, he will find subsequent to that, that the gentleman from Ohio (Mr. Devine), the gentleman from Indiana (Mr. Dennis), and the gentleman from California (Mr. Wiggins), all in my presence asked permission and did extend their remarks. And, of course, the gentleman from Massachusetts got 5 legislative days to extend on his special order. I did not object to any of these requests.

MR. O'NEILL: Mr. Speaker, will the gentleman yield on that point?

THE SPEAKER: The gentleman from Massachusetts cannot proceed at this point.

MR. BAUMAN: And, Mr. Speaker, a number of other Members did extend their remarks, and I did not object.

THE SPEAKER: Is there objection? . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I do object. . . .

MR. [B. F.] SISK [of California]: Mr. Speaker, I offer a motion.

---

12. Carl Albert (Okla.).

The Clerk read as follows:

Mr. Sisk moves that the words of the gentleman from Massachusetts, Mr. O'Neill, be stricken from the Record.

MR. SISK: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER: The question is on the motion offered by the gentleman from California.

The motion was agreed to.

Parliamentarian's Note: 8 Cannon's Precedents § 2546 seems to support the proposition that the restriction imposed upon a Member whose words are held unparliamentary, which prevents that Member from proceeding further in debate, extends only to further debate on the "immediately pending question" and not to subsequent debate during that day. But on Jan. 29, 1946,[13] it was held that a Member may not again proceed the same day without the permission of the House. The prohibition should in any case extend for the entire day unless permission of the House to proceed in order is granted, in order to properly enforce the Chair's ruling holding the words to be unparliamentary.

—*Time To Strike Words*

§ 51.21 When objectionable words are reported to the House from the Committee of the Whole it is the duty of the Chair first to determine whether the words violate the rules of the House before motions are in order for the disposition of the matter.

On May 13, 1932,[14] certain words used in debate in the Committee of the Whole were demanded to be taken down. The Committee rose and the Clerk read to the House the words reported from the Committee. After the words were reported, Mr. Homer C. Parker, of Georgia, addressed Speaker Pro Tempore William B. Bankhead, of Alabama, in order to make a motion with respect to the words objected to:

MR. PARKER of Georgia: Mr. Speaker, I move that the words that have been taken down——

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman from Georgia that the preliminary question for the Chair to decide is whether or not the words taken down are opprobrious or in contravention of the rules of the House and of orderly debate. The statement made by the gentleman from Texas [Mr. Blanton] has been reported by the Clerk and is now before the House for consideration.

The present occupant of the chair, of course, regrets personally that he is

13. 92 CONG. REC. 533, 79th Cong. 2d Sess.

14. 75 CONG. REC. 10135, 10136, 72d Cong. 1st Sess.

called upon to make a decision affecting this matter, because the Chair can readily understand how the words in question may have been construed to disparage the gentleman from Georgia, but it is only the duty of the Chair, under the circumstances, to undertake to construe, from a parliamentary standpoint, whether or not the words used are offensive in their nature or tend to bring the gentleman from Georgia into contempt or disrepute before the House.

However much the Chair would like to have an expression of the House on this language[15] that has been taken down, the Chair is compelled to come to the conclusion that the language in itself does not offend the rules.

§ 51.22 A motion to exclude words from the Record is not privileged until the Chair has decided that the words are out of order.

On June 14, 1929,[16] Mr. B. Frank Murphy, of Ohio, demanded that certain words used in debate by Mr. Fiorello H. LaGuardia, of New York, condemning the government as having become "something hated, something oppressive" be taken down. Speaker Pro Tempore Thomas S. Williams, of Illinois, directed the Clerk to report the words objected to. Immediately following the reading of the words, Mr. Murphy moved to exclude the words taken down from the *Congressional Record*.

The Speaker Pro Tempore ruled that the motion was not in order:

> The Chair will say to the gentleman from Ohio that his motion is not in order until the Chair has ruled as to whether the words objected to and demanded to be taken down are out of order.

On Jan. 17, 1933,[17] Mr. Louis T. McFadden, of Pennsylvania, sought to impeach President Herbert C. Hoover for high crimes and misdemeanors and introduced a resolution impeaching the President. After the resolution was read, Mr. Henry T. Rainey, of Illinois, moved to lay the resolution of impeachment on the table. Mr. Fred A. Britten, of Illinois, then raised a parliamentary inquiry: "Is a motion to expunge the language which has just transpired in the House in order at this time?"

Speaker John N. Garner, of Texas, indicated that the request could be made at that time only by unanimous consent.

§ 51.23 A motion to expunge a Member's remarks from the

15. The words objected to involved the characterization by one Member (Mr. Thomas L. Blanton, of Texas) of another (Mr. Parker, of Georgia) as "the general who won the war."

16. 71 Cong. Rec. 2924, 71st Cong. 1st Sess.

17. 76 Cong. Rec. 1965–68, 72d Cong. 2d Sess.

Record, the Chair having held them to be unparliamentary, is in order even though the House by vote has authorized the Member to proceed.

On June 7, 1933,[18] Mr. Thomas L. Blanton, of Texas, was called to order for referring to Mr. Bertrand H. Snell, of New York, by name in debate and for holding him up to ridicule. Mr. John E. Rankin, of Mississippi, then moved that Mr. Blanton be permitted to proceed in order, and the House by vote so authorized Mr. Blanton to proceed.

Mr. Frederick R. Lehlbach, of New Jersey, then arose to move that the words spoken by Mr. Blanton be expunged from the Record. Mr. Rankin made the point of order that the motion came too late. Speaker Henry T. Rainey, of Illinois, ruled that the motion to expunge was in order since no business intervened between the vote on the motion to proceed in order and the entering of the motion to expunge words from the Record.

§ 51.24 A demand that certain words spoken in debate be taken down must be made before further debate intervenes, but a Member may by unanimous consent withdraw from the Record words he had previously spoken.

During debate on H.R. 11[19] in the Committee of the Whole on Feb. 24, 1977,[20] the proceedings described above occurred as follows:

> MR. [E. G.] SHUSTER [of Pennsylvania]: I would like to call the attention of the Committee to the very significant point just made by the gentleman from Puerto Rico, which was that, in effect, Puerto Rico received under the previous jobs bill $127 million—more than almost any State of the Union.
>
> Under the Shuster amendment, certainly Puerto Rico would not be left out. They would receive $47 million. The gentleman has made a good point. . . .
>
> MR. [ROBERT A.] ROE [of New Jersey]: Madam Chairman, I am glad that came up. I am very glad that came up. So let us deal with that [demagogic] approach.
>
> In every other piece of legislation that we have had, so far as I know, out of the public works end of it, what we are faced with is that we treat Puerto Rico as a State.
>
> MR. SHUSTER: Madam Chairman, I ask that his words be taken down.
>
> THE CHAIRMAN:[1] The gentleman from Pennsylvania (Mr. Shuster) asks

18. 77 CONG. REC. 5203–05, 73d Cong. 1st Sess.

19. Local Public Works Capital Development and Investment Act Amendments.

20. 123 CONG. REC. 5349, 95th Cong. 1st Sess.

1. Barbara Jordan (Tex.).

that the words of the gentleman from New Jersey (Mr. Roe) be taken down. The demand comes too late, since debate has proceeded beyond that point.

MR. ROE: Madam Chairman, if I have used the wrong words, I apologize right here and now. I did not mean anything personal.

MR. SHUSTER: Madam Chairman, I was on my feet.

THE CHAIRMAN: The gentleman was not seeking recognition.

Does the gentleman from New Jersey ask unanimous consent to withdraw his words?

MR. ROE: Madam Chairman, I ask unanimous consent that I may be allowed to withdraw any words that I may have used inappropriately.

MR. SHUSTER: I thank the gentleman.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

§ 51.25 When there is a demand that certain words used in debate be taken down, the words objected to may be withdrawn by unanimous consent by the Member using them, but where the words are not withdrawn, the Speaker will rule on the propriety of the words.

The proceedings of Mar. 19, 1985, concerning the propriety of words spoken in debate by Mr. Harry Reid, of Nevada, are discussed in § 51.36, infra.

—Debate on Motion To Strike

§ 51.26 Debate on a motion to expunge from the Record certain remarks used in debate and ruled out of order is under the hour rule.

On Feb. 11, 1941,[2] Mr. John E. Rankin, of Mississippi, demanded that certain words used in debate by Mr. Samuel Dickstein, of New York, impugning the motives and actions of a House committee be taken down. After Speaker Sam Rayburn, of Texas, ruled that the words used were a breach of order in debate, Mr. Rankin moved to expunge the entire speech of Mr. Dickstein from the Record, and asked for recognition on his motion.

When Mr. Rankin asked whether he was recognized for one hour, the Speaker responded in the affirmative.

On June 12, 1947,[3] Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that words used in debate referring to the Committee on Un-American Activities as "the Un-American Committee" were a breach of order. Following the Speaker's ruling, Mr. Rankin moved to strike those words from

2. 87 CONG. REC. 894, 895, 899, 77th Cong. 1st Sess.

3. 93 CONG. REC. 6896, 80th Cong. 1st Sess.

the Record and asked for recognition.

The Speaker responded to a question by Mr. Rankin as to the time of debate allowed him on the motion to strike words from the Record:

> MR. RANKIN: Mr. Speaker, I am recognized now for 1 hour and I have a right to yield to any other Member I desire in this discussion?
>
> THE SPEAKER: As long as the gentleman retains the floor he may yield, of course, but he must retain the floor for 1 hour, if he so desires.

Discipline of Member for Unparliamentary Words

§ 51.27 When words used in debate are taken down on demand, ruled out of order and stricken from the Record by the House, it is for the House and not for the Chair to decide what further action by way of discipline or censure shall be taken by motion or resolution.

On Feb. 22, 1945,[4] Mr. Frank E. Hook, of Michigan, used allegedly blasphemous language in relation to Mr. John E. Rankin, of Mississippi, in House debate. The words were demanded to be taken down and Speaker Pro Tempore Robert Ramspeck, of Georgia, ruled the words out of order and by unanimous consent ordered that they be stricken from the Record.

Mr. Howard W. Smith, of Virginia, then stated a parliamentary inquiry whether "it is in order for this House to enforce some discipline or whether the mere striking of such outrageous language from the Record is all that is going to occur today."

Speaker Pro Tempore Ramspeck responded "The Chair thinks that is a matter for the House to determine by proper action." A resolution to censure Mr. Hook for his disorderly language was later offered but withdrawn.[5]

§ 51.28 A Member having introduced a resolution to censure another for words spoken in debate later withdrew the resolution by unanimous consent.

On Feb. 22, 1945,[6] Mr. Frank E. Hook, of Michigan, used allegedly blasphemous language in criticism of Mr. John E. Rankin, of Mississippi. Speaker Pro Tempore Robert Ramspeck, of Georgia, ruled that the words were a

4. 91 CONG. REC. 1371, 1372, 79th Cong. 1st Sess.

5. 91 CONG. REC. 1390, 1391, 1445, 79th Cong. 1st Sess., Feb. 23, 26, 1945.

6. 91 CONG. REC. 1371, 1372, 79th Cong. 1st Sess.

breach of order and directed the language to be stricken from the Record. The Speaker Pro Tempore then stated in response to a parliamentary inquiry by Mr. Howard W. Smith, of Virginia, that the House could take further action by way of enforcing discipline.

On Feb. 23, the following day,[7] both Mr. Hook and Mr. Rankin apologized to the House for their actions on the preceding day. Mr. Smith addressed the House in relation to a resolution of the censure against Mr. Hook:

> . . . I feel today as I felt yesterday, that there should be a resolution of censure. I think that, regardless of who the person may be, when language of the type that was used yesterday on the floor of this House is used by a Member, the House cannot ignore it without lowering the dignity and the standing of the House in the Country.

Mr. Smith introduced House Resolution 147, to censure Mr. Hook; the resolution was referred to the Committee on Rules.

The resolution read as follows:

> Whereas during a discussion in the House of Representatives on the twenty-second day of February, 1945, while Mr. Hoffman of Michigan had the floor, a colloquy occurred between the Member from Mississippi, Mr. Rankin, and the Member from Michigan, Mr. Hook; and
>
> Whereas the Member from Michigan, Mr. Hook, in response to a remark by the Member from Mississippi, Mr. Rankin, used the following words, "You are a God damn liar when you say Communist Party."; and
>
> Whereas the language of the Member from Michigan, Mr. Hook, flagrantly violated the rules of order of the House, and was unbecoming a gentleman and a Member of this body; and
>
> Whereas the conduct of the Member from Michigan, Mr. Hook, impinged the dignity and reflected upon the good repute and orderly conduct of the House of Representatives in a manner tending to lower the public regard for the proceedings of the House, and merits the severe censure of the House for the same: Therefore be it
>
> *Resolved,* That the said Frank Hook be now brought to the bar of the House by the Sergeant at Arms, and be there publicly censured by the Speaker in the name of the House.

On Feb. 26, 1945,[8] Mr. Smith obtained unanimous consent to "withdraw" the resolution (Speaker Pro Tempore John McCormack, of Massachusetts, presiding).

Parliamentarian's Note: It is technically not in order, even by unanimous consent, to "withdraw" a measure which has been introduced and referred.

§ 51.29 Words uttered by a Member when not under recognition by the Chair are ex-

7. *Id.* at p. 1396.

8. 91 CONG. REC. 1445, 79th Cong. 1st Sess.

cluded from the Record; and while a Member who is held to have breached the rules of decorum in debate is presumptively disabled from further recognition on that day, by tradition the Speaker's ruling and any necessary expungement of the Record are deemed sufficient sanction, and by custom the chastened Member is permitted to proceed in order (usually by unanimous consent).

The proceedings of July 29, 1994,[9] demonstrate the procedures following a breach of decorum in the House:

MS. [MAXINE] WATERS [of California]: Madam Speaker, last evening a Member of this House, Peter King, had to be gaveled out of order at the Whitewater hearings of the Banking Committee. He had to be gaveled out of order because he badgered a woman who was a witness from the White House, Maggie Williams. I am pleased I was able to come to her defense. Madam Speaker, the day is over when men can badger and intimidate women.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Madam Speaker, I demand the gentlewoman's words be taken down.

THE SPEAKER PRO TEMPORE:[10] The gentlewoman from California [Ms. Waters] must suspend and be seated.

The Clerk will report the words.

MS. WATERS:——

THE SPEAKER PRO TEMPORE: The gentlewoman will please desist and take her seat.

MS. WATERS:——

THE SPEAKER PRO TEMPORE: The Chair is about to direct the Sergeant at Arms to present the mace.

THE SPEAKER:[11] The Clerk will report the words. . . .

While in the opinion of the Chair the word "badgering" is not in itself unparliamentary, the Chair believes that the demeanor of the gentlewoman from California was not in good order in the subsequent period immediately following those words having been uttered.

Accordingly, the Chair rules that without leave of the House, the gentlewoman from California may not proceed for the rest of today. . . .

MR. [GERALD B. H.] SOLOMON [of New York]: Reserving the right to object, Mr. Speaker, does that mean that all of the words will be taken down subsequent to the point that she was ruled out of order and stricken from the Record?

THE SPEAKER: None of those words will be in the Record, the Chair will state to the gentleman. None of the words will be in the Record subsequent to that since she was not recognized. . . .

MRS. [PATRICIA] SCHROEDER [of Colorado]: Reserving the right to object, Mr. Speaker, I am a little puzzled by the word "demeanor." I was in the Chamber at the time, and I did see the Chair try to gavel the gentlewoman

9. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.

10. Carrie Meek (Fla.).

11. Thomas S. Foley (Wash.).

down, but I can understand why she could not hear, because there were so many people at mikes and I think she was confused by that. So I am a little troubled about that. How can you challenge "demeanor"?

THE SPEAKER: The Chair wishes to advise the gentlewoman from Colorado that it is the opinion of the Chair that the Chair at the time was attempting to insist that the gentlewoman from California desist with any further statements and sit down. She did not accord cooperation to the Chair and follow the Chair's instructions. Consequently, it is the finding of the Chair that her demeanor at that point in refusing to accept the Chair's instructions was out of order.

The Chair wishes to ask if there is objection to the gentlewoman from California proceeding in good order.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Reserving the right to object, Mr. Speaker, do I understand that the Chair is putting the question to the House under unanimous consent of the gentlewoman being able to proceed for the rest of the day?

THE SPEAKER: That is correct.

MR. WALKER: I thank the Chair.

THE SPEAKER: Without objection, so ordered.

There was no objection.

§ 51.30 A Member was disciplined for stating that the President had given "aid and comfort to the enemy," and the Chair indicated that the Member would not be allowed to speak on the floor of the House or to insert remarks in the Record in any manner or form for 24 hours.

On Jan. 25, 1995,[12] a Member was disciplined for remarks relating to the President:

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

MR. [ROBERT K.] DORNAN [of California]: . . . I was offended by Clinton's speech last night on 15 points.

I will do a 5-minute special order tonight I have just signed up for. I can only mention four.

The first one is new covenant. The Ark of the Covenant was the Old Covenant. The New Covenant was the Son of God, Jesus Christ. . . .

No. 2, to put a Medal of Honor winner in the gallery that joined the Marine Corps at 16, fudging his birth certificate, that pulled that second grenade under his stomach, miraculously surviving and saving his four friends, he did that 6 days past his 17th birthday.

Does Clinton think putting a Medal of Honor winner up there is not going to recall for most of us that he avoided the draft three times and put teenagers in his place possibly to go to Vietnam?

No. 3, the line on the cold war. . . .

By the way, Mr. Speaker, the second amendment is not for killing little ducks and leaving Huey and Dewey and Louie without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away. . . .

12. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

MR. [VIC] FAZIO of California: Mr. Speaker, I move the gentleman's words be taken down. . . .

THE SPEAKER PRO TEMPORE:[13] All Members will suspend. The Clerk will report the words spoken by the gentleman. . . .

The Clerk read as follows:

> Even Andrea Mitchell of NBC took note that [it] is Ronald Reagan's prerogative, George Bush's and all of us who wore the uniform or served in a civilian capacity to crush the evil empire. Clinton gave aid and comfort to the enemy.

THE SPEAKER PRO TEMPORE: In the opinion of the Chair, that is not a proper reference to the President. Without objection, the words are stricken from the Record. . . .

MR. FAZIO of California: Mr. Speaker, reserving the right to object, I think the gentleman from California [Mr. Dornan] owes the entire institution, the Congress, and the President an apology.

MR. DORNAN: Hell no; hell, no. . . .

Unanimous consent to proceed for 15 seconds? . . .

THE SPEAKER PRO TEMPORE: The gentleman from California [Mr. Fazio] has the floor at this moment.

MR. FAZIO of California: I would be happy to yield to my colleague from California, since I have the time, to hear his response.

MR. DORNAN: Will the gentleman yield?

MR. FAZIO of California: I yield to the gentleman from California.

MR. DORNAN: To my distinguished friend and colleague, Maj. Earl Kolbile, Lt. Comdr. J. J. Connell was beaten to death in Hanoi. I have had friends beaten to death in Hanoi, tortured and beaten. You have not. . . .

I will not withdraw my remarks. I will not only not apologize. . . .

MR. [HAROLD L.] VOLKMER [of Missouri]: I ask that the words of the gentleman from California be taken down.

MR. DORNAN: Good. I will leave the floor, no apology, and I will not speak the rest of the day. The truth is the truth.

THE SPEAKER PRO TEMPORE: The House will be in order. The gentleman's words have already been taken down. . . .

MR. FAZIO of California: The gentleman is challenging the words that were uttered in response to my question.

THE SPEAKER PRO TEMPORE: The Chair rules that those words as follows "I believe the President did give aid and comfort to the enemy, Hanoi," were also out of order. The Chair has ruled that, based on the precedents of the House, the words of the gentleman from California were out of order, and without objection, both sets of words will be stricken from the Record. . . .

MR. FAZIO of California: I have a parliamentary inquiry of the Speaker at this point.

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

MR. FAZIO of California: When the Speaker rules that the gentleman should not be allowed to speak for 24 hours, does that encompass remarks that might be placed in the Record, participation in special orders, and other activities that might not involve the gentleman speaking on the floor?

13. John J. Duncan, Jr. (Tenn.).

THE SPEAKER PRO TEMPORE: It is the House's determination as to whether or not the Member should be allowed to proceed in order for the remainder of the day. That determination shall not be made by the Chair.

MR. FAZIO of California: In other words, is the House required to vote on whether or not remarks should be placed in the Record?

THE SPEAKER PRO TEMPORE: Unparliamentary remarks cannot be inserted in the Record.

MR. FAZIO of California: But remarks that are not ruled unparliamentary may be placed in the Record if they are not uttered on the floor; is that the ruling of the Speaker?

THE SPEAKER PRO TEMPORE: Unparliamentary remarks should not be inserted in the Record in any manner or form. . . .

MR. FAZIO of California: So in other words, just to confirm the Speaker's ruling, we will not read or hear from the gentleman from California [Mr. Dornan] for the next 24 hours; is that correct?

THE SPEAKER PRO TEMPORE: Unless the House permits him to proceed in order, the gentleman is correct.

MR. FAZIO of California: And for the House to permit that would require a majority vote?

THE SPEAKER PRO TEMPORE: It would require either unanimous consent or a majority vote of the House to permit the gentleman to proceed in order. . . .

MR. [DAVID E.] BONIOR [of Michigan]: Mr. Speaker, the gentleman from California [Mr. Dornan] is on his feet. Is he not supposed to remain seated until the determination?

THE SPEAKER PRO TEMPORE: The gentleman can either be seated or leave the Chamber.

MR. BONIOR: He chose to leave the Chamber; OK. . . .

In a further ruling, the Chair stated that the following words were not unparliamentary:

> By the way, Mr. Speaker, the Second Amendment is not for killing little ducks and leaving Huey, Duey and Louie without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away. Thank you, Mr. Speaker.

Motion To Strike Words

§ 51.31 A motion to table is a preferential motion which may be raised to dispose of a motion to expunge certain words from the Record.

On June 16, 1947,[14] certain words used in debate characterizing a committee report as containing "lies and half-truths" were demanded to be taken down. Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words used were unparliamentary. Mr. John E. Rankin, of Mississippi, moved to strike the entire statement from the Record. On that motion he asked for recognition.

Mr. Vito Marcantonio, of New York, moved to lay the motion to

14. 93 CONG. REC. 7065, 80th Cong. 1st Sess.

strike words on the table. Mr. Rankin objected that he had already been recognized. Speaker Martin ruled that the motion to table was "preferential and not debatable." The House rejected the motion to table.

—*Subject to Germane Amendment*

§ 51.32 Where a motion was made to expunge the remarks of a Member, an amendment to it proposing to expunge the remarks of another Member was held not germane.

On June 7, 1933,[15] Mr. Frederick R. Lehlbach, of New Jersey, made a motion to expunge from the Record certain words used in debate by Mr. Thomas L. Blanton, of Texas, which had been ruled out of order by Speaker Henry T. Rainey, of Illinois. Before the question was put on the motion to expunge, Mr. William B. Oliver, of Alabama, offered an amendment to the motion:

> Mr. Speaker, I move to amend the motion of the gentleman from New Jersey [Mr. Lehlbach] by including in the language to be stricken out the language used by the gentleman from New York [Mr. Snell], which reflects on the President.

Mr. Lehlbach made the point of order that Mr. Oliver's amendment was not germane since the House was "dealing with language reported to the House and uttered by the gentleman from Texas, and language spoken in committee by anybody else is not a germane amendment, to my motion."

Speaker Rainey sustained the point of order.

—*Question of Privilege—To Strike Words*

§ 51.33 On occasion, a resolution seeking to expunge unparliamentary words from the Record has been offered as a question of privilege of the House and agreed to.

A resolution offered on Sept. 5, 1940,[16] sought to expunge from the Record certain unparliamentary remarks uttered on Sept. 4. Timely objection to the remarks had been made, and there had subsequently been some dispute as to whether unanimous consent had been given for the withdrawal of some or all of the remarks in question. The proceedings of Sept. 5 were as follows:

> MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, I rise to a question of the privilege of the House.

15. 77 CONG. REC. 5205, 73d Cong. 1st Sess.

16. 86 CONG. REC. 11552, 11553, 76th Cong. 3d Sess.

THE SPEAKER:[17] The gentleman will state his question of privilege.

MR. HOFFMAN: Mr. Speaker, I will not make a lengthy statement——

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a point of order. In order to get recognition on the question of the privilege of the House it is necessary for a Member to offer a resolution first?

THE SPEAKER: That is the rule. . . .

MR. HOFFMAN: Must I offer the resolution before I state my question?

THE SPEAKER: The gentleman must offer his resolution first, under the rule.

MR. HOFFMAN: Very well, but I desire to be heard on the question. However, I will not take more than 5 minutes.

THE SPEAKER: The Chair will hear the gentleman. The Clerk will report the resolution.

HOUSE RESOLUTION 591

> Whereas the gentleman from the Second District of Kentucky [Mr. Vincent], referring to the gentleman from the Twentieth District of Ohio [Mr. Sweeney], stated on the floor of the House on September 4, 1940, as appears in the [daily] Record on page 17450, "I said I did not want to sit by a traitor to my country;" and
>
> Whereas such words were a violation of the rules of the House and, as reprinted in the Record, charge the Member from Ohio with a lack of patriotism, and with disloyalty to his country, reflect upon him in his representative capacity and upon the dignity of the House: Therefore, be it
>
> *Resolved*, That the words, "I said I did not want to sit by a traitor to my country," be expunged from the Record. . . .

MR. HOFFMAN: Mr. Speaker, the Record this morning contains that statement. Most of the Members of the House are familiar with what occurred last night. It is not my purpose to take the time of the House to discuss the question of the privilege of the House. I will present the resolution, and then move the previous question. The facts upon which the question of the privilege of the House which I raise are these:

Yesterday, September 4, 1940, on the floor of the House, the following occurred:

The gentleman from the Second District of Kentucky rose and made the following statement, as appears from the official transcript of the reporter:

> Mr. Vincent of Kentucky. Mr. Speaker, I served in the World War, and the World War, as I understood it then and as I understand it now, was fought because we were being attacked by submarines and women and children murdered on the high seas. To say that my President of that time brought on that war to me was an untruth. . . .
>
> When he came down to sit with me, I got up and moved. . . . I said I did not want to sit by a traitor to my country. Then he attacked me and you know what happened.

Following the word "happened," the gentleman from the Second District of Kentucky continued:

> I have no apology to make—

And followed that by a sentence consisting of 18 words, which were subsequently deleted from the stenographer's copy sent to the printer.

Then the following occurred:

> Mr. Hoffman. Mr. Speaker, I demand recognition on a point of order.

17. William B. Bankhead (Ala.).

The Speaker pro tempore. The gentleman will state it.

Mr. Hoffman. Mr. Speaker, I demand that the words of the gentleman who just left the floor be taken down, because they violate the rules of the House.

The Speaker pro tempore. The Clerk will report the words complained of.

Mr. Vincent of Kentucky. Mr. Speaker, I ask unanimous consent to withdraw the last sentence of my statement.

Mr. Dworshak. I object, Mr. Speaker.

The Speaker pro tempore. The gentleman from Kentucky asks unanimous consent to withdraw the statement. Is there objection? The Chair hears none.

Mr. Bradley of Michigan. I object, Mr. Speaker. . . .

Later, the following occurred: . . .

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

The Speaker pro tempore. Subsequently, unanimous consent was granted for the words to be withdrawn.

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

The Speaker pro tempore. That was the ruling of the Chair. . . .

If it be true that there was no objection to the unanimous-consent request of the gentleman from the Second District of Kentucky, that consent, according to the printed Record and according to the reporter's record, was as follows:

Mr. Vincent of Kentucky. Mr. Speaker, I ask unanimous consent to withdraw the last sentence of my statement.

The last sentence of the statement was the sentence consisting of 18 words and, had unanimous consent been granted to withdraw the last sentence of the previous statement made by the gentleman from the Second District of Kentucky, there was no consent to withdraw the words, "I have no apology to make."

The striking out of those words from the official transcript furnished by the reporter and the failure to print them in the record of the House renders the Record inaccurate and untrue.

The words, as they now appear in the daily printed Record, September 4, page 17450—

I said I did not want to sit by a traitor to my country—

Were a violation of the rules of the House and, as reprinted in the Record, charge the Member from Ohio with a lack of patriotism, and with disloyalty to his country, reflect upon him in his representative capacity and upon the dignity of the House.

These words were objected to; a demand was made that they be taken down; and, under the rules of the House, they should either have been taken down or unanimous consent should have been obtained to withdraw them from the Record.

Unanimous consent to withdraw these words just quoted—that is—

I said I did not want to sit by a traitor to my country—

Was not given. The words were not taken down and read to the House.

They now appear in the Record. They reflect upon the Member from Ohio. They bring disrepute upon the House and reflect upon the integrity of the House, if permitted to remain in the Record.

Mr. Speaker, I therefore move the adoption of the resolution, and, upon that, move the previous question.

THE SPEAKER: The question is on agreeing to the resolution.

The resolution was agreed to.

§ 51.34 The House, on a question of privilege of the House, ordered expunged from the Record unparliamentary remarks after the Member using them failed to withdraw them pursuant to a leave to revise.

The proceedings of Sept. 5, 1940, are discussed in § 51.33, supra.

§ 51.35 The House considered as a question of privilege of the House and adopted a resolution expunging from the Record unparliamentary remarks inserted by a Member without permission to revise and extend.

On Aug. 27, 1940,[18] Mr. Jacob Thorkelson, of Montana, arose to a question of personal privilege and to a question of the privilege of the House. He introduced the following resolution:

Whereas the gentleman from the Fifth District of Illinois, Mr. Sabath, caused to be inserted in the *Congressional Record* of August 14, 1940, on page 10342, the following remarks:

"The House will recall that in Appendix of the Record, pages 3006–3010, I showed that he had placed in the Record up to that time 210 full pages of scurrilous matter at a cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and before, I lost all confidence in him."

And whereas such insertion is a violation of the privilege of the House, in that said remarks charge a Member of the House with having inserted in the Record a forged letter; and

Whereas the insertion of said remarks results in the Record being inaccurate, in that the Record as printed contains statements which from the Record appear to have been made on the floor of the House, but for which permission for insertion in the Record was not obtained; and

Whereas said remarks, as so inserted, were not in order and were an abuse of the privilege of the House: Therefore, be it

Resolved, That the remarks appearing on page 15814 of the *Congressional Record* under date of August 14, 1940, to wit: "The House will recall that in the Appendix of the Record, pages

18. 86 CONG. REC. 11046–49, 76th Cong. 3d Sess.

3006–3010, I showed that he had placed in the Record up to that time 210 full pages of scurrilous matter at a cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him" be, and they hereby are, expunged from the *Congressional Record*, and are declared to be not a legitimate part of the official Record of the House.

Speaker William B. Bankhead, of Alabama, first ruled that a statement by a Member that another Member had introduced a forged letter into the Record was not grounds for a question of personal privilege. However, the Speaker requested Mr. Thorkelson to withhold his question of privilege of the House for the time being so that the Chair could have the opportunity to find out from the reporters' notes whether Mr. Adolph J. Sabath had been granted permission to revise and extend his remarks in the Record.

On the following day, Aug. 28, 1940,[19] the question of privilege presented by Mr. Thorkelson was considered in the House as the unfinished business from the preceding day. Speaker Bankhead ruled that extension of remarks in the Record by a Member without first obtaining permission of the House to revise and extend was grounds for a question of privilege of the House. The House then adopted the resolution offered by Mr. Thorkelson expunging from the Record remarks inserted by Mr. Sabath without such permission.

Motion To Proceed in Order

§ 51.36 Where unparliamentary words used in debate have been stricken from the Record, the offending Member may be permitted to proceed in order by unanimous consent or by nondebatable motion; but a Member who is not permitted by the House to proceed in order loses the floor and may not participate in debate on the same day even on time yielded to him by another Member.

The following proceedings occurred in the House on Mar. 19, 1985:[20]

MR. [HARRY] REID [of Nevada]: Mr. Speaker, on February 26 of this year one of my constituents traveled nearly

19. 86 CONG. REC. 11150–58, 76th Cong. 3d Sess.

20. 131 CONG. REC. 5532, 5533, 5537, 99th Cong. 1st Sess.

3,000 miles to Washington specifically to see me about a critical issue, but he did not. . . . I was called away from something very important to become captive, once again, to an abusive practice, an abuse inflicted upon the entire House of Representatives and the legislative process itself, voting on the Journal.

Mr. Reid made further comments, indicated below, which were the subject of a demand that the words be taken down:

MR. [VIN] WEBER [of Minnesota]: Mr. Speaker, I demand that the gentleman's words be taken down. . . .

Mr. Speaker, would it be in order, in view of the gentleman's statement a minute ago, for me to ask unanimous consent that he be permitted to withdraw his words?

THE SPEAKER PRO TEMPORE:[1] Yes. The Chair would entertain such a motion. . . .

MR. REID: Mr. Speaker, I respectfully submit that I appreciate the request of the gentleman from Minnesota, but I do not think I said anything offensive, and I would ask for a ruling on that.

THE SPEAKER PRO TEMPORE: The Chair will rule.

The Clerk will report the words.

The Clerk read as follows:

> One of the most important things to remember is that those Members who call for these wasteful votes are led by my distinguished colleague from Pennsylvania, Mr. Walker, who speaks constantly of the need to do away with government waste, and he is literally speaking out of both sides of his mouth.

THE SPEAKER PRO TEMPORE: The Chair would announce that it is not proper to impugn the motive of another Member. We have precedents here in the House. Mr. Knutson, of Minnesota: "I cannot believe that the gentleman from Mississippi is sincere in what he has just said." And that was held not in order on November 2, 1942.

The Chair must state that the words of the gentleman from Nevada have, in his opinion, an unparliamentary connotation and shall be stricken.

Without objection, the gentleman from Nevada may proceed. Do I hear an objection?

MR. WEBER: Yes, Mr. Speaker. . . .

Would the Chair clarify the parliamentary situation in which the gentleman from Nevada finds himself?

THE SPEAKER PRO TEMPORE: . . . The Chair has ruled that the gentleman from Nevada misspoke on the words "speaking out of both sides of his mouth," and therefore those words shall be stricken.

The Member only can proceed by permission of the House. . . .

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I ask unanimous consent that the gentleman from Nevada may be permitted to proceed.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Washington that the gentleman from Nevada be allowed to finish his remarks?

MR. [DANIEL E.] LUNGREN [of California]: Reserving the right to object——

THE SPEAKER PRO TEMPORE: The gentleman from California reserves the right to object. . . .

---

1. Kenneth J. Gray (Ill.).

Let the Chair restate what has occurred here.

The gentleman has propounded a parliamentary inquiry, and the Chair has responded that the Chair has ruled that those words are offensive and shall be stricken. It is not a matter of further debate.

MR. LUNGREN: I understand. I am still proceeding under my reservation, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The question occurs now on whether or not the gentleman is allowed to proceed with the understanding that those words have been stricken. . . .

MR. LUNGREN: . . . Mr. Speaker, under my reservation, I ask the gentleman at this point in time whether he would agree to withdraw his remarks. . . .

THE SPEAKER PRO TEMPORE: It is not in the parliamentary procedures or rules of the House for any further debate on this matter. The Chair has ruled affirmatively that the words shall be stricken.

The only question now before this House is whether or not——

MR. LUNGREN: Mr. Speaker, you have constrained me to object, and I do object at this time. . . .

THE SPEAKER PRO TEMPORE: Objection is heard.

Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 5 minutes. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I recognize the gentleman from Nevada (Mr. Reid). I yield to the gentleman from Nevada. . . .

THE SPEAKER PRO TEMPORE: The gentleman cannot be yielded to at this time. . . .

Is there objection to the gentleman from Arkansas yielding further to the gentleman from Nevada?

MR. ALEXANDER: . . . Do I not have a right to yield to any Member of this House? . . .

THE SPEAKER PRO TEMPORE: The Chair will rule that if a Member in this particular case has been precluded from continuing, he cannot be yielded to on this subject without unanimous consent.

If the gentleman wants to propound the unanimous-consent request, and hearing no objection, he could yield.

Is there objection to the request of the gentleman from Arkansas to yield to the gentleman from Nevada? . . .

MR. LUNGREN: . . . I will be constrained to object, and I do object at this time. . . .

MR. ALEXANDER: Mr. Speaker, I have not announced the subject which I intend to address. How can the Chair rule against me yielding to another Member when the Chair does not know the subject that I intend to address?

THE SPEAKER PRO TEMPORE: The Chair would announce to the distinguished gentleman from Arkansas that, under the rules of the House, at any time a Member's words are taken down, under the rules he is not permitted on that particular legislative business day to speak to the House without permission of the body. An objection was heard to the unanimous-consent request. . . .

MR. WEBER: Mr. Speaker, I ask unanimous consent that the gentleman from Nevada (Mr. Reid) be allowed to proceed.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Minnesota?

There was no objection.

§ 51.37 The motion that a Member ruled out of order for words spoken in debate be permitted to proceed in order is not inconsistent with the prohibition in clause 4 of Rule XIV that the offending Member may not automatically proceed, since it permits the House to determine the extent of the sanction for the breach of order.

On May 9, 1990,[2] the following proceedings occurred in the House:

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

MR. [ROBERT G.] TORRICELLI [of New Jersey]: Mr. Speaker, you heard it here today: Republican Member after Republican Member taking the floor, predicting that the President will never raise taxes.

I am here to predict that he will raise taxes. And, Mr. Speaker, we are both right because no doubt, for the President's friends, for those of privilege in American, he will never raise taxes.

But for you and for me and for the overwhelming majority of Americans, he is—he says that he is going to, and he is about doing it. It isn't, Mr. Speaker, that the President is intellectually dishonest, though indeed in the last election he was. It is about the fact that he has a $500 billion——

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask that the gentleman's words be taken down.

[The words in question were held to be unparliamentary, the Speaker Pro Tempore[3] stating as follows:]

In referring to the President during debate a Member shall abstain from "terms of approbrium," such as calling the President a "liar"—V, 5094, VIII, 2498.

Without objection the gentleman from New Jersey [Mr. Torricelli] may proceed in order.

[Objection was heard.]

THE SPEAKER PRO TEMPORE: Does any Member move that the gentleman from New Jersey [Mr. Torricelli] may proceed in order? . . .

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I make that motion.

THE SPEAKER PRO TEMPORE: The question is on the motion of the gentleman from Illinois [Mr. Yates]. . . .

So the motion was agreed to. . . .

THE SPEAKER PRO TEMPORE: . . . The House has voted to allow the gentleman to proceed in order. The gentleman has 16 seconds remaining. . . .

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

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

MR. WALKER: If I understand correctly what just happened in the course of events, it was that the Chair did rule that the gentleman's words were inappropriate, is that correct?

2. 136 CONG. REC. 9828, 9829, 101st Cong. 2d Sess.

3. John P. Murtha (Pa.).

THE SPEAKER PRO TEMPORE: The Chair did so rule.

MR. WALKER: And the penalty for such a ruling would normally be that the gentleman would not be allowed to speak for the rest of the day in the House Chamber, is that not correct?

THE SPEAKER PRO TEMPORE: The House permitted him to proceed in order.

MR. WALKER: Under the rules, Mr. Speaker, the rules state that someone having had the Chair so rule is not permitted to speak in the House for the rest of the day, is that not correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. WALKER: So by taking the action which the party did a few minutes ago, the majority party did, what they did was basically overrule the rules with regard to the penalty for having words taken down.

THE SPEAKER PRO TEMPORE: The motion to allow the gentleman to proceed is a proper parliamentary motion under the same rule.

MR. WALKER: Yes. I understand. But the effect of the action, the effect of the motion, was to override the rules of the House.

THE SPEAKER PRO TEMPORE: Under the rules of the House the Chair cannot say that one part of the rule has precedence over the practice of the House paramount to that rule.

MR. WALKER: Well, I have a further parliamentary inquiry.

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

MR. WALKER: If the motion had not been made, the gentleman would not have been permitted to speak for the rest of the day, is that correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. WALKER: So the effect of the motion was to allow the gentleman to do something which the rules would otherwise not permit him.

THE SPEAKER PRO TEMPORE: The House has followed the normal practice. There are two aspects to the rule. The House proceeded under the rules, and both procedures are proper. The House voted and the gentleman was allowed to proceed for 16 seconds.

MR. WALKER: I have a further parliamentary inquiry. So in other words what the Chair is saying is that the will of the majority can prevail, even though it is over and above the rules that are adopted by the——

MR. YATES: Mr. Speaker, regular order.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois [Mr. Yates] is absolutely correct. That is not a parliamentary inquiry.

Parliamentarian's Note: Where the House has voted to allow a Member called to order to proceed in order, the offending Member is recognized for the remainder of his debate time, as indicated above.

§ 52. —Permission To Explain or To Proceed in Order

A Member whose words are demanded to be taken down must take his seat and if his words are

held unparliamentary may not proceed on the same day without the consent of the House.[4] But he may be recognized to ask unanimous consent to modify or withdraw his remarks before a ruling is made, and, if granted, he thereby retains the right to proceed in debate.[5]

The rules provide for motions to allow the Member to explain and to proceed in order, which motions must be made by another Member before the Speaker rules on the words.[6]

On occasion, the Speaker has recognized the Member called to order, before ruling on the words, to ask unanimous consent to make a limited explanation of his remarks. And the Speaker has permitted explanation, by unanimous consent, after ruling the words out of order.[7] Generally, however, the Member called to order may not debate the demand that his words be taken down or explain his remarks pending a ruling in the absence of a motion to that effect.[8]

Under clause 4 of Rule XIV in recent practice, the motion to permit the Member to explain must be disposed of prior to the Chair's ruling, and should not be used in the absence of unanimous consent, to question the Chair's ruling.[9]

After the words have been ruled out of order, the Member may be permitted to proceed in order either by motion[10] or by unanimous consent,[11] but this is generally preceded by the motion to expunge the words from the Record.[12]

Although the motion to allow the Member to explain is not normally made in contemporary practice, that motion has precedence over the motion to allow the Member to proceed in order since it should be made prior to the Chair's ruling.[13]

If the House declines to grant permission to proceed in order, the Member may not proceed in

4. See §§ 52.4–52.6, infra.

Parliamentarian's Note: The dicta of the Speaker Pro Tempore in 8 Cannon's Precedents § 2546 that a Member called to order can proceed without the consent of the House after the disposition of the pending question is at variance with the other rulings of the Chair that the disability remains throughout the legislative day.

5. See §§ 52.1, 52.2, infra.

6. Rule XIV clause 4, *House Rules and Manual* § 760 (1995).

7. See § 52.16, infra.

8. See § 52.15, infra.

9. See *House Rules and Manual* § 760 (1995).

10. See §§ 52.9, 52.12, infra.

11. See § 52.7, infra.

12. See § 52.14, infra.

13. See 5 Hinds' Precedents § 5187.

debate on the same day,[14] but does not lose the right to demand either a recorded or unrecorded vote in subsequent proceedings.[15]

Modification of Objectionable Words

§ 52.1 Where words are demanded to be taken down, the Member uttering them may by unanimous consent modify his remarks before a ruling is made.

On June 5, 1962,[16] Mr. John D. Dingell, Jr., of Michigan, accused another Member as speaking as "a mouthpiece for the AMA and as a mouthpiece for the house of delegates of the AMA [American Medical Association]." Mr. Thomas B. Curtis, of Missouri, demanded that the words be taken down and the Clerk reported the words objected to.

Mr. Dingell then asked unanimous consent to change the words complained of to "self-appointed spokesman" instead of "mouthpiece." There was no objection to the request, and Mr. Curtis withdrew his point of order.

§ 52.2 Where a demand is made that a Member's words be taken down, he may by unanimous consent be allowed to proceed in debate if permission is first granted to modify the words in order to delete the objectionable matter.

On Oct. 2, 1984,[17] during consideration of the balanced budget bill (H.R. 6300), Mr. John V. Weber, of Minnesota, stated that another Member had come to the floor with a gimmick "which he thinks will fool the people of Tulsa."[18] A point of order was made:

> MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Speaker, a point of order.
>
> THE SPEAKER PRO TEMPORE:[19] The gentlewoman will state her point of order.
>
> MS. OAKAR: Mr. Speaker, I question the speaker regarding impugning the motives of the chairman who has introduced this legislation.
>
> THE SPEAKER PRO TEMPORE: Does the gentlewoman insist that the gentleman's words be taken down?
>
> MS. OAKAR: Yes, Mr. Speaker, I do.
>
> THE SPEAKER PRO TEMPORE: The Clerk will report the words.

After several parliamentary inquiries, the following occurred:

> THE SPEAKER PRO TEMPORE: Does the gentleman have a unanimous-consent request?

14. See §§ 52.5, 52.17, infra.
15. See § 49.23, supra.
16. 108 CONG. REC. 9739, 87th Cong. 2d Sess.
17. 130 CONG. REC. 28522, 98th Cong. 2d Sess.
18. The words were stricken from the Record.
19. Richard A. Gephardt (Mo.).

MR. [GUY V.] MOLINARI [of New York]: Mr. Speaker, I repeat my request that the gentleman from Minnesota (Mr. Weber) be permitted to speak in order. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New York?

Does the gentleman from Minnesota first ask unanimous consent to modify his words?

MR. WEBER: Mr. Speaker, I ask unanimous consent to modify my words.

THE SPEAKER PRO TEMPORE: Is there objection?

MS. OAKAR: Mr. Speaker, reserving the right to object, I would like to know what his words are going to be that he is going to modify. . . .

THE SPEAKER PRO TEMPORE: The words that were uttered just prior to the gentlewoman's demand.

MS. OAKAR: Mr. Speaker, I withdraw my reservation of objection.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Minnesota?

There was no objection.

THE SPEAKER PRO TEMPORE: The gentleman from Minnesota (Mr. Weber) may proceed in order.

Parliamentarian's Note: Permission for a Member to proceed in debate should not be granted until the words have been ruled on, or modified or withdrawn.

Withdrawal of Words

§ 52.3 Where a Member is granted unanimous consent to withdraw words ruled out of order by the Speaker, the Member may proceed in debate without the consent of the House, provided his time has not expired.

On Mar. 16, 1939,[20] Mr. Lee E. Geyer, of California, moved to strike out the last two words of a pending bill and then described in critical terms the personal characteristics of another Member while on the floor. The critical words were demanded to be taken down, the Committee of the Whole rose, and the words were reported to the House. Speaker William B. Bankhead, of Alabama, ruled that the words objected to violated the rules of the House because directed to personality.

Mr. John C. Schafer, of Wisconsin, to whom Mr. Geyer's objectionable remarks had referred, then asked if the words could not be withdrawn by unanimous consent since Mr. Geyer was "just carried away by the debate." The Speaker responded that the words could so be withdrawn, and Mr. Geyer was granted unanimous consent to withdraw the words in question.

The Committee resumed its sitting and Chairman Frank H. Buck, of California, then ruled

20. 84 CONG. REC. 2871, 76th Cong. 1st Sess.

that the granting of the unanimous-consent request permitted Mr. Geyer to proceed in order without a motion provided his time had not expired:

THE CHAIRMAN: The gentleman from California is recognized for 3½ minutes.

MR. [JAMES W.] MOTT [of Oregon]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: Does the gentleman from California yield for a parliamentary inquiry?

MR. GEYER of California: I do not yield, Mr. Chairman.

MR. MOTT: A point of order, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. MOTT: As I understand, Mr. Chairman, the proceeding just had takes the gentleman off the floor, and he may proceed only by unanimous consent.

THE CHAIRMAN: The Chair may state that, by unanimous consent, the House permitted the gentleman to withdraw his words. That leaves the gentleman in the position he was before the words were uttered.

The gentleman from California will proceed.

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

THE CHAIRMAN: Does the gentleman yield for a parliamentary inquiry?

MR. GEYER of California: I do not care to yield for another one, Mr. Chairman.

MR. MOTT: A point of order, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. MOTT: Mr. Chairman, I make the point of order that the time of the gentleman has expired.

THE CHAIRMAN: The time of the gentleman has not expired. The point of order is overruled.

Consent of House To Proceed in Order

§ 52.4 Where a Member is called to order for words spoken in debate, and such words are held unparliamentary, he may not proceed without the consent of the House.

On Oct. 31, 1963,[1] Mr. Edgar Franklin Foreman, of Texas, was called to order for referring to another Member of the House as a "pinko." Speaker John W. McCormack, of Massachusetts, ruled that "to characterize any Member of the House as a 'pinko' is in violation of the rules."

Objection was then made to unanimous-consent requests to explain the remarks objected to and to allow Mr. Foreman to proceed in order:

MR. [BRUCE R.] ALGER [of Texas]: Mr. Speaker, I ask to be recognized.

THE SPEAKER: The Chair recognizes the gentleman from Texas [Mr. Alger].

1. 109 CONG. REC. 20742, 88th Cong. 1st Sess.

MR. ALGER: Mr. Speaker, I have a copy of the statement the gentleman from Texas [Mr. Foreman] was attempting to deliver. If I understand this copy which he has not been permitted to continue with, the gentleman from Texas was just about to add something which would make the gentleman's objection to what he has had to say really out of order, if he knew what next followed.

THE SPEAKER: Does the gentleman ask unanimous consent to proceed for 1 minute?

MR. ALGER: I do, Mr. Speaker.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

MR. [JOHN J.] ROONEY of New York: Mr. Speaker, I object.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

THE SPEAKER: Is there objection to the request of the gentleman from Indiana?

There was no objection.

MR. HALLECK: Mr. Speaker, I desire to propound a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALLECK: Mr. Speaker, I understand that the ruling of the Chair was that the use of the word "pinko" involves a violation of the rules of the House.

THE SPEAKER: That is correct.

MR. HALLECK: Under those circumstances may not the gentleman from Texas be permitted to continue with the balance of his statement?

THE SPEAKER: Only by permission of the House.

MR. HALLECK: Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Foreman] be permitted to continue with the balance of his statement.

THE SPEAKER: In order?

MR. HALLECK: Yes, sir.

THE SPEAKER: Is there objection to the request of the gentleman from Indiana?

MR. ROONEY of New York: Mr. Speaker, I object.

On Feb. 22, 1945,[(2)] Mr. Frank E. Hook, of Michigan, was called to order for using blasphemous words in debate in reference to another Member. After Speaker Pro Tempore Robert Ramspeck, of Georgia, ruled that the words were a violation of the rules of the House and the House ordered them stricken from the Record, Mr. Hook sought recognition to propose a parliamentary inquiry. The Speaker Pro Tempore ruled that Mr. Hook was required to take his seat and could not proceed in debate without the permission of the House:

MR. HOOK: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a point of order. The Member from Michigan [Mr. Hook] must keep his seat the rest of the day and keep his mouth shut, under the Rules of the House.

THE SPEAKER PRO TEMPORE: The gentleman from Michigan [Mr. Hoffman] will proceed.

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2. 91 CONG. REC. 1371, 1372, 79th Cong. 1st Sess.

MR. RANKIN: Mr. Speaker, my point of order must be ruled on. I am speaking about the Member from Michigan [Mr. Hook] on my left. He has just said he used the word "——— liar," and I do not intend for him to speak in this House again today.

THE SPEAKER PRO TEMPORE: The Chair sustains the point of order made by the gentleman from Mississippi. That is the rule. The gentleman from Michigan [Mr. Hook] will be seated.

§ 52.5 A Member whose words are taken down and ruled out of order may not again proceed on the same day (even for a previously granted special order) without consent of the House.

On Jan. 29, 1946,(3) Mr. John E. Rankin, of Mississippi, demanded that words used in debate referring to certain Senators by Mr. Emanuel Celler, of New York, be taken down. The words were reported to the House. Speaker Sam Rayburn, of Texas, recognized Mr. Celler, over the objection of Mr. Rankin, to ask unanimous consent to withdraw the remarks objected to. Mr. Rankin objected to that request, and the Speaker held that the words uttered by Mr. Celler were unparliamentary in referring to the action of the membership of another body.

Parliamentarian's Note: Although Mr. Celler had a special order to address the House later in the day the Speaker did not recognize him, thereby holding in effect that Mr. Celler could not again proceed that day without the consent of the House.

On Aug. 14, 1967,(4) certain words used in debate by Mr. F. Edward Hébert, of Louisiana, accusing another Member of having prejudicial and bigoted views were demanded to be taken down. Speaker John W. McCormack, of Massachusetts, ruled that the words used were a breach of the rules of the House.

The Speaker then stated as follows: "Without objection, the gentleman from Louisiana is recognized for the remainder of his one minute and the words will be stricken." There was no objection, and Mr. Hébert concluded his remarks. Further debate took place, and Mr. Hébert delivered remarks in response to an inquiry by another Member. Mr. William F. Ryan, of New York, then stated a point of order that Mr. Hébert had lost the right to proceed in debate on the same day, his remarks having been ruled out of order. The Speaker overruled the point of order, since no objection had been voiced to the unanimous-consent request that Mr. Hébert be allowed to proceed in order.(5)

3. 92 CONG. REC. 533, 534, 79th Cong. 2d Sess.

4. 113 CONG. REC. 22443, 22444, 90th Cong. 1st Sess.

5. Compare 8 Cannon's Precedents § 2546, where Speaker Pro Tempore

§ 52.6 A Member, having been called to order for words spoken in debate and those words having been held unparliamentary, may not proceed without the permission of the House.

On Aug. 21, 1974,[6] the following proceedings occurred in the House:

> MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman). . . .
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I demand that the gentleman's words be taken down.
>
> THE SPEAKER:[7] The gentleman demands that the words be taken down. . . .
>
> The Clerk will report the words objected to.
>
> The Clerk read as follows:
>
> > Mr. O'Neill. Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman).
> >
> > Yesterday, by mutual consent of the leadership on both sides of the aisle and by the Members of the Judiciary Committee, I offered to this House a resolution. At the completion of the resolution, Mr. Speaker, I asked that all Members may have 5 legislative days in which to extend their remarks and it was objected to, Mr. Speaker, by the gentleman from Maryland (Mr. Bauman). He gave a reason at that particular time.
> >
> > I told him that I thought he should have cleared it with the leadership on his own side of the aisle; but nevertheless, Mr. Speaker, when all the Members had left last night, the gentleman came to the well and asked unanimous consent of the then Speaker of the House who was sitting there, if he may insert his remarks in the Record, with unanimous consent, following the remarks where he had objected. . . .
> >
> > I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.
>
> THE SPEAKER: The words in the last sentence are not parliamentary. Without objection, the offending words will be stricken from the Record.
>
> MR. BAUMAN: Mr. Speaker, reserving the right to object, I would only like to say to the gentleman from Massachusetts and to the House that as for the gentleman from Massachusetts, I can understand his concern about my objection yesterday. It was the only possible way in which I or any other Member could have actually spoken on the resolution pending.
>
> If he will look at the page numbers he cited, he will find subsequent to that, that the gentleman from Ohio (Mr. Devine), the gentleman from Indiana (Mr. Dennis), and the gentleman from California (Mr. Wiggins), all in my presence asked permission and did extend their remarks. And, of course, the gentleman from Massachusetts got 5 legislative days to extend on his special order. I did not object to any of these requests.

Philip P. Campbell (Kans.), held that a Member called to order was not precluded from demanding the yeas and nays, and stated that in his opinion the disability from debate remained only until the disposition of the pending question.

6. 120 CONG. REC. 29652, 29653, 93d Cong. 2d Sess.

7. Carl Albert (Okla.).

MR. O'NEILL: Mr. Speaker, will the gentleman yield on that point?

THE SPEAKER: The gentleman from Massachusetts cannot proceed at this point. . . .

Is there objection? . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I do object. . . .

MR. [B. F.] SISK [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Sisk moves that the words of the gentleman from Massachusetts, Mr. O'Neill, be stricken from the Record.

MR. SISK: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER: The question is on the motion offered by the gentleman from California.

The motion was agreed to.

§ 52.7 A Member may be allowed to proceed in order by motion or by unanimous consent where the Speaker has ruled that words spoken by the Member in debate were unparliamentary.

On Mar. 24, 1961,[8] Mr. Neal Smith, of Iowa, referred in debate to the "Goldwater-Ayres bill because it is an example of exempting multimillion dollar stores in Arizona" [Where Goldwater was the name of a Senator from Arizona]. Mr. Thomas B. Curtis, of Missouri, demanded that the words be taken down, the Committee of the Whole arose, and the words were reported to the House. Speaker Sam Rayburn, of Texas, ruled that the words were out of order as "a reference to a member of the other body by name." Speaker Rayburn then ruled that the House could by unanimous consent permit the Member called to order to proceed in order:

MR. [JAMES] ROOSEVELT [of California]: Would it be in order at this time to ask unanimous consent that the gentleman from Iowa be allowed to proceed in order?

THE SPEAKER: It would.

MR. [CARROLL D.] KEARNS [of Pennsylvania]: Mr. Speaker, I object to that.

THE SPEAKER: Let the Chair first state the request.

Is there objection to the request of the gentleman from California that the gentleman from Iowa be allowed to proceed in order?

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

THE SPEAKER: The gentleman will state it.

MR. CURTIS of Missouri: The ruling means that these words will be stricken from the Record?

THE SPEAKER: If a motion is made to strike them from the Record.

MR. CURTIS of Missouri: I would make such a motion and then I would not object.

THE SPEAKER: The question is on the motion.

The motion was agreed to.

8. 107 CONG. REC. 4780, 87th Cong. 1st Sess.

THE SPEAKER: Is there objection to the request of the gentleman from California that the gentleman from Iowa be allowed to proceed in order?

There was no objection.

On Apr. 19, 1934,[9] certain words used in the Committee of the Whole in reference to another Member were demanded to be taken down. The Committee arose, the words were reported to the House, and Speaker Henry T. Rainey, of Illinois, ruled the words objectionable as impugning the motives of another Member. The House agreed to a motion to strike the words from the Record. The Speaker then ruled that a motion to allow the Member called to order to proceed could be made:

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I move that the gentleman from Texas be allowed to proceed in order.

MR. [JOHN] TABER [of New York]: Mr. Speaker, should not that motion be made in the Committee rather than in the House?

MR. PATMAN: It can be made either in the House or in the Committee. The motion was agreed to.

THE SPEAKER: The Chair has now permitted the gentleman from Texas to proceed in order in the Committee of the Whole House on the state of the Union.

The Committee will resume its session. . . .

THE CHAIRMAN:[10] The gentleman from Texas is recognized to proceed in order.

§ 52.8 A Member having uttered objectionable words in debate and such words having been ruled unparliamentary, the Chair may recognize the Member to proceed in order by unanimous consent.

On Aug. 14, 1967,[11] certain words used in debate by Mr. F. Edward Hébert, of Louisiana, accusing another Member of having prejudicial and bigoted views were demanded to be taken down. Speaker John W. McCormack, of Massachusetts, ruled that the words used were a breach of the rules of the House.

The Speaker then stated as follows: "Without objection, the gentleman from Louisiana is recognized for the remainder of his one minute and the words will be stricken." There was no objection, and Mr. Hébert concluded his remarks.

Thereafter, Mr. Hébert delivered some remarks in debate in response to another Member. The Speaker ruled that he had the right to proceed in order pursuant to the unanimous-consent request:

9. 78 CONG. REC. 6947, 6948, 73d Cong. 2d Sess.

10. William J. Sears (Fla.).

11. 113 CONG. REC. 22443, 22444, 90th Cong. 1st Sess.

MR. [WILLIAM F.] RYAN [of New York]: Mr. Speaker, the gentleman from Louisiana is out of order. His words have been taken down, and the Speaker has ruled that they were of an unparliamentary nature.

THE SPEAKER: The Chair has already recognized the gentleman without objection. The gentleman from Louisiana is properly addressing the House. The point of order is overruled.

Motion To Proceed in Order

§ 52.9 A motion that a Member be permitted to proceed in order is a privileged motion after the Chair has held the Member to be out of order.

On June 7, 1933,[12] Mr. Thomas L. Blanton, of Texas, referred to another Member of the House, Bertrand H. Snell, of New York, critically and by name in debate. Mr. Frederick R. Lehlbach, of New Jersey, demanded that the words be taken down, and Speaker Henry T. Rainey, of Illinois, ruled that the words were a violation of the rules of the House in that they referred to a Member by name and held him up to ridicule.

Mr. Rankin then moved that Mr. Blanton be permitted to proceed in order and the question was immediately put on the motion.

§ 52.10 After words taken down in debate in Committee of the Whole have been reported to the House and ruled out of order by the Speaker, a privileged motion that the Member whose words were ruled out of order be permitted to proceed in order may be made.

During consideration of the Department of Education Organization Act of 1979 (H.R. 2444) in the Committee of the Whole, certain words used in debate were reported to the House, the Speaker ruled on those words and a motion to allow the Member whose words were ruled out of order to proceed in order was agreed to. The proceedings of June 12, 1979,[13] were as follows:

THE SPEAKER:[14] The Clerk will report the words objected to.

The Clerk read as follows:

MR. [HENRY B.] GONZALEZ [of Texas]: . . . The insidiousness of the amendment is compounded by the sponsor's deceptive—I should say hypocritical—presentation of this amendment, disguising it as a quota prohibition.

THE SPEAKER: The Chair is ready to rule.

The Chair, having read the references concerning deception and hypocrisy, will state that there have been previous opinions by the Chair that there is nothing wrong with using the

12. 77 CONG. REC. 5203–05, 73d Cong. 1st Sess.

13. 125 CONG. REC. 14461, 96th Cong. 1st Sess.

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

word, "deceptive," or the word, "hypocritical," in characterizing an amendment's effect but when a Member so characterizes the motivation of a Member in offering an amendment that is not in order.

Consequently, the words in the last sentence read by the Clerk are unparliamentary and without objection, the offensive words are stricken from the Record. . . .

The Chair recognizes the gentleman from Texas (Mr. Brooks).

MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I move that the gentleman from Texas (Mr. Gonzalez) be allowed to proceed in order.

The motion was agreed to.

THE SPEAKER: The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2444, with Mr. Nedzi in the chair.

THE CHAIRMAN:[15] The gentleman from Texas (Mr. Gonzalez) has the floor, and the gentleman will proceed in order.

§ 52.11 While clause 4 of Rule XIV provides that a Member whose words are ruled out of order may not automatically proceed in debate, the precedents of the House authorize a motion to permit the offending Member to proceed in order.

On May 9, 1990,[16] it was demonstrated that the motion that a Member ruled out of order for words spoken in debate be permitted to proceed in order is not inconsistent with the prohibition in clause 4 of Rule XIV that the offending Member may not automatically proceed, since it permits the House to determine the extent of the sanction for the breach of order. The proceedings in the House were as follows:

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

MR. [ROBERT G.] TORRICELLI [of New Jersey]: Mr. Speaker, you heard it here today: Republican Member after Republican Member taking the floor, predicting that the President will never raise taxes.

I am here to predict that he will raise taxes. And, Mr. Speaker, we are both right because no doubt, for the President's friends, for those of privilege in America, he will never raise taxes.

But for you and for me and for the overwhelming majority of Americans, he is—he says that he is going to, and he is about doing it. It isn't, Mr. Speaker, that the President is intellectually dishonest, though indeed in the last election he was. It is about the fact that he has a $500 billion——

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask that the gentleman's words be taken down.

The words in question were held to be unparliamentary, the Speaker Pro Tempore[17] stating as follows:

15. Lucien N. Nedzi (Mich.).

16. 136 CONG. REC. 9828, 9829, 101st Cong. 2d Sess.

17. John P. Murtha (Pa.).

In referring to the President during debate a Member shall abstain from "terms of approbrium," such as calling the President a "liar"—V, 5094, VIII, 2498.

Without objection the gentleman from New Jersey [Mr. Torricelli] may proceed in order.

[Objection was heard.]

THE SPEAKER PRO TEMPORE: Does any Member move that the gentleman from New Jersey [Mr. Torricelli] may proceed in order? . . .

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I make that motion.

THE SPEAKER PRO TEMPORE: The question is on the motion of the gentleman from Illinois [Mr. Yates]. . . .

So the motion was agreed to. . . .

THE SPEAKER PRO TEMPORE: . . . The House has voted to allow the gentleman to proceed in order. The gentleman has 16 seconds remaining. . . .

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

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

MR. WALKER: If I understand correctly what just happened in the course of events, it was that the Chair did rule that the gentleman's words were inappropriate, is that correct?

THE SPEAKER PRO TEMPORE: The Chair did so rule.

MR. WALKER: And the penalty for such a ruling would normally be that the gentleman would not be allowed to speak for the rest of the day in the House Chamber, is that not correct?

THE SPEAKER PRO TEMPORE: The House permitted him to proceed in order.

MR. WALKER: Under the rules, Mr. Speaker, the rules state that someone having had the Chair so rule is not permitted to speak in the House for the rest of the day, is that not correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. WALKER: So by taking the action which the party did a few minutes ago, the majority party did, what they did was basically overrule the rules with regard to the penalty for having words taken down.

THE SPEAKER PRO TEMPORE: The motion to allow the gentleman to proceed is a proper parliamentary motion under the same rule.

MR. WALKER: Yes. I understand. But the effect of the action, the effect of the motion, was to override the rules of the House.

THE SPEAKER PRO TEMPORE: Under the rules of the House the Chair cannot say that one part of the rule has precedence over the practice of the House paramount to that rule.

MR. WALKER: Well, I have a further parliamentary inquiry.

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

MR. WALKER: If the motion had not been made, the gentleman would not have been permitted to speak for the rest of the day, is that correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. WALKER: So the effect of the motion was to allow the gentleman to do something which the rules would otherwise not permit him.

THE SPEAKER PRO TEMPORE: The House has followed the normal practice. There are two aspects to the rule. The House proceeded under the rules, and both procedures are proper. The

House voted and the gentleman was allowed to proceed for 16 seconds.

MR. WALKER: I have a further parliamentary inquiry. So in other words what the Chair is saying is that the will of the majority can prevail, even though it is over and above the rules that are adopted by the——

MR. YATES: Mr. Speaker, regular order.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois [Mr. Yates] is absolutely correct. That is not a parliamentary inquiry.

Parliamentarian's Note: Where the House has voted to allow a Member called to order to proceed in order, the offending Member is recognized for the remainder of his debate time, as indicated above.

§ 52.12 When a Member is called to order for words used in debate, he may be permitted to proceed in order by unanimous consent, or by a motion "that the gentleman be allowed to proceed in order" which may be stated on the initiative of the Chair.

The proceedings of Mar. 29, 1995,[18] where Speaker Pro Tempore Peter G. Torkildsen, of Massachusetts, took the initiative in moving that a Member called to order for words used in debate be permitted to proceed in order, were as follows:

THE SPEAKER PRO TEMPORE: . . . The Clerk will report the words objected to in the Committee of the Whole House on the State of the Union.

The Clerk read as follows:

> I had specific conversation with the gentleman from Michigan, and he stated to me very clearly that it is his intention to vote against this bill on final. Now, if that is not a cynical manipulation and exploitation of the American public, then what is? What could be more cynical? What could be more hypocritical?

THE SPEAKER PRO TEMPORE: In the opinion of the Chair, ascribing hypocrisy to another Member has been ruled out of order in the past, and is unparliamentary.

Without objection, the words are stricken from the record.

There was no objection.

Without objection, the gentleman may proceed in order.

MR. [JOHN D.] DINGELL [of Michigan]: Reserving the right to object, Mr. Speaker. I have been waiting for an apology from the gentleman. I know he wants to apologize and does not want to leave these things on the record, because I am sure he realizes that it reflects unfavorably upon him, as it does upon me, so I am waiting for the apology. I know the gentleman wants to give it to me.

MR. [MARTIN R.] HOKE [of Ohio]: Mr. Dingell, I very clearly stated that I ask unanimous consent to withdraw my words, and I requested that that be done. You objected to that.

I have told you on the Record that I will not apologize.

18. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

MR. DINGELL: Mr. Speaker. I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

The question is: Shall the gentleman be allowed to proceed in order?

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

MR. [JOHN] CONYERS [Jr., of Michigan]: Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 197, answered "present" 2, not voting 23, as follows: . . .

So the gentleman from Ohio [Mr. Hoke] was allowed to proceed in order.

The result of the vote was announced as above recorded.

MR. [RICHARD J.] DURBIN [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. DURBIN: Mr. Speaker, I would like the Chair to clarify the vote that was just taken. It is my understanding that words were taken down, words uttered by the gentleman from Ohio [Mr. Hoke] and those words were determined by the Speaker to be out of order. At which point, if I recall correctly, the words were stricken, and the Chair stated a unanimous-consent request that the gentleman be able to proceed.

There was objection to that unanimous-consent request, at which point, if I am not mistaken, the Chair then stated a motion to give the gentleman the opportunity to proceed and speak.

Is my recollection correct, is that the motion which we just voted on?

THE SPEAKER PRO TEMPORE: The gentleman's recollection is correct.

MR. DURBIN: Mr. Speaker, I would like to ask this of the Chair then; it is my understanding that the Chair has the right under the rules to make a unanimous-consent request that an individual be allowed to proceed after his words have been stricken, but in this case I wonder if it is the prerogative of the Chair to make such a motion, or whether it should have been made by a Member of the body?

THE SPEAKER PRO TEMPORE: The Chair has the right to entertain unanimous-consent requests. Under previous rulings of the Chair in 1991, the Chair does have the right to put that question to the body.

MR. DURBIN: Beyond the unanimous-consent request?

THE SPEAKER PRO TEMPORE: Beyond the unanimous-consent request, since it is ultimately the House's decision, no Member sought to question the ruling of the Chair, the question was put to the House.

Parliamentarian's Note: While under section 394 of Jefferson's Manual no motion can be made without rising and addressing the Chair (5 Hinds' Precedents §§ 4984, 4985), in the circumstance where the House must decide whether to permit a Member who has been ruled out of order in debate to proceed in order, the

Speaker has put that question to a vote without necessarily entertaining a motion from the floor. See § 52.13, infra.

§ 52.13 The motion to permit a Member called to order to proceed in order is debatable (and as such may be laid on the table under clause 4 of Rule XVI).

As demonstrated by the proceedings of Oct. 8, 1991,[19] the motion "shall (a Member) be permitted to proceed in order?" may be put by the Chair sua sponte and is debatable under the hour rule. Since the motion is debatable, it is subject to the motion to table. Where the Chair states the motion on his own initiative, the Chair has discretion in recognition of a Member to control one hour of debate. Debate is limited to the question of whether to permit the offending Member to proceed in order. Finally, adoption of the motion permits the offending Member to proceed in order for the remainder of his/her debate time.

MS. [ROSA L.] DELAURO [of Connecticut]: Mr. Speaker, the Senate is about to embark on a misguided journey.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, point of order.

THE SPEAKER PRO TEMPORE:[20] The gentlewoman will refrain from direct reference to the other body.

MS. DELAURO: How can there be a vote to place Judge Thomas in a lifetime appointment to the Supreme Court under this cloud? To be sure, a person is innocent until proven guilty, but without a full and public hearing about the veracity of these very serious charges of sexual harassment, a decision this evening to elevate Judge Thomas to the Supreme Court casts doubt on the entire process.

MR. SENSENBRENNER: Mr. Speaker, I demand the gentlewoman's words be taken down.

MS. DELAURO: The actions of the Committee on the Judiciary say loud and clear——

MR. SENSENBRENNER: Mr. Speaker, I demand the words of the gentlewoman be taken down.

THE SPEAKER PRO TEMPORE: The gentlewoman will suspend.

The Chair has repeatedly asked Members to refrain from specific reference to the other body and would admonish the gentlewoman to do so.

Does the gentleman from Wisconsin [Mr. Sensenbrenner] insist on his request?

MR. SENSENBRENNER: Yes, Mr. Speaker, I do. I think the precedent ought to be set and put in the precedents of the House on what the extent of the prohibition against discussing the proceedings in the other body are.

THE SPEAKER PRO TEMPORE: The Chair's rulings previously today are consistent with and constitute the precedents of the House. The Chair

19. See 137 CONG. REC. 25757–25760, 102d Cong. 1st Sess.

20. Michael R. McNulty (N.Y.).

will insist upon compliance with those precedents.

Under those circumstances, does the gentleman from Wisconsin [Mr. Sensenbrenner] still insist?

MR. SENSENBRENNER: Yes, Mr. Speaker, I do.

THE SPEAKER PRO TEMPORE: The Clerk will report the words that are objected to. . . .

The Clerk read as follows:

> . . . to be sure a person is innocent until proven guilty, but without a full and public hearing about these very serious charges a decision this evening to elevate Judge Thomas to the Supreme Court casts doubt on the entire process.

THE SPEAKER:[1] It is the Chair's opinion that the words inevitably relate to an action to be taken by the Senate with respect to a nomination by the President subject to the confirmation of the Senate and, accordingly, are not in order, and the words, accordingly without objection, will be stricken from the Record.

There was no objection.

Without objection the gentlewoman from Connecticut [Ms. DeLauro] may proceed in order.

MR. SENSENBRENNER: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

The question is: Shall the gentlewoman from Connecticut [Ms. DeLauro] be permitted to proceed in order?

MR. SENSENBRENNER: Mr. Speaker, I offer a preferential motion.

THE SPEAKER: The Clerk will report the preferential motion.

The Clerk read as follows:

> Mr. Sensenbrenner moves to table the motion.

THE SPEAKER: The question is on the motion offered by the gentleman from Wisconsin [Mr. Sensenbrenner] to lay on the table the motion to proceed in order. . . .

So the motion to table was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: This is my parliamentary inquiry, Mr. Speaker: Is the motion now before the House a motion which is debatable?

THE SPEAKER: The motion now before the House is subject to debate, the gentleman is correct, within the narrow limits of the motion.

MR. WALKER: Mr. Speaker, who would control the time?

THE SPEAKER: The Chair intends to recognize the majority leader, Mr. Gephardt, to control the time, since the Chair put the question sue sponte on the motion when objection was heard.

MR. WALKER: And the subject matter would be strictly——

THE SPEAKER: The question is whether the gentlewoman from Connecticut [Ms. DeLauro] should be permitted to proceed in order.

MR. WALKER: I thank the Chair.

If the gentlewoman was permitted to proceed in order, would she be allowed to continue the remarks that she was engaged in at the time that she was called to order by the Chair?

THE SPEAKER: The gentlewoman from Connecticut will be permitted to

1. Thomas S. Foley (Wash.).

proceed in order as long as her remarks are in order. Members are allowed to proceed as long as their remarks are in order. . . .

The gentleman from Missouri [Mr. Gephardt] is recognized for 1 hour....

MR. [RICHARD A.] GEPHARDT [of Missouri]: . . . Mr. Speaker, I would say to the Members that the resolution we have before us makes it clear that the gentlewoman's words are to be taken down. The resolution calls for her being allowed to proceed with her statement. . . .

MR. WALKER: . . . Mr. Speaker, our concern I think is that we are developing a pattern where the taking down of words carries with it no penalty. I think the gentleman from Pennsylvania is correct in stating that taking down of words is supposed to carry with it the penalty that the Member of Congress who utters the unparliamentary words is to be taken off their feet for the rest of that legislative day. . . .

MR. GEPHARDT: The motion that is in front of us is to take words down and to proceed, obviously with the admonition that the precedents which are now clear will be followed.

Mr. Speaker, I move the previous question on the motion.

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

THE SPEAKER: The question is, Will the gentlewoman from Connecticut [Ms. DeLauro] be allowed to proceed in order?

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

MR. SENSENBRENNER: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 145, answered "present" 2, not voting 26. . . .

THE SPEAKER PRO TEMPORE: The gentlewoman from Connecticut is recognized for the balance of her 1 minute which shall constitute 28 seconds.

MS. DELAURO: I thank the Speaker.

Mr. Speaker, allegations of sexual harassment are serious charges which deserve serious consideration. The Justices of the Supreme Court must demonstrate respect for law and for individual rights. To impugn the integrity of Professor Hill, to elevate that of Judge Thomas, is not appropriate nor is it a credible tactic. The American people deserve more than a dismissal of Professor Hill's charges. They deserve to know the truth.

Mr. Speaker, let us take the time to uncover the truth.

THE SPEAKER PRO TEMPORE: The time of the gentlewoman from Connecticut [Ms. DeLauro] has expired.

Parliamentarian's Note: While clause 4 of Rule XIV suggests that a Member whose words are ruled out of order may not automatically proceed in debate, traditionally the Speaker's ruling is sufficient sanction and the chastized Member is permitted to proceed in order by unanimous consent; however the House may dictate the further consequences of the ruling by proper motions under clauses 4 or 5 of Rule XIV to strike the unparliamentary remarks from the Record and to proceed in order.

Striking Words From Record

§ 52.14 Where a unanimous-consent request that a Member be permitted to proceed in order is pending, the Speaker having held certain words unparliamentary, a motion to strike those words from the Record is in order.

On Mar. 24, 1961,[2] certain words used in debate in the Committee of the Whole and objected to were reported to the House. Speaker Sam Rayburn, of Texas, ruled that the words were a violation of the rules of the House. A unanimous-consent request that the Member called to order be allowed to proceed in order was then made and stated by the Chair. Pending the request, a parliamentary inquiry was stated and Speaker Rayburn ruled that pending the unanimous-consent request a motion to strike the words from the Record was in order:

> MR. [JAMES] ROOSEVELT [of California]: Would it be in order at this time to ask unanimous consent that the gentleman from Iowa be allowed to proceed in order?
>
> THE SPEAKER: It would.
>
> MR. [CARROLL D.] KEARNS [of Pennsylvania]: Mr. Speaker, I object to that.
>
> THE SPEAKER: Let the Chair first state the request.
>
> Is there objection to the request of the gentleman from California that the gentleman from Iowa be allowed to proceed in order?
>
> MR. [THOMAS B.] CURTIS of Missouri: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. CURTIS of Missouri: The ruling means that these words will be stricken from the Record?
>
> THE SPEAKER: If a motion is made to strike them from the Record.
>
> MR. CURTIS of Missouri: I would make such a motion and then I would not object.
>
> THE SPEAKER: The question is on the motion.
>
> The motion was agreed to.
>
> THE SPEAKER: Is there objection to the request of the gentleman from California that the gentleman from Iowa be allowed to proceed in order?
>
> There was no objection.

Explanation by Member Called to Order

§ 52.15 When a demand is made that the words of a Member be taken down, such Member may not debate the demand or explain his remarks absent special permission from the House.

On Mar. 24, 1961,[3] words used in debate by Mr. Neal Smith, of Iowa, were demanded to be taken down. When Mr. Smith rose to ob-

2. 107 CONG. REC. 4780, 87th Cong. 1st Sess.

3. 107 CONG. REC. 4780, 87th Cong. 1st Sess.

ject to the demand on the ground that he had not violated the rules of the House, Chairman Francis E. Walter, of Pennsylvania, ruled pursuant to a point of order that Mr. Smith was required to take his seat pursuant to a demand that his words be taken down.

On Oct. 9, 1940,[4] Mr. Sol Bloom, of New York, objected to certain words used in debate by Mr. John C. Schafer, of Wisconsin, and demanded that they be taken down. When Mr. Schafer attempted to explain his remarks and to contend that he was proceeding in order, Speaker Sam Rayburn, of Texas, ruled pursuant to a point of order by Mr. Bloom that Mr. Schafer was required to take his seat.[5]

§ 52.16 When words are taken down, the Speaker may, without objection, permit the offending Member to explain his words, following which the Speaker may make his final ruling on whether the remarks are in violation of the rules.

On Nov. 10, 1971,[6] certain words used in debate by Mr. John H. Dent, of Pennsylvania, were demanded to be taken down by Mr. John N. Erlenborn, of Illinois, and reported to the House, whereupon Speaker Carl Albert, of Oklahoma, ruled them out of order. The Speaker allowed Mr. Dent, by unanimous consent, to explain the objectionable words and on the basis of the explanation ruled that the words were not in fact unparliamentary:

> THE SPEAKER: The Clerk will report the words objected to.
>
> The Clerk read as follows:
>
> > MR. DENT: The second lie which is deliberate, in my opinion, and ought not to be brought back time after time into this controversy, is that there is no such thing——
>
> THE SPEAKER: The Chair will state that the words "second lie" are not parliamentary, and without objection will be stricken from the Record.
>
> MR. DENT: Mr. Speaker, what part of that was being stricken?
>
> THE SPEAKER: The Chair will state that the words are "the second lie."
>
> MR. DENT: Mr. Speaker, I have not said what the second lie is. How can you strike it?
>
> THE SPEAKER: The manner in which the gentleman referred to the words in the following statement: "the second lie which is deliberate." Without objection,

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4. 86 CONG. REC. 13477, 76th Cong. 3d Sess.

5. See also 94 CONG. REC. 205, 80th Cong. 2d Sess., Jan. 15, 1948; and 87 CONG. REC. 894, 895, 899, 77th Cong. 1st Sess., Feb. 11, 1941.

6. 117 CONG. REC. 40442, 92d Cong. 1st Sess. See also 86 CONG. REC. 954, 76th Cong. 3d Sess., Feb. 1, 1940, in which the Chair overruled a point of order that a Member was quoting testimony taken before an executive session of a committee, upon the Member's assurance that he was not.

the gentleman may explain his statement.

MR. DENT: But I have not said what the lie is. I have not accused anybody here of lying. I have accused the second lie of being propagandized all over the State, and through different individuals, and the third lie and the fourth lie. I have not accused the gentleman. There have been many persons on this floor—not many on the floor—but many persons who have put out the word that this deliberately wipes out X-rays as a means of determining pneumoconiosis, and the bill does not do that. And if it does not do that it is all untrue.

THE SPEAKER: The Chair will request the gentleman from Pennsylvania to state whether the gentleman was referring to any Member of the Congress.

MR. DENT: Absolutely not, Mr. Speaker. I will be glad to have that cleared up. But I have not said or named a Member's name yet.

THE SPEAKER: If the gentleman was not referring to a Member of the House——

MR. DENT: I was not. I was referring to two lies, and they are lies, and they have been put out all over the State in letters and newspaper items.

THE SPEAKER: But the gentleman from Pennsylvania states that he was not referring to a Member of the House?

MR. DENT: The Record will show that I did not refer to a Member of the House.

THE SPEAKER: Does the gentleman state again that he was not referring to a Member of the House?

MR. DENT: Yes; if I said it, it would have been in the Record.

THE SPEAKER: Then the Chair will state that the gentleman's words are not unparliamentary, and the Committee will resume its sitting.[7]

Member Cannot Proceed for Balance of Day

§ 52.17 Where unparliamentary words used in debate have been stricken from the Record, the offending Member may be permitted to proceed in order by unanimous consent or by motion; but a Member who is not permitted by the House to proceed in order loses the floor and may not participate in debate on the same day even in time yielded to him by another Member.

The following proceedings occurred in the House on Mar. 19, 1985:[8]

MR. [HARRY] REID [of Nevada]: Mr. Speaker, on February 26 of this year one of my constituents traveled nearly 3,000 miles to Washington specifically to see me about a critical issue, but he did not. . . . I was called away from something very important to become

7. Rule XIV clause 4, *House Rules and Manual* § 760 (1995) provides that a Member called to order "immediately sit down, unless permitted, on motion of another Member, to explain. . . ."

8. 131 CONG. REC. 5532, 5533, 5537, 99th Cong. 1st Sess.

captive, once again, to an abusive practice, an abuse inflicted upon the entire House of Representatives and the legislative process itself, voting on the Journal.

Mr. Reid made further comments, indicated below, which were the subject of a demand that the words be taken down:

MR. [VIN] WEBER [of Minnesota]: Mr. Speaker, I demand that the gentleman's words be taken down. . . .

Mr. Speaker, would it be in order, in view of the gentleman's statement a minute ago, for me to ask unanimous consent that he be permitted to withdraw his words?

THE SPEAKER PRO TEMPORE:[9] Yes. The Chair would entertain such a motion. . . .

MR. REID: Mr. Speaker, I respectfully submit that I appreciate the request of the gentleman from Minnesota, but I do not think I said anything offensive, and I would ask for a ruling on that.

THE SPEAKER PRO TEMPORE: The Chair will rule.

The Clerk will report the words.

The Clerk read as follows:

> One of the most important things to remember is that those Members who call for these wasteful votes are led by my distinguished colleague from Pennsylvania, Mr. Walker, who speaks constantly of the need to do away with government waste, and he is literally speaking out of both sides of his mouth.

THE SPEAKER PRO TEMPORE: The Chair would announce that it is not proper to impugn the motive of another Member. We have precedents here in the House. Mr. Knutson, of Minnesota: "I cannot believe that the gentleman from Mississippi is sincere in what he has just said." And that was held not in order on November 2, 1942.

The Chair must state that the words of the gentleman from Nevada have, in his opinion, an unparliamentary connotation and shall be stricken.

Without objection, the gentleman from Nevada may proceed. Do I hear an objection?

MR. WEBER: Yes, Mr. Speaker. . . .

Would the Chair clarify the parliamentary situation in which the gentleman from Nevada finds himself?

THE SPEAKER PRO TEMPORE: . . . The Chair has ruled that the gentleman from Nevada misspoke on the words "speaking out of both sides of his mouth," and therefore those words shall be stricken.

The Member only can proceed by permission of the House. . . .

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I ask unanimous consent that the gentleman from Nevada may be permitted to proceed.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Washington that the gentleman from Nevada be allowed to finish his remarks?

MR. [DANIEL E.] LUNGREN [of California]: Reserving the right to object——

THE SPEAKER PRO TEMPORE: The gentleman from California reserves the right to object. . . .

Let the Chair restate what has occurred here.

9. Kenneth J. Gray (Ill.).

The gentleman has propounded a parliamentary inquiry, and the Chair has responded that the Chair has ruled that those words are offensive and shall be stricken. It is not a matter of further debate.

MR. LUNGREN: I understand. I am still proceeding under my reservation, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The question occurs now on whether or not the gentleman is allowed to proceed with the understanding that those words have been stricken. . . .

MR. LUNGREN: . . . Mr. Speaker, under my reservation, I ask the gentleman at this point in time whether he would agree to withdraw his remarks. . . .

THE SPEAKER PRO TEMPORE: It is not in the parliamentary procedures or rules of the House for any further debate on this matter. The Chair has ruled affirmatively that the words shall be stricken.

The only question now before this House is whether or not——

MR. LUNGREN: Mr. Speaker, you have constrained me to object, and I do object at this time. . . .

THE SPEAKER PRO TEMPORE: Objection is heard.

Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 5 minutes. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I recognize the gentleman from Nevada (Mr. Reid). I yield to the gentleman from Nevada. . . .

THE SPEAKER PRO TEMPORE: The gentleman cannot be yielded to at this time. . . .

Is there objection to the gentleman from Arkansas yielding further to the gentleman from Nevada?

MR. ALEXANDER: . . . Do I not have a right to yield to any Member of this House? . . .

THE SPEAKER PRO TEMPORE: The Chair will rule that if a Member in this particular case has been precluded from continuing, he cannot be yielded to on this subject without unanimous consent.

If the gentleman wants to propound the unanimous-consent request, and hearing no objection, he could yield.

Is there objection to the request of the gentleman from Arkansas to yield to the gentleman from Nevada? . . .

MR. LUNGREN: . . . I will be constrained to object, and I do object at this time. . . .

MR. ALEXANDER: Mr. Speaker, I have not announced the subject which I intend to address. How can the Chair rule against me yielding to another Member when the Chair does not know the subject that I intend to address?

THE SPEAKER PRO TEMPORE: The Chair would announce to the distinguished gentleman from Arkansas that, under the rules of the House, at any time a Member's words are taken down, under the rules he is not permitted on that particular legislative business day to speak to the House without permission of the body. An objection was heard to the unanimous-consent request. . . .

MR. WEBER: Mr. Speaker, I ask unanimous consent that the gentleman from Nevada (Mr. Reid) be allowed to proceed.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Minnesota?

There was no objection.

§ 52.18 While a Member who is held to have breached the rules of decorum in debate is presumptively disabled from further recognition on that day, by tradition the Speaker's ruling and any necessary expungement of the Record are deemed sufficient sanction, and by custom the chastened Member is permitted to proceed in order (usually by unanimous consent).

See the proceedings of July 29, 1994, discussed in § 48.13, supra.

G. REFERENCES TO HOUSE, COMMITTEES, OR MEMBERS

§ 53. Criticism of House or Party

In order that free debate not be hindered in the deliberations of the House, Members are permitted to voice critical opinions of Congress, of the House, and of the political parties.[10] In this regard, a wider latitude is permitted Members today than in early Congresses.[11] However, critical opinions in debate of the House or of its membership may not extend to gross misstatements of motive[12] or to descriptions employing language objectionable in itself.[13]

Congress

§ 53.1 Statements that are critical of Congress will not be ruled out of order for that reason alone; thus, a statement in debate claiming that the campaign expenses of Members were paid by certain interests was held not to be a personal reflection on any Member of the House and to be in order.

On Mar. 16, 1939,[14] Mr. Francis D. Culkin, of New York, demanded that the following

10. See the statements of Speaker Sam Rayburn (Tex.), cited at §§ 53.2, 53.3, infra.

11. In early Congresses it was held not in order to cast reflections on the House or its membership present or past, 5 Hinds' Precedents §§ 5132–5138, 5161, 5162, and the Speaker would intervene on his own initiative to prevent objectionable references. 5 Hinds' Precedents §§ 5132, 5137, 5163. For a recent occasion of such intervention, see § 54.10, infra.

12. See § 53.3, infra.

13. See 5 Hinds' Precedents § 5135 ("damnable heresies").

14. 84 Cong. Rec. 2883, 2884, 76th Cong. 1st Sess.

words used in debate be taken down:

> Mr. Chairman, I will tell you what is behind all this. You need not camouflage it. The Power Trust that paid a lot of campaign expenses last year. That is what is behind it.

The Committee rose and the words objected to were reported to the House whereupon Speaker William B. Bankhead, of Alabama, ruled that since the language was not a personal reflection upon any individual Member of the House, the words did not violate the rules or proprieties of debate.

On Sept. 25, 1961,[15] Mr. Clare E. Hoffman, of Michigan, asked unanimous consent that at the conclusion of the business of the House he be permitted to proceed for five minutes on the topic "Is the Congress Mentally Ill?". Mr. Frank T. Bow, of Ohio, raised a parliamentary inquiry as to whether that was a proper subject for debate on the floor of the House, and Speaker Pro Tempore John W. McCormack, of Massachusetts, declined to rule in advance as to whether the speech would be unparliamentary.

Political Parties

§ 53.2 A statement in debate referring to "irresponsible actions by members of the President's own party" was held in order as not reflecting on the character of any House Member.

On Mar. 27, 1957,[16] Mr. B. F. Sisk, of California, delivered the following words in debate which were demanded to be taken down:

> I could not help but admire him [Mr. John E. Fogarty, of Rhode Island] for his courage and for his devotion to the American people to get up here time after time after time to defend the administration's budget against irresponsible actions by members of the President's own party.

Speaker Sam Rayburn, of Texas, ruled that the words were not unparliamentary since they did not reflect on the character of any House Member. The Speaker added that objections to words in debate could reach the point where a Member could not criticize, thereby restricting debate in the House.

§ 53.3 A statement in debate referring to members of the Republican Conference as avoiding an issue and describing lynching as a "proper means of justice" was held to be in violation of the rules of debate.

15. 107 Cong. Rec. 21466, 87th Cong. 1st Sess.

16. 103 Cong. Rec. 4557, 4558, 85th Cong. 1st Sess.

On July 26, 1951,[17] Mr. Joseph W. Martin, Jr., of Massachusetts, demanded that words used in debate by Mr. John J. Rooney, of New York, in reference to the Republican Conference be taken down. Speaker Sam Rayburn, of Texas, ruled as follows:

> The Chair in every instance of this kind has been most liberal with the Member who uttered the words objected to, because he has always thought that great liberality must be indulged in so that we may have free and full debate. On very few occasions has the present occupant of the chair held that remarks were a violation of the rules of the House.
>
> The Chair can hardly agree, however, that the words, applied to the meeting of the Republicans in caucus yesterday were quite proper.

Parliamentarian's Note: The words used, which were stricken from the Record, read as follows: "The way to handle the situation is to work up to it squarely, unashamedly, and straight forwardly, and not peek through keyholes, hide behind doors, and tremble at the first sign of opposition as you did yesterday [referring to the Republican Conference]; they are saying nothing less than lynching is a proper means of justice."

§ 53.4 It was not out of order to ask in debate whether it was a proper parliamentary inquiry to ask that a bill be printed in such a way that the Republicans could understand it.

On Mar. 31, 1938,[18] Mr. Clare E. Hoffman, of Michigan, demanded that the following words used in debate by Mr. Thomas F. Ford, of California, be taken down: "Mr. Chairman, is it a parliamentary inquiry then to ask that the bill be reprinted in words of one syllable so that the Republicans can understand it?"

Speaker William B. Bankhead, of Alabama, ruled that the language was not objectionable under the House rules.

§ 53.5 A statement in debate that a Member was leading the Republican party in a policy of opportunism was held not to transgress the rules of the House or reflect upon the integrity of Members and therefore to be in order.

On Feb. 8, 1941,[19] the following words used by Mr. John W. McCormack, of Massachusetts, in debate were demanded to be

17. 97 CONG. REC. 8969, 82d Cong. 1st Sess.

18. 83 CONG. REC. 4484, 4485, 75th Cong. 3d Sess.

19. 87 CONG. REC. 796, 77th Cong. 1st Sess.

taken down by Mr. Clare E. Hoffman, of Michigan:

> The gentleman from New York who was leading the Republican Party in the policy of opportunism that is being engaged in in connection with a bill serious to the fate of our country relating to our national defense.

The Committee of the Whole rose and the words were reported to the House, where Speaker Sam Rayburn, of Texas, ruled that the words did not reflect upon the integrity of any Members and were therefore not violative of the rules of the House.

§ 53.6 Reference in debate to the minority party as "having some motivation other than fully objective concern for the House in the timing of a resolution" and the assertion that the House could proceed with "greater dignity and honor" at another time, together with the disclaimer that the minority leader did not necessarily share that motivation, was held not to impugn the motives of any Member and to be parliamentary.

During consideration of House Resolution 578 (directing the Committee on Rules to make certain inquiries) on Feb. 13, 1980,[20] the following proceedings occurred in the House:

> MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I send to the desk a privileged resolution (H. Res. 578) and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:
>
> H. RES. 578
>
> *Resolved,* Whereas it was reported in the public press on February 9, 1980, that, "The House of Representatives this week lost a secret effort in court to obtain a ruling that congressmen do not have to respond to federal grand jury subpoenas for House records;" . . .
>
> *Therefore be it resolved,* That the Committee on Rules be instructed to inquire into the truth or falsity of the newspaper account and promptly report back to the House its findings and any recommendations thereon. . . .
>
> MR. BOLLING: . . . The gentleman from Missouri has not felt more strongly about a matter in a very long time than he does about this. . . . The gentleman from Missouri obviously has no difficulty with the content of the resolution and feels that he could in honor offer it. The gentleman from Missouri has a very, very strong feeling about the timing of the offering of this proposal by the minority, and the gentleman from Missouri has carefully differentiated between what he has said earlier about the minority leader and what he is now saying about the minority.
>
> I fear me, and I do not suspect the gentleman from Arizona of having this

20. 126 CONG. REC. 2768, 2769, 96th Cong. 2d Sess.

view, I fear me that there is some motivation other than fully objective concern for the House in the timing of the resolution, not in the content. And that is the reason that the gentleman from Missouri took the unusual course of offering the minority's proposition. He feels that it is appropriate for the House, through the Rules Committee initially, to look into this matter. But he thinks it might be done with greater dignity, and one might say with greater honor, if it were not done at this particular time of confusion. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I demand that the words of the gentleman from Missouri be taken down. . . .

If the record is read back by the Clerk, I believe the Chair will find that the gentleman from Missouri referred to the motivation behind the offering of this resolution at this time and referred to the minority leader and the members of the minority party. Subsequent to that the gentleman from Missouri referred to that motivation being dishonorable. I think this falls within the rules of the House that clearly say that a Member of the House cannot question the motivation of other Members of the House in their actions. The gentleman from Missouri did refer to the minority leader, and all of the Members of the minority and their motivation.

THE SPEAKER:[1] The Clerk will report the words. . . .

The gentleman from Missouri has referred in his remarks that he feels that it is appropriate for the House, through the Rules Committee, initially to look into this matter, and he thinks it might be done with greater dignity and, one might say, with greater honor if done by the committee or considered at another time.

The Chair, in its opinion, feels that he has not transgressed on the honor or the dignity of the minority party or the minority leader, and the point of order is not well taken.

The gentleman from Missouri.

MR. BAUMAN: Mr. Speaker, would the Chair address himself to the issue of motivation the gentleman from Missouri raised, as to whether that is a correct use of parliamentary language.

THE SPEAKER: In the opinion of the Chair the gentleman did not talk about or refer to the dishonor of any Member of the House, nor did he characterize the motives of any specific Member in an unparliamentary way.

The Chair repeats, the point of order is not well taken.

Stealing an Election

§ 53.7 In response to a parliamentary inquiry, the Chair indicated that it was not in order in debate to refer to an identifiable group of sitting Members as having committed a crime, such as "stealing" an election.

The prohibition in Rule XIV, clause 1,[2] against Members' engaging in "personality" during debate, applies to allegations that an identifiable group of sitting

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

2. See *House Rules and Manual* § 749 (1995).

Members have committed a crime. Such application of the rule is shown by the proceedings of Feb. 27, 1985,[3] in which a statement made by Mr. John Rowland, of Connecticut, as indicated below, concerning an allegedly "stolen" election, was the subject of a demand that the words be taken down:

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Speaker, I demand the gentleman's words be taken down in that he said "stolen."

THE CHAIRMAN: Words will be taken down.

THE SPEAKER PRO TEMPORE:[4] The Clerk will read the words taken down.

The Clerk read as follows:

> The scary thing about it, as a person who served in the legislature for 4 years, and as a person who happens to be sitting as the youngest Member of Congress, I find it difficult that the first situation that we run into in this House, the first class project, as we may call it, is trying to retain a seat that has been stolen from the Republican side of the aisle, and I think it is rather frustrating.

THE SPEAKER PRO TEMPORE: Would the gentleman care to modify his remarks before the Chair rules?

MR. ROWLAND of Connecticut: Yes, I would, Mr. Speaker.

THE SPEAKER PRO TEMPORE: In what way does the gentleman care to modify?

MR. ROWLAND of Connecticut: I would like to ask unanimous consent that the words objected to be withdrawn. . . .

The word "stolen," Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Connecticut?

There was no objection. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Georgia is recognized.

MR. [NEWT] GINGRICH [of Georgia]: I would yield in just a moment, after asking the Chair if in fact Members were convinced an action were being taken which involved a word which was ruled by the Chair to be inappropriate, how could a Member report to the House on that action? Should we substitute the word "banana"? What is it one should say if in fact—not just as a joke, but if in fact—Members of the Republican side honestly believed strongly something is being done? In other words, is "unconstitutional" an acceptable term but "illegal" not acceptable? . . .

THE SPEAKER PRO TEMPORE: Simply put, Members should not accuse other Members of committing a crime. When the majority is accused of "stealing," that may suggest illegality. Other words could be used but not those accusing Members of committing a crime.

MR. GINGRICH: What if one honestly believes, for a moment, that a crime is being committed? Would it in fact be against the rules——

THE SPEAKER PRO TEMPORE: Members may not engage in personalities.

MR. GINGRICH: But he did not talk in personalities.

MR. ROWLAND of Connecticut: Mr. Speaker, will the gentleman yield?

MR. GINGRICH: I will be glad to yield to the gentleman.

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3. 131 CONG. REC. 3898, 3899, 99th Cong. 1st Sess.

4. Tommy F. Robinson (Ark.).

MR. ROWLAND of Connecticut: I thank the gentleman for yielding.

Mr. Speaker, I would simply point out that I did not refer to anybody stealing an election. I just referred to the frustration that we as freshmen are exhibiting and fearing as we go through the deliberations. I did not refer to anybody.

THE SPEAKER PRO TEMPORE: The gentleman seemed to refer to the majority of the House, that it had stolen the election.

§ 54. Criticism of Committees or Their Members

Although a Member may generally criticize the action or inaction of a House committee or subcommittee or a member thereof,[5] he may not impugn the motives or honesty of committee members[6] such as charging that a committee proceeding is motivated by a desire to violate House rules in order to defame a witness.[7]

Particular Allegations; Abuse of Committee Power

§ 54.1 Although improper charges of unlawful committee activity have been stricken from the Record, a Member in debate may generally criticize the actions of a committee, as by alleging an abuse of its powers.

On Jan. 17, 1949,[8] Mr. Clare E. Hoffman, of Michigan, objected to the following language used in debate by Mr. Chet Holifield, of California, in reference to a House committee: "The gentleman from California [Mr. Havenner] has been the victim of the abusive, vicious, and irresponsible use of the power of a congressional committee twice."

Speaker Sam Rayburn, of Texas, ruled as follows:

> The Chair thinks that the gentleman would be going quite far afield if he said a Member of the House would not have the right to criticize the actions of a committee of the House. The gentleman from California will proceed in order.

On June 24, 1958,[9] during a discussion on the floor of the House about the proceedings in a subcommittee hearing, allegations were made that the subcommittee was deliberately trying to defame certain individuals. The precise words (which do not appear in the Record) were: "There is no question but that this procedure is the

5. See §§ 54.6, 54.8, 54.13, infra.
6. See §§ 54.1–54.5, infra.
7. See §§ 54.1 et seq., infra.
8. 95 CONG. REC. 428, 429, 81st Cong. 1st Sess.
9. 104 CONG. REC. 12120, 85th Cong. 2d Sess.

very thing that the House sought to forbid in Rule XI, paragraph m. and o. [now Rule XI, clause 2(k)]. Indeed the purpose of the tactics of the subcommittee on this measure demonstrate that its real purpose was to use the forum of the subcommittee to defame and degrade a person."

The words were objected to and taken down; and Speaker Rayburn held the words unparliamentary, stating:

> The Chair thinks it is very clear that this is a reflection on a committee of the House of a very serious type and, therefore, holds that the language is not parliamentary.

The words were expunged by unanimous consent from the *Congressional Record*.

§ 54.2 A statement in debate charging an investigative committee with "unlawful prying" was held unparliamentary and on motion stricken from the Record.

On Apr. 16, 1946,[10] the following words by Mr. Herman P. Kopplemann, of Connecticut, in relation to the Committee on Un-American Activities were objected to and ordered taken down:

> This would mean that all of our institutions up to and including our churches would be exposed to the unlawful prying of a committee.

Speaker Sam Rayburn, of Texas, ruled as follows:

> The Chair does not want it to be understood that he is ever going to hold out of order proper words that express the opinion of a Member of the House of Representatives.
>
> Two words, especially one in this statement, are very strong words. . . .
>
> The Chair holds that the words "unlawful prying" attributed to a committee of the House are improper words and therefore unparliamentary.

The words were then on motion stricken from the *Congressional Record*.

External Influence

§ 54.3 A statement by a Member that certain fascist organizations exercised extensive influence on a special House committee was held to impugn the motives and actions of a committee and of the individual members and was ruled a breach of order.

On Feb. 11, 1941, during consideration of House Resolution 90 to continue investigation by a special committee [the Dies Committee] on un-American activities, Mr. Samuel Dickstein, of New York, asked and was given permission to revise and extend his remarks.[11]

10. 92 Cong. Rec. 3761, 79th Cong. 2d Sess.

11. 87 Cong. Rec. 894, 77th Cong. 1st Sess.

Mr. John E. Rankin, of Mississippi, interrupted Mr. Dickstein's remarks and demanded that the following words be taken down as a violation of the rules of the House:

> I also charge, Mr. Speaker, that 110 Fascist organizations in this country had the back key, and have now the back key to the back door of the Dies committee.

Speaker Sam Rayburn, of Texas, ruled that the language noted "certainly impugns the motives and actions of a committee and the individual members thereof." The House then expunged Mr. Dickstein's entire speech from the *Congressional Record*.

Charges Reflecting on Integrity; Falsehood

§ 54.4 Language in a telegram read in debate in the House which repudiated "lies and half-truths" of a House committee report was held out of order as reflecting on the integrity of committee members.

On June 16, 1947,[12] Mr. Chet Holifield, of California, read in the House a telegram from the Southern Conference for Human Welfare. Mr. John E. Rankin, of Mississippi, made a point of order against certain words in the telegram and demanded that they be taken down: "We completely repudiate the lies and half-truths of the report that was issued and consider it un-American" (in reference to a report of the Committee on Un-American Activities).

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words objected to were unparliamentary, since they "reflect upon the character and integrity of the membership of a committee." The words were stricken by motion from the *Congressional Record*.

§ 54.5 A statement in debate in reference to a House committee "I cannot respect the actions or even the sincerity of some of the committee members" was ruled out of order.

On June 26, 1946,[13] Mr. John E. Rankin, of Mississippi, demanded that the following words used by Mr. Donald L. O'Toole, of New York, in reference to a House committee be taken down: "I cannot respect the actions or even the sincerity of some of the committee members." Speaker Sam Rayburn, of Texas, ruled that the words ob-

12. 93 CONG. REC. 7065, 80th Cong. 1st Sess.

13. 92 CONG. REC. 7596, 79th Cong. 2d Sess.

jected to were clearly offending remarks and improperly used in debate.

The objectionable words were stricken by motion from the Record.

Committee Inaction

§ 54.6 An editorial read by a Member charging a committee with "pigeon-holing" certain legislation was held in order as not reflecting on the personal conduct of any Member but rather criticizing committee procedure.

On May 6, 1940,[14] Mr. C. Arthur Anderson, of Missouri, quoted the following language from a newspaper editorial:

> Unadulterated, self-seeking politics cast the vote that pigeon-holed the supplementary Hatch measure in the House Judiciary Committee Wednesday. Election-year jitters had solons by the napes of their necks. Rather than risk crippling State machines they chose to sink a harpoon into this excellent Government reform.

Objection was made to the language by Mr. Clare E. Hoffman, of Michigan, and the words were taken down. Speaker Pro Tempore Jere Cooper, of Tennessee, ruled that the "words reported do not go to the personal conduct of any Member of the House and are rather a criticism of procedure that may have been employed. Therefore the point of order is overruled."

§ 54.7 A statement by a Member in debate that "somebody is going to have the idea that the action of that committee was more or less pusillanimous" was held in order.

On May 31, 1939,[15] Mr. Sam C. Massingale, of Oklahoma, in discussing a general welfare bill stated of the Committee on Ways and Means "somebody is going to have the idea that the action of that committee was more or less pusillanimous, because that committee . . . has done nothing." Mr. Clare E. Hoffman, of Michigan, raised a point of order against Mr. Massingale and asked that the allegedly objectionable words be taken down. The Committee of the Whole rose and the words were reported to the House, but Speaker William B. Bankhead, of Alabama, ruled that he could find nothing objectionable in the words reported.

§ 54.8 A statement in debate accusing a committee of dereliction was held not to violate the rules of the House.

14. 86 Cong. Rec. 5628, 76th Cong. 3d Sess.

15. 84 Cong. Rec. 6445, 76th Cong. 1st Sess.

On Mar. 7, 1942,[16] Mr. Vito Marcantonio, of New York, stated "since the gentleman from Texas raised the question here of dereliction of duty, I say that dereliction in this manner rests at the doorstep of his committee."

A point of order was made and the words were taken down. Speaker Sam Rayburn, of Texas, ruled as follows:

> The Chair thinks that if he were to hold upon as fine a point as that, at some time free debate in the House of Representatives might cease. The Chair holds that the language does not violate the rules of the House.

§ 54.9 A statement in debate, "When this committee investigates the recent wave of policy lynch murder in Mississippi" was held in order.

On Mar. 9, 1948,[17] the following words in debate, referring to the Committee on Un-American Activities, were objected to by Mr. John E. Rankin, of Mississippi, and demanded taken down: "When this committee investigates the recent wave of policy lynch murder in Mississippi, in the area of Jackson, and in the capital itself—"

Mr. Rankin based his point of order on the fact that the Member speaking was accusing Mr. Rankin's home state of an act of murder. Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words were not unparliamentary and that the Member speaking was merely expressing his opinion.

"Packing" a Committee

§ 54.10 A statement referring to the "painless method of packing the Rules Committee" received the disapproval of the Speaker (against whom the allegation was directed) but the House adjourned before a decision was reached on the question.

On Jan. 12, 1961,[18] Speaker Sam Rayburn, of Texas, on his own initiative called Mr. H. R. Gross, of Iowa, to order for referring in debate to the "so-called painless method of packing the Rules Committee."

Impugning Motives

§ 54.11 A reference in debate to the Committee on Un-American Activities as "the Un-American Committee" was held out of order.

16. 88 Cong. Rec. 2056, 77th Cong. 2d Sess.

17. 94 Cong. Rec. 2408, 80th Cong. 2d Sess.

18. 107 Cong. Rec. 650, 87th Cong. 1st Sess.

On June 12, 1947,[19] Mr. John E. Rankin, of Mississippi, demanded the taking down of the reference by Mr. Chet Holifield, of California, in debate to the Committee on Un-American Activities as the "Un-American Committee."

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the reference impugned the motives of the committee in question and were used in debate in violation of the rules of the House.

§ 54.12 The asking of the question "Did the gentleman's committee also find paid agents of Hitler on the congressional payroll?" was held not in violation of House rules.

On Mar. 31, 1943,[20] the following question by Mr. Howard J. McMurray, of Wisconsin, in debate was ordered taken down as a violation of the rules of the House:

> Did the gentleman's committee also find paid agents of Hitler on the congressional payroll?

Speaker Pro Tempore William M. Whittington, of Mississippi, ruled as follows:

> The gentleman from Wisconsin asked a question. The mere asking of the question propounded by the gentleman from Wisconsin is not in violation of any rule of the House so far as the Chair has been advised.

§ 54.13 It is not a personality to characterize as "badgering" a colleague's questioning of a witness in a committee hearing.

On July 29, 1994,[1] the Chair, while ruling that words objected to were not unparliamentary, ruled that a Member's subsequent behavior was a breach of decorum:

> MS. [MAXINE] WATERS [of California]: Madam Speaker, last evening a Member of this House, Peter King, had to be gaveled out of order at the Whitewater hearings of the Banking Committee. He had to be gaveled out of order because he badgered a woman who was a witness from the White House, Maggie Williams. I am pleased I was able to come to her defense. Madam Speaker, the day is over when men can badger and intimidate women.
>
> MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Madam Speaker, I demand the gentlewoman's words be taken down. . . .
>
> THE SPEAKER:[2] The Clerk will report the words. . . .
>
> While in the opinion of the Chair the word "badgering" is not in itself unparliamentary, the Chair believes that the demeanor of the gentlewoman from

19. 93 CONG. REC. 6895, 6896, 80th Cong. 1st Sess.
20. 89 CONG. REC. 2787, 2788, 78th Cong. 1st Sess.

1. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.
2. Thomas S. Foley (Wash.).

California was not in good order in the subsequent period immediately following those words having been uttered.

Accordingly, the Chair rules that without leave of the House, the gentlewoman from California may not proceed for the rest of today.

§ 55. References to Unreported Committee Proceedings; Discussion of Ethics Committee Deliberations

Under parliamentary law and under the practice of the House, it has been held a breach of order in debate to refer to committee proceedings which have not been formally reported to the House.[3] Under the more modern practice, where committee meetings and hearings are open to the public, the rationale for not permitting floor discussion of committee proceedings is tenuous. However, it is still true that the minutes of executive committee sessions may not be read, quoted from, or paraphrased in debate, unless the committee has voted to make the minutes public.[4]

A point of order must be made, however, and the Speaker does not on his own initiative call a Member to order for violating the rule.[5]

Clause 4(e)(2)(F) of Rule X requires a vote of the Committee on Standards of Official Conduct to authorize the public disclosure of the content of a complaint or the fact of its filing. That rule applies only to members of that committee and its staff; however, references in floor debate to the content of a complaint or the fact of its filing are nevertheless governed by the rules of order in debate. Unlike the calling up of a resolution of censure, the filing of a complaint does not embark the House on consideration of a proposition to which such references would be relevant. That a complaint may be pending in its own right rather than only as the assertion of a Member in debate does not legitimize reference even to the mere fact of its pendency much less to its content.[6]

Where the House has under consideration a resolution involving the conduct of a Member, a wider range of debate is permitted. In the context of a specific legislative proposal involving censure, reprimand, or expulsion, or a proposal advocating an investigation of misconduct, the facts

3. See Jefferson's Manual, *House Rules and Manual* §§ 319, 360 (1995).

4. See §§ 55.2–55.4, infra.

5. See § 55.4, infra.

6. See §§ 55.8 and 55.9, infra.

surrounding the resolution may be discussed, but even in these situations debate personally offensive has not been permitted.

References Prohibited

§ 55.1 Where improper references are made to committee proceedings not yet reported to the House, the remedy is to lodge a point of order against the reference.

On Feb. 7, 1935,[7] Mr. Sam D. McReynolds, of Tennessee, was discussing the manner in which the Committee on Appropriations, of which he was a member, had voted on H.R. 5255, an appropriations bill, then before the Committee of the Whole. Mr. Hamilton Fish, Jr., of New York, arose to make the point of order that Mr. McReynolds was speaking out of order in stating how a member of his committee voted, where the committee proceedings were not formally reported to the House. Chairman William N. Rogers, of New Hampshire, sustained the point of order.

Mr. McReynolds then raised a parliamentary inquiry:

> Mr. Chairman, when a member of a committee appears before this House and undertakes to state how he or she voted and says that the chairman of the committee misrepresented the matter, would the present occupant of the chair hold that the chairman of the committee could not say what the records show?
>
> THE CHAIRMAN: As the Chair understands it, the action to be taken is to make a point of order against the statement being made originally. This is the Chair's understanding of the rules.

§ 55.2 If a committee has not voted to make the proceedings of an executive session public, it is not in order in debate to read or quote from the minutes thereof.

On Apr. 5, 1967,[8] during debate on a resolution funding the Committee on Science and Astronautics, Mr. Joe D. Waggonner, Jr., of Louisiana, a member of the committee, began referring to proceedings of the committee and quoting dialogue from a session thereof. Mr. John W. Wydler, of New York, whose words were being quoted, stated a point of order that quotation in debate of minutes of an executive committee session was improper.

Speaker John W. McCormack, of Massachusetts, ruled as follows:

> The Chair would like to inquire of either the gentleman from Louisiana or

7. 79 CONG. REC. 1690, 74th Cong. 1st Sess.

8. 113 CONG. REC. 8411, 8412, 90th Cong. 1st Sess.

the gentleman from Texas whether the gentleman from Louisiana is reading from the executive session record? . . .

MR. [OLIN E.] TEAGUE of Texas: Mr. Speaker, it is my remembrance that what he is quoting was what took place at an executive session.

THE SPEAKER: The Chair would like to make the further inquiry as to whether or not the members in the executive session voted to make public what took place in the executive session?

MR. TEAGUE of Texas: It is my memory that we did not vote on that and it was not discussed.

THE SPEAKER: The Chair would suggest to the gentleman from Louisiana that he refrain from referring to what took place in the executive session.

Similarly, on Apr. 25, 1930,[9] when Mr. S. Wallace Dempsey, of New York, attempted to read from the minutes of his committee on a certain bill, Chairman William P. Holaday, of Illinois, sustained a point of order that Mr. Dempsey was out of order in bringing to the House floor the minutes of his committee and reading from them.[10]

Paraphrase of Minutes

§ 55.3 It is not in order in debate to paraphrase the minutes of the executive proceedings of a committee.

On June 26, 1961,[11] Mr. Bruce R. Alger, of Texas, stated that he had an exhibit consisting of the transcript of the record of the Committee on Public Works in executive session. He stated that since reading the transcript would be a violation of the House rules, he intended to paraphrase it. A point of order was made that the paraphrasing of a transcript of an executive session as well as the reading of it was prohibited by House rules. Speaker Pro Tempore Wilbur D. Mills, of Arkansas, sustained the point of order.[12]

Necessity of Point of Order

§ 55.4 While a Member may by unanimous consent divulge matters which occurred in a committee which have not been reported to the House, the Chair will not interpose restrictions on such remarks absent a point of order.

On July 28, 1939,[13] Mr. Matthew A. Dunn, of Pennsylvania,

9. 72 CONG. REC. 7773, 71st Cong. 2d Sess.

10. See also 104 CONG. REC. 12120–22, 85th Cong. 2d Sess., June 24, 1958; and 72 CONG. REC. 8931, 71st Cong. 2d Sess., May 14, 1930.

11. 107 CONG. REC. 11233, 87th Cong. 1st Sess.

12. See also 113 CONG. REC. 8411, 8412, 90th Cong. 1st Sess., Apr. 5, 1967; and 86 CONG. REC. 954, 76th Cong. 3d Sess., Feb. 1, 1940.

13. 84 CONG. REC. 10352, 76th Cong. 1st Sess.

was granted unanimous consent to proceed for an additional minute. He proceeded to divulge matters which occurred on the previous day in the Committee on Labor, of which he was a member. Mr. Joseph W. Martin, Jr., of Massachusetts, made a point of order that Mr. Dunn could not divulge such matters. Speaker William B. Bankhead, of Alabama, sustained the point of order, although Mr. Dunn objected that the Member speaking before him had similarly divulged matters occurring in a committee whose proceedings were not formerly reported to the House. The Speaker ruled as follows:

> The gentleman from Pennsylvania [Mr. Gross] did divulge matters which occurred before the committee, but no point of order was made, and, therefore, the Chair could not act on his own motion.[14]

Reliance on Statement of Speaking Member

§ 55.5 The Chair may rely on the statement of a Member that he is not quoting the proceedings of an executive session of a House committee.

On Feb. 1, 1940,[15] a point of order was made against the remarks of Mr. Frank B. Keefe, of Wisconsin, on the grounds that he was quoting testimony taken before an executive meeting of a House committee. The following exchange then took place:

> THE SPEAKER PRO TEMPORE:[16] If the gentleman from Wisconsin purports to discuss the executive proceedings of a committee it will not be in order.
>
> MR. KEEFE: I am not discussing the executive proceedings.
>
> THE SPEAKER PRO TEMPORE: But if he is just quoting on his own responsibility——
>
> MR. [FRANK E.] HOOK [of Michigan]: He has referred to the testimony.
>
> MR. KEEFE: I am quoting on my own responsibility.
>
> THE SPEAKER PRO TEMPORE: Does the gentleman purport to quote the proceedings of a committee in executive session?
>
> MR. KEEFE: No.
>
> THE SPEAKER PRO TEMPORE: If that is what the gentleman undertakes to do, the point of order will be sustained.
>
> MR. HOOK: Mr. Speaker, a point of order. I will have to ask, then, that the remarks, if any, referring to the testimony taken in the executive meeting be stricken.
>
> THE SPEAKER PRO TEMPORE: All the Chair knows is that the gentleman says he is not purporting to quote the proceedings of an executive session of a committee of this House. If that be true, the point of order is overruled.

Reference to Committee Action Permitted

§ 55.6 Where a Member introduced a resolution providing

14. See also the statement of Chairman William N. Rogers (N.H.) cited at § 55.1, supra.

15. 86 CONG. REC. 954, 76th Cong. 3d Sess.

16. R. Ewing Thomason (Tex.).

for an inquiry into the actions of a House subcommittee, another Member was permitted to refer to subcommittee proceedings to justify his point of order that the resolution was not privileged.

On June 30, 1958,[17] House Resolution 610, establishing a special committee to inquire into proceedings of the Subcommittee on Legislative Oversight of the Committee on Interstate and Foreign Commerce, was introduced in the House; the resolution alleged that the subcommittee had allowed the dissemination of defamatory testimony in violation of House rules.

Mr. Oren Harris, of Arkansas, made a point of order against the resolution, on the ground that it was not privileged. He referred to the proceedings of the subcommittee, in executive session, to justify his point of order.

Mr. Timothy P. Sheehan, of Illinois, arose to object to Mr. Harris' reference under the principle that a Member could not in debate refer to executive proceedings of committees and subcommittees. Speaker Sam Rayburn, of Texas, ruled as follows:

> . . . [H]ere is a question of privilege of the House being raised by the gentleman from Missouri [Mr. Curtis], and in order for the gentleman from Arkansas [Mr. Harris] to justify his point of order, he has got to discuss these matters. And, they are in the printed record.

§ 55.7 Where a question of House privilege involving the procedure of a conference committee is stated in debate, it is in order to state what occurred in the committee session but not in order to refer in a critical way to a named Senate conferee.

On July 29, 1935,[18] where a point of order was made against a Member who was discussing a question of privilege of the House involving the procedure of a conference committee, Speaker Joseph W. Byrns, of Tennessee, ruled that the Member could state what occurred in the conference committee but could not refer to or criticize a member of the Senate by name.

References to Matters Pending Before Committee on Standards of Official Conduct

§ 55.8 The Chair cautioned all Members to refrain from references in debate to the offi-

17. 104 Cong. Rec. 12690, 12691, 85th Cong. 2d Sess.

18. 79 Cong. Rec. 12011, 74th Cong. 1st Sess.

cial conduct of other Members where the Committee on Standards of Official Conduct had not filed a report on the conduct of a particular Member or where that Member's conduct was not the subject of a question of the privilege of the House then pending before the House, and similarly not to refer to the motivations of Members who may have filed complaints before that committee.

On June 14, 1988,[19] several one-minute speeches contained references to charges made by a Member against the Speaker:

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, every Member of the House should be offended by a June 10 letter sent to Members by the Democratic Congressional Campaign Committee. That letter says, "You were apparently duped by Newt." It goes on to suggest, "It has become obvious his actions are generated by self-serving partisan political motives."

That letter from the Democratic Congressional Campaign Committee insults the Committee on Ethics which voted unanimously to investigate the Speaker. It insults Common Cause, the Wall Street Journal, the Washington Post, the New York Times, and 35 other newspapers which have called for an investigation.

Frankly, this House is rapidly dividing up between those who favor openness, honesty and ethics and those who delay, obscure and defend unethical behavior.

The Democratic Congressional Campaign Committee has apparently chosen to cover up rather than clean up. . . .

MR. [WILLIAM M.] THOMAS of California: Mr. Speaker, I really do not understand what all the controversy is over the book, if we were talking about the book itself, the book, of course, being "Reflections of a Public Man." It only costs $6. I mean, what can one buy for $6 today? Not much. That is what it is—not much. . . .

The question is not over the book. It is over the procedures involved with the book. On that point, I totally agree with the Washington Post editorial this morning that said that if the procedures surrounding the book are not against the rules of the House of Representatives, then we ought to change the rules. . . .

MR. [MERVYN M.] DYMALLY [of California]: Mr. Speaker, I believe it was last Friday that the New York Times carried a story on the so-called Gingrich charges against the Speaker. In that article the gentleman from Georgia (Mr. Gingrich) openly admits that some of the charges were not founded, but he "just threw them in there for curiosity," recognizing very well that it would make partisan news. . . .

The politics involved in these charges, in my judgment, are shameful.

On June 15, 1988,[20] Speaker Pro Tempore Thomas S. Foley, of

19. 134 CONG. REC. 14317, 14318, 100th Cong. 2d Sess.

20. 134 CONG. REC. 14623, 100th Cong. 2d Sess.

Washington, made the following announcement:

> THE SPEAKER PRO TEMPORE: Before the Chair recognizes the distinguished gentleman from Kentucky, the Chair has an announcement.
>
> The Chair wishes to announce that clause 1 of rule XIV prevents Members in debate from engaging in "personalities." Clause 4 of that rule provides that if any Member transgress the rules of the House, the Speaker shall, or any Member may, call him to order.
>
> Members may recall that on December 18, 1987, the Chair enunciated the standard that debate would not be proper if it attempted to focus on the conduct of a Member about whom a report had not been filed by the Committee on Standards of Official Conduct or whose conduct was not the subject of a privileged matter then pending before the House. Similarly, the Chair would suggest that debate is not proper which speculates as to the motivations of a Member who may have filed a complaint before the Committee on Standards of Official Conduct against another Member.
>
> Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

Parliamentarian's Note: A complaint against the conduct of the Speaker should be presented directly for the action of the House and not by way of debate on other matters. On one occasion, Speaker Thomas B. Reed, of Maine, in sustaining a call to order, stated that criticism of past conduct of the Chair is out of order, not because the Chair is above criticism but because such piecemeal criticism is not conducive to the good order of the House.[1] Indeed, an insult to the Speaker has been held to raise a question of privilege not governed by the ordinary rule that disorderly words, to be actionable, need be taken down as soon as uttered.[2]

§ 55.9 Reference should not be made in debate to pending investigations undertaken by the Committee on Standards of Official Conduct, including suggestions of courses of action, nor should critical characterizations be made of members of that committee who have investigated a Member's conduct.

On Mar. 3, 1995,[3] the Chair responded to inquiries made about the propriety of remarks made by a Member with reference to certain investigations:

> MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, last year Members

1. 5 Hinds' Precedents § 5188.
2. 2 Hinds' Precedents § 1248.
3. 141 CONG. REC. p. ____, 104th Cong. 1st Sess. See also the proceedings of Apr. 1, 1992 (138 CONG. REC. p. ____, 102d Cong. 2d Sess.).

of the present majority complained about the investigation by Special Counsel Robert Fiske. They claimed that Fiske was a friend of the White House and that his investigation of Whitewater was not going far enough.

I ask the Members of the House to consider these facts. The current chairman of the House Ethics Committee cast the deciding vote for the Speaker in the 1989 whip's race. The chairman of the Ethics Committee seconded the nomination for Speaker this year. The chairman of our Ethics Committee last year tried to help our current Speaker by closing the pending Ethics Committee complaint against him.

Two other majority members of the House Ethics Committee have had personal dealings with the personal PAC of the Speaker, GOPAC, one of them as a contributor, and another as a recipient for his reelection.

Given these facts, I am sure those who call for a replacement of Special Counsel Fiske will now join me in calling for a special counsel to investigate the allegations against Speaker Gingrich, and it should not take 100 days.

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

THE SPEAKER PRO TEMPORE:[4] The gentleman will state his parliamentary inquiry.

MR. WALKER: Mr. Speaker, was not the entire speech of the gentleman from Missouri [Mr. Volkmer], just a moment ago, out of order, because it was a direct reference to Members of this body? . . .

THE SPEAKER PRO TEMPORE: Members should not refer to pending Standards Committee investigations.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Beyond the pending ethics investigation, he also may have had personal references to the chairman of the Ethics Committee. Is that also not out of order?

THE SPEAKER PRO TEMPORE: Members should not so refer to the Standards Committee or any Members thereof.

MR. WALKER: A further parliamentary inquiry, Mr. Speaker. My understanding is that what the gentleman has just done in the House was a speech which was entirely out of order before the body; is that correct?

THE SPEAKER PRO TEMPORE: The Chair is responding in a general way to the proper debate in the House with respect to ethics investigations.

MR. WALKER: I thank the Chair.

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

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

MR. VOLKMER: Is the Chair ruling that it is improper for any Member to request a special counsel in an investigation being conducted by the Ethics Committee, which action has not been taken by the Ethics Committee?

THE SPEAKER PRO TEMPORE: Members should not refer to pending Standards Committee investigations, or suggest courses of action within that committee.

MR. VOLKMER: I thank the Chair.

4. John T. Doolittle (Calif.).

§ 56. Form of Reference to Members

In delivering remarks on the floor, Members must refer to other Members—not by name or by personal pronoun—but by the third-person form, "the gentleman/gentlewoman from _____ [state]".[5]

Form; References to Members by Name

§ 56.1 Reference in debate to another Member by name is not in order and Members must be referred to as "the gentleman from" or "the gentlewoman from" a certain state.

On Feb. 27, 1946,[6] Speaker Sam Rayburn, of Texas, ruled in answer to a parliamentary inquiry that in referring to another Member in debate Members should "refer to the gentleman from a certain state or the gentlewoman from a certain state."

The Speaker has so ruled on numerous occasions,[7] and the Speaker or the Chairman of the Committee of the Whole may on his own initiative call a Member to order for violating the rule,[8] although the Presiding Officer normally waits for a point of order on the subject.[9]

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5. See Rule XIV clause 1, *House Rules and Manual* § 749 (1995). Parliamentary law as to the form of reference to Members is contained in Jefferson's Manual, *House Rules and Manual* §§ 354, 361 (1995). See also 5 Hinds' Precedents §§ 5131, 5140–5146; and 8 Cannon's Precedents §§ 2526, 2536.

6. 92 CONG. REC. 1726, 79th Cong. 2d Sess.

7. See, for example, 103 CONG. REC. 4813, 85th Cong. 1st Sess., Mar. 29, 1957; 86 CONG. REC. 13477, 76th Cong. 3d Sess., Oct. 9, 1940; 81 CONG. REC. 2846, 75th Cong. 1st Sess., Mar. 29, 1937; 80 CONG. REC. 5075, 5076, 74th Cong. 2d Sess., Apr. 7, 1936; 80 CONG. REC. 3577, 74th Cong. 2d Sess., Mar. 11, 1936; and 80 CONG. REC. 3286, 74th Cong. 2d Sess., Mar. 4, 1936.

On Mar. 21, 1938 [83 CONG. REC. 3768, 3769, 75th Cong. 3d Sess.], while the House was discussing the proper form of reference to Members, Mr. Fritz G. Lanham (Tex.), inquired whether it would be proper to mention the name of a Member in debate in order to differentiate between two Members from the same state who had addressed themselves to the same proposition. Speaker William B. Bankhead (Ala.), in discussing that inquiry and several others, stated that a Member could not be referred to by name in debate.

8. See, for example, 103 CONG. REC. 4813, 85th Cong. 1st Sess., Mar. 29, 1957; and 80 CONG. REC. 3577, 74th Cong. 2d Sess., Mar. 11, 1936 (comment of Speaker Joseph W. Byrns [Tenn.]).

9. See, for example, 103 CONG. REC. 4813, 85th Cong. 1st Sess., Mar. 29,

§ 56.2 It is not in order in debate to address remarks to an individual Member in his seat by use of the personal pronoun "you."

On Apr. 7, 1936,[10] Mr. Marion A. Zioncheck, of Washington, was challenging the revision of his remarks by Mr. Thomas L. Blanton, of Texas, in the *Congressional Record*. In the course of challenging Mr. Blanton, Mr. Zioncheck interrogated him and repeatedly addressed Mr. Blanton as "you." "Did you write this in or did you not? Did you or did you not?" Mr. John J. O'Connor, of New York, arose to make the point of order that the person who has the floor and who is addressing the House has no right to address a Member in his seat. Speaker Joseph W. Byrns, of Tennessee, sustained the point of order and stated that "the Member who is speaking does not have the right to address his remarks to any individual Member in his seat."[11]

§ 56.3 A Member in debate may not refer to another by name even though he preface it by referring to him as "the gentleman from . . ."

On June 7, 1933,[12] Mr. Bertrand H. Snell, of New York, made the point of order that Mr. Thomas L. Blanton, of Texas, was referring to him by name. Speaker Henry T. Rainey, of Illinois, sustained the point of order, ruling that Mr. Blanton could not refer to Mr. Snell by name even if he used the form "the gentleman from New York, Mr. Snell."

§ 56.4 A statement in debate using a word which was also the name of a Member was held not to be a breach of the rule requiring Members to address colleagues in the third person where the Member speaking assured the Speaker that he was not referring to a Member of the House.

On Oct. 9, 1940,[13] Mr. Sol Bloom, of New York, objected to the alleged use by Mr. John C. Schafer, of Wisconsin, of Mr.

1957 (remarks of Mr. Clare E. Hoffman [Mich.]); and 81 CONG. REC. 2846, 75th Cong. 1st Sess., Mar. 29, 1937.

10. 80 CONG. REC. 5075, 5076, 74th Cong. 2d Sess.

11. For other occasions where it has been held out of order to address a Member as "you," see 91 CONG. REC. 9515, 79th Cong. 1st Sess., Oct. 10, 1945; and 80 CONG. REC. 3286, 74th Cong. 2d Sess., Mar. 4, 1936.

12. 77 CONG. REC. 5206, 5207, 73d Cong. 1st Sess.

13. 86 CONG. REC. 13477, 76th Cong. 3d Sess.

Bloom's name in debate rather than referring to him as the gentleman from New York. Speaker Sam Rayburn, of Texas, ruled, on the assurance of Mr. Schafer he was not referring to his colleague Mr. Bloom, that he was not speaking out of order.

§ 56.5 In referring to another Member in debate the proper reference is "the gentleman from 'the state from which he comes'" and not "the Jewish gentleman from New York."

On Oct. 24, 1945,[14] Mr. John E. Rankin, of Mississippi, in debate referred to Mr. Emanuel Celler, of New York, as "the Jewish gentleman from New York." The words were demanded to be taken down by Mr. Celler, and Speaker Sam Rayburn, of Texas, ruled as follows:

> If the gentleman will allow the Chair, there is one way to refer to a Member of the House of Representatives and that is, "the gentleman from" the State from which he comes. Any other appellation is a violation of the rules.

The Speaker then ruled that Mr. Rankin could refer to Mr. Celler as a member of a minority group without violating House rules.

§ 56.6 Where a Member referred in debate to a Member as "another guy," a question of personal privilege was stated, the reference was stricken from the Record, and the phrase "the gentleman from Massachusetts" substituted therefor.

On Aug. 4, 1970,[15] Mr. Page H. Belcher, of Oklahoma, referred to Mr. Silvio O. Conte, of Massachusetts, in debate as "another guy" who was "horning in on the act" in relation to a certain measure before the House. Rather than demand that the words be taken down, Mr. Conte rose to a point of personal privilege and requested a definition from Mr. Belcher of "another guy" and "horning in." After some discussion, Mr. Thomas G. Abernethy, of Mississippi, stated the point of order that the proper procedure was to take the words down and have a ruling by the Chair on whether they were in order. Speaker Pro Tempore Edward P. Boland, of Massachusetts, ruled that the point of order came too late and entertained a unanimous-consent request that the words "another guy" used by Mr. Belcher be stricken from the

14. 91 Cong. Rec. 10032, 79th Cong. 1st Sess.

15. 116 Cong. Rec. 27130, 91st Cong. 2d Sess.

Record and be replaced by "the gentleman from Massachusetts."

Responding to a "Colleague"

§ 56.7 The Speaker advised a Member as to the use of the term "colleague" in replying to the question of a Member.

On Mar. 1, 1940,[16] Speaker William B. Bankhead, of Alabama, ruled that certain words used in debate by Mr. Clare E. Hoffman, of Michigan, in relation to Mr. Frank E. Hook, of Michigan, were out of order, being directed to personality. Mr. Hoffman stated that he had been attempting to reply to a question of Mr. Hook and submitted the parliamentary inquiry to the Speaker as to how he could reply to a question by another Member without referring to him personally.

Speaker Bankhead ruled as follows:

> In reply to the question, the Chair suggests that the gentleman might say, "In response to the inquiry of my colleague from Michigan."

§ 56.8 Under section 361 of Jefferson's Manual, it is not in order in debate to refer to or to address a Member by his or her first name.

The Chairman[17] made the following statement on Sept. 29, 1977,[18] during consideration of H.R. 6566 (the ERDA military authorization for fiscal 1978) in the Committee of the Whole:

> THE CHAIRMAN: . . . The Chair would advise the Members it is against the rules to use first names and would advise the Members not to further use first names.

§ 56.9 Clause 1 of Rule XIV and section 361 of Jefferson's Manual prohibit a Member from engaging in personalities in debate and specifically require references to another Member only "by his seat in the House, or who spoke last, or on the other side of the question", and not by name or in the second person.

During debate on the Military Procurement Authorization for fiscal year 1983 (H.R. 6030) in Committee of the Whole on July 21, 1982,[19] the following exchange occurred:

> MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, the gentleman is in a sense remaking his speech again and not responding to my point.
>
> MR. [NICHOLAS] MAVROULES [of Massachusetts]: Well, Sam, I am responding to you. I am going to ask a basic question.

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16. 86 CONG. REC. 2229, 76th Cong. 3d Sess.

17. John Brademas (Ind.).

18. 123 CONG. REC. 31515, 95th Cong. 1st Sess.

19. 128 CONG. REC. 17314, 17315, 97th Cong. 2d Sess.

If we are going to discuss basic defense posture for this country, why is it always we go on to the MX missile . . . .

THE CHAIRMAN PRO TEMPORE:[20] The Chair will state to the gentleman that references to Members should not be by familiar name but by reference to the gentleman from the State of New York or the gentleman from the State of Massachusetts, rather than their familiar names. . . .

The Chair will . . . advise all Members that references to Members shall not be by their familiar names, under House rules. . . .

The Chair is not addressing the gentleman from New York. The Chair is addressing all Members, on the basis of what he has heard in the discussion.

§ 56.10 The proper form of reference to another Member is to the "gentleman (or gentlewoman) from (state)," and not any other appellation or characterization.

On Oct. 2, 1984,[1] during consideration of the balanced budget bill (H.R. 6300) in the House, the Chair, in responding to a parliamentary inquiry, reminded the Members of the proper form of reference to other Members:

MR. [DANIEL E.] LUNGREN [of California]: Well, Mr. Speaker, thank God this is not a medical research center, because if you believe laetrile cures cancer, you think that Dr. "Feelgood's" bill here on the floor is going to do something, but the fact of the matter is that it has nothing to do with the legislation on the floor; it has to do with the will of the Members of Congress. . . .

MR. [RONALD V.] DELLUMS [of California]: Mr. Speaker, is it a violation of the comity and custom of the House to refer to a Member of this body in terms other than as the gentleman from a particular State?

The Chairman of this committee was referred to as "Dr. Feelgood Jones," and I would think that is in violation of the comity and custom of the House. . . .

THE SPEAKER PRO TEMPORE:[2] The gentleman is correct in stating that it is the custom and practice and tradition of the body that Members of the body should be referred to as the gentleman or gentlewoman from a certain State.

§ 56.11 Members in debate should not refer to other Members by their first names; rather such references should be in the third person, by state delegation.

The following proceedings occurred in the House on Mar. 7, 1985:[3]

MR. [ROBERT S.] WALKER [of Pennsylvania]: Sure, I do very much, and

20. Les AuCoin (Oreg.).

1. 130 CONG. REC. 28519, 28520, 98th Cong. 2d Sess.

2. Richard A. Gephardt (Mo.).

3. 131 CONG. REC. 5028, 99th Cong. 1st Sess.

that is the reason why I want every one of those votes counted to determine the result. . . .

MR. [MICKEY] LELAND [of Texas]: Yes, but now, Bob, you will admit——

THE SPEAKER PRO TEMPORE:[4] Will the gentleman refrain from using personal names and use formal address in addressing another Member.

§ 57. Criticism of Speaker

It is not in order to refer invidiously or discourteously to the Speaker or the Chairman of the Committee of the Whole.[5] If words impugning the Speaker are uttered, the Speaker does not rule on the words himself but customarily appoints a Member to occupy the Chair and to deliver a decision.

In recent Congresses, more explicit standards have been enunciated relating to debate regarding ethics charges against the Speaker.[6]

Criticism of Speaker's Performance of Duty

§ 57.1 It is out of order in debate for a Member to charge that the Speaker committed a dishonest act or that the Speaker repudiated and ignored the rules of the House.

On Feb. 7, 1935, Mr. George H. Tinkham, of Massachusetts, addressed the House as follows:

Mr. Chairman, before beginning the argument I want to say that this is an opportunity not only for this House but for the country to see who in this House are international eunuchs, who in this House wish to put us into Europe, who in this House wish us to sit down with Fascist Italy, sit down with national socialistic Germany, with murderous, homicidal communistic Russia. That is the issue in its largest aspect in relation to this appropriation [H.R. 5255].[7]

Mr. Thomas L. Blanton, of Texas, then demanded that certain words of Mr. Tinkham, made as part of the above statement and referring to former Speaker Henry T. Rainey, of Illinois, and present Speaker Joseph W. Byrns, of Tennessee, be taken down. The Committee rose, and Chairman William N. Rogers, of New Hampshire, reported the words objected to to the House. Speaker Byrns left the Chair and Mr. John J. O'Connor, of New York, assumed the Chair as Speaker Pro Tempore. The Speaker Pro Tempore then ruled, relying on a former ruling on words critical of the

4. Dale E. Kildee (Mich.).
5. For past rulings, see 2 Hinds' Precedents § 1653; 8 Cannon's Precedents § 2531.
6. See §§ 57.5 and 57.7, infra.
7. 79 CONG. REC. 1680–82, 74th Cong. 1st Sess.

Speaker of the House, that Mr. Tinkham's words violated the rules of the House and were out of order. The words were then ordered "expunged from the Record." On an appeal from the ruling of the Speaker Pro Tempore, the House affirmed the decision.

§ 57.2 Language used in debate charging that the Speaker dishonestly resolved the House into a Committee of the Whole, and that he repudiated and ignored the rules of the House, was held out of order.

On May 31, 1934, Mr. Harold McGugin, of Kansas, was called to order and certain words used by him in debate were ordered taken down:

> I take the position I am in order because I am charging that the House is not lawfully or honestly, under the rules of this House, in Committee of the Whole . . . for the good and sufficient reason that this House is not now honestly, fairly, truthfully, and within the rules of the House, in the Committee of the Whole, for the good and sufficient reason that the Speaker completely repudiated and ignored the rules of this House.[8]

After the Committee rose and Chairman John H. Kerr, of North Carolina, reported the objectionable words to the House, the Speaker left the chair and Speaker Pro Tempore Joseph W. Byrns, of Tennessee, ruled that the words were clearly out of order. The House ordered that the objectionable words be stricken from the *Congressional Record*.[9]

§ 57.3 The Speaker is addressed as "the Speaker" or as "the gentleman from —— (his state)" and not by his nickname or surname ("Tip O'Neill") and it is improper to refer to him in a manner personally critical.

On June 25, 1981,[10] the following exchange occurred in the House:

> (Mr. Smith of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
>
> MR. [DENNY] SMITH of Oregon: Mr. Speaker, today we in the House face a test of the courage of our convictions. We will vote up or down on a motion that is much more than just a procedural vote. It is a motion that pits Tip O'Neill and his backroom political flimflam against one of the most strongly supported American Presidents in history.
>
> If you vote with Mr. O'Neill, you vote against President Reagan, against the

8. 78 CONG. REC. 10167, 73d Cong. 2d Sess.

9. For the entire proceedings on the disorderly words, see *id.* at pp. 10167–70.

10. 127 CONG. REC. 14056, 97th Cong. 1st Sess.

American people, and against what is best for our country. If you vote with Mr. O'Neill, you are voting for higher taxes and higher Government spending.

THE SPEAKER:[11] The Chair will remind the gentleman from Oregon (Mr. Smith)—the Chair appreciates the fact that he is a new Member—that under the precedents which govern conduct in debate in the House, it is not proper to refer to another Member by his name in that manner.

MR. SMITH of Oregon: I apologize, Mr. Speaker.

THE SPEAKER: The Speaker knows that the gentleman is not fully acquainted with all the rules and this time will let it pass.

MR. SMITH of Oregon: Yes, sir.

§ 57.4 It is not in order to speak disrespectfully in debate of the Chair by charging dishonesty or disregard of the rules, and pending a point of order, the Speaker Pro Tempore has admonished a Member who had improperly criticized the count of a previous occupant of the chair; but the Member's subsequent assertion of a personal belief that a sufficient number had been standing to demand a recorded vote was held parliamentary as not necessarily charging the Chair with disregard of the rules.

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

On July 11, 1985,[12] the House had under discussion a motion to instruct conferees on the Defense Authorization bill[13] to insist on the House position on an amendment relating to the creation of a peacetime espionage offense with a death penalty in the Uniform Code of Military Justice. Several Members questioned an earlier count by Speaker Pro Tempore James C. Wright, Jr., of Texas, of Members standing when a recorded vote was demanded on a motion to recommit which included the same amendment.[14]

MR. [DANIEL E.] LUNGREN [of California]: I appreciate the remarks of the gentleman from Wisconsin, and I do not attribute any conspiracy to him or to anybody else. I will state emphatically, however, I was on the floor when we made the second attempt on a separate vote on the gentleman's amendment, and I will tell him that I believe absolutely there were more than 44 people standing. I know one Member did a quick count on our side and

12. 131 CONG. REC. 18545, 18550, 99th Cong. 1st Sess.

13. S. 1160.

14. The "McCollum" amendment, by Mr. Ira W. McCollum, of Florida. On June 27, 1985, also, several Members had taken the floor during special orders to complain about counts by the Chair on related demands for record votes. See 131 CONG. REC. 17893 et seq., 99th Cong. 1st Sess. The debate on that occasion was similarly unparliamentary.

counted 50, at least 50; our staff counted 60 back there.

I understand what the gentleman is saying. But I will not take lightly what occurred to us on our side. When our side feels that we cannot get a proper vote. It goes to the very fundamental questions of this House, because, frankly, there is a certain amount of comity that is necessary in this House.

MR. [THEODORE S.] WEISS [of New York]: Mr. Speaker, I wish to make a point of order. . . .

I think that this last statement of the gentleman impugns the motives of the Members of this body. I do not want to ask for the words to be taken down, but I think that maybe the gentleman would want to withdraw whatever insinuation along those lines that he has made. . . .

Mr. Speaker, I raise a point of order that motives of a Member of this body have been impugned by the suggestion that there was a deliberate miscount of votes by the Chair.

THE SPEAKER PRO TEMPORE:[15] The Chair will make a general response to the point of order. Under the precedents of the House, it is not in order in debate to speak disrespectfully of the Chair, to charge dishonesty or disregard of the rules. May 31, 1934, Speaker pro tempore Burns; February 7, 1935, Speaker pro tempore O'Connor; Hinds' Volume V, 5192, 5188; Cannon's Volume VIII, 2531.

The Chair believes that any Member assigned to perform the duties of the Chair does so in a nonpartisan and forthright way, and the Chair will not permit to go unchallenged any improper references to the performance or motives of the Chair.

MR. WEISS: I thank the Speaker.

THE SPEAKER PRO TEMPORE: The Chair is making this as a general admonition.

The point of order is withdrawn.

The Chair recognizes the gentleman from California.

MR. LUNGREN: I respect the gentleman's statement, because I would not withdraw those words even if a point of order were raised against me. I tried to state a fact as to what occurred, which I believe, and I said I believed there were, and I cited the number of people that were standing. I will be glad to stand on that at any point in time. I do not think the rules of the House prevent me from saying what I believe actually occurred or stating the truth. . . .

MR. WEISS: Mr. Speaker, I wish to state a point of order. . . .

Mr. Speaker, my point of order is that once again the distinguished gentleman from California has, in fact, impugned the motives and behavior of a Member of this body, particularly the Member sitting in the chair at the time that that vote was taken.

MR. LUNGREN: Mr. Speaker, if I might be heard on the point of order——

THE SPEAKER PRO TEMPORE: The Chair will state that he has read a general statement. The Chair would hope that the gentleman from California would adhere to the principles as contained within that general admonition to the House.

MR. LUNGREN: Mr. Speaker, if the Speaker would look at the words that I said, he would see that I spoke very

15. Beryl F. Anthony, Jr. (Ark.).

carefully about what I said I observed occurred, what I thought occurred, from my perception. And I do not appreciate the fact that on our side of the aisle we are told that we are to accept everything that happens in this House and if we bring to the attention of our other Members what we believe occurred that somehow rules will be interpreted such that we are not even allowed to utter what we thought occurred.

I did not cast aspersions on anybody's motivations. I stated what I thought occurred. I stated facts as I saw them. I said that I believe there were more than 44 people standing. I stated that a Member on our side counted at least 50. I stated that several members of our staff counted 60 Members. That is what I stated.

THE SPEAKER PRO TEMPORE: The Chair cannot comment on something that occurred previously. The Chair has the ability to regulate the debate as it occurs today. The gentleman from New York (Mr. Weiss) should consider the comment of the gentleman from California (Mr. Lungren) at the present time.

MR. WEISS: If the Speaker will allow, I have no problem with what the gentleman believes. I have a problem that he states as a matter of fact that there were *x* number of people standing when the Speaker, the Member who was in the chair, ruled otherwise and counted otherwise. That is not belief. That is in fact questioning the honesty of the vote count. That is what I am objecting to.

THE SPEAKER PRO TEMPORE: It is the opinion of the Chair that while the gentleman from California (Mr. Lungren) may not in debate charge the Chair with disregard of the rules, he has only stated his personal belief as to something that may have occurred factually.

Parliamentarian's Note: Allegations of impropriety by the Chair, such as a charge of deliberate disregard of the rules, may be raised as questions of the privilege of the House, but may not be permitted during debate.

§ 57.5 Where several Members had improperly engaged in personalities during debate by references to the Speaker and to a Member who had filed a complaint regarding the Speaker's official conduct, the Speaker Pro Tempore (the Majority Leader) took the Chair to announce to the House that Members should not engage in such debate.

On June 14, 1988,[16] several one-minute speeches contained references to charges made by a Member against the Speaker:

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, every Member of the House should be offended by a June 10 letter sent to Members by the Democratic Congressional Campaign Committee. That letter says, "You were apparently duped by Newt." It goes on to

16. 134 CONG. REC. 14317, 14318, 100th Cong. 2d Sess.

suggest, "It has become obvious his actions are generated by self-serving partisan political motives."

That letter from the Democratic Congressional Campaign Committee insults the Committee on Ethics which voted unanimously to investigate the Speaker. It insults Common Cause, the Wall Street Journal, the Washington Post, the New York Times, and 35 other newspapers which have called for an investigation.

Frankly, this House is rapidly dividing up between those who favor openness, honesty and ethics and those who delay, obscure and defend unethical behavior.

The Democratic Congressional Campaign Committee has apparently chosen to cover up rather than clean up. . . .

MR. [WILLIAM M.] THOMAS of California: Mr. Speaker, I really do not understand what all the controversy is over the book, if we were talking about the book itself, the book, of course, being "Reflections of a Public Man." It only costs $6. I mean, what can one buy for $6 today? Not much. That is what it is—not much. . . .

The question is not over the book. It is over the procedures involved with the book. On that point, I totally agree with the Washington Post editorial this morning that said that if the procedures surrounding the book are not against the rules of the House of Representatives, then we ought to change the rules. . . .

MR. [MERVYN M.] DYMALLY [of California]: Mr. Speaker, I believe it was last Friday that the New York Times carried a story on the so-called Gingrich charges against the Speaker. In that article the gentleman from Georgia (Mr. Gingrich) openly admits that some of the charges were not founded, but he "just threw them in there for curiosity," recognizing very well that it would make partisan news. . . .

The politics involved in these charges, in my judgment, are shameful.

On June 15, 1988,[17] Speaker Pro Tempore Thomas S. Foley, of Washington, made the following announcement:

THE SPEAKER PRO TEMPORE: Before the Chair recognizes the distinguished gentleman from Kentucky, the Chair has an announcement.

The Chair wishes to announce that clause 1 of rule XIV prevents Members in debate from engaging in "personalities." Clause 4 of that rule provides that if any Member transgress the rules of the House, the Speaker shall, or any Member may, call him to order.

Members may recall that on December 18, 1987, the Chair enunciated the standard that debate would not be proper if it attempted to focus on the conduct of a Member about whom a report had not been filed by the Committee on Standards of Official Conduct or whose conduct was not the subject of a privileged matter then pending before the House. Similarly, the Chair would suggest that debate is not proper which speculates as to the motivations of a Member who may have filed a complaint before the Committee on Standards of Official Conduct against another Member.

17. 134 CONG. REC. 14623, 100th Cong. 2d Sess.

> Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

Parliamentarian's Note: A complaint against the conduct of the Speaker should be presented directly for the action of the House and not by way of debate on other matters. On one occasion, Speaker Thomas B. Reed, of Maine, in sustaining a call to order, stated that criticism of past conduct of the Chair is out of order, not because the Chair is above criticism but because such piecemeal criticism is not conducive to the good order of the House.[18] Indeed, an insult to the Speaker has been held to raise a question of privilege not governed by the ordinary rule that disorderly words, to be actionable, need be taken down as soon as uttered.[19]

§ 57.6 The Minority Leader took the floor to criticize the Speaker for making certain remarks in his daily press conference concerning the President of the United States.

On July 25, 1984,[20] the following statement was made on the floor by Minority Leader Robert H. Michel, of Illinois:

> MR. MICHEL: Mr. Speaker, a few moments ago the distinguished majority leader referred to the President as "intellectually dishonest."
>
> Mr. Speaker, on July 19, 1984, United Press International reported that the Speaker of the House said the following things about the President of the United States—and I quote:
>
> > The evil is in the White House at the present time . . . and that evil is a man who has no care and no concern for the working class . . . He's cold. He's mean. He's got ice water for blood.
>
> In almost 30 years in the House, I have never heard such abusive language used by a Speaker of the House about the President of the United States. . . .
>
> There are precedents in our House rules forbidding personal abuse of a President on the floor of the House.
>
> Surely the spirit of these rules ought to be adhered to by the Speaker off the floor as well as on the floor.

Parliamentarian's Note: While there are precedents indicating that it is a breach of order in debate to refer to the President disrespectfully,[1] the principle has not been extended to statements made outside the Chamber.

§ 57.7 The Chair has reaffirmed that it is not in order to speak disrespectfully of

18. 5 Hinds' Precedents § 5188.
19. 2 Hinds' Precedents § 1248.
20. 130 CONG. REC. 20931, 98th Cong. 2d Sess.

1. See 8 Cannon's Precedents §§ 2497, 2498.

the Speaker or to arraign the personal conduct of the Speaker, and that under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges.

On Jan. 4, 1995,[2] the Chair made the following announcement:

> THE SPEAKER:[3] The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. . . . Furthermore, the Chair may immediately interrupt Members in debate who transgress rule XIV by failing to avoid "personalities" in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.
>
> Finally, it is not in order to speak disrespectfully of the Speaker, and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

On Jan. 18, 1995,[4] remarks pertaining to the Speaker were ordered to be taken down, and discussion ensued as to the proper limits of references to the Speaker and other Members:

> (Mrs. Meek of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)
>
> MRS. [CARRIE P.] MEEK of Florida: Mr. Speaker, the Speaker's unbelievably good book deal, after all these secret meetings and behind the scenes deal-making, which each day brings to light new and more startling revelations, I am still not satisfied with the answers I am getting about this very large and lucrative deal our Speaker has negotiated for himself.
>
> Now more than ever before the perception of impropriety, not to mention the potential conflict of interest, still exists and cannot be ignored. . . .
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I demand the gentlewoman's words be taken down. . . .
>
> THE SPEAKER PRO TEMPORE:[5] The Clerk will read the gentlewoman's words.
>
> The Clerk read as follows:
>
> > News accounts tell us that while the Speaker may have given up the $4.5 million advance, he stands to gain that amount and much more. That is a whole lot of dust where I come from. If anything now, how much the Speaker earns has grown much more dependent on how hard his publishing house hawks his book.
>
> THE SPEAKER PRO TEMPORE: It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order.
>
> PARLIAMENTARY INQUIRY
>
> MR. [HAROLD L.] VOLKMER [of Missouri]: I have a parliamentary inquiry, Mr. Speaker.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state his inquiry.

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2. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

3. Newt Gingrich (Ga.).

4. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

5. Cliff B. Stearns (Fla.).

MR. VOLKMER: Is the Speaker now saying it is the ruling of the Chair that any statements as to activity, whether it is illegal or not, by the Speaker of the House in his private actions cannot be brought to the floor of this House? Is that the Chair's ruling? It appears that it is. . . .

THE SPEAKER PRO TEMPORE: In answer to the gentleman's question, first, it has been the Chair's ruling, and the precedents of the House support this, a proper level of respect is due to the Speaker. . . .

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

MOTION TO TABLE OFFERED BY MR. LINDER

MR. [JOHN] LINDER [of Georgia]: Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

> Mr. Linder moves to lay the Volkmer motion on the table. . . .

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

THE SPEAKER PRO TEMPORE: Without objection, the words will be stricken from the Record.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I object. . . .

THE SPEAKER PRO TEMPORE: . . . The question is: Shall the words be stricken from the Record? . . .

So the motion to strike the words was agreed to. . . .

MRS. MEEK of Florida: Mr. Speaker, may I be recognized?

THE SPEAKER PRO TEMPORE: Without objection, the gentlewoman from Florida [Mrs. Meek] may proceed in order.

(There was no objection.)

MRS. MEEK of Florida: Mr. Speaker, I have reviewed my statement carefully. I do not see anything in my statement that should be so objectionable and obnoxious. I have been elected to this House to speak the truth. . . .

MR. [ROBERT E.] WISE, [Jr., of West Virginia]: Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, my parliamentary inquiry is based upon the Speaker's recent ruling and the action by this Chair and by this body. The question I have may involve several Members about to speak.

Is the Speaker entitled to a higher level of avoidance than other Members? That seems to be the issue raised in the Speaker's response on this. . . .

Does the body refrain from raising certain questions about the Speaker that it could raise about other Members in the Chamber?

THE SPEAKER PRO TEMPORE: All Members are entitled to have no personal references made about them when that question is brought up.

MR. WISE: Mr. Speaker, continuing my parliamentary inquiry, then the Speaker is not entitled to any higher standard than any other Member in regard to personal references, is that correct, or any lower standard?

THE SPEAKER PRO TEMPORE: The Chair has already ruled, but the Speaker as a Member and as presiding officer is entitled to the respect of all Members.

MR. WISE: But what about the Speaker? Is the Speaker as Speaker entitled to any different level of attention or respect than any other Member in the Chamber?

THE SPEAKER PRO TEMPORE: The Speaker is entitled to respect. . . .

MR. WISE: Is it the Chair's position that no questions can be raised about the Speaker's personal financial dealings?

THE SPEAKER PRO TEMPORE: There are proper channels in the House for questioning the conduct of Members, including the Speaker. . . .

MR. WISE: With a privileged resolution or an ethics resolution not pending, is it appropriate to question any of the financial dealings of the Speaker in the context of 1-minute speeches or other activities?

MR. [TOM] DELAY [of Texas]: Regular order.

THE SPEAKER PRO TEMPORE: The Chair is entertaining a parliamentary inquiry. . . .

Simply put, in debate references personally to the Speaker are not in order. . . .

MR. [ROBERT G.] TORRICELLI [of New Jersey]: Mr. Speaker, a further parliamentary inquiry.

Mr. Speaker, while the Chair has ruled, it must now be clear to all Members that the comity of this House and our ability to proceed depends upon an understanding of the Chair's ruling. I would therefore inquire as to what precedents the Chair has relied upon. . . .

Clearly there are Members of the institution who recall that . . . a Member of this institution came to the floor raising questions about former Speaker Wright's publishing activities. Did therefore the Parliamentarian at any time rule that those inquiries were inappropriate? . . .

THE SPEAKER PRO TEMPORE: The Chair would state that on June 15, 1988, Speaker pro tempore at that point Tom Foley cautioned all Members to avoid personal references to the conduct of the Speaker and to those who brought charges.

MR. TORRICELLI: Mr. Speaker, my parliamentary inquiry was this: Was the Member from Georgia's words . . . ever taken down when he rose on the floor and raised questions about the $12,000 publishing deal of Mr. Wright? . . .

THE SPEAKER PRO TEMPORE: . . . [T]he Speaker pro tempore announced a standard but did not rule in response to a point of order on that occasion. And more importantly, those words were not challenged at the time. . . .

MR. DINGELL: Mr. Speaker, the Chair has made the ruling that it is not parliamentary language to raise questions by innuendo. May I inquire of the Chair what that means with regard to the right of Members to raise questions about the propriety of the behavior of other Members of this body under either the rules or the statutes of the United States and the House of Representatives?

THE SPEAKER PRO TEMPORE: Personal references to Members are clearly not in order.

MR. DINGELL: What about questions, though, Mr. Speaker, relative to the propriety of the behavior of Members under the rules of the House of Representatives and the laws of the United States? Are those questions still permitted to be raised under the rules and have the rules of the House been changed with regard to those matters? . . .

THE SPEAKER PRO TEMPORE: The gentleman realizes, there are rules and

proper channels for bringing conduct of Members before the House.

MR. DINGELL: And I appreciate that, Mr. Speaker, but that does not respond to my question. I asked, are Members now precluded from raising questions about the behavior of other Members of this body?

THE SPEAKER PRO TEMPORE: It would depend upon whether it was a personality in the debate.

MR. DINGELL: Have the rules been changed to effect a different order of precedents and dignity to the Speaker? Is he now treated differently than other Members of this body so that questions about propriety of behavior of other Members may be raised but questions about the propriety of the behavior of the Speaker may not now be raised?

THE SPEAKER PRO TEMPORE: Simply put, personalities in regard to all Members should not be part of the debate.

On the following day,[6] a point of order was raised concerning the account in the *Congressional Record* of the Chair's ruling, and further discussion ensued with respect to the limits placed on Members' references to others, including the Speaker:

MR. [BARNEY] FRANK of Massachusetts: Mr. Speaker, I make a point of order.

THE SPEAKER PRO TEMPORE:[7] The gentleman from Massachusetts is recognized.

MR. FRANK of Massachusetts: Mr. Speaker, at the beginning of this session, the House adopted a new rule which says the Congressional Record shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

In the Congressional Record that we received this morning, reflecting yesterday's proceedings, at page H301 in the transcript of the remarks of the Speaker pro tempore, the gentleman from Florida, there are two changes that were made between what he, in fact, said and what is in the Record.

The first change is as follows:

He said yesterday with regard to the statements of the gentlewoman from Florida about the book of the Speaker, "It is the Speaker's opinion that innuendo and personal references to the Speaker's conduct are not in order."

That has been altered and that does not appear verbatim in the Congressional Record. Instead, it says, "It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order."

Additionally, later on in response to a parliamentary inquiry from the gentleman from Missouri, the Speaker pro tempore said, as I recollect it, "It has been the Chair's ruling, and the precedents of the House support this, a higher level of respect is due to the Speaker."

In the Congressional Record that has been changed to "a proper level of respect."

Now, I do not believe that changing "personal" to "critical" and "proper" to

6. See 141 CONG. REC. p. ____, 104th Cong. 1st Sess., Jan. 19, 1995.

7. David Dreier (Calif.).

"higher" is either technical, grammatical, or typographical. . . .

THE SPEAKER PRO TEMPORE: The Chair might respond to the gentleman.

The Chair would recite from the manual that in accordance with existing, accepted practices, the Speaker may make such technical or parliamentary insertions, or corrections in transcript as may be necessary to conform to rule, custom, or precedent. The Chair does not believe that any revision changed the meaning of the ruling.

The Chair would under the circumstances inform the House on behalf of the Parliamentarian that the new rule is as it might apply to the role of the Chair will be examined. . . .

MR. DINGELL: . . . Yesterday the Speaker then presiding made a ruling which now appears in the precedents of the House. It interpreted the precedents of the House. It related to the rights, the behaviors, the dignities of the Members, and it dictated the future course of conduct of Members of this body.

Is the Chair informing us that the rulings of the Chair yesterday stand, that the rulings of the Chair yesterday have been changed without approval by the House? . . .

THE SPEAKER PRO TEMPORE: The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

First, clause 1 of rule XIV establishes an absolute rule against engaging in personality in debate where the subject of a Member's conduct is not the pending question.

Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule XIV. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. On occasion, however, the Chair has announced general standards of proper reference to Members, as was the case on June 15, 1988. There, in response to a series of 1-minute speeches and special order debates focusing on the conduct of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair stated as follows:

> Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the presiding officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House.

Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents section 5188 from which the Chair now quotes as follows:

> The Chair submits to the House that allusions or criticisms of what the Chair did at some past time is certainly not in order not because the Chair is above criticism or above attack but for two reasons: first, because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker cannot reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons, such attacks ought not be made.

Based on these precedents, the Chair was justified in concluding that the words challenged on yesterday were in their full context out of order as engaging in personalities. . . .

MR. DINGELL: . . . My question is: What is now the status of the original ruling by the previous occupant of the chair in connection with the matter of the 1-minutes yesterday and the remarks of the gentlewoman from Florida? . . .

THE SPEAKER PRO TEMPORE: In response to the gentleman's parliamentary inquiry, the Chair has interpreted there will not be a change based on the precedents that have been established. The statement that appeared in the Record was not different than that that had been provided. . . . [T]he revisions that were made were technical and not substantive. That is the ruling of the Chair. . . .

MR. [RICHARD J.] DURBIN [of Illinois]: . . . If I might, I would like to ask the Chair's position as to whether Members in statements on the floor can make any references to activities of Members which may raise ethical questions.

THE SPEAKER PRO TEMPORE: The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

First, clause 1 of rule 14 establishes an absolute rule against engaging in personality in debate where the subject of a Member's conduct is not the pending question.

Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule 14. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. . . .

MR. DURBIN: . . . I just would like to ask two questions by parliamentary inquiry and then I will sit down. I thank the Chair for rereading the ruling. It is improving every time he reads. But I would ask this question. Can a Member during the course of a 1-minute make any reference to an activity of another Member, including the Speaker, which has taken place outside this Chamber?

THE SPEAKER PRO TEMPORE: Based on the precedents, only a factual reference can be made.

MR. DURBIN: A factual reference can be made.

THE SPEAKER PRO TEMPORE: Without any suggestions whatsoever of impropriety.

MR. DURBIN: One further inquiry. Does this limitation in terms of reference to personal conduct beyond factual conduct apply to those who serve in Government and the executive branch as well as the legislative branch?

THE SPEAKER PRO TEMPORE: It applies to the President of the United States.

MR. DURBIN: Does it apply to anyone else serving in the executive branch?

THE SPEAKER PRO TEMPORE: It applies to the President of the United States.

The gentleman from Michigan.

MR. [DAVID E.] BONIOR [of Michigan]: Parliamentary inquiry, Mr. Speaker, and this will be the final comment by me on this issue. We are eager to get on with the business of the House. But there are some very fundamental issues, as we have heard on the floor this morning, at stake here. We are being told that the Speaker is being placed above criticism and comments.

THE SPEAKER PRO TEMPORE: The gentleman is incorrect in drawing that conclusion.

§ 58. Criticism of Legislative Actions or Proposals

While it has been held unparliamentary to arraign the motives of Members [8] or their legislative actions, the content of an introduced bill or amendment can be criticized.[9] Whether a legislative action is good or bad, needed or not, is after all the essence of legislative deliberation.[10] The forces in society which sway legislative decisions are "fair game" in debate;[11] and it has been held within the bounds of propriety to indicate the relative importance of Member-sponsorship.[12] Criticism of legislative tactics has been upheld.[13]

Criticism of Bills

§ 58.1 Words uttered in debate criticizing a bill, as distinguished from a Member, are held in order.

On Jan. 31, 1946,[14] while the Committee of the Whole was considering a bill providing for appointment of fact-finding boards to investigate labor disputes, the following words were used by Mr. Emanuel Celler, of New York, in criticism of the bill: "and, to quote the Bible, 'would they be like a fool who returneth to his folly, or a dog that returneth to his vomit?'"

Speaker Sam Rayburn, of Texas, ruled that since the name of

8. See §§ 58.6, 58.12, infra.

9. See §§ 58.1, 58.3, 58.5, infra.

10. See § 58.4, infra.

11. See §§ 58.7–58.9, infra.

12. See § 58.2, infra.

13. See § 58.10, infra.

14. 92 CONG. REC. 675, 676, 79th Cong. 2d Sess.

no Member was mentioned, the words taken down were merely an opinion of a measure before the House and therefore not unparliamentary.

§ 58.2 A statement in debate that if a certain Member sponsors a measure it would receive one or two votes was held in order.

On June 12, 1934,[15] Mr. Claude A. Fuller, of Arkansas, stated in debate, referring to Mr. Charles V. Truax, of Ohio, "The very fact that he espouses a measure . . . is a self-evident fact that it will only receive 1 or 2 votes in the entire House." Speaker Henry T. Rainey, of Illinois, ruled that the words were not objectionable but a matter of judgment, and declined to sustain Mr. Truax's claim that the language was a deliberate falsehood.

Criticism of Amendments

§ 58.3 A statement in debate that an amendment offered to a bill would be viewed by every lawyer in America as having no effect on the bill was held in order.

On Feb. 20, 1946,[16] Mr. Malcolm C. Tarver, of Georgia, stated as follows on an amendment to a bill for school lunch programs:

> . . . There is not a lawyer in America who is worthy to be called a lawyer but who knows that the adoption of this language neither adds to nor takes from a single item of the substance of this bill.

The Committee of the Whole rose and Speaker Sam Rayburn, of Texas, ruled that the language used was an opinion expressed on a measure which did not reflect upon the character of any Member, and was therefore in order.

§ 58.4 A statement in debate that a member "has already admitted that his amendment does not make sense, and he will take any alternative that is offered" was held not a breach of order.

On Jan. 21, 1964,[17] Mr. Peter H. B. Frelinghuysen, Jr., of New Jersey, stated of an amendment offered by Mr. Adam C. Powell, of New York, "Mr. Chairman, it seems to me the gentleman from New York has already admitted his amendment does not make sense, and he will take any alternative that is offered." Mr. Powell demanded that the words be taken down, and Speaker John W. McCormack, of Massachusetts,

15. 78 Cong. Rec. 11177, 73d Cong. 2d Sess.

16. 92 Cong. Rec. 1500, 1501, 79th Cong. 2d Sess.

17. 110 Cong. Rec. 756, 88th Cong. 2d Sess.

ruled that the words objected to were not violative of the rules of the House.

§ 58.5 A reference to an amendment that "where I come from the people do not like slippery, snide, and sharp practices" was held in order as not reflecting on any Member.

On July 26, 1951,[18] Mr. John J. Rooney, of New York, while discussing opposition amendments to a pending bill, stated as follows:

> . . . Where I come from great faith is put on a man's ability to stand up and fight for what he believes and what he thinks is best for the country. The people in my district do not like slippery, snide, and sharp practices.

Mr. Clare E. Hoffman, of Michigan, demanded that the words be taken down, and Speaker Sam Rayburn, of Texas, ruled as follows:

> . . . The Chair does not think that it should offend anybody for the gentleman from New York [Mr. Rooney] to brag of his constituents, as to their character or as to their ability. It appears to the Chair that these words were spoken with reference to an amendment and not with respect to a Member of the House of Representatives; and therefore, there is no reflection on any Member of the House.

§ 58.6 The Speaker ruled out of order remarks in debate characterizing the motivation for an amendment as "demagogic" and "racist."

On Dec. 13, 1973,[19] the Committee of the Whole was considering H.R. 11450, the Energy Emergency Act. Mr. John D. Dingell, of Michigan, offered an amendment to prohibit the use of petroleum for the busing of school children beyond the nearest public school. In debate on the amendment, Ms. Bella S. Abzug, of New York, stated as follows:

> An amendment like this can only be demagogic or racist because it is only demagoguery or racism which impels such an amendment like this.

Mr. Robert E. Bauman, of Maryland, demanded that the words be taken down, and Ms. Abzug responded that her language had not in any way impugned the motives of Mr. Dingell.

The Committee rose and Speaker Carl Albert, of Oklahoma, ruled as follows:

> On May 4, 1943 . . . Speaker Rayburn held:
>
> Statement by Newsome of Minnesota that, "I do not yield to any more demagogues," held not in order.
>
> It is the opinion of the Chair that the statements reported to the House

18. 97 CONG. REC. 8968, 8969, 82d Cong. 1st Sess.

19. 119 CONG. REC. 41270, 41271, 93d Cong. 1st Sess.

are within the framework of this ruling, and without objection the words are therefore stricken from the Record.

Criticism of Opponents

§ 58.7 A reference in debate accusing opponents of the repeal of a law of possessing blind, slavish, and shameful opposition to repeal was held in order as merely an argument for the repeal or amendment of a law.

On Feb. 6, 1950,[20] Mr. Clare E. Hoffman, of Michigan, demanded that the following words used in debate by Mr. Anthony Cavalcante, of Pennsylvania, be taken down:

> Mr. Speaker, the friends of the Taft-Hartley law show the nature of their mind by their constant opposition to all congressional effort to pass laws that will protect labor against the predatory traits of their masters. This nature is seen in their blind opposition to the repeal of any part of that infamous law; in their slavish opposition to the passage of a more adequate and just social-security law; in their shameful opposition to a Federal national-health program; and in their illogical opposition to put teeth in the coal-mine inspection law.

Speaker Sam Rayburn, of Texas, ruled that the words were not unparliamentary since merely an argument for the repeal or amendment of law.

§ 58.8 A statement in debate accusing colleagues who opposed a measure of "loose talk" was held merely an expression of opinion mentioning no Member by name and not a breach of order.

On May 6, 1941,[1] the following words used in debate in the Committee of the Whole were demanded to be taken down:

> If everybody would talk as loosely and recklessly with the truth as some of these opponents of the administration measures that they are carrying on, it is no wonder there is confusion.

The Committee rose, and Speaker Sam Rayburn, of Texas, ruled that the language objected to simply expressed an opinion that certain things bring about confusion in the House and mentioned no Member of the House by name. Therefore the words were not violative of the rules of the House.

§ 58.9 A statement in debate that sinister influences were working to the interest of certain Members allegedly conducting a filibuster was held not to be a breach of order.

20. 96 Cong. Rec. 1513, 81st Cong. 2d Sess.

1. 87 Cong. Rec. 3670, 77th Cong. 1st Sess.

On Mar. 23, 1936,[2] the following words used in debate were demanded to be taken down:

> Owing to the fact that one or two men want to carry on a filibuster, opposed to the people of the District of Columbia receiving some relief. They are today being gouged by real-estate men. I wonder if the sinister influences are working to the best interests of these gentlemen.

The Committee of the Whole rose and the words objected to were reported to the House. Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

> There is no reference in the language to just who is carrying on a filibuster, if one has been carried on during the day. [Laughter.] The Chair is not in position to say that there has been a filibuster carried on. We have had a number of roll calls. The Chair is not going to say officially that there has been an actual filibuster. No reference is made to any particular Member of the House in the remarks of the gentleman from Indiana.
>
> The Chair fails to see anything objectionable in the language referred to, and so holds.

"Withholding" Votes

§ 58.10 A statement in debate referring to a tactic of "withholding" votes until it could be determined whether they would be necessary on the pending question was held in order.

On July 27, 1965,[3] the following words used in debate by Mr. Charles E. Goodell, of New York, were taken down:

> I would be very interested on this particular issue if we are going to have a repeat of the exhibition on the housing vote with the gentlemen withholding votes and seeing how they are necessary on the issue that comes before us. I hope that this will not be repeated.

Speaker John W. McCormack, of Massachusetts, overruled the point of order, stating that the remarks did not reflect on any Member's motives or votes.

Criticizing Action of House Conferees

§ 58.11 The Speaker has applied the rules governing propriety of debate to posters and charts in the Speaker's Lobby, ordering their removal if the language would have given rise to a challenge if uttered on the floor of the House.

On June 5, 1930, the House discussed the action of the Speaker in ordering removed from the Speaker's Lobby placards posted

2. 80 CONG. REC. 4235, 74th Cong. 2d Sess.

3. 111 CONG. REC. 18441, 89th Cong. 1st Sess.

by a Member criticizing the action of House conferees on a particular bill (H.R. 2667, a tariff bill).[4]

Speaker Nicholas Longworth, of Ohio, stated that he had ordered removed the placard under his authority granted by Rule I clause 3, empowering him to exercise control over the corridors and passages and unappropriated rooms in the House side of the Capitol. The Speaker also stated that "the Chair was of the opinion that at least two of the sentences in that document were sentences which, if pronounced on the floor of the House, would have been subject to being taken down, and were not in order, and, by analogy, the Chair thinks it is even more improper to have such publications posted where no one can criticize them."

The Speaker read the following objectionable language of the placard:

> 3. The House conferees, in violation of the gentleman's agreement and in disregard of the positive mandate of the House, voted lumber used by the farmers on the dutiable list and polls and ties used by the public utilities on the free list.
>
> 4. The conferees are the servants of the House, not its masters. Will the Members by their votes condone the violation of the gentleman's agreement and the disregard of the positive mandate of the House on the part of its conferees?

The Speaker stated that the truth or falsity of the document was not material, but whether the document cast doubt upon the worthiness of the motives of the conferees was relevant to his decision.[5]

§ 58.12 While it may be appropriate in debate to characterize the effect of an amendment as deceptive or hypocritical, the Speaker has ruled out of order words taken down in Committee of the Whole characterizing the motivation of a Member in offering an amendment as deceptive and hypocritical.

During consideration of the Department of Education Organization Act of 1979 (H.R. 2444) in the Committee of the Whole, certain words used in debate were reported to the House and ruled out of order by the Speaker. The pro-

4. 72 CONG. REC. 10122, 10123, 71st Cong. 2d Sess.

5. Rule I clause 3, *House Rules and Manual* § 623 (1995) provides: "He [the Speaker] shall have general control, except as provided by rule or law, of the Hall of the House, and of the corridors and passages and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House, until further order."

ceedings of June 12, 1979,[6] were as follows:

> MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I expected resistance to this amendment and not necessarily my getting involved. I am not a member of this committee. But this amendment is probably the most detrimental to the main purposes of equal opportunity of education to the most needed segments of our society that has been presented thus far and probably could ever be presented. The insidiousness of the amendment is compounded by the sponsor's deceptive—I should say hypocritical—presentation of this amendment, disguising it as a quota prohibition.
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I demand that the words be taken down.
>
> THE CHAIRMAN:[7] The Clerk will report the words objected to. . . .
>
> THE CHAIRMAN: The Committee will rise. . . .
>
> THE SPEAKER:[8] The Clerk will report the words objected to.
>
> The Clerk read as follows: . . .
>
> > The insidiousness of the amendment is compounded by the sponsor's deceptive—I should say hypocritical—presentation of this amendment, disguising it as a quota prohibition.
>
> THE SPEAKER: The Chair is ready to rule.
>
> The Chair, having read the references concerning deception and hypocrisy, will state that there have been previous opinions by the Chair that there is nothing wrong with using the word, "deceptive," or the word, "hypocritical," in characterizing an amendment's effect but when a Member so characterizes the motivation of a Member in offering an amendment that is not in order.
>
> Consequently, the words in the last sentence read by the Clerk are unparliamentary and without objection, the offensive words are stricken from the Record.

§ 59. Criticism of Statements or Tactics in Debate

In order that free debate and discussion be preserved in the House, Members may argue with wide latitude against statements made on the floor by other Members.[9] But criticism of a Member's statements in debate may not extend to personal attacks,[10] and the use of certain derogatory terms, such as "disgraceful"[11] or "demagogic"[12] may be ruled out

6. 125 CONG. REC. 14461, 96th Cong. 1st Sess.

7. Lucien N. Nedzi (Mich.).

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

9. See the statement of Speaker Pro Tempore John J. O'Connor (N.Y.) cited at § 59.2, infra.

10. See § 59.9, infra. For the rule against invoking personalities in debate, see § 60, infra. A Member may not impugn the motives of another for statements made in debate, see § 62, infra.

11. See §§ 59.3, 59.4, 59.9, infra.

12. See §§ 60.3–60.6, infra. See also 5 Hinds' Precedents §§ 5150, 5151,

as unparliamentary. However, criticism of legislative tactics has been upheld.[13]

"Confusing the Issue" in Debate

§ 59.1 A statement in debate accusing a Member of intentionally confusing an issue was held in order.

On Sept. 25, 1951,[14] Mr. Wayne L. Hays, of Ohio, stated in debate: "I do not want you to stand up there and try to becloud the issue. What you are trying to do is make out that we are helping our enemies, when the very purpose of this act is to encourage our friends and to make them strong so that we can combat the people that we may have to fight against."

Mr. Howard H. Buffett, of Nebraska, demanded that the words be taken down and Speaker Sam Rayburn, of Texas, ruled that they were not unparliamentary and that there was nothing in the words that should be offensive to anybody.

5163, 5164, for past rulings on unparliamentary criticism of statements made in debate.

13. See § 58.10, supra.

14. 97 CONG. REC. 12074, 12075, 82d Cong. 1st Sess.

Characterizing Argument as "Crime"

§ 59.2 A statement in debate that another Member "was guilty of that crime"—referring to such Member's allegedly unwarranted attacks and arguments—was held to be in order.

On July 23, 1935,[15] Mr. Hamilton Fish, Jr., of New York, rose to object to the following language used in debate by Mr. John W. McCormack, of Massachusetts:

> The gentleman from New York [Mr. Fish], whether he intended it or not, is guilty of that crime; not only a few days ago, but is again guilty of the same crime on this occasion.

On the request of Speaker Pro Tempore John J. O'Connor, of New York, the words immediately preceding the language objected to were also read:

> I respect men who fight hard. I respect men, members of the Republican Party and the Democratic Party, who fight hard for their party, but who fight clean. I respect men who make constructive criticisms; but my general respect for men is somewhat lost when they depart from what should be and what ordinarily is their general conduct and enter into the field of unnecessary, unfair, and unwarranted attacks and arguments.

15. 79 CONG. REC. 11699, 74th Cong. 1st Sess.

The Speaker Pro Tempore ruled as follows on the point of order:

> The Chair may state, even though it may be gratuitous, that from his personal standpoint there has grown up in this House a ridiculous habit of causing the words of a Member to be taken down, which course often consumes a great deal of time; and, as the Chair said on the floor the other day, it appears to have come to pass recently that a Member cannot even say "boo" to another Member without some Member demanding that the words be taken down. This practice has become reductio ad absurdum. . . .
>
> For the gentleman from Massachusetts to state that what the gentleman from New York did or said was a "crime", in the opinion of the present occupant of the chair, is but a loose expression—a word commonly used as a mere figure of speech. The word "wrong" in the dictionary is a synonym for "crime", and the Chair holds that the use of the word "crime", under the particular circumstances, is not unparliamentary language; and the gentleman from Massachusetts may proceed.

The House then rejected an appeal from the decision of the Chair.

"Disgraceful" Argument

§ 59.3 A statement in debate referring to another Member as speaking in a disgraceful and unparliamentary manner was held not in order.

On May 16, 1946,[16] Mr. John E. Rankin, of Mississippi, objected to the use of certain words in debate by Mr. Arthur G. Klein, of New York, in the Committee of the Whole. The words were taken down, the Committee rose, and Speaker Sam Rayburn, of Texas, ruled that the words were unparliamentary.

Parliamentarian's Note: The words objected to and stricken from the Record read as follows: "The gentleman took the floor and in his self-appointed role as spokesman for the Committee referred to me in my absence in a disgraceful and unparliamentary manner."

§ 59.4 A statement in debate charging another Member with using disgraceful language was on demand taken down and ruled out of order.

On Feb. 12, 1946,[17] Mr. Hugh DeLacy, of Washington, used the following language in debate:

> I am standing here today to state to the gentleman from Mississippi [Mr. Rankin] that we do not propose to permit this kind of language to be indulged in on this floor. It is disgraceful.

Speaker Sam Rayburn, of Texas, ruled that the language used was unparliamentary.

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16. 92 CONG. REC. 5106, 79th Cong. 2d Sess.

17. 92 CONG. REC. 1241, 79th Cong. 2d Sess.

"Intemperate" Argument

§ 59.5 A reference in debate to another Member's statement as "intemperate" was held not to be a breach of order.

On Aug. 1, 1963,[18] Mr. James C. Wright, Jr., of Texas, referred to Mr. H.R. Gross, of Iowa, as attacking the Secretary of the Navy in an "intemperate way." Mr. Gross demanded that the words be taken down and Speaker John W. McCormack, of Massachusetts, ruled that the language used was not objectionable, since the word "intemperate" might be used just as the word "improper" might be used in debate.

§ 59.6 The Presiding Officer of the Senate ruled that the words "the intemperate inference, the thinly veiled implication in which some have indulged" in reference to his colleagues were not unparliamentary.

On May 14, 1964,[19] during debate on a resolution relating to an investigation, Senator Michael J. Mansfield, of Montana, described his colleagues arguments with the words, "the intemperate inference, the thinly veiled implication in which some have indulged." Senator Clifford P. Case, of New Jersey, rose to make a point of order against the language used by Senator Mansfield. Presiding Officer Edward M. Kennedy, of Massachusetts, ruled that under the rules of the Senate, the language used was not objectionable. Senator Case attempted to appeal the ruling of the Chair but the Chair ruled that the expiration of the time limitation for debate and adoption of a motion to table carried the appeal to the table.

"Ludicrous" Argument

§ 59.7 A reference to another Member's remarks in debate as "ludicrous" were objected to but withdrawn before a ruling was made.

On May 11, 1964,[20] Mr. H. R. Gross, of Iowa, stated as follows: "Does the gentleman think this will give the gentleman from New York [Mr. John J. Rooney], ample opportunity to make ludicrous statements such as he did the other day with respect to the cost of amendments?"

When Mr. Rooney demanded that the words be taken down, Mr. Gross obtained unanimous

18. 109 Cong. Rec. 13865, 13866, 88th Cong. 1st Sess.

19. 110 Cong. Rec. 10926–31, 88th Cong. 2d Sess.

20. 110 Cong. Rec. 10448, 88th Cong. 2d Sess.

consent to withdraw the word "ludicrous."

Characterizing Debate as Unfair

§ 59.8 It was held not unparliamentary to assert that remarks in debate tended to attack the character of other speakers rather than meet their arguments, particularly since the assertion included a disclaimer conceding possible lack of intention to impugn any Member's motives.

During consideration of H.R. 2760 (prohibition on covert aid in Nicaragua) in the Committee of the Whole on July 28, 1983,[1] it was demonstrated that when a demand is made in Committee for words to be taken down, the Committee rises automatically and reports the words to the House:

> MR. [DAVID R.] OBEY [of Wisconsin]: I am concerned, as I said, about the statements that I have heard on the floor today, because I believe that what they have a tendency to do, even though that may not be the intention, I think they have the tendency to try to assassinate the character of the person making the statement rather than to effectively assassinate the argument.
>
> MR. [C.W. BILL] YOUNG of Florida: Mr. Chairman, I demand that the gentleman's words be taken down. . . .
>
> THE CHAIRMAN:[2] The Committee will rise.
>
> Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2760) to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba . . . certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.
>
> THE SPEAKER:[3] The Chairman of the Committee of the Whole House on the State of the Union reports that during the consideration of the bill, H.R. 2760, certain words used in the debate were objected to [and] taken down and read at the Clerk's desk and does now report the words objected to to the House.
>
> The Clerk will report the words objected to. . . .
>
> The words having been read, and the gentleman from Wisconsin having very definitely included in his statement a disclaimer that he does not impugn the motives or intentions of any Member of the House, in the opinion of the Chair, in his legislative argument the words of the gentleman from Wisconsin are not unparliamentary and the gentleman may proceed.

1. 129 CONG. REC. 21461, 21462, 98th Cong. 1st Sess.
2. William H. Natcher (Ky.).
3. Thomas P. O'Neill, Jr. (Mass.).

The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2760, with Mr. Natcher in the chair.

Parliamentarian's Note: The Speaker's ruling should not be taken to mean that a Member may say anything in debate as long as it is accompanied by a disclaimer of intent to impugn the motives of another Member, although in this instance the inclusion of the disclaimer made it easier to hold the words in order.

§ 59.9 Clause 1 of Rule XIV, requiring all Members engaging in debate to "avoid personality" applies to the Speaker when he takes the floor in debate; and on one occasion, the Speaker's opinion expressed in debate that a Member had deliberately stood in the well before an empty House and challenged the Americanism of other Members, "and it is the lowest thing that I have ever seen in my thirty-two years in Congress" was held to constitute an unparliamentary characterization of that Member's motives and actions and was ruled out of order on a demand that the words be taken down.

On May 15, 1984,[4] a demand was made that Speaker Thomas P. O'Neill's words, spoken from the floor, be taken down, as indicated below:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: . . . My personal opinion is this: You deliberately stood in that well before an empty House and challenged these people, and you challenged their Americanism, and it is the lowest thing that I have ever seen in my 32 years in Congress.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, if I may reclaim my time, let me say first of all that——

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, I demand that the Speaker's words be taken down.[5]

THE SPEAKER PRO TEMPORE:[6] Words will be taken down.

The Clerk will report the words.

The Clerk read as follows:

My personal opinion is that you deliberately stood in that well before an empty House and challenged these people and you challenged their Americanism and it is the lowest thing that I have ever seen in my 32 years in Congress. . . .

MR. LOTT: If the Chair would rule, I have a request that I would like to make.

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4. 130 CONG. REC. 12201, 12202, 98th Cong. 2d Sess.

5. On an earlier occasion (Feb. 12, 1798), words spoken by Speaker Jonathan Dayton, of New Jersey, were ruled out of order as he participated in debate in Committee of the Whole. See 2 Hinds' Precedents § 1367 (note).

6. John Joseph Moakley (Mass.).

THE SPEAKER PRO TEMPORE: The Chair feels that that type of characterization should not be used in debate.

MR. LOTT: Mr. Speaker, I ask unanimous consent at this point that the Speaker be allowed to continue in order. . . .

Our point has been made. I think that we want to change the tenor of this debate and we should now proceed on a higher plane with this debate. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Mississippi?

There was no objection. . . .

MR. O'NEILL: I am not questioning the gentleman's patriotism, I am questioning his judgment. I also question the judgment of the Chair. . . .

MR. [VIN] WEBER [of Minnesota]: A point of parliamentary inquiry. . . .

Do the rules of the House apply to the Speaker of the House?

THE SPEAKER PRO TEMPORE: The rules of the House apply to all Members of the House.

Parliamentarian's Note: The Speaker's words, though ruled to be unparliamentary, were not ordered stricken from the Record by the House; the Chair did not so order and no other Member moved that the words be stricken.

§ 59.10 A Member's statement during debate that another Member's demand that words be taken down during a special-order speech was "an unfair stealing of time" was held not to be unparliamentary, as not necessarily implying an illegal action.

The following proceedings occurred in the House on Feb. 27, 1985:[7]

MR. [BOB] MCEWEN [of Ohio]: . . . I [have] observed what I see as an increasing parliamentary maneuver to destroy and steal the time of people who are trying to present their position on the floor of this House. . . . I have seen a significant deterioration over recent years of the privilege and courtesy of Members to yield time. When a debate is progressing in a direction [with] which they disagree, they take upon themselves the courtesy that is usually extended another Member, that of yielding, grab the microphone and continue to shout, "Will the gentleman yield"? until such time as his train of thought is destroyed or his point has been stopped.

When that is unsuccessful, I have observed on more recent occasions an effort to request that words be taken down which, upon their repetition by the Clerk, are obviously not offensive to anyone, and yet the debate has been destroyed and an effort has been made to prevent the point that the speaker was attempting to present from going forward. . . . I think the Members should be allowed to express themselves during special orders without this kind of unfair stealing of time. . . .

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Speaker, I demand the words be taken down.

7. 131 CONG. REC. 3899, 3900, 99th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:[8] The Clerk will report the words taken down.

The Clerk read as follows:

> . . . I think the Members should be allowed to express themselves during special orders without this kind of unfair stealing of time.

THE SPEAKER PRO TEMPORE: The Chair thinks in the connotation that the words were used, there is no allegation of illegality. The words are not unparliamentary, in the opinion of the Chair. . . .

MR. MCEWEN: Mr. Speaker, I wish to make it abundantly clear that at no time in my presentation did I accuse anyone or intend to imply that anyone was stealing anything.

MR. JACOBS: Mr. Speaker, I withdraw my point of order.

§ 60. Critical References to Members

The form and the substance of a Member's reference to another Member in debate are regulated by the rules and longstanding practice of the House. So that "order, decency, and regularity be preserved in a dignified public body,"[9] the motives of Members may not be impugned or their personalities attacked,[10] and indecent or grossly accusatory language may not be used in criticizing a Member. Indeed, Rule XIV provides that a Member must confine himself to the question under debate, avoiding personality.[11]

The proper procedure to be followed when objectionable words are used in reference to a Member is the demand that they be "taken down,"[12] and the House has on occasion demanded an apology from or reconciliation between hostile Members.[13]

Senate rules of proceedings are similar to those of the House, the Standing Rules of the Senate prohibiting remarks in debate imputing conduct or motive unworthy of a Senator to one or more of his colleagues.[14]

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8. Tommy F. Robinson (Ark.).

9. Jefferson's Manual, *House Rules and Manual* § 285 (1995). See also *id.* at §§ 353–379, for parliamentary principles as to order in debate.

10. For a distinction between general language used in debate and that involving personalities, see 5 Hinds' Precedents § 5153.

The Speaker may intervene in debate to prevent breaches of order in referring to personalities. See 5 Hinds' Precedents § 5163.

Breaches of order include sarcastic or satirical compliments; see 5 Hinds' Precedents §§ 5165, 5167, 5168.

Members may be censured for invoking personalities in debate; see 2 Hinds' Precedents §§ 1251, 1253, 1254, 1259.

11. Rule XIV clause 1, *House Rules and Manual* § 749 (1995).

12. See § 49, supra.

13. See 2 Hinds' Precedents §§ 1651, 2648, 2650.

14. See Rule XIX clause 2, Standing Rules of the Senate § 19.2 (1975).

The rules against engaging in personalities in debate have applied uniformly whenever questions of order have been raised respecting personal references, whether in legislative debate, during special orders, or in extension of remarks. Obtaining a special order with the specific purpose of discussing a topic such as "ethics in the House" does not change these standards precluding personal references in debate. Neither does informing a colleague that his conduct is going to be the subject of discussion on the floor make a subsequent personal reflection less objectionable. "Engaging in personalities" remains contrary to accepted House practice notwithstanding such notification. Where the House has under consideration a resolution involving the conduct of a Member, a wider range of debate is permitted. In the context of a specific legislative proposal involving censure, reprimand, or expulsion, or a proposal advocating an investigation of misconduct, the facts surrounding the resolution may be discussed, but even in these situations debate personally offensive has not been permitted.

For a discussion of Senate principles governing references in debate to Members, see 94 CONG. REC. 8966, 80th Cong. 2d Sess., June 19, 1948 (President Pro Tempore Irving M. Ives [N.Y.]).

Rule XIV, clause 1, prohibits references by one Member in debate to newspaper accounts personally critical of another Member in a way that would be unparliamentary if uttered as the first Member's own words. Generally, the publication of charges in another forum does not necessarily legitimize references to such charges on the floor of the House. In 1868, a Member from Illinois leveled charges against a Member from Minnesota in an article (apparently a letter to the editor) in a Minnesota newspaper. The House adopted as a question of privilege a resolution enabling a select committee to investigate the matter. The select committee found that the words of the letter, if uttered on the floor of the House, would have been unparliamentary for their tendency to provoke disturbance and disorder in the proceedings but that, as uttered in a newspaper, had no equal tendency.[15]

A statement on the floor personally critical of another Member is properly challenged by a demand that the "words be taken down." A question of personal privilege cannot ordinarily be raised against words used in debate,[16] whether or not the Member making the

15. See 3 Hinds' Precedents § 2691.

16. See § 60.26, infra.

statement purports to assert it on his own responsibility. However, in 1910, a Member from Arkansas stated on the floor his understanding, apparently derived from the accounts of others, of matters reflecting on the conduct of a Member from New York. The Member from New York was recognized on a question of personal privilege notwithstanding the argument of the Member from Arkansas that he had not made the assertion on his own responsibility but instead had said that he was so informed.[17]

Although debate on a privileged resolution recommending disciplinary action against a Member may include comparisons with other such actions taken by or reported to the House for purposes of measuring severity of punishment, it is not in order to discuss the conduct of another Member not the subject of a committee report, or make references to similar conduct of another which is not then the subject of a question pending before the House.[18]

Indulging in Personalities

§ 60.1 It is a breach of order in debate to indulge in personalities of other Members or to use unparliamentary language in relation to them.

On Mar. 11, 1936,[19] Speaker Joseph W. Byrns, of Tennessee, commented on the subject of the conduct of debate in the House. He cited Rule XIV of the House rules governing the subject and quoted relevant sections of Jefferson's Manual. The Speaker expressed the hope that Members would cease indulging in the personalities of other Members in debate, cease addressing a Member in other than the third person, and expressed his intention to call any Member violating rules of decorum and debate to order. He also requested any Members who would be called upon to preside as Chairman of the Committee of the Whole to pursue a similar practice.[20]

—Proper Form of Address

§ 60.2 The proper form of reference to another Member is "the gentleman (or gentlewoman) from (state)," and not any other appellation or characterization.

17. See 6 Cannon's Precedents § 594.
18. See the proceedings of Dec. 18, 1987, at § 60.18, infra and Apr. 1, 1992.
19. 80 Cong. Rec. 3577, 74th Cong. 2d Sess.
20. See also 96 Cong. Rec. 5539, 81st Cong. 2d Sess., Apr. 12, 1950; 80 Cong. Rec. 3894, 3895, 74th Cong. 2d Sess., Mar. 17, 1936.

On Oct. 2, 1984,[1] during consideration of the balanced budget bill (H.R. 6300) in the House, the Chair, in responding to a parliamentary inquiry, reminded the Members of the proper form of reference to other Members:

> MR. [DANIEL E.] LUNGREN [of California]: Well, Mr. Speaker, thank God this is not a medical research center, because if you believe laetrile cures cancer, you think that Dr. "Feelgood's" bill here on the floor is going to do something, but the fact of the matter is that it has nothing to do with the legislation on the floor; it has to do with the will of the Members of Congress. . . .
>
> MR. [RONALD V.] DELLUMS [of California]: Mr. Speaker, is it a violation of the comity and custom of the House to refer to a Member of this body in terms other than as the gentleman from a particular State?
>
> The Chairman of this committee was referred to as "Dr. Feelgood Jones," and I would think that is in violation of the comity and custom of the House. . . .
>
> THE SPEAKER PRO TEMPORE:[2] The gentleman is correct in stating that it is the custom and practice and tradition of the body that Members of the body should be referred to as the gentleman or gentlewoman from a certain State.

References to Demagoguery

§ 60.3 A statement in debate that a Member would not "yield to any more demagogs" was held not to avoid personalities and therefore to be unparliamentary and out of order.

On May 4, 1943,[3] while Mr. Harold Knutson, of Minnesota, had the floor, Mr. Wright Patman, of Texas, asked him to yield. Mr. Knutson replied "No. I do not yield to any more demagogs." Mr. Patman rose to a point of order and demanded that the words be taken down, and the Committee of the Whole rose. In the House, a third Member, Mr. J. William Ditter, of Pennsylvania, opposed the point of order and cited the dictionary definition of a demagog: "A leader or orator and popular with or identified with the people."

Speaker Sam Rayburn, of Texas, stated that he had passed upon identical language in the past and would conform to his prior ruling, holding that words accusing a Member of demagoguery does not avoid personalities and is therefore a breach of order.

§ 60.4 Reference in debate to a Member as "president of the Demagog Club" was held to be a breach of order.

On Feb. 15, 1940,[4] Mr. Clare E. Hoffman, of Michigan, de-

1. 130 CONG. REC. 28519, 28520, 98th Cong. 2d Sess.
2. Richard A. Gephardt (Mo.).
3. 89 CONG. REC. 3915, 3916, 78th Cong. 1st Sess.
4. 86 CONG. REC. 1529, 76th Cong. 3d Sess.

manded that the following words used by Mr. Michael J. Bradley, of Pennsylvania, in debate in relation to Mr. Martin Dies, Jr., of Texas, also a Member of the House, be taken down:

> As I say, he is a pretty smart fellow, and, after all, he has not been president of the Demagog Club for 8 years for nothing, without learning how to take care of his prerogatives as far as publicity is concerned.

Speaker Pro Tempore Sam Rayburn, of Texas, found that the point of order presented a "pretty close question, but the Chair feels constrained to hold that in the language the gentleman used he did not avoid personality."

§ 60.5 The Speaker ruled that language characterizing debate as demagogic was not a breach of order.

On Mar. 26, 1965,[5] Mr. Frank Thompson, Jr., of New Jersey, stated as follows in debate: "I might suggest further you can beat this dog all you want for political purposes; you can demagog however subtly and try to scare people off at the expense of the Nation's schoolchildren with your demagoguery—". Mr. Charles E. Goodell, of New York, demanded that the words be taken down. Speaker John W. McCormack, of Massachusetts, ruled that the language did not violate the rules of the House since Members in debate have reasonable flexibility in expressing their thoughts.

§ 60.6 The Speaker ruled out of order in debate remarks characterizing the motives behind certain legislation as "demagogic and racist."

On Dec. 13, 1973,[6] the Committee of the Whole was considering H.R. 11450, the Energy Emergency Act. Mr. John D. Dingell, of Michigan, offered an amendment to prohibit the use of petroleum for the busing of schoolchildren beyond the nearest public school. In debate on the amendment, Ms. Bella S. Abzug, of New York, stated as follows:

> An amendment like this can only be demagogic or racist because it is only demagoguery or racism which impels such an amendment like this.

Mr. Robert E. Bauman, of Maryland, demanded that the words be taken down; Ms. Abzug responded that her language had not in any way impugned the motives of Mr. Dingell. The Committee rose and Speaker Carl Albert, of Oklahoma, ruled as follows:

5. 111 Cong. Rec. 6107, 89th Cong. 1st Sess.

6. 119 Cong. Rec. 41271, 93d Cong. 1st Sess.

On May 4, 1943 . . . Speaker Sam Rayburn, of Texas, held:

Statement by Newsome of Minnesota that, "I do not yield to any more demagogues," held not in order.

It is the opinion of the Chair that the statements reported to the House are within the framework of this ruling, and without objection the words are therefore stricken from the Record.

References to Member's Representative Capacity

§ 60.7 A reference in debate to another Member as not representing a certain class of people in his state was held not unparliamentary.

On Apr. 28, 1953,[7] Mr. Clare E. Hoffman, of Michigan, stated of Mr. Herman P. Eberharter, of Pennsylvania: "you do not represent the hard-working Dutch people up there—not by a long shot. You live in the city where you want everything brought to you." Mr. Eberharter demanded that the words be taken down, but Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words used by Mr. Hoffman did not indicate any intent to reflect upon the character or integrity of Mr. Eberharter, and were therefore not objectionable under House rules.

§ 60.8 A statement by a Member (referring to the actions of another Member on the floor) that "I think in my opinion it was a cheap, sneaky, sly way to operate" was held to be unparliamentary by the Speaker and those words were, on motion, stricken from the Record by the House.

On Aug. 21, 1974,[8] the procedure for taking down words in the House, finding those words unparliamentary and striking the offending words from the Record was demonstrated, as set out below:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman).

Yesterday, Mr. Speaker, by mutual consent of the leadership on both sides of the aisle and by the members of the Judiciary Committee, I offered to this House a resolution. At the completion of the resolution, Mr. Speaker, I asked that all Members may have 5 legislative days in which to extend their remarks and it was objected to, Mr. Speaker, by the gentleman from Maryland (Mr. Bauman). He gave a reason at that particular time.

I told him that I thought he should have cleared it with the leadership on his own side of the aisle; but nevertheless, Mr. Speaker, when all the Members had left last night, the gentleman

7. 99 CONG. REC. 4126, 83d Cong. 1st Sess.

8. 120 CONG. REC. 29652, 29653, 93d Cong. 2d Sess.

came to the well and asked unanimous consent of the then Speaker of the House who was sitting there, if he may insert his remarks in the Record, with unanimous consent, following the remarks where he had objected.

So, Mr. Speaker, in today's Record on page H8724 you will find the remarks of Mr. Bauman. You will not find the remarks of Mr. McClory, one of the people who had asked me to do this. You will not find the remarks of other members of the Judiciary Committee, who were prepared at that time to put their remarks in the Record; but you will find the remarks of Mr. Bauman and Mr. Bauman alone.

[I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.]

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I demand that the gentleman's words be taken down.

THE SPEAKER:[9] The gentleman demands that the words be taken down.

The Clerk will report the words objected to. . . .

The Clerk read as follows:

> Mr. O'Neill: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman). . . .
>
> I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.

THE SPEAKER: The words in the last sentence are not parliamentary. Without objection, the offending words will be stricken from the Record. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I do object . . . .

MR. [B. F.] SISK [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Sisk moves that the words of the gentleman from Massachusetts, Mr. O'Neill, be stricken from the Record.

MR. SISK: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER: The question is on the motion offered by the gentleman from California.

The motion was agreed to.

§ 60.9 Words that would ordinarily be subject to a point of order in debate as inappropriate references to another Member may be permissible when a resolution to expel such Member is pending, if the words are within the scope of the subject matter of the resolution.

During consideration, on Mar. 1, 1979,[10] of a resolution to expel a Member, such Member was characterized as "arrogant" by another Member.[11] No objection was raised, and probably the reference would not in any event have been ruled out of order.

§ 60.10 It is not unparliamentary in debate to charac-

9. Carl Albert (Okla.).

10. 125 CONG. REC. 3746–53, 96th Cong. 1st Sess. Proceedings relating to the resolution to expel Mr. Charles C. Diggs, Jr., of Michigan, are discussed further at §§ 23.58, supra, and 80.7, infra.

11. 125 CONG. REC. 3751, 96th Cong. 1st Sess.

terize Members as having praised a foreign dictator in the past in prior debate.

The following proceedings occurred in the House on Apr. 12, 1984,[12] during consideration of House Concurrent Resolution 290 (expressing the sense of Congress that no appropriated funds be used for the purpose of mining the ports or territorial waters of Nicaragua):

MR. [TOM] HARKIN [of Iowa]: I ask the Members to turn the clock back to 1978 and 1979 when all the debates were going on about supporting Somoza. And the same Members who are taking the floor tonight to argue against this resolution are the same Members in 1978 and early 1979 who rose time and time again to tell us how great Somoza was and to tell us how we had to keep arming and supporting General Somoza in Nicaragua. They continually voted to send more arms to Somoza.

MR. [HENRY J.] HYDE [of Illinois]: Will the gentleman yield?

MR. HARKIN: No, of course not.

MR. HYDE: A statement has been made, a misstatement.

THE SPEAKER PRO TEMPORE:[13] The gentleman is out of order.

MR. HYDE: Mr. Speaker, I ask that the gentleman's words be taken down. . . .

THE SPEAKER PRO TEMPORE: The words of the gentleman will be taken down. What specific words?

MR. HYDE: He said the same people that stood up here tonight were praising Somoza, and I was here in this House then and I have never said a syllable of praise for that man. . . .

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

The Clerk read as follows: . . .

THE SPEAKER:[14] In the opinion of the Chair, the words do not apply to any specific Member[15] in an unparliamentary manner and consequently there has been no infraction of the rules of the House by the gentleman from Iowa.

References to Ethics Charges and Disciplinary Proceedings

§ 60.11 Although debate must avoid personalities under Rule XIV clause 1, discussion as to a Member's official conduct is appropriate, including evidence of charges not sustained by the Committee on Standards of Official Conduct, where a disciplinary resolution relating to that Member is pending.

For examples of debate in the House relating to disciplinary resolutions against Members, see § 35.13, supra, discussing the proceedings at 124 CONG. REC. 36976 et seq., 95th Cong. 2d Sess., Oct.

12. 130 CONG. REC. 9480, 98th Cong. 2d Sess.

13. Steny H. Hoyer (Md.).

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

15. *Note:* The remarks would probably not be ruled out of order even if referring to a specific Member.

13, 1978, relating to House Resolution 1414, in the matter of Representative Charles H. Wilson of California; and see 124 CONG. REC. 37005 et seq. for proceedings relating to House Resolution 1415, in the matter of Representative John J. McFall of California.

§ 60.12 Where a resolution to expel a Member is pending before the House, a transcript of court proceedings on which the proposal of expulsion is based may be read or inserted in the Record with the permission of the House, and no point of order lies that the House may not consider such information.

For an illustration of proceedings in which permission was sought to read from a transcript of court proceedings, see § 80.7, infra.

§ 60.13 In one instance, during a special-order speech urging the future expulsion of a Member who refused to refrain from voting in the House pending his appeal of federal felony convictions relating to his official conduct, another Member read into the *Congressional Record* the indictment in federal court of the Member in question, where no point of order was raised.

On Feb. 28, 1979,[16] the following proceedings occurred in the House:

> THE SPEAKER:[17] Under a previous order of the House, the gentleman from Georgia (Mr. Gingrich) is recognized for 60 minutes.
>
> MR. [NEWTON L.] GINGRICH [of Georgia]: Mr. Speaker, this evening I have asked for this special order to talk briefly about . . . the question of whether or not a Member should be expelled.
>
> I have requested the gentleman from the 13th District of Michigan refrain from voting precisely because something did happen—he did violate his oath to this House. . . .
>
> [T]omorrow I will offer a privileged motion, the motion of expulsion, immediately before the House takes up its other legislative business for the day. . . .
>
> One of our former colleagues has commented on this issue. . . .
>
> I would like to share with my colleagues a letter he wrote earlier this year:

The letter from Mr. Charles E. Wiggins, former Member from California, stated in part:

> There are two aspects to the question posed: Does the House have the power to act under the circumstances? And, if so, should it do so as a matter of sound policy?
>
> The first question is, I believe, free of serious doubt. The source of Con-

16. 125 CONG. REC. 3495, 3496, 96th Cong. 1st Sess.
17. Thomas P. O'Neill, Jr. (Mass.).

gressional power is Article I, Section 5 of the Constitution. . . .

Congressman Diggs has been convicted of multiple counts of a felony which, stripped to its essentials, involves stealing from the public. Whether such an offense is sufficiently serious as to justify his expulsion, I submit to your good judgment. Personally, I believe it does, for the public itself is uniquely the victim of his crime and the circumstances of its commission involve a criminal misuse of the office itself.

Parliamentarian's Note: The reading and insertion of the indictment, and possibly portions of the Wiggins letter, would have been subject to a point of order since in effect impugning the integrity, motives, and official conduct of a Member when a disciplinary measure against the Member was not pending on the floor of the House. Subsequently, Mr. M. Caldwell Butler, of Virginia, obtained unanimous consent to insert the entire indictment in the Record rather than read it from the floor. The effect of such request was to preclude a demand that the words be taken down, inasmuch as the words were not being uttered on the floor. A question of privileges of the House could thereafter have been raised by a resolution to strike the offending words from the Record.

§ 60.14 The Speaker reminded the Members, pending the consideration of a resolution to censure and punish a Member, that while a wide range of discussion relative to such Member was permitted during debate, Rule XIV, clause 1, prohibited personalities in debate and the use of language which is personally abusive.

On July 31, 1979,[18] the Speaker[19] made a statement regarding procedures to be followed during debate of a privileged resolution reported from the Committee on Standards of Official Conduct censuring and punishing a Member, as indicated below:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I call up a privileged resolution (H. Res. 378) in the matter of Representative Charles C. Diggs, Jr., and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 378

Resolved,

(1) that Representative Charles C. Diggs, Junior, be censured . . . .

THE SPEAKER: The Chair wishes to make a statement after which the gentleman from Florida (Mr. Bennett) will be recognized for 1 hour.

The Chair must acknowledge the gravity of the pending resolution inso-

18. 125 CONG. REC. 21584, 96th Cong. 1st Sess.

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

far as the House will be called up to discipline one of its Members. While there should, of course, be an opportunity to debate all aspects of this matter, the Chair wishes to remind Members of the restrictions imposed by clause I, rule XIV, and by the precedents relating to references to Members in debate. These restrictions indicate that Members should refrain from using language which is personally abusive. While a wide range of discussion relating to conduct of the Member in question will be permitted, it is the duty of the Chair to maintain proper decorum in debate. It is the intention of the Chair to enforce the rules.

§ 60.15 Where several Members had improperly engaged in personalities during debate by references to the Speaker and to a Member who had filed a complaint regarding the Speaker's official conduct, the Speaker Pro Tempore (the Majority Leader) took the Chair to announce to the House that Members should not engage in such debate.

The proceedings of June 14 and 15, 1988, are discussed in § 57.5, supra.

§ 60.16 It is not in order in debate to "list Members of the House who have had ethical clouds cast upon them" unless the subjects of a pending report from the Committee on Standards of Official Conduct or otherwise before the House on a question of privilege.

On June 15, 1988,[20] Speaker Thomas S. Foley, of Washington, responded to an inquiry regarding the use of personalities in debate. The proceedings were as follows:

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

MR. [CHARLES E.] SCHUMER [of New York]: Mr. Speaker, Attorney General Meese said yesterday that he had to step down to pursue opportunities in the private sector. . . .

The issue was not just Ed Meese. It was this administration's disdain for Government that led to its appalling lack of ethical standards. Ed Meese is just one fish in a foul sea.

Just consider a partial list of Bush-Reagan appointees who have resigned under a cloud: Richard Allen, Anne Gorsuch Burford, Michael Deaver, John Fedders, Edwin Gray, Rita Lavelle, Robert McFarlane, Lyn Nofziger, Oliver North, Theodore Olsen, Melvyn Paisley, John Poindexter, Paul Thayer, and James Watt. American voters will remember the hall of shame in November.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, if a Member were to list a similar group of Members of the House who have had an ethical cloud cast upon them, would it

20. 134 CONG. REC. 16629, 16630, 100th Cong. 2d Sess.

be proper to read such a list on the House floor?

THE SPEAKER PRO TEMPORE: It is not proper, as the Chair has previously stated, under the rule against personalities in debate, unless the Members' names are subjects of a report being debated from the Committee on Standards of Official Conduct or are otherwise being raised under questions of privilege.

MR. WALKER: Mr. Speaker, I thank the Chair, because it is very interesting that once again we have this double standard in the House of Representatives, that a Member can come on and criticize the administration and criticize a whole list of people, some of whom have never had any charges brought against them whatsoever, and call that a sleaze factor; but in the House of Representatives, if we have Members of the House who have similar kinds of clouds assigned to them, it cannot be mentioned in this well.

§ 60.17 It is a breach of order under clause 1 of Rule XIV to allege in debate that a Member has engaged in conduct similar to the subject of a complaint pending before the Committee on Standards of Official Conduct against another Member; and under clause 4 of that rule, the Chair takes the initiative in calling to order Members improperly engaging in personalities in debate.

Speaker Pro Tempore G. V. (Sonny) Montgomery, of Mississippi, called a Member to order in the House on Mar. 22, 1989,[1] as indicated below:

(Mr. Alexander asked and was given permission to revise and extend his remarks and to include extraneous material.)

MR. [BILL] ALEXANDER [of Arkansas]: Mr. Speaker, after arriving at the Capitol a few minutes ago on this glorious spring day, I learned that our colleagues on the other side of the aisle have conducted an election for minority whip resulting in the election of the gentleman from Georgia (Mr. Gingrich) as minority whip. . . .

I would note to those who are observing that the gentleman from Georgia made his name, so to speak, by a sustained personal attack on the good name of Jim Wright, the Speaker of the House of Representatives who has devoted decades of meritorious service to our country. The gentleman from Georgia alleged that the Speaker has circumvented minimum income limits of Members of Congress by writing a book for which he received a royalty.

Now, it is also to be noted that just this week it was learned that the gentleman from Georgia (Mr. Gingrich) also allegedly has a book deal. It is alleged in the Washington Post this week that the gentleman from Georgia received a royalty or a payment in the nature of a royalty. This is apparently similar to the Wright arrangement which is the basis of the gentleman from Georgia's complaint before the Ethics Committee.

THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman

1. 135 CONG. REC. 5130, 101st Cong. 1st Sess.

that he cannot make personal references, as the gentleman has done in his remarks.

§ 60.18 While comparisons of the recommended disciplinary action pending before the House in a privileged resolution may be made with other such actions taken by or reported to the House by an investigating committee for the purpose of measuring severity of punishment, it is not in order to discuss the conduct of other Members where such conduct has not been the result of a committee reported action.

On Dec. 18, 1987,[2] during consideration of a privileged resolution (H. Res. 335, disciplining a Member) in the House, it was held that debate on a resolution recommending a disciplinary sanction against a Member may not exceed the scope of the conduct of the accused Member. The proceedings were as follows:

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I call up a privileged resolution (H. Res. 335) in the matter of Representative Austin J. Murphy, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 335

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated December 16, 1987, in the matter of Representative Austin J. Murphy of Pennsylvania.

THE SPEAKER PRO TEMPORE:[3] The gentleman from California [Mr. Dixon] is recognized for 1 hour. . . .

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I commend the committee for its report and its recommendation. Given the facts, a reprimand is a reasonable recommendation and I will vote "yes" but I sympathize with the plight of Mr. Murphy. We must be careful not to make a scapegoat of the gentleman from Pennsylvania.

This committee's earlier report on the gentleman from Rhode Island should be reexamined with this new yardstick. The committee's letter on the gentlewoman from Ohio should be scrutinized with this new yardstick. The admission of $24,000 in election law violations by the gentleman from California should be held up to this new yardstick.

Finally, the numerous allegations about the Speaker must be——

MR. [TOMMY F.] ROBINSON [of Arkansas]: Mr. Speaker, I have a parliamentary inquiry. . . .

I thought we were here today to hear a very serious charge against one of our colleagues from Pennsylvania, not from California or other States.

THE SPEAKER PRO TEMPORE: Will the gentleman suspend? Does the gentleman from Georgia yield?

2. 133 CONG. REC. 36266, 36271, 100th Cong. 1st Sess.

3. Dave McCurdy (Okla.).

MR. GINGRICH: No, I do not yield, Mr. Speaker.

MR. ROBINSON: Mr. Speaker, I raise a point of order.

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

MR. ROBINSON: Mr. Speaker, my point of order is that we are here to consider the committee's report against our colleague Austin Murphy and not against other Members today that the charges have not been substantiated or presented to the committee. . . .

THE SPEAKER PRO TEMPORE: . . . On the debate currently ongoing, there can be references made to other cases reported by the committee, not by individual or by name. The gentleman from Georgia, as the Chair understands, has not mentioned other individuals and the gentleman from Arkansas——

MR. ROBINSON: Mr. Speaker, he has, too.

THE SPEAKER PRO TEMPORE: The gentleman may compare disciplinary actions reported by the committee and should confine his remarks to the matters before the House.

MR. ROBINSON: I have a further parliamentary inquiry, Mr. Speaker. To my knowledge, these charges are not before the committee.

THE SPEAKER PRO TEMPORE: The gentleman from Georgia will proceed in order.

§ 60.19 Reference should not be made in debate to pending investigations undertaken by the Committee on Standards of Official Conduct, including suggestions of courses of action, nor should critical characterizations be made of members of that committee who have investigated a Member's conduct.

On Mar. 3, 1995,[4] the Speaker responded to inquiries made about the propriety of remarks made by a Member with reference to certain investigations:

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, last year Members of the present majority complained about the investigation by Special Counsel Robert Fiske. They claimed that Fiske was a friend of the White House and that his investigation of Whitewater was not going far enough.

I ask the Members of the House to consider these facts. The current chairman of the House Ethics Committee cast the deciding vote for the Speaker in the 1989 whip's race. The chairman of the Ethics Committee seconded the nomination for Speaker this year. The chairman of our Ethics Committee last year tried to help our current Speaker by closing the pending Ethics Committee complaint against him.

Two other majority members of the House Ethics Committee have had personal dealings with the personal PAC of the Speaker, GOPAC, one of them as a contributor, and another as a recipient for his reelection.

Given these facts, I am sure those who call for a replacement of Special

4. 141 CONG. REC. p.____, 104th Cong. 1st Sess. See also the proceedings of Apr. 1, 1992 (138 CONG. REC. p.____, 102d Cong. 2d Sess.).

Counsel Fiske will now join me in calling for a special counsel to investigate the allegations against Speaker Gingrich, and it should not take 100 days.

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

THE SPEAKER PRO TEMPORE:[5] The gentleman will state his parliamentary inquiry.

MR. WALKER: Mr. Speaker, was not the entire speech of the gentleman from Missouri [Mr. Volkmer], just a moment ago, out of order, because it was a direct reference to Members of this body? . . .

THE SPEAKER PRO TEMPORE: Members should not refer to pending Standards Committee investigations.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Beyond the pending ethics investigation, he also may have had personal references to the chairman of the Ethics Committee. Is that also not out of order?

THE SPEAKER PRO TEMPORE: Members should not so refer to the Standards Committee or any Members thereof.

MR. WALKER: A further parliamentary inquiry, Mr. Speaker. My understanding is that what the gentleman has just done in the House was a speech which was entirely out of order before the body: is that correct?

THE SPEAKER PRO TEMPORE: The Chair is responding in a general way to the proper debate in the House with respect to ethics investigations.

MR. WALKER: I thank the Chair.

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

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

MR. VOLKMER: Is the Chair ruling that it is improper for any Member to request a special counsel in an investigation being conducted by the Ethics Committee, which action has not been taken by the Ethics Committee?

THE SPEAKER PRO TEMPORE: Members should not refer to pending Standards Committee investigations, or suggest courses of action within that committee.

MR. VOLKMER: I thank the Chair.

References to Groups of Members

§ 60.20 Clause 1 of Rule XIV proscribes Members in debate from engaging in personalities, including references that an identifiable group of Members ("the Democratic leadership") committed a crime ("stole" an election).

On Mar. 21, 1989,[6] the Speaker took the initiative to focus the attention of Members on the prohibition in clause 1 of Rule XIV against Members engaging in personalities during debate and called to order a Member alleging

5. John T. Doolittle (Calif.).

6. 135 CONG. REC. 5016, 5017, 101st Cong. 1st Sess.

that an identifiable group of sitting Members had committed a crime. The proceedings in the House were as follows:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, bipartisanship in the House has taken a curious twist. It now appears that the Democrat leadership is attempting to influence and interfere in the race for Republican whip. . . .

To those Democrats who have been a part of trying to influence the outcome of this election, let it be noted that the last time you played this game, you stole the Indiana seat from the Republican Party. That outrage and this one tell us more than we need to know about your definition of bipartisanship.

THE SPEAKER:[7] The gentleman is not proceeding in a parliamentary manner. He used the word "stole." His accusation that Members of the House stole an election is improper, and the gentleman realizes that.

In addition, his imputation that individuals on the broad generic term "House leadership" in an attempt to interfere with his election is also, I think, incorrect, and I would ask the gentleman to reconsider his thoughts on that. . . .

MR. WALKER: Mr. Speaker, instead of "House leadership," should I name names?

THE SPEAKER: The gentleman is engaging in personalities and when he uses words like the word "stole" with reference to an identifiable group of Members, that has been held improper.

§ 60.21 The Speaker ruled that a statement made in Committee of the Whole that another Member should not "let this element over here who advocates unilateral disarmament to browbeat you into thinking they know more than you do" did not refer to or reflect on a particular Member of the House and was therefore in order, but the Speaker cautioned that in the tone or mannerisms of a Member speaking in debate it is not in order to make any statement which would be personally offensive to another Member.

On May 26, 1983,[8] it was demonstrated that, when a demand is made that words spoken in debate in Committee of the Whole be taken down, the words are reported by the Clerk, the Committee rises and the words are reported again to the House, and the Speaker rules whether the words are in order.

MR. [THOMAS F.] HARTNETT [of South Carolina]: . . . The gentleman from California, for whom I have a great deal of respect, is, through his proposals, through his amendment, advocating unilateral disarmament on behalf of the United States. . . .

I would say to my colleague from Indiana that when we are told by the gentleman from California that we go

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

8. 129 CONG. REC. 14048, 14049, 98th Cong. 1st Sess.

beyond a deterrence to a war-fighting capability, that when your deterrence is no longer a deterrence it is probably time that you build that deterrence at least to a war-fighting capability.

I do not want my colleague from Indiana to be ashamed whatsoever or to let this element over here who advocates unilateral disarmament to browbeat you into thinking they know more than you do.

MR. [RONALD V.] DELLUMS [of California]: . . . Mr. Chairman, I object and I move that the gentleman's words be taken down. . . .

THE CHAIRMAN PRO TEMPORE:[9] . . . The Clerk will report the words of the gentleman from South Carolina.

The Clerk read as follows:

> Mr. Hartnett. I do not want my colleague from Indiana to be ashamed whatsoever or to let this element over here who advocates unilateral disarmament to browbeat you into thinking they know more than you do. . . .

THE CHAIRMAN PRO TEMPORE: The Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Downey of New York, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces . . . and for other purposes, reported that certain words used in the debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

THE SPEAKER:[10] The Clerk will report the words objected to. . . .

The Chair is ready to rule.

The statement as made by the gentleman from South Carolina is apparently not directed at any particular Member.

The House has had rulings in situations, perhaps analogous to this in the past. A statement by the gentleman from Mississippi (Mr. Rankin), that "It has been amazing to me to hear these Members rise on the floor and give aid and comfort to those enemies, those traitors within our gates, for every Communist in America is a traitor to our Government and is dedicated to its overthrow." That was held in order by Speaker Martin on November 24, 1947, since it did not reflect on any individual Members.

This is a ruling that has been made by this House before and it seems that there is an established precedent.

While the remarks of the gentleman are in order, the Chair would caution him that in the tone of his voice or things of that manner it is against the rules of the House to make any statement that would be personally offensive.

The Chair has ruled that both the gentleman's statements were not personal to any particular Member of the House.

The Committee will resume its sitting.

§ 60.22 In response to a parliamentary inquiry, the Chair indicated that it was not in order in debate to

9. Thomas J. Downey (N.Y.).

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

refer to an identifiable group of sitting Members as having committed a crime, such as "stealing" an election.

The prohibition in Rule XIV, clause 1,[11] against Members' engaging in "personality" during debate, applies to allegations that an identifiable group of sitting Members have committed a crime. Such application of the rule is shown by the proceedings of Feb. 27, 1985,[12] in which a statement made by Mr. John Rowland, of Connecticut, as indicated below, concerning an allegedly "stolen" election, was the subject of a demand that the words be taken down:

> MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Speaker, I demand the gentleman's words be taken down in that he said "stolen."
>
> THE CHAIRMAN: Words will be taken down.
>
> THE SPEAKER PRO TEMPORE:[13] The Clerk will read the words taken down.
>
> The Clerk read as follows:
>
> > The scary thing about it, as a person who served in the legislature for 4 years, and as a person who happens to be sitting as the youngest Member of Congress, I find it difficult that the first situation that we run into in this House, the first class project, as we may call it, is trying to retain a seat that has been stolen from the Republican side of the aisle, and I think it is rather frustrating.
>
> THE SPEAKER PRO TEMPORE: Would the gentleman care to modify his remarks before the Chair rules?
>
> MR. ROWLAND of Connecticut: Yes, I would, Mr. Speaker.
>
> THE SPEAKER PRO TEMPORE: In what way does the gentleman care to modify?
>
> MR. ROWLAND of Connecticut: I would like to ask unanimous consent that the words objected to be withdrawn. . . .
>
> The word "stolen," Mr. Speaker.
>
> THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Connecticut?
>
> There was no objection. . . .
>
> THE SPEAKER PRO TEMPORE: The gentleman from Georgia is recognized.
>
> MR. [NEWT] GINGRICH [of Georgia]: I would yield in just a moment, after asking the Chair if in fact Members were convinced an action were being taken which involved a word which was ruled by the Chair to be inappropriate, how could a Member report to the House on that action? Should we substitute the word "banana"? What is it one should say if in fact—not just as a joke, but if in fact—Members of the Republican side honestly believed strongly something is being done? In other words, is "unconstitutional" an acceptable term but "illegal" not acceptable? . . .
>
> THE SPEAKER PRO TEMPORE: Simply put, Members should not accuse other Members of committing a crime. When the majority is accused of "stealing," that may suggest illegality. Other

11. See *House Rules and Manual* § 749 (1995).

12. 131 CONG. REC. 3898, 3899, 99th Cong. 1st Sess.

13. Tommy F. Robinson (Ark.).

words could be used but not those accusing Members of committing a crime.

MR. GINGRICH: What if one honestly believes, for a moment, that a crime is being committed? Would it in fact be against the rules——

THE SPEAKER PRO TEMPORE: Members may not engage in personalities.

MR. GINGRICH: But he did not talk in personalities.

MR. ROWLAND of Connecticut: Mr. Speaker, will the gentleman yield?

MR. GINGRICH: I will be glad to yield to the gentleman.

MR. ROWLAND of Connecticut: I thank the gentleman for yielding.

Mr. Speaker, I would simply point out that I did not refer to anybody stealing an election. I just referred to the frustration that we as freshmen are exhibiting and fearing as we go through the deliberations. I did not refer to anybody.

THE SPEAKER PRO TEMPORE: The gentleman seemed to refer to the majority of the House, that it had stolen the election.

Characterizations of Member

§ 60.23 A statement in debate attacking personal characteristics of another Member while on the floor is not in order.

On Mar. 16, 1939,[14] Mr. John Taber, of New York, demanded that certain words used by Mr. Lee E. Geyer, of California, in reference to another Member be taken down. Mr. Geyer used derogatory terms in describing the Member's physical characteristics and his overbearing manner in debate. Speaker William B. Bankhead, of Alabama, ruled as follows:

> The words objected to and which have been taken down and read from the Clerk's desk very patently violate the rule, because the words alleged do involve matters of personal reference and personality.

Mr. Geyer then asked and was granted unanimous consent to withdraw the words in question.

§ 60.24 A statement in debate referring to another Member's record with the FBI was held unparliamentary.

On Apr. 30, 1945,[15] certain words used in debate by Mr. John E. Rankin, of Mississippi, were objected to by Mr. Vito Marcantonio, of New York, and demanded to be taken down. Speaker Sam Rayburn, of Texas, ruled that the words were not parliamentary and by unanimous consent the words were stricken from the *Congressional Record*.

Parliamentarian's Note: The statement objected to read as follows: "I will say to the gentleman

14. 84 CONG. REC. 2871, 76th Cong. 1st Sess.

15. 91 CONG. REC. 3992, 79th Cong. 1st Sess.

now, don't you start—don't you start comparing anybody's record, because I have got yours for a long time back with both the Dies Committee and the FBI."

§ 60.25 In response to a parliamentary inquiry during debate on a question of personal privilege (involving derogatory statements to the press by one Member against others), the Speaker Pro Tempore advised that the term "crybaby" would not be an appropriate phrase to be used in the debate as a reference to a particular Member.

On May 31, 1984,[16] the following proceedings occurred in the House:

> MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: I yield for a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE:[17] The gentleman will state his parliamentary inquiry.
>
> MR. FRANK: The parliamentary inquiry is dealing with the question of propriety. Is the term "crybaby" an appropriate phrase to be used in a debate in the House?
>
> THE SPEAKER PRO TEMPORE: The Chair would hope that the phrase would not be used.

Questions of Personal Privilege Arising Out of Personal Attacks

§ 60.26 A Member may not rise to a question of personal privilege under Rule IX merely to complain of words previously spoken of him in debate.

On Mar. 16, 1988,[18] the Chair responded to a parliamentary inquiry regarding a point of personal privilege, as indicated below:

> MR. [ROBERT K.] DORNAN of California: Mr. Speaker, I have a point of parliamentary inquiry. . . .
>
> I would like to inquire if this Member is able to take a point of personal privilege, that is 1 hour of debate on the House floor at the moment it is granted, if I feel that my honor was impugned when the majority whip, who also spoke way beyond 1 minute . . . if Mr. Coelho tells me that I have sold out the young men and women that I visited with not more than a month ago who are at this moment being strafed and rocketed by Soviet gunships, to tell me to my face—and I am sitting in the front row—that I sold them out impugned my honor.
>
> THE SPEAKER PRO TEMPORE:[19] The gentleman will state a parliamentary inquiry.

16. 130 CONG. REC. 14624, 98th Cong. 2d Sess.

17. John P. Murtha (Pa.).

18. 134 CONG. REC. 4087, 100th Cong. 2d Sess.

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

MR. DORNAN of California: Do I have a right for a point of personal privilege on that?

THE SPEAKER PRO TEMPORE: That is not a remedy that the gentleman has under the circumstances.

MR. DORNAN of California: May I ask the ruling of the Chair as to why I cannot maintain a point of personal privilege that my honor was impugned.

THE SPEAKER PRO TEMPORE: The point of personal privilege does not derive from words spoken in debate.

—*Press Attacks*

§ 60.27 Press accounts of a Member's criticisms, both during debate and off the floor, of another Member may give rise to a question of personal privilege; thus, on one occasion, Members including the Majority Leader rose to questions of personal privilege under Rule IX to respond to press accounts of another Member's criticisms of their efforts to communicate with a foreign government concerning that country's human rights policies.

The following proceedings occurred in the House on May 15, 1984:[20]

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I rise to a point of personal privilege. . . .

My point of personal privilege, Mr. Speaker, is that in the Washington Post on Monday, yesterday, appeared an article which characterizes a communication signed by 10 Members of the Congress, including this Member, as the Democratic foreign policy establishment writing a letter which states explicitly that it opposes the policies of the American Government and that it amounts to a virtual teaching document to bring Third World Soviet colonies into the process of manipulating American politics and politicians.

THE SPEAKER PRO TEMPORE:[1] The gentleman has stated a question of personal privilege and is recognized for 1 hour. . . .

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Speaker, I rise to a point of personal privilege, citing the same letter referred to by the majority leader.

THE SPEAKER PRO TEMPORE: The gentleman will state his privilege.

MR. OBEY: Mr. Speaker, I rise to a point of personal privilege because I am a signator of the same letter which was referred to by the gentleman from Georgia (Mr. Gingrich) in the press.

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin (Mr. Obey) is recognized for 1 hour.

—*Insertions in Record*

§ 60.28 Clause 1 of Rule XIV, requiring Members to "avoid personality" during debate, prohibits references in debate to newspaper accounts used in support of a Member's personal criticism of a

20. 130 CONG. REC. 12207, 12211, 98th Cong. 2d Sess.

1. John Joseph Moakley (Mass.).

sitting Member in a way which would be unparliamentary if uttered on the floor as the Member's own words; and the prohibition against reading in debate of press accounts which are personally critical of a sitting Member does not constitute "censorship" of the press by the House, but rather is consistent with House rules which preclude debate or insertions in the Record which engage in "personality."

On Feb. 25, 1985,[2] the following proceedings occurred in the House:

THE SPEAKER PRO TEMPORE:[3] Under a previous order of the House, the gentleman from Georgia (Mr. Gingrich) is recognized for 60 minutes.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I am going to insert in the Record today and read into the Record several editorials, one from the Atlanta Journal and Constitution yesterday, Sunday, February 24, and one this morning from the Wall Street Journal, both of them talking about the tragic situation in which the Democratic leadership has blocked Mr. McIntyre of Indiana from being seated. . . .

Yet twice the House has voted to deny McIntyre the seat while it investigates. . . .

The technicalities aside, the case is interesting for what it says about the Congress. . . . In the second vote only five Democrats dared abandon O'Neill and the leadership.

Georgia's Democrats went right along with the herd, in defiance of basic decency. . . . A few Republicans near each election try to remind voters that the Democrats' first vote will be for O'Neill and that vote signals bondage. This year it meant the abandonment of fairness. . . .

MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Speaker, parliamentary inquiry. . . .

MR. GINGRICH: Mr. Speaker, the gentlewoman has not asked me to yield, and I was in fact making an inquiry myself to the Chair. I was asking the Chair to rule in this sort of setting if one is reporting to the House on the written opinion of a columnist in which the columnist has said very strong things, is it appropriate for the House to be informed of this and, if so, what is the correct procedure?

THE SPEAKER PRO TEMPORE: The ruling of the Chair is that the gentleman should not read into the Record things which would clearly be outside the rules of this House. . . .

MR. GINGRICH: Let me continue to ask the Chair, because I am a little confused, in other words, if a columnist writing in the largest newspaper in the State of Georgia says very strong things about his concern about the House's behavior, would the House in effect censor a report of that concern?

THE SPEAKER PRO TEMPORE: No; the House does not censor any report of that kind. The gentleman does take the responsibility, however, for words uttered on the floor, and he is certainly capable of leaving out those items

2. 131 CONG. REC. 3344–46, 99th Cong. 1st Sess.

3. Sam B. Hall, Jr. (Tex.).

which he knows would be outside the rules of this House. . . .

MR. GINGRICH: If I may continue a moment to ask the gentleman, if we are in a situation where in the view of some people, such as Mr. Williams of the Atlanta Journal-Constitution, very strong things are legitimately being said, and this is obviously his viewpoint, what is the appropriate manner in which to report his language to the House?

That is not me saying these things; he is saying these things.

THE SPEAKER PRO TEMPORE: The gentleman knows the rules of the House, I am certain, and he can take out or delete any things that he knows would violate the rules of this House if spoken from the floor.

MR. GINGRICH: Under the Rules of the House . . . if one were to only utter the words on the floor that were appropriate, but were to then insert the item in the Record, is the Record then edited by the House? That is, if it was put in as an extension of remarks or put in under general leave?

THE SPEAKER PRO TEMPORE: As the gentleman knows, there are precedents where a question of privilege can be raised about certain things inserted in the Record, and those could be raised if the gentleman attempts to insert them into the Record, or not. . . .

As the gentleman knows, words spoken on the floor of the House can be objected to.

The following exchange took place on Feb. 27, 1985:[4]

MR. [THOMAS S.] FOLEY [of Washington]: . . . I came to the floor [to] suggest that it is important that we have a balanced opportunity to discuss these issues. . . . I simply think it is important that we observe the rules of the House in the course of debate, and I think the two gentlemen, Mr. Walker and Mr. Gingrich, know that it is not permissible under long-standing rules of the House and interpretations of the Parliamentarians . . . to read into the Record statements that would be inappropriate if made by a Member directly. . . .

I just wanted to make the point that these gentlemen in the well and the gentleman from Pennsylvania (Mr. Walker) know the rules very well. They are very skilled at them and they know that it is inappropriate to use a newspaper article, however widely published, to violate the rules of the House.

—*Remarks by Other Colleagues*

§ 60.29 It is not in order in debate to refer to the official conduct of other Members where such conduct is not the subject then pending before the House by way of a report of the Committee on Standards of Official Conduct or as a question of the privilege of the House; nor is it in order in debate to refer to a "hypothetical" Member of the House in a derogatory fashion where it is evident that a particular Member is being described.

4. 131 CONG. REC. 3902, 99th Cong. 1st Sess.

On Nov. 3, 1989,[5] it was demonstrated that where a Member transgresses clause 1 of Rule XIV, by engaging in personalities in debate, the Chair takes the initiative to call him to order pursuant to clause 4 of Rule XIV. The proceedings in the House were as follows:

> THE SPEAKER PRO TEMPORE:[6] Under a previous order of the House, the gentleman from California [Mr. Dannemeyer] is recognized for 60 minutes.
>
> MR. [WILLIAM E.] DANNEMEYER [of California]: . . . What is a person to think after breaking the law because of an obsession with homosexual sodomy and having his party leader state publicly that he is a fine man and a credit to public service? . . .
>
> One party, the Democrats, openly courts homosexual votes and defends the behavior as if homosexual sodomy is a fundamental civil right. The other party, the Republicans, while some of its members are kowtowing to homosexuals, still refuses to legitimize homosexual sodomy in the public arena.
>
> The ramifications of this juxtaposition are stark. For instance, take one Democrat and one Republican both discovered in the course of homosexual misdeeds. The former, we will say, is apologetic, but not contrite. The latter is both apologetic and contrite. Isn't it fair to say that the member whose party leadership condones homosexual behavior is more apt to come under less condemnation than the member whose party leadership has consistently renounced homosexual behavior?
>
> In this hypothetical situation, the sword of Damocles hangs precariously over the head of the Republican. His political career is in deep jeopardy. Ironically, the Democrat, with similar circumstances, is allowed by party leaders to use the same sword of Damocles to carve out a lure for the Cretan Bull! . . .
>
> Article I, section 5, clause 2 of the United States Constitution provides that:
>
> > Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a Member.
>
> We should all be clear that at issue when the House takes disciplinary action of this latter sort is not whether a Member is guilty of any criminal wrongdoing. At issue is whether or not a Member is unfit for participation in House proceedings. Wrongdoing can be the basis for considering a punishment, but punishment does not depend on indictments or convictions. . . .
>
> Let me make it easy for Members. Let's say, hypothetically, that a Member has admitted to violating several laws, both felonies and misdemeanors, involving moral turpitude. And that the punishments accompanying these illegal violations combine to total nearly 15 years in prison. . . .
>
> I want to make clear to my colleagues that at the appropriate time in the near future, I will offer a resolution, in one form or another, to expel [two Members specified]. . . .
>
> No Member can legitimately take issue that I have interfered in the ju-

5. 135 CONG. REC. 27077, 27080–82, 101st Cong. 1st Sess.

6. Jolene Unsoeld (Wash.).

risdiction of the Ethics Committee by my comments here today. My indirect or direct comments made about [the two Members] have only concerned activities the former has admitted to and the latter has been convicted on. . . .

THE SPEAKER PRO TEMPORE: The gentleman will pause. The gentleman is discussing a matter pending before the Ethics Committee. I would remind the gentleman from California that clause 1 of rule XIV prevents Members in debate from engaging in personalities. Clause 4 of that rule provides that if any member transgresses the rules of the House, the Speaker shall, or any Member may, call him to order.

MR. DANNEMEYER: . . . George Washington Law Professor John Banzhaf has done extensive research on a case of Member "X." He concludes that Member "X" has publicly admitted to committing crimes, and a refusal to take any action would undermine the public's confidence in the mechanism set up to ensure that Members of Congress abide by ethical and moral standards at least as high as those to which we currently hold attorneys, cadets at the Nation's military academies, high military officials, and even school principals. . . .

The Boston Globe wrote, *Were Member X's transgressions serious enough to warrant his departure from Congress? Yes. For his own good and for the good of his constituents, his causes and Congress*"——

THE SPEAKER PRO TEMPORE: The gentleman will cease. The Chair would remind the gentleman, and will repeat again, and will read the Speaker's full statement, clause 1 of rule XIV prevents Members in debate from engaging in personalities. Clause 4 of that rule provides that if any Member transgresses the rules of the House, the Speaker shall, or any Member may, call him to order. Members may recall that on December 18, 1987, the Chair enunciated the standard that debate would not be proper if it attempted to focus on the conduct of a Member about whom a report had been filed by the Committee on Standards of Official Conduct or whose conduct was not the subject of a privileged matter then pending before the House. Similarly, the Chair would suggest that debate is not proper which speculates on the motivations of a Member who may have filed a complaint before the Committee on Standards of Official Conduct against another Member.

MR. DANNEMEYER: Madam Speaker, I have no longer made reference to a specific Member. I have merely made reference to "Member X."

THE SPEAKER PRO TEMPORE: The gentleman is referring to newspaper stories which specifically names Members.

The gentleman may proceed within the rules of the House.

§ 61. —Use of Colloquialisms

The use in debate of colloquial expressions, or familiar terms used in conversation, is governed by their current meaning and by the context in which they are uttered.(7) The Speaker has on occa-

7. Although the statesmanship of a Member may be questioned, a con-

sion referred to dictionaries to ascertain the current definitions of common expressions used on the floor in reference to Members.[8]

References to Physical Characteristics

§ 61.1 References to a Member having a "hand like a ham", grasping a microphone until it "groaned from mad torture", and stamping up and down on the House floor "like a wild man" were held out of order.

On Mar. 16, 1939,[9] Mr. John Taber, of New York, demanded that the following words used by Mr. Lee E. Geyer, of California, in reference to another Member be taken down:

> I have seen him come out [on the House floor] with a hand that only he possesses, a hand like a ham, and grasp this delicate [microphone] until it groaned from mad torture. I have seen him come on the floor and stamp up and down like a wild man.

Speaker William B. Bankhead, of Alabama, ruled as follows:

> The words objected to and which have been taken down and read from the Clerk's desk very patently violate the rule, because the words alleged do involve matters of personal reference and personality.

Mr. Geyer then asked and was granted unanimous consent to withdraw the words in question.

Use of Particular Terms —Cheap, Sneaky, Sly

§ 61.2 The Speaker held unparliamentary a reference in debate to another Member's proceeding in a "cheap, sneaky, sly way."

On Aug. 21, 1974,[10] Mr. Robert E. Bauman, of Maryland, demanded that the words below, as used in debate in reference to him by Mr. Thomas P. O'Neill, Jr., of Massachusetts, be taken down. After being read by the Clerk, Speaker Carl Albert, of Oklahoma, ruled the words out of order.

> MR. O'NEILL: Mr. Speaker, I take this time so I may direct my remarks to the gentleman from Maryland (Mr. Bauman).
>
> Yesterday, by mutual consent of the leadership on both sides of the aisle and by the Members of the Judiciary Committee, I offered to this House a resolution. At the completion of the resolution, Mr. Speaker, I asked that

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temptuous remark, such as "pothouse politician," may not be used in debate; see 8 Cannon's Precedents § 2527.

8. See § 61.13, infra.

9. 84 CONG. REC. 2871, 76th Cong. 1st Sess.

10. 120 CONG. REC. 29652, 29653, 93d Cong. 2d Sess.

all Members may have 5 legislative days in which to extend their remarks and it was objected to, Mr. Speaker, by the gentleman from Maryland (Mr. Bauman). He gave a reason at that particular time.

I told him that I thought he should have cleared it with the leadership on his own side of the aisle; but nevertheless, Mr. Speaker, when all the Members had left last night, the gentleman came to the well and asked unanimous consent of the then Speaker of the House who was sitting there, if he may insert his remarks in the Record, with unanimous consent, following the remarks where he had objected. So, Mr. Speaker, in today's Record on page 29362 you will find the remarks of Mr. Bauman. You will not find the remarks of Mr. McClory, one of the people who had asked me to do this. You will not find the remarks of other Members of the Judiciary Committee, who were prepared at that time to put their remarks in the record; but you will find the remarks of Mr. Bauman and Mr. Bauman alone.

I just want to say that I think in my opinion it was a cheap, sneaky, sly way to operate.

The House agreed to a motion to strike the objectionable words from the Record.

—*Slippery, Snide, and Sharp Practices*

§ 61.3 A statement in debate "where I come from the people do not like slippery, snide, and sharp practices," was held in order as not reflecting on any Member.

On July 26, 1951,[11] Mr. John J. Rooney, of New York, while discussing opposition amendments to a pending bill, stated as follows:

> Where I come from great faith is put on a man's ability to stand up and fight for what he believes and what he thinks is best for the country. The people in my district do not like slippery, snide, and sharp practices.

Mr. Clare E. Hoffman, of Michigan, demanded that the words be taken down and Speaker Sam Rayburn, of Texas, ruled as follows:

> . . . The Chair does not think that it should offend anybody for the gentleman from New York [Mr. Rooney] to brag of his constituents, as to their character or as to their ability. It appears to the Chair that these words were spoken with reference to an amendment and not with respect to a Member of the House of Representatives; and therefore, there is no reflection on any Member of the House.

—*Alleging "Coverup"*

§ 61.4 An allegation in debate in the Senate that a colleague "did all he could to cover up wrongdoing" was held to be a breach of order as impugning the integrity or conduct of another Senator.

On Mar. 20, 1968,[12] Senator Joseph S. Clark, of Pennsylvania,

11. 97 Cong. Rec. 8968, 8969, 82d Cong. 1st Sess.
12. 114 Cong. Rec. 7153, 90th Cong. 2d Sess.

and Senator Carl T. Curtis, of Nebraska, were engaged in a colloquy in relation to the investigation of an employee of the Senate. Senator Curtis stated to Senator Clark "you did all you could to cover up wrongdoing." Senator Clark requested the Chair to admonish Senator Curtis for that language and to require him to take his seat under the Standing Rules of the Senate.

Presiding Officer Birch E. Bayh, of Indiana, ruled that the language used was objectionable under Rule 14, prohibiting a Senator from impugning the integrity or conduct of a colleague in debate. Senator Curtis was then permitted to proceed in order.

—*Horning In*

§ 61.5 In contrast to the usual procedure of taking words down, a Member sought to rise to a question of personal privilege to challenge another Member's reference to him in debate as "another guy" who was "horning in on the act."

On Aug. 4, 1970,[13] Mr. Page H. Belcher, of Oklahoma, referred to Mr. Silvio O. Conte, of Massachusetts, in debate as "another guy" who was "horning in on the act" in relation to a certain measure before the House. Rather than demand that the words be taken down, Mr. Conte sought recognition for a point of personal privilege and requested a definition from Mr. Belcher of "another guy" and "horning in". After some discussion, Mr. Thomas G. Abernethy, of Mississippi, stated the point of order that the proper procedure was to take the words down and have a ruling by the Chair on whether they were in order. Speaker Pro Tempore Edward P. Boland, of Massachusetts, ruled that the point of order came too late and entertained a unanimous-consent request that the words "another guy" used by Mr. Belcher be stricken from the Record and be substituted by "the gentleman from Massachusetts."

—*Loose Talk*

§ 61.6 A statement in debate accusing colleagues who opposed a measure of "loose talk" was held merely an expression of opinion mentioning no Member by name and not a breach of order.

On May 6, 1941,[14] the following words used in debate in

13. 116 Cong. Rec. 27130, 91st Cong. 2d Sess.

14. 87 Cong. Rec. 3670, 77th Cong. 1st Sess.

the Committee of the Whole were demanded to be taken down:

> If everybody would talk as loosely and recklessly with the truth as some of these opponents of the administration measures that they are carrying on, it is no wonder there is confusion.

The Committee rose, and Speaker Sam Rayburn, of Texas, ruled that the language objected to simply expressed an opinion that certain things bring about confusion in the House and mentioned no Member of the House by name. Therefore the words were not violative of the rules of the House.

—*Mouthpiece for Another*

§ 61.7 Where a statement that a Member spoke as a "mouthpiece" for a professional medical association was objected to in debate, the statement was by unanimous consent changed to "self-appointed spokesman" before a ruling on the point of order was made.

On June 5, 1962,[15] Mr. John D. Dingell, Jr., of Michigan, referred to another Member as a "mouthpiece for the AMA [American Medical Association]." Mr. Thomas B. Curtis, of Missouri, demanded that the words be taken down, but before a ruling was made, Mr. Dingell asked unanimous consent to change the word "mouthpiece" to "self-appointed spokesman." There was no objection to the request and the point of order was withdrawn.

—*Crybaby*

§ 61.8 In response to a parliamentary inquiry during debate on a question of personal privilege (involving derogatory statements to the press by one Member against others), the Speaker Pro Tempore advised that the term "crybaby" would not be an appropriate phrase to be used in the debate as a reference to a particular Member.

On May 31, 1984,[16] the following proceedings occurred in the House:

> MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: I yield for a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE:[17] The gentleman will state his parliamentary inquiry.

15. 108 CONG. REC. 9739, 87th Cong. 2d Sess.

16. 130 CONG. REC. 14624, 98th Cong. 2d Sess.

17. John P. Murtha (Pa.).

MR. FRANK: The parliamentary inquiry is dealing with the question of propriety. Is the term "crybaby" an appropriate phrase to be used in a debate in the House?

THE SPEAKER PRO TEMPORE: The Chair would hope that the phrase would not be used.

—*Pinko*

§ 61.9 It is not in order in debate to refer to another Member of the House as "pinko."

On Oct. 31, 1963,[18] Mr. Edgar Franklin Foreman, of Texas, was recognized under previous order to address the House for 60 minutes. Mr. Foreman discussed a newspaper story which quoted him as calling 20 of his colleagues in the House "pinkos." When Mr. Foreman commenced to describe the one occasion on which he called a Member a pinko, Mr. John J. Rooney, of New York, demanded that his words be taken down and then stated as follows:

Mr. Speaker, in view of the fact that it is my understanding of the rules that no Member of the House may be labeled a "pinko" by anyone who would put himself above everybody else in the House, regardless which side of the aisle he is on, this becomes so interesting that I withdraw my demand to have the words taken down at this point so that I may hear what further the gentleman from Texas [Mr. Foreman] has to say that is of interest.

Mr. Foreman continued:

The fact of the matter is, as I was saying, to set the record straight, I have only referred to one Member of this body as a "pinko." On Friday, October 18, 1963, during a speech in San Jose, Calif., I referred to the gentleman from California, Mr. Don Edwards, as Don "Pinko" Edwards.

Mr. Rooney then demanded that those words be taken down and Speaker John W. McCormack, of Massachusetts, ruled that to characterize any Member of the House as a "pinko" is in violation of the rules.

The House then rejected a unanimous-consent request for Mr. Foreman to continue with the balance of his statement.

—*You Are Going To "Skin Us"*

§ 61.10 A statement in debate "you are going to skin us" was held merely a colloquialism which did not reflect upon any Member and was in order.

On Feb. 18, 1941,[19] Mr. Clare E. Hoffman, of Michigan, used the following language in relation to his opposition on a certain measure: "You are going to skin us, are

18. 109 CONG. REC. 20742, 88th Cong. 1st Sess.

19. 87 CONG. REC. 1126, 77th Cong. 1st Sess.

you not?" Mr. Robert F. Rich, of Pennsylvania, demanded that the words be taken down, the committee rose, and Speaker Sam Rayburn, of Texas, ruled that the expression contained in those words was merely a colloquialism which did not reflect in an unparliamentary manner upon any Member.

—*Snoop*

§ 61.11 It is a breach of order in debate to refer to another Member as a "snooper."

On July 16, 1935,[20] Mr. Hamilton Fish, Jr., of New York, referred to Mr. Wright Patman, of Texas, in debate as a "snooper." The words were taken down. After consulting Webster's Dictionary and reading the definition of the term as "to look or pry about or into others' affairs in a sneaking way," or as "one who snoops, a prying sneak," Speaker Joseph W. Byrns, of Tennessee, held that the use of the term violated the rules of the House.

—*Stool Pigeon*

§ 61.12 It is a breach of order in debate to refer to another Member as a "stool pigeon."

On July 16, 1935,[1] Speaker Joseph W. Byrns, of Tennessee, ruled that the use of the term "stool pigeon" by a Member in debate referring to another Member was clearly a breach of order. The Speaker stated that it was not necessary for the Chair or for any Member to consult the dictionary in order to ascertain the meaning of the language objected to.

—*Yapping*

§ 61.13 The word "yapping" used in debate to refer to another Member's remarks is not unparliamentary.

On June 16, 1934,[2] Speaker Henry T. Rainey, of Illinois, ruled that the word "yapping," used by Mr. George E. Foulkes, of Michigan, in debate to refer to addresses on the floor by Mr. John Taber, of New York, was not unparliamentary. The Speaker had consulted the dictionary and stated that the term meant "to talk loudly; chatter; scold" and was not objectionable.

—*Lacking Guts*

§ 61.14 The Chair on one occasion intervened to admonish Members not to characterize the motivations of other Members, without a challenge from the floor and

20. 79 Cong. Rec. 11256, 74th Cong. 1st Sess.

1. *Id.*

2. 78 Cong. Rec. 12114, 73d Cong. 2d Sess.

without any specific Member being mentioned.

The following proceedings occurred in the House on July 9, 1992,[3] during consideration of House Resolution 513 (the rule providing for consideration of H.R. 5518, Department of Transportation appropriations for fiscal year 1993):

> MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . The problem is that the Democratic leadership and the Committee on Rules that they control are so weak and pathetic that they cannot stand up for honor and they cannot stand up for law. . . .
>
> Why can you not at least have the guts to stand up for real deficit reduction and for the budget process? . . .
>
> THE SPEAKER PRO TEMPORE:[4] Members are reminded to refrain from characterizing the actions or motivations of other Members of the House.

§ 62. —Questionable Motives

Members may not in debate impugn the motives of other named Members in the performance of their legislative duties.[5] A reasonable difference of opinion on the intent of another Member in offering a bill or debating a proposition may be stated,[6] as may an opinion on the general motives of the House or a political party in adopting or rejecting a proposition.[7] But an assertion that a Member's use of the legislative process is motivated by personal gain or is deceitful is not in order.[8]

Generally

§ 62.1 It is a breach of order in debate to impugn the motives of other named Members.

On Feb. 7, 1935, certain language was used in the Committee

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3. 137 CONG. REC. p. ____, 102d Cong. 2d Sess.

4. Michael R. McNulty (N.Y.).

5. A Member must avoid personality in debate. Rule XIV clause 1, *House Rules and Manual* § 749 (1995).

In the early practice of the House the Speaker customarily intervened in debate to prevent even the mildest imputation on the motives of Members; see 5 Hinds' Precedents §§ 5161, 5162.

6. Compare §§ 62.2–62.5, infra.

Purposely misquoting a Member's remarks is a breach of order. See 5 Hinds' Precedents § 5150.

7. See § 62.7, infra (motive of political party).

If words used to describe the motive of the House are objectionable in themselves, they are a breach of order; see § 65.6, infra (characterization of amendment as "demogogic" and "racist").

8. See § 62.8, infra; 5 Hinds' Precedents §§ 5147, 5149; 8 Cannon's Precedents § 2546.

of the Whole charging that Speaker Joseph W. Byrns, of Tennessee, and former Speaker Henry T. Rainey, of Illinois, in the past had committed dishonest acts and repudiated and ignored the rules of the House in the course of presiding.[9]

Mr. Thomas L. Blanton, of Texas, objected to the words uttered by Mr. George H. Tinkham, of Massachusetts, and demanded that they be taken down. When the committee rose and Speaker Byrns resumed the Chair, he appointed Speaker Pro Tempore John J. O'Connor, of New York, to preside.

In defense of the words, Mr. Frederick R. Lehlbach, of New Jersey, stated as follows:

> Mr. Speaker, the right of free debate in a parliamentary assemblage is the one privilege which the minority in such a body has, and which no deliberative assembly, certainly no English-speaking assembly, has ever sought to abridge or suppress.
>
> Unparliamentary language is the use of abusive epithets or abuse or improper and excessive use of words, but it does not extend to criticism of anybody connected with the Government or characterization of the acts so criticized, and that is all that is involved here. It is a criticism of what the gentleman charges was done, and it is entirely aside from the question of whether that charge is true or not as to whether the language is unparliamentary. The gentleman has a perfect right to charge that in the conduct of any kind of detail of the function of government certain acts were performed by certain officials. He has the right to condemn those acts, and he has the right to characterize them in any way he sees fit as long as he confines the language in which he makes his criticism to language ordinarily used by a gentleman.

The Speaker Pro Tempore ruled that the language used was a breach of order, since "It is well established under the precedents of the House that it is out of order in debate to arraign the motives of Members. Of course, the Speaker is a Member of the House."[10]

Inconsistency in Motivation

§ 62.2 A statement in debate that "consistency is a virtue of small minds" was held not to reflect on the motives of any Member of the House and not to be unparliamentary.

On Apr. 11, 1962,[11] Mr. Wayne L. Hays, of Ohio, delivered the following words in debate in relation to Mr. H. R. Gross, of Iowa: "I say

9. 79 Cong. Rec. 1680, 1681, 74th Cong. 1st Sess.

10. The Speaker referred to a precedent set on Apr. 19, 1934, 78 Cong. Rec. 6947, 6948, 73d Cong. 2d Sess.

11. 108 Cong. Rec. 6374, 87th Cong. 2d Sess.

you have your definition of consistency. My definition is that consistency is a virtue of small minds.'' Speaker John W. McCormack, of Massachusetts, ruled as follows:

> In the opinion of the Chair, both Members were talking about a definition and each definition might apply to others outside the House. The Chair sees nothing about the words taken down that impugns the motives of any Member.

Attributing Legislative Position to Improper Motives

§ 62.3 A statement in debate accusing another Member of attacking the intent to enfranchise men in the Armed Forces was held in order as not impugning the motives of the Member.

On Dec. 15, 1943,[12] Mr. John E. Rankin, of Mississippi, demanded that the following words used in reference to him by Mr. Vito Marcantonio, of New York, in debate be taken down:

> The gentleman from Mississippi saw fit to make an attack on the President's Committee for Fair Employment Practices and also to state his viewpoint with regard to the soldiers' vote bill. Throughout the gentleman's speech the gentleman rests his attack on the Committee for Fair Employment Practices as well as his attack on the attempt to enfranchise the men in American uniform on what he deemed to be the philosophy of Thomas Jefferson.

Speaker Sam Rayburn, of Texas, ruled as follows:

> The Chair read the statement and then listened to its reading and the Chair can hardly think that the language of the gentleman from New York was more than expressing his opinion of the attitude of the gentleman from Mississippi. The Chair very seriously doubts that it is a violation of the rules of the House or a direct charge impugning the gentleman's motives or impugning his character.

§ 62.4 A statement in debate accusing a Member of attempting to deprive men in the Armed Forces of the right to vote was held to transgress the rules and to be a breach of order in debate.

On Dec. 20, 1943,[13] the following words used by Mr. Adolph J. Sabath, of Illinois, in debate in relation to Mr. John E. Rankin, of Mississippi, were demanded to be taken down:

> I said that I did not care whether it was my bill, his bill, or any bill; but that it should be a bill that will give them the right to vote [men in the

12. 89 Cong. Rec. 10737, 78th Cong. 1st Sess.

13. 89 Cong. Rec. 10922, 10923, 78th Cong. 1st Sess.

armed forces] and not a bill that will deprive them of that great privilege as the gentleman from Mississippi is trying to do.

Speaker Pro Tempore John W. McCormack, of Massachusetts, ruled as follows:

The Chair feels that the question is very close to the line, but does transgress the rules when the gentleman from Illinois used the words "deprive them" in that those words tend to impugn the motives of the gentleman from Mississippi.

A Member may take the floor and make as vigorous an attack as he desires on any bill and its merits, but when it comes to the question of impugning the motives of another Member, one has to be exceedingly careful. Many times these questions are very close, and the Chair is frankly of the opinion that this is a very close question. But in order to preserve that understanding among Members which is so essential in a legislative body, the Chair is of the opinion that the words used, while very close to the line, tend to transgress the rules of the House.

§ 62.5 A statement in debate accusing another Member of past opposition to "every bill necessary for the defense of our country" was held to be an expression of opinion and not unparliamentary.

On Mar. 16, 1949,[14] Mr. John W. McCormack, of Massachusetts, delivered the following words in debate in reference to another Member: "Before Pearl Harbor the gentleman was opposed to every bill necessary for the defense of our country." Mr. John E. Rankin, of Mississippi, to whom the words referred, demanded that the words be taken down.

Speaker Sam Rayburn, of Texas, stated that he had always been in favor of a wide range of discussion and expression of opinion in debate; he ruled that the words objected to expressed an opinion, not fact, and were therefore not in violation of the rules of the House.

§ 62.6 While remarks in debate may not impute questionable personal motivations to a Member for his legislative positions, it is permissible to address political motivations for legislative positions in a manner not constituting a personal attack on a Member.

On Jan. 24, 1995,[15] Mr. Dan Burton, of Indiana, was given permission to address the House for one minute and to revise and extend his remarks:

MR. BURTON of Indiana: Mr. Speaker, the people of this country spoke last

14. 95 CONG. REC. 2651, 2652, 81st Cong. 1st Sess.

15. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

November. But it is apparent to anyone who is paying attention to what is going on in this House that the Democratic Party is doing everything they can to derail the Contract With America. They are proposing hundreds of amendments to slow down the process. All I want to say is that it is the height of hypocrisy, the height of hypocrisy for the Democrats to come down here and complain about what the Republicans are doing after the way they have run this House for the last 40 years.

MR. [JERROLD L.] NADLER [of New York]: Mr. Speaker, I demand that the gentleman's words be taken down. . . .

THE SPEAKER PRO TEMPORE:[16] The Chair is prepared to rule.

It would be out of order for the gentleman to make reference to a particular Member, but precedent suggests that reference to procedures, or amendments, or to parties is not out of order. . . .

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

The second half of the statement of the distinguished gentleman made reference to the hypocrisy of the Democrats. The context clearly indicated that it was the Democratic Members of the House that he was referring to. My parliamentary inquiry, therefore:

Since the rules prohibit the impugning of motives of Members of the House, and the gentleman impugned the motives of a group of Members of the House, just under half the Members of the House; so is it not permitted under the rules then to impugn the motives of an individual Member of the House, but to impugn the motives of a group of Members of the House is permitted?

THE SPEAKER PRO TEMPORE: The Chair believes that collective political motivation can be discussed and it was not discernible that it was relating to any particular Member.

The scope of permissible discussion of motivation was further clarified by the Chair on Mar. 8, 1995,[17] in his response to a parliamentary inquiry. The Committee of the Whole had under consideration H.R. 956, to establish legal standards and procedures for product liability litigation:

MR. [THOMAS L.] BLILEY [Jr., of Virginia]: . . . I will point out to the gentleman on the other side that between 1973 and 1988 product liability suits in Federal courts increased 1,000 percent. In State courts, the increase was between 300 and 500 percent. One estimate of the total cost of these suits is $132 billion a year. . . .

To the gentleman from Massachusetts I would say, when we were accused today in a bill that we passed overwhelmingly with bipartisan support for securities litigation reform, that we were bringing this because we were rewarding our fat cats, maybe some of us might beg to say that the gentleman on the other [side] might be trying to defend them.

Mr. Chairman, that may be one of the reasons that they so vociferously

16. Christopher Shays (Conn.).

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

defend the current system is that one of the heaviest contributors to their campaign coffers are the trial lawyers of the United States. . . .

MR. [JOHN] BRYANT of Texas: Mr. Chairman, I have a parliamentary inquiry. . . .

Do the rules prohibit implying a motive or the improper motive on the part of your adversary in debate for presenting legislation?

THE CHAIRMAN:[18] The rules of the House prevent Members from engaging in personal attacks.

MR. BRYANT of Texas: I thank the Chair. But my further inquiry was, do the rules prohibit you from implying a prohibited motive, unsavory motive for offering amendments for advocating legislation?

THE CHAIRMAN: The rules do not prohibit Members from engaging in discussions of political motivation.

MR. BRYANT of Texas: What about motivations that relate to your personal occupation or your personal sources of income?

THE CHAIRMAN: The rules prohibit Members from engaging in personal attacks.

Opportunism as Motive

§ 62.7 A statement in debate that a Member was leading the Republican party in a policy of opportunism was held not to transgress the rules of the House or reflect upon the integrity of Members and therefore to be in order.

18. David Dreier (Calif.).

On Feb. 8, 1941,[19] the following words used by Mr. John W. McCormack, of Massachusetts, in debate were demanded to be taken down by Mr. Clare E. Hoffman, of Michigan:

> The gentleman from New York who was leading the Republican Party in the policy of opportunism that is being engaged in in connection with a bill serious to the fate of our country relating to our national defense.

The Committee of the Whole rose and the words were reported to the House. Speaker Sam Rayburn, of Texas, ruled that the words did not reflect upon the integrity of any Members and were therefore not violative of the rules of the House.

Personal Gain as Motive

§ 62.8 Where a Member charged another with opposing a rent bill because he was a landlord, the Speaker ruled the reference a breach of order.

On Apr. 17, 1936,[20] during consideration of a District of Columbia rent bill in the Committee of the Whole, Mr. Marion A. Zioncheck, of Washington, stated as follows:

> Mr. Chairman, there has been a bad rumor running around the town that

19. 87 CONG. REC. 796, 77th Cong. 1st Sess.

20. 80 CONG. REC. 5647, 74th Cong. 2d Sess.

the reason the gentleman from Texas [Mr. Blanton] objects to this bill is that he is a landlord.

Mr. Thomas L. Blanton made a point of order against those remarks, and Chairman William B. Umstead, of North Carolina, ruled as follows:

> . . . The gentleman from Washington will confine his remarks to the amendment which he offered and avoid personalities, and please proceed in order.

Following another personal remark by Mr. Zioncheck, the Chairman again reminded him that he could not indulge in personalities.

§ 62.9 While it may be appropriate in debate to characterize the effect of an amendment as deceptive or hypocritical, the Speaker has ruled out of order words taken down in Committee of the Whole characterizing the motivation of a Member in offering an amendment as deceptive and hypocritical.

During consideration of the Department of Education Organization Act of 1979 (H.R. 2444) in the Committee of the Whole, certain words used in debate were reported to the House and ruled out of order by the Speaker. The proceedings of June 12, 1979,[1] were as follows:

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I expected resistance to this amendment and not necessarily my getting involved. I am not a member of this committee. But this amendment is probably the most detrimental to the main purposes of equal opportunity of education to the most needed segments of our society that has been presented thus far and probably could ever be presented. The insidiousness of the amendment is compounded by the sponsor's deceptive—I should say hypocritical—presentation of this amendment, disguising it as a quota prohibition.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I demand that the words be taken down.

THE CHAIRMAN:[2] The Clerk will report the words objected to. . . .

The Committee will rise. . . .

THE SPEAKER:[3] The Clerk will report the words objected to.

The Clerk read as follows: . . .

> The insidiousness of the amendment is compounded by the sponsor's deceptive—I should say hypocritical—presentation of this amendment, disguising it as a quota prohibition.

THE SPEAKER: The Chair is ready to rule.

The Chair, having read the references concerning deception and hypocrisy, will state that there have been previous opinions by the Chair that there is nothing wrong with using the word, "deceptive," or the word, "hypocritical," in characterizing an amendment's effect but when a Member so

1. 125 CONG. REC. 14461, 96th Cong. 1st Sess.

2. Lucien N. Nedzi (Mich.).

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

characterizes the motivation of a Member in offering an amendment that is not in order.

Consequently, the words in the last sentence read by the Clerk are unparliamentary and without objection, the offensive words are stricken from the Record.

—*Party Motivation in Offering Question of Privilege*

§ 62.10 Reference in debate to the minority party as "having some motivation other than fully objective concern for the House in the timing of a resolution" and the assertion that the House could proceed with "greater dignity and honor" at another time, together with the disclaimer that the Minority Leader did not necessarily share that motivation, was held not to impugn the motives of any Member and to be parliamentary.

During consideration of House Resolution 578 (directing the Committee on Rules to make certain inquiries) on Feb. 13, 1980,[4] the following proceedings occurred in the House:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I send to the desk a privileged resolution (H. Res. 578) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, Whereas it was reported in the public press on February 9, 1980, that, "The House of Representatives this week lost a secret effort in court to obtain a ruling that congressmen do not have to respond to federal grand jury subpoenas for House records;" . . .

Therefore be it resolved, That the Committee on Rules be instructed to inquire into the truth or falsity of the newspaper account and promptly report back to the House its findings and any recommendations thereon. . . .

MR. BOLLING: . . . The gentleman from Missouri has not felt more strongly about a matter in a very long time than he does about this. . . . The gentleman from Missouri obviously has no difficulty with the content of the resolution and feels that he could in honor offer it. The gentleman from Missouri has a very, very strong feeling about the timing of the offering of this proposal by the minority, and the gentleman from Missouri has carefully differentiated between what he has said earlier about the minority leader and what he is now saying about the minority.

I fear me, and I do not suspect the gentleman from Arizona of having this view, I fear me that there is some motivation other than fully objective concern for the House in the timing of the resolution, not in the content. And that is the reason that the gentleman from Missouri took the unusual course of offering the minority's proposition. He

4. 126 CONG. REC. 2768, 2769, 96th Cong. 2d Sess.

feels that it is appropriate for the House, through the Rules Committee initially, to look into this matter. But he thinks it might be done with greater dignity, and one might say with greater honor, if it were not done at this particular time of confusion. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I demand that the words of the gentleman from Missouri be taken down. . . .

If the record is read back by the Clerk, I believe the Chair will find that the gentleman from Missouri referred to the motivation behind the offering of this resolution at this time and referred to the minority leader and the members of the minority party. Subsequent to that the gentleman from Missouri referred to that motivation being dishonorable. I think this falls within the rules of the House that clearly say that a Member of the House cannot question the motivation of other Members of the House in their actions. The gentleman from Missouri did refer to the minority leader, and all of the Members of the minority and their motivation.

THE SPEAKER:[5] The Clerk will report the words. . . .

The gentleman from Missouri has referred in his remarks that he feels that it is appropriate for the House, through the Rules Committee, initially to look into this matter, and he thinks it might be done with greater dignity and, one might say, with greater honor if done by the committee or considered at another time.

The Chair, in its opinion, feels that he has not transgressed on the honor or the dignity of the minority party or the minority leader, and the point of order is not well taken.

The gentleman from Missouri.

MR. BAUMAN: Mr. Speaker, would the Chair address himself to the issue of motivation the gentleman from Missouri raised, as to whether that is a correct use of parliamentary language.

THE SPEAKER: In the opinion of the Chair the gentleman did not talk about or refer to the dishonor of any Member of the House, nor did he characterize the motives of any specific Member in an unparliamentary way.

The Chair repeats, the point of order is not well taken.

Indirect Derogatory Reference

§ 62.11 Under Jefferson's Manual,[6] it is not in order during debate to refer to a particular Member of the House in a derogatory fashion, and the Chair will intervene to prevent improper references where it is evident that a particular Member is being described although not named.

The following proceedings occurred in the House on Oct. 28, 1981:[7]

THE SPEAKER PRO TEMPORE:[8] Under a previous order of the House,

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

6. See *House Rules and Manual* § 361 (1995).

7. 127 CONG. REC. 25723, 25725, 97th Cong. 1st Sess.

8. Nick J. Rahall, 2d (W. Va.).

the gentleman from Virginia (Mr. Bliley) is recognized for 60 minutes. . . .

MR. [THOMAS J.] BLILEY [Jr., of Virginia]: . . . Mr. Speaker, my constituent is disgusted and I am disgusted. Disgusted to think that any Member of this House would sanction the use of his signature on this kind of scurrilous fabrication. Yes, outright fabrication. . . .

MR. [DANIEL E.] LUNGREN [of California]: . . . [People] who asked for our trust and the trust of the American people in solving the problem, are telling us now that what the President is trying to do is destroy the system, and one party, one party will save it and make it a partisan issue.

Unfortunately, the signer of this terrible appeal for cash is a most distinguished member of the Committee on Aging.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman to confine his remarks to parliamentary and legislative issues and not refer to Members of the body individually.

Parliamentarian's Note: Mr. Lungren's reference had been to the chairman of the Select Committee on Aging, Mr. Claude Pepper, of Florida, and in the context of the full special order containing remarks relating to unidentified members of the majority party who had solicited campaign funds under the guise of a "Social Security Notice", the reference to Mr. Pepper was unparliamentary. Mr. Lungren revised his remarks to delete any reference to the chairman, over whose signature the controversial letter in question had been mailed out.

Challenging Motive of Minority Party

§ 62.12 A demand that words be taken down (in this instance, language arguably impugning the motives of other Members) is untimely if further debate has intervened.

The following proceedings occurred in the House on Mar. 4, 1985,[9] during consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana):

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

9. 131 CONG. REC. 4277, 4283–85, 99th Cong. 1st Sess.

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration. . . .

THE SPEAKER PRO TEMPORE:[10] The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time. . . .

MR. [WILLIAM D.] FORD of Michigan: . . . Mr. Speaker, this issue is being handled now in a manner being allowed in this House that does not meet the dignity of this body which is very much needed at the moment. At the time that the people of this country are wondering whether or not the Congress is going to do the things that are necessary, some of them painful, to protect our country, we have Members playing petty politics over there in a way that is calculated to do nothing except destroy public confidence in this body.

I can see how people would lose confidence in the House, which is put into this kind of mess by this bushwhacking method of causing a vote. . . . [W]e count on assertions from our leaders on both sides that on particular days you can take care of other important matters because there will not be rollcalls. They know that many of the Members are being deprived, who have been seated, of representing their districts because of the way in which this vote is called up. And if they want to show good faith at this point, Mr. Speaker, then the gentleman should withdraw his motion and move to take it up at a time when due notice has been given so that my constituents and all of the districts in Michigan will have their representative here to vote on them. . . .

MR. [CARROLL] CAMPBELL [Jr., of South Carolina]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, am I correct in saying that we do not seek to impugn the motives of a Member when they bring a matter to the floor? Is that correct under the way this House operates? And that when a Member's motives have been impugned that that Member or others on their behalf would have a right to ask that words be stricken? Is that a correct assumption?

THE SPEAKER PRO TEMPORE: The gentleman is correct that no Member's motive is to be impugned by another Member in the course of orderly debate on the House floor.

MR. CAMPBELL: Well, Mr. Speaker, my concern lies with the fact that with the previous speaker that the motivation of those of us who are concerned with this matter may have been impugned when the accusation was made that this was being done under petty politics and that it was bushwhacking and instead of the motivation of trying to protect legitimately the rights of a Member of the minority party who had been denied, though being certified, his seat.

To make that charge I raise the point of order does impugn the motivation of those of us who seek to seat Mr. McIntyre. I ask that the gentleman's words be stricken.

THE SPEAKER PRO TEMPORE: The gentleman's point of order in this par-

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

ticular instance comes too late. Intervening debate has proceeded.

MR. CAMPBELL: The gentleman who previously spoke, Mr. Speaker, I was on my feet asking to be recognized on a point of order, who had made those accusations.

THE SPEAKER PRO TEMPORE: The Chair will state the Chair expects all Members to maintain the dignity of the Chamber, and that includes the proper use of language in reference to their colleagues of either political party.

The Chair will state that the point of order made by the gentleman at this time is not timely made. But the Chair will instruct all Members with the expectation that parliamentary language will be observed.

§ 63.—Falsehood

A Member may assert in debate that the statement of another Member is untrue,[11] provided that no accusation of intentional misrepresentation is made.[12] Any term or language implying a deliberate misstatement of the truth, for whatever motive, is unparliamentary,[13] including allegations of insincerity,[14] and hypocrisy.[15]

Allegations of Express or Implied Falsehood

§ 63.1 The Speaker ruled that the word "canard" meant falsehood and was out of order in debate when referring to another Member.

On May 11, 1949,[16] Mr. Emanuel Celler, of New York, stated in debate in reference to Mr. John E. Rankin, of Mississippi, "Mr. Speaker, I cannot let the occasion go by without commenting on the canard that the gentleman from Mississippi was guilty of when he

11. See § 63.3, infra. See also 5 Hinds' Precedents § 5159.

12. See the statement of Speaker Joseph W. Byrns (Tenn.) at § 63.3, infra. For past rulings, see 5 Hinds' Precedents §§ 5158 ("That is not true, and he knows it" held in order), 5160 ("Bold and direct attack upon truth" held out of order by vote of Senate); 8 Cannon's Precedents § 2545 ("The devotion of the gentleman . . . to the truth is so notorious that I shall not reply" held out of order).

Charges of deliberate falsehood against persons who are not Members are in order; see 8 Cannon's Precedents § 2532.

13. See §§ 63.4 ("false and slanderous"), 63.5 ("lies and half-truths"), infra; § 61.2, supra ("cover up wrongdoing"). See also 8 Cannon's Precedents § 2530 ("liar").

14. See § 63.7, infra; 5 Hinds' Precedents § 5148.

15. See § 63.6, infra ("hypocrisy" linked to "falsehood"); compare 8 Cannon's Precedents § 2542.

16. 95 CONG. REC. 6042, 6043, 81st Cong. 1st Sess.

called the Antidefamation League subversive." Mr. Rankin demanded that the words be taken down and Speaker Sam Rayburn, of Texas, ruled as follows:

> The Chair desires to make a statement. There are too many "left-handed" compliments being passed around this House all the time on both sides.
>
> The word "canard" to me conveys the idea that a man has told a falsehood. Therefore, if anybody desires to move to strike it from the Record—without objection, the word "canard" will be stricken from the Record.
>
> There was no objection.

§ 63.2 A statement in debate referring to another Member "when he comes here to defend some slime-monger who goes on the radio and lies about me, then I am ready to meet him anywhere" was held in order.

On Feb. 12, 1946,[17] Mr. John E. Rankin, of Mississippi, stated in debate in reference to Mr. Adolph J. Sabath, of Illinois, "when he comes here to defend some slime-monger who goes on the radio and lies about me, then I am ready to meet him anywhere." Mr. Sabath demanded that the words be taken down. However, Speaker Sam Rayburn, of Texas, ruled that the language objected to was not a breach of order since it was directed not towards Mr. Sabath but towards a news commentator.

§ 63.3 Where a Member stated in debate he did "not believe a word that another Member has said," the language was held in order as no intentional misrepresentation was implied.

On July 2, 1935,[18] Mr. Maury Maverick, of Texas, stated in debate "I do not believe a word the gentleman from Maine [Mr. Ralph O. Brewster] said" while the House was considering House Resolution 285, to appoint a committee to investigate charges of intimidation of Mr. Brewster by an official of the executive branch.

Mr. Brewster demanded that the words be taken down as a challenge to his words on the floor of the House. Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

> The gentleman from Texas made the statement, but that does not necessarily imply that the gentleman from Maine intentionally made a misstatement on his own part. He simply said he did not believe it, but this did not necessarily imply that the gentleman from Maine intentionally made a misstatement. What the gentleman from

17. 92 Cong. Rec. 1240, 1241, 79th Cong. 2d Sess.

18. 79 Cong. Rec. 10670, 10671, 74th Cong. 1st Sess.

Texas said may be construed as meaning that the gentleman from Maine was merely mistaken in his conclusions, and that the gentleman did not deliberately make a false statement.

§ 63.4 A statement in debate that the remarks of a Member were "false and slanderous" was held out of order.

On Dec. 20, 1943,[19] Mr. Adolph J. Sabath, of Illinois, had the floor and was speaking of a bill related to the right of servicemen to vote. During the course of his remarks, he referred to a certain bill as depriving them of the vote. Mr. John E. Rankin, of Mississippi, rose to demand that that language be taken down; he stated "I make the point of order that his statement is false and slanderous."

Mr. Sabath demanded that Mr. Rankin's accusation be taken down and Speaker Pro Tempore John W. McCormack, of Massachusetts, ruled on both points of order. He ruled that Mr. Rankin's statement clearly transgressed the rules of the House and declined to sustain Mr. Rankin's argument that "When any Member rises on the floor and makes a false statement, any other Member has the right to say that that statement is false; and when that statement is slanderous, any gentleman is within the rules of the House when he says so."

§ 63.5 Language in a telegram read in debate in the House which repudiated "lies and half-truths" of a House committee report was held out of order as reflecting on the integrity of committee members.

On June 16, 1947,[20] Mr. Chet Holifield, of California, read in the House a telegram from the Southern Conference for Human Welfare. Mr. John E. Rankin, of Mississippi, made a point of order against certain words in the telegram and demanded that they be taken down: "We completely repudiate the lies and half-truths of the report that was issued and consider it un-American."

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words objected to, referring to the Committee on Un-American Activities, were unparliamentary, since they "reflect upon the character and integrity of the membership of a committee. . . ." The words were stricken on motion from the *Congressional Record*.

Hypocrisy

§ 63.6 A statement in referring to another Member that "I

19. 89 Cong. Rec. 10922, 78th Cong. 1st Sess.

20. 93 Cong. Rec. 7065, 80th Cong. 1st Sess.

was reminded that pretexts are never wanting when hypocrisy wishes to add malice to falsehood or cowardice to stab a foe who cannot defend himself" was held unparliamentary.

On Oct. 25, 1945,[1] Mr. Edward E. Cox, of Georgia, stated in debate in reference to Mr. Emanuel Celler, of New York: "I was reminded that pretexts are never wanting when hypocrisy wishes to add malice to falsehood or cowardice to stab a foe who cannot defend himself." Mr. Celler demanded that the words be taken down, and Speaker Sam Rayburn, of Texas, ruled the language unparliamentary as specifically directed to Mr. Celler.

Allegations of Insincerity

§ 63.7 A statement by a Member "I cannot believe that the gentleman from Mississippi is sincere in what he has just said" was held out of order as a personal attack on a Member's sincerity.

On Nov. 2, 1942,[2] Mr. Harold Knutson, of Minnesota, stated in debate: "Mr. Speaker, I cannot believe that the gentleman from Mississippi [Mr. John E. Rankin] is sincere in what he has just said." Mr. Rankin demanded that the words be taken down and Speaker Pro Tempore Jere Cooper, of Tennessee, ruled as follows:

> The Chair is of the opinion that the words complained of, in effect, accuse the gentleman from Mississippi of insincerity and constitute a personal attack on the sincerity of the gentleman from Mississippi and are in violation of the rules of the House.

§ 64. —Lack of Intelligence

Wide latitude is permitted in debate to criticize the understanding of other Members or groups of Members in relation to pending legislation. But such remarks may not extend to personal attacks on the intelligence of another Member.[3]

Implication in Debate

§ 64.1 An implication in debate that another Member did not understand English was held in order.

During debate on Mar. 9, 1936,[4] Mr. Thomas L. Blanton, of

1. 91 Cong. Rec. 10044, 79th Cong. 1st Sess.
2. 88 Cong. Rec. 8702, 77th Cong. 2d Sess.
3. See § 64.4, infra.
4. 80 Cong. Rec. 3465, 74th Cong. 2d Sess.

Texas, stated in reference to Mr. Henry Ellenbogen, of Pennsylvania, "Here is the answer, if the gentleman can understand English." The words were taken down, but Speaker Pro Tempore John J. O'Connor, of New York, ruled that there was nothing objectionable in the language noted.

§ 64.2 A question in debate whether it was a parliamentary inquiry to ask that a bill be printed in such a way that the Republicans could understand it was held in order.

On Mar. 31, 1938,[5] Mr. Clare E. Hoffman, of Michigan, demanded that the following words used in debate by Mr. Thomas F. Ford, of California, be taken down: "Mr. Chairman, is it a parliamentary inquiry then to ask that the bill be reprinted in words of one syllable so that the Republicans can understand it?"

Speaker William B. Bankhead, of Alabama, ruled that the language was clearly not objectionable under House rules.

§ 64.3 Where a Member characterized another Member's comment on a pending amendment as a "dumb interpretation in my opinion," the words were taken down but withdrawn by unanimous consent before a ruling was made.

On June 10, 1964,[6] the Committee of the Whole was considering an amendment to a pending bill offered by Mr. Olin E. Teague of Texas. Mr. H. R. Gross, of Iowa, described his view of the amendment's effect, and Mr. Teague replied "It is a dumb interpretation in my opinion." Mr. Gross demanded that the words be taken down but Mr. Teague asked unanimous consent that the words be withdrawn before any ruling was made.

§ 64.4 A reference in debate to a Member as one who was incapable of ascertaining whether a document has been forged was held to transgress rules of debate.

On Mar. 1, 1940,[7] Mr. Clare E. Hoffman, of Michigan, referred in debate to Mr. Frank E. Hook, of Michigan, as a person "who never can tell whether a document has been forged or whether it has not." Mr. Hook demanded that the words be taken down, and Speaker William B. Bankhead, of Ala-

5. 83 Cong. Rec. 4484, 4485, 75th Cong. 3d Sess.

6. 110 Cong. Rec. 13254, 88th Cong. 2d Sess.

7. 86 Cong. Rec. 2229, 76th Cong. 3d Sess.

bama, ruled that the language violated the rules of debate since directed to the personality of another Member. The words were stricken from the Record.

§ 65. —Race and Prejudice

It is not in order in debate to accuse a Member of bigotry or racism.[8] However, a Member may express the opinion in debate that another Member is by his actions and words doing a disservice to a minority race if terms not objectionable in themselves are not used.[9]

Remarks Relating to Race Generally

§ 65.1 A statement in debate expressing the opinion of the Member that if he were a Negro he would avoid association with non-Negroes was held not to reflect on any Member of the House and therefore to be in order.

On Apr. 5, 1946, Mr. Adam C. Powell, Jr., of New York, offered to H.R. 5990, the District of Columbia appropriation bill of 1947, an amendment to deny funds to any agency, office, or department which segregated citizens on the basis of race, color, creed, or national origin.[10] In commenting on the amendment, Mr. Powell stated:

> If you do not believe that segregation is practiced here by the District government may I say look at me, one of your fellow Congressmen. I cannot get a card to play tennis, for instance, in any of the parks of the District of Columbia. . . .

Mr. John E. Rankin, of Mississippi, then commented as follows on the amendment:

> Mr. Chairman, this amendment to deny funds to separate schools here in Washington is another one of those communistic movements to stir up race hatred in the District of Columbia. . . .
>
> If I were a Negro I would want to be as black as the ace of spades, and I would not be running around here trying to play tennis on a white man's court. I would go with the other Negroes and have the best time in my life. . . .

Mr. Powell demanded that the last paragraph of Mr. Rankin's remarks be taken down. The Committee of the Whole rose and Speaker Sam Rayburn, of Texas, ruled as follows:

> The Chair would think and would be compelled to hold that there is nothing

8. Compare §§ 65.5–65.7, infra.

9. See § 65.4, infra.

10. 92 CONG. REC. 3227, 79th Cong. 2d Sess.

in this language that refers to any specific person by name or otherwise as a Member of the House of Representatives, does not reflect upon his character, his integrity, or attribute to him any moral turpitude.[11]

§ 65.2 The Speaker held that reference to a class or group of persons as "Negroes" was in order, although it was objected that a corruption of that term had been used, thereby insulting some Members of the House.

On Sept. 21, 1949,[12] Mr. John E. Rankin, of Mississippi, was delivering remarks in debate against Paul Robeson, whom he termed a "Negro Communist". Mr. Vito Marcantonio, of New York, made the following point of order:

> The gentleman from Mississippi used the word "nigger." I ask that that word be taken down and stricken from the Record inasmuch as there are two Members in this House of the Negro race, and that word reflects on them.

Speaker Sam Rayburn, of Texas, stated that he had understood Mr. Rankin to say "Negro," and Mr. Rankin added that he had used that term ever since he had learned to talk. Mr. Marcantonio insisted that Mr. Rankin had said "nigger," and Speaker Rayburn ruled as follows:

> The Chair holds that the remarks of the gentleman from Mississippi are not subject to a point of order. He referred to the Negro race, and they should not be ashamed of that designation.

Similarly, on Feb. 18, 1947,[13] Mr. Rankin delivered the following remarks in debate:

> Now, let us turn back to this Negro witness. His name is Nowell. He lived in Detroit. He said he was born in Georgia. Now, I have lived all my life and practiced law for years in a State where we had many, many lawsuits between Negroes and whites and between Negroes themselves. I am used to cross-examining them. I know something of the way they testify, and have a fairly good way weighting testimony, and if I am any judge this Negro, Nowell, was sincere in every word he said.

The following point of order and ruling by Speaker Joseph W. Martin, Jr., of Massachusetts, then took place:

> MR. [ADAM C.] POWELL [of New York]: Is it within the rules of this Congress to refer to any group of our Nation in disparaging terms?
>
> MR. RANKIN: It is not disparaging to call them Negroes, as all respectable Negroes know.
>
> MR. POWELL: I am addressing the Speaker.
>
> THE SPEAKER: The Chair is not aware of the disparaging term used.
>
> MR. POWELL: He used the term "nigger" in referring to a group.

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11. *Id.* at pp. 3229, 3230.

12. 95 CONG. REC. 13124, 81st Cong. 1st Sess.

13. 93 CONG. REC. 1131, 80th Cong. 1st Sess.

THE SPEAKER: The Chair understood the gentleman to say "Negro."

MR. RANKIN: Mr. Speaker, I said what I always say and what I am always going to say when referring to these people.

THE SPEAKER: The gentleman will proceed in order.

MR. POWELL: Mr. Speaker, a point of order.

THE SPEAKER: The Chair overrules the point of order.

§ 65.3 It is not in order to impugn the motives of other Members as being racially prejudiced.

On Aug. 14, 1967,[14] Speaker John W. McCormack, of Massachusetts, ruled that the use of the word "bigoted" in reference to another Member was not consistent with the rules of the House.

Similarly, on Dec. 13, 1973,[15] Speaker Carl Albert, of Oklahoma, ruled that the use of the words "demagogic and racist" in relation to the motivation for an amendment was a breach of the rules of the House.

§ 65.4 In referring to another Member in debate the proper reference is "the gentleman from 'the state from which he comes'" and not "the Jewish gentleman from New York."

On Oct. 24, 1945,[16] Mr. John E. Rankin, of Mississippi, in debate referred to Mr. Emanuel Celler, of New York, as the "Jewish gentleman from New York." The words were demanded to be taken down by Mr. Celler, and Speaker Sam Rayburn, of Texas, ruled them out of order.

Mr. Rankin then continued with his remarks and criticized Mr. Celler for protesting reference to him as a "gentleman of his race".

Mr. Celler demanded that those words be taken down on the grounds that Mr. Rankin was again referring to him by innuendo as the Jewish gentleman from New York. Speaker Rayburn ruled that there was no breach of order in referring to another Member merely as a member of a minority race. Mr. Rankin then asked the Speaker:

. . . I wish to proceed in order. Does the Member from New York [Mr. Celler] object to being called a Jew or does he object to being called a gentleman? What is he kicking about?

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order.

THE SPEAKER: The Chair desires to make a little statement.

The Chair trusts that points of order may be properly points of order here-

14. 113 CONG. REC. 22443, 22444, 90th Cong. 1st Sess.

15. 119 CONG. REC. 41271, 93d Cong. 1st Sess.

16. 91 CONG. REC. 10032, 10033, 79th Cong. 1st Sess.

after, and that a Member before he makes a point of order secures the recognition of the Chair.

The gentleman from Mississippi will proceed in order, and the Chair trusts that the gentleman from Mississippi understands what the Chair means.

On May 22, 1947,[17] Mr. Rankin delivered the following words in debate.

Mr. Speaker, I might say in the beginning that I know of no man who in my opinion has done the Jews of this country more harm than the gentleman from New York [Mr. Celler].

The words were demanded to be taken down by Mr. Celler and Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words used were merely an expression of an individual opinion and that they did not reflect in an unparliamentary manner upon Mr. Celler.

§ 65.5 It is not in order in debate to refer to a Member as having reached "bigoted" conclusions.

On Aug. 14, 1967,[18] the following words used in debate by Mr. F. Edward Hébert, of Louisiana, in relation to another Member were demanded to be taken down: "His conclusions have already been reached. They are prejudicial and bigoted." Speaker John W. McCormack, of Massachusetts, ruled that the use of the word "bigoted" was not consistent with the rules of the House. The words were stricken from the Record and Mr. Hébert was recognized for the remainder of his time.

§ 65.6 The Speaker ruled out of order in debate remarks characterizing the motivation for an amendment as "demagogic" and "racist."

On Dec. 13, 1973,[19] the Committee of the Whole was considering H.R. 11450, the Energy Emergency Act. Mr. John D. Dingell, of Michigan, offered an amendment to prohibit the use of petroleum for the busing of schoolchildren beyond the nearest public school. In debate on the amendment, Ms. Bella S. Abzug, of New York, stated as follows:

An amendment like this can only be demagogic or racist because it is only demagoguery or racism which impels such an amendment like this.

Mr. Robert E. Bauman, of Maryland, demanded that the words be taken down and Ms. Abzug responded that her language had not in any way im-

17. 93 Cong. Rec. 5663, 5664, 80th Cong. 1st Sess.

18. 113 Cong. Rec. 22443, 22444, 90th Cong. 1st Sess.

19. 119 Cong. Rec. 41271, 93d Cong. 1st Sess.

pugned the motives of Mr. Dingell.

The Committee rose and Speaker Carl Albert, of Oklahoma, ruled as follows:

> On May 4, 1943 . . . Speaker [Sam] Rayburn [of Texas] held:
>
> Statement by Newsome of Minnesota that, "I do not yield to any more demagogues," held not in order.
>
> It is the opinion of the Chair that the statements reported to the House are within the framework of this ruling, and without objection the words are therefore stricken from the Record.

Exciting To Prejudice

§ 65.7 A statement in debate accusing a Member of remarks on the floor calculated to stir up race prejudice was ruled in order as a statement of opinion and not reflecting upon the character or integrity of the Member mentioned.

On Feb. 25, 1948,[20] Mr. Frank B. Keefe, of Wisconsin, used the following words in debate in relation to Mr. John E. Rankin, of Mississippi:

> [T]hat statement of the gentleman from Mississippi is just as wrong as many of the other inflammatory statements which he makes on the floor of this House in an attempt to stir up race prejudice that ought to be subdued rather than stirred up.

Mr. Rankin demanded that the words be taken down and Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that Mr. Keefe had merely stated his opinion and did not reflect upon the character or integrity of Mr. Rankin. The Speaker ruled that the statement was not unparliamentary since it only expressed a difference of opinion.

§ 66. — Disloyalty

Remarks in debate impugning the loyalty of a Member are not in order.[1] However, if such language is directed at the House or at its membership in general, the remarks may not be improper.[2] Allegations of disloyalty or lack of patriotism may assume various forms, including such labels as

20. 94 CONG. REC. 1707, 80th Cong. 2d Sess.

1. Accusations of active disloyalty are in order when the subject is relevant to disciplinary proceedings brought by the House against a Member, or to the consideration of resolutions of censure, expulsion, or exclusion. See Ch. 7, supra (disloyalty as disqualification for membership) and Ch. 12, supra (conduct; punishment, censure, or expulsion).

2. See, for example, § 53.1, supra. Compare 5 Hinds' Precedents § 5139 ("rebel elements" in House held unparliamentary).

"communist"[3] and "subversive,"[4] as well as the assertion that a Member has given aid or comfort to the enemy.[5]

Particular Accusations—Communism

§ 66.1 A statement in debate referring to another Member's language as "communistic" was held unparliamentary.

On Feb. 12, 1946,[6] Mr. John E. Rankin, of Mississippi, stated in response to comments accusing him of using disgraceful language, "I am not going to sit here and listen to these communistic attacks made on me."

Speaker Sam Rayburn, of Texas, ruled that Mr. Rankin's language was unparliamentary.

§ 66.2 A statement in debate accusing all opponents of the Committee on Un-American Activities as communist enemies was held in order on the assurance of the Member having the floor that he was not referring to any Member of the House.

On Feb. 27, 1946,[7] Mr. John E. Rankin, of Mississippi, stated of the words "The House Un-American Committee" that had appeared in a *Congressional Record* insert by another Member:

> That is the Communist line, Mr. Speaker, that is being followed by these enemies of our country, in their attacks on the Committee on Un-American Activities.

Mr. Adolph J. Sabath, of Illinois, asked that those words be taken down, and Speaker Sam Rayburn, of Texas, questioned Mr. Rankin as to whether he intended to refer to Mr. Sabath in stating those remarks. Mr. Rankin stated that he was not referring to any individual in the House but only to communists and enemies throughout the Nation. No further action was taken in the matter.

Giving Aid and Comfort to Enemies

§ 66.3 A statement in debate referring to Members who give aid and comfort to enemies and traitors was ruled not a breach of order since it did not reflect on individual Members.

On Nov. 24, 1947,[8] Mr. John E. Rankin, of Mississippi, delivered the following words in debate:

3. See §§ 66.1–66.5, infra.
4. See § 66.8, infra.
5. See §§ 66.3, 66.4, infra.
6. 92 Cong. Rec. 1241, 79th Cong. 2d Sess.
7. 92 Cong. Rec. 1724, 79th Cong. 2d Sess.
8. 93 Cong. Rec. 10791, 80th Cong. 1st Sess.

> . . . It has been amazing to hear these Members rise on the floor of the House and give aid and comfort to those enemies, those traitors within our gates, for every Communist in America is a traitor to the Government of the United States and is dedicated to its overthrow.

The words were demanded to be taken down by Mr. Vito Marcantonio, of New York, and Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that although a close question was presented, the remarks used did not reflect upon individual Members personally and were therefore not out of order.

§ 66.4 A reference in debate to Members whose utterances would give "great aid and comfort to the Soviet Politburo" was held to violate the rules and was stricken from the Record.

On Aug. 17, 1951,[9] Speaker Sam Rayburn, of Texas, ruled that certain words used in reference to Members violated the rules of the House.

Parliamentarian's Note: The words objected to and stricken from the Record referred to certain Members as "apostles of doom" whose utterances would give "great aid and comfort" to the Politburo of the Soviet Union.

9. 97 Cong. Rec. 10250, 82d Cong. 1st Sess.

§ 66.5 A statement in debate referring to Members of the House who would rip down the American flag and replace it with the Soviet flag was held in order as not reflecting on any particular individual Member of the House.

On Mar. 25, 1948,[10] Mr. Edward E. Cox, of Georgia, stated in debate as follows:

> Mr. Chairman, how long, I wonder, must Members of this body sit here and hear assaulted from day to day the Government we love, and by people who would rip from the wall that symbol of liberty that hangs above the Speaker's rostrum, and who would run down the flag of the stars and stripes that proudly floats above this Capitol and run up in its stead the flag of the hammer and sickle?

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that nothing in the words used reflected upon any particular individual Member of the House and that in the debate at that time much latitude would be allowed.

References to Fascist Elements

§ 66.6 A statement in debate that insertions in the Record by another Member were taken from "Nazi elements" was held to be out of order.

10. 94 Cong. Rec. 3533, 80th Cong. 2d Sess.

On June 14, 1940,[11] Mr. Adolph J. Sabath, of Illinois, demanded that the following words used in reference to him in debate be taken down:

> I feel these inserts are unjustifiable and unwarranted. They are not founded on facts. You cannot substantiate any of them—I think you should desist—taken from Nazi elements who are feeding you with that stuff.

Speaker Pro Tempore Emmet O'Neal, of Kentucky, ruled that the words referring to Nazi elements were out of order.

§ 66.7 A statement by a Member that internal fascist organizations exercised extensive influence on a special House committee was held to impugn the motives and actions of the committee and its members and was ruled a breach of order.

On Feb. 11, 1941, during consideration of House Resolution 90 to continue investigation by a special committee [the Dies Committee] on unAmerican activities, Mr. Samuel Dickstein, of New York, had the floor in debate.[12] Mr. John E. Rankin, of Mississippi, interrupted Mr. Dickstein's remarks and demanded that the following words be taken down as a violation of the rules of the House:

> I also charge, Mr. Speaker, that 110 Fascist organizations in this country had the back key, and have now the back key to the back door of the Dies committee.

Speaker Sam Rayburn, of Texas, ruled that the language noted "certainly impugns the motives and actions of a committee and the individual members thereof." The House then expunged Mr. Dickstein's entire speech from the *Congressional Record*.

Characterizing Debate as Subversive

§ 66.8 When a Member in debate accuses another of making remarks that are subversive, it is a violation of the rules of the House.

On Apr. 2, 1946,[13] Mr. John E. Rankin, of Mississippi, demanded that words used by Mr. Vito Marcantonio, of New York, in debate accusing him of subversive remarks be taken down. Speaker Sam Rayburn, of Texas, ruled that "when a Member accuses another of making remarks that are subversive, it is a violation of the rules of the House."

Parliamentarian's Note: The objectionable words, which were

11. 86 Cong. Rec. 8269, 76th Cong. 3d Sess.

12. 87 Cong. Rec. 894, 895, 77th Cong. 1st Sess.

13. 92 Cong. Rec. 2957, 2958, 79th Cong. 2d Sess.

stricken from the Record, were as follows: "There is nothing more subversive than the kind of red baiting tactics that are being carried on in this House by the gentleman from Mississippi."

§ 66.9 A statement in debate referring to another Member as attempting to undermine the government was held out of order and stricken from the Record.

On May 14, 1946,[14] Mr. Charles E. McKenzie, of Louisiana, delivered remarks in debate accusing another Member who had spoken before him of "trying to undermine" the government. The words were taken down and Speaker Sam Rayburn, of Texas, ruled that they were not parliamentary since they reflected upon a Member of the House. The words were then stricken from the Record.

§ 66.10 A statement in debate referring to the association of a Member with a newspaper allegedly dedicated to the destruction of the government was held in order.

On Mar. 28, 1946,[15] the following remarks in debate by Mr. John E. Rankin, of Mississippi, in relation to Mr. Andrew J. Biemiller, of Wisconsin, were taken down:

> I have just seen in the Communist Daily Worker of this morning that Mr. Andrew J. Biemiller had written these words, "There is no place in our democracy for a committee functioning like the present one," referring to the Committee on Un-American Activities. He does not know any more about what goes on in the Committee on Un-American Activities than he does about what goes on in the moon. He has never come before that committee, he has never asked it a question, he has never appeared before it, yet he goes into the Communist Daily Worker, that everybody knows is dedicated to the destruction of this Government——

Speaker Sam Rayburn, of Texas, ruled that Mr. Rankin was expressing his opinion of the newspaper and not reflecting upon the character or integrity of Mr. Biemiller.

Characterization of House Committees

§ 66.11 A statement in debate characterizing the Committee of the Whole as an agency of the Soviet Union was held in order as it did not reflect upon any Member's integrity but indicated criticism of the House.

On June 4, 1948,[16] Mr. Clarence Cannon, of Missouri, stated

14. 92 Cong. Rec. 5028, 79th Cong. 2d Sess.

15. 92 Cong. Rec. 2751, 79th Cong. 2d Sess.

16. 94 Cong. Rec. 7171, 80th Cong. 2d Sess.

in debate: "You will think, when you review the Soviet press, that the committee of this House [the Committee of the Whole] was an agency of the U.S.S.R." Mr. Frank B. Keefe, of Wisconsin, demanded that the words be taken down, and Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words used indicated criticism of the House but did not reflect upon the integrity of any individual Member and were therefore in order.

§ 66.12 A reference in debate to the Committee on Un-American Activities as "the Un-American Committee" was held out of order.

On June 12, 1947,[17] Mr. John E. Rankin, of Mississippi, demanded the taking down of the reference by Mr. Chet Holifield, of California, in debate to the Committee on Un-American Activities as the "Un-American Committee."

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the reference impugned the motives of the committee in question and were used in debate in violation of the rules of the House.

H. DURATION OF DEBATE IN THE HOUSE

§ 67. In General

The duration of debate on a proposition in the House is governed by the type of procedure invoked for its consideration. Most proposals are considered pursuant to one of the four procedures below:

(1) consideration under the hour rule where a standing rule of the House or a special rule from the Committee on Rules does not otherwise provide;[18]

(2) consideration for a fixed period of time provided for by a standing rule governing a particular House procedure, such as suspensions or Calendar Wednesday;[19]

(3) consideration under the five-minute rule in the House as in the Committee of the Whole, by unanimous consent, special order,

17. 93 Cong. Rec. 6895, 80th Cong. 1st Sess.

18. See § 68, infra.

19. See § 69, infra.

20. See § 70, infra. On rare occasions, a special rule has provided that bills

or for Private Calendar bills;[20] and

(4) consideration pursuant to special rules or unanimous-consent agreements fixing or extending the time for debate in the House.[1]

One-minute speeches and special-order speeches are two further methods whereby time may be obtained for debate, but only when no measure is under consideration.[2]

The Speaker has the function of ascertaining the time for debate and determining its expiration,[3] and under certain limited circumstances the length of debate is within the Chair's discretion.[4]

The only motion in the House with the primary purpose of closing debate and bringing the House to a vote is the motion for the previous question. Certain other motions, such as the motion to lay on the table, may have the effect of closing debate if decided in the affirmative.[5]

Where a Member is entitled to a certain amount of time in debate, either under the general rules of the House or by unanimous consent or special rule, he is not required to consume or yield all of his time. If he is recognized to make a debatable motion under the hour rule, he may move the previous question at any time.[6] And where a unanimous-consent agreement provides a certain amount of debate, the Member in charge may move the previous question without using or yielding all the time agreed upon.[7] Similarly, the managers of a bill in the Committee of the Whole may, acting together, agree to use less than the time for general debate allotted under a special rule.[8]

Although a Member making a debatable motion need not consume all the time to which he is entitled, if he loses or surrenders the floor without closing debate, another Member is entitled to recognition.[9]

The duration and closing of debate in the Senate is governed by different considerations than those in the House.[10]

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be considered in the House as in the Committee of the Whole (see § 4.1, supra).

1. See § 71, infra.

2. See § 73, infra.

3. See §§ 67.1, 67.2, infra.

4. See §§ 67.3–67.6, infra.

5. For the closing of House debate, see § 72, infra.

The closing of debate in the Committee of the Whole is discussed in §§ 76, 78, 79, infra.

6. See § 72.1, infra.

The closing of debate in the Committee of the Whole is discussed in §§ 76, 78, 79, infra.

6. See § 72.1, infra.

7. See § 72.3, infra.

8. See § 76.1, infra.

9. See §§ 67.10–67.13, infra.

10. See § 72, infra.

Cross References

Charging time to Member with the floor, see §§ 29 (yielding time) and 32 (interruption of Member with the floor), supra.

Debate in committees, see Ch. 17, supra.

Distribution of time for debate, see § 25, supra.

Duration of debate on appropriation bills, see Ch. 26, supra.

Duration of debate before adoption of the rules, see Ch. 1, supra.

Duration of debate in the Committee of the Whole, see §§ 74 et seq., infra.

Duration of debate on impeachment propositions and articles of impeachment, see Ch. 14, supra.

Duration of debate on motions, see Chs. 18 (motion to discharge), 21 (motion to suspend the rules), 23 (motions generally), supra, and Ch. 32 (Senate amendments), infra.

Motions and questions on which no debate is in order, see § 6, supra.

Yielding and allocating time, see §§ 29–31, supra.

Collateral References

Duration of debate in the House of Commons of Great Britain, see Erskine May's *Parliamentary Practice* 472–87, Butterworth & Co. Ltd. (17th ed.) (London 1964).

Duration of debate in the Senate, see Riddick/Frumin, Senate Procedure, S. Doc. No. 101–28, 101st Cong. 2d Sess. (1992).

Timekeeping

§ 67.1 The Chair counts the time of a Member with the floor and announces the expiration of allotted time.

On June 11, 1963,[11] Mr. Paul C. Jones, of Missouri, had the floor for a one-minute speech prior to the legislative business of the day and yielded to Mr. James G. Fulton, of Pennsylvania. Speaker John W. McCormack, of Massachusetts, interrupted Mr. Fulton to state that Mr. Jones' one minute had expired, and Mr. Fulton asked unanimous consent that Mr. Jones be given one additional minute.

The Speaker ruled that such a request was not in order and refused to recognize Mr. Fulton for the request (it not being the practice to permit any Member to be recognized for more than one one-minute speech or to speak for more than one minute prior to legislative business).

§ 67.2 Evaluation of the time consumed in one-minute speeches is a matter for the Chair and is not subject to challenge or question by a parliamentary inquiry.

On May 9, 1972,[12] Speaker Carl Albert, of Oklahoma, re-

11. 109 Cong. Rec. 10633, 88th Cong. 1st Sess.

12. 118 Cong. Rec. 16288, 92d Cong. 2d Sess.

sponded as follows to a parliamentary inquiry:

> MR. [DONALD W.] RIEGLE [Jr., of Michigan]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state the parliamentary inquiry.
>
> MR. RIEGLE: Mr. Speaker, I have observed different speakers being given very different lengths of time to speak under the 1-minute rule.
>
> I just noticed, for example, the gentleman from California who was given approximately half the time that the gentleman from Ohio (Mr. Devine) and several other speakers were given today. I object to that and I think if we are going to use the 1-minute rule, let us use it fairly.
>
> THE SPEAKER: The Chair will state that the Chair is trying to enforce the 1-minute rule. That is not a parliamentary inquiry and the gentleman was out of order in making it.

Chair's Discretion as to Debate Time

§ 67.3 The duration of debate time on a point of order is within the discretion of the Chair.

On Apr. 13, 1951,[13] Mr. Carl Vinson, of Georgia, made a point of order that an amendment offered by Mr. Antoni N. Sadlak, of Connecticut, to a pending bill was not in order since not germane to the bill. Chairman Jere Cooper, of Tennessee, inquired of Mr. Sadlak whether he desired to be heard on the point of order. Mr. Sadlak inquired "how much time will be allotted to me for that purpose?" The Chair responded that the time to be allotted was "in the discretion of the Chair."[14]

Parliamentarian's Note: Rule XVII clause 3 [*House Rules and Manual* § 811 (1995)] provides that "incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate." The rule does not, however, deprive the Chair of his discretion, under the precedents, over debate on a point of order or a parliamentary inquiry.

§ 67.4 A concurrent resolution providing for adjournment of Congress to a day certain is not debatable, but the Speaker has in his discretion permitted some time for discussion where no point of order is raised.

On Aug. 28, 1967,[15] Mr. Carl Albert, of Oklahoma, called up

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13. 97 CONG. REC. 3909, 3910, 82d Cong. 1st Sess.

14. Points of order on which the Chair has announced his readiness to rule are not debatable, such debate being at all times within the discretion of the Chair. See § 6.12, supra; 5 Hinds' Precedents §§ 6919, 6920.

15. 113 CONG. REC. 24201, 90th Cong. 1st Sess.

House Concurrent Resolution 497, providing for an adjournment to a day certain of the two Houses of Congress. Speaker John W. McCormack, of Massachusetts, ruled that the resolution was not debatable, but permitted Mr. Albert to yield to another Member for a brief statement:

> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I move to strike the last word.
>
> THE SPEAKER: The Chair will state that this is not a debatable resolution.
>
> MR. GROSS: Mr. Speaker, will the gentleman yield?
>
> MR. ALBERT: I yield to the gentleman from Iowa for the purpose of making a brief statement.
>
> MR. GROSS: Mr. Speaker, I should like to ask the distinguished majority leader why the adjournment resolution was not made effective as of the first of this week, and why the recess was not planned to take in this week as well as next week?
>
> MR. ALBERT: We have discussed this matter with the leadership on both sides, and it was determined it would be impractical to do so. . . .
>
> The concurrent resolution was agreed to.

§ 67.5 Although a concurrent resolution providing for an adjournment *sine die* is not debatable, brief debate time has been permitted by the Chair where no point of order was raised and where the legislative situation warranted some discussion of the resolution.

On Oct. 14, 1968,[16] Mr. Carl Albert, of Oklahoma, called up Senate Concurrent Resolution 83, providing for an adjournment *sine die* of the Congress on Oct. 11, 1968. Mr. Albert moved to amend the resolution by striking out the date and inserting "October 14, 1968" and then yielded five minutes' debate, without objection, to Mr. James G. O'Hara, of Michigan. Mr. O'Hara, who had previously expressed his intention to prevent the adjournment of Congress until the Senate took action on a legislative proposal permitting network TV debates among the major Presidential candidates, announced he would no longer persist in his efforts due to the likelihood of a failure of a quorum in the Senate. Mr. Albert resumed the floor to express support for Mr. O'Hara's statement and then moved the previous question on the amendment to the adjournment resolution.

§ 67.6 Recognition for a reservation of objection to a unanimous-consent request is within the discretion of the Speaker and sometimes he refuses to permit any de-

16. 114 CONG. REC. 31312, 31313, 90th Cong. 2d Sess.

bate time under such a reservation.

On Dec. 3, 1969,[17] Mrs. Edith S. Green, of Oregon, made a unanimous-consent request that she be allowed to address the House for one hour at the close of business. Mr. Roman C. Pucinski, of Illinois, attempted to reserve the right to object in order to discuss the matter. Speaker John W. McCormack, of Massachusetts, refused to entertain the reservation of objection and stated "Either the gentlewoman receives permission, or she does not." There was no objection to the request.[18]

Effect of Interruptions During Debate Time

§ 67.7 The Speaker stated that time for interruptions was taken out of the time of the Member with the floor, except for points of order.

On Apr. 8, 1937,[19] Mr. Arthur H. Greenwood, of Indiana, had the floor, having called up by direction of the Committee on Rules a privileged resolution. Mr. Carl E. Mapes, of Michigan, asked Mr. Greenwood to yield for the propounding of a parliamentary inquiry. Speaker William B. Bankhead, of Alabama, advised as follows on the consumption of time for interruptions:

> MR. MAPES: Mr. Speaker, will the gentleman yield so that I may submit a parliamentary inquiry, not to be taken out of the gentleman's time?
>
> MR. GREENWOOD: I yield for that purpose.
>
> THE SPEAKER: If the gentleman yields, it comes out of his time.
>
> MR. GREENWOOD: Then I prefer to make my statement. I will not yield for that purpose at this time.
>
> THE SPEAKER: The Chair will state to the gentleman from Michigan [Mr. Mapes] that the only exception where interruptions are not taken out of the time of the speaker is on points of order.

Parliamentarian's Note: When a Member with the floor yields, the time consumed by the interruption is charged to his time.[20]

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17. 115 CONG. REC. 36748, 91st Cong. 1st Sess.

18. Any Member may demand the regular order and preclude further debate on a reservation of the right to object (see 75 CONG. REC. 11759, 72d Cong. 1st Sess., June 1, 1932).

No reservation of objection may be entertained during the call of the Private Calendar (see Rule XXIV clause 6, *House Rules and Manual* § 893 (1995). Before that prohibition was added to the rules, the Speaker would on occasion invoke the five-minute rule in order to prevent prolonged discussion under a reservation of a right to object (see, for example, 78 CONG. REC. 2364, 73d Cong. 2d Sess., Feb. 10, 1934).

19. 81 CONG. REC. 3283, 75th Cong. 1st Sess.

20. For yielding time, see § 29, supra.

Where, however, he is taken off his feet by a point of order, quorum call, or reservation of objection, the time consumed thereby is not charged to his time.[1]

§ 67.8 Where debate has been limited to a specified number of minutes, time is counted only during debate, not during quorum calls.

On Aug. 4, 1966,[2] Majority Leader Carl Albert, of Oklahoma, sought unanimous consent that debate on a pending motion to strike a title of a bill in Committee of the Whole be limited to 30 minutes. Chairman Richard Bolling, of Missouri, then answered a parliamentary inquiry on the effect of a quorum call on that time.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, is my understanding correct that the unanimous consent request propounded by the distinguished majority leader would preclude a quorum call prior to the first order of business and the 30 minutes before the vote?

THE CHAIRMAN: The Chair will reply to the gentleman that if there is no quorum present any Member at any time can make a point of order. In other words, it will not preclude a quorum call.

MR. HALL: A further parliamentary inquiry, Mr. Chairman. Would that time come out of the 30 minutes allotted for debate?

THE CHAIRMAN: It would not.

Parliamentarian's Note: Time consumed by votes and quorum calls is not counted where the time limit for debate is a specified number of minutes or hours, as distinguished from a time certain by the clock. Thus, when debate has been limited "to 30 minutes," time is counted only during debate, not during quorum calls. Likewise, in such cases, if an amendment is read during debate, the time consumed by the reading of amendments is not taken from that remaining for debate. But where time for debate has been fixed to time certain, i.e., 4:15 p.m., the time for parliamentary inquiries, rereading of amendments, points of order, etc., is taken from time remaining, thus reducing the time for debate available to Members thereafter.[3]

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1. For interruptions of the Member with the floor, see § 32, supra.

   When a Member with the floor suspends temporarily for the reception of a message or conference report or other pressing legislative business, the time consumed by the interruption is not charged to his time. See, for example, § 73.19, infra, where a Member occupying the floor for a "special-order speech" suspended for a motion to suspend the rules and consumed the remainder of his time following adoption of the motion.

2. 112 CONG. REC. 18207, 89th Cong. 2d Sess.

3. For the effect of different types of limitations on five-minute debate in

Debate Time Fixed at "One Day"

§ 67.9 Where debate on a bill is fixed by special order at one day, the term "one day" means one legislative day as terminated by adjournment.

On Aug. 17, 1949, the House adopted House Resolution 327, providing for general debate not to exceed one day in the Committee of the Whole on H.R. 5895, furnishing military assistance to foreign nations. When the House had resolved itself into the Committee of the Whole for consideration of the bill, Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry on the meaning of the term "one day":

> THE CHAIRMAN: Under the rule general debate will be equally divided and will not exceed one day.
>
> MR. [JOSEPH P.] O'HARA of Minnesota: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. O'HARA of Minnesota: What is meant by the term "one day"?
>
> THE CHAIRMAN: The term means one legislative day as terminated by adjournment, from now until the time the House adjourns.(4)

the Committee of the Whole, see § 79, infra. Although limitations are often set by the clock in the Committee of the Whole, time in the House for debate is customarily fixed at a certain number of minutes.

4. 95 CONG. REC. 11666, 81st Cong. 1st Sess.

Member's Time Lapses When He Loses the Floor

§ 67.10 A Member in control of time under the hour rule may yield portions of his time to others; but if he surrenders the floor before fulfilling his commitments to yield, all time remaining available to him under the hour—his own as well as that promised or yielded to others—lapses.

On Nov. 29, 1967,(5) Mr. William R. Anderson, of Tennessee, called up by direction of the Committee on Rules House Resolution 960, a privileged resolution authorizing travel by Members of the Committee on Education and Labor for investigatory purposes, and yielded 30 minutes to the minority Member handling the resolution, Mr. Smith of California. Mr. Anderson yielded to Mr. Durward G. Hall, of Missouri, to offer an amendment, thereby surrendering control of the resolution to Mr. Hall. When Speaker Pro Tempore Carl Albert, of Oklahoma,

Where debate time in the Committee of the Whole is fixed at two legislative days, the Chair does not determine when each day is complete; the Committee so determines by rising. See § 74.9, infra.

5. 113 CONG. REC. 34136–38, 90th Cong. 1st Sess.

stated that the question was on the resolution, a parliamentary inquiry was stated:

MR. [H. ALLEN] SMITH of California: Mr. Speaker, a parliamentary inquiry.

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

MR. SMITH of California: I was yielded 30 minutes a while ago by the gentleman from Tennessee [Mr. Anderson]. Do I not have that time?

THE SPEAKER PRO TEMPORE: When the gentleman from Tennessee [Mr. Anderson] yielded to the gentleman from Missouri [Mr. Hall] for the purpose of offering an amendment, he surrendered all his time, and the Chair so informed the gentleman from Tennessee.

MR. SMITH of California: If the gentleman has agreed to yield 30 minutes to me, I lose it?

THE SPEAKER PRO TEMPORE: When the gentleman yielded for the purpose of amendment.

§ 67.11 Where the Member in charge of a resolution in the House yields to another for the purpose of offering an amendment he loses control of the floor and the sponsor of the amendment is given control for an hour.

On Mar. 27, 1945,[6] Mr. Edward E. Cox, of Georgia, the manager of a resolution (H. Res. 195), was recognized and moved the previous question, which was ordered. Discussion then ensued on an agreement made by Mr. Cox with Mr. Clinton P. Anderson, of New Mexico, that before the resolution was voted on an amendment to the resolution would be considered. Mr. Cox therefore moved to reconsider the vote on the previous question, and the previous question was reconsidered and rejected.

Mr. Cox then yielded to Mr. Anderson to offer an amendment to the resolution. At that point, Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry:

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, the acting chairman of the Committee on Rules having yielded for the offering of an amendment, as I understand the rule, the gentleman from New Mexico now has 1 hour, and the gentleman from Georgia has lost the floor.

THE SPEAKER: The gentleman is correct.[7]

§ 67.12 If a Member recognized to control one hour on a motion to refer a vetoed bill yields the remainder of his time without moving the previous question, another

6. 91 CONG. REC. 2861, 2862, 79th Cong. 1st Sess.

7. See also 102 CONG. REC. 12922, 12923, 84th Cong. 2d Sess., July 16, 1956; and 100 CONG. REC. 2282, 83d Cong. 2d Sess., Feb. 25, 1954.

Member is recognized for one hour.

On Oct. 10, 1940,[8] Speaker Sam Rayburn, of Texas, laid before the House a veto message from the President. Mr. Samuel Dickstein, of New York, moved that the message and the bill be referred to a House committee. He was recognized for one hour by the Speaker, delivered some remarks, and then stated "I yield back the balance of my time." Mr. John E. Rankin, of Mississippi, asked for recognition in opposition to the motion, and the Speaker inquired of Mr. Dickstein whether he yielded. When Mr. Dickstein stated that he had yielded the floor, Mr. Rankin was recognized for one hour. Mr. Dickstein then objected that he had not meant to surrender the floor, and the Speaker stated that he had affirmatively done so.

§ 67.13 A Member having yielded the floor without moving the previous question after making a motion in the House, another Member seeking recognition was recognized for one hour.

On July 5, 1945,[9] Mr. Malcolm C. Tarver, of Georgia, offered a motion to correct the permanent Record, in order to accurately reflect a colloquy between himself and Mr. John E. Rankin, of Mississippi. Mr. Tarver discussed his motion and then yielded the floor without moving the previous question. Speaker Sam Rayburn, of Texas, recognized Mr. Rankin for one hour.

Unfinished Business and Resuming Debate

§ 67.14 When the consideration of unfinished business resumes in the House, debate does not begin anew but recommences from the point where it was interrupted.

The following proceedings occurred in the House on June 10, 1980:[10]

> THE SPEAKER:[11] The unfinished business is the further consideration of the resolution (H. Res. 660) in the matter of Representative Charles H. Wilson.
>
> The Clerk will report the resolution.
>
> The Clerk read the resolution as follows:
>
> *Resolved*,
>
> (1) That Representative Charles H. Wilson be censured;
>
> (2) That Representative Charles H. Wilson be denied the chair on any committee or subcommittee of the House of Representatives. . . .

8. 86 CONG. REC. 13522–24, 76th Cong. 3d Sess.

9. 91 CONG. REC. 7220–25, 79th Cong. 1st Sess.

10. 126 CONG. REC. 13801, 96th Cong. 2d Sess.

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

THE SPEAKER: Pursuant to the rules of the House and the unanimous-consent agreement, the gentleman from Florida (Mr. Bennett) has 12 minutes remaining, the gentleman from South Carolina (Mr. Spence), has 8 minutes remaining; the gentleman from California (Mr. Charles H. Wilson), or his designee has 1 hour remaining.

Debate Under Statutory Provisions

§ 67.15 Under section 604(h) of Public Law 93–198, debate on a concurrent resolution disapproving an action by the District of Columbia City Council can be limited by motion, but otherwise extends not to exceed 10 hours.

During consideration of House Concurrent Resolution 228 (disapproving the Location of Chanceries Amendment Act) in the House on Dec. 20, 1979,[12] the following proceedings occurred:

MR. [FORTNEY H.] STARK [of California]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 63) to disapprove the Location of Chanceries Amendment Act of 1979 passed by the City Council of the District of Columbia, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution. . . .

THE SPEAKER PRO TEMPORE:[13] Does the gentleman from Ohio (Mr. Ashbrook) reserve the right to object?

MR. [JOHN M.] ASHBROOK [of Ohio]: I reserve the right to object, Mr. Speaker.

MR. STARK: Mr. Speaker, I thank the gentleman.

Mr. Speaker, I have requested this procedure because the alternate procedure is a privileged motion which is at the desk which allows up to 10 hours of debate, which is the identical motion, and it would take the House some more time.

I would be glad to yield to any Member under the other debate procedure and allow every Member time for debate. I would hope to save the House time, and I would urge the gentleman to allow us to call up the Senate resolution.

MR. ASHBROOK: Mr. Speaker, I will still object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. STARK: Mr. Speaker, under the home rule statute (Public Law 93–198, sec. 604(g)), I move to proceed to the immediate consideration of House Concurrent Resolution 228 as a privileged resolution and ask unanimous consent that general debate thereon be limited to one-half hour, to be equally divided between the gentleman from Virginia and myself.

The Clerk read the title of the concurrent resolution.

THE SPEAKER PRO TEMPORE: The question is on consideration of the concurrent resolution.

The motion to consider the House concurrent resolution was agreed to.

THE SPEAKER PRO TEMPORE: Is there objection to the request offered by the gentleman from California (Mr. Stark) to limit debate to one-half hour?

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12. 125 CONG. REC. 37299, 37303, 37304, 96th Cong. 1st Sess.

13. George E. Danielson (Calif.).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, reserving the right to object, we have already had the debate. I do not know why the gentleman needs a half hour, frankly.

MR. STARK: Mr. Speaker, will the gentleman yield?

MR. BAUMAN: I yield to the gentleman from California.

MR. STARK: Mr. Speaker, it is to accommodate anybody who has not had an opportunity to speak on the issue.

MR. BAUMAN: I think 10 hours is worth it on this.

I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. STARK: Mr. Speaker, I ask unanimous consent that general debate be limited to 20 minutes, to be divided between myself and the gentleman from Virginia.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from California?

MR. [ROMANO L.] MAZZOLI [of Kentucky]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. STARK: Mr. Speaker, I move that debate on the concurrent resolution be limited to 20 minutes.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from California. . . .

[T]he motion was agreed to.

THE SPEAKER PRO TEMPORE: Under the motion, there are 20 minutes for debate. The gentleman from California (Mr. Stark) will be recognized for 10 minutes, and the gentleman from Virginia (Robert W. Daniel, Jr.) will be recognized for 10 minutes.

§ 67.16 Pursuant to section 305(a)(3) of the Congressional Budget Act of 1974 (Public Law 93–344, amended by Public Law 95–523), the four hours' debate on economic goals and policies in Committee of the Whole on the first concurrent resolution on the budget must be consumed in its entirety or yielded back before the remaining time for general debate on the resolution may be resumed.

During consideration of House Concurrent Resolution 115 (pertaining to the congressional budget) in the Committee of the Whole on May 1, 1981,[14] the Chair made a statement as to procedures for debate, as follows:

THE CHAIRMAN PRO TEMPORE:[15] The gentleman from California (Mr. Hawkins) has 8 minutes remaining. The rules are that the gentleman must complete his time on economic policies before the general debate continues, controlled by Mr. Latta and Mr. Jones of Oklahoma on the budget resolution generally.

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I yield back the balance of my time.

THE CHAIRMAN PRO TEMPORE: All the time has expired on economic goals and policies.

The Chair recognizes the gentleman from Oklahoma (Mr. Jones).

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14. 127 CONG. REC. 8165, 97th Cong. 1st Sess.

15. Charles E. Bennett (Fla.).

MR. [JAMES R.] JONES of Oklahoma: Mr. Chairman, I yield 1 hour to the gentleman from Missouri (Mr. Gephardt).

Extending Debate by Unanimous Consent

§ 67.17 By unanimous consent, further debate may be permitted on a motion to instruct conferees on which the previous question has been ordered.

During consideration of a motion to instruct House conferees on the conference with the Senate on H.R. 3919 (crude oil windfall profits tax) on Feb. 20, 1980,[16] the following proceedings occurred:

MR. [NORMAN E.] D'AMOURS [of New Hampshire]: Mr. Speaker, I offer a motion.

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

Mr. D'Amours moves that, pursuant to the provisions of clause 1(b) of Rule XXVIII, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3919 be instructed to agree to the provisions contained in parts 1, 2 and 4 of title II of the Senate amendment to the text of the bill.

THE SPEAKER PRO TEMPORE:[17] The gentleman from New Hampshire (Mr. D'Amours) is recognized for 1 hour. . . .

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, I have a parliamentary inquiry. . . . [T]here may have been some confusion on the last vote, given what appeared on the screens in Members' offices. . . .

This question . . . we will vote on now is a vote on the motion to instruct the conferees?

THE SPEAKER PRO TEMPORE: The question that will occur now is on the motion to instruct the conferees.

(By unanimous consent Mr. Gibbons was allowed to speak out of order.)

MR. [SAM M.] GIBBONS [of Florida]: Mr. Speaker, I cannot believe the last vote. It is absolutely astounding.

What my colleagues voted for was to instruct the conferees to throw away $26 billion on some tax credits of doubtful value. . . .

But, please, do not instruct us. We are about to complete this conference. We are about to get things wound up and get it out here where we can either accept it or reject it.

§ 68. The Hour Rule

Rule XIV clause 2 provides for a one-hour limitation on debate in the House and in Committee of the Whole:

. . . and no Member shall occupy more than one hour in debate on any

16. 126 CONG. REC. 3322, 3337, 96th Cong. 2d Sess.

17. Benjamin S. Rosenthal (N.Y.).

question in the House or in committee, except as further provided in this rule.[18]

Any Member who is recognized in the House is recognized for one hour, unless the matter under consideration—such as a suspension motion—has a special debate process stated in the rule permitting the matter to be called up, or debate is being conducted under the five-minute rule in the House as in the Committee of the Whole, or a special rule has provided otherwise.[19]

An hour rule also applies to general debate in the Committee of the Whole where a Member in control of the time may not consume more than one hour except by unanimous consent of the House. Debate proceeds under the hour rule unless otherwise provided by the House.[20]

Unless the House provides by special rule or by unanimous-consent agreement for the control and distribution of time in the House, the proponent of a proposition in the House is recognized for one hour and typically moves the previous question at or before

18. *House Rules and Manual* § 758 (1995). The clause dates from 1841 (see 5 Hinds' Precedents § 4978) and is unique to the House, the hour rule having no application to the proceedings of the Senate (see § 72, infra).

In the House of Commons of Great Britain, there is no limit on holding the floor for debate except by closure of debate, selection of amendments, or adoption of orders limiting debate. See Erskine May's *Parliamentary Practice* 472, Butterworth & Co. Ltd. (17th ed.) (London 1964).

19. The rules provide for 10-minute, 20-minute, and 40-minute debate on certain motions and questions (see § 69, infra). For special orders and unanimous-consent agreements altering the duration of debate in the House, see § 71, infra.

On Calendar Wednesday, debate on bills considered in the Committee of the Whole is limited to two hours, one hour controlled by the Member in charge of the bill and one hour by the ranking minority member of the committee who is opposed to the bill. See 81 CONG. REC. 3456, 75th Cong. 1st Sess., Apr. 14, 1937, where the House resolved itself into the Committee of the Whole for the consideration of a bill called up under the Calendar Wednesday procedure (call of committees under Rule XXIV clause 7, *House Rules and Manual* § 897 [1995]). See also, for the two-hour limitation, 84 CONG. REC. 5654, 76th Cong. 1st Sess., May 17, 1939; and 72 CONG. REC. 8938, 8939, 71st Cong. 2d Sess., May 14, 1930 (the two hours may not be extended by unanimous consent).

For five-minute debate in the House as in the Committee of the Whole, conducted generally by unanimous consent but by rule for Private Calendar bills, see § 70, infra.

20. For general debate in the Committee of the Whole, see § 75, infra.

the expiration thereof.[1] Where a Member has spoken for an hour, his time cannot be extended, even by unanimous consent.[2] If he loses or surrenders the floor, such as by yielding for an amendment, or offering the previous question which is then rejected, or failing to move the previous question, another Member may be recognized under the hour rule, with the right to offer amendments, to move the previous question, or to offer appropriate motions.[3] In certain situations, where an essential motion (such as the previous question) is defeated, a Member of the opposition is entitled to recognition for an hour.[4]

Cross References

Closing debate under the hour rule (manager may move previous question at any time), see § 72, infra.

Extension of the hour rule by special rule or unanimous-consent agreement, see § 73, infra.

Hour rule in the Committee of the Whole, if time for general debate not fixed, see § 75, infra.

Hour rule on resolutions and special rules, see § 18, supra.

Hour rule on Senate amendments, conference reports, and amendments in disagreement, see § 17, supra.

Manager calls up proposition under the hour rule, see § 24, supra.

Opening and closing debate under the hour rule, see § 7, supra.

Order of recognition under the hour rule, see §§ 12 et seq., supra.

Practice of Committee on Rules in distribution of the hour for debate on special rules, see § 26, supra.

Recognition of opposition under the hour rule after rejection of an essential motion, see § 15, supra.

Recognition under the hour rule where Member with the floor loses or surrenders control, see §§ 33, 34, supra.

Special-order speeches and the hour rule, see § 71, infra.

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1. See § 71.21, infra. If the previous question is moved before any debate on a debatable question, the rules provide for 40 minutes of debate, equally divided (see § 69, infra), but any debate, however brief, precludes the operation of that rule. (See, generally, Ch. 23, supra, for the previous question and its application.)

   The Member offering a proposition in the House under the hour rule customarily yields time for a full discussion of the question. See, for example, § 29.15, supra (yielding of time on Committee on Rules resolutions).
2. See §§ 68.3, 68.73, infra.
3. See § 68.8, infra. For the losing and surrendering of control, see §§ 33, 34, supra.
4. See § 68.42, infra.

Before Adoption of Rules

§ 68.1 Prior to the adoption of the rules, a Member offering a resolution on the seating of a Member-elect is entitled to one hour of debate.

On Jan. 10, 1967, prior to the adoption of rules, Mr. Morris K. Udall, of Arizona, offered as privileged House Resolution 1, authorizing the Speaker to administer

the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Speaker John W. McCormack, of Massachusetts, ruled that Mr. Udall was entitled to recognition for one hour.[5]

§ 68.2 Before the adoption of rules, if the previous question is voted down on a resolution and an amendment is offered, the proponent of the amendment is recognized under the hour rule.

On Jan. 3, 1969, before the adoption of rules, the House was considering a privileged resolution related to the right of a Member-elect to his seat.[6] After the previous question was voted down on the resolution, Mr. Clark MacGregor, of Minnesota, offered an amendment in the nature of a substitute to the original resolution. Speaker John W. McCormack, of Massachusetts, recognized Mr. MacGregor for one hour of debate.

5. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess. For the privilege and disposition of resolutions before the adoption of rules, see Ch. 1, supra.

6. 115 CONG. REC. 27–29, 91st Cong. 1st Sess.

Bills and Resolutions Generally

§ 68.3 While a Member may be given control of several hours of debate, he may not yield himself more than an hour or have his time extended, even by unanimous consent.

On Mar. 9, 1976,[7] Speaker Pro Tempore Morgan F. Murphy, of Illinois, made a ruling relative to extension of debate time as follows:

> THE SPEAKER: Under a previous order of the House, the gentleman from New York (Mr. Pike) is recognized for 60 minutes.
>
> MR. [OTIS G.] PIKE [of New York]: Mr. Speaker, last Sunday while I was picking up oysters and eating up some chowder, I decided that perhaps the time had come for me to make a statement about the late House Select Committee on Intelligence. . . .
>
> THE SPEAKER PRO TEMPORE: The time of the gentleman from New York has expired.
>
> MR. [DALE] MILFORD [of Texas]: Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended 5 minutes.
>
> THE SPEAKER PRO TEMPORE: The gentleman's request is out of order.

§ 68.4 Where the House agrees to consider in the House a

7. 122 CONG. REC. 5900, 5906, 94th Cong. 2d Sess.

bill called up by unanimous consent from the Speaker's table, the Member calling up the bill is recognized for one hour.

On Oct. 5, 1962,[8] Mr. Francis E. Walter, of Pennsylvania, called up S. 3361, relating to the entry of alien specialists, from the Speaker's table and asked unanimous consent for its immediate consideration in the House. When the request was granted, Mr. Walter was recognized for one hour. Speaker John W. McCormack, of Massachusetts, indicated that no amendments could be offered to the bill unless Mr. Walter yielded for that purpose.[9]

Parliamentarian's Note: The procedure is otherwise if the request is simply for the "immediate consideration" of a Union Calendar bill or of an unreported bill which would, if reported, be referred to the Union Calendar. In that event the measure is considered under the five-minute rule in the House as in the Committee of the Whole.

8. 108 CONG. REC. 22606–09, 87th Cong. 2d Sess.

9. For disposal of Senate bills on the Speaker's table, and the requirements such bills must meet before such disposition, see Rule XXIV clause 2, *House Rules and Manual* § 882 (1995).

§ 68.5 When a District of Columbia bill on the House Calendar is called up on District Day, under Rule XXV clause 8, the bill is considered in the House under the hour rule.[10]

—*Use of Previous Question To Terminate Debate*

§ 68.6 The Member recognized to control one hour of debate in the House may, by moving the previous question, terminate utilization of debate time he has previously yielded to the minority.

On Mar. 9, 1977,[11] it was demonstrated that a Member calling up a privileged resolution in the House may move the previous question at any time, notwithstanding his prior allocation of debate time to another Member:

> THE SPEAKER:[12] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.
>
> MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), for the minority, pending which I yield myself 5 minutes. . . .
>
> Mr. Speaker, the other amendment that the gentleman offers proposes to

10. 107 CONG. REC. 10068, 10069, 87th Cong. 1st Sess., June 12, 1961.

11. 123 CONG. REC. 6816, 95th Cong. 1st Sess.

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

give the House the opportunity to vote up or down in a certain period of time regulations proposed by the select committee. What that does, and it really demonstrates an almost total lack of understanding of the rules, is to upgrade regulations into rules. The Members of the House will have the opportunity to deal with all laws and rules. That is provided in the resolution. . . .

Mr. Speaker, I move the previous question on the resolution. . . .

MR. [JOHN B.] ANDERSON of Illinois: I have time remaining. Do I not have a right to respond to the gentleman from Missouri?

THE SPEAKER: Not if the previous question has been moved, and it has been moved.

MR. ANDERSON of Illinois: Even though the gentleman mentioned my name and made numerous references to me for the last 10 minutes?

THE SPEAKER: The Chair is aware of that.

The question is on ordering the previous question.

—*Member Yielded Time Cannot Reserve Time*

§ 68.7 A Member to whom time was yielded under the hour rule in the House may not, except by unanimous consent, reserve a portion of that time to himself; the unused time reverts to the Member controlling the hour who may subsequently yield further time to that Member.

The following proceedings occurred in the House on Feb. 8, 1972,[13] during consideration of House Resolution 164 (creating a Select Committee on Privacy, Human Values, and Democratic Institutions):

MR. [RAY J.] MADDEN [of Indiana]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 164 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 164 . . .

Whereas the full significance and the effects of technology on society and on the operations of industry and Government are largely unknown. . . .

Resolved, That there is hereby created a select committee to be known as the Select Committee on Privacy, Human Values, and Democratic Institutions. . . .

MR. MADDEN: Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey (Mr. Gallagher).

MR. [CORNELIUS E.] GALLAGHER [of New Jersey]: Mr. Speaker, may I take 5 minutes now and reserve 5 minutes to the end of the debate since it is my bill?

THE SPEAKER:[14] The gentleman may do that. Without objection, it is so ordered.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, reserving the right to object . . . is it in order to have a

13. 118 CONG. REC. 3181–84, 92d Cong. 2d Sess.

14. Carl Albert (Okla.).

unanimous-consent request at a time like this when the time is controlled by the members of the Committee on Rules . . .?

MR. GALLAGHER: . . . It was my understanding that I would have the time at the conclusion of debate.

MR. HALL: Mr. Speaker, I submit this is between the gentleman and the man handling the rule, and therefore I must object.

THE SPEAKER: The Chair will notify the gentleman when 5 minutes are up. . . .

The gentleman from New Jersey has consumed 5 minutes.

MR. GALLAGHER: Mr. Speaker, I reserve the balance of my time.

THE SPEAKER: . . . The gentleman from Indiana has control of the time. . . .

If the gentleman from Indiana desires to yield further time at this time he can do so.

—Yielding Floor for Amendments

§ 68.8 Where the Member in charge of a measure under the hour rule in the House yields to another for the purpose of offering an amendment, he loses control of the floor and the sponsor of the amendment is given control for an hour.(15)

15. 91 CONG. REC. 2861, 2862, 79th Cong. 1st Sess., Mar. 27, 1945.

See also 102 CONG. REC. 12922, 12923, 84th Cong. 2d Sess., July 16, 1956; and 100 CONG. REC. 2282, 83d Cong. 2d Sess., Feb. 25, 1954.

Consideration of Measures in House

—Private Bill By Unanimous Consent

§ 68.9 When a private bill on the calendar of the Committee of the Whole is called up by unanimous consent for consideration in the House, the Member making the request is recognized for one hour.

On Mar. 12, 1963,(16) Mr. Emanuel Celler, of New York, asked unanimous consent for the immediate consideration in the House of private bill H.R. 4374, to proclaim Sir Winston Churchill an honorary citizen of the United States. Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the control and time for debate:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, under what circumstances will this resolution be considered? Will there be any time for discussion of the resolution, if unanimous consent is given?

Where the Member with the floor under the hour rule surrenders the floor without moving the previous question, any Member of the House securing recognition in opposition to the pending proposal is recognized for one hour (see § 34, supra).

16. 109 CONG. REC. 3993, 88th Cong. 1st Sess.

THE SPEAKER: In response to the parliamentary inquiry of the gentleman from Iowa, if consent is granted for the present consideration of the bill, the gentleman from New York [Mr. Celler] will be recognized for 1 hour and the gentleman from New York may yield to such Members as he desires to yield to before moving the previous question.

MR. GROSS: Mr. Speaker, further reserving the right to object, is sometime to be allocated to this side of the aisle?

MR. CELLER: I intend to allocate half of the time to the other side.

MR. GROSS: Mr. Speaker, I withdraw my reservation of objection.

—*Consideration of Senate Bill in House Pursuant to Special Rule*

§ 68.10 Following the adoption of a resolution making in order the consideration of a Senate bill in the House the Member calling up the Senate bill is recognized for one hour.

The proceedings relative to consideration of S. 2667 (Emergency Petroleum Allocation Act Extensions) in the House on Nov. 14, 1975,[17] were as follows:

Mr. [Richard] Bolling [of Missouri] from the Committee on Rules, reported the following privileged resolution (H. Res. 866, Rept. No. 94–666), which was referred to the House Calendar and ordered to be printed.

H. RES. 866

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill S. 2667, to extend the Emergency Petroleum Allocation Act of 1973, and to consider said bill in the House.

MR. BOLLING: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 866 and ask for its immediate consideration.

THE SPEAKER:[18] The Clerk will report the resolution.

The Clerk read the resolution.

THE SPEAKER: The question is, Will the House now consider House Resolution 866?

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

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: . . . Two hundred and forty-one Members are present, a quorum.

MR. ROUSSELOT: Mr. Speaker, I demand a division.

On a division (demanded by Mr. Rousselot) there were—yeas 171, noes 14.

So (two-thirds having voted in favor thereof), the House agreed to consider House Resolution 866.

THE SPEAKER: The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

17. 121 CONG. REC. 36638, 36641, 94th Cong. 1st Sess.

18. Carl Albert (Okla.).

THE SPEAKER: The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, pursuant to House Resolution 866, I call up the Senate bill (S. 2667) and ask for its immediate consideration in the House.

—*House Bill*

§ 68.11 A Member calling up a bill or joint resolution in the House pursuant to a special order controls one hour of debate thereon and may offer an amendment thereto and move the previous question on the amendment and on the bill or joint resolution.

On Nov. 3, 1977,[19] the proceedings relating to consideration of House Joint Resolution 643 (continuing appropriations) in the House were as follows:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 643) making further continuing appropriations for the fiscal year 1978, and for other purposes. . . .

The Clerk read the joint resolution, as follows:

H.J. RES. 643

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1978, namely:

Sec. 101. Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1977, and for which appropriations, funds, or other authority would be available in the District of Columbia Appropriations Act, 1978 (H.R. 9005) as passed the House of Representatives or the Senate. . . .

THE SPEAKER:[20] The gentleman from Texas (Mr. Mahon) is recognized for 1 hour.

MR. MAHON: Mr. Speaker, Members need to understand what our problem is at the moment. In view of the fact that final action has not been taken on the District of Columbia appropriation bill and on the Labor-Health, Education, and Welfare bill, we have to have a continuing resolution. . . .

Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mahon: On page 2, line 6, strike the period and insert the following: ": *Provided further,* That the rate of operations for the Disaster Loan Fund of the Small Business Administration contained in said Act shall be the rate as passed the Senate. . . .

MR. MAHON: It is absolutely urgent that we find a way to get this continuing resolution acted upon by the Congress tomorrow, since we cannot do it tonight. It is imperative that we get

19. 123 CONG. REC. 36970, 36971, 95th Cong. 1st Sess.

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

through the Congress a continuing resolution on tomorrow and send it to the President. Otherwise, there will be some very serious problems.

Mr. Speaker, I move the previous question on the amendment and the joint resolution to final passage.

The previous question was ordered.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Senate Amendments

§ 68.12 Senate amendments which do not require consideration in Committee of the Whole are debatable under the hour rule when considered in the House.[1]

—Senate Amendments in Disagreement

§ 68.13 Prior to the amendment to Rule XXVIII, clause 2(b) in the 92d and 99th Congresses (providing that the hour debate on an amendment in disagreement be divided), debate on an amendment reported from conference in disagreement was under the hour rule and the Member calling up the conference report was in control of the debate thereon.[2]

Parliamentarian's Note: House Resolution 1153, which was adopted on Oct. 13, 1972, 92d Cong. 2d Sess., to become effective at the end of the 92d Congress, amended Rule XXVIII by requiring that debate on amendments reported from conference in disagreement be equally divided and controlled by the majority and minority parties. Thus the hour of debate on a motion offered to dispose of an amendment in disagreement is equally controlled by the Member offering the initial motion and a Member of the minority, typically the senior conferee of that party.

The debate may be divided three ways if both the manager and the ranking minority Member agree. See Rule XXVIII clause 2(b)(1), *House Rules and Manual* § 912b (1995), as amended in the 99th Congress by H. Res. 7, Jan. 3, 1985.

§ 68.14 Debate on a Senate amendment reported in disagreement by managers on the part of the House is

1. 106 Cong. Rec. 18357, 18358, 86th Cong. 2d Sess., Aug. 30, 1960; and 81 Cong. Rec. 644, 645, 75th Cong. 1st Sess., Feb. 1, 1937.

2. See 108 Cong. Rec. 23423–43, 87th Cong. 2d Sess., Oct. 12, 1962; 108 Cong. Rec. 15294, 87th Cong. 2d Sess., Aug. 1, 1962; and 88 Cong. Rec. 2508, 2512, 2513, 77th Cong. 2d Sess., Mar. 16, 1942.

under the hour rule, and the Member calling up the conference report is in control of the time (subject to the division of time required by clause 2(b) of Rule XXVIII).

On Aug. 1, 1962,[3] Mr. John E. Fogarty, of Rhode Island, had called up a conference report on H.R. 10904, the labor, health, education, and welfare appropriations for fiscal 1963. Certain Senate amendments had been reported in disagreement. When Senate amendment No. 3 was read, Mr. Fogarty offered a motion that the House recede from disagreement and concur with an amendment. Speaker Pro Tempore Carl Albert, of Oklahoma, then answered a parliamentary inquiry on control of the time:

> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.
>
> MR. GROSS: Is the gentleman from Rhode Island going to explain any of these amendments?
>
> THE SPEAKER PRO TEMPORE: That is within the discretion of the gentleman.
>
> MR. GROSS: A further parliamentary inquiry. Does not the gentleman have an hour on each of these amendments?
>
> THE SPEAKER PRO TEMPORE: The gentleman has if he desires to use it.[4]

§ 68.15 A motion in the House to concur in a Senate amendment, the stage of disagreement having been reached, is debatable under the hour rule.[5]

§ 68.16 Debate on a motion to concur in a Senate amendment with an amendment, the stage of disagreement having been reached, is under the hour rule.[6]

§ 68.17 Debate on a motion that the House recede from its disagreement to a Senate amendment and concur therewith is under the hour rule, and if the question is divided, the hour rule applies to each motion separately.[7]

§ 68.18 Debate on a motion to dispose of a Senate amend-

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3. 108 CONG. REC. 15294, 87th Cong. 2d Sess.

4. See also 108 CONG. REC. 23423–43, 87th Cong. 2d Sess., Oct. 12, 1962. For consideration of amendments in disagreement, see Rule XXVIII, clause 2(b)(1) *House Rules and Manual* §§ 912b et seq. (1995).

5. See 113 CONG. REC. 19003, 90th Cong. 1st Sess., July 17, 1967; and 81 CONG. REC. 7197, 7198, 75th Cong. 1st Sess., July 15, 1937.

6. See 108 CONG. REC. 23423–43, 87th Cong. 2d Sess., Oct. 12, 1962; 108 CONG. REC. 15294, 87th Cong. 2d Sess., Aug. 1, 1962; and 89 CONG. REC. 5899, 5900, 78th Cong. 1st Sess., June 15, 1943.

7. 86 CONG. REC. 5889, 76th Cong. 3d Sess., May 9, 1940.

ment to a House amendment to a Senate amendment to a House bill, the stage of disagreement having been reached, is under the hour rule.[8]

—Following Rejection of First Motion

§ 68.19 Under clause 2(b) of Rule XXVIII, the time allotted for debate on an original motion to dispose of disagreement on a Senate amendment is divided equally between majority and minority parties (except that if both floor managers support the motion then one-third of the time may be claimed by an opponent); and where the original motion to dispose of the Senate amendment in disagreement is rejected, the time for debate on a successor motion is also governed by clause 2(b) of Rule XXVIII and may be equally divided.

On Aug. 6, 1993,[9] the House had under consideration Senate amendments in disagreement to H.R. 2493 (Agriculture appropriations for 1994):

THE SPEAKER PRO TEMPORE:[10] The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 164: Page 81, after line 12, insert:

Sec. 730. (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide a total amount of payments to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of $50,000 in the 1994 crop year.

MOTION OFFERED BY MR. SKEEN

MR. [JOE] SKEEN [of New Mexico]: Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Motion offered by Mr. Skeen:

Mr. Skeen moves that the House recede and concur in the amendment of the Senate numbered 164 with an amendment as follows: In the matter proposed to be inserted by the amendment, add the following: "The GAO shall conduct a study and report to Congress on the effectiveness of the program."

THE SPEAKER PRO TEMPORE: The gentleman from New Mexico [Mr. Skeen] is recognized for 30 minutes.

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

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

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8. 116 CONG. REC. 750, 91st Cong. 2d Sess., Jan. 22, 1970.

9. 139 CONG. REC. p. ____, 103d Cong. 1st Sess.

10. Romano L. Mazzoli (Ky.).

MR. FAWELL: First of all, the motion that the gentleman from New Mexico offered was read so fast I did not understand just what it was. But I rise in opposition.

THE SPEAKER PRO TEMPORE: If the gentleman is opposed to the motion offered by the gentleman from New Mexico, the gentleman [Mr. Fawell] is entitled to 20 minutes to debate the issue. . . .

MR. FAWELL: . . . Assuming that this particular motion fails, can the Chair advise me where we will be then?

THE SPEAKER PRO TEMPORE: Another Member will be recognized for another motion on this amendment in disagreement. . . .

The question is on the amendment offered by the gentleman from New Mexico [Mr. Skeen]. . . .

The vote was taken by electronic device, and there were yeas 140, nays 274, not voting 19, as follows: . . .

So the House refused to recede and concur in the amendment of the Senate numbered 164 with an amendment. . . .

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

The Clerk read as follows:

> Mr. Fawell moves that the House recede and concur in the amendment of the Senate numbered 164 with an amendment as follows: In the matter proposed to be inserted by the amendment, strike "$50,000" and insert "$0".

THE SPEAKER PRO TEMPORE: The gentleman from Illinois [Mr. Fawell] will be recognized for 30 minutes in support of his motion, and the gentleman from Illinois [Mr. Durbin] will be recognized for 30 minutes in opposition.

Under a former practice, if the initial motion to dispose of the amendment in disagreement was rejected, the time for debate on a subsequent motion was under the hour rule and entirely within the control of the Member of the opposition recognized to make the motion. Thus, on July 19, 1977,[11] during consideration of the conference report on H.R. 7554 (Housing and Urban Development and independent agencies appropriation bill for fiscal 1978) in the House, it was demonstrated that, where a motion to dispose of an amendment reported from conference in disagreement, offered by the manager of the conference report, is rejected, the Speaker recognizes a Member leading the opposition to offer another motion to dispose of the amendment.

THE SPEAKER PRO TEMPORE:[12] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 24: Page 17, line 11, strike out "$2,943,600,000" and insert "$3,013,000,000".

MR. [EDWARD P.] BOLAND [of Massachusetts] [manager of the conference report]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

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11. 123 CONG. REC. 23668, 23669, 23678, 95th Cong. 1st Sess.

12. Norman Y. Mineta (Calif.).

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,995,300,000".

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Boland) is recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Coughlin) is recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

MR. BOLAND: Mr. Speaker, I yield myself such time as I may consume. . . .

MR. [DON] FUQUA [of Florida]: Mr. Speaker, I rise in opposition to amendment No. 24. . . .

[After debate, the motion was rejected.]

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

The Clerk read as follows:

Mr. Fuqua moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

THE SPEAKER PRO TEMPORE: The gentleman from Florida (Mr. Fuqua) is recognized for 60 minutes. . . .

MR. FUQUA: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

—Intervention of Preferential Motion

§ 68.20 The time for debate on an amendment reported from conference in disagreement is equally divided between the majority and minority parties under Rule XXVIII clause 2(b), and a Member offering a preferential motion does not thereby gain control of time for debate; nor can the Member who has offered the preferential motion move the previous question during time yielded to him for debate, since that would deprive the Members in charge of control of the time for debate.

On Dec. 4, 1975,[13] an example of the proposition described above occurred in the House during consideration of the conference report on H.R. 8069 (the Department of Health, Education, and Welfare and related agencies appropriation bill):

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"Sec. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest or next nearest the student's home. . . .

13. 121 CONG. REC. 38714, 38716, 38717, 94th Cong. 1st Sess.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Bauman moves that the House recede from its disagreement to Senate amendment No. 72 and concur therein.

THE SPEAKER:[14] The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

MR. BAUMAN: Mr. Speaker, may I inquire, who has the right to the time under the motion?

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) has 30 minutes, and the gentleman from Illinois (Mr. Michel) has 30 minutes. The time is controlled by the committee leadership on each side, and they are not taken from the floor by a preferential motion. . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. Bauman).

MR. BAUMAN: The gentleman from Maryland has made his case and if the gentleman would like to concur in the stand taken by the majority party in favor of busing he can do that. I do not concur.

Mr. Speaker, I move the previous question on the motion.

MR. FLOOD: Mr. Speaker, I demand the question be divided.

MR. BAUMAN: Mr. Speaker, I move the previous question.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) has the floor and the Chair is trying to let the gentleman be heard.

MR. FLOOD: Mr. Speaker, I demand a division.

MR. BAUMAN: Mr. Speaker, I have not yielded. My time has not expired.

THE SPEAKER: The gentleman has time for debate only.

MR. BAUMAN: No; Mr. Speaker, it was not yielded for debate only.

THE SPEAKER: The gentleman from Maryland has 15 seconds.

MR. BAUMAN: Mr. Speaker, I move the previous question.

THE SPEAKER: The gentleman was yielded to for debate only. The gentleman from Illinois had no authority under clause 2, rule XXVIII to yield for any other purpose but debate.

Parliamentarian's Note: Debate on a motion that the House recede from its disagreement to a Senate amendment and concur is under the hour rule. In the above instance, the motion to recede and concur was divided.[15] If the motion is so divided, the hour rule applies to each motion separately.[16] Thus, technically, the Bauman motion to concur could have been debated under the hour rule, since the request for division of the question was made prior to the ordering of the previous question. Control of the time, however, would have remained with the majority and minority under the rule.

Whether or not the division demand was made before or after

14. Carl Albert (Okla.).

15. 121 CONG. REC. 38717, 94th Cong. 1st Sess.

16. See 86 CONG. REC. 5889, 76th Cong. 3d Sess., May 9, 1940.

the ordering of the previous question on the motion to recede and concur, the preferential motion offered by Mr. Flood to concur with an amendment could have been debated under the hour rule equally divided, since it was a separate motion not affected by ordering the previous question on the motion to recede and concur.

Had the Bauman motion to concur been rejected, the motion to concur with another amendment would have been in order, and preferential to a motion to insist on disagreement.

§ 68.21 Time for debate on motions to dispose of amendments in disagreement is equally divided, under Rule XXVIII clause 2(b), between the majority and minority party; and if a minority Member has been designated by his party to control time, another minority Member who offers a preferential motion does not thereby gain control of the time given to the minority.

On May 14, 1975,[17] during consideration of the conference report on H.R. 4881[18] in the House, the following proceedings occurred:

THE SPEAKER:[19] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 61: Page 41, line 9, insert:

"FEDERAL RAILROAD ADMINISTRATION

"RAIL TRANSPORTATION IMPROVEMENT AND EMPLOYMENT

"For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $700,000,000. . . .

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House insist on its disagreement to the amendment of the Senate numbered 61.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Conte moves that the House recede from its disagreement to Senate amendment Number 61 and concur therein with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

"CHAPTER VIII

"DEPARTMENT OF TRANSPORTATION

"FEDERAL RAILROAD ADMINISTRATION

"For payment of financial assistance to assist railroads by providing

17. 121 CONG. REC. 14385, 14386, 94th Cong. 1st Sess.

18. The Emergency Employment Appropriations for fiscal year 1975.

19. Carl Albert (Okla.).

funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $200,000,000. . . .

MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SHUSTER: Mr. Speaker, how is the time divided?

THE SPEAKER: The time is divided equally between the gentleman from Texas (Mr. Mahon), who has 30 minutes, and the gentleman from Illinois (Mr. Michel) who has 30 minutes or such small fraction thereof as he may decide to use.

Conference Reports

§ 68.22 One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and the Speaker recognizes the Member calling up the report to control 30 minutes and a Member from the other party (preferably the senior conferee from that party) to control 30 minutes.

On Jan. 19, 1972,[20] Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, called up the conference report on S. 382, the Federal Election Campaign Act of 1972. Speaker Carl Albert, of Oklahoma, recognized Mr. Hays to control 30 minutes of debate on the report and Mr. William L. Springer, of Illinois (ranking minority member of the Committee on Interstate and Foreign Commerce and a conferee), to handle the other 30 minutes.

Conferees had been appointed from both the Committees on House Administration and Interstate and Foreign Commerce, since the bill was the work product of both committees.

Parliamentarian's Note: Rule XXVIII, clause 2(a), was amended in the 92d Congress, 1st session (H. Res. 5) to require a division of the hour for debate on a conference report. Prior to that time, debate on a conference report was under the hour rule, with the Member recognized to call up the report in control of the time. Clause 2(a) was again amended in 1985 to permit a three-way division of the hour if both the majority and minority floor managers support the report.[1]

—Motion To Reject Nongermane Provision in

§ 68.23 Pursuant to a special rule and to clause 1 of Rule

20. 118 CONG. REC. 319, 320, 92d Cong. 2d Sess.

1. See, for example, 115 CONG. REC. 40451, 91st Cong. 1st Sess., Dec. 20, 1969; 108 CONG. REC. 4247–51, 87th Cong. 2d Sess., Mar. 15, 1962. See also 99th Cong. 1st Sess., H. Res. 7, Jan. 3, 1985, p. 393.

XX (now clause 4(a), Rule XXVIII), the House agreed to a section of a conference report (containing non-germane Senate matter) on a separate vote after 40 minutes' debate thereon, equally divided between the Member moving to reject the section and a Member opposed to that motion. The House then considered the entire conference report, the Member calling it up and a Member of the minority party each being recognized for 30 minutes under clause 2(a) of Rule XXVIII.

On Nov. 10, 1971,[2] Mr. F. Edward Hébert, of Louisiana, called up the conference report on H.R. 8687, military procurement authorization. Speaker Carl Albert, of Oklahoma, stated the special order governing the consideration of the report (H. Res. 696), provided that a separate vote could be demanded on certain sections of the conference report (containing non-germane portions of the Senate amendment). Mr. Donald Fraser, of Minnesota, demanded a separate vote on section 503 of the report, pursuant to the special order and pursuant to Rule XX, clause 1. The Speaker recognized Mr. Hébert and Mr. Fraser for 20 minutes each and the House then agreed to retain section 503 within the conference report.

The House then proceeded to the consideration of the entire conference report. The Speaker stated that one hour of debate would be had thereon, Mr. Hébert to be recognized for 30 minutes and a member of the minority party, Mr. Leslie C. Arends, of Illinois, to be recognized for 30 minutes.

After Rejection of Nongermane Portion of Conference Report—Debate on Motion To Recede and Concur in Senate Amendment With Amendment Consisting of Remainder of Conference Report

§ 68.24 Where the House agrees to a motion to reject a nongermane portion of a conference report pursuant to Rule XXVIII clause 4, the pending question, in the form of a motion offered by the manager of the conference report, is to recede from disagreement to the Senate amendment and concur with an amendment consisting of the remaining portions of the conference report not rejected on the sepa-

2. 117 Cong. Rec. 40489, 40490, 92d Cong. 1st Sess.

rate vote, and one hour of debate, equally divided between the majority and minority parties, is permitted on that pending question.

The proceedings of Dec. 12, 1979,[3] during consideration of H.R. 595[4] in the House, were as follows:

MR. [ROBERT H.] MOLLOHAN [of West Virginia]: Mr. Speaker, I call up the conference report on the bill (H.R. 595) to authorize the Administrator of General Services to dispose of 35,000 long tons of tin in the national and supplemental stockpiles, to provide for the deposit of moneys received from the sale of such tin, and for other purposes.

The Clerk read the title of the bill.

MR. [LARRY] MCDONALD [of Georgia]: Mr. Speaker, I have a point of order.

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

MR. MCDONALD: Mr. Speaker, I make the point of order that the matter contained in clause 3 of section 3 of the substitute for the text of the bill recommended in the conference report would not be germane to H.R. 595 under clause 7 of rule XVI if offered in the House and is therefore subject to a point of order under clause 4(a) of rule XXVIII. . . .

MR. MOLLOHAN: . . . I concede the point of order.

THE SPEAKER: The point of order is sustained.

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

The Clerk read as follows:

> Mr. McDonald moves, pursuant to the provisions of clause 4(b) of rule XXVIII, that the House reject clause 3 of section 3 of the substitute for the text of the bill recommended in the conference report.

THE SPEAKER: The gentleman from Georgia (Mr. McDonald) will be recognized for 20 minutes, and the gentleman from West Virginia (Mr. Mollohan) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. McDonald). . . .

THE SPEAKER PRO TEMPORE:[6] The question is on the motion offered by the gentleman from Georgia (Mr. McDonald).

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

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 122, not voting 39, as follows: . . .

So the motion was agreed to. . . .

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

The Clerk read as follows:

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3. 125 CONG. REC. 35522, 35527, 35528, 96th Cong. 1st Sess.

4. A bill authorizing the General Services Administration to dispose of tin from the national stockpile.

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

6. Al Swift (Wash.).

Mr. Mollohan moves pursuant to clause 4 of Rule XXVIII and the actions of the House, that the House recede from its disagreement to the amendment of the Senate to the text of the bill and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill insert the following:

That this Act may be cited as the "Strategic and Critical Materials Transaction Authorization Act of 1979".

Sec. 2. There is authorized to be appropriated the sum of $237,000,000 for the acquisition of strategic and critical material under section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e). . . .

THE SPEAKER PRO TEMPORE: The gentleman from West Virginia (Mr. Mollohan) will be recognized for 30 minutes, and the gentleman from Maine (Mr. Emery) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. Mollohan).

—Where Motion To Reject Is Defeated

§ 68.25 Upon defeat of a motion to reject a nongermane portion of a motion to recede and concur in a Senate amendment with a further amendment, the Member who had moved to recede and concur with an amendment and a minority Member are each recognized for 30 minutes of debate on that motion.

On July 31, 1974,[7] Speaker Carl Albert, of Oklahoma, recognized Wilbur Mills, of Arkansas, to call up the conference report on H.R. 8217 (exemption from tariff duty of equipment on United States vessels) in the House:

MR. MILLS: Mr. Speaker, I call up the conference report on the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States, and ask unanimous consent that the statement of the managers be read in lieu of the report. . . .

There was no objection.

The Clerk read the statement. . . .

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

The Clerk read as follows:

Mr. Mills moves that the House recede from its disagreement to the Senate amendment to the text of the bill, H.R. 8217, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill (page 2, after line 6), insert the following:

Sec. 3. The last sentence of section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (as added by section 20 of Public Law 93–233 and amended by section 2 of Public Law 93–256 and by section 2 of Public Law 93–329) is amended by striking out "August 1, 1974" and inserting in lieu thereof "April 30, 1975". . . .

7. 120 CONG. REC. 26082, 26083, 26088, 26089, 93d Cong. 2d Sess.

MR. [J. J.] PICKLE [of Texas]: Mr. Speaker, I make a point of order on section 3 of this bill because it does not conform to the House germaneness rule, rule 28, clause 5(b)(1). . . .

Section 3 deals with the unemployment compensation program as it relates to extended benefits. This has nothing to do with the "repair of vessels." . . .

MR. MILLS: Mr. Speaker, I must admit that the point of order is well taken. I cannot resist the point of order.

THE SPEAKER: The point of order is sustained.

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

The Clerk read as follows:

> Mr. Pickle moves that the House reject section 3 of the proposed amendment to the Senate amendment to the text of the bill H.R. 8217.

THE SPEAKER: The gentleman from Texas (Mr. Pickle) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. Mills) will be recognized for 20 minutes. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from Texas (Mr. Pickle).

The question was taken, and the Speaker announced that the noes appeared to have it.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I object to the vote on the ground that a quorum is not present. . . .

THE SPEAKER: . . . [T]he Chair does recognize the gentleman from Iowa who objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present, and evidently a quorum is not present. . . .

The vote was taken by electronic device, and there were—yeas 63, nays 336, not voting 35, as follows: . . .

So the motion was rejected. . . .

THE SPEAKER: The Chair desires to state that under the rule the gentleman from Arkansas (Mr. Mills) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Schneebeli) will be recognized for 30 minutes.

—Motion Sending Bill to Conference

§ 68.26 A Member making a motion to send a bill to conference pursuant to authorization by his committee under Rule XX clause 1, is recognized for one hour.[8]

—Motion To Close Conference Meeting

§ 68.27 The motion to close conference committee meetings is debatable under the hour rule.

During consideration of H.R. 5970 (Department of Defense authorization for fiscal year 1978) in the House on May 23, 1977,[9] the following proceedings occurred:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I ask unanimous

8. See 116 CONG. REC. 5722, 5723, 91st Cong. 2d Sess., Mar. 3, 1970.

9. 123 CONG. REC. 15880, 15881, 95th Cong. 1st Sess.

consent to take from the Speaker's table the bill (H.R. 5970) to authorize appropriations during the fiscal year 1978, for procurement of aircraft . . . and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER:[10] Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: . . .

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

The Clerk read as follows:

> Mr. Bennett moves, pursuant to rule XXVIII 6(a) of the House rules that the conference committee meetings between the House and the Senate on H.R. 5970 the fiscal year 1978 military authorization bill be closed to the public at such times as classified national security information is under consideration.

THE SPEAKER: The gentleman from Florida (Mr. Bennett) is recognized for 1 hour.

MR. BENNETT: Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Bob Wilson), the ranking minority member on the committee, pending which I yield myself such time as I may consume; at the conclusion of which I will be happy to yield to any Member who wishes to be heard.

Parliamentarian's Note: This was the first occasion on which the House considered a motion, pursuant to Rule XXVIII, clause 6(a), that a conference committee meeting be closed to the public. Pending the motion to close the conference committee meeting to the public, with the exception of any sitting Member of Congress, the Speaker stated in response to a parliamentary inquiry that the motion was not binding on the Senate conferees, and that each House would have one vote in conference on whether to close the meeting to the public.[11]

—*Motion To Instruct House Managers*

§ 68.28 The Member moving to instruct House managers appointed to a conference committee has 30 minutes of debate at his disposal (whether the motion is made before the conferees have been appointed or at least 20 days after they have been appointed, pursuant to clause 1(b) of Rule XXVIII) and 30 minutes is controlled by the minority party.[12]

§ 68.29 A Member offering a motion to instruct conferees is entitled to one hour of debate unless a motion to lay that motion on the table is adopted prior to debate.

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

11. 123 CONG. REC. 15884, 95th Cong. 1st Sess.

12. See Rule XXVIII, clause 1(a) *House Rules and Manual* § 909 (1995).

On Aug. 26, 1976,[13] the House had under consideration a motion to agree to a conference on H.R. 8603 (the Postal Reorganization Act Amendments of 1976), when the following exchange occurred:

MR. [DAVID N.] HENDERSON [of North Carolina]: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8603) to amend title 39, United States Code, with respect to the organizational and financial matters of the U.S. Postal Service and the Postal Rate Commission, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, if an objection is heard, is it not so that the procedure that would be followed is for the chairman of the committee to go to the committee, convene the committee, and get a motion to come back to the floor asking for a conference, and that that then would be subject to 1 hour of general debate? Is that not so? . . .

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

The Clerk read as follows:

Mr. Alexander moves that the Managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 8603, be instructed to insist upon (1) section 2(a) and section 2(c) of such bill as passed the House; (2) section 2401(b)(1) of title 39, U.S. Code, as added by section 2(b) of such bill as passed the House; and (3) section 16 of such bill as passed the House.

MR. HENDERSON: Mr. Speaker, I move that the motion offered by the gentleman from Arkansas (Mr. Alexander) be laid on the table. . . .

MR. ALEXANDER: Mr. Speaker, is it not so that the parliamentary situation is that my motion is entitled to 1 hour of general debate on that motion, the time to be controlled by me as the person who is offering the motion; but in view of the fact that the gentleman from North Carolina (Mr. Henderson) has offered a motion to table, a vote for that motion would preclude any debate and preclude any consideration of the motion to instruct? Is that correct, Mr. Speaker?

THE SPEAKER:[14] The Chair will state that if the motion to table is voted upon and rejected, 1 hour will be allotted to the gentleman from Arkansas (Mr. Alexander).

Parliamentarian's Note: Upon an objection to a unanimous-consent request to take a House bill with Senate amendments from the Speaker's table and agree to a conference, a motion to that effect is privileged if made by direction of the committee having jurisdiction over the bill under clause 1 of Rule XX, and that motion is debatable for one hour.

—*Motion To Instruct House Managers, Amendment to*

§ 68.30 The division of time, under Rule XXVIII, clause

13. 122 CONG. REC. 27828, 27831, 27832, 94th Cong. 2d Sess.

14. Carl Albert (Okla.).

1(b), for debate on a motion to instruct conferees does not extend to separate debate on an amendment to such a motion, which is governed by Rule XIV, clause 2, the general hour rule in the House.

On Oct. 3, 1989,[15] during consideration of H.R. 3026 (the District of Columbia appropriation bill for fiscal year 1990), it was demonstrated that, where the previous question is rejected on a motion to instruct conferees, a separate hour of debate on any amendment to the motion is fully controlled by the proponent of the amendment, as the manager of the original motion loses the floor. The proceedings were as follows:

> MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3026) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.
>
> THE SPEAKER PRO TEMPORE:[16] Is there objection to the request of the gentleman from California?
>
> There was no objection.
>
> MR. [BILL] GREEN [of New York]: Mr. Speaker, I offer a motion to instruct.
>
> The Clerk read as follows:
>
> > Mr. Green moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 3026, be instructed to agree to the amendment of the Senate numbered 3.
>
> THE SPEAKER PRO TEMPORE: The gentleman from New York [Mr. Green] is recognized for 30 minutes in support his motion. . . .
>
> MR. GREEN: Mr. Speaker, I move the previous question on the motion to instruct. . . .
>
> THE SPEAKER PRO TEMPORE: The question is on ordering the previous question.
>
> [The previous question was rejected.]
>
> MR. DIXON: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> I understand now that the gentleman from California [Mr. Dannemeyer] intends to offer an amendment to the motion offered by the gentleman from New York [Mr. Green].
>
> My question is: Under the offering will I receive part of the time?
>
> THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman from California [Mr. Dixon] that 1 hour would be allotted to the gentleman from California [Mr. Dannemeyer]. He would have to yield time to the gentleman from California [Mr. Dixon]. . . .
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Dannemeyer to the motion to instruct: At the end of the pending motion, strike

15. 135 CONG. REC. 22859, 22862, 22863, 101st Cong. 1st Sess.

16. William J. Hughes (N.J.).

the period, insert a semicolon, and add the following language: "; *Provided further,* That the conferees be instructed to agree to the provisions contained in Senate amendment numbered 22."

THE SPEAKER PRO TEMPORE: The gentleman from California [Mr. Dannemeyer] is recognized for 1 hour.

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I yield one-half of the time to the gentleman from California [Mr. Dixon], for purposes of debate only.

Parliamentarian's Note: The control of debate in the above instance is to be distinguished from debate on motions in the House to dispose of amendments in disagreement. In the latter case, although the manager of the original motion might lose the floor upon defeat of his motion, debate on a subsequent motion is nevertheless divided under Rule XXVIII, clause 2(b). It is only debate on amendments to such motions, when pending, that is not divided. Rule XXVIII is discussed in § 26, supra.

Privileged Resolutions

§ 68.31 Debate on privileged resolutions is under the hour rule.[17]

17. 111 CONG. REC. 13799, 89th Cong. 1st Sess., June 16, 1965; and 109 CONG. REC. 3051, 3052, 88th Cong. 1st Sess., Feb. 27, 1963.

—Committee Funding Resolution

§ 68.32 Debate on a privileged resolution from the Committee on House Administration is under the hour rule, and the Member recognized to call it up has control of the time.

On Feb. 27, 1963,[18] Mr. Samuel N. Friedel, of Maryland, called up by direction of the Committee on House Administration House Resolution 164, a privileged resolution providing funds for the Committee on Armed Services. Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry as to control of the time for debate:

MR. [CHARLES A.] HALLECK [of Indiana]: As I understand it, the gentleman from Maryland [Mr. Friedel] has said that he would yield time to Members on the minority side, and that is what we want. If there is another minority Member who wants to be recognized at this time, it would be in order under the rules for that Member to be granted time in order that he might make such statement as he might want to make.

THE SPEAKER: The Chair will state that under the rules of the House and pursuant to custom that has existed from time immemorial, on a resolution of this kind the Member in charge of

18. 109 CONG. REC. 3051, 3052, 88th Cong. 1st Sess.

the resolution has control of the time and he, in turn, yields time.

Majority Leader Carl Albert, of Oklahoma, then made the following statement on distribution of time to the minority:

Following the statement of the distinguished Speaker of the House, the gentleman from Ohio made the statement that he is in favor of the principle involved here. Of course, the principle is well established under the rules of the House and has been observed by both parties from time immemorial, that the Member recognized to call up the resolution has control of the time under the 1-hour rule.

On Feb. 25, 1954,[19] Speaker Joseph W. Martin, Jr., of Massachusetts, answered parliamentary inquiries on the control of debate on a privileged resolution called up by the chairman of the Committee on House Administration:

MR. [KARL M.] LECOMPTE [of Iowa]: Under the rules the Chairman has control of the time.

THE SPEAKER: The gentleman has 1 hour to yield to whomsoever he desires.

MR. LECOMPTE: And he has control of the matter of offering amendments.

THE SPEAKER: A committee amendment is now pending. No other amendment can be offered unless the gentleman yields the floor for that purpose.

MR. LECOMPTE: A motion to recommit, of course, belongs to some member of the minority opposed to the resolution. Would any motion except a motion to recommit be in order except by the gentleman in charge of the bill?

THE SPEAKER: Not unless the gentleman yields for that purpose.

The gentleman from Iowa is recognized for 1 hour.[20]

—*Resolution of Inquiry*

§ 68.33 Resolutions of inquiry are debatable under the hour rule.[1]

§ 68.34 If a motion to discharge a committee from the further consideration of a privileged resolution is agreed to, the resolution is debatable under the hour rule, and the proponent of the resolution is entitled to prior recognition.

The principle described above was illustrated on Sept. 29, 1975,[2] during proceedings in the

19. 100 CONG. REC. 2282, 83d Cong. 2d Sess.

20. For an occasion where the Member in charge of a privileged resolution from the Committee on House Administration yielded to the Majority Leader to offer an amendment and thereby lost control of the hour, see 111 CONG. REC. 24290, 24291, 89th Cong. 1st Sess., Sept. 17, 1965.

1. See 111 CONG. REC. 24030, 24033, 24034, 89th Cong. 1st Sess., Sept. 16, 1965; and 98 CONG. REC. 1205–07, 1215, 1216, 82d Cong. 2d Sess., Feb. 20, 1952.

2. 121 CONG. REC. 30748, 94th Cong. 1st Sess.

House relating to House Resolution 718 (a resolution of inquiry, directing the Secretary of the Department of Health, Education, and Welfare to furnish documents relating to public school systems to the House):

MR. [JAMES M.] COLLINS of Texas: Mr. Speaker, I offer a privileged motion to discharge the Committee on Education and Labor from consideration of the resolution (H. Res. 718).

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

The Clerk read the motion as follows:

> Mr. Collins of Texas moves to discharge the Committee on Education and Labor from consideration of House Resolution 718.

THE SPEAKER: The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 718

> *Resolved*, That the Secretary of Health, Education, and Welfare, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than sixty days following the adoption of this resolution, any documents containing a list of the public school systems in the United States which, during the period beginning on August 1, 1975, and ending on June 30, 1976, will be receiving Federal funds and will be engaging in the busing of schoolchildren to achieve racial balance, and any documents respecting the rules and regulations of the Department of Health, Education, and Welfare with respect to the use of any Federal funds administered by the Department for the busing of schoolchildren to achieve racial balance.

THE SPEAKER: The question is on the privileged motion to discharge.

The motion was agreed to.

MR. COLLINS of Texas: Mr. Speaker, basically, what I am concerned with here is full documentation from the Secretary of HEW.

I filed this in the Congressional Record and have met the necessary requirements for a resolution of inquiry. . . .

The other body at this time is discussing the appropriation bill on HEW and has raised the subject over and over again regarding transportation of students to achieve racial balance and how that is affecting the budget. Therefore, it is absolutely essential to us, in our deliberations here in this House, that we have a concise, clear, complete, and factual statement from the Secretary of HEW as defined in my House Resolution 718.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

§ 68.35 The Member calling up for consideration a privileged resolution of inquiry reported adversely from committee is recognized for one hour and may move to lay the resolution on the table at any time; and where the Member calling up the resolution uses part of his

3. Carl Albert (Okla.).

hour of debate and then offers a motion to table the resolution which is defeated, the Chair will normally recognize another Member for an hour of debate but may recognize the Member who called up the resolution to control the remainder of his hour of debate, if no other Member seeks recognition.

On June 15, 1979,[4] during consideration of House Resolution 291 (a resolution of inquiry directing the President to provide Members of the House with certain information) the following proceedings occurred in the House:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I call up the resolution (H. Res. 291), a resolution of inquiry directing the President to provide Members of the House with information on the energy situation, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, That the President, to the extent possible, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, full and complete information on the following:

(1) the existence and percentage of shortages of crude oil and refined petroleum products within the United States and administrative regions; . . .

THE SPEAKER PRO TEMPORE:[5] The gentleman from Michigan (Mr. Dingell) is recognized for 1 hour.

Subsequently in the proceedings, Mr. Dingell made a motion to table the resolution:

MR. DINGELL: Mr. Speaker, at this time I move to table the resolution of inquiry now before the House.

THE SPEAKER PRO TEMPORE: The question is on the motion to table offered by the gentleman from Michigan (Mr. Dingell). . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 4, nays 338, not voting 92, as follows: . . .

So the motion to table was rejected. . . .

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Michigan (Mr. Dingell).

MR. DINGELL: Mr. Speaker, may I inquire as to how much time remains?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that he has 48 minutes remaining.

MR. DINGELL: Mr. Speaker, I will, then, at this time yield 24 minutes to my distinguished friend, the gentleman from Ohio (Mr. Devine), for purposes of debate only.

—Rules Committee Reports

§ 68.36 A Member calling up a privileged report from the

4. 125 CONG. REC. 15027, 15029, 15030, 96th Cong. 1st Sess.

5. John Brademas (Ind.).

Committee on Rules has one hour at his command and other Members may be recognized only if yielded time.[6]

§ 68.37 Debate in the House on a resolution reported from the Committee on Rules is under the hour rule, and that time may be extended only by unanimous consent.

On June 21, 1972,[7] Mr. Thomas P. O'Neill, Jr., of Massachusetts, had offered House Resolution 996, from the Committee on Rules, providing for the consideration of H.R. 14370, the State and Local Assistance Act of 1972. He asked unanimous consent for extension of the one hour of debate permitted on the resolution, and the request was objected to:

MR. O'NEILL: Mr. Speaker, in view of the fact that I have so many requests for time, I ask unanimous consent that discussion on the rule be extended 30 minutes, with 15 minutes given to the gentleman from California (Mr. Smith) and 15 minutes to myself.

THE SPEAKER:[8] The gentleman from Massachusetts asked unanimous consent that time for debate on the rule be extended an additional 30 minutes, the time to be equally divided between the gentleman from Massachusetts and the gentleman from California.

Is there objection to the request of the gentleman from Massachusetts?

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, reserving the right to object, my attention was elsewhere when the request was made. Do I correctly understand that the request is to extend the time on the rule?

THE SPEAKER: The gentleman is correct.

MR. COLMER: For how long?

THE SPEAKER: For an additional 30 minutes for debate on the rule.

MR. COLMER: Equally divided, Mr. Speaker, between whom?

MR. O'NEILL: The reason why I am asking this is that the gentleman would like to have 10 minutes.

MR. COLMER: I understand the reason why the gentleman is doing it.

Mr. Speaker, under my reservation, if I am in order, between whom is the gentleman going to divide the time?

MR. O'NEILL: I ask unanimous consent for 30 minutes, with 15 minutes to the gentleman from California (Mr. Smith) and 15 minutes to myself.

The reason I asked for this is that the gentleman, as chairman of the committee, asked for 10 minutes. I allotted five members opposed to the bill 3 minutes apiece. The gentleman was not satisfied with 3 minutes and is insisting upon 10. In order to satisfy him, as chairman of the Rules Committee, I have made this request.

MR. COLMER: Mr. Speaker, on the basis of the statement of the gentleman from Massachusetts (Mr. O'Neill)

6. See 118 CONG. REC. 21694, 92d Cong. 2d Sess., June 21, 1972; and 114 CONG. REC. 30217, 90th Cong. 2d Sess., Oct. 9, 1968.

7. 118 CONG. REC. 21694, 92d Cong. 2d Sess.

8. Carl Albert (Okla.).

I am unwilling to set a precedent here in order that I may be heard for additional time. Therefore, I object.

THE SPEAKER: Objection is heard.

MR. O'NEILL: Mr. Speaker, under the circumstances, since there is an objection, I yield 3 minutes to the gentleman from Mississippi (Mr. Colmer).

§ 68.38 On resolutions taken away from the Committee on Rules by operation of the former 21-day rule, there was one hour of debate.[9]

§ 68.39 Debate on resolutions reported by the Committee on Rules providing for investigations is under the hour rule.[10]

—Debate When Withdrawn Resolution Is Called Up Anew

§ 68.40 A Member calling up a privileged resolution from the Committee on Rules is recognized for a full hour notwithstanding the fact that he had previously called up the resolution and withdrawn it after debate.

On Apr. 8, 1964,[11] Mr. Richard Bolling, of Missouri, called up at the direction of the Committee on Rules House Resolution 665, making in order the consideration of a bill. While the resolution was pending, Speaker John W. McCormack, of Massachusetts, declared a recess to await the receipt of the engrossed copy of a bill.

Following the recess, Mr. Bolling withdrew House Resolution 665 in order that the engrossed copy of the bill could be taken up as unfinished business. In response to a parliamentary inquiry, the Speaker stated that when the Committee on Rules resolution was again brought up by the Member calling it up, he would be recognized for a full hour despite the fact he had already brought it up, debated it, and withdrawn it:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, in view of the withdrawal of the resolution by the gentleman from Missouri [Mr. Bolling] do I understand that we start all over again on the consideration of the rule for the wheat-cotton bill?

THE SPEAKER: When the gentleman calls it up, the understanding of the gentleman is correct.

MR. HALLECK: We will start all over again with 30 minutes on a side?

THE SPEAKER: That is correct.

—Where Previous Question Is Defeated

§ 68.41 If the previous question on a privileged resolution re-

9. See 111 CONG. REC. 18076, 89th Cong. 1st Sess., July 26, 1965; and 95 CONG. REC. 14161, 14169, 81st Cong. 1st Sess., Oct. 10, 1949.
10. See 81 CONG. REC. 3283–90, 75th Cong. 1st Sess., Apr. 8, 1937.
11. 110 CONG. REC. 7303–08, 88th Cong. 2d Sess.

ported by the Committee on Rules is voted down, the resolution is open to further consideration, a motion to table is in order and is preferential; if that motion is rejected, the Chair, under the hour rule, recognizes the Member who appears to be leading the opposition.

On Oct. 19, 1966,[12] Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour and offered a committee amendment to the resolution, which amendment was agreed to. Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries on the order of recognition should Mr. Pepper move the previous question and should the motion be defeated:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. WAGGONNER: Mr. Speaker, under the rules of the House, is it not equally so that a motion to table would then be in order?

THE SPEAKER: At that particular point, that would be a preferential motion. . . .

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Speaker, if the previous question is refused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?

THE SPEAKER: The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.

MR. FULTON of Pennsylvania: What would be the time for debate?

THE SPEAKER: Under those circumstances the Member recognized in opposition would have 1 hour at his disposal, or such portion of it as he might desire to exercise.

MR. [CORNELIUS E.] GALLAGHER [of New Jersey]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GALLAGHER: If the previous question is voted down we will have the option to reopen debate, the resolution will be open for amendment, or it can be tabled. Is that the situation as the Chair understands it?

THE SPEAKER: If the previous question is voted down on the resolution, the time will be in control of some Member in opposition to it, and it would be open to amendment or to a motion to table.

12. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

§ 68.42 Where the motion for the previous question on a resolution (reported from the Rules Committee) is rejected, the Chair recognizes the Member who led the opposition to the previous question, who may offer an amendment and is recognized for one hour.

During consideration of House Resolution 312, waiving points of order and providing special procedures during consideration of H.R. 4390 (the legislative branch appropriations for fiscal year 1980) on June 13, 1979,[13] the following proceedings occurred:

> THE SPEAKER:[14] The question is on ordering the previous question. . . .
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, on that I demand the yeas and nays.
>
> The yeas and nays were ordered.
>
> The question was taken; and there were—yeas 126, nays 292, not voting 16, as follows: . . .
>
> [Mr. Delbert L. Latta, of Ohio, who had led the opposition to the previous question was recognized.]
>
> MR. LATTA: Mr. Speaker, I offer an amendment in the nature of a substitute.
>
> The Clerk read as follows:
>
> Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following: . . .
>
> THE SPEAKER: The gentleman from Ohio (Mr. Latta) is recognized for 1 hour.
>
> MR. LATTA: Mr. Speaker, I yield myself such time as I may consume.

—*Changing Rules*

§ 68.43 A resolution amending the rules of the House to create a permanent select committee is privileged when reported from the Committee on Rules and is debatable for one hour under the control of the Member calling it up.

On July 14, 1977,[15] the following proceedings occurred in the House:

> MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 658 and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:
>
> H. RES. 658
>
> *Resolved*, That it is the purpose of this resolution to establish a new permanent select committee of the House, to be known as the Permanent Select Committee on Intelligence. . . .
>
> MR. BOLLING: Mr. Speaker, I yield 30 minutes for debate to the gen-

13. 125 CONG. REC. 14650, 96th Cong. 1st Sess.

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

15. 123 CONG. REC. 22932, 22942, 95th Cong. 1st Sess.

tleman from Mississippi (Mr. Lott), pending which I yield myself such time as I may consume. . . .

In this instance, the House agreed to a unanimous-consent request to extend for 30 minutes the debate on a privileged resolution reported from the Rules Committee in the House, to be controlled by the Member who had called it up, with the assurance that one-half the additional time would be yielded to the minority:

MR. [TED] WEISS [of New York]: . . . Mr. Speaker, at this time I ask unanimous consent that the time for debate on this matter be extended for an additional 1 hour, the time to be controlled by the gentleman from Missouri (Mr. Bolling).

THE SPEAKER PRO TEMPORE:[16] Is there objection to the request of the gentleman from New York?

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, reserving the right to object, I would assume the usual delegation of one-half the time to the minority?

MR. WEISS: Of course. That is intended. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New York?

MR. [RONALD M.] MOTTL [of Ohio]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. WEISS: Mr. Speaker, I ask unanimous consent that time for debate be extended for an additional half hour, the time to be divided 15 minutes on each side.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New York?

There was no objection.

Resolution Creating Select Committee

§ 68.44 Where the Majority Leader was recognized for one hour of debate on a privileged resolution creating an ad hoc legislative committee pursuant to Rule X, clause 5(c), he yielded one-half of the time to the Minority Leader.

Proceedings in the House relating to consideration of House Resolution 508 (creating an Ad Hoc Committee on Energy) on Apr. 21, 1977,[17] were as follows:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, pursuant to clause 5 of rule X, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 508

Resolved, (a) that pursuant to rule X, clause 5, the Speaker is authorized to establish an Ad Hoc Committee on Energy to consider and report to the House on the message of the President dated April 20, 1977. . . .

16. B. F. Sisk (Calif.).

17. 123 CONG. REC. 11550, 95th Cong. 1st Sess.

THE SPEAKER:[18] The Chair recognizes the gentleman from Texas (Mr. Wright).

(Mr. Wright asked and was given permission to revise and extend his remarks.)

MR. WRIGHT: Mr. Speaker, I yield myself such time as I may consume. This resolution authorizes the Speaker to appoint an ad hoc committee to receive the messages and the recommendations of the President of the United States with respect to the energy problems of this country. . . .

Mr. Speaker, I now yield 30 minutes to the distinguished minority leader, or such part of that time as he may consume, and reserve to myself the remainder of the time. I yield to the gentleman from Arizona for purposes of debate only.

Time on Reported Committee Amendments

§ 68.45 There is one hour of debate in the House on a resolution reported from the Committee on Rules, and time consumed on a reported committee amendment runs concurrently with debate on the resolution.

On Jan. 29, 1976,[19] during consideration in the House of House Resolution 982 (authorizing the Select Committee on Intelligence to file its final report by Jan. 31, 1976), the following proceedings occurred:

H. RES. 982

Resolved, That the Select Committee on Intelligence have until midnight Friday, January 30, 1976, to file its report pursuant to section 8 of House Resolution 591, and that the Select Committee on Intelligence have until midnight, Wednesday, February 11, 1976, to file a supplemental report containing the select committee's recommendations.

With the following committee amendment:

Committee amendment: On page 1, after the first sentence, add the following:

"*Resolved further*, That the Select Committee on Intelligence shall not release any report containing materials, information, data, or subjects that presently bear security classification, unless and until such reports are published with appropriate security markings and distributed only to persons authorized to receive such classified information. . . .

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:[20] The gentleman will state it.

MR. BOLLING: Mr. Speaker, my parliamentary inquiry is to determine the procedure in the process of considering the resolution just read.

The resolution is a resolution with an amendment. On the resolution with the amendment, if the previous question were ordered on the resolution and the amendment, would the next step after the previous question were agreed to be a vote on the amendment?

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

19. 122 CONG. REC. 1632, 1641, 94th Cong. 2d Sess.

20. Carl Albert (Okla.).

THE SPEAKER: The Chair will state that the gentleman is correct.

MR. BOLLING: I thank the Speaker.

THE SPEAKER: The gentleman from Texas (Mr. Young) is recognized for 1 hour.

MR. [JOHN] YOUNG of Texas: Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. Quillen)—and might I say, Mr. Speaker, at this point, that all time I yield will be for the purposes of debate only—pending which I yield myself such time as I may consume. . . .

[After one hour of debate:]

Mr. Speaker, I move the previous question on the amendment and on the resolution.

The previous question was ordered on the amendment and on the resolution.

THE SPEAKER: The question is on the committee amendment.

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

MR. YOUNG of Texas: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 246, nays 124, not voting 62.

Privilege of House or Constitutional Privilege

§ 68.46 A Member in rising to a question of privilege of the House must offer a resolution, and on such resolution there is one hour of debate equally divided between the proponent and the Majority Leader, the Minority Leader, or a designee.[1]

§ 68.47 A Member recognized on a question of privilege to present impeachment charges against an officer of the government is entitled to an hour for debate.[2]

§ 68.48 Before the 103d Congress, a Member offering a resolution presenting a question of the privilege of the House was recognized to control one hour of debate on the resolution.

On Feb. 19, 1976,[3] Mr. Samuel S. Stratton, of New York, offered a privileged resolution as follows:

MR. STRATTON: I rise to a question involving the privileges of the House, and I offer a privileged resolution.

The Clerk read the resolution as follows:

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1. Under Rule IX, clause 2, the debate time on a question of privilege of the House is—since the 103d Congress—divided as indicated. Before 1993, the proponent of such a resolution controlled the hour. See 115 CONG. REC. 17948, 91st Cong. 1st Sess., July 1, 1969; 113 CONG. REC. 6035–42, 90th Cong. 1st Sess., Mar. 9, 1967; and 96 CONG. REC. 1514, 81st Cong. 2d Sess., Feb. 6, 1950.
2. See 80 CONG. REC. 404, 406, 74th Cong. 2d Sess., Jan. 14, 1936.
3. 122 CONG. REC. 3914, 94th Cong. 2d Sess.

H. RES. 1042

Resolution requiring that the Committee on Standards of Official Conduct inquire into the circumstances leading to the public publication of a report containing classified material prepared by the House Select Committee on Intelligence

Whereas the February 16, 1976, issue of the Village Voice, a New York City newspaper, contains the partial text of a report or a preliminary report prepared by the Select Committee on Intelligence of the House, pursuant to H. Res. 591, which relates to the foreign activities of the intelligence agencies of the United States and which contains sensitive classified information . . . Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct be and it is hereby authorized and directed to inquire into the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence, and to report back to the House in a timely fashion its findings and recommendations thereon.

THE SPEAKER:[4] The gentleman from New York (Mr. Stratton) is recognized for 1 hour.

§ 68.49 A Member recognized to debate a resolution raising a question of the privileges of the House controls one hour of debate, and the resolution is not amendable unless he yields for that purpose or unless the previous question is voted down.

On Feb. 13, 1980,[5] during consideration of House Resolution 578 (directing the Committee on Rules to make certain inquiries), the following proceedings occurred in the House:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I send to the desk a privileged resolution (H. Res. 578) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, Whereas it was reported in the public press on February 9, 1980, that, "The House of Representatives this week lost a secret effort in court to obtain a ruling that congressmen do not have to respond to federal grand jury subpoenas for House records;" and . . .

Whereas such alleged House action involves the conduct of officers and employees of the House, newspaper charges affecting the honor and dignity of the House, and the protection of the constitutional prerogatives of the House when directly questioned in the courts. . . .

Therefore be it resolved, That the Committee on Rules be instructed to inquire into the truth or falsity of the newspaper account and promptly report back to the House its findings and any recommendations thereon. . . .

THE SPEAKER:[6] The Chair has examined the resolution and finds that under rule IX and the precedents of the House, the resolution presents the question of the privilege of the House.

The gentleman from Missouri (Mr. Bolling) will be recognized for 1 hour.

4. Carl Albert (Okla.).

5. 126 CONG. REC. 2768, 2769, 96th Cong. 2d Sess.

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

The Chair recognizes the gentleman from Missouri (Mr. Bolling). . . .

MR. BOLLING: Mr. Speaker, I am happy to yield to my distinguished friend from Arizona 5 minutes for debate only. . . .

THE SPEAKER: . . . The Chair recognizes the gentleman from Arizona (Mr. Rhodes).

—*Motion To Refer*

§ 68.50 A motion to refer (where the previous question has not been ordered on the pending proposition) is debatable for one hour, controlled by the Member offering the motion.

During consideration of House Resolution 142 (to expel Charles C. Diggs, Jr.) in the House on Mar. 1, 1979,[7] the following exchange occurred:

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 142) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 142

Resolved, That Charles C. Diggs, Jr., a Representative from the Thirteenth District of Michigan, is hereby expelled from the House of Representatives.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Wright moves to refer House Resolution 142 to the Committee on Standards of Official Conduct.

THE SPEAKER:[8] The gentleman from Texas (Mr. Wright) is recognized for 1 hour.

§ 68.51 When a resolution is offered as a question of privilege and is debatable under the hour rule, a motion to refer is in order before debate begins and is debatable for one hour under the control of the offeror of the motion.

On Mar. 4, 1985,[9] during consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana) in the House, the following proceedings occurred:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

7. 125 CONG. REC. 3746, 96th Cong. 1st Sess.

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

9. 131 CONG. REC. 4277, 99th Cong. 1st Sess.

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

Resolved, That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE:[10] The gentleman states a valid question of privilege.

The Chair recognizes the gentleman from Arkansas (Mr. Alexander).

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE: The gentleman is recognized.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. ALEXANDER: Mr. Speaker, for what period of time am I recognized?

THE SPEAKER PRO TEMPORE: The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time.

MR. ALEXANDER: Mr. Speaker, does the minority wish time on the motion?

MR. MICHEL: Yes.

MR. ALEXANDER: Mr. Speaker, I would yield 30 minutes for purposes of debate only, to the gentleman from Illinois (Mr. Michel).

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

—*Disciplinary Resolutions*

§ 68.52 A Member calling up a privileged resolution reported from the Committee on Standards of Official Conduct to censure and punish a Member was recognized for one hour, and he yielded a portion of that time to the Member who was the subject of the resolution, who declined to speak but who, in turn, yielded all his time to another Member.

During consideration of House Resolution 378 (censuring and punishing a Member) in the House on July 31, 1979,[11] the following proceedings occurred:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I call up a privileged resolution (H. Res. 378) in the matter of Representative Charles C. Diggs, Jr., and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 378

Resolved,

(1) that Representative Charles C. Diggs, Junior, be censured. . . .

THE SPEAKER:[12] . . . While a wide range of discussion relating to conduct of the Member in question will be permitted, it is the duty of the Chair to

11. 125 CONG. REC. 21584–86, 96th Cong. 1st Sess.

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

maintain proper decorum in debate. It is the intention of the Chair to enforce the rules.

The gentleman from Florida (Mr. Bennett) is recognized for 1 hour. . . .

MR. BENNETT: Mr. Speaker, for the purposes of debate only I yield 20 minutes to the gentleman from South Carolina (Mr. Spence); and for the purposes of debate only I yield 20 minutes to the gentleman from Michigan (Mr. Diggs), pending which I yield myself such time as I may consume.

After some debate, Mr. Diggs yielded his time:

MR. [CHARLES C.] DIGGS [Jr., of Michigan]: Mr. Speaker, I yield my time to the gentleman from Ohio (Mr. Stokes).

THE SPEAKER: The Chair recognizes the gentleman from Ohio (Mr. Stokes).

MR. [LOUIS] STOKES [of Ohio]: Mr. Speaker, I reserve my time.

MR. BENNETT: Mr. Speaker, I have found no further requests for time.

§ 68.53 A motion to postpone, pursuant to clause 4 of Rule XIV, may be offered to a privileged resolution (of expulsion) before debate thereon, and the motion to postpone is debatable for one hour, controlled by the proponent thereof.

On Oct. 2, 1980,[13] during consideration of House Resolution 794 (in the matter of Representative Michael J. Myers) in the House, the following proceedings occurred:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I call up the privileged resolution, House Resolution 794, in the Matter of Representative Michael J. Myers, and ask for its immediate consideration.

THE SPEAKER:[14] The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 794

Resolved, That, pursuant to article I, section 5, clause 2 of the United States Constitution, Representative Michael J. Myers be, and he hereby is, expelled from the House of Representatives.

MR. [LOUIS] STOKES [of Ohio]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Stokes moves to postpone further consideration of House Resolution 794 until November 13, 1980.

THE SPEAKER: The gentleman from Ohio (Mr. Stokes) will be recognized for 1 hour. . . .

MR. STOKES: Mr. Speaker, I yield to my distinguished chairman of the Ethics Committee, the gentleman from Florida (Mr. Bennett).

§ 68.54 The chairman of the Committee on Standards of Official Conduct, recognized for one hour of debate on a resolution to expel a Member, Mr. Michael J. Myers, of

13. 126 CONG. REC. 28953, 96th Cong. 2d Sess.

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

Pennsylvania, yielded one half the time to Mr. Myers to speak in his own defense; during debate on the resolution, the Member in question and another Member were permitted by unanimous consent to proceed for additional time beyond that yielded by the manager under the hour rule.

During consideration of House Resolution 794 (in the matter of Representative Michael J. Myers) in the House on Oct. 2, 1980,[15] the following proceedings occurred:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I call up the privileged resolution, House Resolution 794, in the Matter of Representative Michael J. Myers, and ask for its immediate consideration.

THE SPEAKER:[16] The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 794

Resolved, That, pursuant to article I, section 5, clause 2 of the United States Constitution, Representative Michael J. Myers be, and he hereby is, expelled from the House of Representatives. . . .

THE SPEAKER: Pursuant to the unanimous-consent request made by the gentleman from Florida (Mr. Bennett) which was agreed to, the Chair will remind Members that any revisions of remarks actually made on the floor during the consideration of House Resolution 794 should be confined to grammatical corrections, and extensions of remarks will be placed in the extensions portion of the Record.

The gentleman from Florida (Mr. Bennett) is recognized for 1 hour.

MR. BENNETT: Mr. Speaker, although technically speaking I could control all of the time, in all fairness I think I should yield half of the time to the gentleman from Pennsylvania (Mr. Myers). I plan to do that at the conclusion of my remarks and the remarks of those people on the Democratic side who wish to be heard. . . .

MR. MYERS of Pennsylvania: Mr. Speaker, I would like to take the well for a minute.

THE SPEAKER: Does the gentleman from Florida (Mr. Bennett) yield time to the gentleman from Pennsylvania? . . .

MR. BENNETT: Mr. Speaker, I will give the gentleman half my time now, which is 30 minutes. I will give all of that time to the gentleman now.

MR. MYERS of Pennsylvania: Mr. Speaker, I certainly thank the committee chairman.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Myers) is recognized for 30 minutes.

MR. MYERS of Pennsylvania: Mr. Speaker, the last vote was this: I only received 75 votes, and I certainly want to thank the Members who had courage enough to stand up and vote. . . .

THE SPEAKER: The time of the gentleman has expired.

15. 126 CONG. REC. 28953–78, 96th Cong. 2d Sess.

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

(By unanimous consent, Mr. Myers of Pennsylvania was allowed to proceed for 2 additional minutes.)

MR. MYERS of Pennsylvania: I yield to the gentleman from Pennsylvania (Mr. Murphy). . . .

THE SPEAKER: The time of the gentleman has expired.

(By unanimous consent, Mr. Fowler was allowed to proceed for 1 additional minute.)

—*Vetoed Bills*

§ 68.55 Debate on the question of passage of a bill over Presidential veto is under the hour rule.[17]

—*Where Motion To Reject Is Defeated*

§ 68.56 Debate on a motion to postpone or refer a vetoed bill is under the hour rule.[18]

17. 116 CONG. REC. 21532–53, 91st Cong. 2d Sess., June 25, 1970; 116 CONG. REC. 750, 91st Cong. 2d Sess., Jan. 22, 1970; 97 CONG. REC. 5435, 5444, 5445, 82d Cong. 1st Sess., May 17, 1951; and 89 CONG. REC. 7051–55, 78th Cong. 1st Sess., July 2, 1943.

18. 86 CONG. REC. 13522–24, 76th Cong. 3d Sess., Oct. 10, 1940 (refer); 116 CONG. REC. 1365, 91st Cong. 2d Sess., Jan. 27, 1970 (postpone). A motion to lay on the table a vetoed bill is not debatable.

Particular Motions, Debate on

—*Motion To Recommit After Previous Question*

§ 68.57 Under clause 4 of Rule XVI, a motion to recommit with instructions after the previous question is ordered on passage of a bill or joint resolution is debatable for 1 hour (rather than the normal 10 minutes) if the floor manager for the majority so demands.

During consideration of the Omnibus Trade and Competitiveness Act (H.R. 4848) in the House on July 13, 1988,[19] the following proceedings occurred:

THE SPEAKER PRO TEMPORE:[20] Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE: Is the gentleman opposed to the bill?

MR. MICHEL: I am, in its present form, Mr. Speaker.

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

19. 134 CONG. REC. 18054, 100th Cong. 2d Sess.

20. Kenneth J. Gray (Ill.).

The Clerk read as follows:

Mr. Michel moves to recommit the bill, H.R. 4848, to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

"Strike out section 1910 (entitled Ethyl Alcohol and Mixtures for Fuel Use);

"And redesignate succeeding sections accordingly."

MR. [SAM] GIBBONS [of Florida]: Mr. Speaker, pursuant to clause 4 of rule XVI, I demand an hour of debate, equally divided, on the motion to recommit.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois (Mr. Michel) will be recognized for 30 minutes, and the gentleman from Florida (Mr. Gibbons) will be recognized for 30 minutes.

The Chair recognizes the minority leader, the distinguished gentleman from Illinois (Mr. Michel).

—*Motion To Postpone*

§ 68.58 A motion to postpone further consideration of a privileged resolution (to censure a Member) may be offered before the manager of the resolution has been recognized for debate, and is debatable for one hour controlled by the Member offering the motion.

On May 29, 1980,[1] the following proceedings occurred in the House:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, by direction of the Committee on Standards of Official Conduct, I call up a privileged resolution (H. Res. 660) in the matter of Representative Charles H. Wilson, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 660

Resolved,

(1) That Representative Charles H. Wilson be censured; . . .

(4) That the House of Representatives adopt the report of the Committee on Standards of Official Conduct dated May 8, 1980, in the matter of Representative Charles H. Wilson.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rousselot moves to postpone further consideration of House Resolution 660 until June 10, 1980.

THE SPEAKER:[2] The Chair recognizes the gentleman from California (Mr. Rousselot) for 1 hour.

—*Motion To Reconsider*

§ 68.59 When the motion to reconsider is debatable, the Member making the motion has control of the one hour allowed for debate.

On Sept. 13, 1965,[3] the House adopted, without debate, House

1. 126 CONG. REC. 12649, 12650, 96th Cong. 2d Sess.

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

3. 111 CONG. REC. 23608, 89th Cong. 1st Sess.

Resolution 506, brought up by a motion to discharge, providing for the consideration of a bill (H.R. 10065), the Equal Opportunity Act of 1965. Mr. William M. McCulloch, of Ohio, who had voted in the affirmative on the resolution, moved that the vote on adoption of the resolution be reconsidered. Mr. Carl Albert, of Oklahoma, moved to lay that motion on the table.

In response to parliamentary inquiries by Mr. Melvin R. Laird, of Wisconsin, and Mr. McCulloch, Speaker John W. McCormack, of Massachusetts, advised: (1) that the motion to reconsider would be debatable if the pending motion to table was defeated (the resolution itself being debatable and the previous question not having been ordered thereon); and (2) that in such event the Member moving reconsideration, Mr. McCulloch, would be recognized to control the one hour of debate.

Parliamentarian's Note: A motion to reconsider is debatable only if the measure proposed to be reconsidered is debatable.[4]

—*Motion To Correct Record or To Expunge*

§ 68.60 Debate on a motion or resolution to correct the Record is under the hour rule.[5]

§ 68.61 Debate on a motion to expunge from the Record certain remarks used in debate and ruled out of order is under the hour rule.[6]

—*Accepting Resignation From Committee*

§ 68.62 When a letter of resignation is laid before the House, the pending question is whether the resignation shall be accepted, and the Speaker recognizes for one hour the Member in effect moving the acceptance of the resignation.

Proceedings relating to acceptance of the resignation of the chairman of a House committee on Mar. 8, 1977,[7] were as follows:

> The Speaker laid before the House the following resignation as chairman and member of the Select Committee on Assassinations: . . .

4. See *House Rules and Manual* § 819 (1995).

5. 91 Cong. Rec. 7220–25, 79th Cong. 1st Sess., July 5, 1945 (motion); 92 Cong. Rec. 1274, 1275, 79th Cong. 2d Sess., Feb. 13, 1946 (resolution).

6. See 93 Cong. Rec. 6895, 6896, 80th Cong. 1st Sess., June 12, 1947; and 87 Cong. Rec. 894, 895, 899, 77th Cong. 1st Sess., Feb. 11, 1941.

7. 123 Cong. Rec. 6580, 6581, 95th Cong. 1st Sess.

Dear Mr. Speaker: I feel keenly the responsibilities placed on me as Chairman of the House Select Committee on Assassinations. . . .

Under the circumstances that now exist, I have no alternative but to resign from the Select Committee on Assassinations herewith.

With warmest personal regards.

– Sincerely yours,

HENRY B. GONZALEZ
Member of Congress, Chairman

THE SPEAKER:[8] Is there objection to the acceptance of the resignation?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

The question is, Shall the resignation be accepted?

The Chair recognizes the gentleman from Texas (Mr. Wright).

MR. [JAMES C.] WRIGHT [Jr., of Texas]: . . . I should like to make it clear that if ever it came to a choice between the gentleman from Texas (Mr. Gonzalez) and any member of that staff, I would come down on the side of the gentleman from Texas (Mr. Gonzalez) because he is my friend and because I admire him and respect him.

However, for those very reasons I am asking the House to accept the resignation of the gentleman from Texas (Mr. Gonzalez). . . . He asked me on last Saturday evening personally to prevail upon the Speaker and upon his friends to accept his resignation. . . .

For that reason I ask the Members of the House to vote to accept the resignation of the gentleman from Texas (Mr. Gonzalez) and to understand that in so doing they are not expressing any disagreement with him. . . .

Mr. Speaker, I move the previous question.

The previous question was ordered.

THE SPEAKER: The question is, Shall the resignation be accepted?

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

So the resignation was accepted.

—*Electing Members to Committee*

§ 68.63 A privileged resolution offered by direction of the Democratic Caucus or Republican Conference, electing a Member to a committee, is debatable for one hour (if debate time is desired by the proponent thereof).

On May 15, 1980,[9] during consideration of a privileged resolution electing a Member to the Committee on Education and Labor, the following exchange occurred:

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, as chairman of the Democratic Caucus, and by the authority and direction of the Democratic Caucus, I send to the desk a privileged resolution (H. Res. 669) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 669

Resolved, That the following-named Member be, and he is hereby,

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

9. 126 CONG. REC. 11441, 96th Cong. 2d Sess.

elected to the following standing committee of the House of Representatives:

Committee on Education and Labor: Raphael Musto of Pennsylvania.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Chairman, a parliamentary inquiry. Is the gentleman from Washington entitled to any time on this resolution?

THE SPEAKER PRO TEMPORE:[10] The Chair would respond to the distinguished minority leader that this would be a debatable resolution if debate were desired.

MR. RHODES: Mr. Speaker, might I ask the gentleman from Washington to take his time for the purpose of answering a question which has absolutely nothing to do with the main part of the resolution?

MR. FOLEY: Mr. Speaker, I yield myself 5 minutes and I yield to the distinguished minority leader.

—*Motion To Discharge; Discharged Measures*

§ 68.64 Debate on a motion to discharge a committee from further consideration of a resolution disapproving a reorganization plan (under the Reorganization Act of 1949) was limited to one hour and was equally divided between the Member making the motion and a Member opposed thereto.

On Aug. 3, 1961,[11] Mr. H. R. Gross, of Iowa, moved to discharge the Committee on Government Operations from the further consideration of House Resolution 335, introduced by Mr. John S. Monagan, of Connecticut, disapproving Reorganization Plan No. 6, transmitted to Congress by the President on June 12, 1961. Speaker Sam Rayburn, of Texas, recognized, under the hour provided for in the Reorganization Act of 1949, Mr. Gross for 30 minutes in favor of the resolution and a Member opposed for 30 minutes in opposition to the resolution.

Parliamentarian's Note: The Reorganization Act of 1949, Public Law No. 81–109, provided for a motion to discharge such a resolution disapproving a reorganization plan from a committee which had not reported such a resolution after 10 days following its introduction. On such a motion, the statute provided "not to exceed one hour" of debate, to be equally divided and controlled between those favoring and those opposing the resolution.[12]

On several occasions, the one-hour debate provided for on the motion to discharge such a resolu-

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

11. 107 CONG. REC. 14548, 87th Cong. 1st Sess.

12. Pub. L. No. 81–109, 63 Stat. 207, § 204, June 20, 1949.

tion was extended by unanimous consent.[13]

On motions to discharge which are made privileged by statute, the relevant law should be consulted for the time and control of debate.

§ 68.65 Where a joint resolution not requiring consideration in Committee of the Whole is before the House pursuant to a motion to discharge, the Member who made the motion for its immediate consideration is recognized in the House under the hour rule.[14]

§ 68.66 Where a joint resolution not requiring consideration in Committee of the Whole is before the House pursuant to a motion to discharge, the Member who made the motion for its immediate consideration is recognized in the House under the hour rule.

On Aug. 10, 1970,[15] following agreement to the motion to discharge the Judiciary Committee from further consideration of House Joint Resolution 264 (amending the Constitution relative to equal rights for men and women) in the House, the proponent of the motion for immediate consideration of the resolution was recognized for one hour. The proceedings were as follows:

> MRS. [MARTHA W.] GRIFFITHS [of Michigan]: Mr. Speaker, pursuant to clause 4, rule XXVII, I call up motion No. 5, to discharge the Committee on the Judiciary from the further consideration of House Joint Resolution 264, proposing an amendment to the Constitution of the United States relative to equal rights for men and women. . . .
>
> THE SPEAKER:[16] The question is on the motion offered by the gentlewoman from Michigan (Mrs. Griffiths) to discharge the Committee on the Judiciary from further consideration of House Joint Resolution 264. . . .
>
> So the motion to discharge was agreed to. . . .
>
> MRS. GRIFFITHS: . . . I move that the House proceed to the immediate consideration of House Joint Resolution 264. . . .
>
> The motion was agreed to.
>
> THE SPEAKER: The Clerk will report the joint resolution. . . .
>
> The gentlewoman from Michigan is recognized for 1 hour.

Budget Act

§ 68.67 While under section 305(a)(4) of the Congres-

13. See, for example, 107 CONG. REC. 13084, 13095, 87th Cong. 1st Sess., July 20, 1961; and 107 CONG. REC. 12774, 87th Cong. 1st Sess., July 18, 1961.

14. 116 CONG. REC. 28004, 91st Cong. 2d Sess., Aug. 10, 1970.

15. 116 CONG. REC. 27999, 28004, 91st Cong. 2d Sess.

16. John W. McCormack (Mass.).

sional Budget Act there can be up to five hours of debate on a conference report on a concurrent resolution on the budget equally divided between the majority and minority parties, where the conferees have reported in total disagreement, debate on the motion to dispose of the amendment in disagreement is not covered by the statute and is therefore under the general "hour" rule in the House.

During consideration of the first concurrent resolution on the budget for fiscal year 1978 (S. Con. Res. 19) in the House on May 17, 1977,[17] the following exchange occurred:

> MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I call up the conference report on the Senate concurrent resolution (S. Con. Res. 19) setting forth the congressional budget for the U.S. Government for the fiscal year 1978 (and revising the congressional budget for fiscal year 1977), and ask for its immediate consideration.
>
> THE SPEAKER PRO TEMPORE:[18] The Clerk will read the conference report.
>
> The Clerk read the conference report. . . .
>
> THE SPEAKER PRO TEMPORE: The Clerk will report the Senate amendment to the House amendment.
>
> The Clerk read the Senate amendment to the House amendment as follows:
>
> In lieu of the matter proposed to be inserted by the House engrossed amendment, insert: . . .
>
> MR. GIAIMO: Mr. Speaker, I offer a motion.
>
> The Clerk read as follows:
>
> Mr. Giaimo moves to concur in the Senate amendment to the House amendment.
>
> THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Connecticut (Mr. Giaimo) for 1 hour.

Parliamentarian's Note: Since the Senate amendment to the House amendment had not been reported from conference in disagreement, but had been subsequently added by the Senate after consideration of the conference report in that body, the requirement for equal division of time on a motion to dispose of a Senate amendment reported from conference in disagreement was not applicable.

§ 68.68 When a conference report in disagreement is called up for consideration, the Chair recognizes the manager for a motion to dispose of the amendment(s) reported in disagreement, which is debatable for one hour, equally divided between the manager and a Member of the minority.

17. 123 CONG. REC. 15126, 15127, 95th Cong. 1st Sess.

18. William H. Natcher (Ky.).

On May 23, 1979,[19] during consideration in the House of the conference report on the first concurrent resolution on the budget for fiscal year 1980 (H. Con. Res. 107), reported in disagreement,[20] the following proceedings occurred:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, pursuant to the order of the House of May 22, 1979, I call up the conference report on the concurrent resolution (H. Con. Res. 107) setting forth the Congressional Budget for the U.S. Government for the fiscal year 1980 and revising the Congressional Budget for the U.S. Government for the fiscal year 1979. . . .

THE SPEAKER PRO TEMPORE:[21] The Clerk will read the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

That the Congress hereby determines and declares [that]

(a) In order to achieve a balanced budget in fiscal year 1981, the following budgetary levels are appropriate for the fiscal years beginning on October 1, 1979, October 1, 1980, and October 1, 1981— . . .

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

The Clerk read as follows:

Mr. Giaimo moves that the House recede from its disagreement to the Senate amendment and to concur therein with an amendment, as follows: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Connecticut (Mr. Giaimo) will be recognized for 30 minutes [and] the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

—*Statutory Allocation of Time*

§ 68.69 While normally the "hour" rule (clause 2 of Rule XIV) prohibits a Member controlling the floor from yielding more than one hour to another Member, a statutory provision constituting a House rule which specifically allocates larger amounts of time may permit more than one hour to be yielded.

Pursuant to section 305(a)(3) of the Congressional Budget Act of 1974 (Public Law 93–344, as amended by Public Law 95–523), a period of up to four hours for debate on economic goals and policies follows the presentation of opening statements on the first concurrent resolution on the budget by the chairman and ranking minority member of the Committee on the Budget. Thus, the chairman of the Committee on the Budget (or his designee managing the resolution) may yield for more

19. 125 CONG. REC. 12469, 12471, 12472, 96th Cong. 1st Sess.

20. 125 CONG. REC. 11987–95, 96th Cong. 1st Sess., May 21, 1979.

21. John Brademas (Ind.).

than one hour to another Member to control a portion of the time for such debate, which is equally divided and controlled by the majority and minority. The following exchange occurred on Apr. 30, 1981:[1]

THE CHAIRMAN:[2] The Chair recognizes the gentleman from Missouri (Mr. Gephardt).

MR. [RICHARD A.] GEPHARDT [of Missouri]: It is my wish now to yield to the gentleman from California (Mr. Hawkins) for a discussion of the provisions of Humphrey-Hawkins which relate to this entire debate.

THE CHAIRMAN: How much time does the gentleman from Missouri wish to yield?

MR. GEPHARDT: It is my understanding under the previously arranged rule that I yield 4 hours; is that correct?

THE CHAIRMAN: Two hours, under the statute. Two on each side.

MR. GEPHARDT: I yield 2 hours to the gentleman from California (Mr. Hawkins).

Parliamentarian's Note: Although section 305(a)(3) does not specify that the four hours of debate is equally divided and controlled by the majority and minority, such has been the practice, which is consistent with the management of other general debate on the resolution.

§ 68.70 While normally the "hour" rule (clause 2 of Rule XIV) prohibits a Member controlling the floor in general debate from consuming more than one hour himself, a statutory provision constituting a House rule which specifically allocates larger amounts of time may permit the Member in charge to consume more than one hour, but not to yield himself more than one hour at a time.

The following proceedings occurred in the Committee of the Whole on Apr. 30, 1981,[3] during consideration of House Concurrent Resolution 134 (revising the congressional budget for fiscal year 1981, and setting forth the congressional budget for fiscal years 1982, 1983, and 1984):

THE CHAIRMAN:[4] The time of the gentleman from Oklahoma has expired.

MR. [JAMES R.] JONES of Oklahoma: Mr. Chairman, I yield myself 1 additional minute.

THE CHAIRMAN: The Chair will state that the gentleman from Oklahoma (Mr. Jones) has used 1 hour in his opening statement. How much time does the gentleman yield at this moment?

MR. JONES of Oklahoma: Mr. Chairman, I yield myself 1 minute.

1. 127 CONG. REC. 8016, 97th Cong. 1st Sess.
2. Martin Frost (Tex.).
3. 127 CONG. REC. 8012, 97th Cong. 1st Sess.
4. Martin Frost (Tex.).

THE CHAIRMAN: The gentleman from Oklahoma (Mr. Jones) is recognized for 1 minute.

Debate on Appeal

§ 68.71 In the House, an appeal from the Chair's ruling is debatable under the hour rule unless a motion to lay the appeal on the table is made prior to debate on the appeal.

On Mar. 16, 1988,[5] the following proceedings occurred in the House:

MR. [ROBERT K.] DORNAN of California: . . . Panama is in chaos and Communists in Nicaragua, thanks to the liberal and radical left leadership in this House are winning a major victory, right now.

THE SPEAKER PRO TEMPORE:[6] The time of the gentleman from California [Mr. Dornan] has expired.

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

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

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

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

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

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

MR. DORNAN of California: People are dying.

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

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

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a question of privilege before the House under rule IX.

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

The Clerk read the resolution, as follows:

> Whereas, the Speaker pro tempore ordered the microphone cut off as a duly-elected Member of the House was speaking: Be it therefore
>
> *Resolved*, That the Speaker, Speaker pro tempore, or any Member of the House as the Presiding Officer of the House of Representatives may not order the microphone to be cut off while any Member is speaking on the floor of the House of Representatives. . . .

THE SPEAKER PRO TEMPORE: The resolution does not allege an abuse of the House rules, and is not a question of privilege.

The House will proceed to the unfinished business. . . .

MR. WALKER: Mr. Speaker, I am appealing the ruling of the Chair.

It is my understanding, Mr. Speaker, that I am given a chance to debate that issue.

MR. [BRIAN J.] DONNELLY [of Massachusetts]: Mr. Speaker, the vote is automatic.

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5. 134 CONG. REC. 4085, 4086, 100th Cong. 2d Sess.

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

MR. WALKER: I have 1 hour, I believe.

THE SPEAKER PRO TEMPORE: The appeal is debatable unless there is a motion to table.

Special-order Speeches

§ 68.72 Special orders to address the House at the conclusion of the business of the day are limited to one hour per Member; and when a Member has used one hour, the Chair declines to recognize him for extensions of time or for an additional special order.

On Feb. 9, 1966,[7] Mr. Joseph Y. Resnick, of New York, who already had scheduled a special order for the day, asked unanimous consent that he have an additional special order to address the House for 15 minutes at the close of legislative business. Speaker Pro Tempore Carl Albert, of Oklahoma, declined to recognize him for that purpose, stating as follows:

The Chair would advise the gentleman that pursuant to the practice of the House, Members are limited to a 1-hour special order per day. The Chair would be glad to entertain a request for a special order for a later day.[8]

§ 68.73 A Member may not control more than one hour of debate in the House (on a special order), even by unanimous consent.

On Oct. 16, 1979,[9] the following proceedings occurred in the House:

THE SPEAKER:[10] Under a previous order of the House, the gentleman from Arizona (Mr. Rhodes) is recognized for 60 minutes.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, the purpose of this special order is to outline what Congress should be doing to help our Nation turn back inflation. It has been said that inflation is the neutron bomb of our economy. . . .

THE SPEAKER PRO TEMPORE:[11] The time of the gentleman from Arizona (Mr. Rhodes) has expired.

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I ask unanimous consent that the gentleman proceed for 5 additional minutes.

THE SPEAKER PRO TEMPORE: That request is not in order.

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7. 112 CONG. REC. 2794, 89th Cong. 2d Sess.

8. See also 115 CONG. REC. 15440, 91st Cong. 1st Sess., June 11, 1969; and 115 CONG. REC. 2835, 91st Cong. 1st Sess., Feb. 5, 1969.

For an occasion where a Member had used an hour for a special order and was then yielded time by the next Member with a special order, see 114 CONG. REC. 14265–71, 90th Cong. 2d Sess., May 21, 1968.

9. 125 CONG. REC. 28508, 28515, 96th Cong. 1st Sess.

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

11. John G. Fary (Ill.).

§ 69. Ten-minute, Twenty-minute, and Forty-minute Debate

The House has provided in its rules for fixed periods of debate, equally divided between the proponents and opponents or between parties, on certain motions and questions considered in the House.[12]

Ten minutes of debate, five minutes on each side, is provided by Rule XVI for certain motions to recommit with instructions,[13] and by Rule XXIV for the motions to dispense with Calendar Wednesday business and to dispense with the call of the Private Calendar.[14]

Rule XXVII clause 3 provides for 20 minutes of debate on motions to discharge. The time is divided for and against the motion, and the previous question may not be moved to prevent the 20 minutes of debate. Speaker Garner, in 1932, refused to entertain a unanimous-consent request to extend the time.[15]

Rule XXVII also provides, in clause 2, for 40 minutes of debate on the motion to suspend the rules, such time to be equally divided between the proponents and opponents of the motion.[16]

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12. The other sections of this chapter, dealing with principles of recognition generally and on specific motions and questions, should be consulted, as should the other chapters of this work dealing with particular motions and questions.

13. Rule XVI clause 4, *House Rules and Manual* § 782 (1995). Prior to the change in that clause by H. Res. 5 in the 92d Congress, no debate was in order on a motion to recommit after the ordering of the previous question (see § 6, supra). See §§ 69.6, 69.7, infra, for application of the rule. For the motion to recommit generally, see Ch. 23, supra.

14. Rule XXIV clause 6, *House Rules and Manual* § 893 (1995) (to dispense with Private Calendar) and clause 7, *House Rules and Manual* § 897 (1995) (to dispense with Calendar Wednesday). On each motion, a two-thirds vote is required. See § 69.4, infra, for debate on the motions and Chs. 21 (Calendar Wednesday) and 22 (Private Calendar), supra, generally.

For consideration of Private Calendar bills in the House as in the Committee of the Whole, under a strict construction of the five-minute rule, see §§ 70.7, 70.10, infra.

15. See §§ 69.1, 69.2, infra, for the application of the rule, and *House Rules and Manual* § 908 (1995). For the discharge procedure generally, see Ch. 18, supra.

Statutes sometimes provide for the discharge of certain kinds of resolutions and that debate thereon is not to exceed one hour. See, for example, § 68.64, supra.

16. For the rule, see *House Rules and Manual* § 907 (1995). For the appli-

Rule XXVII clause 3 provides that 40 minutes of debate, equally divided between proponents and opponents, shall also be in order following the ordering of the previous question on a debatable proposition on which there has been no debate.[17]

Rule XXVIII provides for 40 minutes of debate, equally divided, on motions to reject certain portions of conference reports or motions to concur in Senate amendments or portions thereof in modified form containing nongermane matter (after the stage of disagreement has been reached).[18]

The House may by unanimous consent extend the time for debate after the ordering of the previous question or rescind the ordering of the previous question.[19]

Cross References

Forty minutes' debate after ordering of previous question where no debate has been had, see Ch. 23, supra.

Forty minutes after ordering of previous question not applicable prior to adoption of rules, see Ch. 1, supra.

Forty minutes of debate on Senate amendments and portions of conference reports ruled nongermane, see Ch. 28 (germaneness rule), supra, Ch. 32 (Senate amendments), infra, and Ch. 33 (conference reports), infra.

Motion to discharge and 20 minutes thereon, see Ch. 18, supra.

Motion to suspend rules and 40 minutes thereon, see Ch. 21, supra.

Special orders extending time on motions to suspend the rules, see § 71, infra.

Ten minutes of debate on certain motions to recommit, see Ch. 23, supra.

Unanimous-consent extension of time on motion to suspend the rules, see § 71, infra.

Motion To Discharge

§ 69.1 On a motion to discharge a committee, debate is limited to 20 minutes, 10 minutes under the control of the Member calling up the motion and 10 minutes under the control of a Member opposed (typically the chairman of the committee if he is opposed), and the Speaker does not recognize a Member to ask unanimous consent to extend the time.

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cation thereof, see §§ 69.13–69.15, infra. Suspension of the rules is discussed generally in Ch. 21, supra.

The time on the motion may be extended by unanimous consent (see § 71.14, infra) or by special order (see §§ 71.15, 71.16, infra).

17. *House Rules and Manual* § 907 (1995). For the application of the rule, see §§ 69.19–69.21, infra. For the previous question and its effect generally, see Ch. 23, supra.

18. See Rule XXVIII clause 4(b), *House Rules and Manual* § 913b (1995), and H. Res. 998 (93d Cong.). See Ch. 32, infra, for Senate amendments, and Ch. 33, infra, for conferences and conference reports.

19. See §§ 71.22–71.25, infra.

On Mar. 14, 1932,[20] Mr. J. Charles Linthicum, of Maryland, moved under Rule XXVII clause 4, that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 208, proposing an amendment to the 18th amendment to the U.S. Constitution. Speaker John N. Garner, of Texas, answered a parliamentary inquiry on the time for debate on the motion:

> MR. [BERTRAND H.] SNELL [of New York]: In regard to the division of time, I should expect the chairman of the Judiciary Committee to have the 10 minutes in opposition to the motion. I would like to ask him if he will yield five minutes to this side of the aisle?
>
> THE SPEAKER: The rule is specific. The gentleman making the motion is entitled to 10 minutes, and if the chairman of the Committee on the Judiciary is opposed to the motion, he would be entitled to 10 minutes. If he is of the same opinion as the gentleman from Maryland on this particular motion, the Chair would recognize someone on the committee who desired to oppose it. Whether the gentleman from Texas will yield is a question for the gentleman from Texas.

The Speaker then refused to entertain a unanimous-consent request that the time for debate on the motion be extended:

> MR. [FIORELLO H.] LAGUARDIA [of New York]: The Speaker announced that he would recognize no Member for any purpose. Does that preclude a Member from asking unanimous consent to extend the time for debate under the rule?
>
> THE SPEAKER: The rule limits the time and provides that there shall be 10 minutes on each side.
>
> MR. LAGUARDIA: I ask unanimous consent that the time be extended 10 minutes on each side.
>
> MR. [CHARLES R.] CRISP [of Georgia]: Mr. Speaker, I object.
>
> THE SPEAKER: It seems to the Chair that it is his duty to protect the rule. Being a Member of the House, he will say himself that he would object to any additional debate, taking as much responsibility as he can in the premises.[1]

§ 69.2 The previous question may not be moved on a motion to discharge a committee in order to prevent the 20 minutes of debate permitted by Rule XXVII.

On Jan. 13, 1936,[2] Mr. Wright Patman, of Texas, moved to dis-

20. 75 CONG. REC. 6000–03, 72d Cong. 1st Sess.

1. See also, for the strict 20-minute debate on the motion, 82 CONG. REC. 1385, 1386, 75th Cong. 2d Sess., Dec. 13, 1937; and 80 CONG. REC. 336, 337, 74th Cong. 2d Sess., Jan. 13, 1936.

   For another occasion where the Speaker refused to entertain a request that the time for debate on the motion to discharge be increased, see § 71.17, infra.

2. 80 CONG. REC. 336, 337, 74th Cong. 2d Sess.

charge the Committee on Ways and Means from further consideration of H.R. 1, for the immediate cash payment of adjusted service certificates. In response to a parliamentary inquiry, Speaker Joseph W. Byrns, of Tennessee, stated that the motion was debatable for 20 minutes under the rules with 10 minutes for each side of the question and that it was not in order to move the previous question on the motion to prevent such debate.

§ 69.3 Twenty minutes of debate are allowed on a motion to discharge a committee from consideration of a joint resolution; and the chairman of that committee may be recognized for ten minutes if opposed to the motion.

On Aug. 10, 1970,[3] the House had under consideration a motion to discharge House Joint Resolution 264 (amending the Constitution relative to equal rights for men and women) from the Committee on the Judiciary. During the proceedings a parliamentary inquiry was propounded as to division of the 20 minutes of debate time. The proceedings were as follows:

MRS. [MARTHA W.] GRIFFITHS [of Michigan]: Mr. Speaker, pursuant to clause 4, rule XXVII, I call up motion No. 5, to discharge the Committee on the Judiciary from the further consideration of House Joint Resolution 264, proposing an amendment to the Constitution of the United States relative to equal rights for men and women. . . .

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, a parliamentary inquiry. . . .

I understand the rule provides for 20 minutes of debate, 10 minutes on either side. Is it correct that the chairman of the Judiciary Committee, being opposed to the discharge petition, will be allocated 10 minutes?

THE SPEAKER:[4] The gentleman's statement is correct that the rule provides for 20 minutes of debate, 10 minutes on each side. If the gentleman from New York (Mr. Celler) is opposed to the [motion], the Chair will recognize him for 10 minutes.

Is the gentleman opposed to the [motion]?

MR. CELLER: I am opposed to the [motion], Mr. Speaker.

THE SPEAKER: Under the rule, the gentlewoman from Michigan (Mrs. Griffiths) will be recognized for 10 minutes, and the gentleman from New York (Mr. Celler) will be recognized for 10 minutes.

Motion To Dispense With Calendar Wednesday Business

§ 69.4 On a motion to dispense with business under the Calendar Wednesday rule, there is five minutes debate for

3. 116 CONG. REC. 27999, 91st Cong. 2d Sess.

4. John W. McCormack (Mass.).

and five minutes against the motion, and such motion may not be laid on the table.

On Feb. 22, 1950,[5] Mr. Dwight L. Rogers, of Florida, moved to dispense for the day with the operation of Rule XXIV clause 7, providing for the call of committees on Calendar Wednesday. In response to parliamentary inquiries, Speaker Sam Rayburn, of Texas, stated that the motion was debatable for five minutes for and five minutes against the motion, and that the motion was not subject to a motion to table.[6]

§ 69.5 Pursuant to clause 7 of Rule XXIV, the motion to dispense with the call of committees on Calendar Wednesday is debatable for 10 minutes, five minutes on each side, and requires a two-thirds vote for adoption.

On Jan. 24, 1984,[7] Speaker Pro Tempore Gillis W. Long, of Louisiana, responded to a parliamentary inquiry regarding debate, as indicated below:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I move that business in order on January 25, 1984, under clause 7, rule XXIV, the Calendar Wednesday rule, may be dispensed with on that day.

THE SPEAKER PRO TEMPORE: The gentleman from Texas (Mr. Wright) is recognized for 5 minutes.

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

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

MR. LUNGREN: Mr. Speaker, is there also 5 minutes given to someone in opposition?

THE SPEAKER PRO TEMPORE: The Chair will advise that the opposition is also entitled to 5 minutes and will be recognized following the gentleman from Texas (Mr. Wright). . . .

The question is on the motion offered by the gentleman from Texas (Mr. Wright).

So (two-thirds not having voted in favor thereof) the motion was rejected.

Motion To Recommit With Instructions

§ 69.6 Under Rule XVI clause 4, a Member offering a motion to recommit with instructions (after the previous question has been ordered) and a Member opposing the motion to recommit are each recognized for five minutes of debate.

On June 2, 1971,[8] a bill was reported back to the House with

5. 96 CONG. REC. 2157, 2158, 81st Cong. 2d Sess.
6. Rule XXIV clause 7, *House Rules and Manual* § 897 (1995) provides that on the motion there may be debate "not to exceed five minutes for and against."
7. 130 CONG. REC. 294–96, 98th Cong. 2d Sess.
8. 117 CONG. REC. 17491–95, 92d Cong. 1st Sess.

an amendment agreed to in the Committee of the Whole. Speaker Carl Albert, of Oklahoma, stated that under the rule the previous question was ordered, and the bill was read the third time. Mr. Marvin L. Esch, of Michigan, offered a motion to recommit the bill with instructions. The Speaker recognized him for five minutes' debate in favor of his motion and Mr. Carl D. Perkins, of Kentucky, for five minutes' debate in opposition to the motion.[9]

On July 19, 1973,[10] Mr. Charles M. Teague, of California, who was opposed to the pending bill, offered a motion to recommit with instructions after the previous question had been ordered on the bill. Speaker Carl Albert, of Oklahoma, recognized him under the rule for five minutes and then recognized Mr. William R. Poage, of Texas, for five minutes in opposition to the motion.

At the conclusion of Mr. Poage's time, the Speaker held that Mr. Teague still retained control of the motion and could yield to another Member to offer an amendment to the motion to recommit.

9. For prior practice, precluding debate on such a motion, see § 6, supra; 5 Hinds' Precedents §§ 5561, 5582–5584; and 8 Cannon's Precedents § 2471.

10. 119 CONG. REC. 24966, 24967, 93d Cong. 1st Sess.

§ 69.7 The 10 minutes of debate on certain motions to recommit with instructions permitted by Rule XVI clause 4, are not in order on a motion to recommit a simple resolution (or a conference report) with instructions.

On Nov. 15, 1973,[11] Mr. Wayne L. Hays, of Ohio, offered House Resolution 702, providing additional funds for investigations by the Committee on the Judiciary. Mr. Hays moved the previous question on the report and the previous question was ordered. Mr. William L. Dickinson, of Alabama, then moved to recommit the resolution with instructions. Speaker Carl Albert, of Oklahoma, informed him, in response to his parliamentary inquiry, that no debate was in order on the motion, the pending proposition not being a bill or joint resolution but a simple resolution:

> MR. DICKINSON: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. DICKINSON: Mr. Speaker, am I not entitled to 5 minutes as the Member offering this motion to recommit?
>
> THE SPEAKER: The Chair will advise the gentleman that that procedure is not applicable on a motion to recommit a simple resolution.

11. 119 CONG. REC. 37141, 37142, 37150, 93d Cong. 1st Sess.

MR. DICKINSON: Mr. Speaker, is that also true when there are instructions in the motion to recommit?

THE SPEAKER: The Chair will advise the gentleman that the procedure permitting 10 minutes of debate on a motion to recommit with instructions only applies to bills and joint resolutions.

The question is on the motion to recommit offered by the gentleman from Alabama (Mr. Dickinson).[12]

§ 69.8 Under Rule XVI clause 4, after the previous question is ordered on passage of a bill or joint resolution, 10 minutes are provided for debate on a motion to recommit with instructions; but such provision for debate applies only to bills and joint resolutions, and is not in order on a motion to recommit a concurrent resolution with instructions.

The proceedings described above occurred on May 7, 1975,[13] during consideration of Senate Concurrent Resolution 23 (authorizing printing of additional copies of "The Congressional Program of Economic Recovery and Energy Sufficiency") in the House.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a motion to recommit with instructions.

The Clerk read as follows:

Mr. Bauman moves to recommit Senate Concurrent Resolution 23 to the Committee on House Administration with instructions to report the resolution back forthwith with the following amendment: Page 1, line 3 and 4 strike the word "Congressional" and insert in lieu thereof the word "Democrat".

THE SPEAKER PRO TEMPORE:[14] Is the gentleman opposed to the Senate concurrent resolution?

MR. BAUMAN: I am, Mr. Speaker, in its present form or in any other form.

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

There was no objection.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BAUMAN: Am I not permitted time to discuss the motion?

THE SPEAKER PRO TEMPORE: I would inform the gentleman from Maryland that it is not a debatable motion on a concurrent resolution.

§ 69.9 Under Rule XVI clause 4, after the previous question is ordered on passage of a bill or joint resolution 10 minutes are provided for debate on a motion to recommit with instructions; the 10 minutes of debate on a motion to recommit with instructions applies only to bills and joint resolutions and is not in

12. Rule XVI clause 4, limits its application as to motions to recommit to bills and joint resolutions. See *House Rules and Manual* § 782 (1995).

13. 121 CONG. REC. 13366, 13367, 94th Cong. 1st Sess.

14. John J. McFall (Calif.).

order on a motion to recommit a concurrent resolution with instructions.

On May 7, 1975,[15] during consideration of Senate Concurrent Resolution 23[16] in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding debate on a motion. The proceedings were as follows:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a motion to recommit with instructions.

The Clerk read as follows:

> Mr. Bauman moves to recommit Senate Concurrent Resolution 23 to the Committee on House Administration with instructions to report the resolution back forthwith with the following amendment: Page 1, line 3 and 4 strike the word "Congressional" and insert in lieu thereof the word "Democrat".

THE SPEAKER PRO TEMPORE:[17] Is the gentleman opposed to the Senate concurrent resolution?

MR. BAUMAN: I am, Mr. Speaker, in its present form or in any other form.

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

There was no objection.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BAUMAN: Am I not permitted time to discuss the motion?

THE SPEAKER PRO TEMPORE: I would inform the gentleman from Maryland that it is not a debatable motion on a concurrent resolution.

§ 69.10 After the previous question has been ordered, a motion to recommit a bill or joint resolution with any proper instructions is debatable for 10 minutes under Rule XVI clause 4.

The following proceedings occurred in the House on Oct. 30, 1975,[18] during consideration of the Postal Reorganization Amendments of 1975 (H.R. 8603):

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[19] Is the gentleman opposed to the bill?

MR. DERWINSKI: I am, Mr. Speaker.

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

The Clerk read as follows:

> Mr. Derwinski moves to recommit the bill, H.R. 8603, to the Committee on Post Office and Civil Service with instructions that said committee shall promptly hold appropriate hearings thereon.

THE SPEAKER: Does the gentleman from Illinois (Mr. Derwinski) desire to be heard on his motion?

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15. 121 CONG. REC. 1366, 1367, 94th Cong. 1st Sess.

16. Authorizing printing of additional copies of "The Congressional Program of Economic Recovery and Energy Sufficiency."

17. John J. McFall (Calif.).

18. 121 CONG. REC. 34448, 94th Cong. 1st Sess.

19. Carl Albert (Okla.).

MR. DERWINSKI: Yes, Mr. Speaker.

The motion to recommit is normal except that it does require that the committee hold appropriate hearings.

THE SPEAKER: Does the gentleman from New York (Mr. Hanley) desire to be heard on the motion to recommit?

MR. [JAMES M.] HANLEY [of New York]: I do, Mr. Speaker. I wish to be heard in opposition to the recommittal motion.

Parliamentarian's Note: Debate is permitted on any motion to recommit with instructions, and not merely a motion with instructions to report the bill back forthwith with an amendment.

§ 69.11 The 10 minutes of debate permitted on a motion to recommit with instructions by clause 4 of Rule XVI applies only to a bill or joint resolution and not to a simple resolution.

During consideration of House Resolution 1097 (relating to investigative funds for the Committee on the Judiciary) in the House on Mar. 29, 1976,[20] a motion to recommit was offered, as follows:

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[1] Is the gentleman opposed to the resolution?

MR. ASHBROOK: I am, Mr. Speaker.

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

The Clerk read as follows:

> Mr. Ashbrook moves that House Resolution 1097 be recommitted to the Committee on House Administration with instructions that said committee forthwith report back to the House said resolution with the following amendment, to wit: on page 2, line 11 of the resolution add the following new sentence: "Not to exceed $300,000 of the total amount provided by this resolution shall be used to carry out activities within the jurisdiction of the Committee on the Judiciary under the provisions of rule X, clause (M) (19) of the Rules of the House of Representatives.

MR. ASHBROOK: Mr. Speaker, may I be recognized for 5 minutes?

THE SPEAKER: The rule regarding debate does not apply to a motion to recommit a resolution.

The question is on the motion to recommit.

Motions Relating to Nongermane Senate Amendments

§ 69.12 Where a Member opposed to a section of a conference report demanded a separate vote on the section pursuant to a special order permitting such procedure, that Member and the Member calling up the conference report were each recognized for 20 minutes of debate as required by Rule XX clause 1.

20. 122 CONG. REC. 8444, 94th Cong. 2d Sess.

1. Carl Albert (Okla.).

On Nov. 10, 1971,[2] Mr. F. Edward Hébert, of Louisiana, called up a conference report. Speaker Carl Albert, of Oklahoma, stated that the special order under which the report was being considered, House Resolution 696, provided that a separate vote could be demanded on certain sections of the conference report. Mr. Donald M. Fraser, of Minnesota, demanded a separate vote on section 503 of the report pursuant to the special order and pursuant to Rule XX clause 1 of the House rules.

The Speaker then stated the order of recognition pending the separate vote:

> Under clause 1 of rule XX, 40 minutes of debate are permitted before a separate vote is taken on a nongermane Senate amendment, one-half of such time in favor of, and one-half in opposition to the amendment.
>
> Pursuant to that rule, the gentleman from Louisiana (Mr. Hébert) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. Fraser) will be recognized for 20 minutes.

Parliamentarian's Note: The provisions of clause 1, Rule XX with respect to debate on a motion to reject a nongermane portion of a conference report were transferred to clause 4, Rule XXVIII in the 92d Congress on Oct. 13, 1972.[3]

2. 117 Cong. Rec. 40483, 92d Cong. 1st Sess.

3. H. Res. 1153, 118 Cong. Rec. 36023, 92d Cong. 2d Sess.

Motions To Suspend Rules

§ 69.13 Debate on a motion to suspend the rules is limited to 40 minutes, 20 minutes controlled by the mover and 20 minutes controlled by the Member demanding a second.

On June 30, 1959,[4] Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry on the time and distribution of time for debate on a motion to suspend the rules:

> The Speaker: The Chair recognizes the gentleman from Missouri.
>
> Mr. [Clarence] Cannon [of Missouri]: Mr. Speaker, a parliamentary inquiry.
>
> The Speaker: The gentleman will state it.
>
> Mr. Cannon: Mr. Speaker, I am advised that the gentleman from New York [Mr. Taber] will demand a second on the motion to suspend the rules on the Temporary Appropriations Act of 1960. How will the time for debate be distributed under the circumstances?
>
> The Speaker: Twenty minutes on a side.

Parliamentarian's Note: The demand for a second on a motion to suspend the rules is no longer used.

§ 69.14 On a motion to suspend the rules and pass a bill with

4. 105 Cong. Rec. 12306, 86th Cong. 1st Sess.

amendments there is 40 minutes of debate, 20 minutes on each side; the five-minute rule does not apply to such amendments, and amendments other than those included in the motion are not in order.

On June 19, 1948,[5] Mr. Harold Knutson, of Minnesota, moved to suspend the rules and pass a bill with committee amendments. Speaker Joseph W. Martin, Jr., of Massachusetts, answered a parliamentary inquiry on the time for debate on the motion:

MR. [HERMAN P.] EBERHARTER [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. EBERHARTER: I notice the motion stated "permission to offer amendments." Am I correct?

THE SPEAKER: The gentleman misheard the request. The request was to suspend the rules and pass the bill with committee amendments.

MR. EBERHARTER: Does that allow those who oppose the amendments 5 minutes on each amendment?

THE SPEAKER: The rule provides for 20 minutes on each side. That is, the Republican side will have 20 minutes and the gentleman from North Carolina [Mr. Doughton], who will demand a second, will have 20 minutes.

MR. EBERHARTER: Mr. Speaker, the only amendments that may be considered then are those that the committee acted upon?

THE SPEAKER: The gentleman is correct. The Clerk will report the bill.

§ 69.15 Where a Member moving to suspend the rules uses a portion of the 20 minutes available to him for debate, and then yields the "balance of his time" to another who does not, in fact, consume all the remaining time, the unused time reverts to the mover who may continue debate.

On Sept. 19, 1966,[6] Mr. Adam C. Powell, of New York, moved to suspend the rules and pass a bill. He used part of the 20 minutes available to him under the rules and then yielded the "balance" of his time to Mr. James G. O'Hara, of Michigan. Mr. O'Hara delivered a short address, and Mr. Powell then yielded time to Mr. John H. Dent, of Pennsylvania. Mr. H. R. Gross, of Iowa, made a point of order that Mr. Powell had lost control of the floor, and Speaker John W. McCormack, of Massachusetts, overruled the point of order:

MR. GROSS: Mr. Speaker, I make the point of order that the gentleman from New York [Mr. Powell] yielded his remaining time to the gentleman from

5. 94 CONG. REC. 9185, 80th Cong. 2d Sess.

6. 112 CONG. REC. 22933, 22934, 89th Cong. 2d Sess.

Michigan [Mr. O'Hara] and that he therefore cannot yield time.

THE SPEAKER: The gentleman from Michigan consumed 3 minutes.

MR. GROSS: Mr. Speaker, the gentleman from New York yielded the remainder of his time to the gentleman from Michigan [Mr. O'Hara].

MR. POWELL: Mr. Speaker, may I be heard?

THE SPEAKER: The Chair will state, when that is done on either side, when a Member does not consume the remainder of the time, control of the remaining time reverts to the Member who has charge of the time.

MR. GROSS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GROSS: When the Member in charge of time yields the remainder of his time to another Member, Mr. Speaker, I would not know how he would then be able to yield time to any other Member.

THE SPEAKER: The Chair will rule that when the gentleman in control of time yields the remainder of his time to another Member, and the other Member does not use up all the time, then the remainder of the time comes back under the control of the Member who originally had control of the time.

MR. GROSS: Mr. Speaker, a further parliamentary inquiry.

How may a Member yield the remainder of his time and still control that time?

THE SPEAKER: Well, that is not a parliamentary inquiry, but the Chair will assume, just making an observation, that every Member in the House is aware that happens, and has happened frequently.

MR. GROSS: Mr. Speaker, a further parliamentary inquiry. Would that be in violation of the rules of the House?

THE SPEAKER: The Chair sees no violation of the rules under those circumstances, but a protection of the right for full debate.

§ 69.16 Debate on a motion to suspend the rules is limited to 20 minutes on a side so that if a portion of the time is used and the House then adjourns, the time begins to run on the next day the motion is in order at that point where it was terminated.

On Feb. 28, 1931,[7] Mr. Thomas A. Jenkins, of Ohio, moved to suspend the rules and pass House Joint Resolution 500, further restricting immigration into the United States. Mr. Samuel Dickstein, of New York, demanded a second, the vote on the second was taken by tellers, and Mr. Fiorello H. LaGuardia, of New York, made a point of order that a quorum was not present. Speaker Nicholas Longworth, of Ohio, counted and stated that a quorum was present. The Speaker then answered parliamentary inquiries on the resumption of the consideration of the motion to suspend the rules should the House adjourn:

THE SPEAKER: The gentleman from New York [Mr. Snell] asked if, when a

7. 74 CONG. REC. 6575–77, 71st Cong. 3d Sess.

second is ordered or a quorum is present, this matter would be unfinished business at the next meeting of the House. The Chair replies, "Yes." The Chair holds it would be unfinished business at the next meeting of the House, inasmuch as a second has been ordered, a quorum being present.

MR. [HENRY W.] TEMPLE [of Pennsylvania]: Mr. Speaker, if the House adjourns now, will the 20 minutes debate on each side begin where we left off tonight?

THE SPEAKER: It would. It would be in exactly the same position we are now.

Parliamentarian's Note: Ordinarily, a motion to suspend the rules pending at adjournment could not be resumed until the next regular day on which the motion was in order under Rule XXVII clause 1. However, the motion is in order at any time during the last six days of a session.

§ 69.17 Under a former practice, a member of the minority who was opposed to a bill considered under suspension of the rules had the right to recognition, over a majority Member opposed to the bill, to demand a second thereon and to control the 20 minutes of debate in opposition thereto.

On Nov. 17, 1980,[8] the House had under consideration S. 885 (Pacific Northwest Electric Power Planning and Conservation Act of 1980) when the following proceedings occurred:

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 885) to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes, as amended.

The Clerk read as follows:

Strike out all after the enacting clause of S. 885 and insert the text of H.R. 8157 as amended.

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act, together with the following table of contents, may be cited as the "Pacific Northwest Electric Power Planning and Conservation Act". . . .

THE SPEAKER:[9] Is a second demanded?

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I demand a second.

MR. [JAMES] WEAVER [of Oregon]: Mr. Speaker, I demand a second.

THE SPEAKER: The gentleman from Wisconsin from the minority is entitled to the second.

MR. WEAVER: Mr. Speaker, is the gentleman opposed to the bill? I am opposed to the bill.

8. 126 CONG. REC. 29788–801, 96th Cong. 2d Sess.

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

THE SPEAKER: Is the gentleman from Wisconsin opposed to the bill?

MR. SENSENBRENNER: I am opposed to the bill.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection.

THE SPEAKER: The gentleman from Texas (Mr. Kazen) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. Sensenbrenner) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. Kazen).

Parliamentarian's Note: The demand for a second on a motion to suspend the rules is no longer used.

§ 69.18 By unanimous consent, debate was extended to one hour, to be equally divided by those controlling the time, on a motion to suspend the rules and agree to a conference report.

During consideration of the Economic Recovery Tax Act of 1981 (H.R. 4242) in the House on Aug. 4, 1981,[10] the following proceedings occurred:

MR. [DAN] ROSTENKOWSKI [of Illinois]: Madam Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 4242) to amend the Internal Revenue Code of 1954 to encourage economic growth through reductions in individual income tax rates, the expensing of depreciable property, incentives for small businesses, and incentives for savings, and for other purposes.

The Clerk read the title of the conference report. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Illinois (Mr. Rostenkowski) will be recognized for 20 minutes, and the gentleman from Massachusetts (Mr. Shannon) will be recognized for 20 minutes.

MR. ROSTENKOWSKI: Madam Speaker, I ask unanimous consent that time for this debate be extended from 40 minutes to 1 hour, to be equally divided by those controlling the time.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Illinois?

There was no objection.

Previous Question Ordered on Proposition Not Debated

§ 69.19 Forty minutes of debate is allowed wherever the previous question is ordered on a debatable proposition on which there has been no debate.

On June 8, 1943,[11] the House was considering Senate amendments reported from conference in disagreement on H.R. 2714, urgent deficiency appropriations. Mr. Clarence Cannon, of Missouri, offered a motion to concur in a Senate amendment with an

10. 127 CONG. REC. 19520, 97th Cong. 1st Sess.

11. 89 CONG. REC. 5506, 5507, 5509, 5510, 78th Cong. 1st Sess.

amendment and moved the previous question on his motion. Mr. John Taber, of New York, attempted to demand a second on the motion for the previous question and Mr. Cannon stated:

> Mr. Speaker, we have 20 minutes on a side. I have moved the previous question. Therefore, when the gentleman demands a second, we have 20 minutes on a side.

Speaker Sam Rayburn, of Texas, responded:

> The previous question must be ordered before any time at all is fixed.
>
> The question is on the motion for the previous question.

The House then rejected the previous question on Mr. Cannon's motion to concur with an amendment, and Mr. Taber offered an amendment to Mr. Cannon's motion. The previous question was immediately ordered on Mr. Taber's amendment and the Speaker recognized Mr. Taber for 20 minutes and Mr. Cannon for 20 minutes on the amendment to the motion, pursuant to Rule XXVII clause 3.[12]

§ 69.20 Where the previous question is ordered on a debatable motion without debate, a Member may demand the right to debate; and the 40 minutes permitted under the rule is divided between the person demanding the time and some Member who represents the opposing view of the question.

On Sept. 13, 1965,[13] the previous question was ordered, without debate, on the motion to approve the Journal, as read. Speaker John W. McCormack, of Massachusetts, stated, in response to a parliamentary inquiry by Mr. Durward G. Hall, of Missouri, that pursuant to Rule XXVII clause 3, any Member could demand the right to debate the motion since it was debatable and since the previous question had been ordered without debate. The Speaker recognized Mr. Hall for 20 minutes and then recognized a Member in opposition, Carl Albert, of Oklahoma, for 20 minutes.

§ 69.21 The right to recognition for 20 minutes of debate under Rule XXVII clause 3, does not apply unless the

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12. Rule XXVII clause 2, *House Rules and Manual* § 907 (1995) provides that "whenever the previous question has been ordered on any proposition on which there has been no debate," it shall be in order "to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of and one-half to debate in opposition to, such proposition."

13. 111 CONG. REC. 23602, 23604–06, 89th Cong. 1st Sess.

previous question has been ordered on a proposition on which there has been no debate.

On May 14, 1963,[14] the House was considering Senate amendments reported from conference in disagreement. Mr. Albert Thomas, of Texas, moved that the House concur with an amendment to a certain Senate amendment and moved the previous question on that motion. Before the previous question was ordered, Speaker John W. McCormack, of Massachusetts, indicated that the right to debate the motion for 40 minutes, 20 for and 20 against, only applied after the previous question was ordered.

—*Before Adoption of Rules*

§ 69.22 Prior to adoption of the rules, when the motion for the previous question is moved without debate, the 40 minutes' debate prescribed by House rules during the previous Congress does not apply.

On Jan. 7, 1959,[15] at the convening of the 86th Congress and before the adoption of rules, Mr. John W. McCormack, of Massachusetts, offered House Resolution 1, a privileged resolution authorizing the Speaker to administer the oath of office to a challenged Member-elect and providing that the question of final right of the Member-elect to his seat be referred to the Committee on House Administration. Mr. McCormack moved the previous question on the resolution without any debate, and Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry on the effect of the previous question before the adoption of rules:

> MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, may I make an inquiry on a point of parliamentary procedure.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. O'NEILL: Mr. Speaker, when the previous order has been moved and there is no debate, under the rules of the House are we not entitled to 40 minutes debate?
>
> THE SPEAKER: Under the precedents, the 40-minute rule does not apply before the adoption of the rules.[16]

Nongermane Provision in Conference Report

§ 69.23 A motion to reject a portion of a conference report is in order immediately

14. 109 CONG. REC. 8508–11, 88th Cong. 1st Sess.

15. 105 CONG. REC. 14, 86th Cong. 1st Sess.

16. See also 107 CONG. REC. 23–25, 87th Cong. 1st Sess., Jan. 3, 1961.

after the Speaker sustains a point of order that it would not have been germane if offered to the House bill, and is debatable for 40 minutes, 20 minutes for and 20 minutes against the motion.

On Sept. 11, 1973,[17] Mr. Wayne L. Hays, of Ohio, called up the conference report on H.R. 7645, to authorize appropriations for the Department of State, and for other purposes. Before the statement of the managers was read, Mr. Gerald R. Ford, of Michigan, made a point of order against section 13 of the report on the ground that the section would not have been germane if offered in the House to the bill and was therefore subject to a point of order under Rule XXVIII clause 4.

Mr. Ford and Mr. Hays delivered arguments on the point of order, and Speaker Carl Albert, of Oklahoma, then ruled that the language objected to would not have been germane if offered to the House bill and sustained the point of order.

Mr. William S. Mailliard, of California, then offered, pursuant to Rule XXVIII clause 4, a motion to reject section 13 of the conference report. The Speaker recognized, under the rule, Mr. Mailliard for 20 minutes in favor of the motion and Mr. Hays for 20 minutes in opposition to the motion.

§ 69.24 Pursuant to Rule XXVIII clause 4, where the Speaker sustains a point of order that a portion of a conference report containing a Senate amendment is not germane to the House bill, a motion to reject that portion of the conference report is in order and is subject to 40 minutes of debate.

For example, see the proceedings of Jan. 29, 1976, discussed in § 69.25, infra.

§ 69.25 Pursuant to Rule XXVIII clause 4, 40 minutes for debate on a motion to reject a nongermane portion of a conference report is equally divided between the proponent and an opponent of the motion to reject, and recognition is not based upon party affiliation; and the House conferee who has been recognized for 20 minutes in opposition to a motion to reject a nongermane portion of a conference report is entitled to close debate on the motion to reject.

H.R. 5247, a bill reported from the Committee on Public Works

17. 119 Cong. Rec. 29235–37, 93d Cong. 1st Sess.

and Transportation, consisted of one title relating to grants to state and local governments for local public works construction projects. A new title added by the Senate and contained in a conference report provided grants to state and local governments to assist them in providing public services. On Jan. 29, 1976,[18] a point of order was made in the House, pursuant to Rule XXVIII clause 4, against the title added by the Senate. The title was held to be not germane, because it proposed a revenue-sharing program within the jurisdiction of the Committee on Government Operations, and because the approach taken in the Senate version was not closely related to the methods used to combat unemployment as delineated in the House bill.[19] After the Speaker had ruled on the point of order, a motion was made:

> MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I offer a motion.
>
> The Clerk read as follows:
>
> > Mr. Brooks moves that the House reject title II of H.R. 5247, as reported by the committee of conference.
>
> THE SPEAKER:[20] The gentleman from Alabama (Mr. Jones) will be recognized for 20 minutes, and the gentleman from Texas (Mr. Brooks) will be recognized for 20 minutes.
>
> MR. BROOKS: Mr. Speaker, I yield myself such time as I may consume.
>
> MR. [FRANK] HORTON [of New York]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. HORTON: Mr. Speaker, my parliamentary inquiry is this: Do we have 20 minutes on the minority side?
>
> THE SPEAKER: The Chair will state that the division of time is between those in favor and those opposed to the motion to reject title II. The gentleman from Alabama (Mr. Jones) has 20 minutes and the gentleman from Texas (Mr. Brooks) has 20 minutes.
>
> MR. [JAMES C.] WRIGHT [Jr., of Texas, on behalf of Mr. Jones]: Mr. Speaker, I have one other speaker, the majority leader. I do not know what the courtesy is, or the appropriate protocol, in a matter of this kind.
>
> THE SPEAKER PRO TEMPORE: The Chair will rule that the gentleman from Texas [Mr. Wright] may close debate.[1]

Parliamentarian's Note: Where the House agrees to a motion to reject a nongermane portion of a conference report pursuant to Rule XXVIII clause 4, the pending

18. 122 CONG. REC. 1582, 94th Cong. 2d Sess.

19. For further discussion of the ruling on the issue of germaneness, see Ch. 28, § 4.99, supra.

20. Carl Albert (Okla.).

1. For another instance in which the Speaker acknowledged that the House conferee who has been recognized for 20 minutes in opposition to a motion to reject a nongermane portion of a conference report is entitled to close debate on the motion to reject, see Ch. 28, § 26.23, supra.

question, in the form of a motion offered by the manager of the conference report, is to recede from disagreement to the Senate amendment and concur with an amendment consisting of the remaining portions of the conference report not rejected on the separate vote, and one hour of debate, equally divided between the majority and minority parties, is permitted on that pending question.[2]

§ 69.26 Where the Chair sustains a point of order pursuant to clause 4 of Rule XXVIII, that a conference report contains a Senate provision which would not have been germane if offered in the House, it is in order to offer a motion to reject the matter covered by the point of order, which motion is debatable for 40 minutes, equally divided and controlled by those in favor of, and those opposed to, the motion.

On Sept. 25, 1980,[3] during consideration of the conference report on H.R. 4310 (Recreational Boating Safety and Facilities Improvement Act of 1980) in the House, the following proceedings occurred:

> MR. [MARIO] BIAGGI [of New York]: Mr. Speaker, I call up the conference report on the bill (H.R. 4310) to amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes.
>
> The Clerk read the title of the bill.
>
> THE SPEAKER PRO TEMPORE:[4] Under the rule, the conference report is considered as read.
>
> MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I make a point of order under clause 4 of rule XXVIII that title III of the conference report accompanying H.R. 4310 is a nongermane amendment.
>
> Mr. Speaker, H.R. 4310, as it passed the House, related to boating safety. It did not amend the Internal Revenue Code. Title III now in the conference report relates to a trust fund for reforestation and contains a significant amendment to the Internal Revenue Code. It would have been nongermane to H.R. 4310 when that bill was originally considered by the House. . . . I contend, Mr. Speaker, that title III should be ruled nongermane and considered in violation of clause 7 of rule XVI.
>
> Mr. Speaker, I understand the point of order will not be contested.
>
> THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from New York (Mr. Biaggi).
>
> MR. BIAGGI: Mr. Speaker, we concede the point of order.

2. See § 68.24, supra.

3. 126 CONG. REC. 27410, 96th Cong. 2d Sess.

4. Thomas S. Foley (Wash.).

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

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

The Clerk read as follows:

> Mr. Frenzel moves that the House reject title III of the conference report accompanying H.R. 4310.

THE SPEAKER PRO TEMPORE: The gentleman from Minnesota (Mr. Frenzel) will be recognized for 20 minutes, and the gentleman from New York (Mr. Biaggi) will be recognized for 20 minutes.

§ 70. Five-minute Debate in the House as in Committee of the Whole

In the House as in the Committee of the Whole, or the "quasi-committee" as it is sometimes termed, debate proceeds under the five-minute rule for amendment of the measure under consideration, without general debate.(5)

When a proposition is considered in the House as in the Committee of the Whole by unanimous consent,(6) Members may gain five minutes of debate not only by offering substantive amendments but also by offering pro forma amendments and motions to strike the enacting clause.(7)

Where a private bill is considered in the House as in the Committee of the Whole, Rule XXIV clause 6 requires that debate be strictly limited to the five-minute rule, without pro forma amendments, extensions of time, or reservations of objection.(8)

Debate in the House as in the Committee of the Whole may be closed by ordering the previous question,(9) and it has been held in order in the House as in the Committee of the Whole to move to close debate on a pending section or amendment.(10)

Cross References

Five-minute debate in the Committee of the Whole, see § 77, infra.

Member may yield for debate but not for amendment under the five-minute rule, see §§ 29–31, supra.

Previous question applicable in House as in the Committee of the Whole, see § 72, infra.

Private Calendar considered in House as in Committee of the Whole, see Ch. 22, supra.

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5. See § 70.1, infra.

The procedure is discussed in Jefferson's Manual, *House Rules and Manual* §§ 424–427 (1995) and is provided for in only one House rule—that providing for the consideration of omnibus private bills (see Rule XXIV clause 6, *House Rules and Manual* § 893 [1995]).

6. See §§ 70.3–70.6, infra.

7. See §§ 70.2, 70.10, infra.

8. See §§ 70.7–70.9, infra.

9. See § 72.7, infra.

10. See § 72.8, infra.

Procedure in the House as in Committee of the Whole

§ 70.1 Where a bill is considered in the House as in the Committee of the Whole, there is no general debate but the bill is debatable under the five-minute rule.

On Sept. 27, 1967,[11] Mr. George H. Mahon, of Texas, called up House Joint Resolution 849, making continuing appropriations for fiscal 1968, and the House agreed to his unanimous-consent request that the bill be considered in the House as in the Committee of the Whole. Mr. Frank T. Bow, of Ohio, then propounded a parliamentary inquiry whether and when it would be in order to offer amendments. Speaker John W. McCormack, of Massachusetts, responded that amendments would be in order under the five-minute rule and further stated that the five-minute rule was in effect.[12]

§ 70.2 Debate on a bill being considered in the House as in the Committee of the Whole is under the five-minute rule, and a Member who has spoken for five minutes on the bill may be recognized on another pro forma amendment to the bill by unanimous consent.

On Sept. 11, 1972,[13] Mr. William S. Stuckey, Jr., of Georgia, called up H.R. 15550, to convey to Alexandria, Virginia, certain lands of the United States, and the House agreed to his request that the bill be considered in the House as in the Committee of the Whole. Mr. Stuckey moved to strike out the last word and discussed the bill for five minutes. After intervening debate, Mr. Stuckey again arose to strike out the last word. Speaker Pro Tempore Richard Bolling, of Missouri, stated that without objection, Mr. Stuckey was recognized for five minutes. There was no objection.

—Union Calendar Bills

§ 70.3 Where unanimous consent is granted for the consideration of a Union Calendar bill, such bill is considered in the House as in the Committee of the Whole and debate may be had only under the five-minute rule.

11. 113 Cong. Rec. 26956–60, 90th Cong. 1st Sess.
12. See also 116 Cong. Rec. 28050, 91st Cong. 2d Sess., Aug. 10, 1970; and 113 Cong. Rec. 17183–86, 90th Cong. 1st Sess., June 26, 1967 (bill is considered as read and open for amendment at any point, contrary to former practice to read bill for amendment by sections).
13. 118 Cong. Rec. 29951–56, 92d Cong. 2d Sess.

On June 28, 1966,[14] Mr. Wilbur D. Mills, of Arkansas, asked unanimous consent for the consideration of H.R. 14224, the Social Security Act amendments of 1966, pending on the Union Calendar. Mr. John W. Byrnes, of Wisconsin, inquired of Speaker John W. McCormack, of Massachusetts, whether Members would have an opportunity to be heard on the bill and to offer pro forma amendments. The Speaker responded that the unanimous-consent request carried with it the stipulation that if consent were granted, the bill would be considered in the House as in the Committee of the Whole, under the five-minute rule, with the opportunity to offer pro forma amendments.[15]

Parliamentarian's Note: A Union Calendar bill may be considered under the hour rule if unanimous consent is requested for its immediate consideration "in the House."

§ 70.4 Under the former practice, debate on an amendment to a Union Calendar bill being considered on the Consent Calendar is under the five-minute rule, in the House as in the Committee of the Whole.

On July 30, 1955,[16] the Clerk called a bill on the Consent Calendar which was pending on the Union Calendar. Mr. Clare E. Hoffman, of Michigan, offered an amendment and discussed it for five minutes. When Mr. Hoffman sought additional time, Speaker Sam Rayburn, of Texas, advised him that amendments were being considered under the five-minute rule.[17]

§ 70.5 A motion that a Union Calendar bill be considered

14. 112 CONG. REC. 7749, 89th Cong. 2d Sess.

15. See also 114 CONG. REC. 28374, 90th Cong. 2d Sess., Sept. 26, 1968; 112 CONG. REC. 24080, 89th Cong. 2d Sess., Sept. 28, 1966; 112 CONG. REC. 7749, 89th Cong. 2d Sess., Apr. 6, 1966; 95 CONG. REC. 14462, 81st Cong. 1st Sess., Oct. 13, 1949; and 79 CONG. REC. 14331, 74th Cong. 1st Sess., Aug. 23, 1935. For further examples of unanimous-consent agreements for the consideration of Union Calendar bills under the five-minute rule in the House as in the Committee of the Whole, see §§ 4.2 et seq., supra.

16. 101 CONG. REC. 12408, 84th Cong. 1st Sess.

17. See Rule XIII clause 4, *House Rules and Manual* §§ 745a and 746 (1995) and comments thereto for consideration of Consent Calendar bills under the five-minute rule prior to the 104th Congress. H. Res. 168, adopted on June 20, 1995, abolished the Consent Calendar and established in its place a Corrections Calendar.

under the five-minute rule in the House as in the Committee of the Whole is not in order (unanimous consent being required).

On July 12, 1939,[18] Mr. Andrew J. May, of Kentucky, called up H.R. 985, on the Union Calendar, and asked unanimous consent that it be considered in the House as in the Committee of the Whole. Mr. Sam Hobbs, of Alabama, objected to the consideration of the bill and Mr. May then attempted to make a motion for consideration in the House as in the Committee of the Whole:

> Then I move, Mr. Speaker, that the bill be considered in the House as in the Committee of the Whole.

Speaker William B. Bankhead, of Alabama, ruled:

> The Chair is of the opinion that could not be permitted under the rules of the House. The gentleman may submit a unanimous-consent request, but not a motion.[19]

§ 70.6 When a bill on the Union Calendar is considered in the House as in the Committee of the Whole, debate is under the five-minute rule, and extensions of time for debate are permitted only by unanimous consent.

On July 28, 1969,[20] Mr. John Dowdy, of Texas, called up H.R. 9553, amending the District of Columbia Minimum Wage Act, and asked unanimous consent for its consideration in the House as in the Committee of the Whole. Mr. Brock Adams, of Washington, reserved the right to object and made inquiries as to the time for debate under the proposed procedure. Speaker John W. McCormack, of Massachusetts, stated that debate would be conducted under the five-minute rule but that any Member seeking additional time to the five minutes allowed could ask unanimous consent for an extension of time.

—*Private Calendar Measures*

§ 70.7 Private Calendar debate, under the five-minute rule, is

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18. 84 CONG. REC. 8945, 76th Cong. 1st Sess.

19. Procedure in the House as in the 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 that manner. 4 Hinds' Precedents § 4923 (cited in Jefferson's Manual, *House Rules and Manual* § 424 [1995]).

Provision is made in the rules for the consideration of Private Calendar bills under the five-minute rule in the House as in the Committee of the Whole. See Rule XXIV clause 6, *House Rules and Manual* § 893 (1995).

20. 115 CONG. REC. 20850, 20851, 91st Cong. 1st Sess.

strictly limited to five minutes in favor of and five in opposition to an amendment; and extensions of time under the five-minute rule are not permitted.

On Dec. 14, 1967,[1] the House as in the Committee of the Whole was considering for amendment, under the five-minute rule, House Resolution 981, a private resolution opposing the granting of permanent residence to certain aliens. Since private bills or resolutions are considered strictly under the five-minute rule, pursuant to Rule XXIV clause 6, Speaker John W. McCormack, of Massachusetts, ruled that extensions of time or pro forma amendments were not in order.

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

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I rise in opposition to the amendment.

THE SPEAKER: The Chair recognizes the gentleman from Iowa for 5 minutes.

(Mr. Gross asked and was given permission to revise and extend his remarks.)

THE SPEAKER: The time of the gentleman from Iowa has expired.

MR. GROSS: Mr. Speaker, under the parliamentary situation, is it permissible to ask for 2 additional minutes?

THE SPEAKER: Under the parliamentary situation, in relation to the pending resolution, it is not in order.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I move to strike out the requisite number of words.

THE SPEAKER: The Chair advises the gentleman that that motion is not in order.

MR. HALL: Mr. Speaker, may I be heard in opposition to the amendment?

MR. [MICHAEL A.] FEIGHAN [of Ohio]: Mr. Speaker——

THE SPEAKER: A member of the committee is entitled to recognition. The gentleman from Ohio [Mr. Feighan] is recognized.

Parliamentarian's Note: Rule XIV clause 6, relating to the consideration of private bills, was amended on Mar. 27, 1935, to preclude reservations of objection and therefore to require consideration under a strict application of the five-minute rule.[2]

1. 113 CONG. REC. 36535–37, 90th Cong. 1st Sess.

2. For obsolete precedents permitting reservations of objection on private bills, see 78 CONG. REC. 2364, 73d Cong. 2d Sess., Feb. 10, 1934; 75 CONG. REC. 10827, 72d Cong. 1st Sess., May 20, 1932; and 75 CONG. REC. 10822, 72d Cong. 1st Sess., May 20, 1932.

For other occasions where extensions of time for debate on private bills have been ruled out of order, see 81 CONG. REC. 7293–95, 75th Cong. 1st Sess., July 20, 1937; 80 CONG. REC. 5900, 74th Cong. 2d Sess., Apr. 22, 1936; and 80 CONG. REC. 3800, 74th Cong. 2d Sess., Mar. 17, 1936.

§ 70.8 During the consideration of the Private Calendar no reservation of objection is in order and the Chair does not recognize Members for requests to make statements.

On May 5, 1936,[3] the Clerk called a bill on the Private Calendar. Speaker Joseph W. Byrns, of Tennessee, inquired whether there was objection to consideration thereof, two Members objected, and the bill was recommitted to the Committee on Military Affairs. Mr. Theodore Christianson, of Minnesota, requested the Members objecting to withhold their objection and asked unanimous consent to make a statement regarding the bill.

The Speaker ruled that he could not recognize the gentleman for that purpose under the "express provisions of the rule."[4]

§ 70.9 On one occasion, a Member was allowed by unanimous consent to speak out of order during the call of the Private Calendar.

On Aug. 30, 1960,[5] during the call of the Private Calendar, S. 3429, to award a gold medal to Robert Frost, was called up and Mr. Clare E. Hoffman, of Michigan, moved to strike out the last word. Speaker Pro Tempore Wilbur D. Mills, of Arkansas, ruled that he could not be recognized for that purpose. Mr. Hoffman then asked unanimous consent to speak out of order. There was no objection, and Mr. Hoffman was recognized to deliver some remarks on the bill.

§ 70.10 Omnibus private bills are considered under the five-minute rule in the House as in the Committee of the Whole, and the Chair does not recognize for extensions of time.

On Mar. 17, 1936,[6] the House as in the Committee of the Whole was considering for amendment

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For other occasions where pro forma amendments have been ruled out of order during consideration of private bills, see 81 CONG. REC. 7299, 7300, 75th Cong. 1st Sess., July 20, 1937; 81 CONG. REC. 7293–95, 75th Cong. 1st Sess., July 20, 1937; and 80 CONG. REC. 3894, 3895, 74th Cong. 2d Sess., Mar. 17, 1936.

3. 80 CONG. REC. 6691, 74th Cong. 2d Sess.

4. See also 80 CONG. REC. 3158, 74th Cong. 2d Sess., Mar. 3, 1936, for the prohibition against reservations of objection; and 79 CONG. REC. 7100, 74th Cong. 1st Sess., May 7, 1935, for the prohibition against unanimous-consent requests to make statements.

5. 106 CONG. REC. 18389, 86th Cong. 2d Sess.

6. 80 CONG. REC. 3890, 74th Cong. 2d Sess.

omnibus private bills under the five-minute rule. Speaker Joseph W. Byrns, of Tennessee, refused to recognize a Member for an extension of time:

> The time of the gentleman from Minnesota has expired.
>
> MR. [THEODORE] CHRISTIANSON [of Minnesota]: Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.
>
> THE SPEAKER: On the previous section of this bill the Chair put a unanimous-consent request for an extension of time. The attention of the Chair has since been called to a ruling by the author of the present Private Calendar rule, who was presiding at the last session on this calendar. This rule was proposed for the purpose of expediting business. Upon reflection, the Chair does not think he should recognize Members for the purpose of requesting an extension of time.

—*Motion To Strike Enacting Clause*

§ 70.11 A motion to strike out the enacting clause is in order during the consideration of omnibus private bills and is debatable under the five-minute rule, for two five-minute speeches.

On Mar. 17, 1936,[7] during the consideration of an omnibus private bill in the House as in the Committee of the Whole, Mr. Thomas L. Blanton, of Texas, moved to strike out the enacting clause. Mr. Fred Biermann, of Iowa, made a point of order against the offering of the motion, on the ground that only certain amendments and no pro forma amendments could be offered to omnibus private bills (under Rule XXIV clause 6). Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

> The motion to strike out the enacting clause is not an amendment in the sense contemplated by the rule. The Chair is of the opinion that the motion is in order and the gentleman from Texas is recognized for 5 minutes.

The Chair also read Rule XXIII clause 7, describing the motion to strike the enacting clause, as support for his ruling.

Nonamendable Proposition Being Considered in the House as in Committee of the Whole by Unanimous Consent

§ 70.12 While a joint resolution called up under the Alaska Natural Gas Transportation Act is not subject to substantive amendment under section 8(d)(5)(B) of that Act, pro forma amendments for the purpose of debate under the five-minute rule are permitted where the resolution

7. 80 CONG. REC. 3894, 3895, 74th Cong. 2d Sess.

is being considered in the House as in Committee of the Whole by unanimous consent.

During proceedings on Nov. 2, 1977,[8] the Speaker Pro Tempore[9] responded to inquiries concerning conditions under which Members would be recognized during consideration of House Joint Resolution 621, approving a presidential decision with regard to an Alaska natural gas transportation system. The Chair noted, in the course of responding to inquiries, that, while debate in the House as in the Committee of the Whole proceeds under the five-minute rule, a Member who has already been recognized for five minutes may be recognized again by unanimous consent only.

THE SPEAKER PRO TEMPORE: The unfinished business of the House is the further consideration of the joint resolution (H.J. Res. 621) approving the Presidential decision on an Alaska natural gas transportation system, and for other purposes, in the House as in the Committee of the Whole.

Without objection, the Clerk will again report the joint resolution.

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 621

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the House of Representatives and Senate approve the Presidential decision on an Alaska natural gas transportation system submitted to the Congress on September 22, 1977, and find that any environmental impact statements prepared relative to such system and submitted with the President's decision are in compliance with the Natural Environmental Policy Act of 1969.

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. UDALL: Mr. Speaker, am I correct in assuming that the joint resolution before us has been laid before the House, but is not amendable?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. UDALL: Am I further correct, Mr. Speaker, in assuming that under the procedure by which we are operating, the only way for a Member to gain time is to make a pro forma motion to strike the necessary number of words?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

It is the Chair's understanding that those who have already offered pro forma amendments on the joint resolution may do so again only by unanimous consent.

§ 70.13 Rejection of the motion for the previous question on a measure being considered in the House which is not subject to amendment (under the rules of the House or under statutory provisions enacted under the rule-

8. 123 CONG. REC. 36613, 95th Cong. 1st Sess.

9. Otis G. Pike (N.Y.).

making power of the House) does not open the measure to amendment but only extends the time for debate thereon.

On Nov. 2, 1977,[10] the House as in the Committee of the Whole had under consideration a joint resolution, called up under the Alaska Natural Gas Transportation Act, which was not subject to substantive amendment under section 8(d)(5)(B) of that Act. The proceedings were as follows:

THE SPEAKER PRO TEMPORE:[11] The unfinished business of the House is the further consideration of the joint resolution (H.J. Res. 621) approving the Presidential decision on an Alaska natural gas transportation system, and for other purposes, in the House as in the Committee of the Whole. . . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, am I correct in assuming that the joint resolution before us has been laid before the House, but is not amendable?

THE SPEAKER PRO TEMPORE: The gentleman is correct. . . .

MR. [JOHN P.] MURTHA [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MURTHA: Would an amendment be in order if the previous question were not ordered?

THE SPEAKER PRO TEMPORE: The Chair will have to state that an amendment would not be in order. Under the statute, the joint resolution is not amendable. The only effect would be to extend debate.

§ 71. Effect of Special Rules and Unanimous-consent Agreements

The House may vary the period for debate in an infinite variety of ways. By unanimous consent or special rule, the House can lengthen debate, abbreviate it, divide its control between "proponents and opponents," Members representing committees, or named individuals.

Speakers have declined to recognize requests to extend time on special-order speeches (beyond one hour) or one-minute speeches. There is also a reluctance to recognize for extensions of time under rules—such as the discharge rule—which have carefully structured debate steps.

Special rules and unanimous-consent agreements may also provide that a certain period of debate in the House be controlled by the proponents and opponents of a measure. When time in the House is thus distributed and controlled, the Members in charge may yield time to other Members, who are not entitled to be recognized for a full hour.[12]

10. 123 CONG. REC. 36613, 95th Cong. 1st Sess.

11. Otis G. Pike (N.Y.).

12. See, for example, the unanimous-consent agreements under which

Cross References

Discharge motion and extensions of time, see Ch. 18, supra.

Effect of special rules on control and distribution of time, see § 28, supra.

Effect of special rules and unanimous-consent agreements on duration of debate in the Committee of the Whole, see § 74, infra.

Recognition for unanimous-consent requests, see § 10, supra.

Special rules generally, see Ch. 21, supra.

Special rules and their effect on consideration, see § 2, supra.

Strict five-minute rule for Private Calendar, see Ch. 22, supra.

Unanimous-consent agreements for control and distribution of time, see §§ 24–26, supra.

Unanimous-consent consideration in the House as in the Committee of the Whole, see § 4, supra.

Privileged Resolutions

§ 71.1 A special rule may provide that a privileged resolution be considered in the House, with more than one hour of debate.

On May 2, 1933,[13] the House adopted House Resolution 125, making in order the consideration in the House of House Resolution 124, also reported by the Committee on Rules, and providing for the consideration of certain Senate amendments. House Resolution 125 read as follows:

> *Resolved*, That immediately upon the adoption of this resolution the House shall proceed to the consideration of House Resolution 124, and all points of order against said resolution shall be waived. That after general debate, which shall be confined to the resolution and shall continue not to exceed 5 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the previous question shall be considered as ordered on the resolution to its adoption or rejection.

§ 71.2 A resolution amending the rules of the House, eligible for consideration in the House as privileged business and subject to one hour of debate was, pursuant to a special rule, considered in the Committee of the Whole and debated for two hours.

On Apr. 3, 1968,[14] Mr. Richard Bolling, of Missouri, called up by direction of the Committee on Rules House Resolution 1119 providing for the consideration, in the Committee of the Whole, of another resolution reported from the Committee on Rules:

> *Resolved*, That upon the adoption of this resolution it shall be in order to

some impeachment resolutions and articles have been considered, cited at § 71.13, infra.

13. 77 Cong. Rec. 2693, 73d Cong. 1st Sess.

14. 114 Cong. Rec. 8776, 8777, 90th Cong. 2d Sess.

move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1099) amending H. Res. 418, Ninetieth Congress, to continue the Committee on Standards of Official Conduct as a permanent standing committee of the House of Representatives, and for other purposes. After general debate, which shall be confined to the resolution and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Standards of Official Conduct, the resolution shall be read for amendment under the five-minute rule.

Mr. H. Allen Smith, of California, explained the rationale for, and effect of, the resolution:

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

The parliamentary situation today is this: As I mentioned, the Rules Committee reported House Resolution 418 creating the committee. The Committee on Standards of Official Conduct reported to the Rules Committee, which retained original jurisdiction. The Committee on Standards of Official Conduct reported the resolution which is before us, H. Res. 1099, which will continue the committee and establish a code of ethics for the House. The resolution could have come to the floor of the House without a rule, which would have limited debate to 1 hour, 30 minutes on each side, and a vote would then be taken up or down on the resolution.

But the Rules Committee felt the members of the committee should have an opportunity to be heard, with the result that we have reported a separate resolution providing for 2 hours of general debate, 1 hour on each side, and the resolution will be open for amendment. Had we just reported the resolution, it would be tantamount to a closed rule under which amendments could not be offered. The Rules Committee does not like to report closed rules as a general practice.

Parliamentarian's Note: Without the special rule, the resolution would have been privileged for consideration in the House, under Rule XI clause 22, and would have been considered under the general rules of the House, the Member in charge controlling an hour of debate, with the right to move the previous question.[15] Although the Committee on Standards of Official Conduct had recommended that H. Res. 1099 be adopted, the Rules Committee reported the resolution to the House, not the Standards Committee as indicated by Mr. Smith.

§ 71.3 Debate under the hour rule in the House on a resolution reported from the

15. See also 119 CONG. REC. 39419, 93d Cong. 1st Sess., Dec. 4, 1973 (H. Res. 738, for the consideration in the Committee of the Whole, for six hours of general debate, of H. Res. 735, confirming the nomination of Gerald R. Ford as Vice President of the United States).

Committee on Rules may be extended by unanimous consent.

On June 21, 1972,[16] Mr. Thomas P. O'Neill, Jr., of Massachusetts, had offered House Resolution 996, from the Committee on Rules, providing for the consideration of H.R. 14370, the State and Local Assistance Act of 1972. He asked unanimous consent for extension of the one hour of debate permitted on the resolution, and the request was objected to:

MR. O'NEILL: Mr. Speaker, in view of the fact that I have so many requests for time, I ask unanimous consent that discussion on the rule be extended 30 minutes, with 15 minutes given to the gentleman from California (Mr. Smith) and 15 minutes to myself.

THE SPEAKER:[17] The gentleman from Massachusetts asked unanimous consent that time for debate on the rule be extended an additional 30 minutes, the time to be equally divided between the gentleman from Massachusetts and the gentleman from California.

Is there objection to the request of the gentleman from Massachusetts?

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, reserving the right to object, my attention was elsewhere when the request was made. Do I correctly understand that the request is to extend the time on the rule?

THE SPEAKER: The gentleman is correct.

MR. COLMER: For how long?

THE SPEAKER: For an additional 30 minutes for debate on the rule.

MR. COLMER: Equally divided, Mr. Speaker, between whom?

MR. O'NEILL: The reason why I am asking this is that the gentleman would like to have 10 minutes.

MR. COLMER: I understand the reason why the gentleman is doing it.

Mr. Speaker, under my reservation, if I am in order, between whom is the gentleman going to divide the time?

MR. O'NEILL: I asked unanimous consent for 30 minutes, with 15 minutes to the gentleman from California (Mr. Smith) and 15 minutes to myself.

The reason I asked for this is that the gentleman, as chairman of the committee, asked for 10 minutes. I allotted five members opposed to the bill 3 minutes apiece. The gentleman was not satisfied with 3 minutes and is insisting upon 10. In order to satisfy him, as chairman of the Rules Committee, I have made this request.

MR. COLMER: Mr. Speaker, on the basis of the statement of the gentleman from Massachusetts (Mr. O'Neill) I am unwilling to set a precedent here in order that I may be heard for additional time. Therefore, I object.

THE SPEAKER: Objection is heard.

MR. O'NEILL: Mr. Speaker, under the circumstances, since there is an objection, I yield 3 minutes to the gentleman from Mississippi (Mr. Colmer).

§ 71.4 Debate on a privileged resolution in the House is under the hour rule and within the control of the

16. 118 CONG. REC. 21694, 92d Cong. 2d Sess.

17. Carl Albert (Okla.).

Member recognized to call it up, but such debate may be extended beyond one hour by unanimous consent; on one occasion, the House agreed to a unanimous-consent request to extend for 30 minutes the debate on a privileged resolution reported from the Rules Committee in the House, to be controlled by the Member who had called it up, with the assurance that one half the additional time would be yielded to the minority.

On July 14, 1977,[18] the following proceedings occurred when a resolution[19] amending the rules was called up in the House:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 658 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 658

Resolved, That it is the purpose of this resolution to establish a new permanent select committee of the House, to be known as the Permanent Select Committee on Intelligence. . . .

MR. BOLLING: Mr. Speaker, I yield 30 minutes for debate to the gentleman from Mississippi (Mr. Lott), pending which I yield myself such time as I may consume. . . .

MR. [TED] WEISS [of New York]: . . . Mr. Speaker, at this time I ask unanimous consent that the time for debate on this matter be extended for an additional 1 hour, the time to be controlled by the gentleman from Missouri (Mr. Bolling).

THE SPEAKER PRO TEMPORE:[20] Is there objection to the request of the gentleman from New York?

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, reserving the right to object, I would assume the usual delegation of one-half the time to the minority?

MR. WEISS: Of course. That is intended. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New York?

MR. [RONALD M.] MOTTL [of Ohio]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. WEISS: Mr. Speaker, I ask unanimous consent that time for debate be extended for an additional half hour, the time to be divided 15 minutes on each side.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New York?

There was no objection.

§ 71.5 By unanimous consent the House extended for an additional 30 minutes the time for debate on a special order from the Committee on

18. 123 CONG. REC. 22932, 22934, 22942, 95th Cong. 1st Sess.

19. H. Res. 658.

20. B. F. Sisk (Calif.).

Rules (with the understanding that such time would be equally divided and controlled).

The proceedings of July 29, 1977,[1] relating to House consideration of House Resolution 727 (providing for consideration of H.R. 8444, the National Energy Act of 1977) were as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 727 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 727

Resolved, That upon the adoption of this resolution it shall be in order to move . . . that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8444) to establish a comprehensive national energy policy. . . .

THE SPEAKER:[2] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. BOLLING: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), and pending that, I yield myself such time as I may consume. . . .

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I ask unanimous consent at this time that in addition to the 1 hour of debate provided for in this resolution, House Resolution 727, the time for debate be extended for an additional 30 minutes.

Mr. Speaker, there is some precedent for this. Before the Chair puts the request, I would like to state very briefly that there is some precedent on very important resolutions for an extension of the normal amount of time that is used for debate. Just a couple of weeks ago the gentleman from New York (Mr. Weiss) made a similar request at the time we were considering a resolution for the Select Committee on Intelligence.

Very frankly, I have had more requests for time on this rule from my side of the aisle than I can accommodate within the 30 minutes that has been allotted to the minority. . . .

Mr. Speaker, I ask unanimous consent that the time for debate on this resolution be extended for 30 minutes.

THE SPEAKER: Is there objection to the request of the gentleman from Illinois? . . .

There was no objection.

THE SPEAKER: The Chair will state that an additional 15 minutes will be allotted to each side.

§ 71.6 By unanimous consent, debate on a resolution of censure reported from the Committee on Standards of Official Conduct was extended to two hours (and the chairman of the committee then yielded one-half hour to the ranking minority member of the committee, and one hour to the Member proposed to be censured).

1. 123 CONG. REC. 25653–55, 95th Cong. 1st Sess.
2. Thomas P. O'Neill, Jr. (Mass.).

During consideration of a privileged resolution reported from the Committee on Standards of Official Conduct (to censure Charles H. Wilson) on May 29, 1980,[3] the following proceedings occurred in the House:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, by direction of the Committee on Standards of Official Conduct, I call up a privileged resolution (H. Res. 660) in the matter of Representative Charles H. Wilson, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 660

Resolved,

(1) That Representative Charles H. Wilson be censured . . . .

THE SPEAKER:[4] . . . The gentleman from Florida (Mr. Bennett) is recognized for 1 hour.

MR. BENNETT: Mr. Speaker, in view of the complexities of these proceedings and the need for ample time for all parties, I ask unanimous consent that the ordinary hour that is allotted in these matters be extended for another hour. . . .

THE SPEAKER: Is there objection to the request of the gentleman from Florida?

There was no objection.

THE SPEAKER: The gentleman from Florida is recognized for 2 hours. . . .

MR. BENNETT: . . . Mr. Speaker, for purposes of debate only, I yield one-half hour to the gentleman from South Carolina (Mr. Spence), ranking minority member of the committee. For purposes of debate only I yield 1 hour to the gentleman from California (Mr. Charles H. Wilson), pending which I yield myself such time as I may consume.

3. 126 CONG. REC. 12649, 12656, 96th Cong. 2d Sess.

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

Resolutions of Disapproval —Curtailing Debate

§ 71.7 By unanimous consent, debate on resolutions disapproving reorganization plans has been limited to less than the 10 hours which was allowed under the Reorganization Act of 1949, providing for consideration of such plans.

On July 1, 1959,[5] the Committee of the Whole considered for two hours of general debate, as provided by a unanimous-consent agreement, Reorganization Plan No. 1 of 1959.

On July 19, 1961, the House agreed to a unanimous-consent request that general debate in the Committee of the Whole on House Resolution 328, disapproving Reorganization Plan No. 5 of 1961, be limited to five hours.[6] After some debate had been had on the

5. 105 CONG. REC. 12519, 86th Cong. 1st Sess.

6. 107 CONG. REC. 12905, 87th Cong. 1st Sess.

resolution, the House limited by unanimous consent further debate on the resolution to 30 minutes, to be equally divided by the Member moving the consideration of the resolution and the ranking minority member of the Committee on Government Operations.[7]

Parliamentarian's Note: The Reorganization Act of 1949, Public Law No. 81–109, provided that on a resolution disapproving a reorganization plan, there be debate "not to exceed ten hours," equally divided between those favoring and those opposing the resolution. The statute was enacted as an exercise of the rulemaking power of both Houses, with full recognition of either House to change such rules at any time.[8]

§ 71.8 The House agreed by unanimous consent that debate on certain resolutions of disapproval be fixed at a lesser number of hours than the 10 hours permitted under the procedure outlined for considering such resolutions under a public law.

On Mar. 21, 1955,[9] Mr. Carl Vinson, of Georgia, announced he would call up House Resolution 170, disapproving the disposal of certain rubber facilities. The House agreed to his unanimous-consent request on the duration of time for debate:

> MR. VINSON: Mr. Speaker, I desire to announce to the House that tomorrow I will call up a privileged resolution (H. Res. 170) relating to the disposition of the synthetic rubber facilities.
>
> Mr. Speaker, I ask unanimous consent that general debate on House Resolution 170 be fixed at 6 hours, 3 hours to be controlled by the author of the resolution, the gentleman from Texas [Mr. Patman], and 3 hours by myself as chairman of the Committee on Armed Services.

On the following day, Mar. 22, the House agreed to a unanimous-consent request for the duration of debate on House Resolution 171, a similar resolution:

> MR. VINSON: Mr. Speaker, I ask unanimous consent that general debate on House Resolution 171 be fixed at 2 hours tomorrow, 1 hour to be con-

7. *Id.* at p. 12932. See also 112 CONG. REC. 8498, 89th Cong. 2d Sess., Apr. 20, 1966; 108 CONG. REC. 8210, 87th Cong. 2d Sess., May 10, 1962; 107 CONG. REC. 10839, 87th Cong. 1st Sess., June 20, 1961; and 107 CONG. REC. 10448, 10471, 87th Cong. 1st Sess., June 15, 1961.

8. Pub. L. No. 81–109, 63 Stat. 207, §§ 201–206, June 20, 1946.

The statute also provided for not to exceed one hour on a motion to discharge a committee from further consideration of such a resolution, which time could be extended by unanimous consent (see § 68.64, supra).

9. 101 CONG. REC. 3233, 84th Cong. 1st Sess.

trolled by the author of the resolution, the gentleman from California [Mr. Doyle], and 1 hour by myself, chairman of the Committee on the Armed Services.

THE SPEAKER:[10] Is there objection to the request of the gentleman from Georgia?

There was no objection.[11]

Parliamentarian's Note: Congress had provided, in Public Law No. 83–205, a procedure for considering resolutions disposing of synthetic rubber facilities. The law provided that on such a resolution being considered on the floor there be not to exceed 10 hours of debate, equally divided between those favoring and those opposing the resolution.[12]

Bills Considered "Under the General Rules of the House"

§ 71.9 Where consideration of a bill "under the general rules of the House" has been agreed to, the bill may be called up pursuant to the agreement and then by unanimous consent considered in the House as in the Committee of the Whole.

On Apr. 1, 1969,[13] Mr. L. Mendel Rivers, of South Carolina, made a unanimous-consent request for the consideration of a bill on the Union Calendar:

Mr. Speaker, pursuant to the unanimous-consent agreement of March 27, 1969, I call up for immediate consideration the bill (H.R. 9329) [special pay for naval officers qualified for nuclear submarine duty] . . . and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

On Mar. 27, Mr. Rivers had asked unanimous consent that it be in order to consider "under the general rules of the House" on Tuesday or Wednesday of the following week the bill H.R. 9328.[14]

Parliamentarian's Note: The effect of considering a Union Calendar bill "under the general rules of the House" would have been to require general debate in Committee of the Whole with each Member seeking recognition entitled to one hour, followed by reading for amendment under the five-minute rule.

Union Calendar Bills

§ 71.10 A special rule may provide that a Union Calendar bill be considered in the

10. Sam Rayburn (Tex.).
11. 101 CONG. REC. 3437, 84th Cong. 1st Sess.
12. Pub. L. 83–205, 67 Stat. 416.
13. 115 CONG. REC. 8136, 91st Cong. 1st Sess.
14. *Id.* at p. 7895. Time under the five-minute rule in the House as in the Committee of the Whole may be extended by unanimous consent (see § 70.6, supra).

House, with more than one hour of general debate.

On Mar. 21, 1933,[15] the House adopted House Resolution 61, providing for the consideration of H.R. 3835, a bill on the Union Calendar providing agricultural relief, in the House:

> *Resolved*, That immediately upon the adoption of this resolution the House shall proceed to the consideration of H.R. 3835, and any points of order against said bill or any provisions contained therein are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 4 hours, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Agriculture, the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

Similarly, the House adopted on Apr. 22, 1933, House Resolution 111, for the consideration in the House of H.R. 5081, a bill on the Union Calendar:

> *Resolved*, That immediately upon adoption of this resolution the House shall proceed to the consideration of H.R. 5081, and all points of order against said bill shall be considered as waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 6 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, it shall be in order for the chairman of the Committee on Military Affairs by direction of that committee to offer amendments to any part of the bill. If there be no such amendments offered by the chairman of the Committee on Military Affairs, then the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.[16]

§ 71.11 Bills requiring consideration in the Committee of the Whole are considered in the *House as in the Committee of the Whole* under the five-minute rule when unanimous consent is granted for their immediate consideration, but when consent is granted for their immediate consideration in the *House*, debate is under the hour rule and amendments are only in order if the Member controlling the time yields for that purpose.

On Apr. 11, 1974,[17] Speaker Carl Albert, of Oklahoma, responded to an inquiry regarding the consideration of amendments in the House as in Committee of the Whole:

> MR. [JOHN A.] BLATNIK [of Minnesota]: Mr. Speaker, I ask unanimous

15. 77 CONG. REC. 665, 73d Cong. 1st Sess.

16. *Id.* at p. 2076.

17. 120 CONG. REC. 10769, 10770, 10771, 93d Cong. 2d Sess.

consent for the immediate consideration in the House of the Senate bill (S. 3062) the Disaster Relief Act Amendments of 1974.

The Clerk read the title of the Senate bill.

THE SPEAKER: Is there objection to the request of the gentleman from Minnesota? . . .

MR. [RICHARD W.] MALLARY [of Vermont]: Mr. Speaker, if a bill is brought up under a unanimous-consent request and considered in the House at this time, would any amendment be in order?

THE SPEAKER: The Chair will state that since the gentleman is asking that it be considered in the House, the gentleman will then have control of the time.

Omnibus Private Bills

§ 71.12 During the consideration of an omnibus private bill the Chair refused to recognize Members for unanimous-consent requests to extend the time for debate.

On July 20, 1937,[18] the House was considering bills on the Omnibus Private Calendar. Mr. Alfred F. Beiter, of New York, was speaking for five minutes in opposition to an amendment which had been offered and asked unanimous consent to address the House for an additional minute when his time expired. Speaker William B. Bankhead, of Alabama, ruled that such a request could not be made, the rule limiting each side to five minutes' debate.[19]

Impeachment Proposals

§ 71.13 The House may consider impeachment resolutions and articles of impeachment under unanimous-consent agreements fixing time for debate at a certain number of hours, to be equally divided and controlled.

On Feb. 24, 1933, Mr. Thomas D. McKeown, of Oklahoma, reported from the Committee on the Judiciary a report recommending against the impeachment of Judge Louderback (the minority of the committee were prepared to offer a substitute for the resolution in order to impeach and adopt articles). The House agreed to consider the resolution pursuant to the following unanimous-consent request:

Debate to be limited to two hours, to be controlled by the gentleman from Oklahoma [Mr. McKeown], that at the end of that time the previous question shall be considered as ordered, with

18. 81 CONG. REC. 7293–95, 75th Cong. 1st Sess.

19. For the rule on consideration of omnibus private bills, see Rule XXIV clause 6 and comments thereto, *House Rules and Manual* §§ 893–895 (1995).

the privilege, however, of a substitute resolution being offered . . . .[20]

On Mar. 2, 1936, Mr. Hatton W. Sumners, of Texas, called up at the direction of the Committee on the Judiciary a resolution and articles of impeachment against Judge Ritter. The House agreed to the following unanimous-consent request for debate thereon:

> The gentleman from Texas [Mr. Sumners] asks unanimous consent that debate on this resolution be continued for 4½ hours, 2½ hours to be controlled by himself and 2 hours by the gentleman from New York [Mr. Hancock]; and at the expiration of the time the previous question shall be considered as ordered. . . .[1]

Motions To Suspend Rules

§ 71.14 Although the 20 minutes of debate allowed on each side of a motion to suspend the rules may be extended by unanimous consent, the Chair does not normally entertain such a request.[2]

On Mar. 3, 1960,[3] the House agreed to a unanimous-consent request to extend debate on a motion to suspend the rules to one hour and 20 minutes.

On July 23, 1956,[4] the House was conducting debate on a motion to suspend the rules and pass a bill. When time had expired, Speaker Sam Rayburn, of Texas, stated that he would object to a unanimous-consent request that time on the motion be extended:

> MR. [WILLIAM M.] MCCULLOCH [of Ohio]: Mr. Speaker, I should like to renew the request of the gentleman from New York previously made to extend time of debate on this important matter for 20 minutes, 10 minutes on each side. I think it is very important that we have that additional time for debate.
>
> I ask unanimous consent that time be extended to 20 minutes for debate on this bill.
>
> MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, I join in that request.
>
> THE SPEAKER: The Chair does not join in that request, because the gentleman from Texas [Mr. Rayburn] is going to object, if nobody else does.
>
> MR. [USHER L.] BURDICK [of North Dakota]: I object, Mr. Speaker.
>
> THE SPEAKER: According to the rules of the House, 20 minutes of debate are permitted on each side.

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20. 76 CONG. REC. 4913–25, 72d Cong. 2d Sess. The House adopted the substitute, offered by Mr. Fiorello H. LaGuardia (N.Y.), and impeached Judge Louderback.

1. 80 CONG. REC. 3069, 74th Cong. 2d Sess.

2. 75 CONG. REC. 3949, 72d Cong. 1st Sess., Feb. 15, 1932; and 72 CONG. REC. 765, 71st Cong. 2d Sess., Dec. 16, 1929.

3. 106 CONG. REC. 4388, 4389, 86th Cong. 2d Sess.

4. 102 CONG. REC. 14075, 84th Cong. 2d Sess.

§ 71.15 The House, under a motion to suspend the rules, passed a resolution extending the time for debate to four hours on a motion to suspend the rules and fixing control of debate on such motion.

On Sept. 20, 1943,[5] Mr. John W. McCormack, of Massachusetts, moved to suspend the rules and pass House Resolution 302, which was agreed to by the House:

> *Resolved,* That the time for debate on a motion to suspend the rules and pass House Concurrent Resolution 25 shall be extended to 4 hours, such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs; and said motion to suspend the rules shall be the continuing order of business of the House until finally disposed of.

Parliamentarian's Note: House Concurrent Resolution 25, reported by the Committee on Foreign Affairs, related to participation in world peace.

§ 71.16 A demand for a second on a motion to suspend the rules (under the rule in effect before 1991) was inapplicable where the House had previously adopted a resolution fixing control of debate on such motion and requiring uninterrupted consideration of such motion.

On Sept. 20, 1943,[6] the House passed a motion to suspend the rules and pass House Resolution 302, which provided four hours of debate, to be equally divided and controlled by two Members, on a motion to suspend the rules and pass a concurrent resolution and which provided that said motion to suspend the rules "shall be the continuing order of business of the House until finally disposed of."

Following the adoption of the motion, Speaker Sam Rayburn, of Texas, recognized Mr. Sol Bloom, of New York, to move to suspend the rules and pass the concurrent resolution. Mr. Charles A. Eaton, of New Jersey, demanded a second on the motion and the Speaker indicated that the procedure under which the motion to suspend was being considered did not contemplate the demanding of a second:

> MR. EATON: Mr. Speaker, I demand a second.
>
> MR. BLOOM: Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.
>
> MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.

5. 89 CONG. REC. 7646, 78th Cong. 1st Sess.

6. 89 CONG. REC. 5655, 78th Cong. 1st Sess.

THE SPEAKER: The gentleman will state it.

MR. HOFFMAN: May a second be demanded by one who is not opposed to the resolution?

THE SPEAKER: That was practically cured by the resolution just passed, which provides that the time shall be in control of the gentleman from New York [Mr. Bloom] and the gentleman from New Jersey [Mr. Eaton]. The formality was gone through.

Parliamentarian's Note: Normally the Member demanding a second on a motion to suspend the rules was entitled to recognition for the 20 minutes of debate in opposition to the motion. Here, the time for debate on the motion had been extended and placed in the control of two specified Members. Furthermore, H. Res. 302 made the question of consideration (by way of a second) inapplicable, by making the motion to suspend the rules a "continuing order of business until finally disposed of."

Motions To Discharge Committee

§ 71.17 On a motion to discharge a committee, debate is limited to 20 minutes, and the Speaker does not recognize unanimous-consent requests to extend the time.

On Aug. 14, 1950,[7] Mr. George P. Miller, of California, called up a petition to discharge the Committee on Rules from further consideration of House Resolution 667, providing for the consideration of H.R. 8195, a bill to rescind an order of the Postmaster General. Speaker Sam Rayburn, of Texas, stated that he would recognize Mr. Miller for 10 minutes on the motion and Edward E. Cox, of Georgia, the Chairman of the Committee on Rules, for 10 minutes in opposition to the motion. Mr. Joseph W. Martin, Jr., of Massachusetts, inquired how the minority could gain some time for debate on the motion, and the Speaker stated that allocation of the 20 minutes was in the discretion of Mr. Miller and Mr. Cox.

Mr. Martin then asked unanimous consent that the minority be given one hour on the motion. The Speaker stated that under the rules he could not entertain the request.

Conference Reports

§ 71.18 A special rule may provide that there be more than one hour of debate, in the House, on a conference report.

On Feb. 8, 1938,[8] the House adopted House Resolution 416,

7. 96 CONG. REC. 12441, 12442, 81st Cong. 2d Sess.

8. 83 CONG. REC. 1645, 75th Cong. 3d Sess.

providing for four hours of debate on a conference report (normally considered under the hour rule):

> *Resolved*, That immediately upon the adoption of this resolution the House shall proceed to the consideration of the conference report on the bill H.R. 8505, an act to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, and for other purposes; that all points of order against said conference report are hereby waived; and that after debate on said conference report, which may continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the previous question shall be considered as ordered on agreeing to the conference report.

§ 71.19 Debate on a conference report was, by unanimous consent, extended to two hours.

On Dec. 19, 1969,[9] Mr. Wilbur D. Mills, of Arkansas, asked unanimous consent that when the conference report on H.R. 13270, the Tax Reform Act of 1969, was called up, there be an additional hour—a total of two hours—to consider the conference report. There was no objection to the request.[10]

9. 115 CONG. REC. 40217, 91st Cong. 1st Sess.

10. See also 102 CONG. REC. 5970, 84th Cong. 2d Sess., Apr. 9, 1956.

Special-order Speeches

§ 71.20 Where a Member has used an hour for a special-order speech, he is not permitted, even by unanimous consent, to secure additional time.

On June 11, 1969,[11] Mrs. Edith S. Green, of Oregon, had consumed an hour for a special-order speech. She requested additional time and Speaker Pro Tempore Ken Hechler, of West Virginia, declined to recognize her for that purpose:

> THE SPEAKER PRO TEMPORE: The time of the gentlewoman has expired.
>
> MRS. GREEN of Oregon: Mr. Speaker is it in order for me to ask unanimous consent that I may continue for an additional 10 minutes?
>
> THE SPEAKER PRO TEMPORE: The Chair will advise the gentlewoman that under clause 2, rule 14, such a request cannot be entertained. However, the Chair can recognize other Members who wish to request a special order.[12]

Termination of Debate Prior to Fixed Time

§ 71.21 Where the House by unanimous consent fixed the

11. 115 CONG. REC. 15440, 91st Cong. 1st Sess.

12. The Speaker also declines to recognize for unanimous-consent requests for additional time on one-minute speeches (see § 73.10, infra).

time and control of debate and ordered the previous question at the conclusion of said debate, the Speaker ruled that it was not necessary for the Members in charge to use or yield the full time agreed upon.

On Mar. 11, 1941,[13] the House was considering House Resolution 131 under the terms of a unanimous-consent request providing two hours of debate and dividing control of debate between Mr. Sol Bloom, of New York, and Mr. Hamilton Fish, Jr., of New York, and providing that at the conclusion of said debate the previous question be considered as ordered. Mr. Bloom asked for a vote on the resolution when he and Mr. Fish had used or yielded all the time they desired, and Mr. Martin J. Kennedy, of New York, objected on the ground that the unanimous-consent agreement was not being complied with since all the time provided had not been consumed. Speaker Sam Rayburn, of Texas, ruled as follows:

> THE SPEAKER: The unanimous-consent request agreed to yesterday left control of the time in the hands of the gentleman from New York [Mr. Bloom] and the gentleman from New York [Mr. Fish]. At any time those gentlemen do not desire to yield further time, compliance with the request has been had.

Effect of Ordering of Previous Question

§ 71.22 The House by unanimous consent vacated the ordering of the previous question in order to permit further debate.

On Aug. 26, 1960,[14] the House was considering Senate amendments reported from conference in disagreement on H.R. 12619, making appropriations for the mutual security program. Mr. Silvio O. Conte, of Massachusetts, arose to object to a motion to concur with an amendment to a Senate amendment, but Mr. Otto E. Passman, of Louisiana, moved the previous question on the motion (without debate), which was ordered without objection. Speaker Sam Rayburn, of Texas, advised Mr. Conte that no further debate was in order.

A call of the House was ordered, and the House then agreed to a unanimous-consent request by Mr. Passman that "the action of the House by which the previous question was ordered be vacated," in order to permit debate on the motion.

13. 87 CONG. REC. 2177, 2178, 77th Cong. 1st Sess.

14. 106 CONG. REC. 17869, 17870, 86th Cong. 2d Sess.

§ 71.23 The previous question having been ordered on a motion to send a bill to conference under Rule XX clause 1, further debate may be had on the motion only by unanimous consent.

On July 9, 1970,[15] Mr. Thomas E. Morgan, of Pennsylvania, moved to take H.R. 15628 from the Speaker's table with the Senate amendments thereto, disagree to the Senate amendments, and agree to a conference. Speaker John W. McCormack, of Massachusetts, recognized Mr. Morgan for one hour and Mr. Morgan immediately moved the previous question, which was ordered by the House on a recorded vote.

Mr. Morgan then propounded a unanimous-consent request for debate on the motion notwithstanding the fact that the previous question had been ordered, but the request was objected to:

> MR. MORGAN: Mr. Speaker, notwithstanding the fact that the previous question has been ordered on my motion to go to conference, I ask unanimous consent that there now be 1 hour of debate, one-half to be controlled by myself and one-half by the gentleman from Michigan (Mr. Riegle) who has announced that he will propose a motion to instruct the conferees.
>
> THE SPEAKER: Is there objection to the request of the gentleman from Pennsylvania?
>
> MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object.
>
> THE SPEAKER: The question is on the motion offered by the gentleman from Pennsylvania (Mr. Morgan).
>
> The motion was agreed to.

§ 71.24 Further debate on a measure on which the previous question has been ordered and the yeas and nays ordered on final passage may be had only by unanimous consent.

During consideration of House Joint Resolution 341 (waiver of law pursuant to Alaska Natural Gas Transportation Act) in the House on Dec. 8, 1981,[16] the following proceedings occurred:

> Accordingly the Committee rose; and the Speaker, having resumed the Chair, Mr. Fuqua, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 341) providing for a waiver of law pursuant to the Alaskan Natural Gas Transportation Act, had directed him to report the joint resolution back to the House, with the recommendation that the joint resolution do pass.
>
> THE SPEAKER:[17] Without objection, the previous question is ordered.
>
> There was no objection.
>
> THE SPEAKER: The question is on the engrossment and third reading of the joint resolution.

15. 116 CONG. REC. 23524, 91st Cong. 2d Sess.

16. 127 CONG. REC. 30003, 97th Cong. 1st Sess.

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

The joint resolution was ordered to be engrossed and read a third time, and was read a third time.

THE SPEAKER: The question is on the passage of the joint resolution. . . .

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

MR. [TOM] CORCORAN [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

THE SPEAKER: Pursuant to clause 5 of rule I, further proceedings on this question will be postponed.

The vote will be taken tomorrow, Wednesday, December 9, 1981.

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Speaker, I ask unanimous consent that when this is considered tomorrow, there be 10 minutes allotted for debate immediately prior to the vote, 5 minutes to be allotted to the proponents and 5 minutes allotted to the opponents.

My reason for doing this is that there was no opportunity for Members who may be voting tomorrow, who are not here, to hear the principal arguments, and I think, in fairness, at least 5 minutes on each side ought to be allotted.

MR. [EUGENE] JOHNSTON [of North Carolina]: Mr. Chairman, I object.

THE SPEAKER: Objection is heard.

§ 71.25 The House having voted to reconsider a motion on which the previous question had been ordered when first voted upon, debate on the motion is in order by unanimous consent only.

During consideration of House Resolution 660 (in the matter of Representative Charles H. Wilson) in the House on May 29, 1980,[18] the following proceedings occurred:

MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Speaker, I was in the House when the previous speaker . . . evidently brought in material which was not in the record before the committee, which in my judgment means there has been surprise to the defense in this case in the fact that the gentleman brought up evidence, which is a document from the State of California. . . .

I would ask the Chair, is there any procedure where I can make a motion, so that we can handle this in a fair and expeditious manner and give him the opportunity to respond to that and to get the evidence from California? . . .

THE SPEAKER:[19] The only motion available that the Chair would know of, unless the gentleman from Florida would yield, would be the motion for reconsideration, if the gentleman voted on the prevailing side of the motion of the gentleman from California (Mr. Rousselot). That was a motion to postpone to a day certain, which was defeated.

MR. ERTEL: . . . Mr. Speaker, I move to reconsider the vote to postpone. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry. . . .

18. 126 CONG. REC. 12663–65, 96th Cong. 2d Sess.

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

Mr. Speaker, does a motion to reconsider admit of debate?

THE SPEAKER: There is no debate on this reconsideration motion, since the previous question was ordered on the motion to postpone. . . .

The Clerk read as follows:

Mr. Ertel moves that the House reconsider the vote on the motion to postpone to a day certain. . . .

THE SPEAKER: The question is on the motion offered by Mr. Ertel to reconsider the vote on the motion offered by Mr. Rousselot to postpone consideration. . . .

So the motion to reconsider the vote on the motion to postpone was agreed to. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from California (Mr. Rousselot) to postpone to June 10.

MR. [WYCHE] FOWLER [Jr., of Georgia]: Mr. Speaker, I would like to ask unanimous consent from this body for 10 minutes, to be equally divided between the opposition and the majority party, to debate the motion now before us by the gentleman from California (Mr. Rousselot). . . .

THE SPEAKER: Is there objection to the 10 minutes' debate?

The Chair hears none.

The gentleman from California (Mr. Rousselot) is recognized for 5 minutes, and the gentleman from Georgia (Mr. Fowler) is recognized for 5 minutes.

Parliamentarian's Note: The above precedent represents the modern practice. Earlier precedents [20] supported the view that "when a vote taken under the operation of the previous question is reconsidered, the main question stands divested of the previous question, and may be debated and amended without reconsideration of the motion for the previous question." In current practice, separate reconsideration of the motion for the previous question would be required for debate and amendment.

Conference Reports

§ 71.26 Following the adoption of a conference report without debate, the House agreed, by unanimous consent, to permit 40 minutes' debate to appear in the Record preceding the adoption of the report.

On May 22, 1968,[1] Mr. Wright Patman, of Texas, called up the conference report on S. 5, the Consumer Credit Protection Act, and asked unanimous-consent that the statement of the managers be read in lieu of the report and that reading of the statement be dispensed with. There being no objection, and Mr. Patman not seeking recognition for debate, Speaker John W. McCormack, of Massachusetts, stated that the question

20. See 5 Hinds' Precedents §§ 5491, 5492.

1. 114 CONG. REC. 14405, 90th Cong. 2d Sess.

was on the conference report, and the report was agreed to without debate.

Mr. Patman thereafter asked unanimous consent to vacate the proceedings by which the report was adopted, there having been no debate; the request was objected to. The House then agreed to a unanimous-consent request by Mr. Carl Albert, of Oklahoma:

> Mr. Speaker, I ask unanimous consent that 40 minutes of debate may be had on this matter, to be equally divided between the gentleman from Texas and the gentleman from New Jersey, and that it appear in the Record prior to the adoption of the conference report.

The Speaker then stated, in response to parliamentary inquiries, that the agreement to permit discussion, the conference report having been agreed to, did not reopen the report to permit the making of motions thereon, such as the motion to recommit, the adoption of which would alter the prior action of the House in agreeing to the report.

§ 71.27 While debate on a conference report is limited to one hour[2] to be equally divided between majority and minority parties,[3] the House may, by unanimous consent, either extend that time or permit debate by "special order" on the conference report prior to actual consideration thereof; thus, on one occasion, by unanimous consent, two Members, the chairman and ranking minority member of the House conferees, were permitted "special orders" of one hour each to debate a conference report following adoption of a resolution making in order the consideration of the report but prior to actual consideration of the report.

On Mar. 26, 1975,[4] the following proceedings occurred in the House relative to consideration of the conference report on H.R. 2166, the Tax Reduction Act of 1975:

> MR. [SPARK M.] MATSUNAGA [of Hawaii]: Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. Ullman).
>
> CONFERENCE REPORT ON H.R. 2166, TAX REDUCTION ACT OF 1975
>
> Mr. [Al] Ullman [of Oregon] submitted the following conference report and statement on the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 . . . to increase the investment credit and the surtax exemption, and for other purposes:

2. See Rule XIV clause 2, *House Rules and Manual* § 758 (1995).

3. See Rule XXVIII clause 2, *House Rules and Manual* § 912a (1995).

4. 121 CONG. REC. 8899, 8900, 8916, 94th Cong. 1st Sess.

CONFERENCE REPORT (H. REPT. 94–120)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 . . . having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Reduction Act of 1975". . . .

MR. ULLMAN: Mr. Speaker, I ask unanimous consent that upon the adoption of the rule I be granted a 60-minute special order.

THE SPEAKER:[5] Is there objection to the request of the gentleman from Oregon?

MR. [ROBERT E.] BAUMAN [of Maryland]: Reserving the right to object, Mr. Speaker, we have in the rules of the House an adequate rule for the consideration of conference reports . . . . I have no way of knowing, nor does any Member in this Chamber know, who will control the time during a special order, except the gentleman from Oregon, whether questions, once raised, will be answered, or whether or not debate will deteriorate into partisan debate.

THE SPEAKER: The gentleman is very effectively but improperly stating the rules. The minority has 30 minutes and the majority has 30 minutes on the conference report.

MR. BAUMAN: I am talking about the lack of protection contained in the request for the 1-hour special order that was just made by the gentleman from Oregon.

THE SPEAKER: Any Member of the House may make a request for a special order.

MR. BAUMAN: I withdraw my reservation of objection.

MR. [HERMAN T.] SCHNEEBELI [of Pennsylvania]: Mr. Speaker, further reserving the right to object, I also ask for a 60-minute special order following that of the gentleman from Oregon (Mr. Ullman).

THE SPEAKER: Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

§ 72. Closing Debate; Senate Cloture

In the House, secondary motions—to lay on the table or for the previous question—can be used to cut off debate.[6] Debate can, of course, be limited or closed by unanimous consent. When the House is operating "as in the Committee of the Whole," both the motion for the previous question and the motion to limit debate can be utilized.

In contrast to the House, where the hour rule limits debate, Mem-

5. Carl Albert (Okla.).

6. See §§ 72.1 et seq., infra, for the previous question and its effect.

bers of the Senate may retain the floor for indefinite periods of time, unless the Senate limits debate either by unanimous consent or by invoking cloture.[7] Thus, a Senator may retain the floor for extremely long periods of time, engaging in a "filibuster" to prevent Senate action on a measure.[8] On June 12 and 13, 1935, Senator Huey Long, of Louisiana, in a remarkable demonstration of physical endurance, set a new record in the Senate when he spoke continuously for 15½ hours in favor of the Gore amendment to the proposed extension of the National Industrial Recovery Act. But the amendment was finally tabled. Again, in 1953, a prolonged debate took place on the so-called tidelands offshore oil bill. It began Apr. 1 and ended May 5. The debate lasted for 35 days, one of the longest on record. During this debate Senator Wayne Morse, of Oregon, established a new record for the longest single speech. On Apr. 24 and 25 he spoke for 22 hours and 26 minutes.[9]

Cross References

Closing debate in the Committee of the Whole, see §§ 76 (general debate) and 78 (five-minute debate), infra.

Closing and opening debate generally, see § 7, supra.

Motions which close debate, see Ch. 23, supra (previous question, lay on the table).

Order of recognition determines who may close debate, see §§ 12 et seq., supra.

Question of consideration to close debate, see § 5, supra.

Role of manager and management by reporting committee in closing debate, see §§ 24, 26, supra.

Previous Question; Used Before Adoption of Rules

§ 72.1 The Member controlling debate on a proposition in the House may move the previous question and cut off further debate.

On Jan. 4, 1965,[10] at the convening of the 89th Congress and before the adoption of the rules, Mr. Carl Albert, of Oklahoma, offered a resolution and after some debate moved the previous question:

> MR. ALBERT: Mr. Speaker, I offer a resolution (H. Res. 2) and ask for its immediate consideration.
>
> The Clerk read as follows:
>
> H. RES. 2
>
> *Resolved*, That the Speaker is hereby authorized and directed to administer the oath of office to the

7. See Riddick/Frumin, *Senate Procedure*, S. Doc. No. 101–28, 101st Cong. 2d Sess. (1992).

8. See 8 Cannon's Precedents § 2866.

9. See 103 CONG. REC. 173, 174, 85th Cong. 1st Sess., Jan. 4, 1957.

10. 111 CONG. REC. 20, 89th Cong. 1st Sess.

gentleman from New York, Mr. Richard L. Ottinger.

MR. ALBERT: Mr. Speaker, again this is a resolution involving a Member whose certificate of election in due form is on file in the Office of the Clerk. I ask for the adoption of the resolution.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. ALBERT: I yield for a parliamentary inquiry.

MR. CLEVELAND: If this resolution is adopted, will it be impossible for me to offer my own resolution pertaining to the same subject matter, either as an amendment or a substitute?

THE SPEAKER: If the resolution is agreed to, it will not be in order for the gentleman to offer a substitute resolution or an amendment, particularly if the previous question is ordered.

MR. CLEVELAND: Is it now in order, Mr. Speaker?

THE SPEAKER: Not unless the gentleman from Oklahoma yields to the gentleman for that purpose. . . .

MR. CLEVELAND: Will the gentleman from Oklahoma yield for that purpose?

MR. ALBERT: Mr. Speaker, I yield for a question and a very brief statement. I do not yield for a speech.

MR. CLEVELAND: May I inquire if the gentleman will yield so that I may ask for unanimous consent that certain remarks of mine pertaining to this matter be incorporated in the Record?

MR. ALBERT: No, Mr. Speaker, I move the previous question.

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

THE SPEAKER: Does the gentleman from Oklahoma yield to the gentleman from Mississippi for the purpose of submitting a parliamentary inquiry?

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

THE SPEAKER: The question is on the motion.

The previous question was ordered.

The resolution was agreed to.[11]

Moving the Previous Question

§ 72.2 The motion for the previous question is not debatable.

On Jan. 3, 1949,[12] at the convening of the 81st Congress, the House was considering House Resolution 5, amending the rules of the House. Mr. Adolph J. Sabath, of Illinois, who had offered the resolution, moved the previous question. Mr. John E. Rankin, of Mississippi, sought recognition to offer an amendment in the nature of a substitute and objected that he had a "right to be heard." Speaker Sam Rayburn, of Texas, held that the previous question was not debatable.

On Sept. 13, 1965,[13] Mr. Carl Albert, of Oklahoma, moved that

11. 87 CONG. REC. 2177, 2178, 77th Cong. 1st Sess.

12. 95 CONG. REC. 10, 81st Cong. 1st Sess.

13. 111 CONG. REC. 23601, 89th Cong. 1st Sess.

the Journal be approved as read and moved the previous question on the motion. Mr. Durward G. Hall, of Missouri, stated a parliamentary inquiry:

> Is not debate in order on this motion inasmuch as under [the House rules] there has been no debate on ordering the previous question?
>
> THE SPEAKER:[14] The Chair will state that the motion on the previous question is not debatable. The question is on ordering the previous question on the motion to approve the Journal.[15]

Parliamentarian's Note: Mr. Hall's reference was to clause 3 (now clause 2) of Rule XXVII, providing 40 minutes' debate after the previous question has been ordered, if the proposition on which the motion has been made is debatable but has not been debated.[16]

14. John W. McCormack (Mass.).

15. See Rule XVI clause 4, *House Rules and Manual* § 782 (1995): "When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate)."

16. See Rule XXVII clause 2, *House Rules and Manual* § 907 (1995).

The debate comes after and not before the previous question itself is ordered, the motion itself not being debatable. See 111 CONG. REC. 23602–06, 89th Cong. 1st Sess., where Speaker McCormack held, after the previous question was ordered, that Mr. Hall then had the right to demand 40 minutes' debate.

Use of Previous Question Where Debate Limited by Unanimous Consent

§ 72.3 Where the House by unanimous consent fixed the time and control of debate, it was held that the Members in control were not required to consume or to yield all the time provided for.

On Mar. 11, 1941,[17] the House was considering House Resolution 131 under the terms of a unanimous-consent agreement providing two hours of debate and dividing control of debate between Mr. Sol Bloom, of New York, and Mr. Hamilton Fish, Jr., of New York, and providing that the previous question be considered as ordered at the conclusion of debate. Mr. Bloom asked for a vote prior to the expiration of the two hours' time, and Mr. Martin J. Kennedy, of New York, objected on the ground that the unanimous-consent agreement was not being complied with in that the previous question had been demanded prematurely. Speaker Sam Rayburn, of Texas, ruled that the Members in control were not required to consume or to yield all the time provided.

17. 87 CONG. REC. 2177, 2178, 77th Cong. 1st Sess.

Vacating the Previous Question

§ 72.4 The House by unanimous consent vacated the ordering of the previous question in order to permit further debate.

On Aug. 26, 1960,[18] the House was considering Senate amendments reported from conference in disagreement on H.R. 12619, making appropriations for the mutual security program. Mr. Silvio O. Conte, of Massachusetts, arose to object to a motion to concur with an amendment in a Senate amendment, and Mr. Otto E. Passman, of Louisiana, moved the previous question on the motion, which was ordered without objection. Speaker Sam Rayburn, of Texas, advised Mr. Conte that no further debate was in order.

A call of the House was ordered, and the House then agreed to a unanimous-consent request by Mr. Passman that "the action of the House by which the previous question was ordered be vacated." Mr. Passman then yielded two minutes of debate to Mr. Conte.

On Oct. 3, 1989,[19] the House had under consideration a motion to dispose of an amendment in disagreement. Time for debate on the motion was divided equally among the majority and minority managers (both of whom supported the motion), and a Member opposed.[20]

> MR. [SIDNEY R.] YATES [of Illinois]: Madam Speaker, I offer a motion.
>
> The Clerk read as follows:
>
> > Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 153 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That—
> >
> > A. None of the funds authorized to be appropriated for the National Endowment for the Arts or the National Endowment for the Humanities may be used to promote . . . materials which in the judgment of the National Endowment for the Arts or the National Endowment for the Humanities may be considered obscene. . . ."
>
> MR. [DANA] ROHRABACHER [of California]: Madam Speaker, I would ask to be recognized in opposition to the motion for 20 minutes.
>
> THE SPEAKER PRO TEMPORE:[1] The Chair will inquire is the gentleman from Ohio [Mr. Regula] opposed to the motion?
>
> MR. [RALPH] REGULA [of Ohio]: No, I am not, Madam Speaker.

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18. 106 CONG. REC. 17869, 17870, 86th Cong. 2d Sess.

19. 135 CONG. REC. 22835, 22836, 22842, 101st Cong. 1st Sess. (Proceedings relating to H.R. 2788, Interior and Related Agencies Appropriations for 1990.)

20. For discussion of so allocating debate time, see § 26, supra.

1. Patricia Schroeder (Colo.).

THE SPEAKER PRO TEMPORE: Then the gentleman from California [Mr. Rohrabacher], who is opposed to the motion, would be entitled to 20 minutes.

The gentleman from Ohio [Mr. Regula], then, would have 20 minutes, the gentleman from California [Mr. Rohrabacher] would have 20 minutes, and the gentleman from Illinois [Mr. Yates] would have 20 minutes on the motion offered by the gentleman from Illinois [Mr. Yates]. . . .

MR. YATES: . . . Madam Speaker, I move the previous question.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois moves the previous question on this motion. Without objection, the previous question is ordered.

All those in favor of the gentleman's motion will say "aye," those opposed say "no." The gentleman's amendment is hereby agreed to.

The Clerk will designate the next amendment in disagreement. . . .

MR. ROHRABACHER: Madam Speaker, I have a parliamentary inquiry. . . .

Did I not have 1 minute of debate left?

MR. YATES: Madam Speaker, the gentleman was on his feet and he knew that the Chair proposed the question. He made no effort to ask for any kind of a rollcall. . . .

THE SPEAKER PRO TEMPORE: The gentleman's motion for the previous question was not in order unless the gentleman from California yielded back his time. . . .

MR. YATES: I misunderstood the gentleman. I thought the gentleman had used up his time. I am sorry if I cut the gentleman off. I did not mean to do that. I have no reason to do that. . . .

MR. ROHRABACHER: . . . I would just like 1 minute's worth of time.

THE SPEAKER PRO TEMPORE: The gentleman from California is recognized for 1 minute and the previous action of the House in disposing of the motion is vacated.

Effect of Motion To Table

§ 72.5 The adoption of the nondebatable motion to lay a resolution on the table results in the final adverse disposition of the resolution and closes further debate.

On Dec. 14, 1970,[2] the previous question was moved on House Resolution 1306, asserting the privileges of the House in printing and publishing a report of the Committee on Internal Security. Mr. Louis Stokes, of Ohio, then offered the preferential motion to lay the resolution on the table. Speaker John W. McCormack, of Massachusetts, responded as follows to a parliamentary inquiry:

MR. [ALBERT W.] WATSON [of South Carolina]: Mr. Speaker, if the motion to table prevails, there can be no further consideration at all of this matter. Is that not correct? Does it not apply the clincher?

THE SPEAKER: If the motion to table is agreed to, then the resolution is tabled.

---

2. 116 CONG. REC. 41372, 91st Cong. 2d Sess.

MR. WATSON: Then that ends it. All right.

Parliamentarian's Note: The motion to lay on the table takes precedence over the previous question and may be used to close all debate and adversely dispose of a proposition.[3]

Effect of Special Rule

§ 72.6 When the Chairman of the Committee of the Whole reports a bill to the House pursuant to a resolution providing that the previous question shall be considered as ordered, further debate in the House is thereby precluded.

On Aug. 31, 1960,[4] there being no amendments to S. 2917 being considered in the Committee of the Whole, the Committee rose and the bill was reported back to the House. Pursuant to the resolution under which the bill was being considered, Speaker Sam Rayburn, of Texas, stated that the previous question was ordered. In response to a parliamentary inquiry by Mr. H. Carl Andersen, of Minnesota, the Speaker stated that the previous question having been ordered by the resolution, no further debate or amendments were in order.

Parliamentarian's Note: Resolutions reported from the Committee on Rules, providing for the consideration of a bill in Committee of the Whole, typically provide that the previous question is ordered to final passage without intervening motion except one motion to recommit, when the Committee rises.

Closing Debate in House as in Committee of the Whole

§ 72.7 Debate in the House as in the Committee of the Whole may be closed by ordering the previous question.

On July 28, 1969,[5] H.R. 9553, amending the District of Columbia Minimum Wage Act, was being considered under the five-minute rule in the House as in the Committee of the Whole. Mr. John Dowdy, of Texas, moved the previous question on the bill to final passage and Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry on the effect of that motion:

MR. [PHILLIP] BURTON of California: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

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3. See Rule XVI clause 4, *House Rules and Manual* § 782 (1995); and Ch. 23, supra.

4. 106 CONG. REC. 18748, 86th Cong. 2d Sess.

5. 115 CONG. REC. 20855, 91st Cong. 1st Sess.

MR. BURTON of California: Mr. Speaker, is the motion before us to close debate or will there be a vote subsequent to the pending motion so that those of us who want a rollcall on this matter can obtain a rollcall vote.

THE SPEAKER: The pending question is on ordering the previous question.

MR. BURTON of California: This is to close debate and not on the passage of the matter? Will this be our last opportunity to receive a rollcall on this matter?

THE SPEAKER: The Chair will state that the question on the passage of the bill will come later, if the previous question is ordered.

§ 72.8 In the House as in the Committee of the Whole, a motion to close debate on an amendment is in order.

On June 26, 1973,[6] Mr. George H. Mahon, of Texas, called up House Joint Resolution 636, making continuing appropriations for fiscal 1974 and asked unanimous consent that the resolution be considered in the House as in the Committee of the Whole, to which request the House agreed.

During debate on the resolution under the five-minute rule, Mr. Mahon moved "that all debate on the pending amendment and amendments thereto close in 20 minutes." Speaker Carl Albert, of Oklahoma, put the question on the motion and it was agreed to by a recorded vote.

Parliamentarian's Note: Although it was formerly the practice to read bills considered in the House as in the Committee of the Whole by sections for amendment, such bills are now considered as read and open for amendment at any point. Debate may be closed by ordering the previous question.[7]

On Jan. 22, 1930,[8] the House was considering under the five-minute rule in the House as in the Committee of the Whole a section of a bill for amendment. Mr. George S. Graham, of Pennsylvania, moved that all debate on the pending section and amendments thereto close in 10 minutes. Speaker Nicholas Longworth, of Ohio, put the question on the motion and it was agreed to.

§ 73. One-minute, Special-order Speeches, and Morning Hour

The one-minute speech and the special-order speech are two

6. 119 CONG. REC. 21305–07, 21314, 21315, 93d Cong. 1st Sess.

7. See 116 CONG. REC. 28050, 91st Cong. 2d Sess., Aug. 10, 1970, for the current practice; and 8 Cannon's Precedents §§ 2433, 2434, for earlier practice as to reading bills for amendment in the House as in the Committee of the Whole.

8. 72 CONG. REC. 2144, 71st Cong. 2d Sess.

methods whereby a Member by unanimous consent may debate a subject on the floor, after or before the legislative business of the day. Neither procedure is specifically provided for in the standing rules other than the prohibition in clause 6 of Rule XV against points of no quorum during special-order speeches, but their use is permitted by long-standing custom of the House.[9]

The one-minute speech is entertained by unanimous consent after the approval of the Journal but before legislative business.[10] Such speeches are—both by tradition and the Speaker's recognition policy—limited to one minute, although the Speaker may in his discretion and by unanimous consent entertain a request for a longer one; but a Member may deliver only one such speech.[11] Recognition for such speeches is entirely in the discretion of the Speaker, who may forego the procedure.[12]

Special orders are requested, either in advance or on the day in question, to address the House on a certain day at the conclusion of all legislative business.[13] Such speeches may not exceed one hour, even by unanimous consent.[14]

While the House customarily does not consider legislation after the Speaker has begun to recognize Members for special-order speeches, there is no House rule prohibiting consideration of legislative business at any time the House is in session; thus, for example, the Speaker has recognized a Member between special-order speeches to request consideration of a House concurrent resolution by unanimous consent.[15] The Speaker may announce that

9. For an occasion where the Speaker discussed the use and practice of the one-minute speech with Members, see § 73.1, infra.

10. See § 73.6, infra, for the Speaker's power to recognize for one-minute speeches after the closing of legislative business.

A Member recognized for a one-minute speech may not yield to another to make a motion (see § 30.30, supra) or ask for the unanimous-consent consideration of a bill (see § 10.13, supra).

11. See §§ 73.9, 73.10, infra.

For an occasion where the Speaker entertained a request for a five-minute speech, to avoid a question of personal privilege, see § 73.11, infra.

Where no legislative business is scheduled for the day, Members may be recognized for longer than one minute, see § 73.3, infra.

12. See §§ 73.3–73.6, infra. All unanimous-consent requests are entertained in the discretion of the Chair (see § 10, supra.)

13. See §§ 73.12 et seq., infra.

14. See § 73.15, infra.

15. See § 18.25, supra.

he will recognize for special-order speeches but that the House "may return to legislative business."

Beginning in the second session of the 103d Congress, the House by unanimous consent agreed (without prejudice to the Speaker's ultimate power of recognition) to convene 90 minutes early on Mondays and Tuesdays for morning-hour debate.[16] On May 12, 1995,[17] the House extended and modified this order, changing morning-hour debates on Tuesdays after May 14 of each year in the following manner: (1) the House convenes one hour early (rather than 90 minutes); (2) time for debate is limited to 25 minutes for each party; and (3) in no event is morning-hour debate to continue beyond 10 minutes before the House is to convene.

Also in the 103d Congress,[18] the House agreed by unanimous consent to conduct, at a time designated by the Speaker, "Oxford-style" debates: structured debate on a mutually agreeable topic announced by the Speaker, with four participants from each party in a format announced by the Speaker.

Cross References

The *Congressional Record* in relation to speeches and extensions of remarks, see Ch. 5, supra.

The order of business generally, see Ch. 21, supra.

Recognition by Speaker for unanimous-consent requests, see § 10, supra.

Speaker's power of recognition, see § 9, supra.

Yielding time in relation to special-order speeches, see § 31, supra.

Generally

§ 73.1 The custom of permitting one-minute speeches in the House is regarded as beneficial to the democratic processes of the House, and timely requests therefor are seldom refused.

On July 22, 1968,[19] Speaker John W. McCormack, of Massachusetts, speaking from the floor, discussed with minority Members of the House the use and practice of "one-minute" speeches before the legislative business of the day:

> MR. MCCORMACK: I call the 1-minute period "dynamic democracy." I hesitate to take away the privilege of a Member as to speaking during that period and it has become a custom and a practice of the House. I think it is a very good thing to adhere to that custom and practice.
>
> It is only on rare occasions that Members have not been recognized for that purpose. . . .
>
> MR. [LESLIE C.] ARENDS [of Illinois]: You said that this might be "dynamic

16. See § 73.24, infra.

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

18. See § 73.24, infra.

19. 114 CONG. REC. 22633, 22634, 90th Cong. 2d Sess.

democracy." I would rather it would be started when we have the time rather than be started at noon.

MR. MCCORMACK: It is an integral part of the procedure of the House and I like to adhere to it. Very seldom have I said to Members that I will accept only unanimous-consent requests for extensions of remarks. I hesitate to do it. I think every Member realizes that I am trying to protect their rights.

Chair's Discretion Over One-minute Speeches

§ 73.2 While the Chair's calculation of time under the "one-minute rule" is not subject to challenge, the Chair endeavors to recognize majority and then minority Members by allocating time in a nonpartisan manner.

The following exchange occurred in the House on Aug. 4, 1982:[20]

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

[C]an the Chair tell me how long 1 minute is?

THE SPEAKER PRO TEMPORE:[1] Does the gentleman request additional time?

MR. WALKER: Mr. Speaker, I am just inquiring. We have had several long speeches here this morning. I thought that we were limited in the 1-minute time frame to 1 minute each. . . .

I am making a parliamentary inquiry of the Chair as to whether or not that is the rule of the House that is supposed to be obeyed.

THE SPEAKER PRO TEMPORE: It is, by precedent, and since the Chair wants to be fair, the Chair would like to extend to the gentleman and his side of the aisle any additional 1-minute speeches that they require immediately. Would the gentleman like to use it now?

MR. WALKER: Mr. Speaker, I thank the Chair. I think there are a number of Members who are waiting yet to speak, and I would certainly yield such time as I might consume to Members on the Republican side who have yet to speak so that everyone has an opportunity to speak this morning.

I thank the Chair.

THE SPEAKER PRO TEMPORE: The Chair will recognize them after recognizing Members on the right side of the aisle, and the Chair will in fairness extend to them as much time under the 1-minute rule as they need.

§ 73.3 Recognition for one-minute speeches is within the discretion of the Speaker; and his evaluation of the time consumed is a matter for the Chair and is not subject to challenge or question by a parliamentary inquiry.

On May 9, 1972,[2] Speaker Carl Albert, of Oklahoma, responded as follows to a parliamentary inquiry:

MR. [DONALD W.] RIEGLE [Jr., of Michigan]: Mr. Speaker, a parliamentary inquiry.

20. 128 CONG. REC. 19319, 97th Cong. 2d Sess.

1. Cecil Heftel (Ha.).

2. 118 CONG. REC. 16288, 92d Cong. 2d Sess.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. RIEGLE: Mr. Speaker, I have observed different speakers being given very different lengths of time to speak under the 1-minute rule.

I just noticed, for example, the gentleman from California who was given approximately half the time that the gentleman from Ohio (Mr. Devine) and several other speakers were given today. I object to that and I think if we are going to use the 1-minute rule, let us use it fairly.

THE SPEAKER: The Chair will state that the Chair is trying to enforce the 1-minute rule. That is not a parliamentary inquiry and the gentleman was out of order in making it.

§ 73.4 The Speaker refused to recognize Members to proceed for one minute on the second Monday of the month where a motion to discharge was in order under Rule XXVII clause 4 (now clause 3); however, he announced that he would make a single exception to permit a Member to proceed for one minute for the purpose of announcing to the House the death of a sitting Member.

On Aug. 10, 1970,[3] a motion to discharge the Committee on the Judiciary from further consideration of House Joint Resolution 264, amending the Constitution relative to equal rights for men and women, was in order under Rule XXVII clause 4 (now clause 3). Speaker John W. McCormack, of Massachusetts, made the following announcement on recognition for one-minute speeches:

> The Chair would like to announce that the Chair is not going to recognize Members for the usual 1-minute speeches at this time, due to the situation with respect to the rules that exist in relation to the consideration of a constitutional amendment, with one exception: and that is that the Chair will recognize the gentleman from Pennsylvania (Mr. Corbett) to announce the death of our late and beloved colleague and friend, the gentleman from Pennsylvania (Mr. Watkins).

§ 73.5 Recognition for one-minute speeches is within the discretion of the Speaker and he sometimes foregoes that procedure in the hope of expediting the business of the House.

On June 17, 1970,[4] Mr. William V. Alexander, Jr., of Arkansas, asked unanimous consent to address the House for one minute and to revise and extend his remarks, after legislative business had been conducted. Mr. H. R. Gross, of Iowa, reserved the right to object and referred to the

3. 116 CONG. REC. 27994, 91st Cong. 2d Sess.

4. 116 CONG. REC. 20245, 91st Cong. 2d Sess.

Speaker's announcement, earlier in the day, that he would not recognize for one-minute speeches, in order to expedite the pending business. Speaker John W. McCormack, of Massachusetts, responded from the chair.

MR. GROSS: . . . Mr. Speaker, when the session opened this morning the Speaker—very providently, I thought—in the interest of getting on with the legislative business, precluded 1-minute speeches. However, I am not at all certain that it was done for the purpose of expediting the legislation, but rather to prevent 1-minute speeches on the resolution just passed.

Mr. Speaker, I am not going to object in this instance, but I know of no reason why political speeches such as we have heard from two of the preceding speakers should further delay the legislative process at this time.

THE SPEAKER: The Chair will state to the gentleman from Iowa that earlier in the day the Chair did make the statement that the Chair would not entertain unanimous-consent requests for 1 minute speeches to be delivered until later on in the day.

I am sure that the gentleman from Iowa clearly understood that statement on the part of the Speaker. At that particular time the Chair stated that the Chair would recognize Members for unanimous-consent requests to extend their remarks in the Record or unanimous-consent requests to speak for 1 minute with the understanding that they would not take their time but would yield back their time.

I think the Chair clearly indicated that the Chair would recognize Members for that purpose at a later time during the day. As far as the Chair is concerned the custom of the 1-minute speech procedure is adhered to as much as possible because the Chair thinks it is a very healthy custom.

The Chair had the intent, after the disposition of the voting rights bill, to recognize Members for 1-minute speeches or further unanimous-consent requests if they desired to do so.

MR. GROSS: Mr. Speaker, I withdraw my reservation of objection.[5]

§ 73.6 While one-minute speeches are normally entertained at the beginning of the legislative day, immediately following the approval of the Journal, the Speaker has on occasion recognized Members to proceed for one minute after business has been completed.

On Oct. 15, 1969,[6] after legislative business had been conducted, Speaker John W. McCormack, of Massachusetts, recognized Mr. William E. Brock, 3d, of Tennessee, for one minute. Mr. Brock criticized unnamed Members for following double standards as to the right of free speech and dissent. Mr. Arnold Olsen, of Montana, then attempted to rise

5. See also the remarks of the Speaker at 114 CONG. REC. 22633, 22634, 90th Cong. 2d Sess., July 22, 1968.

6. 115 CONG. REC. 30080, 91st Cong. 1st Sess.

to a question of personal privilege, based on Mr. Brock's remarks, and stated that Mr. Brock's address was entitled to a response of one minute. Speaker McCormack stated that under the circumstances he would grant that right and by unanimous consent recognized Mr. Olsen for one minute.

Parliamentarian's Note: Words uttered in debate do not raise a question of personal privilege, but instead of ruling on that point the Speaker recognized Mr. Olsen for a one-minute speech to reply to the remark he considered derogatory.

Restrictions on One-minute Speeches

§ 73.7 The Speaker reminded Members of the policy of some years that when there is a legislative program for the day, so-called one-minute speeches that contain more than 300 words would be put in the Record after the business of the day or in the appendix of the Record.

On Jan. 17, 1949,[7] Speaker Sam Rayburn, of Texas, made the following announcement, shortly after the convening of the 81st Congress, on the use and reporting of "one-minute" speeches before the legislative business of the day:

> The Chair desires to make an announcement.
>
> It has been the policy for some years now that when there is a legislative program for the day the so-called 1-minute speeches that contain more than 300 words will be put in the Record after the business of the day or in the Appendix of the Record. The Chair trusts that Members will regard this agreement that we have had for quite a while.[8]

7. 95 CONG. REC. 403, 81st Cong. 1st Sess.

8. For the evolution of the rule announced by the Speaker, see the following line of precedents: 91 CONG. REC. 1788, 79th Cong. 1st Sess., Mar. 6, 1945; 91 CONG. REC. 839, 79th Cong. 1st Sess., Feb. 6, 1945. (Discussions of Speaker's rulings that one-minute speeches exceeding 300 words go in appendix); 87 CONG. REC. 7189, 77th Cong. 1st Sess., Aug. 15, 1941; 87 CONG. REC. 6006, 77th Cong. 1st Sess., July 14, 1941. (Speaker ruled no extensions of one-minute speeches exceeding 300 words); 84 CONG. REC. 8779, 76th Cong. 1st Sess., July 10, 1939 (extension of remarks go in appendix); 84 CONG. REC. 7108, 76th Cong. 1st Sess., June 13, 1939 (extensions printed in appendix of Record unless pertaining to present legislation); 84 CONG. REC. 6949, 76th Cong. 1st Sess., June 10, 1939 (Majority Leader would object to extensions of remarks on one-minute speeches).

Where a Member has secured unanimous consent to address the

Parliamentarian's Note: The regulation on this subject promulgated by the Joint Committee on Printing (governing House proceedings printed in the Record) reads as follows:

> 1. *Extensions of Remarks in the daily Congressional Record.*—When the House has granted leave to print (1) a newspaper or magazine article, or (2) any other matter not germane to the proceedings, it shall be published under Extensions of Remarks. This rule shall not apply to quotations which form part of a speech of a Member, or to an authorized extension of his own remarks: *Provided,* That no address, speech, or article delivered or released subsequently to the sine die adjournment of a session of Congress may be printed in the Congressional Record. One-minute speeches delivered during the morning business of Congress shall not exceed 300 words. Statements exceeding this will be printed following the business of the day.[9]

§ 73.8 The Speaker stated that when the House meets and Members are recognized to extend remarks or to proceed for one minute and then a point of order of no quorum is made signalling the start of legislative business, it is not proper to recommence recognition to extend remarks and for one-minute speeches.

On Mar. 7, 1941,[10] Speaker Sam Rayburn, of Texas, made the following statement on recognition for nonlegislative matters at the beginning of the day:

> Let the Chair make a statement. When the House meets and Members are recognized to extend their remarks or to proceed for 1 minute and all who are on the floor and so desire have been recognized, and then a point of no quorum is made in order to start the business of legislation for the day, the Chair thinks it is hardly proper to begin all over again in recognizing Members to extend their own remarks or to proceed for 1 minute, but the Chair will recognize the gentleman from Massachusetts [Mr. Gifford].

§ 73.9 Members may not address the House for one-minute speeches more than once before the business of the day.

On Jan. 25, 1956,[11] Speaker Sam Rayburn, of Texas, recognized Mr. J. Arthur Younger, of California, before the commence-

House and revise and extend his remarks, he may not without further consent include in those remarks extraneous matter, such as a speech made by another person. 92 CONG. REC. 129, 79th Cong. 2d Sess., Jan. 18, 1946.

9. This admonition reflected current policy of the joint committee as recently as Feb. 25, 1997.

10. 87 CONG. REC. 2008, 77th Cong. 1st Sess.

11. 102 CONG. REC. 1274, 1275, 84th Cong. 2d Sess.

ment of legislative business for the day, to make a one-minute speech on the subject of military figures criticizing "principles of government." Mr. Daniel J. Flood, of Pennsylvania, was later recognized for a one-minute speech on the same subject, and mentioned Mr. Younger's remarks. Mr. Younger sought recognition and the Speaker ruled as follows:

> (Mr. Flood asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
>
> MR. FLOOD: Mr. Speaker, in further reference to the controversy in connection with General Ridgeway I must take diametric opposition to the gentleman from California [Mr. Younger]. . . .
>
> MR. YOUNGER: Mr. Speaker, may I have the privilege of addressing the House, my name having been mentioned?
>
> THE SPEAKER: No; not without unanimous consent of the House.
>
> MR. YOUNGER: Then, Mr. Speaker, I ask unanimous consent——
>
> THE SPEAKER: The Chair cannot recognize Members to speak for 1 minute more than once before the business of the day has been dispensed with. That has been the policy heretofore.[12]

Extension of One-minute Speeches

§ 73.10 The Speaker has refused to recognize Members for unanimous-consent requests to proceed for longer than one minute before the business of the day.

On June 11, 1963,[13] Mr. Paul C. Jones, of Missouri, had the floor for a one-minute speech prior to the legislative business of the day and yielded to Mr. James C. Fulton, of Pennsylvania. Speaker John W. McCormack, of Massachusetts, interrupted Mr. Fulton to state that Mr. Jones' one minute had expired, and Mr. Fulton asked unanimous consent that Mr. Jones be given one additional minute.

The Speaker ruled that such a request was not in order and refused to recognize Mr. Fulton for the request.[14]

§ 73.11 The Speaker, with the unanimous consent of the House, permitted a Member to proceed for five minutes, during that part of the session when he would normally have recognized only for one-minute speeches, to refute a newspaper charge of im-

12. See also 109 CONG. REC. 10634, 88th Cong. 1st Sess., June 11, 1963.

13. 109 CONG. REC. 10633, 88th Cong. 1st Sess.

14. For a discussion of the practice forbidding speeches extending longer than one minute before the legislative business of the day, see 91 CONG. REC. 1788, 79th Cong. 1st Sess., Mar. 6, 1945.

proper conduct (in lieu of recognizing for one hour on a question of personal privilege).

On June 29, 1962,[15] before the commencement of legislative business, and during the period when one-minute speeches were normally entertained, Speaker John W. McCormack, of Massachusetts, recognized Mr. H. Carl Andersen, of Minnesota, for a unanimous-consent request to proceed for five minutes and to revise and extend his remarks. There was no objection. Mr. Andersen discussed newspaper charges of improper conduct.

Parliamentarian's Note: Mr. Andersen had requested, before the opening of the session, that he be recognized on a point of personal privilege. Since the House had a busy schedule, the Speaker suggested that the business of the House could be expedited if Mr. Andersen would simply ask to proceed for five minutes rather than to take an hour under a point of personal privilege.[16]

Special-order Speeches; When Permitted

§ 73.12 Special orders of Members to address the House must follow the conclusion of the legislative program of the day, and the Speaker decides when the legislative program of the day has been completed.

On June 3, 1937,[17] after Mr. John J. O'Connor, of New York, called up on behalf of the Committee on Rules a privileged resolution providing a special order, a point of order was made that there were some special orders on the calendar for Members to address the House, and the calendar did not indicate that privileged business was to precede those special orders. Speaker William B. Bankhead, of Alabama, overruled the point of order and stated that under the new practice, special orders were to follow legislative business, including any privileged matters brought up by the House leadership or by the Committee on Rules.[18]

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15. 108 CONG. REC. 12297, 87th Cong. 2d Sess.

16. For another occasion on which a Member took time (one minute) during the time for one-minute speeches to discuss newspaper charges against him, rather than to consume time on a point of personal privilege, see 113 CONG. REC. 33693, 90th Cong. 1st Sess., Nov. 22, 1967.

17. 81 CONG. REC. 5307, 75th Cong. 1st Sess.

18. See also 81 CONG. REC. 3645, 75th Cong. 1st Sess., Apr. 20, 1937, when Majority Leader Sam Rayburn (Tex.), stated that he would there-

On Jan. 5, 1939,[19] shortly after the convening of the 76th Congress, Majority Leader Rayburn made the following announcement:

> Reserving the right to object, Mr. Speaker, in order that there may be no misunderstanding may I say that last year the policy was adopted that when unanimous-consent requests were preferred that a Member might speak on a day certain it was always understood that he would speak after the disposition of matters on the Speaker's table and following the legislative program of that day, if there was any such program. Whether or not there will be a legislative program on Monday I do not know, but I doubt it. However, I want it understood that it will be the custom this year that when a Member requests time to speak this condition is coupled with his request.

§ 73.13 The Speaker may in his discretion, recognize for special orders when no legislative business is available for consideration with the understanding that further business, if ready for presentation, may follow.

On Dec. 14, 1971,[20] Speaker Carl Albert, of Oklahoma, made an announcement concerning recognition by the Chair for special-order speeches before the conclusion of remaining legislative business:

> The Chair would like to advise the Members that in order to get as much accomplished as we can, and in view of the fact that we have no legislative business ready at this moment, we will call special orders, and after they are completed declare a recess, unless legislative business is in order.
>
> The Chair in making this announcement will state that we are not setting this as a precedent, but that we are calling special orders today, and then going back to the legislative business, if any, after recessing if necessary.[1]

§ 73.14 Requests to proceed "for one additional minute," while not entertained by the Chair at the beginning of the day, are permissible when business has been concluded (the request constituting, in substance, a request for a special order).

after object to all unanimous-consent requests to address the House unless the special orders should come after the conclusion of the legislative program of the day.

19. 84 Cong. Rec. 125, 76th Cong. 1st Sess.

20. 117 Cong. Rec. 46801, 92d Cong. 1st Sess.

1. See also 81 Cong. Rec. 5373, 5374, 75th Cong. 1st Sess., June 7, 1937.

Before the inception of the policy that special-order speeches follow the legislative business of the day, it was held that a motion to correct the reference of a bill took precedence over a special order to address the House for a specified time after the reading and approval of the Journal. 78 Cong. Rec. 2425, 2426, 73d Cong. 2d Sess., Feb. 12, 1934.

On June 13, 1963,[2] after legislative business had been concluded for the day and there being no special orders scheduled, Mr. Ezekiel C. Gathings, of Arkansas, obtained unanimous consent to address the House for one minute and to revise and extend his remarks. At the expiration of the one minute, Mr. Gathings requested unanimous consent to proceed for an additional minute. Speaker John W. McCormack, of Massachusetts, stated that if there was no objection, the business being disposed of, the gentleman could proceed.

At the conclusion of Mr. Gathings' additional minute, Mr. Joe D. Waggonner, Jr., of Louisiana, asked unanimous consent that Mr. Gathings be allowed to proceed for one additional minute. The Speaker entertained the request and made the following statement:

> The Chair will state that the Chair is permitting this request although the Chair does not consider this is to be the 1-minute period such as we have before proceeding with the regular business of the House.
>
> Is there objection to the request of the gentleman from Louisiana?
>
> There was no objection.

2. 109 CONG. REC. 10891, 88th Cong. 1st Sess.

Duration of Special-order Speeches

§ 73.15 Special orders to address the House at the conclusion of the business of the day are limited to one hour per Member; and when a Member has used one hour, the Chair declines to recognize him for extensions of time or for an additional special order.

On Feb. 9, 1966,[3] Mr. Joseph Y. Resnick, of New York, who already had scheduled a special order for the day, asked unanimous consent that he have an additional special order to address the House for 15 minutes at the close of legislative business. Speaker Pro Tempore Carl Albert, of Oklahoma, declined to recognize him for that purpose, stating as follows:

> The Chair would advise the gentleman that pursuant to the practice of the House, Members are limited to a 1-hour special order per day. The Chair would be glad to entertain a request for a special order for a later day.[4]

3. 112 CONG. REC. 2794, 89th Cong. 2d Sess.

4. A Member may consume an hour for a special order and then be yielded time by the next Member with a special order; see 114 CONG. REC. 14265–71, 90th Cong. 2d Sess., May 21, 1968.

§ 73.16 By unanimous consent, a Member may be recognized for a one-hour speech to precede other special-order speeches already scheduled by the House.

On July 31, 1973,[5] Mr. David R. Obey, of Wisconsin, asked unanimous consent that he be allowed to proceed for one hour preceding the special orders scheduled for the day. There was no objection to the request.

Parliamentarian's Note: The Speaker normally will not entertain such a request without advance consent from all Members whose special orders would be affected.

Extension of Special-order Speeches

§ 73.17 A Member recognized under a special order in the House may have his time for debate extended by unanimous consent, but a motion to that effect is not in order.

On June 13, 1972,[6] Mr. Jack F. Kemp, of New York, was recognized to speak for 10 minutes on a special order. At the conclusion of the 10 minutes, Mr. Charles S. Gubser, of California, asked unanimous consent that Mr. Kemp be given an additional 10 minutes. Mr. William D. Ford, of Michigan, objected to the request, and Mr. John E. Hunt, of New Jersey, moved that Mr. Kemp be given 10 minutes additional time. Speaker Pro Tempore William J. Randall, of Missouri, ruled that the motion was not in order:

> The Chair will have to state that a motion to that effect is not in order at this time. Other special orders have previously been granted, and the Chair will state that the motion is not in order.

Parliamentarian's Note: An extension of time for debate under a special order, even though by unanimous consent, is technically not possible where the extension would extend the time beyond one hour. The Chair would not normally entertain a request which would permit debate in violation of the hour rule.

§ 73.18 When additional time to speak under a special order was requested, the Speaker advised the Member that other Members were also waiting to be recognized on special orders.

On June 23, 1964,[7] Mr. Wright Patman, of Texas, was addressing

5. 119 Cong. Rec. 27023, 93d Cong. 1st Sess.
6. 118 Cong. Rec. 20681, 92d Cong. 2d Sess.
7. 110 Cong. Rec. 14719, 88th Cong. 2d Sess.

the House, at the conclusion of business, on a special order and asked unanimous consent to proceed for five additional minutes. Speaker John W. McCormack, of Massachusetts, advised him that there were three other special orders following Mr. Patman. Mr. Patman withdrew his request.

Interruption of Special-order Speech

§ 73.19 A motion to suspend the rules may be entertained while another Member controls the floor for a "special-order speech" if the Member with the floor voluntarily yields the floor for that purpose.

On Oct. 2, 1973,[8] Mr. J. J. Pickle, of Texas, had the floor for one hour for a special-order speech. He had consumed 31 minutes when he suspended temporarily to allow Mr. Wright Patman, of Texas, to move to suspend the rules and pass the bill, Senate Joint Resolution 160, to extend laws on the payment of interest on savings deposits. After disposition of the motion to suspend the rules, Mr. Pickle was again recognized by Speaker Carl Albert, of Oklahoma, to consume his remaining 29 minutes.

Postponement of Special-order Speeches

§ 73.20 The Speaker announced that Members would not be recognized for special orders, which were transferred to the following day by unanimous consent, due to the death of a Senator.

On Jan. 20, 1958,[9] following the death of Senator Matthew M. Nelly, of West Virginia, Speaker Sam Rayburn, of Texas, made an announcement on the disposition of special orders.

> The Chair will state to those Members who have special orders for today, the gentleman from West Virginia [Mr. Bailey], the gentleman from Texas [Mr. Patman], and the gentleman from Arkansas [Mr. Gathings] that we will not have any special orders today. So they may govern themselves accordingly.

Special orders were then transferred by unanimous consent:

> MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that all special orders entered for today may be transferred to tomorrow.
>
> THE SPEAKER: Without objection, it is so ordered.
>
> There was no objection.

8. 119 CONG. REC. 32395, 32397, 32404, 32410, 93d Cong. 1st Sess.

9. 104 CONG. REC. 670, 674, 85th Cong. 2d Sess.

§ 73.21 Special orders to address the House, totaling more than 21 hours, were requested for a certain day but were later withdrawn at the request of the Majority Leader, who suggested that they be again requested when the Members desiring the time were on the floor.

On Oct. 8, 1969,[10] Mr. Michael J. Harrington, of Massachusetts, made a series of requests for certain Members to address the House on Oct. 14, 1969, following legislative business; the special orders requested for that day totaled 21 hours and 45 minutes. Mr. Durward G. Hall, of Missouri, reserved the right to object and inquired whether legislative business for Oct. 14 could not be expected to total more than three hours. Majority Leader Carl Albert, of Oklahoma, responded that it was entirely possible that legislative business could consume more than three hours on Oct. 14.

Mr. Hall then objected to any special orders over the first 12 hours requested for Oct. 14. All the special orders requested were then withdrawn at the request of Mr. Albert:

> Mr. Speaker, in view of the fact that there has been objection and that some of the special orders will be necessarily stricken and Members who are not here now are involved, I would request the gentleman from Massachusetts not to make the request tonight, in order that it might be made tomorrow when those concerned are present.

Parliamentarian's Note: Most of the Members for whom special orders were requested were opponents of the Vietnam war. Their announced intention was to use the special orders to keep the House in session throughout the night to dramatize the war protest scheduled to begin in major cities of the nation, including Washington, on Oct. 14, 1969.

§ 73.22 The Speaker announced the procedure whereby (and the time at which) Members would be recognized to make speeches up to one minute in length.

On Jan. 23, 1975,[11] Speaker Carl Albert, of Oklahoma, made the following statement:

ANNOUNCEMENT BY THE SPEAKER

> THE SPEAKER: May the Chair state, particularly for the benefit of new Members, that we generally open the proceedings, after the prayer and disposition of the Journal and things which are immediately on the Speaker's desk, by recognizing Members for

10. 115 CONG. REC. 29228, 29229, 91st Cong. 1st Sess.

11. 121 CONG. REC. 1163, 94th Cong. 1st Sess.

individual requests and for speeches up to 1 minute.

The Chair habitually and regularly starts at the extreme right and goes all the way around; then comes back and starts over. If Members want to be heard, the Chair wants to take them in that order. So, Members will be recognized in the order from the first seat to the Speaker's right to the last seat on the Speaker's left, and then the process will be repeated, if other Members come in.

§ 73.23 While debate on a conference report is limited to one hour[12] to be equally divided between majority and minority parties,[13] the House may, by unanimous consent, either extend that time or permit debate by "special order" on the conference report prior to actual consideration thereof; thus, on one occasion, by unanimous consent, two Members, the chairman and ranking minority member of the House conferees, were permitted "special orders" of one hour each to debate a conference report following adoption of a resolution making in order the consideration of the report but prior to actual consideration of the report.

On Mar. 26, 1975,[14] the following proceedings occurred in the House relative to consideration of the conference report on H.R. 2166, the Tax Reduction Act of 1975:

MR. [SPARK M.] MATSUNAGA [of Hawaii]: Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. Ullman).

CONFERENCE REPORT ON H.R. 2166, TAX REDUCTION ACT OF 1975

Mr. [Al] Ullman [of Oregon] submitted the following conference report and statement on the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 . . . to increase the investment credit and the surtax exemption, and for other purposes:

CONFERENCE REPORT (H. REPT. 94–120)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 . . . having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

12. See Rule XIV clause 2, *House Rules and Manual* § 758 (1995).

13. See Rule XXVIII clause 2, *House Rules and Manual* § 912a (1995).

14. 121 CONG. REC. 8899, 8900, 8916, 94th Cong. 1st Sess.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Reduction Act of 1975". . . .

MR. ULLMAN: Mr. Speaker, I ask unanimous consent that upon the adoption of the rule I be granted a 60-minute special order.

THE SPEAKER:[15] Is there objection to the request of the gentleman from Oregon?

MR. [ROBERT E.] BAUMAN [of Maryland]: Reserving the right to object, Mr. Speaker, we have in the rules of the House an adequate rule for the consideration of conference reports. . . . I have no way of knowing, nor does any Member in this Chamber know, who will control the time during a special order, except the gentleman from Oregon, whether questions, once raised, will be answered, or whether or not debate will deteriorate into partisan debate.

THE SPEAKER: The gentleman is very effectively but improperly stating the rules. The minority has 30 minutes and the majority has 30 minutes on the conference report.

MR. BAUMAN: I am talking about the lack of protection contained in the request for the 1-hour special order that was just made by the gentleman from Oregon.

THE SPEAKER: Any Member of the House may make a request for a special order.

MR. BAUMAN: I withdraw my reservation of objection.

MR. [HERMAN T.] SCHNEEBELI [of Pennsylvania]: Mr. Speaker, further reserving the right to object, I also ask for a 60-minute special order following that of the gentleman from Oregon (Mr. Ullman).

THE SPEAKER: Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Recognition and Limitation of Time for Special-order Speeches; "Oxford-style" Debates

§ 73.24 Pursuant to several unanimous-consent requests, the House agreed to a 90-day trial period from February 23 through May 23, 1994, [subsequently extended on several occasions] and agreed on a format of recognition and limitation of time for each party for special-order speeches, including periodic "Oxford style" structured debates and morning-hour debates; the Speaker then announced the applicable guidelines for recognition during such speeches and debate.

The following unanimous-consent request was agreed to on Feb. 11, 1994:[16]

MR. [RICHARD A.] GEPHARDT [of Missouri]: Mr. Speaker, following my

15. Carl Albert (Okla.).

16. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.

unanimous-consent request to put in place an agreed upon format for recognitions to address the House during a 90-day trial period beginning February 23, 1994, including a morning hour debate, an Oxford style debate and a restriction on special order speeches, the Speaker will announce his guidelines for recognition. In so doing it is stipulated that the establishment of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 1, rule XIV should circumstances so warrant.

Mr. Speaker, I ask unanimous consent that the special orders previously granted by the House to address the House on dates through May 23, 1994 be vacated;

Further that during the period beginning February 23, 1994 and for 90 days thereafter, on Mondays and Tuesdays of each week the House convene 90 minutes earlier than the time otherwise established by order of the House solely for the purpose of conducting morning hour debates to be followed by a recess declared by the Speaker pursuant to clause 12, rule I under the following conditions:

(1) Prayer by the Chaplain, approval of the Journal and the pledge of allegiance to the flag to be postponed until the resumption of the House session following the completion of morning hour debate;

(2) Debate to be limited not to exceed 30 minutes allocated to each party, with initial and subsequent recognition alternating daily between parties to be conferred by the Speaker only pursuant to lists submitted by the majority leader and minority leaders respectively (no Member on such lists to be permitted to address the House for longer than 5 minutes except for the majority leader and minority leader respectively);

Further, that on (every third) Wednesday, beginning on a day to be designated by the Speaker and mutually agreed upon by the majority leader and minority leader, it shall be in order, at a time to be determined by the Speaker, for the Speaker to recognize the majority leader and minority leader (or their designees), jointly, for a period of not to exceed 2 hours, for the purpose of holding a structured debate. The topic of the debate, when mutually agreed upon by the majority leader and minority leader, shall be announced by the Speaker. The format of the debate, which shall allow for participation by four Members of the majority party and four from the minority party in the House, chosen by their respective party leaders, with specified times for presentations and rebuttals by all participants, and periods of questioning of each Member by others participating, shall be announced to the House by the Speaker.

THE SPEAKER:[17] Is there objection to the request of the gentleman from Missouri?

Subsequently, the Speaker announced the following guidelines for implementation of the unanimous-consent agreement:

THE SPEAKER: With respect to special orders to address the House for up to 1 hour at the conclusion of legislative business or on days when no legis-

17. Thomas S. Foley (Wash.).

lative business is scheduled, the Chair announced that:

First, Tuesdays, following legislative business, there will be an unlimited period of special orders not extending beyond midnight, with recognition for 5-minute and then for longer special orders alternating between the parties and with initial recognition, for longer special orders, rotating on a daily basis between the parties, and with the first hour of recognition on each side reserved to the House leadership—majority leader and whip and minority leader or their designee;

Second, on Mondays, Wednesdays, except those Wednesdays when Oxford style debates are in order, Thursdays and Fridays, the Chair will recognize Members from each party for up to 2 hours of special order debate at the conclusion of legislative business and 5-minute special orders, or when no legislative business is scheduled, not extending beyond midnight, again with initial recognition alternating between the parties on a daily basis and with the allocation of time within each 2-hour period, or short period if pro rated to end by midnight, to be determined by a list submitted to the Chair by the House leadership, majority leader and whip and minority leader or designees, respectively, and with the first hour of recognition on each side reserved to the House leadership, majority leader and whip and minority leader or their designees. Members will be limited to signing up for all such special orders no earlier than 1 week prior to the special order, and additional guidelines may be established for such sign-ups by the majority and minority leaders, respectively. One-minute speeches on those days both prior to and at the conclusion of legislative business shall be at the discretion of the Speaker;

Third, pursuant to clause 9(b)(1) of rule I, during this trial period the television cameras will not pan the Chamber, but a crawl indicating morning hour or that the House has completed its legislative business and is proceeding with special order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair;

Fourth, special orders to extend beyond the 4-hour period may be permitted at the discretion of the Chair with advance consultation between the leaderships and notification to the House.

Parliamentarian's Note: On subsequent occasions, the House extended the above unanimous-consent agreement.[18] On May 12, 1995, the House extended the agreement by unanimous consent, but changed the Tuesday morning hour to 9 a.m.

MR. [RICHARD K.] ARMEY [of Texas]: Mr. Speaker, I ask unanimous consent that the order of the House of January 4, 1995, relating to morning hour debates be continued through the adjournment of the 2d session of the 104th Congress sine die, except that on Tuesdays the House shall convene for such debate 1 hour earlier then the time otherwise established by order of the House rather than 90 minutes earlier; and the time for such debates

18. See the proceedings of May 23, 1994; June 10, 1994; Jan. 4, 1995; Feb. 16, 1995; and May 12, 1995.

shall be limited to 25 minutes allocated to each party rather than 30 minutes to each; but in no event shall such debates continue beyond the time that falls 10 minutes before the appointed hour for the resumption of legislative business, and with the understanding that the format for recognition for special order speeches first instituted on February 23, 1994, be continued for the same period. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Texas?

There was no objection.

Meetings of the leadership following the February 11 proceedings produced further guidelines for implementation of the special order and morning-hour procedures. The guidelines provided, among other matters, for alternation of recognition between the parties, and for procedures whereby Members sign up in advance for special orders, the majority in the Majority Leader's office and the minority in the cloakroom, the lists to be approved on the floor. For the Oxford-style debates, each leader would designate four participants for the debate every third Wednesday, to be held on a mutually agreeable topic announced by the Speaker. Guidelines for the morning hour on every Monday and Tuesday also provided for allocation of time and for the procedure of signing up with the party leaders.[19]

I. DURATION OF DEBATE IN THE COMMITTEE OF THE WHOLE

§ 74. In General; Effect of Special Rules

The Committee of the Whole considers propositions on the Union Calendar and other propositions made in order under that procedure by unanimous consent or by special rule.[20] The procedure in the Committee of the Whole is provided for in part by Rule XXIII.[1] In addition, where

19. See the procedures agreed to in meetings of the leadership for special orders, Oxford debates, and morning hours (Feb. 17, 1994).

20. For consideration in the Committee of the Whole, see § 3, supra, and Ch. 19, supra.

1. *House Rules and Manual* §§ 861–877 (1995). Special procedures for a Committee of the Whole date, in various forms, from the beginning of Congress. Jefferson's Manual discusses the early form of the Committee of the Whole. See Jefferson's Manual, *House Rules and Manual* §§ 326–340 (1995).

applicable, the rules and procedures of the House are observed in the Committee of the Whole.[2] Rule XXIII clause 5 provides that there first be general debate, then amendment under the five-minute rule in the Committee of the Whole.[3] The duration of time for general debate is usually governed by a special rule, reported by the Committee on Rules and entertained in the House before resolving into Committee, or by a unanimous-consent request, providing a certain number of hours for general debate. The rule may also provide that debate proceed for a day or more.[4]

The time for general debate provided for by the House can be "yielded back" by the managers, but the Committee of the Whole cannot extend the time fixed by the order of the House. The House, of course, can curtail or even extend the debate in the Committee.[5] If not fixed by special rule, general debate may be limited by unanimous consent before it begins or by motion or unanimous consent in the House after it commences.[6] The Members in control of the time for general debate may decline to consume all the time allotted by a special rule.

A special rule may restrict the operation of the five-minute rule by permitting only specified amendments or no amendments to be offered to the bill.[7] The five-minute rule is also abrogated by a motion or unanimous-consent agreement that debate on amendments be limited; in that situation the Chairman, in his discretion and with the consent of the Committee, distributes the time among Members.[8]

Forms

Form of resolution providing for general debate to end by a certain hour on a following day.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the

2. Rule XXIII clause 9, *House Rules and Manual* § 877 (1995).

For example, the hour rule applies to prevent any one Member for speaking for more than one hour (see § 74.4, infra).

3. *House Rules and Manual* § 870 (1995).

4. See §§ 74.7–74.9, infra.

5. See §§ 74.10, 74.11, infra, for limiting such general debate and § 75.7, infra, for the proposition that such debate may not be extended. See § 76.1, infra, for authority of managers to curtail general debate time; and § 76.10, infra, for an example of limiting time by unanimous consent.

6. See § 76, infra.

7. See § 74.15, infra.

8. See § 79, infra.

Whole House on the State of the Union for the consideration of the bill (H.R. 4473) to provide revenue, and for other purposes and all points of order against the bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 days, such general debate to end not later than 4 o'clock p.m., on the second day of debate, and which shall be confined to the bill, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. . . .[9]

Form of resolution providing a certain number of hours or days of general debate.

Resolved, That upon the adoption of this resolution, the Speaker shall recognize the chairman of the Committee on the Judiciary, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes. All points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two days to be equally divided and controlled by the chairman of the Committee on the Judiciary and the ranking minority member thereof, the bill shall be considered as having been read and open at any point for amendment under the five-minute rule. . . .[10]

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10132, a bill to protect the integrity and institutions of the United States through a system of selective compulsory military training and service. That after general debate, which shall be confined to the bill and continue not to exceed 2 days, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. . . .[11]

Cross References

Consideration in the Committee of the Whole, see § 3, supra.

Consideration of appropriation bills in the Committee of the Whole, see Ch. 25, supra.

Control and distribution of time for debate in Committee of the Whole generally, see §§ 24–28, supra.

Effect of special rules on consideration generally, see § 2, supra.

Hour rule applicable to general debate in Committee of the Whole, see § 68, supra.

Nondebatable matters generally, see § 6, supra.

Opening and closing debate generally, see § 7, supra.

Procedure in Committee of the Whole generally, see Ch. 19, supra.

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9. 97 Cong. Rec. 6830, 82d Cong. 1st Sess., June 20, 1951.

10. 106 Cong. Rec. 5192, 86th Cong. 2d Sess., Mar. 10, 1960. The resolution as reported provided two days of general debate, but was amended by a committee amendment to provide 15 hours.

11. 86 Cong. Rec. 11358, 76th Cong. 3d Sess., Sept. 3, 1940.

Recognition in the Committee of the Whole, see §§ 16 (as to bills), 19 (amendments), 21 (five-minute rule), and 22 (limitation on five-minute debate), supra.

Special rules and their effect generally, see Ch. 21, supra.

Counting of Time by Chair

§ 74.1 The Chairman of the Committee of the Whole counts the allotted time for debate and announces the expiration thereof.

On Dec. 17, 1970,[12] Mr. John Conyers, Jr., of Michigan, was yielded a certain number of minutes for general debate in the Committee of the Whole by the Member in charge. At the expiration of said time, Chairman James C. Corman, of California, announced that Mr. Conyers' time had expired and declined to entertain a request by Mr. Conyers for additional time, the time being under the control of the Members in charge.

§ 74.2 Where there was a discrepancy in the times shown on the clocks in the House Chamber, the Chair stated he would rely on the clock on the north wall in deciding when time had expired.

On Feb. 10, 1964,[13] the Committee of the Whole had agreed to a unanimous-consent limitation on debate, but the clocks in the House Chamber differed as to the time. In response to a parliamentary inquiry, Chairman Eugene J. Keogh, of New York, stated that he would rely on the clock on the north wall in deciding when time had expired.

Duration of Debate Fixed by House

§ 74.3 In the consideration of the general appropriation bill of 1951, containing numerous appropriations for the various agencies of the government, the House agreed by unanimous consent to provide two hours' general debate in the Committee of the Whole on each chapter as it was read.

On Apr. 3, 1950,[14] Clarence Cannon, of Missouri, Chairman of the Committee on Appropriations, moved to resolve into Committee of the Whole for the consideration of H.R. 7786, the general appropriation bill of 1951, and made the following unanimous-consent

12. 116 Cong. Rec. 42222, 91st Cong. 2d Sess.

13. 110 Cong. Rec. 2724, 88th Cong. 2d Sess.

14. 96 Cong. Rec. 4614, 81st Cong. 2d Sess.

request on the control of time for debate, which was agreed to by the House:

> Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7786) making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes; and pending that I ask unanimous consent that time for general debate be equally divided, one-half to be controlled by the gentleman from New York [Mr. Taber] and one-half by myself; that debate be confined to the bill; and that following the reading of the first chapter of the bill, not to exceed 2 hours general debate be had before the reading of each subsequent chapter, one-half to be controlled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter.

Parliamentarian's Note: In prior years there had been 11 separate appropriation bills for the various government agencies. In 1951 they were consolidated into one bill.

Effect of House Rules

§ 74.4 Although under a special rule a Member may have control of more than one hour of general debate on a bill in the Committee of the Whole, he may not, under the general rules of the House, himself consume more than one hour, but may be yielded time by another Member controlling time.

On June 21, 1971,[15] Mr. Wilbur D. Mills, of Arkansas, was in control of four hours of general debate in the Committee of the Whole on H.R. 1, the social security amendments of 1971, pursuant to House Resolution 487, making in order the consideration of the bill and dividing control of eight hours of general debate.

Mr. Mills asked unanimous consent for an extension of time for his remarks:

> I cannot yield myself more than an hour, so, Mr. Chairman, I will ask unanimous consent to proceed for 5 additional minutes, only for the purpose of answering questions.
>
> THE CHAIRMAN:[16] To whom shall the time be charged?
>
> MR. [JOHN W.] BYRNES of Wisconsin: Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. Mills).
>
> [Mr. Mills was recognized for five minutes.]

§ 74.5 The House agreed to a unanimous-consent request that it be in order to consider a Union Calendar bill under the general rules of the House, limiting debate in the Committee of the Whole

15. 117 CONG. REC. 21096, 21097, 92d Cong. 1st Sess.
16. John D. Dingell (Mich.).

to one hour (to be followed by reading for amendment under the five-minute rule).

On Sept. 7, 1959,[17] the House agreed to the following request by Mr. Armistead I. Selden, Jr., of Alabama, to consider a Union Calendar bill in the Committee of the Whole under the rules of the House:

> Mr. Speaker, I ask unanimous consent that it may be in order to consider under the general rules of the House the bill (H.R. 9069) to provide standards for the issuance of passports, and for other purposes; that general debate continue for not to exceed 1 hour, one-half to be controlled by myself and one-half controlled by the ranking minority member of the Committee on Foreign Affairs.

Parliamentarian's Note: Without the adoption of the request as stated, the unanimous-consent consideration of a bill on the Union Calendar would either be under the five-minute rule in the House as in the Committee of the Whole without general debate or would be "in the House" under the hour rule if stated in that form.[18]

§ 74.6 The House agreed to a unanimous-consent request that the House resolve itself into the Committee of the Whole for one hour's debate to be followed by reading for amendment under the five-minute rule on a Senate concurrent resolution on the House Calendar.

On June 22, 1965,[19] the House agreed to the following unanimous-consent request for the consideration of a Senate concurrent resolution on the House Calendar:

> MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, I ask unanimous consent that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of Senate Concurrent Resolution 36 expressing the sense of the Congress with respect to the 20th anniversary of the United Nations during International Cooperation Year, and for other purposes, and that general debate thereon be limited to 1 hour, one-half hour to be controlled by myself and one-half hour to be controlled by the gentlewoman from Ohio [Mrs. Bolton].

The House agreed to the request.

Special Rule for Debate

§ 74.7 The Committee on Rules may report out a special rule fixing time for debate on a bill at a certain number of days instead of hours.

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17. 105 CONG. REC. 18442, 18443, 86th Cong. 1st Sess.

18. See also 107 CONG. REC. 14050, 14051, 87th Cong. 1st Sess., July 31, 1961.

19. 111 CONG. REC. 14400, 89th Cong. 1st Sess.

On Sept. 3, 1940,[20] Mr. Adolph J. Sabath, of Illinois, called up, at the direction of the Committee on Rules, House Resolution 586, which provided for two days of debate on H.R. 10132, a bill to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Speaker Pro Tempore Jere Cooper, of Tennessee, overruled a point of order against the resolution:

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MARCANTONIO: Mr. Speaker, I make the point of order that the resolution is contrary to the unwritten law of the House. It has been the universal practice, custom, and tradition of the House to have debate fixed by hours. This resolution fixes general debate by days. This is entirely meaningless, because a day may be terminated by a motion that the Committee rise or by adjournment, and for that reason I press my point of order.

THE SPEAKER PRO TEMPORE: The Chair is prepared to rule. The gentleman from New York makes the point of order that the resolution is contrary to the unwritten rules of the House in that general debate is fixed by days instead of hours.

In the first place, the point of order comes too late.

In the second place, this is a resolution reported by the Committee on Rules to change the rules of the House, which is permissible on anything except that which is prohibited by the Constitution.

The point of order is overruled.

§ 74.8 Where debate on a bill is fixed by special rule at one day, the term "one day" means one legislative day as terminated by adjournment.

On Aug. 17, 1949, the House adopted House Resolution 327, providing for debate not to exceed one day on H.R. 5895, furnishing military assistance to foreign nations. When the House had resolved itself into the Committee of the Whole for consideration of the bill, Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry on the meaning of the term "one day."[1]

THE CHAIRMAN: Under the rule general debate will be equally divided and will not exceed one day.

MR. [JOSEPH P.] O'HARA of Minnesota: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. O'HARA of Minnesota: What is meant by the term "one day"?

THE CHAIRMAN: The term means one legislative day as terminated by adjournment, from now until the time the House adjourns.

20. 86 CONG. REC. 11358–60, 76th Cong. 3d Sess.

1. 95 CONG. REC. 11666, 81st Cong. 1st Sess.

§ 74.9 Where a bill is considered in the Committee of the Whole under a resolution providing for not to exceed two days of debate, the Committee of the Whole determines the completion of one day of general debate when, after there has been general debate on the bill, the Committee rises and the House then adjourns.

On Feb. 17, 1955,[2] Chairman Richard W. Bolling, of Missouri, answered a parliamentary inquiry on how the completion of a day is determined, under a special order fixing debate at two days in the Committee of the Whole:

> MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. GROSS: The resolution which we adopted this afternoon provides that after the adoption of the resolution general debate shall start and shall be confined to the bill and shall continue for not to exceed 2 days. My question is, Starting debate at 4:15 in the afternoon, as we did today [after] the adoption of the resolution, does that constitute a legislative day?
>
> THE CHAIRMAN: The Chair would answer the gentleman that this would be a matter for the committee to decide. The present occupant of the chair understands that the day is not divided by the House or by the committee.
>
> MR. GROSS: Then this would or would not be called a legislative day so far as general debate upon this bill is concerned?
>
> THE CHAIRMAN: It is the understanding of the Chair that when the Committee of the Whole rises after concluding debate on this subject today that would constitute 1 day.

Limiting Debate Time Provided by Special Rule

§ 74.10 Where the Committee of the Whole rose, after consuming a portion of the three hours' time prescribed by a special rule for debate, the House agreed by unanimous consent that when the Committee should resume consideration of the bill, the debate be further limited to 30 minutes.

On June 27, 1968,[3] the Committee of the Whole had arisen after consuming a portion of the three hours of general debate on S. 1166 (Gas Pipeline Safety Act), which time was provided for in House Resolution 1215. The House agreed to a unanimous-consent request further limiting debate in the Committee of the Whole on the bill:

> MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I ask unani-

2. 101 CONG. REC. 1688, 84th Cong. 1st Sess.

3. 114 CONG. REC. 19105, 90th Cong. 2d Sess.

mous consent that when the Committee of the Whole continues the consideration of the bill (S. 1166) to authorize the Secretary of Transportation to prescribe safety standards for the transportation of natural and other gas by pipeline, and for other purposes, that the time for general debate be limited to 30 minutes with 15 minutes for the minority and 15 minutes for the majority side.

THE SPEAKER:[4] Without objection, it is so ordered.

There was no objection.

§ 74.11 Where the Committee of the Whole is proceeding in general debate on a bill pursuant to a special rule adopted by the House, a motion in the Committee that such debate be closed instantly is not in order.

On Sept. 25, 1951,[5] the Committee of the Whole was conducting general debate on H.R. 39, the Marketing Facilities Act. Chairman Lindley Beckworth, of Texas, stated that under the special rule adopted by the House for consideration of the bill, Mr. Harold D. Cooley, of North Carolina, had 30 minutes of debate and Mr. Clifford R. Hope, of Kansas, 30 minutes. Mr. Paul W. Shafer, of Michigan, made a point of order and then withdrew it, but also moved that debate be closed "now" and that "we vote on the bill." The Chairman ruled that the motion was not in order.

Closing General Debate and Limiting Five-minute Debate on Bill Being Considered in Committee of the Whole

§ 74.12 The House may adopt a special order from the Committee on Rules providing that a bill be considered as read for amendment in the Committee of the Whole and providing that five-minute debate be limited.

On Apr. 17, 1936,[6] Mr. John J. O'Connor, of New York, of the Committee on Rules, offered a resolution providing a special order of business and explained its effect on five-minute debate in the Committee of the Whole:

MR. O'CONNOR: Mr. Speaker, I call up House Resolution 489.

The Clerk read as follows:

HOUSE RESOLUTION 489

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H.R. 11563, a bill declaring an emergency in the housing condition in the District of Columbia. . . . General debate on said bill

4. John W. McCormack (Mass.).

5. 97 CONG. REC. 12084, 12089, 82d Cong. 1st Sess.

6. 80 CONG. REC. 5634, 74th Cong. 2d Sess.

shall be considered as closed, and the bill shall be considered as having been read the second time. Amendments may be offered to any section of the bill, but debate under the 5-minute rule shall be closed within one hour and a half. . . .

MR. O'CONNOR: . . . Mr. Speaker, this is a rule for the consideration of the District of Columbia rent bill. The bill has been debated for 3 whole days. There was an obvious filibuster carried on against it, and it was thought best to bring in a rule to bring the matter to an issue.

This rule is not strictly a gag rule. There has been more debate on this bill than on any other ordinary bill. So debate has not been gagged.

All this rule does is to provide for an hour and a half of debate on amendments, and that the debate shall then close. That same result could be accomplished by a motion in the Committee of the Whole at any time, when debate could be shut off. The rule is in that respect more liberal than the general rules. It is true that the rule provides that the bill shall be considered as having been read the second time. The bill has been read in full the first time before the filibuster, and the waiver of reading the bill a second time denies no one any rights.

Under the rule the House automatically resolves itself into Committee of the Whole House on the state of the Union, and amendments are then in order to any part of the bill. Debate on these amendments must close within an hour and a half, but that does not cut off the offering of any amendment to the bill. There is no gag in the rule. A gag rule prevents or limits amendments. The rule is simply an attempt to expedite the business of the House. It does not go into the merits of the measure, but simply provides that, after due consideration, this House must function and that no filibustering can be permitted to interfere with the orderly, expeditious, and respectable conduct of the proceedings in this House.

§ 74.13 The Committee of the Whole agreed to a unanimous-consent request limiting five-minute debate to a certain number of minutes of debate on each of the seven remaining titles of a bill.

On July 24, 1974,[7] the Committee of the Whole resumed further consideration of H.R. 11500, the Surface Mining and Reclamation Act of 1974. Chairman Neal Smith, of Iowa, explained the parliamentary situation:

Before the Committee rose on yesterday, it had agreed that the remainder of the substitute committee amendment titles II through VIII, inclusive, would be considered as read and open to amendment at any point.

The Committee further agreed that the time for debate under the 5-minute rule would be limited to not to exceed 3 hours and allocated time to titles II through VIII as follows: 50 minutes for title II, 20 minutes for title III, 50 minutes for title IV, 5 minutes for title V, 5 minutes for title VI, 40 minutes for title VII, and 10 minutes for title VIII.

7. 120 CONG. REC. 25009, 25010, 93d Cong. 2d Sess.

In an attempt to be consistent with the unanimous-consent agreement entered into on yesterday, the Chair will endeavor to recognize all Members who wish to offer or debate amendments to title II during the 50 minutes of time for debate on that title.

If Members who have printed their amendments to title II in the Record would agree to offer those amendments during the 50-minute period and to be recognized for the allotted time, the Chair will recognize both Committee and non-Committee members for that purpose.

Members who have caused amendments to title II to be printed in the Record, however, are protected under clause 6, rule XXIII, and will be permitted to debate for 5 minutes any such amendment which they might offer to title II at the conclusion of the 50 minutes of debate thereon.

The Chair will now compile a list of those Members seeking recognition to offer or debate amendments to title II and will allocate 50 minutes for debate accordingly.

The Chair will give preference where possible to those Members who have amendments to offer to title II.

Members who were standing at the time of the determination of the time allocation will be recognized for 1 minute and 20 seconds each.

MR. [WILLIAM M.] KETCHUM [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. KETCHUM: Mr. Chairman, I note that the time is approximately 6:30 p.m., and it is my understanding that the Committee will rise at 7 o'clock p.m., tonight.

Does that mean now that the Members who have not been recognized in these next 30 minutes will be continued to be recognized tomorrow when we resume debate on this great issue?

THE CHAIRMAN: The Chair will state that time will remain on this title. The gentleman is correct.

§ 74.14 The House agreed by unanimous consent that there be 30 additional minutes of debate in the Committee of the Whole on a specified amendment to a bill being considered under a rule prohibiting pro forma amendments.

On Apr. 20, 1955,[8] the House adopted House Resolution 211, providing for consideration of H.R. 4644, to increase the salaries of postal employees and for other purposes. The resolution provided that only specified amendments could be offered and that no amendments could be offered to said amendments. Speaker Sam Rayburn, of Texas, stated in response to a parliamentary inquiry that under the special rule only two five-minute speeches would be permitted on each specified amendment, five minutes in favor and five minutes against.

Mr. Howard W. Smith, of Virginia, propounded a unanimous-

8. 101 CONG. REC. 4829–34, 84th Cong. 1st Sess.

consent request to extend the time for debate on one such amendment:

> Mr. Speaker, I desire to submit a unanimous-consent request. The point has been raised that there will be only 10 minutes of debate on this very controversial amendment on the pay question, which is to be found at page 82 of the bill. I should like to state frankly that I did not notice that. I believe that we should provide time for pro forma amendments, to any amendment that is offered. It was not my purpose to restrict the debate in this way. This was not called to my attention until this morning.
>
> After consultation with the minority, I ask unanimous consent that debate under the 5-minute rule on the amendment which will be offered at page 82 of the bill relating to the pay schedule, be extended for 30 additional minutes, which will provide 40 minutes of debate. . . .
>
> THE SPEAKER: Is there objection to the request of the gentleman from Virginia that the time for debate on the amendment which the gentleman identified be extended 30 minutes?
>
> MR. [LEO E.] ALLEN of Illinois: Reserving the right to object, Mr. Speaker, who will have control of the time under that procedure?
>
> THE SPEAKER: It will be up to the Chairman of the Committee of the Whole to recognize Members under the 5-minute rule.
>
> MR. [JOSEPH W.] MARTIN [Jr., of Massachusetts]: Reserving the right to object, Mr. Speaker, and I am not going to object, I think we can have assurance that both sides will be equally recognized in the 30 minutes.
>
> MR. SMITH of Virginia: I assume everybody will be fair.
>
> THE SPEAKER: Is there objection to the request of the gentleman from Virginia?
>
> There was no objection.

§ 74.15 When a committee amendment is being considered under a "closed" rule prohibiting amendments thereto, only two five-minute speeches are in order, pro forma amendments are not permitted and a third Member may be recognized only by unanimous consent.

An illustration of the proposition described above occurred in the Committee of the Whole on Mar. 8, 1977,[9] during consideration of the Tax Reduction and Simplification Act of 1977 (H.R. 3477). The proceedings were as follows:

> MR. [WILLIAM M.] KETCHUM [of California]: Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the committee amendment.
>
> THE CHAIRMAN:[10] The Chair will state that only two 5-minute speeches are in order under the rule absent unanimous consent.
>
> MR. KETCHUM: Mr. Chairman, I ask unanimous consent that I may be permitted to speak in favor of the amendment.

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9. 123 CONG. REC. 6632, 95th Cong. 1st Sess.

10. Tom Bevill (Ala.).

THE CHAIRMAN: Is there objection to the request of the gentleman from California?

There was no objection.

Parliamentarian's Note: If a special rule provides that only designated amendments may be offered, but does not restrict the amending of such amendments, Members can be recognized to offer pro forma and substantive amendments to the designated amendments under the five-minute rule.

§ 74.16 General debate in the Committee of the Whole having been set by a special rule adopted by the House, may not be extended beyond that time in Committee of the Whole even by unanimous consent.

On Feb. 22, 1980,[11] it was demonstrated that the Committee of the Whole cannot by unanimous consent directly change a rule adopted by the House. The proceedings were as follows:

THE CHAIRMAN:[12] The time of the gentleman from Florida (Mr. Fascell) has expired.

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I ask unanimous consent that the gentleman in the well be given an additional 3 minutes.

THE CHAIRMAN: The Chair will state that all time has expired under the rule. The Committee of the Whole cannot change the rule adopted by the House.

§ 74.17 Where only certain amendments are made in order in Committee of the Whole pursuant to a "modified closed" rule, and those amendments are disposed of or are not offered, no further debate is in order except by unanimous consent.

During consideration of House Joint Resolution 350 (proposing an amendment to the Constitution altering federal budget procedures) in the Committee of the Whole on Oct. 1, 1982,[13] the Chair responded to several parliamentary inquiries, as indicated below:

MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Chairman, I have a parliamentary inquiry. . . .

[I]n view of the fact that the Alexander amendment has been voted down, what is the status now of the joint resolution, House Joint Resolution 350?

THE CHAIRMAN:[14] The Chair will state that under the rule the gentleman from New York (Mr. Conable) has the opportunity to offer his amendment.

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

11. 126 CONG. REC. 3564, 96th Cong. 2d Sess.

12. Thomas S. Foley (Wash.).

13. 128 CONG. REC. 27254, 97th Cong. 2d Sess.

14. Edward P. Boland (Mass.).

the event that the gentleman from New York (Mr. Conable) declines to take his time, what will be the status of those who were in opposition and who had intended to speak in opposition to House Joint Resolution 350?

THE CHAIRMAN: No further amendment is in order, and the Committee will rise if the gentleman from New York (Mr. Conable) does not offer his amendment.

MR. RODINO: Mr. Chairman, would it then be in order to make a unanimous consent request?

THE CHAIRMAN: The answer is, yes, but it must be by unanimous consent.

MR. RODINO: Mr. Chairman, I then ask unanimous consent that in the event the gentleman from New York (Mr. Conable), the author of House Joint Resolution 350, declines to take his time, the majority leader and the Speaker, who had requested time of the chairman of the Committee on the Judiciary, be allowed 10 minutes, and that the other side be allowed 10 minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

MR. [CARROLL] CAMPBELL [Jr., of South Carolina]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

Does the gentleman from New York (Mr. Conable) wish to offer an amendment?

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Chairman, I elect not to offer my amendment.

THE CHAIRMAN: Under the rule, the Committee rises.

Parliamentarian's Note: In the above circumstances, a preferential motion, that the Committee of the Whole rise and report the resolution to the House with the recommendation that the enacting clause be stricken, made for the purpose of obtaining time for debate, would not be in order after disposition of the Alexander amendment if Mr. Conable did not seek recognition to offer the only other amendment made in order since the preferential motion is not in order where the stage of amendment is passed.

§ 74.18 Where the House has adopted a special rule limiting debate on an amendment in Committee of the Whole and equally dividing the time between the proponent and an opponent, the Committee of the Whole may, by unanimous consent, allocate some of the opposition time to the proponent where no Member has claimed time in opposition.

The following proceedings occurred in the Committee of the Whole on Mar. 3, 1983,[15] during consideration of H.R. 1718 (emergency appropriations for fiscal 1983):

THE CHAIRMAN:[16] Pursuant to House Resolution 113, the gentleman

15. 129 CONG. REC. 3939, 3943, 98th Cong. 1st Sess.

16. David E. Bonior (Mich.).

from New Jersey (Mr. Howard) will be recognized for 15 minutes, and a Member opposed to the amendment will be recognized for the other 15 minutes.

Is there a Member opposed who wishes to control that time?

No Member has responded, and the Chair recognizes the gentleman from New Jersey (Mr. Howard) for 15 minutes.

MR. [M. G. (GENE)] SNYDER [of Kentucky]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. SNYDER: The Chairman, since no one has risen in opposition, would it be permissible to ask unanimous consent to transfer 5 minutes of the opposition time to the gentleman from New Jersey?

THE CHAIRMAN: Under unanimous consent, yes.

MR. SNYDER: Mr. Chairman, I make that request.

THE CHAIRMAN: Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Parliamentarian's Note: The Committee of the Whole may not by unanimous consent extend time for debate set by the House, but may reallocate time where there is no opposition.

Enacting Clause Where Pro Forma Amendments Prohibited

§ 74.19 A special rule governing consideration of a bill in Committee of the Whole which prohibits the Chair from entertaining pro forma amendments for the purpose of debate does not preclude the offering of a preferential motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, since that motion is not a pro forma amendment and must be voted on (or withdrawn by unanimous consent).

On May 4, 1983,[17] the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons. House Joint Resolution 13 was being considered pursuant to a special rule agreed to on Mar. 16,[18] and a special rule providing for additional procedures for consideration, including the prohibition of pro forma amendments offered for purposes of obtaining debate time, agreed to on May 4.[19] A preferential motion was offered:

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I offer a preferential motion.

17. 129 CONG. REC. 11072, 98th Cong. 1st Sess.
18. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.
19. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.

The Clerk read as follows:

> Mr. Levitas moves that the Committee rise and report the resolution back to the House with the recommendation that the resolving clause be stricken.

MR. [THOMAS J.] DOWNEY of New York: Mr. Chairman, I have a point of order.

THE CHAIRMAN PRO TEMPORE:[20] The gentleman will state his point of order.

MR. DOWNEY of New York: Mr. Chairman, my understanding of the rule is that there is a provision in the rule that prohibits motions of this sort for the purpose of debate time. Is that correct?

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman it only prohibits pro forma amendments, not preferential motions such as the gentleman has offered.

§ 75. General Debate

On most bills considered in the Committee of the Whole, a special rule reported from the Committee on Rules and adopted by the House provides for a certain number of hours of general debate, equally divided and controlled by the chairman and ranking minority member of the reporting committee.[1] If no special rule provides for the duration of general debate, the House may agree by unanimous consent to limit such debate.[2] And where the House has fixed the time for general debate, the Committee may not, even by unanimous consent, extend such time.[3]

If neither a special rule nor a unanimous-consent agreement has provided for the duration of general debate in the Committee, the debate proceeds under the hour rule, each Member being recognized for one hour, and is unlimited until the Committee or the House acts to close the debate.[4]

Cross References

Committee of the Whole and debate generally, see Ch. 19, supra.

Control and distribution in general debate, see §§ 24–26, supra.

Effect of special orders on duration of general debate, see § 74, supra.

General debate on appropriation bills, see Ch. 25, supra.

Opening and closing debate generally, see § 7, supra.

Recognition generally on bills considered in the Committee of the Whole, see § 16, supra.

Special orders generally, see Ch. 21, supra.

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20. Leon E. Panetta (Calif.).

1. See § 74, supra, for the effect of special rules on the duration of debate in the Committee of the Whole.

2. See § 75.10, infra.

3. See § 75.7, infra.

4. See §§ 75.1–75.4, infra. For the one-hour limitation per Member, see §§ 75.5, 75.6, infra.

General Debate Under the Hour Rule

§ 75.1 Absent an agreement in the House limiting the time for general debate in the Committee of the Whole, debate in the Committee is under the hour rule.

On July 28, 1969,[5] Mr. John Dowdy, of Texas, asked unanimous consent for the consideration of H.R. 9553, amending the District of Columbia Minimum Wage Act, in the House as in the Committee of the Whole. Mr. Brock Adams, of Washington, reserved the right to object and propounded a parliamentary inquiry:

> If the gentleman from Washington should object to the request and we should go into the Committee of the Whole for the consideration of this bill, then what would be the time requirements? Would there be 1 hour of debate to be divided between the opposition and the proponents?
>
> THE SPEAKER:[6] The Chair will state that if the unanimous-consent request is objected to, under the rules a motion will be in order to go into the Committee of the Whole House on the State of the Union and the gentleman from Texas would control 1 hour, unless the time is fixed by unanimous consent prior to going into the Committee of the Whole.[7]

§ 75.2 General debate in the Committee of the Whole when considering District of Columbia business is under the hour rule and is otherwise unlimited unless the House provides otherwise.

On May 12, 1941,[8] the House resolved itself into the Committee of the Whole for the consideration of District of Columbia legislation pending on the Union Calendar. Since no time for debate had been fixed, Chairman William M. Whittington, of Mississippi, recognized five Members successively for an hour's debate each.

On July 28, 1969,[9] Speaker John W. McCormack, of Massachusetts, stated, in response to a parliamentary inquiry, that should a bill called up by the Committee on the District of Columbia, pending on the Union Calendar, be considered in the Committee of the Whole, debate in the Committee would be under the hour rule and unlimited absent an agreement in the House limiting general debate in the Committee.[10]

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5. 115 CONG. REC. 20850, 20851, 91st Cong. 1st Sess.

6. John W. McCormack (Mass.).

7. See also 93 CONG. REC. 2464, 2465, 80th Cong. 1st Sess., Mar. 24, 1947; 81 CONG. REC. 7680–97, 75th Cong. 1st Sess., July 27, 1937; and 81 CONG. REC. 5754, 75th Cong. 1st Sess., June 15, 1937.

8. 87 CONG. REC. 3917–40, 77th Cong. 1st Sess.

9. 115 CONG. REC. 20850, 20851, 91st Cong. 1st Sess.

10. See also 75 CONG. REC. 7990, 72d Cong. 1st Sess., Apr. 11, 1932.

§ 75.3 Where the time for general debate in Committee of the Whole has not been fixed, the Chair may recognize a Member under the hour rule and then decline to recognize any other Member until that hour is exhausted.

On July 27, 1937,[11] the Committee of the Whole was considering, under general debate, H.R. 7730, to authorize the President to appoint administrative assistants. No time had been fixed in the House for the length of general debate. Mr. John Taber, of New York, had the floor under the hour rule and Mr. Bertrand H. Snell, of New York, sought recognition, which was refused by Chairman Wright Patman, of Texas, Mr. Taber declining to yield or relinquish his time. The Chairman then answered a parliamentary inquiry:

> MR. [EARL C.] MICHENER [of Michigan]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. MICHENER: Under the rules of the House, when we go into the Committee of the Whole House on the state of the Union, as we have in this instance, without fixing the time for debate, am I correct in saying that anyone recognized by the Chair is recognized for an hour, and has the Chair the discretion of recognizing certain individuals and then permitting those individuals to yield their time to other individuals, to the exclusion of other Members who are seeking recognition?
>
> THE CHAIRMAN: That has been the practice.

§ 75.4 When the House resolves itself into the Committee of the Whole for the consideration of an appropriation bill without fixing the time for debate, the Member first recognized is entitled to an hour and may yield such portions of that time as he desires, and after that hour another Member is recognized for an hour.

On Mar. 24, 1947,[12] Mr. Frank B. Keefe, of Wisconsin, moved that the House resolve itself into the Committee of the Whole for the consideration of H.R. 2700, an appropriation bill. He proposed a unanimous-consent agreement for time for general debate on the bill, and Mr. John J. Rooney, of New York, objected to the request.

Speaker Joseph W. Martin, Jr., of Massachusetts, then answered a parliamentary inquiry on recognition and time for debate in the Committee of the Whole, where the time and control of debate have not been fixed:

11. 81 CONG. REC. 7680–97, 75th Cong. 1st Sess.

12. 93 CONG. REC. 2464, 2465, 80th Cong. 1st Sess.

MR. KEEFE: Mr. Speaker, do I understand that on the adoption of the motion to go into the Committee of the Whole House on the State of the Union that there will be 1 hour for general debate for each side?

THE SPEAKER: Under the rule, whoever is first recognized is entitled to 1 hour and, of course, the Member can yield such portions of that time as he wishes. . . .

MR. ROONEY: Mr. Speaker, is it understood that the minority is to have an equal division of the time for debate this afternoon?

THE SPEAKER: After the first hour has been used by the majority, the minority then can have 1 hour under the rule.[13]

One-hour Limitation on General Debate

§ 75.5 Although a Member may have control of time for general debate in the Committee of the Whole, he may not consume more than one hour, except by unanimous consent.

On July 22, 1958,[14] Mr. Clarence Cannon, of Missouri, was in control of time for debate on an appropriations bill. Chairman James J. Delaney, of New York, advised him that he had consumed one hour. Mr. Cannon stated he wished to consume the remainder of his time, and the Chairman asked whether there was objection to Mr. Cannon proceeding for one additional minute. Mr. Donald W. Nicholson, of Massachusetts, objected to the request.

On Mar. 6, 1962,[15] Mr. J. Vaughan Gary, of Virginia, was in control of time for general debate on an appropriations bill. When Chairman W. Homer Thornberry, of Texas, advised him that he had consumed one hour of his time, he asked and was given permission to proceed for five additional minutes.[16]

§ 75.6 Where debate in the Committee of the Whole was proceeding under the hour rule and the Member with the floor had yielded the balance of his time to another, the Chair declined to recognize for a unanimous-consent request that the latter Mem-

13. Since appropriations bills reported by the Committee on Appropriations are privileged for consideration (see Rule XI clause 4(a), *House Rules and Manual* § 726 [1995]), they are normally considered without a special order from the Committee on Rules. See, generally, Ch. 25, supra.

14. 104 CONG. REC. 14647, 85th Cong. 2d Sess.

15. 108 CONG. REC. 3484–89, 87th Cong. 2d Sess.

16. See also 115 CONG. REC. 21174–78, 91st Cong. 1st Sess., July 29, 1969; and 111 CONG. REC. 26258, 89th Cong. 1st Sess., Oct. 7, 1965.

ber be permitted additional time.

On Mar. 24, 1947,[17] general debate was proceeding under the hour rule in the Committee of the Whole on H.R. 2700, the Department of Labor and Federal Security Agency appropriation bill. Mr. John J. Rooney, of New York, who had the floor, yielded the balance of his time to Mrs. Mary T. Norton, of New Jersey, who asked unanimous consent for additional time. Chairman Clifford R. Hope, of Kansas, ruled that the request was not in order:

> MRS. NORTON: Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes.
>
> THE CHAIRMAN: The Chair regrets that the request is not in order at this time, as the time is under the control of the gentleman from New York and is restricted under the rules of the House.
>
> MRS. NORTON: Is it not possible to get that additional time by unanimous consent? I have known it to be done in many, many other cases.
>
> THE CHAIRMAN: That would be true under the 5-minute rule, but we are proceeding now in general debate, and under the rules of the House that is not permitted.

Parliamentarian's Note: No limits on debate having been set by the House, Mrs. Norton could have consumed the remainder of Mr. Rooney's time and then sought recognition for one hour in her own right.

Where Time Fixed by House

§ 75.7 Time for general debate in the Committee of the Whole having been fixed by the House, the Committee of the Whole may not, even by unanimous consent, extend it.

On June 23, 1959,[18] Chairman Clark W. Thompson, of Texas, declined to recognize for a unanimous-consent request to extend time for debate in the Committee of the Whole, the House having fixed the time:

> MR. [CHARLES A.] VANIK [of Ohio]: Mr. Chairman, will the gentleman yield for a consent request?
>
> MR. [HOWARD W.] SMITH of Virginia: I yield.
>
> MR. VANIK: I ask unanimous consent that the gentleman from Virginia may be permitted to proceed for 10 additional minutes.
>
> THE CHAIRMAN: The time has been fixed in the House. The gentleman's request is not in order.
>
> The gentleman from Virginia will proceed.

Effect of Special Rule

§ 75.8 Where the House pursuant to a special rule has di-

17. 93 CONG. REC. 2476, 80th Cong. 1st Sess.

18. 105 CONG. REC. 11666, 86th Cong. 1st Sess.

vided the control of general debate in the Committee of the Whole between the chairman and ranking minority member of the committee which reported the bill, it is not in order for a Member to whom time has been yielded to ask unanimous consent for additional time, although the Members in control may yield additional time.

On Dec. 17, 1970,[19] the Committee of the Whole was conducting general debate on H.R. 19446, the Emergency School Aid Act of 1970, pursuant to House Resolution 1307, dividing control of general debate between the chairman and ranking minority member of the Committee on Education and Labor. Mr. John Conyers, Jr., of Michigan, who had been yielded time in debate, asked unanimous consent for additional time when his yielded time had expired. Chairman James C. Corman, of California, indicated that such a request was not in order:

THE CHAIRMAN: The time of the gentleman from Michigan has expired.

MR. CONYERS: Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

THE CHAIRMAN: The Chair will state to the gentleman from Michigan that the time is under the control of the managers of the bill, the gentleman from California (Mr. Bell) and the gentleman from Kentucky (Mr. Perkins).

MR. [ALPHONZO] BELL of California: Mr. Chairman, I yield the gentleman from Michigan 2 additional minutes.

Various Examples of Unanimous-consent Agreements

§ 75.9 The House agreed to a unanimous-consent request providing that the House resolve itself into the Committee of the Whole for the consideration of a concurrent resolution on the House Calendar and providing that there be one hour of general debate (one-half hour on each side).

On June 22, 1965,[20] the House agreed to a unanimous-consent request for the consideration of a Senate concurrent resolution on the House Calendar:

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, I ask unanimous consent that the House resolve itself into the Committee of the Whole House on the State of the Union for the reconsideration of Senate Concurrent Resolution 36 expressing the sense of the Congress with respect to the 20th anniversary of the United Nations during International Cooperation Year, and for other purposes, and that general

19. 116 CONG. REC. 42222, 42223, 91st Cong. 2d Sess.

20. 111 CONG. REC. 14400, 89th Cong. 1st Sess.

debate thereon be limited to 1 hour, one-half hour to be controlled by myself and one-half hour to be controlled by the gentlewoman from Ohio [Mrs. Bolton].

THE SPEAKER:[1] Is there objection to the request of the gentleman from Florida?

There was no objection.

§ 75.10 In the consideration of the general appropriation bill of 1951, containing all the appropriations for the various agencies of the government, it was agreed in the House by unanimous consent that: (1) general debate in the Committee of the Whole be equally divided between the chairman and the ranking minority member of the Committee on Appropriations; and (2) following the reading of the first chapter of the bill for amendment, not to exceed two hours' general debate be had before the reading of each subsequent chapter, one-half to be controlled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter.

On Apr. 3, 1950,[2] Clarence Cannon, of Missouri, Chairman of the Committee on Appropriations, moved to resolve into Committee of the Whole for consideration of the general appropriation bill of 1951 and made the following unanimous-consent request on the control of time for debate, which was agreed to by the House:

> Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7786) making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes; and pending that I ask unanimous consent that time for general debate be equally divided, one-half to be controlled by the gentleman from New York [Mr. Taber] and one-half by myself; that debate be confined to the bill; and that following the reading of the first chapter of the bill, not to exceed 2 hours general debate be had before the reading of the subsequent chapter, one-half to be controlled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter.

Parliamentarian's Note: In prior years there had been 11 separate appropriation bills for the various government agencies. In 1951 they were consolidated into one bill.

Time Used for Parliamentary Inquiry

§ 75.11 Where a Member to whom time has been yielded

1. John W. McCormack (Mass.).
2. 96 CONG. REC. 4614, 4615, 81st Cong. 2d Sess.

for general debate poses a parliamentary inquiry, the time consumed to answer the inquiry is deducted from his time for debate.

On Sept. 25, 1975,[3] the Chairman of the Committee of the Whole responded to a parliamentary inquiry, as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. Buchanan).

(Mr. Buchanan asked and was given permission to revise and extend his remarks.)

MR. [JOHN] BUCHANAN [of Alabama]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[4] The gentleman will state his parliamentary inquiry.

MR. BUCHANAN: May I ask whether the making of this parliamentary inquiry is taken out of my time?

THE CHAIRMAN: The Chair will state that it will be taken out of the gentleman's time.

Relevancy of General Debate

§ 75.12 Where a special rule provided for the chairman of the Committee on International Relations to designate Members to equally divide and control two extra hours of general debate on a bill in Committee of the Whole, the chairman of said committee informed the Chairman of the Committee of the Whole of his designation of himself, another member of the majority party and two members of the minority party to control one-half hour each; and the Chairman of the Committee of the Whole advised that such debate was not required by the rule to be confined to any particular issue, but to the bill as a whole.

On July 31, 1978,[5] Mr. Clement J. Zablocki, of Wisconsin, the chairman of the Committee on International Relations, made a statement as to the division of control of time for debate pursuant to a special rule providing for two extra hours of debate on H.R. 12514, foreign aid authorizations for fiscal 1979. The intent behind requesting the extra hours had been to afford debate directed at the Turkish arms embargo issue, but the rule properly omitted any reference to the scope of debate, other than the requirement that all general debate be confined to the bill.

MR. ZABLOCKI: Mr. Chairman, under the rule, it is my understanding that

3. 121 CONG. REC. 30196, 94th Cong. 1st Sess.

4. J. Edward Roush (Ind.).

5. 124 CONG. REC. 23456, 23457, 95th Cong. 2d Sess.

the 1 hour for general debate on the entire bill, that that hour is equally divided between myself and the ranking minority member, the gentleman from Michigan (Mr. Broomfield).

Then the 2 hours that the rule provides for the Greek-Turkey-Cyprus issue, that there be 1 hour in support of lifting the embargo and 1 hour in opposition, and that the hour in support would be divided between myself and the gentleman from Michigan (Mr. Broomfield), and those in opposition to lifting the embargo would be managed by the gentleman from Florida (Mr. Fascell) and the gentleman from Illinois (Mr. Derwinski).

THE CHAIRMAN:[6] The Chair will respond to the gentleman from Wisconsin (Mr. Zablocki) that the Chair has been informed that the gentleman from Wisconsin has designated the gentleman from Florida (Mr. Fascell) for 1 hour, and also the gentleman from Illinois (Mr. Derwinski) for 1 hour. The rule, of course, does not confine any such debate to the embargo issue alone.

Limiting Debate Under Statutory Schemes

§ 75.13 Pursuant to section 21(b) of the Federal Trade Commission Improvements Act, a motion to limit debate on a concurrent resolution disapproving an FTC regulation in Committee of the Whole is privileged and is not debatable, and is in order pending the motion that the House resolve itself into the Committee of the Whole to consider the concurrent resolution.

The following proceedings occurred in the House on May 26, 1982,[7] during consideration of a motion that the House resolve into the Committee of the Whole to consider Senate Concurrent Resolution 60 (disapproving Federal Trade Commission regulations regarding the sale of used motor vehicles):

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, pursuant to the provisions of section 21(b) of Public Law 96–252, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate concurrent resolution (S. Con. Res. 60) disapproving the Federal Trade Commission trade regulation rule relating to the sale regulation rule relating to the sale of used motor vehicles; and pending that motion, Mr. Speaker, I move that general debate on the Senate concurrent resolution be limited not to exceed 2 hours, 1 hour to be controlled by the gentleman from New Jersey (Mr. Florio) and 1 hour to be controlled by the gentleman from New York (Mr. Lee). . . .

THE SPEAKER:[8] The gentleman from Michigan (Mr. Dingell) made the motion that the debate be limited to 2 hours. . . .

The Chair will state that the motion to limit debate is not debatable.

6. Don Fuqua (Fla.).

7. 128 CONG. REC. 12027, 12029, 9th Cong. 2d Sess.

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

MR. [TOBY] MOFFETT [of Connecticut]: I cannot yield, Mr. Speaker?

THE SPEAKER: The motion is pending. . . .

The Chair will put the question.

The question is on the motion offered by the gentleman from Michigan (Mr. Dingell) to limit the debate to 2 hours. . . .

[The motion was agreed to.]

THE SPEAKER: The question is on the motion offered by the gentleman from Michigan (Mr. Dingell) that the House resolve itself into the Committee of the Whole House.

The motion was agreed to.

Parliamentarian's Note: A motion to resolve into Committee of the Whole for consideration of a concurrent resolution disapproving an agency action is highly privileged and may be offered before the third day on which is report thereon is available since, Rule XI, the requirement of class 2(l)(6) of that rule that committee reports be available to Members for three days is not applicable to a measure disapproving a decision by a government.[9]

§ 76. —Closing General Debate

Rule XXIII provides that general debate in the Committee of the Whole is "closed by order of the House."[10] The motion in the House to close general debate is not in order until the Committee has risen after some debate has been had on the bill in the Committee of the Whole,[11] but the House may by unanimous consent close debate or fix debate in the Committee of the Whole before such debate has begun.[12]

Although it would not be in order by motion in the House to close the debate prior to the expiration of the time previously fixed by the House, a unanimous-consent agreement may so provide, either in the House or in the Committee itself.[13]

Where the managers of a bill agree between themselves to close general debate prior to the time fixed by the House, they may yield back their remaining time without obtaining unanimous consent.[14]

The motion that the Committee rise, if adopted, terminates general debate for that sitting of the Committee. The motion is non-

9. See § 244, supra.

10. Rule XXIII clause 5(a), *House Rules and Manual* § 870 (1995). For general principles as to closing general debate, see *House Rules and Manual* § 871 (1995).

11. See §§ 76.3–76.5, infra.

12. See §§ 76.6, 76.8, infra.

13. See §§ 76.7, 76.10, infra.

14. See §§ 76.1, 76.2, infra.

debatable and of high privilege. The motion is generally within the discretion of the Member in charge of general debate, and may not be moved by a Member yielded time for debate only.[15]

Cross References

Closing debate generally, see § 7, supra.

Closing debate in the House as distinguished from Committee of the Whole, see § 72, supra.

Closing five-minute debate in Committee of the Whole, see § 78, infra.

Closing general debate on appropriation bills, see Ch. 25, supra.

Control of time for debate, see §§ 24–26, supra.

Effect of special rules generally, see Ch. 21, supra.

Prior rights of committee members and Members in charge to close debate, see §§ 13, 14, supra.

Procedure in Committee of the Whole generally, see Ch. 19, supra.

Agreement of Managers To Terminate General Debate

§ 76.1 Where a bill is being considered in the Committee of the Whole under a rule specifying the time for general debate, the managers of the bill need not use all of the prescribed time but may agree among themselves to terminate further general debate and begin consideration of the bill under the five-minute rule; such an agreement is between the managers and is not an agreement of the Committee of the Whole.

On Sept. 26, 1966,[16] the Committee of the Whole was proceeding with general debate on H.R. 15111, Economic Opportunity Act Amendments, pursuant to House Resolution 923, providing eight hours of debate. The managers of the bill were Mr. Sam M. Gibbons, of Florida, and Mr. Albert H. Quie, of Minnesota. Chairman Jack B. Brooks, of Texas, indicated that the managers could agree between themselves not to use all of the allotted time and that such an agreement was not for the Committee of the Whole to decide but for the managers to decide:

> MR. GIBBONS: Mr. Chairman, do I understand we have reached an agreement now that on both sides we will yield back time to where we only have 2 hours of general debate tomorrow? That has been done, as I understand it. Is that correct?
>
> THE CHAIRMAN: In reply to the request of the gentleman from Florida, I think it would be fair to state the agreement as to yielding time is between you and the gentleman from Minnesota.

15. See §§ 76.12, 76.13, infra.

16. 112 CONG. REC. 23785, 89th Cong. 2d Sess.

MR. GIBBONS: Then, of course, the only other question is to get unanimous consent to come in at 11 o'clock tomorrow.

THE CHAIRMAN: As to any agreement as to when the House comes back tomorrow, that will be settled, of course, when the Committee rises.

MR. GIBBONS: Mr. Chairman, I move that the Committee do now rise.

§ 76.2 Where managers of a bill being considered in the Committee of the Whole agree not to use all the time for general debate permitted under the rule, the Chair takes cognizance of the agreement and may announce it to the Committee.

On Sept. 27, 1966,[17] the House resolved itself into the Committee of the Whole for the further consideration of H.R. 15111, Economic Opportunity Act Amendments, whose consideration had been discontinued on the prior day. Prior to the Committee's rising on the prior day, the managers of the bill, Mr. Sam M. Gibbons, of Florida, and Mr. Albert H. Quie, of Minnesota, had indicated they would not use all of the eight hours of debate allotted to them under the special order, but would yield back some of their time (see § 76.1, supra). Accordingly, Chairman Jack B. Brooks, of Texas, made the following announcement:

When the Committee rose on yesterday, the gentleman from New York [Mr. Powell] had 3 hours and 12 minutes remaining, and the gentleman from Ohio [Mr. Ayres] had 2 hours and 29 minutes remaining.

Before the Committee rose, the gentleman from Florida [Mr. Gibbons] and the gentleman from Minnesota [Mr. Quie] had agreed to limit further general debate to 4 hours, to be equally divided and controlled by the majority and the minority.

Accordingly, the Chair will recognize the gentleman from New York [Mr. Powell] for 2 hours, and the gentleman from Minnesota [Mr. Quie] for 2 hours.

The Chair recognizes the gentleman from New York.

Closing General Debate by Motion in the House

§ 76.3 In the House, a motion to fix general debate on an appropriation bill prior to resolving into the Committee of the Whole is not in order, but after there has been debate in the Committee of the Whole and the Committee rises, the motion is in order.

On Feb. 18, 1947,[18] Speaker Joseph W. Martin, Jr., of Massachusetts, answered a parliamen-

17. 112 CONG. REC. 23946, 89th Cong. 2d Sess.

18. 93 CONG. REC. 1138, 80th Cong. 1st Sess.

tary inquiry on the motion in the House to fix debate in the Committee of the Whole:

MR. [JOHN] TABER [of New York]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1968) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, to be equally divided and controlled by the gentleman from Missouri [Mr. Cannon] and myself.

THE SPEAKER: Is there objection to the request of the gentleman from New York?

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, reserving the right to object, is this the bill that contains the cuts of appropriations for OPA?

MR. TABER: Yes.

MR. MARCANTONIO: Then I object, Mr. Speaker.

MR. TABER: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. TABER: The House may go into the Committee of the Whole and later, after debate has occurred, rise, and then a motion would be in order to close debate; but otherwise a motion would not be in order at this time to close?

THE SPEAKER: The gentleman from New York states the situation accurately. The House must first go into Committee and have general debate, and then rise and fix the time of debate by vote.

§ 76.4 The House can close debate on a bill by motion at any time after debate has been had in the Committee of the Whole even though the effect of adopting the motion to close debate would be to deprive Members of the time allotted to them.

On May 17, 1934,[19] general debate had been had in the Committee of the Whole on a bill and the Committee rose. Mr. Vincent L. Palmisano, of Maryland, moved that the House resolve again into the Committee and moved that debate on the bill close instanter. Speaker Henry T. Rainey, of Illinois, overruled a point of order against the motion:

MR. PALMISANO: Mr. Speaker, I move 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. 4548) to provide old-age securities for persons over 60 years of age residing in the District of Columbia, and for other purposes, and pending that motion I move that debate upon the bill do now close, and on that I demand the previous question.

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, I make the point of order that the motion is out of order

19. 78 CONG. REC. 9066, 73d Cong. 2d Sess.

because time has already been allotted in the committee to certain gentlemen whose full time has not expired.

THE SPEAKER: The House can close debate at any time after debate has been had in the Committee of the Whole.

§ 76.5 After two hours of general debate in the Committee of the Whole, the Committee rose; pending a motion to resolve again into the Committee of the Whole, the House adopted a motion that general debate close instanter.

On July 27, 1937,[20] the Committee of the Whole was conducting general debate, under the hour rule, on H.R. 7730, to authorize the President to appoint six administrative assistants. No time had been fixed for general debate. The Committee rose after two hours of such debate. Mr. J. W. Robinson, of Utah, then moved that the House resolve itself again into the Committee and also moved, pending that motion, that all debate on the bill close, on which motion he moved the previous question. The House adopted the motion:

MR. ROBINSON of Utah: Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 7730) to authorize the President to appoint not to exceed six administrative assistants; and pending that motion, I move that all debate on the bill do now close, and on that I move the previous question.

THE SPEAKER:[1] The gentleman from Utah moves 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. 7730; and pending that motion, the gentleman from Utah moves that all debate on the bill do now close. Upon that he moves the previous question.

The question is, Shall the previous question be ordered?

The previous question was ordered.

THE SPEAKER: The question is on the motion of the gentleman from Utah that all debate on the bill H.R. 7730 do now close.

MR. [JOHN] TABER [of New York]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 255, nays 79, answered "present" 1, not voting 96. . . .

Closing General Debate by Unanimous Consent

§ 76.6 The House agreed by unanimous consent to dispense with general debate on an appropriation bill in the Committee of the Whole.

20. 81 CONG. REC. 7680–97, 75th Cong. 1st Sess.

1. William B. Bankhead (Ala.).

On July 5, 1945,[2] the House agreed to a unanimous-consent request by Mr. Clarence Cannon, of Missouri, dispensing with general debate on a bill in the Committee of the Whole:

> Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3649), making appropriations for war agencies for the fiscal year ending June 30, 1946, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent to dispense with general debate in the Committee of the Whole.

In response to parliamentary inquiries, Speaker Sam Rayburn, of Texas, stated that under a procedure allowing no general debate, points of order against paragraphs in the bill should be made when the relevant paragraph was read for amendment in the Committee of the Whole.

Parliamentarian's Note: A motion to dispense with general debate would not have been in order, since a motion to limit debate may not be made in the House until general debate has commenced in the Committee of the Whole.

§ 76.7 Where the Committee of the Whole rose, after consuming a portion of the time prescribed by the House for general debate, the House agreed by unanimous consent that when the Committee should resume consideration of the bill, the debate be further limited.

On June 27, 1968,[3] the Committee of the Whole had risen after consuming a portion of the three hours of general debate on S. 1166 (Gas Pipeline Safety Act), which time was provided for in House Resolution 1215. The House agreed to a unanimous-consent request further limiting debate in the Committee of the Whole on the bill:

> MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I ask unanimous consent that when the Committee of the Whole continues the consideration of the bill (S. 1166) to authorize the Secretary of Transportation to prescribe safety standards for the transportation of natural and other gas by pipeline, and for other purposes, that the time for general debate be limited to 30 minutes with 15 minutes for the minority and 15 minutes for the majority side.
>
> THE SPEAKER:[4] Without objection, it is so ordered.
>
> There was no objection.

§ 76.8 Prior to resolving into the Committee of the Whole

2. 91 CONG. REC. 7226, 79th Cong. 1st Sess.

3. 114 CONG. REC. 19105, 90th Cong. 2d Sess.

4. John W. McCormack (Mass.).

on a privileged appropriation bill, the House, by unanimous consent, agreed that general debate close at a time certain and that at the conclusion of general debate the Committee rise.

On Apr. 9, 1963,[5] Mr. Albert Thomas, of Texas, moved that the House resolve itself into the Committee of the Whole and made a unanimous-consent request on the time for general debate, which request was agreed to by the House:

> Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5517, making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes; and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be concluded not later than 5 p.m. today, one-half of the time to be controlled by the gentleman from Ohio [Mr. Bow], and one-half by myself, and that at the conclusion of general debate today the Committee will rise. . . .
>
> THE SPEAKER:[6] Is there objection to the request of the gentleman from Texas?
>
> There was no objection.
>
> THE SPEAKER: The question is on the motion offered by the gentleman from Texas [Mr. Thomas].
>
> The motion was agreed to.

Effect of Special Rule

§ 76.9 Where the Committee of the Whole is proceeding in general debate on a bill pursuant to a special rule adopted by the House, a motion in the Committee that such debate be closed instantly is not in order.

On Sept. 25, 1951,[7] the Committee of the Whole was conducting general debate on H.R. 39, the Marketing Facilities Act. Chairman Lindley Beckworth, of Texas, stated that under the special rule adopted by the House for consideration of the bill, Mr. Harold D. Cooley, of North Carolina, had 30 minutes of debate and Mr. Clifford R. Hope, of Kansas, 30 minutes. Mr. Paul W. Shafer, of Michigan, made a point of order and then withdrew it, but also moved that debate be closed "now" and that "we vote on the bill." The Chairman ruled that the motion was not in order.

Unanimous Consent in Committee To Truncate Debate

§ 76.10 The House having fixed time for debate on a bill in the Committee of the Whole,

5. 109 CONG. REC. 6044, 6045, 88th Cong. 1st Sess.
6. John W. McCormack (Mass.).
7. 97 CONG. REC. 12084, 12089, 82d Cong. 1st Sess.

it was held that the Committee of the Whole could by unanimous consent further limit such debate as it desired.

On July 5, 1939,[8] the Committee of the Whole was conducting general debate on a bill, the House having fixed time for debate at two hours, to be divided by two Members. Chairman Lawrence Lewis, of Colorado, stated that the Committee of the Whole could by unanimous consent further limit the time for general debate:

> THE CHAIRMAN: The gentleman is entitled to an hour and the gentleman from New York [Mr. Bloom] is entitled to an hour.
>
> MR. [SOL] BLOOM: I understand that. The gentleman is entitled to an hour and I am entitled to an hour, but I am asking the gentleman if we cannot agree on less time so we can get through with this bill. If the gentleman desires to use his full hour, then he does not want to agree on time. That is up to him.
>
> MR. [ANDREW C.] SCHIFFLER [of West Virginia]: But we cannot agree at this time.
>
> MR. [CASSIUS C.] DOWELL [of Iowa]: Mr. Chairman, that agreement should have been made in the House instead of in Committee of the Whole. We are now under the rule. That is a rule of the House and the time should have been fixed in the House before the House went into Committee.
>
> THE CHAIRMAN: The Committee can limit time by unanimous consent if it so desires.
>
> Is there objection to the request of the gentleman from New York?
>
> MR. [FRANK E.] HOOK [of Michigan]: Mr. Chairman, I object.

Motion That the Committee Rise

§ 76.11 When the House has limited general debate to a time certain and provided for the Committee of the Whole to rise at the expiration of that time, the Chairman of the Committee announces the arrival of the time and the Committee rises without a motion being made.

On Apr. 9, 1963,[9] the House agreed to a motion by Mr. Albert Thomas, of Texas, that the House resolve itself into the Committee of the Whole for the consideration of a bill and agreed to his unanimous-consent request that debate conclude at a time certain, at which time the Committee would rise. When the appointed time arrived in the Committee, Chairman Richard Bolling, of Missouri, announced that the Committee rise

8. 84 CONG. REC. 8625, 76th Cong. 1st Sess.

9. 109 CONG. REC. 6073, 88th Cong. 1st Sess.

under the previous order, and the Committee rose accordingly, without a motion being made to that effect.

§ 76.12 The motion that the Committee of the Whole rise (thereby cutting off debate) is not debatable and is always within the discretion of the Member handling the bill before the Committee.

On June 16, 1948,[10] Mr. Walter G. Andrews, of New York, was handling the consideration of H.R. 6401 in the Committee of the Whole. He moved that the Committee rise, and Chairman Francis H. Case, of South Dakota, ruled that the motion was within Mr. Andrews' discretion:

> MR. ANDREWS of New York: Mr. Chairman, in view of the fact that two or three Members who have time are not here, I move that the Committee do now rise.
>
> THE CHAIRMAN: The question is on the motion offered by the gentleman from New York [Mr. Andrews].
>
> MR. [GEORGE A.] SMATHERS [of Florida]: Mr. Chairman, I would like to be heard on that.
>
> THE CHAIRMAN: That is not a debatable motion. It is always within the discretion of the gentleman handling the bill to move that the Committee rise.

§ 76.13 A Member may not in time yielded him for general debate move that the Committee of the Whole rise, nor may he yield to another for such motion.

On Feb. 22, 1950,[11] Mr. Howard W. Smith, of Virginia, moved, in time yielded him in the Committee of the Whole by Mr. Adam C. Powell, Jr., of New York, for general debate, that the Committee rise. Chairman Francis E. Walter, of Pennsylvania, ruled that the motion was not in order, since Mr. Powell had control of the time and since he had not yielded time to Mr. Smith for the making of the motion. Mr. Hugo S. Sims, Jr., of South Carolina, was then yielded time for debate by Mr. Powell and yielded to Mr. Smith who again moved that the Committee rise, stating he had "some time of my own." The Chairman ruled that the motion was not in order, since Mr. Sims was yielded time for general debate and could not yield to Mr. Smith for the making of the motion.

On appeal, the Chairman's ruling was sustained.[12]

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10. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

11. 96 CONG. REC. 2178, 81st Cong. 2d Sess.

12. See also 113 CONG. REC. 14121, 90th Cong. 1st Sess., May 25, 1967; 109 CONG. REC. 10151–65, 88th Cong. 1st Sess., June 4, 1963; 102 CONG. REC. 6891, 84th Cong. 2d Sess., Apr.

Parliamentarian's Note: When the House has vested control of general debate in the Committee of the Whole in the chairman and ranking minority member of the committee reporting a bill, their control of general debate may not be abrogated by another Member moving that the Committee rise—unless they yield for that purpose.

§ 77. Five-minute Debate

Debate under the five-minute rule in the Committee of the Whole is provided for by Rule XXIII clause 5:

> When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon, but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.[13]

A special rule adopted by the House for the consideration of a bill may alter the normal effect of the five-minute rule. For example, a special rule permitting only committee or designated amendments to be offered requires that there be only two five-minute speeches on each such amendment without extension of time or pro forma amendments.[14]

The pro forma amendment, such as moving to "strike the last word" or to strike "the requisite number of words," although technically an amendment, is used for purposes of debate or explanation under the five-minute rule where it is not intended by the mover to offer a substantive amendment. A Member who has debated an amendment may offer or speak in opposition to a pro forma amendment, and a Member who has offered an amendment may speak in opposition to a pro forma amendment thereto, without violating the prohibition against speaking twice on the same amendment.[15] But a Member may not twice offer pro forma amendments to gain extensions of time on the same amendment.[16]

Another method of gaining time for debate under the five-minute

24, 1956; and 91 CONG. REC. 7221–25, 79th Cong. 1st Sess., Oct. 18, 1945.

13. *House Rules and Manual* § 870 (1995). See also *id.* at §§ 872, 873 for the five-minute rule and pro forma amendments.

14. See §§ 77.19–77.22, infra.

15. See §§ 19.27, 19.28, supra.

16. See §§ 77.9, 77.10, infra.

rule is the motion to rise and report back to the House with the recommendation that the enacting clause be stricken, which motion is accorded preference under Rule XXIII clause 7:

> A motion to strike out the enacting clause of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.[17]

This motion is not in order until the first section of the bill has been read.[18] It has precedence over a pending amendment and may be offered again after substantive amendment of the bill; but if challenged, the Member making the motion must qualify as being opposed to the bill.[19] Only two five-minute speeches are permitted by way of debate.[20] The motion is not in order after debate on a bill has expired under a limitation.[1]

17. See *House Rules and Manual* §§ 875, 876 (1995).

For the relative precedence of the motion to strike the enacting clause and the motion to limit or close debate under the five-minute rule, see § 78, infra.

18. See 5 Hinds' Precedents § 5327; 8 Cannon's Precedents § 2619.

19. See 88 Cong. Rec. 2439, 77th Cong. 2d Sess., Mar. 13, 1942; 96 Cong. Rec. 6571, 81st Cong. 2d Sess., May 6, 1950.

20. See §§ 77.14–77.17, infra.

1. See § 79, infra.

Cross References

Consideration of and debate on amendments generally, see Ch. 27, supra.

Consideration under five-minute rule of Senate amendments to appropriation bills, see Ch. 25, supra.

Distribution and alternation of time under the five-minute rule, see § 25, supra.

Effect of special orders on debate under five-minute rule, see Ch. 21, supra.

Five-minute debate in House as in Committee of the Whole, see §§ 70, 72, supra.

Five-minute rule on appropriation bills, see Ch. 25, supra.

Recognition generally under the five-minute rule, see §§ 12, 14, 21, 22, supra.

Relevancy of debate under the five-minute rule, see §§ 37, 38, supra.

Yielding time under the five-minute rule, see §§ 29–31, supra.

In General

§ 77.1 When an amendment is offered in the Committee of the Whole, there may be five minutes of debate in favor of such amendment and five minutes in opposition thereto, but if no Member rises to oppose the amendment, the Chair may recognize Members under the five-minute rule to offer perfecting amendments to the pending amendment.

On Mar. 9, 1935,[2] an amendment had been offered and debated for five minutes by the offeror. When no Member rose to seek recognition for five minutes in opposition to the amendment, Chairman Emanuel Celler, of New York, recognized Mr. Jesse P. Wolcott, of Michigan, to offer a perfecting amendment. Mr. T. Alan Goldsborough, of Maryland, interrupted the reading of the amendment and stated that he wanted to be recognized on the original amendment. Mr. Wolcott objected to the interruption, and the Chair ruled that Mr. Wolcott was entitled to be heard on his amendment without interruption.

§ 77.2 A Member who has offered an amendment and spoken thereon is not precluded from recognition to speak to a proposed amendment to his amendment.

On Nov. 15, 1967,[3] Chairman John J. Rooney, of New York, ruled as to whether a Member, Augustus F. Hawkins, of California, who had offered an amendment and spoken thereon, was precluded from speaking on an amendment to his amendment:

> MR. [HUGH L.] CAREY [of New York]: A point of order, Mr. Chairman.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. CAREY: Mr. Chairman, I have no wish to foreclose the right of my colleague from California to be heard, but I believe he has already spoken on the floor for 10 minutes in support of his amendment.
>
> THE CHAIRMAN: Since the time the gentleman from California addressed the Committee with regard to the Hawkins amendment, another amendment has been offered, which is an amendment to the Hawkins amendment, and the gentleman from California has not yet spoken on that.
>
> MR. CAREY: Mr. Chairman, I withdraw my point of order.

§ 77.3 A Member recognized under the five-minute rule may extend his debate time only by unanimous consent, and a motion to that effect is not in order.

On Apr. 28, 1976,[4] the following proceedings occurred in the Committee of the Whole during consideration of House Concurrent Resolution 611, the first concurrent resolution on the budget for fiscal year 1977:

> THE CHAIRMAN PRO TEMPORE:[5] The time of the gentleman from California (Mr. Leggett) has expired.
>
> MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 3 additional minutes.

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2. 79 CONG. REC. 3312, 74th Cong. 1st Sess.

3. 113 CONG. REC. 32644, 90th Cong. 1st Sess.

4. 122 CONG. REC. 11622, 94th Cong. 2d Sess.

5. Gillis W. Long (La.).

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from California? . . .

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I object.

THE CHAIRMAN PRO TEMPORE: Objection is heard.

MR. LEGGETT: Mr. Chairman, I move that I be given 2 additional minutes.

THE CHAIRMAN PRO TEMPORE: That motion is not in order. The time of the gentleman from California (Mr. Leggett) has expired.

Pro Forma Amendments

§ 77.4 While a Member may not speak twice on the same amendment, he may speak in opposition to a pending amendment and subsequently offer a pro forma amendment and debate the latter.

On June 30, 1955,[6] Mr. James P. Richards, of South Carolina, was managing a bill under consideration in the Committee of the Whole. He had spoken in opposition to a pending amendment and had then gained the floor by offering a pro forma amendment. Mr. H. R. Gross, of Iowa, objected that Mr. Richards could not speak twice on the same amendment. Chairman Jere Cooper, of Tennessee, ruled that Mr. Richards properly had the floor and could offer a pro forma amendment, gaining time for debate, where he had already spoken in opposition to the pending amendment.

§ 77.5 While a Member may not be recognized to speak twice on the same amendment, he may rise in opposition to a pro forma amendment and accomplish that result.

On July 20, 1951,[7] Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry on recognition to debate amendments in the Committee of the Whole:

MR. [JESSE P.] WOLCOTT [of Michigan]: Mr. Chairman, is it in order for a Member to talk twice on the same amendment?

THE CHAIRMAN: A Member may rise in opposition to a pro forma amendment and accomplish that result, if he desires to do so.

§ 77.6 While the rules forbid a Member speaking twice on an amendment offered under the five-minute rule, he may speak on the amendment and later in opposition to a pro forma amendment offered during the pendency of the original amendment.

On Mar. 13, 1942,[8] Chairman Robert Ramspeck, of Georgia, rec-

6. 101 CONG. REC. 9614, 84th Cong. 1st Sess.

7. 97 CONG. REC. 8566, 82d Cong. 1st Sess.

8. 88 CONG. REC. 2425, 77th Cong. 2d Sess. See also 103 CONG. REC. 9033, 85th Cong. 1st Sess., June 13, 1957.

ognized, during five-minute debate in the Committee of the Whole, Mr. Everett M. Dirksen, of Illinois, to speak in opposition to a pro forma amendment. Mr. Frank E. Hook, of Michigan, objected that a Member could not speak twice on the same amendment and that Mr. Dirksen had already spoken on the pending amendment. The Chairman ruled that Mr. Dirksen could speak on the pro forma amendment although he had already spoken to the pending substantive amendment.[9]

§ 77.7 Where there was pending in the Committee of the Whole an amendment and a substitute therefor, the Chair stated, in response to parliamentary inquiries: (1) that the Member offering the substitute could debate it for five minutes and could subsequently be recognized to speak for or against the original amendment; and (2) that a Member recognized to speak on a pending amendment later might offer a pro forma amendment and thereby be entitled to a second five minutes of debate.

On July 28, 1970,[10] an amendment and a substitute therefor were pending to a bill being considered under the five-minute rule in the Committee of the Whole. Chairman William H. Natcher, of Kentucky, responded to parliamentary inquiries on recognition of Members for amendments and substitute amendments:

> MR. [WILLIAM H.] HARSHA [of Ohio]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state his parliamentary inquiry.
>
> MR. HARSHA: How many times is a Member permitted to speak on his own amendment?
>
> THE CHAIRMAN: The gentleman from Ohio inquires as to how many times a Member may speak on his own amendment. The answer to that is he may speak one time to his amendment.
>
> MR. HARSHA: The author of the amendment is asking for additional time, and some of the rest of us have not had any time.
>
> MR. [B. F.] SISK [of California]: Mr. Chairman, I withdraw my request and yield back the remainder of my time.
>
> MR. [HAROLD R.] COLLIER [of Illinois]: Mr. Chairman, a parliamentary inquiry.

9. For the prohibition against one Member speaking twice to the same question, see Rule XIV clause 6, *House Rules and Manual* § 762 (1995). For amendment under the five-minute rule, permitting a Member to speak only once on an amendment, see Rule XXIII clause 5(a), *House Rules and Manual* § 870 (1995). Pro forma amendments are discussed *id.* at § 873.

10. 116 CONG. REC. 26027, 91st Cong. 2d Sess.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. COLLIER: Is that rule not also applicable to any other Member of the House, once he has spoken on an amendment?

THE CHAIRMAN: The gentleman is correct.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. CLEVELAND: Am I not correct in stating that when the gentleman from Iowa (Mr. Schwengel) offered his amendment, he spoke on it; and am I not correct that when the gentleman from Wisconsin (Mr. Reuss) offered an amendment the gentleman from Iowa (Mr. Schwengel) offered a substitute. Would not the gentleman from Iowa (Mr. Schwengel) be allowed to speak for 5 minutes for or against the Reuss amendment, as well as in support of his own substitute?

THE CHAIRMAN: The gentleman is correct.

MR. CLEVELAND: I thank the Chairman.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WAGGONNER: Under the rules of the House cannot a Member move to strike the last word and be considered on the same amendment?

THE CHAIRMAN: The gentleman is correct.

MR. WAGGONNER: And under those conditions a man could speak twice, could he not?

THE CHAIRMAN: Possibly. If a Member were to speak one time in opposition to an amendment subsequently he could move to strike the last word and he would be entitled to be recognized.

Restrictions on Pro Forma Amendments

§ 77.8 During debate on an amendment under the five-minute rule, a Member who has been recognized for five minutes on a pro forma amendment cannot thereafter gain additional time by offering a second pro forma amendment.

On Mar. 25, 1965,[11] an amendment was under discussion under the five-minute rule in the Committee of the Whole. Chairman Richard Bolling, of Missouri, sustained a point of order against a Member's offering a second pro forma amendment on the same amendment:

MR. [CHARLES E.] GOODELL [of New York]: Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in the process of hearings one of the things which became apparent to many of us on the subcommittee considering this legislation was that the allocation formula, although superficially attractive, was extremely discriminatory as to certain parts of the country. . . .

11. 111 CONG. REC. 6002, 6003, 89th Cong. 1st Sess.

Mr. Chairman, I move to strike out the requisite number of words.

THE CHAIRMAN: The gentleman from New York is recognized for 5 minutes.

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. POWELL: Did not the gentleman from New York get permission just a few minutes ago to speak for 5 minutes?

THE CHAIRMAN: The gentleman is correct.

MR. POWELL: I make the point of order, then, that he is out of order.

THE CHAIRMAN: The point of order is sustained.

§ 77.9 A Member, having been recognized under the five-minute rule to debate his amendment and then having secured an extra five minutes by unanimous consent, may not further extend his time by moving to strike out the last word.

On Aug. 17, 1966,[12] the House was considering under the five-minute rule H.R. 13228, the National Traffic and Motor Vehicle Safety Act. Mr. Thomas P. O'Neill, Jr., of Massachusetts, offered an amendment and debated it for five minutes. At the expiration of his five minutes, Chairman Emilio Q. Daddario, of Connecticut, advised him of that fact, and Mr. O'Neill gained unanimous consent to further proceed for five minutes. At the expiration of that time, Mr. O'Neill offered a pro forma amendment and the Chair ruled that he was not entitled to further recognition to gain debate time by amending his own amendment.

§ 77.10 A Member recognized for five minutes on a pro forma amendment may not extend his time by offering a substantive amendment without being recognized by the Chair for that purpose.

On July 28, 1965,[13] Chairman Leo W. O'Brien, of New York, recognized Mr. William H. Ayres, of Ohio, the ranking minority member of the Committee on Education and Labor which had reported the bill under discussion, on a pro forma amendment. The Chair ruled that Mr. Ayres was not then recognized to offer a substantive amendment:

MR. AYRES: Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes. . . .

Mr. Chairman, I am most gratified at the assurance of Chairman Powell

12. 112 CONG. REC. 19662–64, 89th Cong. 2d Sess.

13. 111 CONG. REC. 18631, 89th Cong. 1st Sess.

that a complete committee investigation of National Labor Relations Board election procedures will be held. Mr. Powell's House floor statement to me, just prior to a vote on the repeal of section 14(b) of the Taft-Hartley Act, means that we can now delve into a part of labor relations that could have great impact on the establishment of a good climate for labor-industry relations. . . .

In order to have a cooling-off period, Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The Chair has not recognized the gentleman for that purpose.

Does any other Member offer an amendment at this time?

Motion To Strike Enacting Clause

§ 77.11 In the Committee of the Whole, on a motion to rise and report a recommendation to strike out the enacting clause, only two five-minute speeches are permitted, and the Chair declines to recognize for a pro forma amendment.

On Aug. 1, 1957,[14] after Mr. Earl Wilson, of Indiana, offered a motion that the Committee of the Whole rise and report back the pending bill with the recommendation the enacting clause be stricken, Mr. Leon H. Gavin, of Pennsylvania, sought to gain recognition on a motion to strike out the last word. Chairman Richard W. Bolling, of Missouri, declined to recognize him for that purpose. After two five-minute speeches had been had on the motion, Mr. Gavin again sought recognition to debate the motion, and the Chairman ruled that no further debate could be had.

§ 77.12 On a motion to strike out the enacting clause in the Committee of the Whole, only two five-minute speeches are permitted, notwithstanding the fact that the second Member, recognized in opposition to the motion, actually spoke in favor thereof.

On Mar. 18, 1960,[15] Mr. Paul C. Jones, of Missouri, offered a motion that the Committee of the Whole rise and report the pending bill back to the House with the recommendation that the enacting clause be stricken. Mr. Jones was recognized for five minutes' debate in support of the motion. Mr. William M. Colmer, of Mississippi, rose in opposition to the motion and consumed his five minutes, actually speaking in favor of the motion. Mr. Clare E. Hoffman, of Michigan, then made a point of

14. 103 CONG. REC. 13385, 13386, 85th Cong. 1st Sess.

15. 106 CONG. REC. 6026, 6027, 86th Cong. 2d Sess.

order, which was overruled by Chairman Francis E. Walter, of Pennsylvania:

> Mr. Chairman, a point of order. I seek recognition in opposition to the amendment on the ground that the gentleman from Mississippi [Mr. Colmer] did not talk against the motion.
>
> THE CHAIRMAN: The 5 minutes for the preferential motion and the 5 minutes against the motion have expired.

§ 77.13 On a motion to strike out the enacting clause offered in the Committee of the Whole, only two five-minute speeches are permitted and the Chair declines to recognize a request for an extension of that time.

On July 18, 1951,[16] Mr. Clare E. Hoffman, of Michigan, offered a motion that the Committee of the Whole rise and report back the pending bill with the recommendation that the enacting clause be stricken. He then asked unanimous consent to revise and extend his remarks and to proceed for five additional minutes. Mr. Brent Spence, of Kentucky, objected to the request. Chairman Wilbur D. Mills, of Arkansas, ruled as follows on the request:

> The gentleman may revise and extend his remarks, without objection, but he may not proceed for an additional 5 minutes on a motion to strike out the enacting clause.[17]

§ 77.14 A motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken takes precedence over a pending amendment to the bill which has not been debated; such motion is debatable for 10 minutes (five on each side), and following disposition of such motion 10 minutes of debate (five on each side) is permitted on the pending amendment.

On Oct. 17, 1945,[18] the Committee of the Whole was considering under the five-minute rule an amendment (not yet debated) to a bill when a motion to rise with the recommendation that the enacting clause be stricken was made. Chairman Graham A. Barden, of North Carolina, answered a parliamentary inquiry on the precedence and effect of the mo-

16. 97 CONG. REC. 8371, 8372, 82d Cong. 1st Sess.

17. See also 111 CONG. REC. 6098, 6099, 89th Cong. 1st Sess., Mar. 26, 1965; and 98 CONG. REC. 1829, 1830, 82d Cong. 2d Sess., Mar. 4, 1952 (debate on the motion is limited to two five-minute speeches).

18. 91 CONG. REC. 9751, 79th Cong. 1st Sess.

tion when an amendment was pending:

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Hoffman moves that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: My understanding is that on the motion offered by the gentleman from Michigan there may be 10 minutes of debate, 5 minutes for and 5 minutes against, and that if the motion is defeated the 10 minutes of debate on the amendment still remain to be used. Is that correct?

THE CHAIRMAN: The gentleman is correct.

§ 77.15 A Member offering a motion in the Committee of the Whole to strike out the enacting clause of a bill may yield part of the five minutes available to him to another to make a comment while he has the floor and remains on his feet.

On Sept. 27, 1945,[19] Chairman Aime J. Forand, of Rhode Island, ruled as follows on the yielding of time under the five-minute rule:

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. May moves that the Committee do now rise and report the bill, H.R. 2948, back forthwith to the House with the recommendation that the enacting clause be stricken out.

MR. MAY: Mr. Chairman, I yield my 5 minutes to the gentleman from North Carolina, if I may.

MR. [ROBERT] RAMSPECK [of Georgia]: The gentleman cannot do that, Mr. Chairman.

THE CHAIRMAN: He can yield time while he is holding the floor.

MR. MAY: I yield part of my time, then, to the gentleman from North Carolina.

§ 77.16 Where a bill has been amended subsequent to the rejection of a motion to strike out the enacting clause, a second such motion is in order and is debatable under the five-minute rule notwithstanding a limitation of remaining debate on the bill.

On May 9, 1947,[20] Mr. Clare E. Hoffman, of Michigan, offered a motion that the Committee of the Whole rise and report a bill to the House with the recommendation

19. 91 CONG. REC. 9095, 79th Cong. 1st Sess.

20. 93 CONG. REC. 4974, 80th Cong. 1st Sess.

that the enacting clause be stricken, after a previous such motion had been offered before the bill had been amended, and after a limitation on debate had been agreed to. Chairman Francis H. Case, of South Dakota, overruled points of order against the motion:

MR. HOFFMAN: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

MR. [PETE] JARMAN [of Alabama]: Mr. Chairman, a point of order against the motion.

THE CHAIRMAN: The gentleman will state it.

MR. JARMAN: Mr. Chairman, that motion has already been made and was voted down once.

THE CHAIRMAN: There have been several amendments adopted on the bill, it has been changed since that motion was previously acted on. The Chair overrules the point of order.

MR. [JOHN M.] VORYS [of Ohio]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. VORYS: Mr. Chairman, debate is limited on the bill by action of the committee.

THE CHAIRMAN: The gentleman from Michigan has offered a preferential motion which is in order in spite of the agreement on closing debate.

§ 77.17 The preferential motion to strike the enacting clause may be offered, debated for five minutes, and then, by unanimous consent, withdrawn.

On Oct. 7, 1965,[1] Mr. Thomas M. Pelly, of Washington, offered a motion in the Committee of the Whole to strike the enacting clause and gained five minutes' time for debate thereon, although a limitation on debate had been previously agreed to. After debate on the motion, Mr. Pelly withdrew the motion by unanimous consent.

§ 77.18 The Chair recognizes only two Members to speak on the preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken.

On Dec. 18, 1975,[2] during consideration of the Airport and Airway Development Act Amendments of 1975 (H.R. 9771) in the Committee of the Whole, the proceedings described above were as follows:

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Conte moves that the Committee do now rise and report the

1. 111 CONG. REC. 26306, 89th Cong. 1st Sess.
2. 121 CONG. REC. 41799, 41800, 94th Cong. 1st Sess.

bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN:[3] The gentleman from Massachusetts (Mr. Conte) is recognized for 5 minutes in support of his amendment. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from California (Mr. Anderson).

MR. [GLENN M.] ANDERSON of California: Mr. Chairman, I rise in opposition to the gentleman's motion and yield back the balance of my time.

THE CHAIRMAN: The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. Conte).

The preferential motion was rejected.

Parliamentarian's Note: Since Mr. Anderson utilized only a small fraction of his time to speak against the preferential motion, Mr. Garry Brown, of Michigan, sought recognition to speak against the motion. The Chair declined to recognize him, since only two Members may be recognized to speak on the motion.

Effect of Special Rule Limiting Amendments

§ 77.19 When a bill is being considered under a closed rule permitting only committee amendments and no amendments thereto, only two five-minute speeches on an amendment are in order, one in support and one in opposition.

On May 18, 1960,[4] the Committee of the Whole was considering H.R. 5, the Foreign Investment Tax Act of 1960, reported by the Committee on Ways and Means, pursuant to the provisions of House Resolution 468, permitting only amendments offered at the direction of that committee. Chairman William H. Natcher, of Kentucky, indicated in response to a parliamentary inquiry that only five minutes for and five minutes against an amendment were in order.

§ 77.20 When a committee amendment is being considered under a closed rule prohibiting amendments thereto, only two five-minute speeches are in order, pro forma amendments are not permitted and a third Member may be recognized only by unanimous consent.

An illustration of the proposition described above occurred in the Committee of the Whole on Mar. 8, 1977,[5] during consider-

3. George E. Brown, Jr. (Calif.).

4. 106 CONG. REC. 10576, 86th Cong. 2d Sess.

5. 123 CONG. REC. 6632, 95th Cong. 1st Sess.

ation of the Tax Reduction and Simplification Act of 1977 (H.R. 3477). The proceedings were as follows:

> MR. [WILLIAM M.] KETCHUM [of California]: Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the committee amendment.
>
> THE CHAIRMAN:[6] The Chair will state that only two 5-minute speeches are in order under the rule absent unanimous consent.
>
> MR. KETCHUM: Mr. Chairman, I ask unanimous consent that I may be permitted to speak in favor of the amendment.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from California?
>
> There was no objection.

§ 77.21 Where a bill is being considered under a special rule permitting only committee amendments and prohibiting amendments thereto, a second Member rising to support the committee amendment cannot be recognized.

On Sept. 3, 1959,[7] Chairman William Pat Jennings, of Virginia, stated that to the pending bill, H.R. 9035, no amendments were in order under the special rule adopted by the House except amendments offered by the Committee on Public Works. Mr. Frank J. Becker, of New York, was recognized for five minutes to support the second committee amendment offered. At the conclusion of his remarks, Mr. Toby Morris, of Oklahoma, sought recognition in support of the amendment. Chairman Jennings declined to recognize Mr. Morris for that purpose:

> The Chair will state to the gentleman that only 5 minutes is permitted in support of the amendment and 5 minutes in opposition. Five minutes has been consumed in support of the amendment. Therefore, the Chair cannot recognize the gentleman at this time.[8]

§ 77.22 Where a bill is being considered under a special rule which permits only committee amendments to title I, only the text of a designated concurrent resolution as an amendment to title II, and one motion to strike out title III, and prohibits amend-

6. Tom Bevill (Ala.).

7. 105 CONG. REC. 17987–89, 86th Cong. 1st Sess.

8. See also 106 CONG. REC. 10579, 86th Cong. 2d Sess., May 18, 1960 (third Member not entitled to recognition notwithstanding the fact that the second Member, recognized in opposition, spoke in favor of the amendment); and 101 CONG. REC. 4829–34, 84th Cong. 1st Sess., Apr. 20, 1955 (no pro forma amendments permitted).

ments to said amendments, five minutes of debate in support of and five minutes in opposition to each amendment are in order.

On Oct. 10, 1972,[9] the House adopted House Resolution 1149, called up by Mr. John A. Young, of Texas, from the Committee on Rules, which provided for the consideration of a bill and limited the amendments that could be offered thereto:

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16810) to provide for a temporary increase in the public debt limit. . . . [T]he bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except (1) amendments offered by direction of the Committee on Ways and Means to title I of the bill; (2) an amendment containing the text or a portion of the text of H. Con. Res. 713 if offered as an amendment in the nature of a substitute to title II of the bill H.R. 16810; and (3) an amendment proposing to strike out title III of the bill; and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. . . .

After general debate on the bill in the Committee of the Whole, Chairman Thomas G. Abernethy, of Mississippi, inquired whether any of the permitted amendments would be offered. Mr. George H. Mahon, of Texas, offered the designated amendment to title II of the bill and was recognized for five minutes in favor of it. The Chair then recognized Mr. Wilbur D. Mills, of Arkansas, for five minutes in opposition to the amendment. The amendment was rejected, no further amendments were offered, and the Committee rose.[10]

Debate on Two or More Amendments Considered En Bloc

§ 77.23 A Member offering two amendments may, with the consent of the Committee of the Whole, have them considered together, but such consent does not permit the Member to debate the measure for two five-minute periods.

On Mar. 5, 1937,[11] while the Committee of the Whole was considering for amendment under the five-minute rule an appropriation bill, Mr. Everett M. Dirksen, of Illinois, asked unanimous consent that two amendments he was

9. 118 CONG. REC. 34583, 34584, 92d Cong. 2d Sess.

10. *Id.* at pp. 34633–36.

11. 81 CONG. REC. 1919, 75th Cong. 1st Sess.

offering, both applicable to the same page, be considered together. There was no objection to the request.

Mr. Dirksen then stated he assumed that he was entitled to proceed for 10 minutes, having two amendments. Chairman Schuyler Otis Bland, of Virginia, stated that Mr. Dirksen was entitled to only five minutes.

§ 77.24 Where amending language is offered to several paragraphs of a bill as one amendment, only five minutes of debate is permitted for the amendment and five minutes against.

On July 20, 1942,[12] Chairman Fritz G. Lanham, of Texas, answered a parliamentary inquiry on the time for debate on an amendment:

> THE CHAIRMAN: All debate on the bill has been concluded. Are there any committee amendments to be offered to the bill?
>
> MR. [ROBERT L.] DOUGHTON [of North Carolina]: Mr. Chairman, I offer a committee amendment which I send to the desk.
>
> The Clerk read as follows:
>
> > Committee amendment offered by Mr. Doughton: Page 14, line 6, strike out "32 percent" and insert in lieu thereof "22 percent."
> >
> > Page 14, lines 9 and 10, strike out "21 percent" and insert in lieu thereof "16 percent."
> >
> > Page 15, line 13, strike out "87½ percent" and insert in lieu thereof "90 percent."
> >
> > Page 18, line 13, strike out "37 percent" and insert in lieu thereof "36 percent."
> >
> > Page 18, line 18, strike out "$22,900" and insert in lieu thereof "$22,800."
> >
> > Page 18, line 20, strike out "$22,900" and insert in lieu thereof "$22,800."
> >
> > Page 18, line 24, strike out "$22,900" and insert in lieu thereof "$22,800."
>
> MR. [JERE] COOPER [of Tennessee]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. COOPER: It is correct, is it not, that as this is offered as one amendment under the rule, under which the bill is being considered only 5 minutes' debate is allowed for the amendment and 5 minutes against?
>
> THE CHAIRMAN: The gentleman is correct.

§ 77.25 Where consideration en bloc is granted, by unanimous consent, of several amendments which had been printed in the Record, the proponent is entitled only to a total of five minutes of debate on the amendments.

On July 25, 1974,[13] during consideration of the Surface Mining

12. 88 CONG. REC. 6385, 77th Cong. 2d Sess.

13. 120 CONG. REC. 25224, 93d Cong. 2d Sess.

Control and Reclamation Act of 1974[14] in the Committee of the Whole, the proposition stated above was demonstrated. The proceedings were as follows:

MR. [CRAIG] HOSMER [of California]: . . . I offer . . . my amendments Nos. 121, 127, 118, and 142 to the committee amendment in the nature of a substitute, and I ask unanimous consent that all of these amendments be considered en bloc and considered as read and printed in the Record.

THE CHAIRMAN:[15] Is there objection to the request of the gentleman from California?

There was no objection.

MR. HOSMER: Mr. Chairman, I make the additional unanimous-consent request that instead of the 25 minutes to which I might be entitled because of the application of rule XXIII, consisting of 5 minutes for each one of these amendments, notwithstanding that rule, I be recognized only for 5 minutes in toto.

THE CHAIRMAN: The Chair will advise the gentleman that 5 minutes on his amendments considered en bloc is all the time the gentleman is entitled to in any event.

Reintroduced Amendments

§ 77.26 Upon reintroduction of an amendment which has, by unanimous consent, been withdrawn in the Committee of the Whole, the Member is entitled to debate his amendment for a second five-minute period.

On May 3, 1956,[16] Chairman J. Percy Priest, of Tennessee, stated, in response to a parliamentary inquiry, that a Member who reoffers an amendment he has withdrawn in the Committee of the Whole by unanimous consent is again entitled to debate the amendment for five minutes:

MR. [NOAH M.] MASON [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MASON: Under the rules of the House does a man get two 5-minute discussions on the same amendment?

THE CHAIRMAN: The gentleman withdrew his amendment, and it has been offered again. The gentleman from Maine is recognized for 5 minutes in support of his amendment.

Yielding Under Five-minute Rule

§ 77.27 A Member recognized in the Committee of the Whole to debate an amendment may yield to another for debate if he so desires.

On June 22, 1945,[17] the Committee of the Whole was consid-

14. H.R. 11500.
15. Neal Smith (Iowa).
16. 102 CONG. REC. 7439, 84th Cong. 2d Sess.
17. 91 CONG. REC. 6548, 79th Cong. 1st Sess.

ering a House joint resolution under the five-minute rule. Chairman Jere Cooper, of Tennessee, recognized for five minutes Mr. Forest A. Harness, of Indiana, who then yielded to Mr. Fred L. Crawford, of Michigan, who had just consumed five minutes in debate. Mr. Wright Patman, of Texas, made a point of order and inquired whether one Member could yield another Member his time under the five-minute rule. The Chairman overruled the point of order and stated:

> Any Member can yield to another Member, or decline to yield, as he desires.

Parliamentarian's Note: A Member who offers the preferential motion to strike the enacting clause may yield to another, but may not yield his full five minutes (see § 77.15, supra); in this instance, Mr. Crawford had just consumed five minutes and Mr. Harness yielded to him to complete his remarks. Mr. Harness remained standing while Mr. Crawford completed his speech.

§ 77.28 A Member recognized to strike out the last word under the five-minute rule may yield to another Member, even if the latter has just spoken.

On Mar. 21, 1960,[18] Chairman Francis E. Walter, of Pennsylvania, ruled that a Member recognized on a pro forma amendment under the five-minute rule could yield to another Member:

> THE CHAIRMAN: The time of the gentleman from New York has expired.
>
> MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.
>
> MR. [CLARE E.] HOFFMAN of Michigan: I object, Mr. Chairman.
>
> MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I move to strike out the last word.
>
> Mr. Chairman, I yield to the gentleman from New York [Mr. Celler].
>
> MR. CELLER: I thank the gentleman.
>
> MR. HOFFMAN of Michigan: Just a minute. I make a point of order on this.
>
> MR. CELLER: Mr. Chairman, deprivation of the State's ballot is wrong.
>
> MR. YATES: Mr. Chairman, I am entitled to yield to the gentleman from New York.
>
> THE CHAIRMAN: The gentleman from Illinois was recognized, and he yielded to the gentleman from New York. The gentleman from New York is continuing in order.

§ 77.29 A Member recognized under the five-minute rule may not yield to another Member to offer an amendment, as it is within the power of the Chair to recognize each Member to offer amendments.

On Apr. 19, 1973,[19] the Committee of the Whole was consid-

18. 106 CONG. REC. 6162, 86th Cong. 2d Sess.

19. 119 CONG. REC. 13240, 93d Cong. 1st Sess.

ering a bill for amendment under the five-minute rule. Chairman Morris K. Udall, of Arizona, refused to allow a Member with the floor to yield to another to offer an amendment:

> MR. DON H. CLAUSEN [of California]: Mr. Chairman, I have an amendment at the desk. However, at this time I want to yield to the gentleman from New York (Mr. Bingham) who has another appointment, so that he may offer his amendment at this time.
>
> THE CHAIRMAN: The Chair will advise the gentleman from California (Mr. Don H. Clausen) he cannot yield for that purpose. If the gentleman from New York (Mr. Bingham) were here, the Chair would recognize him.

§ 77.30 Under the five-minute rule in the Committee of the Whole the Member handling a bill has preference in recognition for debate but the power of recognition remains with the Chair and the Member cannot, in contravention of this rule, "yield" himself time for debate.

On Mar. 26, 1965,[20] Adam C. Powell, of New York, was the Member in charge of debate on H.R. 2362, the Elementary and Secondary Education Act of 1965, which was being considered for amendment under the five-minute rule in the Committee of the Whole. Mr. Powell arose and stated "I yield myself 5 minutes." Chairman Richard Bolling, of Missouri, stated as follows:

> The gentleman cannot yield himself 5 minutes. The Chair assumes he moves to strike out the last word.

Mr. Melvin R. Laird, of Wisconsin, objected that Mr. Powell had not moved to strike out the last word, and so moved himself. The Chairman first recognized Mr. Powell for the motion, as manager of the bill and Chairman on the Committee on Education and Labor.

Reading Papers

§ 77.31 A decision of the Committee of the Whole to permit a Member to read a letter means that the Member may read the letter within the five minutes allotted to him, and does not necessarily permit him to read the entire letter.

On June 26, 1952,[1] while the Committee of the Whole was considering under the five-minute rule H.R. 8210, the Defense Production Act Amendments of 1952, Mr. Clinton D. McKinnon, of California, was recognized on a pro

20. 111 CONG. REC. 6113, 89th Cong. 1st Sess.

1. 98 CONG. REC. 8175, 8176, 82d Cong. 2d Sess.

forma amendment and began reading a statement by Governor Arnall on a previously adopted amendment to the bill. Mr. Jesse P. Wolcott, of Michigan, objected to the reading. Chairman Wilbur D. Mills, of Arkansas, put the question to the Committee, which voted to permit Mr. McKinnon to read the letter.

While Mr. McKinnon was reading the letter, Chairman Mills interrupted him and stated that his five minutes had expired. Mr. Herman P. Eberharter, of Pennsylvania, made the point of order that the vote by the Committee permitted Mr. McKinnon to read the entire letter; the Chairman overruled the point of order:

> MR. EBERHARTER: Mr. Chairman, the House decided by a teller vote to permit the reading of this letter. I submit that the letter should be read in its entirety; that is the point of order I make.
>
> THE CHAIRMAN: That is not the decision made by the Committee. The Committee made the decision that the gentleman could read the letter within the time allotted to the gentleman of 5 minutes.
>
> MR. EBERHARTER: I did not hear it so stated when the motion was put, Mr. Chairman.
>
> THE CHAIRMAN: The question put to the Committee had nothing whatsoever to do with the time to be consumed by the gentleman from California. The Chair recognized the gentleman from California for 5 minutes; the question arose as to whether or not he could within that 5 minutes time read extraneous papers.
>
> The point of order is overruled.[2]

Debate on Appeals

§ 77.32 An appeal in the Committee of the Whole is debatable under the five-minute rule and such debate is confined to the appeal.

On Feb. 22, 1950,[3] the Committee of the Whole was considering under the five-minute rule H.R. 4453, the Federal Fair Employment Practice Act. Mr. Adam C. Powell, Jr., of New York, who had the floor, yielded one minute of debate to Mr. Howard W. Smith, of Virginia. Mr. Smith delivered some remarks on the lateness of the session and then moved that the Committee rise. Chairman Francis E. Walter, of Pennsylvania, ruled that Mr. Smith could not so move, having been recognized for debate only. Mr. Smith appealed the Chair's ruling.

In response to a parliamentary inquiry by Mr. John E. Rankin, of

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2. See Rule XXX, *House Rules and Manual* §§ 915–917 (1995), for the former rule prohibiting the reading of papers, over objection, without the consent of the House. For discussion of Rule XXX, see §§ 80 et seq., infra.

3. 96 CONG. REC. 2178, 81st Cong. 2d Sess.

Mississippi, the Chairman stated that debate on the appeal was under the five-minute rule. Mr. Rankin debated the appeal, and Mr. Vito Marcantonio, of New York, made a point of order against Mr. Rankin's remarks on the ground he was not confining himself to the subject of the appeal. The Chairman sustained the point of order.

Vacating Proceedings To Permit Debate

§ 77.33 By unanimous consent, the proceedings in the Committee of the Whole by which an amendment was adopted were vacated and the Chair asked a second time if any Member desired to debate it.

On Mar. 27, 1947,[4] a committee amendment was offered in the Committee of the Whole. Chairman Francis H. Case, of South Dakota, inquired whether any Member desired to debate the amendment, and when no Member so indicated, the Chair put the question on the amendment. The Committee of the Whole then vacated the proceedings by unanimous consent in order to permit further debate:

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: My point of order is that the amendment has apparently been adopted and, as I see it, there has to be unanimous consent to have the action vacated in order that further proceedings may be had.

THE CHAIRMAN: The gentleman is correct. The amendment was agreed to.

MR. MCCORMACK: Mr. Chairman, I ask unanimous consent that the proceedings by which the amendment was adopted be vacated so that we can go along in an orderly way.

THE CHAIRMAN: Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE CHAIRMAN: The Chair will again invite anyone who desires to do so to speak on the committee amendment.

Debate on Points of Order

§ 77.34 Debate on points of order against an amendment is within the discretion of the Chair and does not come out of debate time on the merits of the amendment under the five-minute rule; thus, the proponent of an amendment against which a point of order has been reserved does not reserve a portion of his time under the five-minute rule to oppose any points of order if made, as separate debate time is permitted on points of order at the discretion of the Chair.

4. 93 CONG. REC. 2773, 80th Cong. 1st Sess.

During consideration of H.R. 7014, the Energy Conservation and Oil Policy Act of 1975, on Aug. 1, 1975,[5] the proposition described above was demonstrated in the Committee of the Whole.

THE CHAIRMAN:[6] Are there further amendments to title III?

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Brown of Ohio: Strike out Title III, as amended, and reinsert all except for Section 301, as amended.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I reserve a point of order against the amendment.

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I also reserve a point of order.

MR. BROWN of Ohio: Mr. Chairman, the thrust of this amendment is to strike from the bill the provisions of the Staggers pricing amendment, section 301, by revising title III to strike the whole title and to reinsert all in the title, except section 301.

Mr. Chairman, may I speak on the amendment?

THE CHAIRMAN: The gentleman has been recognized for 5 minutes, so the gentleman may proceed.

MR. BROWN of Ohio: Mr. Chairman, may I reserve 2 minutes of my time to speak on the points of order?

THE CHAIRMAN: The Chair will recognize the gentleman to speak on the points of order at the appropriate time.

MR. DINGELL: Mr. Chairman, I have not yet made the point of order. I reserved it.

THE CHAIRMAN: The Chair has recognized the gentleman from Ohio to speak on the gentleman's amendment for 5 minutes. Then the gentlemen who reserved the points of order may press them or they may not.

Where Pro Forma Amendment Is in Third Degree

§ 77.35 Where a "modified closed rule" provides that a designated amendment may be offered as a new title to a bill and, with the exception of committee amendments thereto, only one designated amendment to that amendment may be offered, only two five-minute speeches are permitted on that amendment to the amendment since a pro forma amendment thereto would be in the third degree (and a pro forma amendment to the original amendment inserting a new title is specifically prohibited by the rule), and further debate may be had only by unanimous consent.

On Dec. 18, 1975,[7] the following proceedings occurred in the Committee of the Whole during

5. 121 CONG. REC. 26945, 94th Cong. 1st Sess.

6. Richard Bolling (Mo.).

7. 121 CONG. REC. 41788–90, 94th Cong. 1st Sess.

consideration of H.R. 9771, the Airport and Airway Development Act of 1975:

MR. [GLENN M.] ANDERSON of California: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Anderson of California to the amendment offered by Mr. Ullman: In proposed section 301, strike out subsections (b) and (c) and insert in lieu thereof the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations incurred on or after the date of the enactment of this Act. . . .

MR. [SAM] GIBBONS [of Florida]: Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will be brief. I have made my talk already. . . .

MR. [ALPHONZO] BELL [of California]: Mr. Chairman, I rise in support of the amendment offered by the gentleman from California.

MR. [JAMES C.] CORMAN [of California]: Mr. Chairman, I reserve a point of order.

I will not make the objection, but I only reserve a point of order to get a ruling from the Chair, because I want some time also.

MR. GIBBONS: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[8] The gentleman will state it.

MR. GIBBONS: Mr. Chairman, as I understood the rule granted by the Ways and Means Committee, there was only one amendment, and the time under the rule was limited to 5 minutes on each side, and that pro forma amendments or any other amendments are out of order. That is the way I understand the rule.

THE CHAIRMAN: The rule is a rather complex rule, and if the gentleman will permit the Chair to review this matter, the Chair will respond.

Without objection, the gentleman from California (Mr. Bell) is recognized for 5 minutes.

There was no objection. . . .

MR. GIBBONS: Mr. Chairman, I insist on regular order.

THE CHAIRMAN: Regular order is demanded.

The question is on the amendment offered by the gentleman from California (Mr. Anderson) to the amendment offered by the gentleman from Oregon (Mr. Ullman).

Debate Under Reservation of Objection

§ 77.36 On one occasion, where a Member reserved the right to object to another Member's unanimous-consent request to revise and extend his remarks in the Record, debate proceeded under the reservation of objection rather than under the five-minute rule; the Chairman of the Committee of the Whole suggested that extensions of time for debate under the five-minute rule be accomplished by unanimous consent rather than by reserva-

8. George E. Brown, Jr. (Calif.).

tion of objection to the unanimous-consent request.

On June 4, 1975,[9] the following proceedings occurred in the Committee of the Whole during consideration of the Voting Rights Act extension (H.R. 6219):

MR. [DON] EDWARDS of California: Mr. Chairman, I yield to the gentleman from Hawaii (Mr. Matsunaga).

MR. [SPARK M.] MATSUNAGA [of Hawaii]: Mr. Chairman, I rise in support of H.R. 6219; however, there are certain questions which I would like to have answered relative to title II, as well as title III.

I would like for the purpose of establishing legislative history to engage in colloquy with the gentleman from California, the distinguished chairman of the subcommittee, Mr. Edwards.

To begin with, in both titles II and III of H.R. 6219 coverage depends on their servicing the voting age population who are members of single language minority groups. Although the bill defines minority, the term "single language minority" is not defined.

What is the meaning of "single language minority"? Does it mean, for instance, that the minority must have a common single language?

(Mr. Edwards of California asked and was given permission to revise and extend his remarks.)

MR. MATSUNAGA: Mr. Chairman, I ask unanimous consent that I may revise and extend my remarks.

THE CHAIRMAN:[10] Is there objection to the request of the gentleman from Hawaii?

MR. [ROBERT] MCCLORY [of Illinois]: Mr. Chairman, reserving the right to object to the unanimous-consent request, I think that it is appropriate that the committee hear the debate on this subject. If we are making legislative history with respect to some matter that is not actually orally debated on the floor of the House, it seems to me that it is not going to be worth much to the Supreme Court or any other body that is going to interpret what we are doing here today.

I do not want any secret, unwritten history with regard to the extension of the Voting Rights Act. I want to know what we are doing.

THE CHAIRMAN: The gentleman from Illinois reserves the right to object to the unanimous-consent request of the gentleman from Hawaii to revise and extend his remarks, and makes the point that there should be debate on that subject rather than extension to achieve a legislative history.

MR. MATSUNAGA: Mr. Chairman, I ask unanimous consent that I may proceed for 3 additional minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from Hawaii?

There was no objection. . . .

MR. MCCLORY: Mr. Chairman, will the gentleman yield to me on that point?

MR. MATSUNAGA: I will yield to the gentleman as soon as the gentleman has finished.

THE CHAIRMAN: The Chair will state that the committee is now operating under the prior reservation of objection of the gentleman from Illinois. The time of the gentleman from Hawaii has expired.

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9. 121 CONG. REC. 16887–89, 94th Cong. 1st Sess.

10. Richard Bolling (Mo.).

MR. MCCLORY: Mr. Chairman, further reserving the right to object, I would like to ask the gentleman where in the legislation is there provision for this bailout with regard to the subgroups of a single-language minority group such as Asian Americans? Will the gentleman point that out in the bill? . . .

THE CHAIRMAN: The Chair desires to state that this is an unusual procedure to continue with colloquy under the reservation of objection during the 5-minute rule. The gentleman who last had the floor in his own right was the chairman of the subcommittee, the gentleman from California (Mr. Edwards).

If the chairman of the subcommittee desires to continue this discussion, the Chair would recommend that the gentleman ask unanimous consent to proceed for some additional time.

MR. EDWARDS of California: Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for an additional 30 seconds so that we may finish this discussion.

Parliamentarian's Note: An attempt to develop a legislative history by inserting an apparent colloquy in the Record by unanimous consent is improper, since the purpose of the request is to permit a Member to insert only such materials as do not affect the statement of another Member; a colloquy during proceedings under the five-minute rule must be presented to all Members of the Committee of the Whole.

Effect of Adoption of Amendment in Nature of Substitute

§ 77.37 Where an amendment in the nature of a substitute for a bill has been adopted in Committee of the Whole, the stage of amendments is passed and further amendments, including pro forma amendments for debate, are not in order; but on one occasion, when the Committee of the Whole had adopted an amendment in the nature of a substitute, the Chair, by unanimous consent, vacated that action to allow a Member to offer a pro forma amendment.

On May 13, 1977,[11] during consideration of the Intergovernmental Antirecession Assistance Act of 1977 (H.R. 6810) in the Committee of the Whole, the following proceedings occurred:

THE CHAIRMAN:[12] Are there further amendments?

Hearing none, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

THE CHAIRMAN: Under the rule, the committee rises.

11. 123 CONG. REC. 14622, 14625, 95th Cong. 1st Sess.

12. Elizabeth Holtzman (N.Y.).

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Madam Chairman, I was seeking recognition by the Chair.

THE CHAIRMAN: The Chair will advise the gentleman that the Chair had put the question on the committee amendment in the nature of a substitute. There were no further amendments and, under the rule, the committee rises.

MR. [L. H.] FOUNTAIN [of North Carolina]: Madam Chairman, I would like to say that I was standing and was prepared to make a statement about an amendment which I was going to offer but can no longer offer because I was not recognized.

THE CHAIRMAN: Without objection, the Chair will vacate the proceedings so as to permit the gentleman from North Carolina (Mr. Fountain) to make a statement.

There was no objection.

THE CHAIRMAN: The gentleman from North Carolina (Mr. Fountain) is recognized for 5 minutes. . . .

THE CHAIRMAN: Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

THE CHAIRMAN: Under the rule, the Committee rises.

Debate on Divisible Amendment

§ 77.38 Where the question has been put on the first portion of a divisible amendment, further debate on the remaining portion may be had under the five-minute rule before the Chair puts the question thereon.

On Aug. 4, 1983,[13] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 2230 (Civil Rights Commission Act of 1983):

MR. [DON] EDWARDS of California: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edwards of California: Page 2, line 2, insert "(a)" after "Sec. 2".

Page 2, line 4, strike out "1998" and insert "1988" in lieu thereof.

Page 2, after line 4, insert the following:

(b) Section 104(c) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(c)) is amended . . . .

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Chairman, pursuant to the rule, I demand a division of the question. . . .

THE CHAIRMAN:[14] . . . The Chair would propose to put the question first only on the date change, and then on the remainder of the amendment which constitutes in effect one proposition.

MR. SENSENBRENNER: That is fine, Mr. Chairman.

THE CHAIRMAN: The question now is on that portion of the amendment offered by the gentleman from California (Mr. Edwards) dealing with the date change from "1998" to "1988." . . .

13. 129 CONG. REC. 23134, 23142, 23143, 98th Cong. 1st Sess.

14. Morris K. Udall (Ariz.).

So that portion of the amendment dealing with the date change from "1998" to "1988" was agreed to. . . .

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a parliamentary inquiry. . . .

I understand the vote that was just taken was on the first part of a divided question. My inquiry is: Is it in order at this time for there to be any further debate on the second portion of the question that has been divided?

THE CHAIRMAN: The Chair will advise the gentleman that further debate would be in order under the 5-minute rule until the Chair puts the question.

Debate After Adoption of Substitute

§ 77.39 Under the five-minute rule, no debate may intervene after a substitute for an amendment has been adopted and before the vote on the amendment, as amended, except by unanimous consent (since the amendment has been amended in its entirety and no further amendments including pro forma amendments are in order).

The following proceedings occurred in the Committee of the Whole on Oct. 18, 1983,[15] during consideration of H.R. 3231, the Export Administration Amendments:

THE CHAIRMAN PRO TEMPORE:[16] The question is on the amendment offered by the gentleman from Washington (Mr. Bonker), as amended, as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. Roth), as amended. . . .

So the amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to. . . .

MR. [EDWIN V. W.] ZSCHAU [of California]: Mr. Chairman, I move to strike the last word.

THE CHAIRMAN PRO TEMPORE: Without objection, the gentleman from California (Mr. Zschau) is recognized for 5 minutes.

There was no objection.

Effect of Time Limitation on Right to Recognition

§ 77.40 In the Committee of the Whole the Member in charge of the bill having spoken on an amendment may speak again on the amendment following adoption of a motion to limit debate under the five-minute rule, where time is allocated by the Chair and the five-minute rule is abrogated.

On June 25, 1952,[17] Mr. Brent Spence, of Kentucky, manager of a

15. 129 CONG. REC. 28185, 98th Cong. 1st Sess.

16. George E. Brown, Jr. (Calif.).

17. 98 CONG. REC. 8028, 82d Cong. 2d Sess.

bill being considered in the Committee of the Whole, moved that all debate on the pending amendment and all amendments thereto conclude at a certain time, and the motion was agreed to. Chairman Wilbur D. Mills, of Arkansas, then answered a parliamentary inquiry:

> MR. [CLARE E.] HOFFMAN [of Michigan]: Under this limitation is the chairman of the committee, who has already spoken once on this amendment, entitled to be heard again under the rule?
>
> THE CHAIRMAN: The chairman of the committee could rise in opposition to a pro forma amendment and be recognized again.

§ 78. —Closing and Limiting Debate

Rule XXIII clause 6 provides a privileged motion for closing five-minute debate in the Committee of the Whole:

> 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. However, if debate is closed on any section or paragraph under this clause before there has been debate on any amendment which any Member shall have caused to be printed in the Congressional Record after the reporting of the bill by the committee but at least one day prior to floor consideration of such amendment, the Member who caused such amendment to be printed in the Record shall be given five minutes in which to explain such amendment, after which the first person to obtain the floor shall be given five minutes in opposition to it, and there shall be no further debate thereon; but such time for debate shall not be allowed when the offering of such amendment is dilatory. Material placed in the Record pursuant to this provision shall indicate the full text of the proposed amendment, the name of the proponent Member, the number of the bill to which it will be offered and the point in the bill or amendment thereto where the amendment in intended to be offered, and shall appear in a portion of the Record designated for that purpose.[18]

Although the House may by unanimous consent limit five-minute debate in Committee of the Whole, the motion or unanimous-consent request is ordinarily made in the Committee.[19] The

18. *House Rules and Manual* § 874 (1995). The clause preserving five-minute debate regardless of a limitation for an amendment which has been printed in the Record was added to the rule by H. Res. 5 in the 92d Congress.

19. See §§ 78.1, 78.2, 78.39, infra. A dated precedent, at 5 Hinds' Precedents § 5229, indicates that the mo-

motion, which is not debatable, is privileged, but is not in order until the portion of the bill to which it applies has been read and debated.[20] By unanimous consent, time under the five-minute rule may be limited before the relevant portion of the bill is read, or before there has been debate thereon.[1]

Although a motion to close debate is not in order to change the effect of a prior motion to close debate, the House or the Committee may by unanimous consent vacate, rescind, or extend a limitation.[2]

Debate may be closed instantly by motion or unanimous-consent request; and it may be limited either to a certain number of minutes or to a fixed time by the clock.[3]

The motion may not include a reservation or allocation of time under the limitation, but time may be reserved under a unanimous-consent request to limit debate.[4]

Another method in which debate may be suspended in the Committee of the Whole is the motion to rise, which is highly privileged.[5]

Cross References

Closing debate generally, see § 7, supra.

Closing five-minute debate in the House as in the Committee of the Whole, see § 72, supra.

Closing and limiting general debate, see § 76, supra.

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tion under Rule XXIII clause 6 may be offered in the House.

20. See §§ 78.5–78.9, infra, for the privilege of the motion and §§ 78.58, 78.59, infra, for the precedence of the motion to strike the enacting clause over the motion to close debate.

For the nondebatability of the motion, see §§ 78.16, 78.17, infra.

For the proper time of offering the motion, see §§ 78.5, 78.26–78.31, infra (after reading of relevant portion of bill); §§ 78.21–78.25, infra (after some debate has been had).

1. See §§ 78.93–78.95, infra.

To permit a request to limit debate on an entire bill prior to completion of its reading for amendment would allow amendments under the limitation only to that portion of the bill which has been read and, if the limitation were reached, would require subsequent reading of the remainder of the bill without further debate on any amendments.

2. See §§ 78.81–78.88, infra.

A Member who is allotted time, by the Chair, under a limitation, may not extend his time even by unanimous consent (see § 79.50, infra).

3. See §§ 78.41, 78.50, 78.51, infra.

4. See §§ 78.61, 78.62, infra.

5. See §§ 78.53–78.55, infra. If the Committee rises and time was set at a certain amount of minutes of debate when debate is resumed the unexpired time remains; if time was set to expire at a fixed time by the clock, and the Committee rises and does not resume before the time arrives, all time is construed as having expired (see § 78.57, infra).

Effect of limitation on five-minute debate, see § 79, infra.

Procedure generally in Committee of the Whole, see Ch. 19, supra.

Recognition for motion to close debate, see § 23, supra.

Recognition under a limitation on five-minute debate, see § 22, supra.

Special orders limiting or dispensing with five-minute debate, see § 74, supra.

In General; Authority of the Committee of the Whole

§ 78.1 The right to close debate under the five-minute rule may be exercised by the Committee of the Whole.

On Feb. 8, 1964,[6] inquiries were made by Mr. William M. McCulloch, of Ohio, relative to closing or limiting debate time on certain unread titles of a bill. Chairman Eugene J. Keogh, of New York, affirmed the right of the Committee of the Whole to close debate on those titles by unanimous consent under the five-minute rule.

§ 78.2 By unanimous consent, the Committee of the Whole agreed that when it resumed consideration of a pending bill on the following day, debate on all amendments to the bill would be limited to two hours.

On Mar. 28, 1972,[7] the Committee of the Whole agreed to a unanimous-consent limitation of debate under the five-minute rule, to take effect on the following day when consideration would be resumed:

> MR. [ROBERT E.] JONES of Alabama: Mr. Chairman, I ask unanimous consent that debate on all amendments to the bill conclude 2 hours after the Committee of the Whole House on the State of the Union resumes consideration of this bill tomorrow, Wednesday, March 29, 1972.
>
> THE CHAIRMAN:[8] Is there objection to the request of the gentleman from Alabama?
>
> There was no objection.
>
> MR. JONES of Alabama: Mr. Chairman, I move that the Committee do now rise.
>
> The motion was agreed to.

§ 78.3 While it is customary for the Chair to recognize the manager of the pending bill to offer motions to limit debate, any Member may, pursuant to Rule XXIII clause 6, move to limit debate at the appropriate time in Committee of the Whole.

6. 110 CONG. REC. 2614, 88th Cong. 2d Sess.

7. 118 CONG. REC. 10673, 92d Cong. 2d Sess.

8. Neal Smith (Iowa).

The following proceedings occurred in the House on July 31, 1975:[9]

MR. [WAYNE L.] HAYS of Ohio: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:[10] The gentleman will state it.

MR. HAYS of Ohio: Would it be in order for a person not a member of the committee to move to close debate on whatever pending amendment there might be, and all amendments thereto, to this bill when we go into the Committee of the Whole?

THE SPEAKER: It is the practice and custom of the House that the Chair looks to the manager of the bill for motions relating to the management of the bill.

MR. HAYS of Ohio: If I made the motion—and I will make it more specific—would it be out of order or in violation of the rules?

THE SPEAKER: A proper motion could be entertained at the proper time.

MR. HAYS of Ohio: I am prepared to make such a motion and I will seek the proper time.

§ 78.4 The Chair refused to entertain a unanimous-consent request regarding the limitation of time for debate on an amendment during the reading of the amendment.

During consideration of the Energy Conservation and Oil Policy Act of 1975 (H.R. 7014) in the Committee of the Whole on Sept. 18, 1975,[11] the proceedings described above occurred as follows:

MR. [JAMES M.] JEFFORDS [of Vermont]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jeffords: Page 331, after line 10, add the following:

TITLE VI—ENERGY LABELING AND EFFICIENCY STANDARDS FOR BEVERAGE CONTAINERS

DEFINITIONS AND COVERAGE

Sec. 601.—For purposes of this part—

(1) The term "beverage container" means a bottle, jar, can, or carton of glass, plastic, or metal, or any combination thereof, used for packaging or marketing beer . . . or a carbonated soft drink of any variety in liquid form which is intended for human consumption. . . .

MR. JEFFORDS (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record due to the fact that it was printed in the Record with the exception of two words which I shall explain. . . .

MR. [PHILLIP H.] HAYES of Indiana: Mr. Chairman, I object. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to make a unanimous consent request with regard to a limitation of time. . . .

THE CHAIRMAN:[12] The Chair will state to the gentleman from Michigan

9. 121 CONG. REC. 26223, 94th Cong. 1st Sess.

10. Carl Albert (Okla.).

11. 121 CONG. REC. 29322, 29323, 94th Cong. 1st Sess.

12. Richard Bolling (Mo.).

that the reading of the amendment has not been completed and we should dispose of the reading of the amendment prior to such a request.

The Clerk will proceed to read the amendment.

Privilege of Motion

§ 78.5 A motion to close debate on a committee amendment in the nature of a substitute and all amendments thereto is privileged when made after the amendment has been read and debated.

On Aug. 16, 1967,[13] Chairman Richard Bolling, of Missouri, overruled a point of order against a motion to limit debate on a bill and amendments thereto, after a committee amendment in the nature of a substitute had been read and debated:

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I now move that all debate on the bill and all amendments thereto conclude at 5 minutes to 4. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, a further point of order.

THE CHAIRMAN: The gentleman will state it.

MR. HAYS: Mr. Chairman, it is my understanding that a motion may be made to close debate on an amendment. But this motion is to close debate on the bill and all amendments thereto.

THE CHAIRMAN: It happens that the Committee of the Whole is considering an amendment which is a committee amendment, and the motion made by the gentleman from New York under the circumstances is in order.

§ 78.6 The pendency of an amendment to a committee amendment in the nature of a substitute does not preclude a motion to limit debate on the substitute and all amendments thereto.

On Aug. 16, 1967,[14] Mr. Emanuel Celler, of New York, moved to limit debate on a committee amendment in the nature of a substitute and all amendments thereto while an amendment to the substitute was pending, and Chairman Richard Bolling, of Missouri, overruled a point of order against the motion:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, a point of order.

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

MR. HAYS: Mr. Chairman, the point of order is that there is an amendment pending, the point of order being can we have another motion intervene to close debate?

Mr. Chairman, I make the point of order that the gentleman's motion is out of order.

THE CHAIRMAN: The Chair will state that the Chair will have to overrule

13. 113 CONG. REC. 22754, 22755, 90th Cong. 1st Sess.

14. 113 CONG. REC. 22754, 22755, 90th Cong. 1st Sess.

the gentleman's point of order because a motion may be made on the amendment, or to close debate, at any time after debate has been had on the pending amendment.

§ 78.7 The motion to limit debate on the pending portion of a bill and all amendments thereto is in order while an amendment is pending.

On June 21, 1973,[15] while an amendment was pending in the Committee of the Whole, Mr. Augustus F. Hawkins, of California, moved that debate on the bill and amendments thereto close at a certain time. Chairman Robert C. Eckhardt, of Texas, then answered a parliamentary inquiry:

MR. [JOHN T.] MYERS [of Indiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MYERS: Mr. Chairman, there is one motion pending before the motion made by the gentleman from California. Is this a substitute motion?

THE CHAIRMAN: There is an amendment pending, but the motion of the gentleman from California is in order at this time.

The question is on the motion offered by the gentleman from California (Mr. Hawkins) that all debate on the bill and all pending amendments thereto close at 11 p.m.

The motion was agreed to.

15. 119 CONG. REC. 20753, 93d Cong. 1st Sess.

§ 78.8 A motion to close debate in the Committee of the Whole is privileged after debate has been had on a section or paragraph (and amendments thereto) to which the motion applies.

On Jan. 26, 1932,[16] Chairman John W. McCormack, of Massachusetts, ruled in the Committee of the Whole that the motion to close debate under the five-minute rule was privileged and nondebatable.

MR. [WILLIAM B.] OLIVER [of Alabama]: Mr. Chairman——

MR. [JAMES P.] BUCHANAN [of Texas]: Mr. Chairman——

THE CHAIRMAN: For what purpose does the gentleman from Texas rise?

MR. BUCHANAN: Mr. Chairman, I move that all debate upon this amendment and upon this section do now close.

THE CHAIRMAN: The question is on the motion of the gentleman from Texas that all debate on this amendment and the section do now close.

MR. [CHARLES L.] UNDERHILL [of Massachusetts]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. UNDERHILL: The Chairman had already recognized the gentleman from Alabama, and he has the floor and can not be taken off the floor.

THE CHAIRMAN: The Chair overrules the point of order. The question is on

16. 75 CONG. REC. 2749, 72d Cong. 1st Sess.

the motion of the gentleman from Texas.

The question was taken and the motion was agreed to.

MR. [ALLEN T.] TREADWAY [of Massachusetts]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. TREADWAY: Does the adoption of that vote foreclose debate on any other part of this section?

THE CHAIRMAN: The motion closes debate on the pending paragraph.

MR. TREADWAY: Mr. Chairman, I was on my feet asking recognition.

THE CHAIRMAN: The motion of the gentleman from Texas is . . . a privileged motion after debate has been had on the paragraph.

§ 78.9 During the five-minute debate in the Committee of the Whole, the Member managing the bill is entitled to prior recognition to move to close debate on a pending amendment over other Members who desire to debate the amendment or to offer amendments thereto.

On Nov. 25, 1970,[17] the Committee of the Whole was conducting five-minute debate on H.R. 19504, which was being handled by Mr. John C. Kluczynski, of Illinois. Mr. Kluczynski was recognized by Chairman Chet Holifield, of California, to move that all debate on the pending amendment immediately close. The motion was adopted; Mr. Jonathan B. Bingham, of New York, attempted to offer an amendment and Mr. Andrew Jacobs, Jr., of Indiana, attempted to debate the amendment on which debate had been closed. The Chairman stated:

> The Chair had not recognized the gentleman from New York or the gentleman from Indiana. The Chair had recognized the gentleman from Illinois (Mr. Kluczynski). The gentleman from Indiana misunderstood the Chair had recognized him. The Chair had to recognize the gentleman from Illinois as chairman of the subcommittee.[18]

§ 78.10 Although any Member may move, or request unanimous consent, to limit debate under the five-minute rule in the Committee of the Whole, the manager of the bill has the prior right to recognition for such purpose.

The following proceedings occurred in the Committee of the Whole on June 19, 1984,[19] during

17. 116 CONG. REC. 38990, 91st Cong. 2d Sess.

18. The manager of the bill, and not the proponent of a particular amendment, is entitled to recognition to close debate on the amendment. See 111 CONG. REC. 16228, 89th Cong. 1st Sess., July 9, 1965 (cited at § 7, supra, wherein is generally discussed the closing of debate and recognition therefor).

19. 130 CONG. REC. 17055, 98th Cong. 2d Sess.

consideration of the Immigration Reform and Control Act (H.R. 1510):

MR. [DANIEL E.] LUNGREN [of California]: Mr. Chairman, I ask unanimous consent that all debate on this amendment end at 7:15.

THE CHAIRMAN:[20] Is there objection to the request of the gentleman from California?

MR. [THEODORE S.] WEISS [of New York]: Objection, Mr. Chairman.

THE CHAIRMAN: Objection is heard.

MR. LUNGREN: Mr. Chairman, I move——

MR. [ROMANO L.] MAZZOLI [of Kentucky]: Mr. Chairman, I should be recognized as the floor manager.

THE CHAIRMAN: The Chair recognizes the gentleman from Kentucky (Mr. Mazzoli).

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

THE CHAIRMAN: The gentleman will state it.

MR. MAZZOLI: Mr. Chairman, I believe under the rule, the gentleman from Kentucky, the floor manager, is entitled to be heard and to be recognized on matters limiting debate.

Let me just respectfully suggest to my friend, the gentleman from California, the House has made it clear we are not going to protract the debate tonight. . . .

MR. LUNGREN: Mr. Chairman, if I might reclaim my time, I indulged the gentleman from Texas and asked him to withdraw his motion on the pretext that I would make a motion, as I have the ability to do under the rule, that debate on this amendment shall end in a half hour. Since I had the gentleman agree to withdraw it, I feel bound that I will then continue with this motion, and I so move.

MR. MAZZOLI: Mr. Chairman, can the gentleman say 45 minutes? I understand 45 minutes will be enough.

THE CHAIRMAN: If the gentleman from Kentucky has no motion, the gentleman from California is entitled to make his motion. Does the gentleman offer a motion?

MR. LUNGREN: Yes, Mr. Chairman.

Mr. Chairman, I move that debate on the amendment offered by the gentleman from Texas (Mr. Wright) be concluded at 7:30.

THE CHAIRMAN: The question is on the motion offered by the gentleman from California (Mr. Lungren).

The motion was agreed to.

§ 78.11 Under the five-minute rule in Committee of the Whole, the subcommittee chairman who is managing the bill is entitled to prior recognition to move to limit debate over a Member seeking recognition to offer a pro forma amendment.

The Committee of the Whole was considering H.R. 7797 (the Foreign Assistance and related agencies appropriations, 1978) under the five-minute rule on June 22, 1977,[1] when the following proceedings occurred:

20. William H. Natcher (Ky.).

1. 123 CONG. REC. 20288, 95th Cong. 1st Sess.

MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Chairman, I move to strike the requisite number of words.

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I was on my feet seeking recognition.

THE CHAIRMAN:[2] For what purpose does the gentleman from Maryland rise?

MR. LONG of Maryland: Mr. Chairman, I rise to ask unanimous consent for a limitation on the debate.

THE CHAIRMAN: Will the gentleman make his request.

MR. LONG of Maryland: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto cease in 10 minutes.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I object.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. LONG of Maryland: Mr. Chairman, I move that all debate on this amendment and all amendments thereto cease in 10 minutes.

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ASHBROOK: Mr. Chairman, my understanding is that the Chairman recognized the gentleman from New York (Mr. Bingham) and he was halfway down the aisle.

THE CHAIRMAN: The Chair saw both gentlemen at the same time, and he did recognize the gentleman from Maryland because the Chair had to, by custom and rule, I believe, recognize the chairman of the subcommittee. . . .

The question is on the motion offered by the gentleman from Maryland (Mr. Long).

The motion was agreed to.

§ 78.12 The Chair may recognize the manager of a bill to request a limit on debate on a pending portion of the bill before recognizing a Member to offer an amendment thereto.

On Dec. 4, 1979,[3] the following proceedings occurred in the Committee of the Whole during consideration of the Nuclear Regulatory Commission Authorization bill (H.R. 2608):

THE CHAIRMAN:[4] Is there any further debate on the amendment offered by the gentleman from Virginia (Mr. Harris)? If not, the question is on the amendment offered by the gentleman from Virginia (Mr. Harris).

The amendment was agreed to.

THE CHAIRMAN: The Chair will indicate that we believe there is one additional amendment to be offered by the gentleman from Texas (Mr. Gonzalez).

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, then I would ask unanimous consent that all debate on this bill and all amendments thereto close at 4:15.

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

2. Abraham Kazen, Jr. (Tex.).

3. 125 CONG. REC. 34516, 34518, 34519, 96th Cong. 1st Sess.

4. Leon E. Panetta (Calif.).

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous consent request was granted will be recognized for 10 seconds each.

The Chair recognizes the gentleman from Texas (Mr. Gonzalez).

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gonzalez: Page 11, after line 15, add the following new title:

TITLE IV—PROTECTION FOR INSPECTORS

Sec. 401. Section 1114 of Title 18, United States Code is amended by inserting "any construction inspector or quality assurance inspector on any Nuclear Regulatory Commission licensed project," after "Department of Justice.".

After debate on a point of order, Mr. Gonzalez made a parliamentary inquiry:

THE CHAIRMAN: . . . The gentleman from Texas (Mr. Gonzalez) is recognized for 40 seconds.

MR. GONZALEZ: Mr. Chairman, I would like now to interpose my parliamentary inquiry with regard to the time allotted me. . . .

Why should I be limited to a motion that was made subsequent to the knowledge that I had a pending amendment to offer?

Had I known that I would come under that limitation on a subsequent motion, though I had not been recognized for the purpose of amendment, because the gentleman from Arizona was recognized anticipatorily on a motion I had no knowledge was going to be made. If I had known, I would have objected to the unanimous-consent request, because I wanted the opportunity to offer the amendment and be given at least 5 minutes, that is the customary time allotted a Member.

Let me say this, in order to avoid any kind of an argument. How much net time will I have to present this amendment?

THE CHAIRMAN: The gentleman has 1 minute and 20 seconds on his amendment. . . .

With regard to the parliamentary inquiry, the Chair would indicate that he first recognized the chairman, the gentleman from Arizona as manager of the bill, that the gentleman made a unanimous-consent agreement with regard to limitation of time and that there was no objection.

Therefore, the gentleman is recognized for 1 minute and 20 seconds on his amendment.

Interruption of Member by Proposal To Limit Debate

§ 78.13 A Member having the floor in debate on his amendment may not be interrupted without his consent by a motion to close debate in a specified time.

On Aug. 21, 1940,[5] Mr. John C. Schafer, of Wisconsin, offered an amendment under the five-minute rule in the Committee of

5. 86 CONG. REC. 10698, 76th Cong. 3d Sess.

the Whole and was recognized for five minutes:

THE CHAIRMAN:[6] The gentleman from Wisconsin is recognized for 5 minutes.

MR. SCHAFER of Wisconsin: Mr. Chairman——

MR. [HENRY B.] STEAGALL [of Alabama]: Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

MR. [JESSE P.] WOLCOTT [of Michigan]: Mr. Chairman, I object.

MR. STEAGALL: Mr. Chairman, I move that all debate on this section——

MR. SCHAFER of Wisconsin: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. SCHAFER of Wisconsin: Mr. Chairman, I did not yield to the gentleman from Alabama to submit a unanimous-consent request or to make a motion. I have some rights here under the rules of the House. I demand the regular order, and that is that I be permitted to continue without interruption.

THE CHAIRMAN: The gentleman is recognized for 5 minutes, but there is a motion before the House.

MR. SCHAFER of Wisconsin: Mr. Chairman, I make the point of order against that motion. I did not yield for the gentleman to make a motion. I had the floor. The gentleman did not ask me to yield and I did not yield. I have some rights under the rules of the House and I ask that they be respected by the gentleman who has interrupted even though he is chairman of the important committee in charge of the pending legislation.

THE CHAIRMAN: The gentleman from Wisconsin is recognized for 5 minutes.

6. Abe Murdock (Utah).

§ 78.14 A motion to limit debate on an amendment, while privileged, cannot deprive another Member of the floor.

On Mar. 12, 1964,[7] a Member with the floor on his amendment under the five-minute rule declined to yield to another Member to move to limit debate:

MR. [GLEN C.] CUNNINGHAM [of Nebraska]: Mr. Chairman, I rise in support of my amendment.

MR. [JAMES H.] MORRISON [of Louisiana]: Mr. Chairman, will the gentleman yield for a unanimous-consent request?

MR. CUNNINGHAM: For a unanimous-consent request I yield; yes.

MR. MORRISON: I wonder if we can agree that all debate on the amendment and all other amendments to title II end in 20 minutes.

MR. CUNNINGHAM: Mr. Chairman, I do not yield for that purpose. That would come out of my time.

MR. MORRISON: After consideration of the gentleman's amendment, could all debate on all amendments end in 20 minutes?

MR. [AUGUST E.] JOHANSEN [of Michigan]: Mr. Chairman, I object.

MR. [PAUL C.] JONES of Missouri: I object.

7. 110 CONG. REC. 5118, 5119, 88th Cong. 2d Sess.

THE CHAIRMAN:[8] Objection is heard.

MR. MORRISON: Mr. Chairman, I move that be done.

THE CHAIRMAN: The gentleman from Nebraska has the floor. Does the gentleman from Nebraska yield to the gentleman from Louisiana?

MR. CUNNINGHAM: No, because I wish to make a statement. Following my statement the gentleman can be recognized.

THE CHAIRMAN: The gentleman from Nebraska is recognized for 5 minutes.

§ 78.15 Time consumed in disposing of unanimous-consent requests or motions to limit debate on an amendment in the Committee of the Whole is charged to the Member who had been recognized under the five-minute rule and who had yielded for that purpose.

On June 1, 1972,[9] Chairman Robert N. Giaimo, of Connecticut, ruled on whether time for interruptions for which a Member with the floor under the five-minute rule yielded, would be taken out of that Member's time:

MR. [WILLIAM V.] CHAPPELL [Jr., of Florida]: Mr. Chairman, I offer an amendment. . . .

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Chairman, would the gentleman yield to me?

MR. CHAPPELL: I yield to the gentleman from West Virginia.

MR. STAGGERS: I have asked the gentleman from Florida to yield to me in order to ascertain if we could set a limit of debate on this amendment.

Having heard the amendment read, it is a very simple amendment, and it can be read again if needed.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from West Virginia?

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. STAGGERS: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from West Virginia?

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GROSS: Mr. Chairman, is this coming out of the gentleman's time?

THE CHAIRMAN: The Chair will state that that is correct.

Motion Not Debatable

§ 78.16 A motion to close debate under the five-minute rule in the Committee of the Whole is not debatable.

On Mar. 26, 1965,[10] Chairman Richard Bolling, of Missouri, ruled

8. Chet Holifield (Calif.).

9. 118 CONG. REC. 19476, 92d Cong. 2d Sess.

10. 111 CONG. REC. 6098, 89th Cong. 1st Sess.

that a motion to close debate under the five-minute rule is nondebatable:

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, I move that all debate on this title and all amendments thereto close now. . . .

MRS. [EDITH S.] GREEN of Oregon: Mr. Chairman . . . I rise in opposition to this motion.

THE CHAIRMAN: Does the gentleman from New York [Mr. Powell] withdraw his motion?

MR. POWELL: I do not, Mr. Chairman.

MR. [ROBERT P.] GRIFFIN [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GRIFFIN: Mr. Chairman, I understand the chairman of the full committee to move that debate on title II be cut off at this time. Was that the motion by the gentleman from New York?

THE CHAIRMAN: The motion, as the Chair understood it, was that all debate on section 202 of title II close.

The question is on the motion of the gentleman from New York.

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Chairman——

THE CHAIRMAN: For what purpose does the gentleman from Mississippi rise?

MR. COLMER: Mr. Chairman, do I understand the ruling of the Chair to be that a motion to close debate is not debatable?

THE CHAIRMAN: That is correct.[11]

§ 78.17 A motion to fix the closing of debate under the five-minute rule in the Committee of the Whole is not debatable.

On Mar. 30, 1950,[12] Chairman Oren Harris, of Arkansas, responded as follows to a parliamentary inquiry:

MR. [JOHN] KEE [of West Virginia]: Mr. Chairman, I move that all debate on title I and all amendments thereto close in 30 minutes.

MR. [COMPTON I.] WHITE of Idaho: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WHITE of Idaho: I would like to know if this motion is debatable.

THE CHAIRMAN: The motion is not debatable.

Similarly, Chairman Howard W. Smith, of Virginia, ruled on Jan.

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11. See also 75 CONG. REC. 11453, 72d Cong. 1st Sess., May 27, 1932; and 75 CONG. REC. 2749, 72d Cong. 1st Sess., Jan. 26, 1932.

For the basis of the ruling, see Rule XXIII clause 6, *House Rules and Manual* § 874 (1995): "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)."

12. 96 CONG. REC. 4423, 81st Cong. 2d Sess.

19, 1944,[13] that a motion that "all debate on section 2 and all amendments thereto close in 30 minutes" was not debatable.

On Jan. 26, 1932, Mr. James P. Buchanan, of Texas, moved, in the Committee of the Whole, that all debate on a pending amendment and on a pending section close instantly. Chairman John W. McCormack, of Massachusetts, ruled that the motion was privileged and not debatable.[14]

§ 78.18 The motion to close debate is not subject to debate.

An illustration of the principle described above was demonstrated in the Committee of the Whole on June 5, 1975,[15] as follows:

> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move that all debate on the committee amendment and all amendments thereto conclude at 5:15 o'clock.
>
> MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, will the gentleman yield?
>
> THE CHAIRMAN:[16] The motion is not debatable.
>
> The question is on the motion offered by the gentleman from Michigan.
>
> The motion was agreed to.

§ 78.19 A motion to limit debate under the five-minute rule in Committee of the Whole is not subject to debate.

On May 18, 1977,[17] during debate in the Committee of the Whole on the Federal Employees' Political Activities Act of 1977 (H.R. 10), Mr. William Clay, of Missouri, made the following motion:

> MR. CLAY: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 9 o'clock.
>
> THE CHAIRMAN:[18] . . . Does the Chair understand the gentleman's motion to be that all debate on the committee amendment and all amendments thereto cease at 9 o'clock?
>
> MR. CLAY: And the bill is a part of the motion.
>
> THE CHAIRMAN: That is the bill. . . .
>
> MR. [DANIEL R.] GLICKMAN [of Kansas]: Mr. Chairman, under this type of motion is it true that no Member of the body is allowed to speak for or against the motion?
>
> I would like to speak against the motion. Is that possible?
>
> THE CHAIRMAN: The Chair will state that the motion is not debatable.
>
> The question is on the motion offered by the gentleman from Missouri (Mr. Clay).

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13. 90 CONG. REC. 418, 78th Cong. 2d Sess.

14. 75 CONG. REC. 2749, 72d Cong. 1st Sess. See also 111 CONG. REC. 6098, 89th Cong. 1st Sess., Mar. 26, 1965; and 90 CONG. REC. 418, 78th Cong. 2d Sess., Jan. 19, 1944.

15. 121 CONG. REC. 17187, 94th Cong. 1st Sess.

16. Bob Wilson (Calif.).

17. 123 CONG. REC. 15418, 95th Cong. 1st Sess.

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

§ 78.20 A motion to limit debate under the five-minute rule in Committee of the Whole is not subject to debate.

During consideration of the foreign aid authorization bill (H.R. 12514) in the Committee of the Whole on Aug. 1, 1978,[19] the following exchange occurred:

> MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendments and all amendments thereto conclude at 4:30. . . .
>
> MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, is the motion now before the House debatable?
>
> THE CHAIRMAN:[20] The Chair will advise the gentleman that it is not.

Time for Motion To Close Debate

§ 78.21 A motion to close five-minute debate in the Committee of the Whole is in order after some debate has been had on the pending proposition.

On Feb. 27, 1931,[1] Mr. James S. Parker, of New York, moved to close debate in the Committee of the Whole after some debate had been had under the five-minute rule. Chairman William H. Stafford, of Wisconsin, overruled a point of order against the motion:

> MR. PARKER: There is no reason why amendments can not be offered to the bill. There is no reason why Members should not offer as many amendments as they choose. Mr. Chairman, I make the motion that all debate on this amendment and all amendments thereto close in 15 minutes.
>
> THE CHAIRMAN: The gentleman from New York moves that all debate on the pending amendment and all amendments thereto close in 15 minutes.
>
> MR. [GEORGE] HUDDLESTON [of Alabama]: Mr. Chairman, I make the point of order that this is an attempt in the committee to fix time for the future, which is in violation of the rules of the House.
>
> THE CHAIRMAN: The Chair will state that, under the rules of the House, after any quota 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.
>
> MR. HUDDLESTON: Of course, I understand that, but the point I am making is that this is not a motion to close

19. 124 CONG. REC. 23716, 95th Cong. 2d Sess.

20. Don Fuqua (Fla.).

1. 74 CONG. REC. 6300, 71st Cong. 3d Sess.

debate but it is a motion to fix time. That is what the motion is.

THE CHAIRMAN: The present occupant of the chair cannot follow the argument of the gentleman. It seems to the Chair, with due respect, that the gentleman's point is a distinction without a difference.[2]

§ 78.22 A motion to close debate on a section of or an amendment to a bill in the Committee of the Whole is not in order until there has been some debate on the section or amendment.

On Mar. 26, 1965,[3] Chairman Richard Bolling, of Missouri, stated that a motion to close debate on a section in the Committee of the Whole was not in order until some debate had been had thereon:

The Clerk read as follows:

STATE PLANS

Sec. 203. (a) Any State which desires to receive grants under this title shall submit to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which—

(1) designates a State agency which shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for administration of the State plan. . . .

THE CHAIRMAN: For what purpose does the gentleman from New York, the chairman of the committee, rise?

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, I move that all debate on section 203 of title II——

THE CHAIRMAN: If the gentleman will permit, the Chair will advise the chairman of the committee that motion is not in order until there is debate on the section.

On the same day,[4] Chairman Bolling sustained a point of order by Mrs. Edith S. Green, of Oregon, against a motion offered by Mr. Powell to close debate on a section, which motion had been offered immediately after the section had been read and before any debate had occurred thereon.[5]

On July 9, 1965,[6] Chairman Richard Bolling, of Missouri, ruled as follows on the proper time to offer a motion to close debate on an amendment:

MR. [BASIL L.] WHITENER [of North Carolina]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

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2. The Chair may entertain a motion to close debate before debate has been had where no point of order is made against the motion. See 114 CONG. REC. 22094, 22095, 90th Cong. 2d Sess., July 18, 1968.

3. 111 CONG. REC. 6100, 89th Cong. 1st Sess.

4. *Id.* at pp. 6097, 6098.

5. See also 111 CONG. REC. 6104, 89th Cong. 1st Sess., Mar. 26, 1965; and 82 CONG. REC. 1809, 75th Cong. 2d Sess., Dec. 17, 1937.

6. 111 CONG. REC. 16233, 89th Cong. 1st Sess.

Amendment offered by Mr. Whitener: On page 14 after line 6 strike all of section 4 and insert in lieu thereof the following:

"Sec. 4. (a) To assure that the right of citizens of the United States to vote. . . .

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, will the gentleman yield for a unanimous-consent request?

MR. WHITENER: I yield to the gentleman.

MR. CELLER: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 10 minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from New York?

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I object.

MR. CELLER: Mr. Chairman, I move that all debate on this amendment and all amendments thereto end in 10 minutes.

THE CHAIRMAN: The Chair will have to advise the gentleman that no such motion is in order until the gentleman from North Carolina has been heard on his amendment. The gentleman from North Carolina is recognized for 5 minutes.

On Mar. 21, 1930,[7] Chairman Earl C. Michener, of Michigan, ruled that a motion to close debate on an amendment was in order after one speech of five minutes had been had on the amendment.[8]

7. 72 CONG. REC. 5858, 71st Cong. 2d Sess.

8. See also 113 CONG. REC. 32349, 32350, 90th Cong. 1st Sess., Nov. 14, 1967; and 93 CONG. REC. 2557, 80th Cong. 1st Sess., Mar. 25, 1947.

§ 78.23 The motion to close debate in the Committee of the Whole is in order after one five-minute speech.

On Mar. 26, 1965, Chairman Richard Bolling, of Missouri, answered a parliamentary inquiry as follows:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HALLECK: Mr. Chairman, under the Rules of the House would it be possible or permissible to move to close debate on the whole bill until each section has been read?

THE CHAIRMAN: Under the practices and precedents of the House the bill is being read by sections. A motion is in order to close debate on each section after it has been read and debated.

MR. HALLECK: How much debate on each section is required to be had?

THE CHAIRMAN: At least 5 minutes.[9]

§ 78.24 After debate, however brief, the motion to close debate under the five-minute rule is in order.

On Apr. 8, 1964,[10] Chairman Phillip M. Landrum, of Georgia,

9. 111 CONG. REC. 6104, 89th Cong. 1st Sess. See also 72 CONG. REC. 5858, 71st Cong. 2d Sess., Mar. 21, 1930.

10. 110 CONG. REC. 7298, 88th Cong. 2d Sess.

overruled a point of order against a motion to limit debate under the five-minute rule:

MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Chairman, I move that all debate on this amendment and on this bill close by 6 o'clock.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. HALLECK: As I understand it, that motion is not in order until the first speech has been made in support of the amendment and then a 5-minute speech in opposition to it.

MR. [CARL] ALBERT [of Oklahoma]: He just made the 5-minute speech.

THE CHAIRMAN: There has been debate on this amendment already. The motion is in order.

MR. [CHARLES B.] HOEVEN [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HOEVEN: Mr. Chairman, has the entire bill been read?

THE CHAIRMAN: The entire bill has been read, and there has been debate on this amendment.

MR. [RALPH F.] BEERMANN [of Nebraska]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. BEERMANN: As I understand it, one speaker may speak for the amendment and one against it. Is that correct?

THE CHAIRMAN: That has been done.

MR. BEERMANN: So far only the author of the amendment has spoken for it. Three minutes were granted additionally by the majority leader and 3 minutes were requested by the minority leader. There has been no 5-minute debate against the amendment.

THE CHAIRMAN: There has been debate on the amendment, the Chair advises the gentleman, and the motion of the gentleman from North Carolina is in order.

—What Qualifies as "Debate" To Permit Clause 6 Motion

§ 78.25 The motion to close debate under the five-minute rule is in order after one speech, even though the Member making the speech, after gaining recognition to strike out the last word, obtains consent to speak out of order.

On Mar. 26, 1965,[11] Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that a motion to close debate under the five-minute rule on an entire bill could not be offered until the last section of the bill had been read and debated for at least five minutes. The Clerk then read the last section of the pending bill, and Mr. George W. Andrews, of Alabama, gained recognition by moving to strike out the last word. He asked and was given permission to speak out of

11. 111 CONG. REC. 6104, 6105, 89th Cong. 1st Sess.

order and delivered remarks not related to the pending bill.

Following Mr. Andrews' remarks, Mr. Adam C. Powell, of New York, moved that all debate on the final section close instantly, and the Chairman stated in response to a parliamentary inquiry that the motion was properly offered:

> MR. POWELL: Mr. Chairman, I move that all debate on this section close now.
>
> MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. QUIE: The gentleman who has just spoken, spoke out of order. Therefore, there was no debate on the bill. Therefore, I ask if it is possible to strike out the last word.
>
> THE CHAIRMAN: The gentleman obtained the 5 minutes by the motion to strike out the last word. Therefore, there has been debate on this section.
>
> The question is on the motion offered by the gentleman from New York.
>
> The motion was agreed to.

Motion To Close Debate in Order Only on Matter Read

§ 78.26 A motion to close debate on a bill in the Committee of the Whole is not in order until the bill has been completely read.

On June 29, 1949,[12] Chairman Hale Boggs, of Louisiana, sustained a point of order against a motion to close debate on a bill because the motion was offered before the bill had been read:

> MR. [BRENT] SPENCE [of Kentucky]: Then Mr. Chairman, I move that all debate on the bill and all amendments thereto conclude at 5 minutes past 5, the remainder of the bill to be considered as read and be open to amendment at any point.
>
> MR. [T. MILLET] HAND [of New Jersey]: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HAND: The motion is not in order. The gentleman from Kentucky does not have the floor.
>
> MR. [SAM] RAYBURN [of Texas]: The gentleman from Mississippi [Mr. Whittington] yielded to the gentleman from Kentucky.
>
> THE CHAIRMAN: The gentleman from Mississippi yielded and the gentleman from Kentucky is not out of order.
>
> MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Chairman, I make a point of order against the motion because the bill has not yet been read in its entirety.
>
> THE CHAIRMAN: The Chair must sustain the point of order because the remainder of the bill has not been read.

§ 78.27 A motion to close debate on a bill and amendments thereto is not in order until the bill has been completely read.

On July 22, 1965,[13] Mr. Adam C. Powell, of New York, moved

12. 95 CONG. REC. 8652, 8653, 81st Cong. 1st Sess.

13. 111 CONG. REC. 17932, 89th Cong. 1st Sess.

that all debate on the pending bill and amendments thereto close at 5 p.m. Chairman John J. Rooney, of New York, stated that the motion was not in order, the bill not having been fully read. When Mr. Powell made a unanimous-consent request to close debate on the bill, it was objected to.

On May 18, 1966,[14] Chairman Eugene J. Keogh, of New York, stated in response to a parliamentary inquiry that it was in order by unanimous consent, but not by motion, to close debate on a bill and all remaining amendments thereto, the bill not having been read.

§ 78.28 Until the last section of a bill being read by sections has been read, a motion to close debate on the entire bill is not in order.

On Mar. 26, 1965,[15] Chairman Richard Bolling, of Missouri, answered a parliamentary inquiry on whether a motion to close debate on a bill can be offered before the entire bill has been read or debated:

> MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HALLECK: Mr. Chairman, under the rules of the House would it be possible or permissible to move to close debate on the whole bill until each section has been read?
>
> THE CHAIRMAN: Under the practices and precedents of the House the bill is being read by sections. A motion is in order to close debate on each section after it has been read and debated.

§ 78.29 When a bill is being read for amendment by titles or by sections, debate under the five-minute rule on the portion of the bill which has been read and debated may be closed by motion, but on titles or sections that have not been read, debate may only be closed by unanimous consent.

On Feb. 8, 1964,[16] Chairman Eugene J. Keogh, of New York, answered parliamentary inquiries on closing debate under the five-minute rule:

> MR. [WILLIAM M.] MCCULLOCH [of Ohio]: I should like to ask, Mr. Chairman, if the Committee of the Whole House on the State of the Union can now effect binding action as to time on the titles of the bill which we have not reached?
>
> THE CHAIRMAN: The Chair would inform the gentleman from Ohio that

14. 112 CONG. REC. 10911, 89th Cong. 2d Sess.

15. 111 CONG. REC. 6104, 6105, 89th Cong. 1st Sess.

16. 110 CONG. REC. 2614, 2615, 88th Cong. 2d Sess.

that could be done only by unanimous consent.

MR. [CARL] ALBERT [of Oklahoma]: And cannot it be done in Committee of the Whole, Mr. Chairman?

THE CHAIRMAN: It can be done in Committee of the Whole. It would also depend in a measure on the nature of the request. . . .

MR. ALBERT: Mr. Chairman, I ask unanimous consent that debate on title VII on Monday next be limited to 2 hours and that the debate on the remainder of the bill be limited to 2 hours, making a total of 4 hours.

THE CHAIRMAN: Is there objection to the request of the gentleman from Oklahoma?

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Chairman, reserving the right to object, and I am just one ordinary Member of this House, but I do have certain rights as one ordinary Member of the House, if I understand what was agreed upon originally, I am willing to abide by that agreement. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, will the gentleman yield to me?

MR. COLMER: I yield to the gentleman from Ohio.

MR. HAYS: Mr. Chairman, I would like to propound a parliamentary inquiry. If the unanimous-consent request of the majority leader should be objected to, would not the majority leader or the chairman of the committee have a right to move that that be set and that the debate be ended at a specified time on Monday?

THE CHAIRMAN: The Chair would say a motion to limit debate would be in order after there has been debate on the title.

Parliamentarian's Note: The bill under consideration, H.R. 7152, the Civil Rights Act of 1963, was being read for amendment by titles instead of by sections, pursuant to House Resolution 616 from the Committee on Rules making in order its consideration.

On Mar. 25, 1965,[17] Chairman Richard Bolling, of Missouri, answered inquiries on a motion to limit debate which had been agreed to:

THE CHAIRMAN: All time on section 2 has expired. The question is on the amendment offered by the gentleman from Minnesota [Mr. Quie].

MR. [ROBERT P.] GRIFFIN [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GRIFFIN: The Chair said "on section 2." It was my understanding that the chairman of the Committee on Education and Labor said "title I." Am I incorrect?

THE CHAIRMAN: The Chair put the motion on section 2, which contains a title I.

MR. GRIFFIN: So the debate is closed at 6 o'clock on section 2, but not on the remainder of title I?

THE CHAIRMAN: That is correct.

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman——

THE CHAIRMAN: For what purpose does the gentleman rise?

MR. POWELL: I should like for the Clerk to repeat my request.

---

17. 111 CONG. REC. 6016, 6020, 89th Cong. 1st Sess.

THE CHAIRMAN: The gentleman may have made another request than that, but since the other sections of this title have not been read, and since no unanimous-consent request has been made that they be considered as read, no motion could have been in order on anything except that which was read. That was section 2.

MR. POWELL: I beg to state, Mr. Chairman, that the motion I offered was on all amendments and debate on title I, and there was no point of order raised against it.

THE CHAIRMAN: There may have been a misunderstanding, but the Chair knows how he put the motion, and he knows he could not have put the other motion at that time. The other sections of that title had not been read, nor had unanimous consent been requested that they be considered as read. It does happen that section 2 contains a different title I. That is the motion which the Chairman put.

MR. POWELL: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. POWELL: Is it possible for the Chairman to put the motion as made?

THE CHAIRMAN: The Chair stated the motion as the Chair at that time understood it. There was no correction of the Chair's statement of the motion. The motion stands as stated. That was what the Committee voted on.

§ 78.30 Where the Committee of the Whole has by unanimous consent dispensed with further reading of a bill for amendment, a motion to fix the time for debate on the remainder of the bill and amendments thereto is in order after there has been debate.

On Apr. 25, 1947,[18] Chairman Earl C. Michener, of Michigan, overruled a point of order against a motion to close debate, under the five-minute rule, on a bill:

MR. [ROBERT F.] JONES of Ohio: Mr. Chairman, I move that all debate on the bill and all amendments thereto, and amendments, be limited to 40 minutes.

MR. [FRANCIS E.] WALTER [of Pennsylvania]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. WALTER: Mr. Chairman, I make the point of order that the motion may eliminate the possibility of debate on an amendment or amendments to amendments; therefore, until it is determined how many amendments there are the motion is subject to a point of order.

THE CHAIRMAN: The Chair will be constrained to overrule the point of order because by unanimous consent the further reading of the bill was waived.

The question is on the motion offered by the gentleman from Ohio [Mr. Jones].

The motion was agreed to.

§ 78.31 Where a special rule provided for the reading of a

18. 93 CONG. REC. 4100, 80th Cong. 1st Sess.

bill in its entirety, and not by sections, it was held in order following debate under the five-minute rule to move to close debate on the bill and all amendments thereto.

On Aug. 22, 1935,[19] the Committee of the Whole was conducting five-minute debate on H.R. 8455, relative to public works, pursuant to House Resolution 349, providing that the bill "in its entirety shall be read for amendment." Mr. Jack Nichols, of Oklahoma, moved to close debate on the entire bill and amendments thereto, and Chairman Claude A. Fuller, of Arkansas, overruled a point of order against the motion.

MR. NICHOLS: Mr. Chairman, I move that all debate on this bill and all amendments thereto close in 30 minutes.

THE CHAIRMAN: The gentleman from Oklahoma [Mr. Nichols] moves that all debate on the bill and all amendments thereto close in 30 minutes.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make a point of order against that motion.

THE CHAIRMAN: The Chair will hear the gentleman.

MR. TABER: Mr. Chairman, such a motion is only in order when a bill is being read by sections and after an amendment has been offered. The motion is not in order at this stage.

THE CHAIRMAN: The rule provided for the reading of the entire bill, and the Chair holds that the motion of the gentleman from Oklahoma is in order.

§ 78.32 A motion under Rule XXIII clause 6 to close debate on a bill and all amendments thereto is not in order until the reading of the bill has been completed.

The proposition stated above was demonstrated on June 21, 1974,[20] during consideration of H.R. 15472 (agriculture, environmental, and consumer appropriations for fiscal year 1975) in the Committee of the Whole:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Chairman, I move to strike the requisite number of words. . . .

Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto close at 5:30.

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

MR. [SILVIO O.] CONTE [of Massachusetts]: I object.

THE CHAIRMAN: Objection is heard.

MR. WHITTEN: Mr. Chairman, I move that all debate on this bill and all amendments thereto close at 5:30.

THE CHAIRMAN: The Chair will state that the committee must complete the reading of the bill before such a motion could be entertained.

MR. WHITTEN: Mr. Chairman, I ask unanimous consent that further read-

19. 79 CONG. REC. 14192, 14193, 74th Cong. 1st Sess.

20. 120 CONG. REC. 20583, 93d Cong. 2d Sess.

1. Sam Gibbons (Fla.).

ing of the bill be dispensed with, and that it be printed in the Record and open to amendment at any point.

THE CHAIRMAN: Is there objection to the request of the gentleman from Mississippi?

MR. [H. R.] GROSS [of Iowa]: I object.

THE CHAIRMAN: Objection is heard.

The Clerk will read.

§ 78.33 The Chair may decline to entertain a unanimous-consent request that all debate on a pending measure be limited, in advance of completion of reading of that measure in its entirety and in the absence of a unanimous-consent agreement to consider the measure as having been read.

On July 16, 1975,[2] during consideration of House Resolution 591 (establishing a Select Committee on Intelligence) in the Committee of the Whole, Mr. Richard Bolling, of Missouri, made a unanimous-consent request, as follows:

MR. BOLLING: Mr. Chairman, I move to strike the necessary number of words. . . . I am going to ask unanimous consent that the resolution be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN:[3] Is there objection to the request of the gentleman from Missouri?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. BOLLING: Mr. Chairman, then I can only ask unanimous consent that all debate on the resolution and all amendments thereto close at 2:30.

THE CHAIRMAN: The gentleman should be advised that that request cannot be made until the resolution has been read.

§ 78.34 A motion to close all debate on a bill and all amendments thereto under the five-minute rule is not in order when the bill has not been completely read; such motion may be made only with respect to that portion which has been read and on which there has been debate.

The following proceedings occurred in the Committee of the Whole on June 4, 1975,[4] during consideration of the Voting Rights Act Extension (H.R. 6219):

MR. [DON] EDWARDS of California: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe we have an agreement to vote on the final passage of the bill at 6:30 and with a time limitation on certain amendments that remain, so I ask unanimous consent at this time that the bill be considered as read in full and open to amendment at any point.

2. 121 CONG. REC. 23112, 94th Cong. 1st Sess.

3. Frank E. Evans (Colo.).

4. 121 CONG. REC. 16899, 16901, 94th Cong. 1st Sess.

THE CHAIRMAN:[5] Is there objection to the request of the gentleman from California?

MR. [JAMES P.] JOHNSON of Colorado: Mr. Chairman, I object.

MR. EDWARDS of California: Mr. Chairman, I so move.

THE CHAIRMAN: The motion is not in order. Only title II could be closed at this time by a motion.

§ 78.35 Where the Committee of the Whole was considering a bill pursuant to a special rule making in order a motion to strike out a title thereof and insert a new text to be read by section for amendment, the Chair stated, in response to a parliamentary inquiry, that a motion would be in order to close debate under the five-minute rule on a section of said amendment which had been read for amendment.

On July 26, 1977,[6] the Committee of the Whole had under consideration the Agriculture Act of 1977 (H.R. 7171), when the following proceedings occurred:

THE CHAIRMAN:[7] Pursuant to the rule, it shall be in order to consider an amendment striking out title XII and inserting in lieu thereof the text of the bill H.R. 7940, which shall be considered as original text for the purpose of amendment and shall be read for amendment by sections. . . .

The Clerk read as follows:

TITLE XII—FOOD STAMPS

Sec. 1201. The Food Stamp Act of 1964, as amended, is amended as follows:

(a) New sections 18 and 19 are added as follows: . . .

MR. [THOMAS S.] FOLEY [of Washington] (during the reading): Mr. Chairman, I ask unanimous consent that further reading of title XII be dispensed with, that it be considered as read, and open to amendment at any point.

THE CHAIRMAN: Is there objection to the request of the gentleman from Washington?

MR. [STEVEN D.] SYMMS [of Idaho]: Reserving the right to object, Mr. Chairman, would the gentleman from Washington (Mr. Foley) explain to the Members of the House just what the parliamentary procedure is here.

MR. FOLEY: If the gentleman will yield, Mr. Chairman, the parliamentary situation is that the title which was about to be read is the title of the original bill, H.R. 7171. It is a truncated food stamp title, and it would be my purpose at the time we conclude the reading or the waiving of the reading to offer a substitute in lieu of title XII, which will be the text of H.R. 7940, which is made in order as a substitute by the rule that the House has previously adopted.

In the event that that substitute is then offered, the substitute would be read by section. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: If this particular request is

5. Richard Bolling (Mo.).

6. 123 CONG. REC. 24973, 24974, 95th Cong. 1st Sess.

7. Frank E. Evans (Colo.).

granted then there would be no curtailment of the reading of the substitute amendment by section and time could not be limited on any section or amendments thereto except by unanimous consent? . . .

MR. FOLEY: If the gentleman from Maryland will permit me to continue . . . the gentleman is correct in that if the substitute is before the committee, it would be in order to move to cut off the debate but by section by section and not on the whole title.

THE CHAIRMAN: The Chair would advise the gentleman from Maryland (Mr. Bauman) that that is correct.

§ 78.36 By unanimous consent, a bill under consideration in the Committee of the Whole may be considered as read and open for amendment at any point; but until a bill has been read in full or its reading dispensed with by unanimous consent, a motion to limit debate on the bill (and amendments thereto) is not in order.

On June 27, 1979,[8] the following proceedings occurred in the Committee of the Whole during consideration of the Departments of Labor and Health, Education, and Welfare appropriation bill for fiscal 1980 (H.R. 4389):

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, I ask unanimous consent that the balance of the bill be considered as read, open to amendment at any point, and further, Mr. Chairman, that all debate on the bill and all amendments thereto end at 8 o'clock.

THE CHAIRMAN:[9] Is there objection to the request of the gentleman from Kentucky? . . .

MR. NATCHER: Mr. Chairman, I would . . . like to propound a parliamentary inquiry.

As I understand it, under the rules of the House, it requires a unanimous-consent request to open the bill for amendment at any point; am I correct in that?

THE CHAIRMAN: The gentleman is correct.

MR. NATCHER: Mr. Chairman, it requires unanimous consent before the time of 8 or 8:30 could be fixed? A motion would not be in order at this time? . . .

THE CHAIRMAN: The Chair will state that a motion would not be in order until the bill is read.

§ 78.37 Clause 6 of Rule XXIII permits the Committee of the Whole by motion to limit debate on the pending portion of a bill (and on all amendments thereto) or just on a pending amendment (and all amendments thereto), but does not permit a motion to limit and allocate separate time for debate on perfecting amendments not yet offered; unanimous consent is re-

8. 125 CONG. REC. 17013, 17014, 96th Cong. 1st Sess.

9. Don Fuqua (Fla.).

quired to limit or allocate debate time on such amendments.

During consideration of the nuclear freeze resolution (H.J. Res. 13) in the Committee of the Whole on Mar. 16, 1983,[10] the following proceedings occurred:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate close at 11:30 on the resolve clause and all amendments pending thereto. . . .

MR. PHILIP M. CRANE [of Illinois]: Mr. Chairman, under the provisions of the motion just made, does this mean again that one of the 11 amendments that are pending on the resolution could theoretically consume the entire time until 11:30?

THE CHAIRMAN:[11] The answer is yes, but the Chair would remind the gentleman that the committee could separately adopt a limitation of debate on any amendment that was pending if there were a unanimous-consent request and no objection, or if there were a motion so adopted.

The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki) to limit debate on the resolve clause and all amendments thereto to 11:30 p.m. . . .

[The motion was rejected.]

MR. [ALBERT A.] GORE [Jr., of Tennessee]: Mr. Chairman, I ask unanimous consent that debate be limited to 6 minutes on each amendment, divided equally for and against.

MR. [THOMAS F.] HARTNETT [of South Carolina]: I object.

THE CHAIRMAN: Objection is heard.

MR. GORE: Mr. Chairman, I move that debate be limited to 6 minutes per amendment, divided equally for and against.

THE CHAIRMAN: That is not an appropriate motion and is not in order.

MR. GORE: Mr. Chairman, would the motion be in order if those amendments protected under the rule received 5 minutes for and against?

THE CHAIRMAN: It is not appropriate or proper to limit and allocate time for debate on amendments not yet offered.

Parliamentarian's Note: As indicated in the Chair's remarks above, the Committee of the Whole, pursuant to clause 6 of Rule XXIII, may by motion limit debate on a pending committee amendment in the nature of a substitute (considered as having been read as original text) and on all amendments thereto to a time certain, and may then, by subsequent unanimous consent or motions, separately limit debate on each perfecting amendment after it has been offered.

§ 78.38 Pursuant to clause 6 of Rule XXIII, the Committee of the Whole may, by motion, limit debate to a time certain on a pending committee amendment in the nature of a substitute (once it has been considered as having been

10. 129 CONG. REC. 5796, 98th Cong. 1st Sess.

11. Matthew F. McHugh (N.Y.).

read) and on all amendments which might be offered thereto, since the original amendment is pending and has been read in its entirety, but may not separately by motion limit debate or allocate time thereon on perfecting amendments not yet offered.

On Mar. 16, 1983,[12] during consideration of House Joint Resolution 13, the nuclear freeze resolution, in the Committee of the Whole, a motion to close debate on all amendments resulted in the following parliamentary inquiries:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate end at a quarter to 12 on this amendment and all amendments thereto and on all amendments to the resolve clause.

THE CHAIRMAN:[13] The gentleman moves that debate on this amendment and all amendments to the text following the resolve clause end at a quarter to 12.

The Chair would inquire of the gentleman, does his motion cover all amendments to the text following the resolve clause?

MR. ZABLOCKI: All amendments. . . .

MR. [TRENT] LOTT [of Mississippi]: In line with my parliamentary inquiry, I did not think we had even completed debate on the Levitas amendment, and the distinguished chairman of the Committee on Foreign Affairs is now asking that we dispense with all further debate and vote on amendments by a quarter to 12, many of which have not even been considered, amendments which have great value. Some of the best amendments that could be offered here in this body tonight have not even been offered and considered.

My parliamentary inquiry, Mr. Chairman, is, is that in order at this point before we have even dispensed with the amendment pending before us?

THE CHAIRMAN: The motion is in order since the underlying committee substitute to the text has been considered as read in its entirety and is pending.

MR. [DANIEL E.] LUNGREN [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LUNGREN: Mr. Chairman, is this not the same motion that was suggested by the gentleman from Tennessee (Mr. Gore) a few minutes ago and ruled out of order by the Chair?

THE CHAIRMAN: No. The Chair would advise the gentleman it is a different limitation motion on a text which is pending and all amendments thereto, and does not allocate time.

The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki) to limit debate on this amendment and all amendments to the resolving clause to 11:45 p.m.

[The motion was rejected.]

The motion by Mr. Gore and ruling thereon, referred to by Mr. Lungren, were as follows:[14]

12. 129 CONG. REC. 5803, 5804, 98th Cong. 1st Sess.

13. Matthew F. McHugh (N.Y.).

14. 129 CONG. REC. 5796, 98th Cong. 1st Sess., Mar. 16, 1983.

THE CHAIRMAN: For what purpose does the gentleman from Tennessee (Mr. Gore) rise?

MR. [ALBERT A.] GORE [Jr., of Tennessee]: Mr. Chairman, I ask unanimous consent that debate be limited to 6 minutes on each amendment, divided equally for and against.

MR. [THOMAS F.] HARTNETT [of South Carolina]: I object.

THE CHAIRMAN: Objection is heard.

MR. GORE: Mr. Chairman, I move that debate be limited to 6 minutes per amendment, divided equally for and against.

THE CHAIRMAN: That is not an appropriate motion and is not in order.

MR. GORE: Mr. Chairman, would the motion be in order if those amendments protected under the rule received 5 minutes for and against?

THE CHAIRMAN: It is not appropriate or proper to limit and allocate time for debate on amendments not yet offered.

Closing Debate Instanter or After Stated Time

§ 78.39 A motion to close debate under the five-minute rule in the Committee of the Whole may be made to close debate instantly or after a stated time.

On Feb. 27, 1931,[15] after some debate had been had on an amendment in the Committee of the Whole, Mr. James S. Parker, of New York, moved that all debate on the amendment and amendments thereto close in 15 minutes. Mr. George Huddleston, of Alabama, made a point of order against the motion and Chairman William H. Stafford, of Wisconsin, ruled that the motion could be made, pursuant to Rule XXIII, at any time after five minutes' debate has begun. Mr. Huddleston then contended that the motion was not to close debate under the rule but to fix time. The Chairman stated that there was no difference between the motions as to their coming within the rule:

MR. HUDDLESTON: May I call this to the attention of the Chair? This is not a motion to close debate but it is a motion to fix time, which is a very different thing. I do not question the right of the gentleman to move to close debate now, but you can not move to fix time in the future.

THE CHAIRMAN: 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.

MR. HUDDLESTON: Of course, I understand that, but the point I am making is that this is not a motion to close debate but it is a motion to fix time. That is what the motion is.

15. 74 CONG. REC. 6300, 71st Cong. 3d Sess.

THE CHAIRMAN: The present occupant of the chair can not follow the argument of the gentleman. It seems to the Chair, with due respect, that the gentleman's point is a distinction without a difference.

MR. [C. WILLIAM] RAMSEYER [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RAMSEYER: Is the motion to close debate directed to the amendment offered by the gentleman from New York or to the amendment to the amendment now pending?

THE CHAIRMAN: There is pending before the committee at the present time one amendment in the nature of a substitute.

MR. RAMSEYER: That is the amendment offered by the gentleman from New York [Mr. Parker]?

THE CHAIRMAN: Yes. The motion the gentleman makes is to close debate on the amendment and all amendments thereto in 15 minutes. That is the motion. The Chair will state that there is only one amendment pending before the committee at the present time, and that is an amendment in the nature of a substitute.

MR. HUDDLESTON: I call the Chair's attention to the fact that the motion is to close debate in 15 minutes and not to close it now.

THE CHAIRMAN: It is the general practice, long established and well recognized in the committee to entertain a motion to either close the debate instanter or after any stated time for debate.

§ 78.40 The Committee of the Whole agreed to a unanimous-consent request that all debate on the pending bill and all amendments thereto terminate by a time certain on the following day.

On June 20, 1979,[16] during consideration of the Panama Canal Act of 1979 (H.R. 111) in the Committee of the Whole, the following unanimous-consent request was agreed to:

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I ask unanimous consent that all debate on H.R. 111 and all amendments thereto conclude at 1 p.m. tomorrow. . . .

THE CHAIRMAN:[17] Is there objection to the unanimous-consent request by the gentleman from New York (Mr. Murphy)?

There was no objection.

Parliamentarian's Note: The form of Mr. Murphy's initial request was to cut off debate and amendments at a time certain, a unanimous-consent request which is not in order in Committee of the Whole where it would abrogate the rights of Members under special rules adopted by the House to offer amendments. Thus the request as restated affected only debate time.

Extending Debate Beyond Limitation

§ 78.41 The House, before resolving itself into the Com-

16. 125 CONG. REC. 15775, 15776, 96th Cong. 1st Sess.
17. Thomas S. Foley (Wash.).

mittee of the Whole for the further consideration of a bill, agreed by unanimous consent to extend debate under the five-minute rule to two minutes on each side on the amendments remaining undisposed of at the desk where all debate time on the bill had expired.

On May 11, 1961,[18] the House, with Speaker Sam Rayburn, of Texas, presiding, agreed to a limitation on debate on certain amendments at the Clerk's desk to be considered in the Committee of the Whole:

MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Speaker, in view of the extraordinary situation in which the House found itself on yesterday, I ask unanimous consent that when 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. 2010, that each of the authors of the two pending amendments now on the Speaker's desk may be given 2 minutes to present their amendments and that the committee be given 2 minutes in opposition.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, will the gentleman yield?

MR. COOLEY: I yield to the gentleman from Iowa.

MR. GROSS: What happens to the allocation of other time other than on the amendments?

MR. COOLEY: We have no other time.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, reserving the right to object, how many amendments does this request cover?

MR. COOLEY: I understand there are only two amendments now at the desk.

THE SPEAKER: Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Parliamentarian's Note: The Committee of the Whole had risen on the prior day before 4:15 p.m., which was the hour appointed by a unanimous-consent agreement for the closing of debate on the bill and all amendments thereto. By so rising, the Committee had allowed the time to expire and there was no time left on the following day, May 11.

§ 78.42 A time limitation on debate imposed by the Committee of the Whole, pursuant to Rule XXIII clause 6, may be rescinded or modified only by unanimous consent; and a unanimous consent request to extend debate time on an amendment may not be entertained while there is pending a demand for a recorded vote on that amendment.

During consideration of the Energy Conservation and Oil Policy Act of 1975 (H.R. 7014) in the

18. 107 CONG. REC. 7869, 87th Cong. 1st Sess.

Committee of the Whole on Sept. 17, 1975,[19] the following proceedings occurred:

THE CHAIRMAN:[20] When the Committee rose on Friday, August 1, 1975, all time for debate on title III of the committee amendment in the nature of a substitute and all amendments thereto had expired and there was pending the amendment offered by the gentleman from Ohio (Mr. Brown) to title III on which a recorded vote had been requested by the gentleman from Ohio.

Without objection, the Clerk will again read the amendment offered by the gentleman from Ohio (Mr. Brown).

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Brown of Ohio: Strike out sections 301, 302, 303.

Renumber the succeeding sections of title III accordingly. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I have a parliamentary inquiry. . . . The parliamentary inquiry, Mr. Chairman is, Would it be in order at this point while the vote is pending to ask unanimous consent of the House that 2 minutes may be granted on either side of the aisle for a discussion at this point of the pending vote?

THE CHAIRMAN: Such a request would be in order only if the gentleman first withdrew his request for a recorded vote. . . .

MR. BROWN of Ohio: Mr. Chairman, then I ask unanimous consent to withdraw my request for a recorded vote at this point.

THE CHAIRMAN: That does not require unanimous consent. The gentleman withdraws his request for a recorded vote.

Does the gentleman now ask unanimous consent for debate time? . . .

MR. BROWN of Ohio: Mr. Chairman, I ask unanimous consent that 1 minute be granted to the Democratic side in the hands of the gentleman from Michigan (Mr. Dingell) and 1 minute to the Republican side to be in the hands of the gentleman from Ohio (Mr. Brown).

THE CHAIRMAN: Is there objection to the request of the gentleman from Ohio?

There was no objection.

Extending Time Under Limitation

§ 78.43 Where the Committee of the Whole has fixed the time for debate on amendments, such time may be extended only by unanimous consent.

On Aug. 18, 1949,[1] the Committee of the Whole agreed to a request that all debate on pending amendments close in one hour. Chairman Wilbur D. Mills, of Arkansas, then advised Members that since 30 Members wished to speak, each would be entitled to two minutes. Mr. Cecil F. White,

19. 121 CONG. REC. 28904, 94th Cong. 1st Sess.

20. Richard Bolling (Mo.).

1. 95 CONG. REC. 11760, 81st Cong. 1st Sess.

of California, inquired whether it would be in order to move that the time be extended in view of the fact that so many Members had requested time. The Chairman responded that such an extension would require unanimous consent, debate already having been limited.

§ 78.44 The House can, by unanimous consent, agree to an extension of time for debate under the five-minute rule in the Committee of the Whole after such debate has been limited, but a motion to that effect is not in order.

On May 10, 1961,[2] the Committee of the Whole rose before the hour had arrived when further debate on a bill and amendments thereto would expire pursuant to a unanimous-consent limitation. Speaker Sam Rayburn, of Texas, stated in response to a parliamentary inquiry that when the Committee resumed consideration of the bill on the following day, no time would be left, the time having expired.

The Speaker stated in response to a parliamentary inquiry by Mr. Charles A. Halleck, of Indiana, that extension of the time for debate could be accomplished by unanimous consent, but only by unanimous consent.

When Mr. Alfred E. Santangelo, of New York, submitted such a request, for 25 additional minutes of debate on the following day, the request was objected to. Mr. Santangelo then made a motion to that effect, and the Speaker ruled that such a motion was not in order.

§ 78.45 The House, by unanimous consent, agreed to an extension of time for debate under the five-minute rule in the Committee of the Whole, where the Committee had previously agreed to terminate debate at a certain time on the preceding day.

On May 11, 1961,[3] the House agreed to the following unanimous-consent request:

> MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Speaker, in view of the extraordinary situation in which the House found itself on yesterday, I ask unanimous consent that when 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. 2010, that each of the authors of the two pending amendments now on the Speaker's desk may be given 2 minutes to present their amendments and that

2. 107 CONG. REC. 7725, 7727, 7728, 87th Cong. 1st Sess.

3. 107 CONG. REC. 7869, 87th Cong. 1st Sess.

the committee be given 2 minutes in opposition.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, will the gentleman yield?

MR. COOLEY: I yield to the gentleman from Iowa.

MR. GROSS: What happens to the allocation of other time other than on the amendments?

MR. COOLEY: We have no other time.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, reserving the right to object, how many amendments does this request cover?

MR. COOLEY: I understand there are only two amendments now at the desk.

THE SPEAKER:[4] Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The "extraordinary situation" referred to was the fact that on the prior day the Committee had risen before 4:15 p.m., without concluding consideration of the bill and amendments thereto, after the Committee had agreed to a limitation that all debate on the bill and amendments thereto close at 4:15. Speaker Rayburn had stated, after the Committee had risen, that no time would remain for debate when the Committee resumed consideration of the bill, since 4:15 would have passed.[5]

§ 78.46 Where the Committee of the Whole has, by unanimous consent, limited debate on an amendment, the Chair declines to recognize for a motion to extend the time for the debate but a unanimous-consent request to extend or allot the time may be entertained.

On June 11, 1968,[6] Mr. Daniel J. Flood, of Pennsylvania, was recognized under the five-minute rule and yielded to Mr. George H. Mahon, of Texas, who submitted a unanimous-consent request to close debate at a time certain, which request was agreed to. Chairman James G. O'Hara, of Michigan, advised Mr. Flood that the time consumed by making the request came out of his time, since he had yielded. Mr. Flood then moved that debate be extended to close in 30 minutes and the Chairman stated that such a motion was not in order.

In response to a parliamentary inquiry by Mr. Melvin R. Laird, of Wisconsin, the Chairman stated that he would entertain a unanimous-consent request for an extension of time for Mr. Flood.

§ 78.47 The Committee of the Whole, by unanimous consent, extended the time previously fixed for debate under the five-minute rule.

4. Sam Rayburn (Tex.).

5. 107 CONG. REC. 7727, 7728, 87th Cong. 1st Sess., May 10, 1961.

6. 114 CONG. REC. 16699, 90th Cong. 2d Sess.

On Nov. 15, 1967,[7] the Committee of the Whole agreed to a motion to close all debate on a pending section and amendments thereto at 8:05 p.m. A preferential motion and teller votes consumed much of the time under the limitation, and the Committee then agreed by unanimous consent to extend the time previously agreed upon:

> MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, I wonder if I would be in order now to ask for unanimous consent to extend the time limitation to 25 minutes after eight, in view of the fact that so much time has been taken up by the preferential motion.
>
> THE CHAIRMAN:[8] The Chair will put the request of the gentleman.
>
> MR. ERLENBORN: I make that unanimous consent request.
>
> MR. [CHARLES S.] JOELSON [of New Jersey]: Mr. Chairman, I object.
>
> THE CHAIRMAN: Objection is heard.
>
> MR. [CARL] ALBERT [of Oklahoma]: Mr. Chairman, I ask unanimous consent that the order limiting the time to 8:05 p.m. be vacated, and that all time on this section be closed at 8:45 p.m.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from Oklahoma?
>
> There was no objection.

§ 78.48 Although all time for debate on a title had expired, the Chair advised that a unanimous-consent request would be entertained for a Member to speak for five minutes in explanation of an amendment.

On Oct. 7, 1965,[9] Mr. Thomas M. Pelly, of Washington, offered an amendment to a title of a bill after debate had expired under a limitation of debate on the title and amendments thereto. Mr. Samuel S. Stratton, of New York, inquired whether it would be in order for him to ask unanimous consent that Mr. Pelly be allowed to speak for five minutes in support of a "very important amendment." Chairman Phillip M. Landrum, of Georgia, responded that if the request was made he would put the request to the Committee. The request was made and objected to.

§ 78.49 Although only two five-minute speeches are permitted on an amendment printed in the *Congressional Record* after a limitation on debate under the five-minute rule has expired, the Chair may in his discretion entertain a unanimous-consent request to extend the time for debate on the amendment, or

7. 113 CONG. REC. 32691–94, 90th Cong. 1st Sess.
8. John J. Rooney (N.Y.).
9. 111 CONG. REC. 26306, 89th Cong. 1st Sess.

enter his own objection by refusing to entertain such a request.

The following proceedings occurred in the Committee of the Whole on June 27, 1979,[10] during consideration of the Housing and Urban Development and independent agencies appropriation bill (H.R. 4394):

THE CHAIRMAN:[11] When the Committee of the Whole rose on Friday, June 22, 1979, the remainder of the bill beginning on line 10, page 15, had been considered as having been read and open to amendment at any point, and all time for debate on the bill and all amendments thereto had expired.

Are there any further amendments? . . .

Amendment offered by Mr. Nelson: On page 24, line 23, strike "$6,854,-924,000", and insert in lieu thereof "$6,169,924,000".

THE CHAIRMAN: Did the gentleman from Florida (Mr. Nelson) have this amendment printed in the Record?

MR. [BILL] NELSON [of Florida]: I did, Mr. Chairman.

THE CHAIRMAN: Then the gentleman qualifies. The Chair recognizes the gentleman from Florida (Mr. Nelson). . . .

The time of the gentleman from Florida (Mr. Nelson) has expired.

MR. [BOB] TRAXLER [of Michigan]: I ask unanimous consent that the gentleman be given 2 additional minutes.

THE CHAIRMAN: The Chair will state that under the rules, 5 minutes is all the gentleman is entitled to.

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Chairman, I rise in opposition to the amendment. . . .

MR. [TIMOTHY E.] WIRTH [of Colorado]: At the time there was a request for time of the gentleman from Florida, the Chair reported that we were under the 5-minute rule. I wondered how that jibed with the grant of additional time for the gentleman from Massachusetts.

THE CHAIRMAN: By unanimous consent the House can extend time.

MR. WIRTH: Had not the request been made for unanimous consent that the gentleman be allowed 2 additional minutes?

THE CHAIRMAN: The Chair did not share in the unanimous-consent request at that time.

MR. WIRTH: I thank the Chairman.

I wanted to rise in support of the amendment offered by the gentleman from Florida.

THE CHAIRMAN: The gentleman can do that only by unanimous consent.

MR. WIRTH: I thank the Chairman.

Offering Amendments After Expiration of Debate Time

§ 78.50 The adoption of a motion to close debate on a section and all amendments thereto does not prevent Members from offering amendments to the pending proposition after the stated time has expired, but no debate may be had on such amendments.

10. 125 CONG. REC. 16965–67, 96th Cong. 1st Sess.

11. Elliott H. Levitas (Ga.).

On Jan. 5, 1932,[12] Chairman Lindsay C. Warren, of North Carolina, ruled that the adoption of a motion to close debate on a section and all amendments thereto did not preclude the offering of further but nondebatable amendments:

> MR. [HENRY B.] STEAGALL [of Alabama]: Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.
>
> The motion was agreed to.
>
> THE CHAIRMAN: The question is on the adoption of the amendment offered by the gentleman from Maine.
>
> The question was taken, and on a division (demanded by Mr. Stafford) there were—ayes 13, noes 130.
>
> So the amendment was rejected.
>
> MR. [LAFAYETTE L.] PATTERSON [of Alabama]: Mr. Chairman, I offer an amendment and desire to be heard on it.
>
> MR. [WILLIAM F.] STEVENSON [of South Carolina]: Mr. Chairman, I make the point of order that the motion was to close debate on this section and on all amendments. There will be another section read in a moment, and I direct the Chair's attention to the fact that debate on this section has been closed.
>
> THE CHAIRMAN: 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.

Timekeeping

§ 78.51 Where the Committee of the Whole fixes the time for debate on an amendment at 20 minutes, such time is counted as 20 minutes of debate and not 20 minutes by the clock.

On Feb. 8, 1950,[13] after the Committee of the Whole had agreed to fix debate on an amendment at 20 minutes, and points of order and other matters had intervened, Chairman Chet Holifield, of California, answered a parliamentary inquiry and overruled a point of order on the counting of the time:

> MR. [THOMAS J.] MURRAY of Tennessee: Mr. Chairman, how much more time remains?
>
> THE CHAIRMAN: There are 6 minutes remaining.
>
> MR. [DONALD W.] NICHOLSON [of Massachusetts]: Mr. Chairman, a point of order. I raise the point of order that 20 minutes ago we voted to close debate. The 20 minutes have gone.
>
> THE CHAIRMAN: The Chair advises the gentleman that the 20 minutes for debate have not been used. The Chair will watch the matter closely.

Parliamentarian's Note: If the limitation had provided that de-

12. 75 CONG. REC. 2077, 72d Cong. 1st Sess.

13. 96 CONG. REC. 1693, 81st Cong. 2d Sess.

bate close at a certain time, exactly 20 minutes away (i.e., 4:00 p.m.), time for purposes other than debate would have been charged against the remaining time.[14]

Demand That Motion Be in Writing

§ 78.52 A motion to limit debate must, pursuant to Rule XVI clause 1, be reduced to writing upon the demand of any Member.

On Dec. 14, 1973,[15] Mr. Samuel L. Devine, of Ohio, offered, in the Committee of the Whole, a motion that debate on an amendment in the nature of a substitute and on all amendments thereto close at a certain time. Mr. H. R. Gross, of Iowa, inquired whether that motion did not have to be in writing. Chairman Richard Bolling, of Missouri, responded that the motion had to be in writing if Mr. Gross insisted upon it. Mr. Gross so insisted.[16]

Motion To Rise During Five-minute Debate

§ 78.53 A motion that the Committee of the Whole rise is of high privilege, and may be offered by a Member who holds the floor by virtue of having offered an amendment.

On Nov. 15, 1967,[17] Mr. Paul C. Jones, of Missouri, was recognized under the five-minute rule in the Committee of the Whole to offer an amendment. He then inquired of Chairman John J. Rooney, of New York, whether it would be in order for him to move that the Committee rise. The Chairman responded that the motion was highly privileged and could be made by Mr. Jones.[18]

§ 78.54 A simple motion to rise made in the Committee of the Whole is not debatable.

On Apr. 8, 1964,[19] Chairman Phillip M. Landrum, of Georgia,

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14. See § 79, infra, for a full discussion of the effect of different types of limitations on five-minute debate, and the computation of time thereunder.

15. 119 CONG. REC. 41712, 41713, 93d Cong. 1st Sess.

16. Rule XVI clause 1, *House Rules and Manual* § 775 (1995), provides that every motion made and entertained shall be reduced to writing on the demand of any Member.

17. 113 CONG. REC. 32694, 90th Cong. 1st Sess.

18. See also 116 CONG. REC. 25628, 91st Cong. 2d Sess., July 23, 1970 (motion to rise is highly privileged and can be offered any time when the proponent secures the floor in his own right during the five-minute rule).

19. 110 CONG. REC. 7298, 88th Cong. 2d Sess.

advised Mr. Ben F. Jensen, of Iowa, who had moved that the Committee of the Whole rise, that the motion was not debatable.

THE CHAIRMAN: The Chair recognizes the gentleman from Iowa [Mr. Jensen].

MR. JENSEN: Mr. Chairman, I move that the Committee do now rise out of further respect for one of the greatest Americans, Gen. Douglas MacArthur.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Iowa [Mr. Jensen].

MR. JENSEN: Mr. Chairman, I demand tellers. It is disgraceful to have this sort of thing going on while General MacArthur is lying here in the Capitol.

THE CHAIRMAN: The Chair will inform the gentleman that a vote on his motion is being taken. He is not recognized to make a speech.

§ 78.55 The motion that the Committee of the Whole rise (thereby cutting off debate at that time) is not debatable and is always within the discretion of the Member handling the bill before the Committee.

On June 16, 1948,[20] Mr. Walter G. Andrews, of New York, was handling the consideration of H.R. 6401 in the Committee of the Whole. He moved that the Committee rise, and Chairman Francis H. Case, of South Dakota, ruled that the motion was within Mr. Andrews' discretion:

MR. ANDREWS of New York: Mr. Chairman, in view of the fact that two or three Members who have time are not here, I move that the Committee do now rise.

THE CHAIRMAN: The question is on the motion offered by the gentleman from New York [Mr. Andrews].

MR. [GEORGE A.] SMATHERS [of Florida]: Mr. Chairman, I would like to be heard on that.

THE CHAIRMAN: That is not a debatable motion. It is always within the discretion of the gentleman handling the bill to move that the Committee rise.

§ 78.56 The motion that the Committee of the Whole rise is privileged and may be offered during the pendency of a motion to limit debate or immediately upon the adoption of that motion.

On Oct. 7, 1974,[1] the following proceedings occurred in the Committee of the Whole during consideration of House Resolution 988 (to reform the structure, jurisdiction, and procedures of House committees):

MR. [RICHARD] BOLLING [of Missouri]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gen-

20. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

1. 120 CONG. REC. 34170, 34171, 93d Cong. 2d Sess.

tlewoman from Washington (Mrs. Hansen), and all amendments thereto, conclude in 5 hours.

THE CHAIRMAN:[2] The question is on the motion.

The question was taken; and the Chairman announced that the noes appeared to have it.

MR. BOLLING: Mr. Chairman, I demand a recorded vote. . . .

[Several parliamentary inquiries ensued at this point.]

MR. [DAVID T.] MARTIN of Nebraska: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Martin of Nebraska moves that the Committee rise and report the resolution H. Res. 988 to the House with the recommendation that the resolving clause be stricken out.

THE CHAIRMAN: The Chair would like to ask the gentleman from Nebraska, is the gentleman opposed to this resolution?

MR. MARTIN of Nebraska: I am, Mr. Chairman.

THE CHAIRMAN: The gentleman qualifies to make the motion.

The gentleman from Nebraska is recognized for 5 minutes in support of his motion.

MR. BOLLING: Mr. Chairman, I wish to propound a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. BOLLING: Mr. Chairman, my understanding of the situation is that the question that is now pending is on the motion that I made to limit debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen) and all amendments thereto.

My parliamentary inquiry is this: If that motion carries, my intention is to move that the Committee then rise.

Mr. Chairman, is there anything unparliamentary in that?

THE CHAIRMAN: The gentleman's motion in that event would be in order.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Dingell moves the Committee do now rise.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Michigan (Mr. Dingell).

[After rejection of the motion, the Chair put the question on Mr. Martin's motion:]

THE CHAIRMAN: The question is on the motion offered by the gentleman from Nebraska (Mr. Martin) to strike the resolving clause.

[The preferential motion was rejected.]

MR. [JOHN H.] DENT [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry. . . .

[A]s I understand the motion, the motion is to limit the time to 5 hours on the issue itself, the Hansen amendment and all amendments thereto; is that true?

THE CHAIRMAN: The Chair will now state the question.

The gentleman from Missouri (Mr. Bolling) moves that debate on the Hansen amendment in the nature of a substitute, and all amendments thereto be limited to 5 hours. . . .

The question is on the motion offered by the gentleman from Missouri (Mr.

2. William H. Natcher (Ky.).

Bolling) that all debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen), and all amendments thereto, be limited to 5 hours, on which a recorded vote has been demanded.

A recorded vote was ordered.

Resuming Debate When Committee Resumes Consideration

§ 78.57 Where time for debate has been fixed on an amendment in the Committee of the Whole and the Committee rises before the time expires, debate continues when the Committee resumes its deliberations (if time was not set by the clock).

On June 16, 1948,[3] Chairman Francis H. Case, of South Dakota, answered parliamentary inquiries on the procedure where the Committee of the Whole rises before a certain amount of time, agreed to by the Committee, has expired for debate on an amendment:

MR. [WALTER G.] ANDREWS of New York: Mr. Chairman, in view of the fact that two or three Members who have time are not here, I move that the Committee do now rise.

THE CHAIRMAN: The question is on the motion offered by the gentleman from New York [Mr. Andrews].

MR. [GEORGE A.] SMATHERS [of Florida]: Mr. Chairman, I would like to be heard on that.

THE CHAIRMAN: That is not a debatable motion. It is always within the discretion of the gentleman handling the bill to move that the Committee rise.

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MARCANTONIO: Mr. Chairman, under the arrangement entered into limiting debate on this amendment, will the Members who were scheduled to be recognized be recognized when the Committee resumes its deliberations?

THE CHAIRMAN: They will be recognized, if the Committee should vote to rise, when the Committee meets again.

MR. ANDREWS of New York: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. ANDREWS of New York: My understanding is that all those gentlemen whose names are on the list will be recognized immediately tomorrow.

THE CHAIRMAN: The statement of the gentleman from New York is correct.

Parliamentarian's Note: The agreement in question provided that debate on the amendment close in 50 minutes. If the agreement had provided that debate close at a certain time, by the clock, and the Committee rose to resume after that time had arrived, no time would be left for debate on the amendment.

3. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

Motion To Close Debate as Related to Motion To Strike Enacting Clause

§ 78.58 A timely motion that the Committee of the Whole rise and report a bill to the House with the recommendation that the enacting clause be stricken out under Rule XXIII clause 7 takes precedence over a motion to limit debate under Rule XXIII clause 6.

On Dec. 14, 1973,[4] Mr. Samuel L. Devine, of Ohio, offered a motion in the Committee of the Whole to close debate on a pending amendment and on amendments thereto to a time certain. Mr. H. R. Gross, of Iowa, then demanded that the motion be put in writing. Immediately following that demand, Mr. Phillip M. Landrum, of Georgia, offered the preferential motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken, and was recognized by Chairman Richard Bolling, of Missouri, for five minutes on that motion.

Chairman Bolling stated in response to a parliamentary inquiry by Mr. Devine that the motion to strike the enacting clause took precedence over the motion to limit debate. After the motion to strike was disposed of, the question recurred on the motion to limit debate.

—Enacting Clause Preferential

§ 78.59 The motion to strike or recommend striking the enacting clause is preferential to the motion to close debate.

The proceedings of June 28, 1995,[5] demonstrate that the motion to strike the enacting clause is preferential to the motion to close debate. The Committee of the Whole had under consideration H.R. 1868, the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1996:

> MR. [PORTER J.] GOSS [of Florida]: Mr. Chairman, I move that all debate on the Goss amendment and all amendments thereto close immediately.
>
> MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I have a preferential motion at the desk.
>
> THE CHAIRMAN: The Clerk will report the preferential motion.
>
> Mr. Volkmer moves that the Committee do now rise and report the bill back to the House with recommendation that the enacting clause be stricken.

4. 119 CONG. REC. 41712, 41713, 93d Cong. 1st Sess.

5. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

MR. VOLKMER: Mr. Chairman, the attempt by the gentleman from Florida [Mr. Goss] to limit debate on this very important amendment of the gentlewoman from California [Ms. Pelosi] to the gentleman's amendment, I do not think is appropriate at this time.

On July 13, 1995,[6] a motion to limit debate was made during consideration of H.R. 1977, the Department of the Interior and Related Agencies Appropriations Act of 1996, followed by a motion to recommend striking the enacting clause.

MR. [RALPH] REGULA [of Ohio]: Mr. Chairman, I move to limit debate on title I and all amendments thereto to 90 minutes not including vote time.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I offer a privileged motion. I move that the Committee rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

Mr. Chairman, what is at issue here, in my view, is whether or not this House is going to be able to conduct the business at reasonable times in public view or whether we are going to be reduced to making virtually every major decision in subcommittees and on the floor at near midnight, with minimal public attention and minimal public understanding and minimum attention. . . .

MR. REGULA: Mr. Chairman, I oppose the motion.

I was not a party to the earlier negotiations. The gentleman from Illinois [Mr. Yates] and I discussed a possible agreement here that we would finish title I with time limits on the amendments that remain. . . .

THE CHAIRMAN: The question is on the preferential motion offered by the gentleman from Wisconsin [Mr. Obey].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

MR. OBEY: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 236, not voting 36, as follows: . . .

On one occasion, when a preferential motion to close debate was before the Committee of the Whole, the Chair declined to recognize a Member to offer another privileged motion until the pending motion had been disposed of. On Mar. 26, 1965,[7] Adam C. Powell, of New York, Chairman of the Committee on Education and Labor, offered the privileged motion that all debate close on the pending title of H.R. 2362, the Elementary and Secondary Education Act of 1965, reported

6. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

7. 111 CONG. REC. 6098, 6099, 89th Cong. 1st Sess. See § 23.31, supra, indicating that while a motion to limit debate is pending, the preferential motion that the Committee of the Whole rise with the recommendation that the enacting clause be stricken may be offered.

by his committee. Chairman Richard Bolling, of Missouri, advised Members that the motion to close debate was not debatable. Mrs. Edith S. Green, of Oregon, then sought recognition to offer a preferential motion. The Chairman ruled that since the preferential motion to close debate was before the Committee of the Whole, no Member could be recognized to offer another preferential motion until the pending motion was disposed of.

Effect of Limitation on Pro Forma Motion To Strike the Last Word

§ 78.60 By unanimous consent, debate under the five-minute rule on possible amendments to be offered by two designated Members (one as a substitute for the other) and on all amendments thereto was limited and equally divided between proponents and opponents prior to the offering of those amendments; and where debate has been so limited and allocated on amendments to the pending section of the bill, a Member may not obtain time by moving to strike out the last word unless there is no amendment pending (debate having been limited on amendments but not on the section).

During consideration of the Legal Services Corporation Act Amendments of 1981 (H.R. 3480) in the Committee of the Whole on June 18, 1981,[8] the following unanimous-consent requests resulted in a discussion, as indicated below:

> MR. [ROBERT W.] KASTENMEIER [of Wisconsin] (during the reading): Mr. Chairman, I ask unanimous consent that section 11 be considered as read, printed in the Record, and open to amendment at any point.
>
> THE CHAIRMAN PRO TEMPORE:[9] Is there objection to the request of the gentleman from Wisconsin?
>
> There was no objection.
>
> MR. KASTENMEIER: . . . I ask unanimous consent all debate on amendments to section 11 do not exceed more than 20 minutes, one-half to be controlled by the proponents of the amendment and one-half by the opponents of the amendment, excepting in the case of the so-called alien amendments to be offered by the gentleman from Texas (Mr. Kazen) and the gentleman from Florida (Mr. McCollum), in which case the debate on those amendments do not exceed 40 minutes, those amendments and all amendments thereto on the question of aliens.
>
> THE CHAIRMAN PRO TEMPORE: A point of clarification from the stand-

8. 127 CONG. REC. 12958, 12959, 97th Cong. 1st Sess.

9. Bruce F. Vento (Minn.).

point of the Chair. Is the gentleman suggesting to limit debate on each amendment to section 11 and on any amendment thereto to 20 minutes, the time to be divided equally between the proponents and the opponents, and 40 minutes on the amendments being offered by the gentleman from Texas (Mr. Kazen) and the possible substitute therefor of the gentleman from Florida (Mr. McCollum) and all amendments thereto?

MR. KASTENMEIER: Yes. The request of 40 minutes pertains to both amendments, that is to say that they may be offered in tandem, but that the total amount of time allocated to the subject represented by those two amendments not exceed 40 minutes.

THE CHAIRMAN PRO TEMPORE: And all amendments thereto.

MR. KASTENMEIER: Yes. . . .

THE CHAIRMAN PRO TEMPORE: The Chair would point out to the Members that are discussing this, that the request addresses itself to each amendment and any amendment thereto, inclusive. . . .

The unanimous-consent request has been modified to 1 hour of debate on the amendment offered by the gentleman from Texas (Mr. Kazen) and the amendment offered by the gentleman from Florida (Mr. McCollum) and all amendments thereto, 1 hour.

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

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, reserving the right to object, I have a couple of questions.

Under the proposal would we be prevented from offering motions to strike the requisite number of words in order to engage in debate that might not be directly related to the amendment?. . .

MR. KASTENMEIER: I would have to ask the Chairman if that would entitle the speaker to time other than that allocated under this request.

THE CHAIRMAN PRO TEMPORE: If an amendment to section 11 were pending, under this request, a motion to strike the last word would not be in order, since time would be allocated. . . .

The unanimous-consent request does not go to the section itself, but only goes to substantive amendments if offered; so it would be possible, if there are no other amendments pending, at the right time, to be recognized as the Chair has permitted to strike the requisite number of words.

Control of Time Under Limitation

§ 78.61 A motion to close debate under the five-minute rule is not in order if it includes a provision for division of time between the proponents and opponents of the pending amendment.

On May 24, 1967,[10] Chairman Charles M. Price, of Illinois, sustained a point of order against a motion to close debate which divided the time under the limitation:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I move that all

10. 113 CONG. REC. 13824, 90th Cong. 1st Sess.

debate on the so-called Quie amendments and all amendments thereto close within 1 hour and 30 minutes, the time to be equally divided.

MR. [PORTER] HARDY [Jr., of Virginia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HARDY: It is proper to move that time be equally divided between two Members?

THE CHAIRMAN: No, the motion is not in order.

MR. HARDY: Then, I make a point of order against the motion.

THE CHAIRMAN: The Chair sustains the point of order.[11]

§ 78.62 The Committee of the Whole, by unanimous consent, limited debate to 30 minutes on a pending motion to strike and provided that the time should be controlled equally by the managers of the bill.

On Aug. 4, 1966,[12] while the Committee of the Whole was considering H.R. 14765, the Civil Rights Act of 1966, the Committee agreed to a unanimous-consent request on the time and control of debate on a motion to strike a pending title:

MR. [CARL] ALBERT [of Oklahoma]: The unanimous-consent request is that when the Committee resumes consideration of the bill, H.R. 14765, after the recess tonight the first order of business shall be after 30 minutes of debate a vote on the Moore amendment to strike out title IV and, in the event that amendment is defeated, the Committee shall then continue the consideration of title IV.

MR. [JOHN BELL] WILLIAMS [of Mississippi]: Do I understand that the gentleman dropped that portion in which he provided for a division of time equally between the proponents and opponents?

MR. ALBERT: No. That is included. Fifteen minutes shall be under the control of the gentleman from New Jersey [Mr. Rodino] and 15 minutes under the control of the gentleman from Ohio [Mr. McCulloch]. I think it is well understood that they will yield the time to both proponents and opponents of the Moore amendment.

MR. WILLIAMS: By gentleman's agreement?

MR. ALBERT: Yes.

MR. WILLIAMS: Mr. Chairman, I withdraw my reservation.

THE CHAIRMAN:[13] Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

§ 78.63 By unanimous consent, the Committee of the Whole

11. See also 117 CONG. REC. 43406, 92d Cong. 1st Sess., Nov. 30, 1971 (not in order, in motion to limit debate, to reserve three minutes of the time to each side); and 96 CONG. REC. 11837, 81st Cong. 2d Sess., Aug. 4, 1950.

12. 112 CONG. REC. 18207, 18208, 89th Cong. 2d Sess.

13. Richard Bolling (Mo.).

provided for two hours of debate on a pending amendment (abrogating the five-minute rule) and vested control of such time in the chairman and ranking minority member of the committee that had reported the bill.

On July 8, 1965,[14] the Committee of the Whole was considering for amendment the Civil Rights Act of 1965, H.R. 6400. Mr. William M. McCulloch, of Ohio, offered an amendment, and the Committee agreed to the following unanimous-consent request for the time of debate and control thereof on the amendment:

> MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I ask unanimous consent that all debate on the so-called McCulloch substitute and all amendments thereto be limited to 2 hours, and that such time be equally divided and controlled by myself and the gentleman from Ohio [Mr. McCulloch].

Parliamentarian's Note: The McCulloch amendment, was made in order by House Resolution 440 as a substitute for the committee amendment in the nature of a substitute. Where such a unanimous-consent agreement for control of time for debate on an amendment has been fixed, the proponent is first recognized for debate.

—*Allocating Time*

§ 78.64 Where all time for debate on an amendment and all amendments thereto is limited and, by unanimous consent, placed in control of the proponent of the amendment and the chairman of the committee (in opposition), the Chair first recognizes the proponent of the amendment under the limitation.

On July 9, 1965,[15] the unfinished business in the Committee of the Whole was H.R. 6400, the Voting Rights Act of 1965. Chairman Richard Bolling, of Missouri, made the following statement on the order of recognition, the Committee having limited, on the prior day, time for debate on a pending amendment:

> When the Committee rose on yesterday, there was pending the amendment offered by the gentleman from Ohio [Mr. McCulloch] as a substitute for the committee amendment.
>
> It was agreed that all time for debate on the so-called McCulloch substitute and all amendments thereto would be limited to 2 hours, such time to be equally divided and controlled by the gentleman from New York [Mr. Celler] and the gentleman from Ohio [Mr. McCulloch]. Under the unani-

14. 111 CONG. REC. 16036–38, 89th Cong. 1st Sess.

15. 111 CONG. REC. 16207, 89th Cong. 1st Sess.

mous-consent agreement, the Chair recognizes the gentleman from Ohio [Mr. McCulloch] in support of his amendment.

Parliamentarian's Note: The time limitation coupled with the unanimous-consent agreement on control of time abrogated the five-minute rule. Under the agreement, the two Members controlling debate could yield for debate or for amendments. Amendments could also be offered by Members not yielded time, after the expiration of the time limitation, but without debate on such amendments.[16]

§ 78.65 Debate on an amendment and all amendments thereto pending in the Committee of the Whole may be limited to a time certain by motion; and the Chairman of the Committee of the Whole may divide remaining debate time equally between two Members following such limitation.

On July 26, 1984,[17] during consideration of the Education Amendments of 1984 (H.R. 11) in the Committee of the Whole, the Chair divided the remaining time for debate equally between the chairman of the Committee on Education and Labor and the proponent of the pending amendment. The proceedings were as follows:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, all amendments thereto and all substitutes, close at 2 p.m.

THE CHAIRMAN PRO TEMPORE:[18] Is there objection to the request of the gentleman from Kentucky?

MR. [DAN R.] COATS [of Indiana]: Reserving the right to object, Mr. Chairman, it is my understanding, and I am not sure, I just want to check, I think a perfecting amendment is going to be offered, and I just want to check to see if that is the case. If that is the case, I would have to object to that unanimous-consent request.

MR. PERKINS: Then, Mr. Chairman, I move that all debate on the Coats amendment, all substitutes and all amendments thereto, be concluded at 2 p.m.

THE CHAIRMAN PRO TEMPORE: The question is on the motion offered by the gentleman from Kentucky. . . .

So the motion was agreed to.

THE CHAIRMAN PRO TEMPORE: The Chair will proceed to divide the time.

Since there are so many Members seeking recognition, the Chair at this time will divide the time equally between the chairman, Mr. Perkins, and the gentleman from Indiana, Mr.

16. For an example of a unanimous-consent agreement for control of time on an appropriations bill, see § 24.38, supra.

17. 130 CONG. REC. 21249, 21250, 98th Cong. 2d Sess.

18. Abraham Kazen, Jr. (Tex.).

Coats, 10 minutes each, and they will yield time as they see fit.

Parliamentarian's Note: During the above proceedings, the Chairman also ruled that a parliamentary inquiry relating to a pending motion occurring after the Chairman has announced the results of a voice vote does not constitute such intervening business as to preclude the right of a Member to demand a recorded vote on the pending motion. After the result of the voice vote was announced in the above instance (that a majority favored the motion), a parliamentary inquiry was made: [19]

MR. [WILLIAM F.] GOODLING [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry. . . .

I want to make sure the motion was talking only about this portion of this bill.

MR. PERKINS: . . . This does not include the Goodling amendment, the funding of the school programs.

MR. [ROBERT S.] WALKER [of Pennsylvania]: I want to get a record vote.

THE CHAIRMAN PRO TEMPORE: This motion referred to the Coats amendment and all amendments thereto.

MR. WALKER: That is right, and I want a record vote on the ruling of the Chair.

THE CHAIRMAN PRO TEMPORE: Those in favor of taking this by recorded vote. . . .

MR. [RICHARD J.] DURBIN [of Illinois]: Mr. Chairman, a point of order.

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

MR. DURBIN: Is it my understanding there was intervening business between the vote which was taken orally, the parliamentary inquiry made by the gentleman?

THE CHAIRMAN PRO TEMPORE: The intervening business was a parliamentary inquiry that was related to the motion, and no independent business has been taken up.

MR. DURBIN: As a further parliamentary inquiry of the Chair, does not this parliamentary inquiry and interruption preclude the gentleman from Pennsylvania's right to ask for a recorded vote?

THE CHAIRMAN PRO TEMPORE: No; it is related to the status of the vote, and of the motion.

§ 78.66 A motion to limit debate under the five-minute rule on a pending amendment in the Committee of the Whole is not in order if it includes a provision for division of time between two Members, since debate time can be allocated between Members only by unanimous consent; but where debate on an amendment and all amendments thereto has been limited to a time certain, the Chair may exercise his discretion and allocate the remaining time between two Members and may indicate which Member may close the debate.

19. 130 CONG. REC. 21249, 21250, 98th Cong. 2d Sess., July 26, 1984.

The following proceedings occurred in the Committee of the Whole on Aug. 2, 1984,[20] during consideration of the Department of Interior Appropriations Act of 1985 (H.R. 5973):

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I move that all time on the Conte amendment and all amendments thereto with the exception of the Ottinger amendment end at 3:30, the time to be equally divided between the gentleman from Massachusetts (Mr. Conte) and the gentleman from Connecticut (Mr. Ratchford).

THE CHAIRMAN:[1] The Chair will remind the gentleman that time cannot be allocated between sides or between Members except by unanimous consent. . . .

But the motion only to limit debate is in order. . . .

MR. [BILL] FRENZEL [of Minnesota]: If the gentleman's motion passes I will not object to the unanimous-consent request at that time to divide the time.

THE CHAIRMAN: . . . The motion offered by the gentleman from Illinois (Mr. Yates) is to end all debate on the Conte amendment and all amendments thereto except the Ottinger amendment at 3:30.

MR. YATES: That is correct, Mr. Chairman.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Illinois (Mr. Yates).

[The motion was agreed to.]

MR. YATES: Mr. Chairman, the time has been limited to 3:30. I ask unanimous consent that the time be expanded to permit 10 minutes on each side, with those favoring the Conte amendment to be controlled by the gentleman from Massachusetts (Mr. Conte) and those favoring the Ratchford amendment to be controlled by the gentleman from Connecticut (Mr. Ratchford).

THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois.

MR. [MARTY] RUSSO [of Illinois]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The Chair now intends to allocate 6 minutes to the gentleman from Massachusetts (Mr. Conte) and 6 minutes to the gentleman from Connecticut (Mr. Ratchford).

The Chair intends that the debate will end with Mr. Ratchford.

Reservation of Time Under Limitation

§ 78.67 A motion to limit debate on an amendment in the Committee of the Whole under Rule XXIII clause 6, may not include a reservation of time for any purpose, such reservation depriving the Chair of his power of recognition.

On May 9, 1973,[2] Mr. Wright Patman, of Texas, in control of the bill pending before the Committee of the Whole, moved as follows:

I move that all debate conclude in 20 minutes on this amendment only, and

20. 130 CONG. REC. 22180, 22181, 98th Cong. 2d Sess.

1. Richard A. Gephardt (Mo.).

2. 119 CONG. REC. 15010, 15011, 93d Cong. 1st Sess.

all amendments thereto, and that the last 5 minutes be reserved.

Mr. H. R. Gross, of Iowa, made a point of order against the motion and Chairman Otis G. Pike, of New York, sustained it, ruling that the last part of the motion (reserving time) was not in order.[3]

§ 78.68 Under the five-minute rule, debate may be fixed but control of the time may not be allotted by motion if a point of order is made.

On May 11, 1949,[4] Chairman Albert A. Gore, of Tennessee, stated in response to a parliamentary inquiry that where the Committee of the Whole fixes by unanimous consent the time for debate, the Chairman ordinarily divides such time equally among Members seeking recognition. Mr. Brent Spence, of Kentucky, therefore made the following motion which the Chairman ruled out of order:

> MR. SPENCE: Mr. Chairman, I move that all debate on section 1 and all amendments thereto conclude at 3:30 and that the time be equally divided among those Members who asked for time and that the last 5 minutes be assigned to the committee.
>
> MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, the same point of order. The Committee of the Whole cannot allot time that way. That is in the discretion of the House of Representatives and not the committee. It must be by unanimous consent.
>
> THE CHAIRMAN: The point of order is sustained.
>
> MR. SPENCE: Mr. Chairman, I move that all debate on section 1 and all amendments thereto conclude at 3:30.
>
> THE CHAIRMAN: The question is on the motion offered by the gentleman from Kentucky.
>
> The motion was agreed to.[5]

§ 78.69 The Committee of the Whole may, by unanimous consent, limit further debate on an amendment and reserve part of the time to the reporting committee.

On June, 9, 1960,[6] Mr. Overton Brooks, of Louisiana, asked

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3. See also 118 CONG. REC. 34137, 92d Cong. 2d Sess., Oct. 5, 1972 (motion to limit debate may not include reservation of time for an individual Member); 118 CONG. REC. 10771–74, 92d Cong. 2d Sess., Mar. 29, 1972; 111 CONG. REC. 20263, 89th Cong. 1st Sess., Aug. 12, 1965 (no reservation of time for committee); 105 CONG. REC. 12127, 86th Cong. 1st Sess., June 29, 1959; 103 CONG. REC. 12370, 85th Cong. 1st Sess., July 22, 1957; and 95 CONG. REC. 9949, 81st Cong. 1st Sess., July 21, 1949.

4. 95 CONG. REC. 6055, 6056, 81st Cong. 1st Sess.

5. Control of time under a time limitation may be effected either by motion, where no point of order is made (see § 22.39, supra), or by unanimous consent (see § 22.26, supra).

6. 106 CONG. REC. 12250, 86th Cong. 2d Sess.

unanimous consent that further debate on the pending amendment (the only amendment to be offered to the bill) and on amendments thereto close in 10 minutes, with five minutes to be allowed to each side, the last five minutes to the chairman of the reporting committee. Mr. Leonard G. Wolf, of Iowa, made a point of order and questioned whether time could be divided that way. Chairman Edwin E. Willis, of Louisiana, stated that time could be so divided by unanimous consent. There was no objection to the request.[7]

§ 78.70 Where a committee amendment in the nature of a substitute was being read by titles as an original bill for amendment, the Committee of the Whole agreed, by unanimous consent, that: (1) the remainder of the committee amendment be considered as read and open to amendment at any point; (2) all debate on the bill and all amendments thereto conclude in 3 hours plus additional time claimed upon offering of amendments printed in the Record; and (3) designated portions of the 3 hours be allotted to each remaining title of the committee amendment.

During consideration of the Surface Mining Control and Reclamation Act of 1974[8] in the Committee of the Whole on July 23, 1974,[9] the unanimous-consent agreement stated above was proposed as follows:

> MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I ask unanimous consent as the first that the remainder of the bill, titles II through VIII in their entirety be considered as read, printed in the Record, and open for amendment at any point.
>
> Second, I ask unanimous consent that all debate on all the bill, including all titles and all amendments, close after 3 hours of debate tomorrow, that time not to include time out for rollcalls or quorum calls.
>
> MR. [CRAIG] HOSMER [of California]: Mr. Chairman, reserving the right to object, would the gentleman also include in that request, excluding time for offering and debate of any posted amendments which have not been offered?
>
> Under those circumstances, I would not offer more than my 10 and I think Mr. Hechler would have to make the same gentleman's agreement for his.
>
> MR. UDALL: We will accept the word of the gentleman from California that he will abide by that.
>
> I will ask the gentleman from West Virginia (Mr. Hechler) if he will also abide by that gentleman's agreement?

7. See also 109 CONG. REC. 8144, 88th Cong. 1st Sess., May 9, 1963.

8. H.R. 11500.

9. 120 CONG. REC. 24621, 24622, 93d Cong. 2d Sess.

MR. [KEN] HECHLER of West Virginia: Yes, I certainly will.

MR. HOSMER: Will the gentleman's request for unanimous consent be agreed to on printing under clause 6, rule XXIII?

MR. UDALL: The Parliamentarian tells me we do not need that as part of the unanimous-consent request.

MR. HOSMER: Mr. Chairman, further reserving the right to object, now that we have had our gentleman's agreement, nevertheless when the expiration of the 3 hours have occurred and there are one or more amendments of myself or the gentleman from West Virginia (Mr. Hechler) still pending, I would like to ask that notwithstanding, they would be in order.

MR. UDALL: I think that is clear under the rules; but in order to make it perfectly clear, I add to the request that at the conclusion of 3 hours of debate it shall be in order under clause 6 of rule XXIII for any Members having posted amendments to call up their amendments claimed under the 5-minute rule. . . .

MR. [WAYNE L.] HAYS [of Ohio]: The amendments I have referred to are not published in the Record. Would they be included?

MR. UDALL: No; but as I said earlier, we will protect the gentleman on that.

The final part of my request is that the 3-hour time referred to be divided as follows:

Title II not to exceed 60 minutes. . . .

Title VII not to exceed 30 minutes.

Title VIII not to exceed 10 minutes. . . .

MR. [TENO] RONCALIO of Wyoming: Could we have 40 minutes instead of 30 minutes on title VII?

MR. UDALL: Yes. . . .

Mr. Chairman, I would amend my request by taking 10 minutes off title II and adding 10 minutes to title VII. . . .

THE CHAIRMAN:[10] Is there objection to the request of the gentleman from Arizona?

There was no objection.

§ 78.71 A motion to close debate and reserve time is not in order.

On June 5, 1975,[11] the following proceedings occurred in the Committee of the Whole:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I ask unanimous consent that all debate on the committee amendment and all amendments thereto conclude at 5:15 o'clock, and that the last 5 minutes be reserved for me.

THE CHAIRMAN:[12] Is there objection to the request of the gentleman from Michigan?

MR. [J. J.] PICKLE [of Texas]: I object, Mr. Chairman.

MR. DINGELL: Mr. Chairman, I move that all debate on the committee amendment and all amendments thereto conclude at 5:15 o'clock, with the last 5 minutes reserved for me.

THE CHAIRMAN: The Chair will state the gentleman cannot reserve time under his motion.

§ 78.72 A motion to limit debate under the five-minute

10. Neal Smith (Iowa).

11. 121 CONG. REC. 17187, 94th Cong. 1st Sess.

12. Bob Wilson (Calif.).

rule pursuant to clause 6 of Rule XXIII may not include a reservation of time to designated Members.

During consideration of the State Department authorization for fiscal year 1977 (H.R. 13179) in the Committee of the Whole on June 18, 1976,[13] the following exchange occurred:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 2:30, and that 10 minutes of the 30 minutes may be allotted to the amendment to be offered by the gentleman from Illinois (Mr. Crane), 5 minutes of that time to be allotted to the gentleman from Illinois (Mr. Crane) and 5 minutes of the time to be allotted in opposition to the amendment.

THE CHAIRMAN PRO TEMPORE:[14] The Chair will advise the gentleman from Pennsylvania (Mr. Morgan) that it is not in order to allocate time within such a motion.

Does the gentleman from Pennsylvania, therefore, wish to restate his motion?

MR. MORGAN: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 2:30, with the understanding that 5 minutes be allotted to the gentleman from Illinois on behalf of his amendment.

The motion was agreed to.

§ 78.73 A portion of debate on a pending amendment and all amendments thereto can be reserved only by unanimous consent, and a motion including a reservation of time within a limitation of debate is not in order.

On Sept. 15, 1976,[15] during consideration of the Clean Air Act Amendments of 1976 (H.R. 10498) in the Committee of the Whole, the following exchange occurred:

MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I move that all debate on the Waxman-Maguire amendment and on the Dingell amendment terminate at 1:25, and that the last 10 minutes be reserved for the chairman.

THE CHAIRMAN:[16] The Chair will state to the gentleman that he cannot reserve time under a motion. That can be done only by a unanimous-consent request.

MR. ROGERS: Mr. Chairman, I ask unanimous consent that all debate on the Waxman-Maguire amendment and on the Dingell amendment end at 1:25, and that the last 10 minutes be reserved for the chairman of the subcommittee.

Where Time Is Limited by Minutes, Not Clock; Reserving Time

§ 78.74 Where time for debate is limited to a specific number of minutes rather than a

13. 122 CONG. REC. 19251, 94th Cong. 2d Sess.
14. John Brademas (Ind.).
15. 122 CONG. REC. 30465, 94th Cong. 2d Sess.
16. J. Edward Roush (Ind.).

limitation to a time certain on the clock, the Chair may permit Members to reserve time until an amendment to an amendment has been disposed of so as to speak on the main amendment.

On Oct. 3, 1975,[17] the proposition described above was demonstrated in the Committee of the Whole, as follows:

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, I withdraw my request and now I ask unanimous consent that all debate on the Brown amendment and all amendments thereto end in 20 minutes.

THE CHAIRMAN:[18] Is there objection to the request of the gentleman from Washington?

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, reserving the right to object, I would like to ask the chairman of the committee, if this is going to be ending in 20 minutes and we have a vote on the Symms amendment, as I understand it, does that time for the vote go into the 20 minutes?

MR. FOLEY: No. Mr. Chairman, if the gentleman will yield. I asked unanimous consent that all debate on the Brown amendment and all amendments thereto end in 20 minutes. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Washington that all debate will end on the Brown amendment in the nature of a substitute and the Symms amendment and all amendments thereto in 20 minutes?

There was no objection. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from Washington (Mr. McCormack).

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, I reserve my time in order to speak on the Brown of California amendment after the vote on the Symms amendment. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from New York (Mr. Peyser).

MR. PEYSER: Mr. Chairman, I reserve my time until after the vote on the Symms amendment. . . .

MR. FOLEY: Is it correct that approximately 2½ minutes remain of debate under the limitation previously adopted, and that following that a vote will occur on the Brown amendment in the nature of a substitute?

THE CHAIRMAN: The gentleman states the question correctly. The gentleman from New York (Mr. Peyser) has 1¼ minutes, and the gentleman from Washington (Mr. McCormack) has 1¼ minutes. Then a vote will occur on the Brown amendment.

The Chair recognizes the gentleman from New York (Mr. Peyser).

Parliamentarian's Note: Where time is limited by the clock, a Member attempting to reserve time may be preempted by votes, quorum calls, etc., which come out of the time remaining. Therefore, the Chair, to protect Members' right to speak, might refuse to permit a reservation of time.

17. 121 CONG. REC. 31602–04, 94th Cong. 1st Sess.

18. William L. Hungate (Mo.).

Setting Time by Clock

§ 78.75 A request or motion to close debate at a time certain under the five-minute rule in Committee of the Whole should specify that the debate cease at a certain time, and not that the Committee vote at a certain time, since the Chair cannot control time consumed by quorum calls and votes on other intervening motions.

On June 29, 1977,[19] the following proceedings occurred in the Committee of the Whole:

> MR. [GEORGE E.] SHIPLEY [of Illinois]: Mr. Chairman, I ask unanimous consent that we vote on this amendment at 1:15 p.m. . . .
>
> THE CHAIRMAN:[20] Is there objection to the request of the gentleman from Illinois?
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Reserving the right to object, Mr. Chairman, I believe the gentleman's request was that we vote on this amendment at 1:15. I do not believe that that request is in order.
>
> A request to limit all debate on this amendment would be in order, but not that a vote be ordered at a certain time. It is not provided in the rules, Mr. Chairman. . . .
>
> MR. SHIPLEY: Mr. Chairman, would it be possible to set it at a time certain, that time to be 1 p.m.? . . .
>
> THE CHAIRMAN: The Chair would state to the gentleman from Illinois (Mr. Shipley) that the Chair cannot guarantee a 1 o'clock time certain because of the possibility of a quorum call or other extension of debate. . . .
>
> MR. SHIPLEY: Mr. Chairman, I withdraw my unanimous-consent request.
>
> Mr. Chairman, let me renew the request in this way, since we are trying to get all of the Members on the floor before we vote, I would ask unanimous consent that all debate on this amendment end at 1 o'clock, no later than 1 o'clock. . . .
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois?
>
> MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I object.
>
> THE CHAIRMAN: Objection is heard.
>
> MR. SHIPLEY: Mr. Chairman, I move that 1:15 p.m. be used as a time certain to end the debate on this amendment.
>
> The motion was agreed to.

§ 78.76 A unanimous-consent request or motion to close debate under the five-minute rule in the Committee of the Whole should limit debate time either by the clock or to a number of minutes of debate, and not by setting a time certain for voting, since the Chair cannot control motions or points of order which might intervene at that time.

During consideration of H.R. 4102 (Universal Telephone Preser-

19. 123 CONG. REC. 21383, 21384, 95th Cong. 1st Sess.

20. John M. Murphy (N.Y.).

vation Act of 1983) in the Committee of the Whole on Nov. 10, 1983,[1] the following exchange occurred:

MR. [TIMOTHY E.] WIRTH [of Colorado]: Mr. Chairman, I ask unanimous consent that we vote on the Tauke amendment at 6:30 and that the 30 minutes will be allocated with the first 10 minutes on our side, the next 5 minutes to your side, 10, and then you close with the final 5.

THE CHAIRMAN PRO TEMPORE:[2] Is the unanimous-consent request for debate time only, excluding voting time?

MR. WIRTH: We will then vote at 6:30 on the Tauke amendment.

THE CHAIRMAN PRO TEMPORE: The Chair cannot entertain a request for a vote at a time certain. The Chair will entertain a motion for the debate time to terminate.

MR. WIRTH: The debate time on the Tauke amendment would terminate at 6:30.

THE CHAIRMAN PRO TEMPORE: As the Chair understands it, the gentleman is asking for 30 additional minutes for debate on the amendment and all amendments thereto, with 20 minutes going to the gentleman from Colorado (Mr. Wirth) and 10 minutes going to the gentleman from North Carolina (Mr. Broyhill)?

MR. WIRTH: That is correct, Mr. Chairman.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Colorado?

There was no objection.

Chair's Discretion in Limiting Debate

§ 78.77 Where a bill was being read for amendment by titles instead of by sections, the Chair declined to entertain a unanimous-consent request to limit debate on just one section within that title where such an agreement would be difficult to enforce.

On Sept. 15, 1976,[3] during consideration of the Clean Air Act Amendments of 1976 (H.R. 10498) in the Committee of the Whole, the following proceedings occurred:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I ask unanimous consent that all debate on the so-called Dingell-Broyhill amendment and the Waxman-Maguire amendment and all amendments thereto, and on section 203(b) end at 1:20 o'clock p.m. with the last 10 minutes being reserved by the gentleman from Florida (Mr. Rogers).

THE CHAIRMAN:[4] May the Chair suggest to the gentleman from Michigan that because the entire title is open to amendment at any point, he limit his request to the pending amendments.

MR. DINGELL: My unanimous-consent request is to the two pending amendments and to section 203.

1. 129 CONG. REC. 32172, 98th Cong. 1st Sess.
2. Sam M. Gibbons (Fla.).
3. 122 CONG. REC. 30464, 30465, 94th Cong. 2d Sess.
4. J. Edward Roush (Ind.).

THE CHAIRMAN: Permit the Chair to state to the gentleman from Michigan that the Chair has some difficulty with that portion of the request because he is limiting debate on a section when the entire title is open to amendment. If the gentleman could limit his request to his amendment and the substitute, and amendments thereto, it would make the limitation of time more manageable.

MR. DINGELL: Mr. Chairman, I ask unanimous consent that all debate on the Dingell-Broyhill amendment and the Waxman-Maguire amendment, the two amendments now pending, and all amendments thereto terminate at 20 minutes after 1.

THE CHAIRMAN: Is there objection to the request of the gentleman from Michigan?

MR. [DAVID E.] SATTERFIELD [of Virginia]: Mr. Chairman, I object.

§ 78.78 Where there was pending an amendment and a substitute therefor, the Chair declined to entertain a unanimous-consent request that debate end 10 minutes after another Member "has had an opportunity to offer" a further substitute, where the offering of such substitute might be precluded by the adoption of the pending substitute.

During consideration of the Defense Production Act Amendments of 1979 (H.R. 3930) in the Committee of the Whole on June 26, 1979,[5] the following proceedings occurred:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I offer amendments as a substitute for the amendments.

The Clerk read as follows:

> Amendments offered by Mr. Michel as a substitute for the amendments offered by Mr. Wright of Texas: On page 5, line 2, strike out the period after "section" and insert in lieu thereof "and at least 2,000,000 barrels per day crude oil equivalent of synthetic fuels . . . .

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I see only about five or six Members standing. I ask unanimous consent that all debate on the Wright amendment and all amendments thereto close in 15 minutes.

THE CHAIRMAN:[6] Is there objection to the request of the gentleman from Pennsylvania?

MR. [JAMES M.] JEFFORDS [of Vermont]: Reserving the right to object, the gentleman knows I have a substitute which I think ought to be considered . . . and I just cannot agree to 15 minutes unless I am sure I am going to have 5 minutes myself in order to be able to explain the substitute.

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I ask unanimous consent that all debate on the Wright amendment and all amendments thereto close 10 minutes after the gentleman has had an opportunity to offer his substitute amendment.

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5. 125 CONG. REC. 16670, 16672, 96th Cong. 1st Sess.

6. Gerry E. Studds (Mass.).

THE CHAIRMAN: The Chair would advise the gentleman that in the event the amendment offered as a substitute by the gentleman from Illinois (Mr. Michel) were adopted, no other substitute would be in order and the request would be unworkable.

Reconsideration of Vote To Close Debate

§ 78.79 Where the Committee of the Whole has, by motion, agreed to limit debate on a pending amendment, a motion to reconsider its action is not in order since the motion to reconsider does not lie in Committee of the Whole.

On May 24, 1967,[7] after the Committee of the Whole had adopted a motion limiting debate, Chairman Charles M. Price, of Illinois, stated that a motion to reconsider that action would not be in order in the Committee:

MR. [ROMAN C.] PUCINSKI [of Illinois]: Mr. Chairman, a parliamentary inquiry.

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

MR. PUCINSKI: Mr. Chairman, is a motion to reconsider the last motion in order?

THE CHAIRMAN: The Chair will state to the gentleman from Illinois [Mr. Pucinski] that such motion is not in order in the Committee of the Whole.

§ 78.80 The motion to reconsider a limitation on debate is not in order in Committee of the Whole.

While a unanimous-consent agreement may be subject to a motion to reconsider in the House,[8] the motion to reconsider is not in order in Committee of the Whole. This principle is illustrated in the proceedings of Oct. 5, 1981,[9] relating to H.R. 3112, to extend the Voting Rights Act of 1965:

MR. [DON] EDWARDS of California: Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes.

THE CHAIRMAN PRO TEMPORE:[10] The Chair will inquire of the gentleman from California whether his unanimous-consent request includes this amendment and all amendments thereto.

MR. EDWARDS of California: Just on this amendment, Mr. Chairman.

THE CHAIRMAN PRO TEMPORE: Just on this amendment.

Is there objection to the request of the gentleman from California?

There was no objection. . . .

THE CHAIRMAN PRO TEMPORE: The Chair will first allocate the time

7. 113 CONG. REC. 13824, 90th Cong. 1st Sess.

8. 8 Cannon's Precedents § 2794.

9. 127 CONG. REC. 23154, 97th Cong. 1st Sess.

10. Dennis E. Eckart (Ohio).

among all Members seeking recognition on this amendment.

The Chair has observed the following Members standing: The gentleman from California (Mr. Edwards), the gentleman from Illinois (Mr. Hyde) . . . and the gentlewoman from New Jersey (Mrs. Fenwick).

MR. [HENRY J.] HYDE [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. HYDE: Mr. Chairman, I have three Members who want to speak on this side. . . .

I was assuming 5 minutes apiece, 15 minutes total. . . .

THE CHAIRMAN PRO TEMPORE: The Chair will point out to the gentleman from Illinois that the Chair merely allocated the time among those Members who rose by the time that the unanimous-consent request was granted.

MR. HYDE: Mr. Chairman, having voted on the prevailing side, I move to reconsider the vote by which we limited this to 15 minutes. I have three Members who want to talk on this side.

THE CHAIRMAN PRO TEMPORE: A motion to reconsider is not in order.

The Chair would suggest to the gentleman from Illinois that those who merely wish to speak for a short time could allocate the remainder of their time to another Member by unanimous consent.

Vacating or Rescinding a Time Limitation

§ 78.81 The Chairman of the Committee of the Whole indicated, in response to a parliamentary inquiry, that whether the House could rescind a time limitation (on the five-minute rule) imposed by the Committee of the Whole was a matter for the Speaker, and not the Chairman, to determine.

On Dec. 14, 1973,[11] the Committee of the Whole had agreed to a motion limiting five-minute debate. In response to a parliamentary inquiry, Chairman Richard Bolling, of Missouri, stated that the question whether the House could rescind that limitation would be a question for the Speaker and not for the Chairman:

MR. [JOHN] BUCHANAN [of Alabama]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. BUCHANAN: Mr. Chairman, should a motion be offered that the committee do now rise, and that motion would be accepted by the Committee, would it be possible then in the House for time to be extended or for the earlier motion limiting time to be rescinded?

THE CHAIRMAN: The Chair will state to the gentleman from Alabama that the gentleman is asking the Chairman of the Committee of the Whole to rule on a matter that would come before

11. 119 CONG. REC. 41731, 93d Cong. 1st Sess.

the Speaker of the House of Representatives.

MR. BUCHANAN: The Chairman cannot answer that according to the rules of the House?

THE CHAIRMAN: The Chair will state that the Chair is not in a position to answer for the Speaker.

Parliamentarian's Note: A motion in the House to extend debate beyond a limitation agreed to in the Committee would not be privileged, but the House could rescind a limitation by unanimous consent, by special rule, or under suspension of the rules. The Committee could only rescind or modify a limitation by unanimous consent, the motion to reconsider not being in order in the Committee.[12]

§ 78.82 Where debate on a pending amendment and all amendments thereto had been limited to a time certain, the Committee of the Whole, by unanimous consent, vacated the limitation and then agreed to limit debate on an amendment to the pending amendment.

On Sept. 30, 1971,[13] the Committee of the Whole agreed to a unanimous-consent request propounded by Mr. Carl D. Perkins, of Kentucky, to close debate on an amendment and all amendments thereto at 2:30 p.m. Following a parliamentary inquiry, Mr. Perkins stated that he had intended the limitation to apply only to his own perfecting amendment to the amendment, and not to other perfecting amendments to be offered to the pending amendment. He therefore asked unanimous consent to vacate the unanimous-consent limitation previously agreed to. This request was granted, and he restated his proposal, which was agreed to.

§ 78.83 Instance where the Committee of the Whole, by unanimous consent, limited debate under the five-minute rule to "15 minutes on each amendment"; it later, by motion, curtailed all debate to "40 minutes to the bill and all amendments thereto."

On Oct. 14, 1966,[14] the Committee of the Whole agreed to a unanimous-consent request by Mr. Wright Patman, of Texas, that debate under the five-minute rule be limited not to exceed 15 minutes on each amendment which might be offered to the pending bill (the bill having been considered as read).

Later in the debate, when it appeared that there were 23 amend-

12. See § 78.79, supra.

13. 117 CONG. REC. 34289, 34290, 92d Cong. 1st Sess.

14. 112 CONG. REC. 26968, 26976, 26977, 89th Cong. 2d Sess.

ments remaining to the bill, the Committee agreed to a motion by Mr. Patman to close all debate on the bill and amendments thereto in 40 minutes.

§ 78.84 The Chair advised that only by unanimous consent could the Committee of the Whole rescind an agreement it had previously reached limiting debate on an amendment.

On Aug. 5, 1966,[15] Chairman Richard Bolling, of Missouri, answered a parliamentary inquiry on the power of the Committee of the Whole to rescind a limitation:

> MR. [JOHN BELL] WILLIAMS [of Mississippi]: Mr. Chairman, I do have a legitimate parliamentary inquiry if the other was not. Would it be in order to make a unanimous-consent request at this time that the action of the House in voting to limit debate be vacated?
>
> THE CHAIRMAN: The Chair will advise the gentleman that a unanimous consent is in order.
>
> MR. WILLIAMS: If such a request is in order, I make the request.
>
> MR. [PETER W.] RODINO [Jr., of New Jersey]: I object.
>
> THE CHAIRMAN: The gentleman from North Carolina has the floor.
>
> MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I have a point of order.
>
> THE CHAIRMAN: The gentleman will state his point of order.
>
> MR. DICKINSON: Mr. Chairman, if I understand correctly, we were granted 2 hours in which to submit amendments. One hour and 45 minutes has been used up. We have 15 minutes remaining. Did the Chair just rule that would be inappropriate, and this Committee would be unable to reconsider, the fixing of this time? Was that the ruling of the Chair?
>
> THE CHAIRMAN: A motion to reconsider is not in order in the Committee of the Whole.

§ 78.85 Where the Committee of the Whole has limited debate on a paragraph of a bill and all amendments thereto, it may on the succeeding day by unanimous consent vacate such agreement.

On Mar. 11, 1942,[16] Chairman Alfred L. Bulwinkle, of North Carolina, advised Mr. J. Buell Snyder, of Pennsylvania, that he had on the previous day submitted a unanimous-consent request, which was agreed to by the Committee of the Whole, that debate on a paragraph and amendments thereto close in 15 minutes. The Chairman stated however that the unanimous-consent limitation reached on the prior day could be vacated by unanimous consent, and the Committee so agreed.

§ 78.86 The Chair advised that by unanimous consent the

15. 112 CONG. REC. 18416, 89th Cong. 2d Sess.

16. 88 CONG. REC. 2269, 77th Cong. 2d Sess.

Committee of the Whole could rescind an agreement it had previously reached limiting debate on an amendment in the nature of a substitute and all amendments thereto, and could impose other limitations.

On Dec. 14, 1973,[17] Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that the Committee could by unanimous consent rescind a time limitation formerly agreed to:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Then, Mr. Chairman, one further parliamentary inquiry:

Would it be in order for me at this time to ask unanimous consent that all debate on the amendment in the nature of a substitute and all amendments thereto be open until midnight? . . .

THE CHAIRMAN: If the Chair understands the gentleman, the gentleman is proposing by unanimous consent that the Committee of the Whole rescind its previous agreement?

MR. DERWINSKI: That is exactly right, Mr. Chairman.

THE CHAIRMAN: And the gentleman is proposing that the Committee of the Whole enter into a new agreement which would provide for no further debate at midnight?

MR. DERWINSKI: Well, Mr. Chairman, the real intent is to provide that we vote on amendments after some explanation of their content so we are not voting in the blind. This is not a proper parliamentary statement, but it is a statement of the facts before us.

THE CHAIRMAN: The Chair will try to state the unanimous-consent request which I understand the gentleman is seeking to make.

The gentleman from Illinois (Mr. Derwinski) seeks unanimous consent to rescind the agreement heretofore entered into by the Committee of the Whole and to provide that all debate on the Staggers amendment and all amendments thereto close at midnight tonight.

Is there objection to the request of the gentleman from Illinois?

§ 78.87 The Committee of the Whole having limited time for debate on a pending amendment and all amendments thereto, that limitation can be rescinded only by unanimous consent.

An illustration of the proposition stated above can be seen in the proceedings of the Committee of the Whole during consideration of H.R. 6096[18] on Apr. 23, 1975:[19]

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I offer a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

17. 119 CONG. REC. 41743, 93d Cong. 1st Sess.

18. Vietnam Humanitarian Evacuation Assistance Act.

19. 121 CONG. REC. 11507, 11508, 94th Cong. 1st Sess.

Amendment offered by Mr. Eckhardt as a substitute for the amendment in the nature of a substitute offered by Mr. Edgar: strike all after enacting clauses and add:

Sec. 2. There is authorized to be appropriated to the President for the fiscal year 1975 not to exceed $150,000,000 to be used, notwithstanding any other provision of law, on such terms and conditions as the President may deem appropriate for humanitarian assistance to an evacuation program from South Vietnam. . . .

MR. [WILLIAM J.] RANDALL [of Missouri]: Mr. Chairman, I make the point of order that the understanding was the debate on the substitute and all amendments thereto would end at 4 o'clock and the hour of 4 o'clock has arrived. What is the parliamentary situation?

THE CHAIRMAN: The parliamentary situation is, as the Chair understands it, as follows:

A substitute amendment offered by the gentleman from Texas for the amendment in the nature of a substitute can be read but cannot be debated.

If there are amendments to the substitute offered by the gentleman from Texas they will be reported by the Clerk but they will not be debated and they will be disposed of as soon as they are reported by the Clerk. . . .

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, would it be in order to ask unanimous consent that the proposer of this substitute amendment could have 5 minutes of time, because what we are dealing with obviously is a major change and could he by unanimous consent of the House have 5 minutes time?

THE CHAIRMAN: The Chair will state that by unanimous consent and by unanimous consent only could that be done.

MR. PEYSER: Mr. Chairman, I would like to make a unanimous-consent request that the gentleman from Texas (Mr. Eckhardt) have 5 minutes in order to explain his amendment, because it will undoubtedly take that much time.

MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Chairman, I object.

(Several other Members objected.)

THE CHAIRMAN: Objection is heard.

Extensions of Allotted Time

§ 78.88 Where debate on an amendment has been limited to a time certain, and the time equally divided by the Chair among those Members desiring to speak, the Chair declined to entertain a unanimous-consent request to give one of those allotted time a larger share.[20]

Procedure Where Language of Limitation is Disputed

§ 78.89 Where a Member disagreed with the Chair's interpretation of a motion to limit debate, the Chair indicated that the Member could verify the Chair's interpretation by consulting the notes of the reporters of debates.

20. See § 79.50, infra.

On June 13, 1947,[1] Mr. George E. MacKinnon, of Minnesota, made a point of order against the interpretation by Chairman Thomas A. Jenkins, of Ohio, of a request for unanimous consent to close debate which had been agreed to. Mr. MacKinnon contended that the Chair misread the agreement as limiting debate on a section and on amendments thereto, when the agreement purportedly applied only to the section and not to amendments thereto. The Chair answered parliamentary inquiries on the matter of disagreement as to the provisions of a limitation on debate:

THE CHAIRMAN: The gentleman cannot be right in his observation, for the motion was not to limit debate on the bill but only to that section which had been read.

MR. MACKINNON: I mean on the section. The motion was only to limit time of debate on the section. The words "and amendments thereto" were not included.

I make that point of order. May we have it checked?

THE CHAIRMAN: The Chair will overrule the point of order because the motion was made to close all debate with reference to any amendments to section 202. The question now is on section 203, which the Clerk is reading.

MR. MACKINNON: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MACKINNON: What will be the situation if the Chair is in error in the Chair's recollection according to the record?

THE CHAIRMAN: We will have to decide that when we come to it.

MR. MACKINNON: I thank the Chairman.

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

THE CHAIRMAN: The gentleman will state it.

MR. HOFFMAN: May we have a copy of that part of the record?

THE CHAIRMAN: The gentleman may secure that from the reporters.

The Clerk will report the committee amendment.

Parliamentarian's Note: The Chair did in fact interpret the limitation correctly.[2]

§ 78.90 When the Chairman of the Committee of the Whole understood that a motion to limit debate under the five-minute rule did not contain a reservation of time to the committee handling the bill, the time was divided without reservation.

On May 9, 1963,[3] the Committee of the Whole agreed to a motion to limit debate and Chair-

1. 93 CONG. REC. 6972, 6973, 80th Cong. 1st Sess.

2. *Id.* at p. 6968.

3. 109 CONG. REC. 8144, 88th Cong. 1st Sess.

man John W. Davis, of Georgia, answered a parliamentary inquiry on the terms and effect of the limitation:

MR. [EDWIN E.] WILLIS [of Louisiana]: Mr. Chairman, I observed only a few Members standing. I ask unanimous consent that all time on this amendment and all amendments thereto close in 15 minutes, the last 5 minutes to be reserved for the opposition.

THE CHAIRMAN: Is there objection to the request of the gentleman from Louisiana?

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I object.

MR. WILLIS: Mr. Chairman, I so move.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

MR. WILLIS: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WILLIS: Mr. Chairman, I ask for a clarification of the motion just voted on. The time was limited to 15 minutes, but was the last 5 minutes reserved to the committee?

THE CHAIRMAN: The Chair did not understand that the motion included the reservation of the last 5 minutes to the committee. The Chair therefore rules that the motion agreed to by the committee simply limits the time to 15 minutes without that reservation.

Parliamentarian's Note: The Chair may refuse to entertain a motion to limit debate with a reservation of time, that motion not being in order; and the Chair could object to, as could any Member, or refuse to entertain a unanimous-consent request which includes a reservation of time.

§ 78.91 The Committee of the Whole having agreed that debate on an amendment be limited to five minutes and the Chair having misinterpreted the agreement as limiting debate on the amendment and all amendments thereto, the Chair later apologized to the Committee and to a Member who was denied the privilege of debate on his amendment to the amendment through the misinterpretation.

On May 3, 1946, Chairman Wilbur D. Mills, of Arkansas, made the following statement and apology relative to an agreement, previously agreed to by the Committee, to close debate:

The Chair desires to make a statement.

Earlier today, immediately upon the House resolving itself into the Committee of the Whole House on the State of the Union for the consideration of the present bill, H.R. 6065, the chairman of the subcommittee handling the bill propounded a unanimous-consent request which the Chair endeavored to understand. The Chair, in attempting to understand the unani-

mous-consent request, failed, however, to understand that request as it was transcribed by the official reporter. The Chair has before him the transcript of the record as taken by the official reporter, of the request made by the gentleman from Michigan. The request of the gentleman from Michigan was that all debate on the pending amendment close in 5 minutes. The Chair misunderstood the gentleman so that when the gentleman from Ohio [Mr. Vorys] offered an amendment to his amendment, the gentleman from Ohio, instead of being recognized for the 5 minutes to which he was entitled, was barred by the Chair from speaking in support of his amendment to the amendment.

The Chair wishes to apologize to the Committee and to the gentleman from Ohio [Mr. Vorys] for making a most unintentional misinterpretation of the request of the gentleman from Michigan. The Chair trusts the apology of the Chair may be accepted both by the gentleman from Ohio and the Committee.[4]

Chair's Role in Interpreting or Enforcing Time Limitations

§ 78.92 Where the Committee of the Whole has, by unanimous consent, limited five-minute debate on a pending title and the remaining time has been allocated among those Members desiring to speak, the Chair has declined to entertain a unanimous-consent request to close debate prior to calling each name on his list of Members to be recognized under the time limitation.

On Nov. 3, 1971,[5] the Committee of the Whole had agreed upon a time limitation on five-minute debate, and Chairman James C. Wright, Jr., of Texas, had prepared a list of those Members desiring to speak under the limitation. In response to a parliamentary inquiry, he stated that he would not entertain a unanimous-consent request to further close debate and preclude Members on the list from speaking:

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. ERLENBORN: Mr. Chairman, would it be in order to ask unanimous consent that we pass to the next item if there are no further amendments to this title?

THE CHAIRMAN: The Chair would have to advise the gentleman that the committee has already determined that there be a limitation on debate. Those Members who were standing and seek-

4. 92 CONG. REC. 4418, 79th Cong. 2d Sess. For the proceedings referred to by the Chair, see *id.* at pp. 4404–06.

A limitation may be vacated, extended, or rescinded by unanimous consent (see §§ 78.81–78.88, supra).

5. 117 CONG. REC. 39091, 92d Cong. 1st Sess.

ing recognition at the time are entitled to recognition if they wish to use their time and it is their privilege to do so.

Opening Bill for Amendment, Dispensing With Reading, Limiting Debate

§ 78.93 The Committee of the Whole may, by unanimous consent, limit debate on all amendments to a pending bill, but such a request should include the condition that the remainder of the bill be considered as read and open to amendment at any point.

On May 18, 1972,[6] a unanimous-consent request to limit five-minute debate was propounded and then modified in the Committee of the Whole, with Chairman Thomas G. Abernethy, of Mississippi, presiding:

MR. [JOHN J.] ROONEY of New York: Mr. Chairman, I ask unanimous consent that all debate on the pending amendments and any further amendments thereto, as well as any other amendments to the bill, close in 15 minutes.

THE CHAIRMAN: The Chair advises the gentleman that his request is not in order inasmuch as the remainder of the bill has not yet been read.

MR. ROONEY of New York: Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record at this point and that all debate on the pending amendments and any further amendments thereto, as well as any further amendments to the bill, shall close in 5 minutes.

MR. [ANDREW J.] JACOBS [Jr., of Indiana]: Mr. Chairman, I object.

MR. ROONEY of New York: Mr. Chairman, I should like to amend my request by extending the time to 10 minutes.

THE CHAIRMAN: The gentleman from New York asks unanimous consent that the bill be considered as read, printed in the Record at this point, and that debate on the pending amendments and all amendments to the bill close in 10 minutes.

Is there objection to the request of the gentleman from New York?

There was no objection.

§ 78.94 Debate on a bill and all amendments thereto was, by unanimous consent, limited prior to the conclusion of the reading of the bill.

On Sept. 12, 1968,[7] the Committee of the Whole agreed to a unanimous-consent request propounded by Mr. George H. Mahon, of Texas, that all debate on the pending bill and all amendments thereto close in 30 minutes, before the entire reading of the bill had been concluded.

§ 78.95 Debate on a bill and all amendments thereto may be

6. 118 CONG. REC. 18052, 92d Cong. 2d Sess.

7. 114 CONG. REC. 26566, 90th Cong. 2d Sess.

limited by unanimous consent prior to the complete reading of the bill.

On May 18, 1966,[8] Chairman Eugene J. Keogh, of New York, stated in response to a parliamentary inquiry that debate on a bill, prior to its reading, could be limited by unanimous consent:

> MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HALLECK: The gentleman from Texas asked that the bill be considered as read. I do not know whether that request was acted upon or not.
>
> THE CHAIRMAN: Objection was heard on that request.
>
> MR. HALLECK: Mr. Chairman, a further parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HALLECK: Under the rules of the House, would it then be possible to limit debate unless the bill has been considered as read?
>
> THE CHAIRMAN: Under a unanimous-consent agreement it would be possible, and the Chair understands that the gentleman from Texas is trying to get an unanimous-consent agreement.[9]

§ 78.96 By unanimous consent, the Committee of the Whole agreed that, on a general appropriations bill considered as read and open to amendment at any point, debate under the five-minute rule should terminate at a time certain, with 30 minutes of the time remaining for debate to be allowed on a particular amendment and to be equally divided and controlled.

On Sept. 22, 1983,[10] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 3913 (the Departments of Labor and Health and Human Services appropriations for fiscal year 1984):

> MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, at this time I would ask unanimous consent that all debate on the bill and all amendments thereto conclude not later than 3:30. . . .
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, reserving the right to object, the motion does not, however, include the 30 minutes for the abortion debate that I thought the gentleman from Illinois was assured of? . . .
>
> MR. NATCHER: The gentleman is correct.
>
> Mr. Chairman, I would ask that debate conclude not later than 3:30 with 30 minutes of the time to be allocated to the amendment pertaining to abortion. . . .

8. 112 CONG. REC. 10911, 89th Cong. 2d Sess.

9. See also 114 CONG. REC. 26566, 90th Cong. 2d Sess., Sept. 12, 1968.

10. 129 CONG. REC. 25407, 98th Cong. 1st Sess.

MR. [LES] AUCOIN [of Oregon]: Reserving the right to object, Mr. Chairman, I want to be sure I understand what the gentleman just said. My understanding is that in that 30 minutes the time will be divided equally between those who agree with Mr. Hyde and those who agree with the gentleman from Oregon (Mr. AuCoin)? . . .

MR. NATCHER: . . . The gentleman (Mr. AuCoin) is correct. . . .

THE CHAIRMAN PRO TEMPORE:[11] Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Limiting Debate on Amendment in Nature of Substitute

§ 78.97 Where there was pending an amendment in the nature of a substitute for a bill, the Chair indicated in response to a parliamentary inquiry that motions to limit debate on each amendment to said amendment could only be made after the amendment was offered and could not include an allocation of time.

On Dec. 14, 1973,[12] there was pending in the Committee of the Whole an amendment in the nature of a substitute for a bill. Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that only by unanimous consent could time be limited and allocated on each amendment to be offered to the amendment in the nature of a substitute. He then answered a further inquiry on a motion to limit debate:

MR. [LAWRENCE] WILLIAMS [Jr., of New Jersey]: Would a motion to limit debate on each amendment to 10 minutes be in order?

THE CHAIRMAN: That would be in order.

MR. WILLIAMS: Then, in that case, I would like to say to my esteemed colleague——

THE CHAIRMAN: On individual amendments. A motion to limit debate on individual amendments to 10 minutes with no allocation of the 10 minutes would be in order.

MR. WILLIAMS: But it has to be made on each individual amendment?

THE CHAIRMAN: It has to be offered to each individual amendment after each amendment is offered.

§ 78.98 Where there was pending an amendment in the nature of a substitute for a bill, the Chair indicated in response to a parliamentary inquiry that a motion to close all debate on the said amendment and all amendments thereto would be in order.

On Dec. 14, 1973,[13] there was pending an amendment in the

11. Abraham Kazen, Jr. (Tex.).

12. 119 CONG. REC. 41712, 93d Cong. 1st Sess.

13. 119 CONG. REC. 41712, 93d Cong. 1st Sess.

nature of a substitute for a bill in the Committee of the Whole. Chairman Richard Bolling, of Missouri, stated in response to parliamentary inquiries that: (1) debate on amendments to the substitute could be limited and allocated only by unanimous consent; and (2) that motions to limit debate to a certain amount of time on each amendment to be offered could be made only after each amendment was offered and could not include an allocation of time.

The Chair answered a further inquiry:

> MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: A parliamentary inquiry, Mr. Chairman.
>
> A motion would be in order to end all debate on all amendments pending at 7 o'clock?
>
> THE CHAIRMAN: Such a motion to end all debate on the Staggers amendment and all amendments thereto at an hour certain would be in order.
>
> MR. O'NEILL: I thank the Chairman.

After further discussion, the Chair answered an inquiry on the same subject:

> MR. [SAMUEL L.] DEVINE [of Ohio]: Mr. Chairman, a parliamentary inquiry?
>
> THE CHAIRMAN: The gentleman will state his parliamentary inquiry.
>
> MR. DEVINE: Mr. Chairman, my parliamentary inquiry is this: Is a motion now in order to say that the House will vote on the bill and all amendments thereto by a time certain?
>
> THE CHAIRMAN: The Chair will state that a motion to limit debate on the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers) and all amendments thereto, to a time certain, would be in order.
>
> MR. DEVINE: Mr. Chairman, I therefore will make that motion.
>
> Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers) and all amendments thereto, close at 5:30 p.m. today.

Variations on Unanimous Consent To Limit Debate

§ 78.99 By unanimous consent, the Committee of the Whole agreed at the beginning of general debate to limit and divide control of time for debate on any amendments to be offered by designated Members to certain paragraphs (or to amendments thereto).

The following proceedings occurred in the Committee of the Whole on July 23, 1981,[14] during consideration of the energy and water development appropriations for fiscal 1982 (H.R. 4144):

> MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I ask unanimous consent that the debate on the amendments by

14. 127 CONG. REC. 16983, 97th Cong. 1st Sess.

the gentleman from Washington (Mr. Pritchard) and the gentleman from Pennsylvania (Mr. Edgar) in title I to the paragraph entitled "Construction, General" on page 2, be limited to 2 hours, one-half of the time to be controlled equally by the gentleman from Washington and one-half by myself.

THE CHAIRMAN:[15] Is there objection to the request of the gentleman from Alabama?

There was no objection.

MR. BEVILL: Mr. Chairman, I ask unanimous consent that the debate on the amendments by the gentleman from Pennsylvania (Mr. Coughlin) in title III to the paragraph entitled "Energy Supply, Research and Development Activities" on page 16, be limited to 2 hours, one-half of the time to be controlled equally by the gentleman from Pennsylvania and one-half by myself.

THE CHAIRMAN: Is there objection to the request of the gentleman from Alabama?

There was no objection.

Curtailing Previously Limited Time

§ 78.100 Where the Committee of the Whole has limited debate on a pending amendment and all amendments thereto, a further limitation may be imposed only by unanimous consent and not by motion.

On Oct. 8, 1974,[16] during consideration of House Resolution 988 (to reform the structure, jurisdiction, and procedures of House committees), Richard Bolling, of Missouri, was recognized and made the following statement:

MR. BOLLING: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been talked to and have talked to a great number of Members on both sides of the aisle. There is a substantial amount of time left under the agreement voted yesterday. I believe the time is in the order of 2 hours and 15 minutes. . . .

Most of the Members with whom I have discussed this matter would like to cut back that amount of time.

Now, there is no attempt in any request that I make to limit the right of Members with noticed amendments to offer their noticed amendments. . . . I propose to ask by unanimous consent that the debate on amendments, not including those noticed under the rule, be limited to 30 minutes on the amendment in the nature of a substitute offered by the gentlewoman from Washington and all amendments thereto.

THE CHAIRMAN:[17] Is there objection to the request of the gentleman from Missouri? . . .

THE CHAIRMAN: Objection is heard. . . .

MR. BOLLING: Mr. Chairman, would it be proper to make my unanimous-consent request as a motion?

THE CHAIRMAN: The Chair would like to inform the gentleman that such a motion would not be in order at this time.

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15. Anthony C. Beilenson (Calif.).

16. 120 CONG. REC. 34459, 34460, 93d Cong. 2d Sess.

17. William H. Natcher (Ky.).

Parliamentarian's Note: In this instance, a motion to further limit debate on each amendment as it was offered to the pending amendment in the nature of a substitute would have been in order, but it would not be in order by motion to change the overall limitation imposed by the Committee on the amendment and all amendments thereto.

Motion To Require a Certain Amount of Debate

§ 78.101 A motion to require a certain amount of debate on an amendment under the five-minute rule is not in order in the Committee of the Whole.

On June 18, 1959,[18] Chairman Wilbur D. Mills, of Arkansas, ruled as follows:

> MR. [BARRATT] O'HARA of Illinois: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. O'Hara of Illinois: On page 10, strike out all of lines 14, 15, and 16, and renumber the paragraphs. . . .
>
> MR. O'HARA of Illinois: . . . I earnestly urge the adoption of my amendment.
>
> THE CHAIRMAN: The question is on the amendment offered by the gentleman from Illinois [Mr. O'Hara].
>
> MR. O'HARA of Illinois: Mr. Chairman, I think this matter is very important and certainly I believe there should be more time given to the discussion than just taking a vote now.
>
> THE CHAIRMAN: The Chair did not observe anyone standing.
>
> MR. O'HARA of Illinois: Mr. Chairman, I move that one-half hour be given to discussing my amendment.
>
> THE CHAIRMAN: The gentleman's motion is not in order. . . .
>
> The time of the gentleman from Iowa has expired.
>
> The question is on the amendment offered by the gentleman from Illinois [Mr. O'Hara].
>
> The amendment was agreed to.

§ 79. —Effect of Limitation; Distribution of Remaining Time

Where a limitation on debate under the five-minute rule is agreed to, the Chair usually notes the names of those Members who indicate their desire to speak by standing, and equally divides the time among those Members.[19] Such distribution is, however, in the discretion of the Chair, and he may recognize a Member for a full five minutes.[20]

The Committee may provide by unanimous consent that time on

18. 105 CONG. REC. 11302, 11303, 86th Cong. 1st Sess.

19. See § 22, supra (recognition under a limitation on five-minute debate).

20. See § 79.46, infra.

amendments be limited and controlled, and that the Members in charge control and distribute the time under the limitation.[1]

If debate is closed instantly, no further debate is in order for any purpose (including the preferential motion that the enacting clause be stricken if the limitation is on the entire bill) and further amendments may be offered but not debated[2] unless they have been printed in the *Congressional Record*.

If debate is limited to a time certain (e.g., 5 p.m.), time runs for all purposes, including the taking of votes, reading amendments, quorum calls, and debating the preferential motion to strike the enacting clause.[3] If the Committee rises before the expiration of such a limitation, and does not resume consideration before the time certain arrives, no further time for debate remains.[4]

If debate on an amendment or portion of a bill is limited to a fixed period for debate (e.g., 20 minutes), time runs only for debate and not for votes, quorum calls, reading amendments, or offering and debating the preferential motion to strike the enacting clause.[5] But if time is limited to a fixed period on the entire bill and all amendments thereto, the time for the preferential motion does consume time under the limitation.[6]

Whether the expiration of a limitation precludes debate on an amendment yet to be offered depends on whether the amendment comes within the scope of the limitation, which may apply to an amendment, a section, a paragraph, a title, or the entire bill, and also to amendments to each of those.[7]

The expiration of a limitation does not apply to amendments which have been printed, pursuant to Rule XXIII clause 6, in the *Congressional Record* at least one day prior to their consideration.[8] Amendments which are covered by the limitation may be offered after the expiration thereof, but may not be debated.[9]

Cross References

Opening and closing debate generally, see § 7, supra.

Recognition for offering and debating amendments, see § 19, supra.

Recognition where five-minute debate has been limited, see § 22, supra.

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1. See §§ 79.83, 79.87, infra.

2. See §§ 79.1, 79.23, infra.

3. See §§ 79.2 et seq., infra.

4. See § 79.128, infra.

5. See §§ 79.10 et seq., infra.

6. See § 79.17, infra.

7. See §§ 79.30, 79.35, 79.38–79.40, 79.43, infra.

8. See § 79.104, infra.

9. See §§ 79.95–79.98, infra.

Reserving time under limitation, see § 78, supra.
Yielding time under limitation, see § 31, supra.

Debate Closed Instantly

§ 79.1 Where debate on a pending amendment has been closed instantly by motion, the Chair puts the question on the amendment and does not recognize Members who seek to debate the amendment further.

On Nov. 25, 1970,[10] Mr. John C. Kluczynski, of Illinois, the manager of the pending bill in the Committee of the Whole, moved that all debate on the pending amendment close instantly. The Committee agreed to the motion by division vote. Mr. Andrew Jacobs, Jr., of Indiana, and Mr. Jonathan B. Bingham, of New York, then sought recognition to debate the amendment. Chairman Chet Holifield, of California, ruled that no further debate was in order:

> MR. JACOBS: What about those of us who were on our feet when debate was choked off? Will we be recognized?
>
> THE CHAIRMAN: There was no count made of Members standing for time, and the motion of the gentleman from Illinois was to close debate, and that motion was agreed to.[11]

Running of Time Under Limitation to Time Certain

§ 79.2 Where the Committee of the Whole has agreed to close debate on an amendment and all amendments thereto at a time certain, the Chair attempts to divide the time equally between Members desiring recognition; but where part of the fixed time is consumed by votes, it may not be possible for the Chair to reach each Member on the list before the time expires.

On Aug. 7, 1964,[12] the Committee of the Whole agreed to a motion offered by Mr. Phillip M. Landrum, of Georgia, that debate under the five-minute rule on an amendment in the nature of a substitute and amendments thereto close at 6:30 p.m. Before the time expired, various teller votes intervened and prevented all the Members who were noted by the Chair and who desired recognition under the limitation from being heard before the time expired. Chairman Albert Rains, of Ala-

10. 116 CONG. REC. 38990, 91st Cong. 2d Sess.

11. The manager of a bill has priority of recognition to move to close debate instantly on an amendment, even if other Members seek to debate it further or to offer amendments thereto; see § 21.30, supra.

12. 110 CONG. REC. 18583, 18608, 88th Cong. 2d Sess.

bama, answered an inquiry on that subject as follows:

> THE CHAIRMAN: All time has expired for debate on the amendments.
>
> MR. [CHARLES E.] GOODELL [of New York]: Mr. Chairman, a parliamentary inquiry. I was standing on my feet when the original time limitation was made. There are others here who were standing on their feet. Everybody had 2 minutes. Do I understand now, since time has elapsed, that we are prevented from even taking the 2 minutes?
>
> THE CHAIRMAN: The Chair will state that the Committee voted to close all debate at 6:30 and that most of the time was taken up by the ordering of teller votes. There were many Members who did not get to be recognized who were standing on their feet.

On Oct. 7, 1965,[13] the Committee of the Whole agreed to a motion that debate on a title of a bill and amendments thereto close at 8:20 p.m. Mr. William C. Cramer, of Florida, offered an amendment and debated it, and a division vote and teller vote consumed the time. Chairman Phillip M. Landrum, of Georgia, stated in response to a parliamentary inquiry that Members who had indicated their desire to speak when the limitation was agreed to could not be recognized for further debate, the time for votes having consumed the time under the limitation.

§ 79.3 Time consumed by teller votes comes out of a limitation of time for debate on a pending amendment and all amendments thereto where that debate has been limited to a time certain.

On Nov. 30, 1971,[14] the Committee of the Whole agreed to a motion by Mr. Wayne L. Hays, of Ohio, that all debate on an amendment and amendments thereto end at 7 o'clock p.m. Chairman Richard Bolling, of Missouri, answered a parliamentary inquiry on the effect of teller votes on such a time limitation:

> MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. BROWN of Ohio: If there is a teller vote on the Bingham amendment, or any subsequent amendment, would those teller votes come out of the time limitation at 7 o'clock?
>
> THE CHAIRMAN: The Chair will state in response to the parliamentary inquiry of the gentleman from Ohio that the time limitation has been fixed at 7 o'clock and all time used comes out of that time limitation.

§ 79.4 Where time for debate is limited to a certain hour rather than a number of minutes of debate time, the time taken by teller votes is counted as time out of the time allowed for debate.

13. 111 CONG. REC. 26305, 26306, 89th Cong. 1st Sess.

14. 117 CONG. REC. 43406, 92d Cong. 1st Sess.

On Feb. 22, 1950,[15] the Committee of the Whole agreed to the following motion to close debate offered by Mr. John W. McCormack, of Massachusetts:

> Mr. Chairman, I ask unanimous consent that all debate on the McConnell amendment and all amendments thereto close at 2:30 a.m.

Chairman Francis E. Walter, of Pennsylvania, then answered a parliamentary inquiry on the counting of time under the limitation:

> MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. CASE of South Dakota: The limitation on time fixed the time at a precise hour rather than so many minutes. The effect of teller votes, then, is simply to take time out of the time allowed for debate?
>
> THE CHAIRMAN: Of course, it comes out of the time.

§ 79.5 After time for debate has been fixed to a certain hour by motion, time for parliamentary inquiries, rereading of amendments, and the like, is taken from the time remaining, thus cutting the time for debate apportioned to Members who have not yet spoken.

On Jan. 23, 1962,[16] the Committee of the Whole had agreed to a motion that debate under the five-minute rule close at 5:30 p.m. on an amendment and amendments thereto. Mr. Charles McC. Mathias, Jr., of Maryland, offered an amendment and was recognized. Mr. Hale Boggs, of Louisiana, then made a unanimous-consent request and Chairman Charles M. Price, of Illinois, answered a parliamentary inquiry on the consumption of time under the limitation:

> MR. BOGGS: Mr. Chairman, I ask unanimous consent that the amendment may be reread by the Clerk.
>
> MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, reserving the right to object is this coming out of the gentleman's time?
>
> THE CHAIRMAN: It is coming out of the time allotted for general debate which closes at 5:30 p.m. There will be a loss of time to succeeding Members.
>
> Is there objection to the request of the gentleman from Louisiana?
>
> MR. GROSS: Yes; I object.
>
> THE CHAIRMAN: The gentleman from Maryland is recognized.

§ 79.6 In response to a parliamentary inquiry, the Chair indicated that a limitation of time for debate on a bill and all amendments thereto at a time certain

15. 96 CONG. REC. 2240–46, 81st Cong. 2d Sess.

16. 108 CONG. REC. 769, 773, 774, 87th Cong. 2d Sess.

would preclude any debate thereafter except on amendments printed in the Record, while time consumed by votes and quorum calls is not counted where the limitation is on the number of minutes of debate and not by the clock.

During consideration of H.R. 6096, the Vietnam Humanitarian and Evacuation Assistance Act, in the Committee of the Whole on Apr. 23, 1975,[17] the proceedings relative to limiting debate were as follows:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: . . . It is my intention at this time to seek a time limit on the debate if I can obtain the permission of the House.

Mr. Chairman, I move that the debate on the bill and all amendments thereto be concluded at 11:30.

MR. [PAUL S.] SARBANES [of Maryland]: Mr. Chairman, will the gentleman yield for a question?

THE CHAIRMAN:[18] This motion is not a debatable question. . . .

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. ECKHARDT: Mr. Chairman, do I understand correctly that when such a motion is passed setting a time certain for conclusion of the debate, that regardless of the situation which may exist in the House debate is absolutely cut off and amendments must proceed without presentation of any argument, whereas if a time is provided as for instance an hour and a half, then when the Chair establishes time for each Member, that time is not cut off at any specific hour?

THE CHAIRMAN: The gentleman has stated the case properly, with the exception that even under the pending motion those amendments which have previously been printed in the Record would get the time allotted to them under the basic House rules.

§ 79.7 Where all debate on a bill and all amendments thereto has been limited to a time certain, time consumed by votes comes out of the time remaining for debate.

On Dec. 17, 1975,[19] an example of the principle stated above was demonstrated in the Committee of the Whole during consideration of the Regional Rail Reorganization Act amendments (H.R. 10979). The proceedings were as follows:

MR. [FRED B.] ROONEY [of Pennsylvania]: Mr. Chairman, I move that all debate on the bill and all amendments thereto conclude at 5 o'clock.

THE CHAIRMAN:[20] The question is on the motion offered by the gentleman from Pennsylvania (Mr. Rooney).

17. 121 CONG. REC. 11534, 94th Cong. 1st Sess.

18. Otis G. Pike (N.Y.).

19. 121 CONG. REC. 41386, 41389, 94th Cong. 1st Sess.

20. Gerry E. Studds (Mass.).

The question was taken; and on a division (demanded by Mr. Skubitz) there were—ayes 61, noes 37.

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 258, noes 161, answered "present" 1, not voting 14, as follows: . . .

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. PEYSER: Mr. Chairman, does the time of the vote go against the 5 o'clock deadline?

THE CHAIRMAN: The Chair will state that it does, yes.

MR. PEYSER: In other words, Mr. Chairman, if we have another vote we would then cut 15 more minutes out of that time?

THE CHAIRMAN: The gentleman is correct, yes.

§ 79.8 A limitation of debate to a time certain terminates all debate at that time notwithstanding reallocations of allotted time which remain unused when debate expires.

During consideration of the Vocational Educational Act amendments (H.R. 12835) in the Committee of the Whole on May 11, 1976,[1] a motion to limit debate was offered as follows:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I move that all debate on title III and all amendments thereto close at 4:50 p.m.

The motion was agreed to. . . .

THE CHAIRMAN:[2] All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. Conlan).

MR. [JOHN B.] CONLAN [of Arizona]: Mr. Chairman, I have time. Five minutes were allowed.

THE CHAIRMAN: The time was set certain and, unfortunately, the time has expired.

—*Argument on Point of Order*

§ 79.9 Where debate under the five-minute rule has been limited to a time certain, debate consumed for argument on a point of order comes out of all the time under the limitation (and not only out of the time of the Member whose amendment was the subject of the point of order), and reduces the time allotted to each Member who had indicated a desire to speak under the limitation.

On Apr. 26, 1978,[3] during consideration of H.R. 8494, the Public Disclosure of Lobbying Act of

1. 122 CONG. REC. 13416, 13427, 94th Cong. 2d Sess.

2. B. F. Sisk (Calif.).

3. 124 CONG. REC. 11641–43, 95th Cong. 2d Sess.

1978, a limitation on debate was agreed to:

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I move that all debate on this bill and all amendments thereto be terminated at the hour of 7:30 o'clock p.m. tonight.

[The motion was agreed to.]

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gary A. Myers: Page 39, insert the following after line 7:

(8) If any lobbying communication was made on the floor of the House of Representatives or adjoining rooms thereof, or on the floor of the Senate or adjoining rooms thereof, a statement that such lobbying communication was made. . . .

MR. DANIELSON: Mr. Chairman, I make the point of order that this amendment is not germane to the bill. The bill calls for disclosure of lobbying activities under the terms of expenditure and the like, and related lobbying activities as to influencing the conduct and disposition of legislation. This has to do with activities within the Capitol Building and is not necessarily within the purview of the bill. . . .

MR. GARY A. MYERS: Mr. Chairman, I would like to point out that the amendment is more narrowly drafted than the amendment which I offered last year. It only requires an item of disclosure by those individuals who otherwise would have to be reporting. . . . In last year's amendment there was a point of order raised about the invasion of the House rules. It would seem to me that article I, section 5 of the Constitution clearly states that:

. . . each House may determine the rules of its proceedings.

Numerous precedents have held that the power to make rules is not impaired by rules of previous Congresses or by laws passed by previous Congresses. So that this amendment in no way adds to or impairs the rules of the House. . . .

THE CHAIRMAN:[4] The Chair will notify the members of the committee that time taken from the allotted time for the discussion of the point of order was not allotted to the gentleman from Pennsylvania but will come out of the general time and will reduce everyone's time to 5 minutes each.

Are there further amendments?

Running of Time Under Fixed-period Limitation

§ 79.10 Where the Committee of the Whole limits debate under the five-minute rule to a fixed period of debate time, time consumed by voting is not counted against this limitation.

On Feb. 10, 1964,[5] Mr. Emanuel Celler, of New York, propounded a unanimous-consent request that all debate on the pending title and amendments thereto conclude in two hours. Chairman

4. Lloyd Meeds (Wash.).

5. 110 CONG. REC. 2705, 2706, 88th Cong. 2d Sess.

Eugene J. Keogh, of New York, answered a parliamentary inquiry on the effect of interruptions on such a limitation:

MR. [CHARLES A.] HALLECK [of Indiana]: If the limit is 2 hours, would that 2 hours include teller votes or division votes, or matters of that sort, or would it be actually 2 hours of debate.

THE CHAIRMAN: If the unanimous-consent agreement is that there be 2 hours' debate, division votes would not be taken out of the 2 hours.

§ 79.11 Where debate has been limited "to 30 minutes," time is counted only during debate, not during quorum calls.

On Aug. 4, 1966,[6] Majority Leader Carl Albert, of Oklahoma, propounded a unanimous-consent request that debate on a pending motion to strike a title of a bill be limited to 30 minutes. Chairman Richard Bolling, of Missouri, answered a parliamentary inquiry on the effect of a quorum call on time under the limitation:

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, is my understanding correct that the unanimous-consent request propounded by the distinguished majority leader would preclude a quorum call prior to the first order of business and the 30 minutes before the vote?

THE CHAIRMAN: The Chair will reply to the gentleman that if there is no quorum present any Member at any time can make a point of order. In other words, it will not preclude a quorum call.

MR. HALL: A further parliamentary inquiry, Mr. Chairman. Would that time come out of the 30 minutes allotted for debate?

THE CHAIRMAN: It would not.

§ 79.12 Time consumed by a quorum call does not come out of a limitation of time for debate on a pending amendment and all amendments thereto where that limitation specifies minutes of debate rather than a time certain by the clock.

On Nov. 9, 1971,[7] Chairman William L. Hungate, of Missouri, answered a parliamentary inquiry on whether time for a quorum call would come out of the time for debate under a limitation:

MR. [WILLIAM R.] POAGE [of Texas]: Mr. Chairman, I move that all debate on the Dow amendment in the nature of a substitute, the Kyl substitute amendment, and all amendments thereto close in 20 minutes.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Texas (Mr. Poage).

The motion was agreed to.

MR. [JOHN G.] DOW [of New York]: Mr. Chairman, I make the point of order that a quorum is not present.

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6. 112 CONG. REC. 18207, 89th Cong. 2d Sess.

7. 117 CONG. REC. 40060, 40061, 92d Cong. 1st Sess.

THE CHAIRMAN: The Chair will count.

MR. DOW: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. DOW: Mr. Chairman, if there is a rollcall will this come out of the time limitation?

THE CHAIRMAN: The Chair will state in response to the inquiry of the gentleman from New York (Mr. Dow) that the motion that was agreed to, that was offered by the gentleman from Texas (Mr. Poage) was for 20 minutes of debate, and the Chair will advise the gentleman from New York that there will be 20 minutes allotted for debate.

§ 79.13 In answer to a parliamentary inquiry, the Chair indicated that when debate is limited to "60 minutes," the time consumed for purposes other than debate is not counted as part of the time.

On May 26, 1966,[8] Mr. Adam C. Powell, of New York, made a unanimous-consent request that debate on a pending amendment be limited to "60 minutes." Mr. Charles A. Halleck, of Indiana, propounded a parliamentary inquiry whether that limitation would be a specific number of minutes or to a given time on the clock. Chairman Charles M. Price, of Illinois, responded that the language of the limitation meant one hour of debate (to exclude time for purposes other than debate).

When a quorum call was had during the limitation, the time consumed thereby was not taken out of the remaining time for debate.[9]

§ 79.14 Where time for debate is limited without reference to a time certain, the time consumed by the reading of amendments is not taken from that remaining for debate.

On Oct. 3, 1969,[10] the Committee of the Whole agreed to a motion by Mr. L. Mendel Rivers, of South Carolina, that all debate on a title and amendments thereto close in 15 minutes. Under the limitation, Mr. John B. Anderson, of Illinois, offered a perfecting amendment to the title, and it was read by the Clerk. During the reading, Mr. Harold R. Collier, of Illinois, inquired whether the reading of the amendment was charged against the time under the limitation. Chairman Daniel D. Rostenkowski, of Illinois, responded that the time for the

8. 112 CONG. REC. 11608, 89th Cong. 2d Sess.

9. *Id.* at p. 11618.

10. 115 CONG. REC. 28459, 28460, 91st Cong. 1st Sess.

reading would not be charged against the limited time.

§ 79.15 Where the Committee of the Whole has agreed to a limitation for debate on a pending amendment and the limitation specified minutes of debate rather than a time certain, time consumed by votes does not come out of the time under the limitation.

On Sept. 28, 1976,[11] during consideration of H.R. 15 (the Public Disclosure of Lobbying Act of 1976), the Chair responded to parliamentary inquiries regarding a limitation on debate time, as indicated below:

> MR. [WALTER] FLOWERS [of Alabama]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute and all amendments thereto be limited to 30 minutes.
>
> THE CHAIRMAN:[12] The question is on the motion offered by the gentleman from Alabama (Mr. Flowers). . . .
>
> So the motion was agreed to.
>
> THE CHAIRMAN: Members standing at the time the motion was agreed to will each be recognized for a fraction over 2 minutes.
>
> MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. ASHBROOK: Mr. Chairman, the way the motion was stated, would the time for votes be taken out of the 30 minutes, or will there be 30 minutes of debate?
>
> THE CHAIRMAN: The Chair will state that the time consumed by votes would be excluded from the time allotted.
>
> MR. ASHBROOK: So, Mr. Chairman, the time for votes, if we would have votes, would not come out of the 30 minutes?
>
> THE CHAIRMAN: The gentleman is correct.

§ 79.16 When debate under the five-minute rule has been limited to a certain amount of time for debate, time is counted only during debate and not during quorum calls and recorded votes, unless otherwise stipulated in the request to limit debate.

During consideration of the Outer Continental Shelf Lands Act (H.R. 1614) in the Committee of the Whole on Feb. 1, 1978,[13] the following exchange occurred:

> MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I will revise the unanimous-consent request.
>
> Mr. Chairman, I ask unanimous consent that when we convene tomorrow, all debate on H.R. 1614 and all amendments and substitutes thereto end after 3 hours of debate.

11. 122 CONG. REC. 33081, 33082, 94th Cong. 2d Sess.

12. Richard Bolling (Mo.).

13. 124 CONG. REC. 1827, 1828, 95th Cong. 2d Sess.

THE CHAIRMAN:[14] Is there objection to the request of the gentleman from New York?

MR. [WILLIAM A.] STEIGER [of Wisconsin]: Mr. Chairman, reserving the right to object, may I inquire of the Chairman of the committee: Does that include quorum calls and rollcall votes?

MR. MURPHY of New York: Mr. Chairman, if the gentleman will yield, we did not set 3 o'clock tomorrow as the time to terminate the debate. We said we would have 3 hours of debate. . . .

THE CHAIRMAN: The Chair would like to make an inquiry of the gentleman from New York (Mr. Murphy).

Assuming that the unanimous-consent request for 3 hours is approved, ordinarily the time for quorum calls and rollcall votes would not be deducted from the 3 hours of debate unless that is the intention of the gentleman from New York (Mr. Murphy). The unanimous-consent request for 3 hours would cover debate time only, and it would not take into consideration the time consumed for quorum calls and rollcall votes.

That would be the ordinary procedure, unless the gentleman from New York (Mr. Murphy) would like to stipulate that those be included in the 3 hours.

MR. MURPHY of New York: Mr. Chairman, I would like to stipulate in the unanimous-consent request that any time allocated to quorum calls or to rollcalls not be included in the 3 hours.

Time on Enacting Clause

§ 79.17 After debate on a bill and all amendments thereto had been limited to 10 minutes and five had been consumed, a preferential motion to strike the enacting clause consumed the remaining time and prevented recognition of a member of the committee handling the bill to speak against the pending amendment or against the motion to strike the enacting clause.

On Mar. 28, 1958,[15] the Committee of the Whole agreed to a motion, offered by Mr. George P. Miller, of California, the manager of the pending bill, that all debate on the bill and amendments thereto close in 10 minutes. After five minutes of debate following the limitation agreement, Mr. Clare E. Hoffman, of Michigan, offered the motion that the Committee of the Whole rise and report the bill to the House with the recommendation that the enacting clause be stricken. Chairman William H. Natcher, of Kentucky, stated in response to parliamentary inquiries that the time for the motion would come out of remaining time on the bill:

MR. HOFFMAN: If my motion is defeated can there be further debate on the pending amendment, since time for debate has been limited?

14. William H. Natcher (Ky.).

15. 104 CONG. REC. 5701, 5702, 85th Cong. 2d Sess.

THE CHAIRMAN: The Chair informs the gentleman that all debate will be concluded in 5 minutes.

MR. [ALBERT P.] MORANO [of Connecticut]: Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

THE CHAIRMAN: Does the gentleman yield for a parliamentary inquiry? It will come out of his time.

MR. HOFFMAN: Will the Chair inform me how much time I have?

THE CHAIRMAN: The gentleman has 4 minutes remaining.

MR. HOFFMAN: I yield 30 seconds to the gentleman from Connecticut.

MR. MORANO: As I understand, Mr. Chairman, the gentleman from Michigan moves to strike out the enacting clause.

THE CHAIRMAN: That is the pending motion.

MR. MORANO: Do the rules of the House not provide that there may be 5 minutes debate in opposition to strike the enacting clause?

THE CHAIRMAN: That would be the case ordinarily, but in this particular instance the Committee adopted a motion closing all debate on the bill in 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. Hoffman].

§ 79.18 The 10 minutes of debate on a motion to strike the enacting clause in the Committee of the Whole is not taken from the time fixed for debate on an amendment previously offered, where the time was not fixed by the clock.

On Apr. 28, 1953,[16] the Committee of the Whole agreed to limit debate on a pending amendment, the time thereto to expire after a fixed number of minutes (not to expire at a specified time on the clock). Mr. Clare E. Hoffman, of Michigan, offered the preferential motion to strike the enacting clause and debated it, as did a Member in opposition to the motion. After the 10 minutes on the motion expired, Chairman J. Harry McGregor, of Ohio, answered a parliamentary inquiry on the time left to debate the pending amendment:

MR. HOFFMAN of Michigan: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Hoffman of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken. . . .

[After 10 minutes debate on the motion.]

THE CHAIRMAN: The time of the gentleman from Missouri has expired. All time has expired.

MR. [HERMAN P.] EBERHARTER [of Pennsylvania]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. EBERHARTER: The time on the preferential motion offered by the gen-

16. 99 CONG. REC. 4125–28, 83d Cong. 1st Sess.

tleman from Michigan is not taken out of the time already allotted for debate on this subject?

THE CHAIRMAN: That is correct. All debate on the preferential motion has expired, but not all debate on the amendment offered by the gentleman from Texas.

§ 79.19 When time for debate on an amendment is limited to a time certain, the 10 minutes permitted for debate on a preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken comes out of the time remaining under the limitation and reduces the time which may be allocated to Members wishing to speak.

On May 6, 1970,[17] the Committee of the Whole agreed to a motion that all debate on a pending amendment and amendments thereto close at a time certain, 5 o'clock. During debate under the limitation, Mr. Thomas P. O'Neill, Jr., of Massachusetts, offered the preferential motion that the Committee rise and report back the bill with the recommendation that the enacting clause be stricken. Chairman Daniel D. Rostenkowski, of Illinois, stated in response to a parliamentary inquiry that regardless of the allocation by the Chair of time remaining under the limitation, the motion could be debated for 10 minutes, five in favor of and five against the motion.

The Chairman then answered a further parliamentary inquiry on the charging of the time on the motion to the time remaining under the limitation:

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LEGGETT: Mr. Chairman, considering the fact that a time limitation has now been set in relation to today at 5 o'clock, does the time of the debate on the motion that we have already heard, come out of the time on the amendments?

THE CHAIRMAN: The time will come out of the time of those who are participating in debate.

MR. LEGGETT: Mr. Chairman, a further parliamentary inquiry. If we choose to rise right now and come back tomorrow, then would there be any time limitation on debate?

THE CHAIRMAN: There would be no further debate.

The time was set at 5 o'clock.

The question is on the motion offered by the gentleman from Massachusetts (Mr. O'Neill).

The motion was rejected.

§ 79.20 When because of a limitation of debate on a para-

17. 116 CONG. REC. 14452, 91st Cong. 2d Sess.

graph or section a Member is unable to obtain time during the stage of amendments, he may offer a motion to strike out the enacting clause and thus secure time for debate, if he is opposed to the bill.

On Mar. 13, 1942,[18] the Committee of the Whole had agreed to limit debate on a paragraph of the pending bill and amendments thereto. When the time expired, Mr. Andrew J. May, of Kentucky, offered the motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken. He indicated he would withdraw the motion after it was discussed, or expect the House to vote it down. Chairman Robert Ramspeck, of Georgia, recognized Mr. May for five minutes.

Mr. Clarence Cannon, of Missouri, then made a point of order against recognition of Mr. May for that purpose, stating that the offering of the motion merely to secure time for debate should not abrogate the right of the Committee to close debate when it chose. The Chairman overruled the point of order.

When Mr. Clare E. Hoffman, of Michigan, made the point of order that Mr. May had not qualified to offer the motion by stating he was opposed to the bill, Mr. May assured the Chairman that he was opposed to the bill in its present form.[19]

§ 79.21 Where a bill has been amended subsequent to the rejection of a motion to strike out the enacting clause, a second such motion

18. 88 CONG. REC. 2439, 77th Cong. 2d Sess.

19. See also 91 CONG. REC. 5149, 79th Cong. 1st Sess., May 26, 1945; and 86 CONG. REC. 1883, 76th Cong. 3d Sess., Feb. 23, 1940. For argument opposing such use of the motion, see 88 CONG. REC. 2441, 2442, 77th Cong. 2d Sess., Mar. 13, 1942; and 86 CONG. REC. 2017–19, 76th Cong. 3d Sess., Feb. 26, 1940.

A Member offering the motion or opposing the motion may discuss the entire bill, the motion opening the bill up for discussion (see § 38, supra).

The Member making the motion, if challenged, must qualify by stating he is opposed to the bill (see 104 CONG. REC. 3443, 85th Cong. 2d Sess., Mar. 5, 1958), and to obtain recognition in opposition to the motion a Member must qualify by stating he is opposed to the motion (see 97 CONG. REC. 8539, 82d Cong. 1st Sess., July 20, 1951). When no member of the reporting committee seeks recognition in opposition to the motion, the Chair may recognize a Member from the opposite party of the Member making the motion (see 101 CONG. REC. 12997, 84th Cong. 1st Sess., Aug. 2, 1955).

is in order and is debatable notwithstanding a limitation of unexpired debate on the bill.

On May 9, 1947,[20] Mr. Clare E. Hoffman, of Michigan, offered a motion that the Committee of the Whole rise and report a bill to the House with the recommendation that the enacting clause be stricken, after a previous such motion had been offered before the bill had been amended, and after a limitation on debate had been agreed to. Chairman Francis H. Case, of South Dakota, overruled points of order against the motion:

MR. HOFFMAN: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

MR. [PETE] JARMAN [of Alabama]: Mr. Chairman, a point of order against the motion.

THE CHAIRMAN: The gentleman will state it.

MR. JARMAN: Mr. Chairman, that motion has already been made and was voted down once.

THE CHAIRMAN: There have been several amendments adopted on the bill, it has been changed since that motion was previously acted on. The Chair overrules the point of order.

MR. [JOHN M.] VORYS [of Ohio]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. VORYS: Mr. Chairman, debate is limited on the bill by action of the committee.

THE CHAIRMAN: The gentleman from Michigan has offered a preferential motion which is in order in spite of the agreement on closing debate.

§ 79.22 A preferential motion to strike the enacting clause is not debatable after all time for debate on the bill and amendments thereto has expired.

On July 9, 1965,[1] while the Committee of the Whole was considering the Voting Rights Act of 1965, H.R. 6400, Chairman Richard Bolling, of Missouri, ruled that a motion to strike the enacting clause was not debatable, all time having expired on the bill and amendments thereto:

THE CHAIRMAN: All time has expired.

MR. GERALD R. FORD [of Michigan]: Mr. Chairman, I was on the list, but the time has expired. I have a preferential motion.

THE CHAIRMAN: All debate is concluded even with a preferential motion. The agreement was that all debate would conclude at 7:20 p.m. The hour is now 7:20 p.m. There is no further time.

20. 93 CONG. REC. 4974, 80th Cong. 1st Sess.

1. 111 CONG. REC. 16280, 89th Cong. 1st Sess.

The question is on the committee amendment, as amended.

§ 79.23 A motion having been adopted in the Committee of the Whole to close debate instantly on a bill, a preferential motion that the Committee rise and report back to the House a recommendation that the enacting clause be stricken is not debatable.

On June 11, 1959,[2] Mr. Harold D. Cooley, of North Carolina, moved and the Committee of the Whole agreed to close all debate on the pending bill and on all amendments thereto. Chairman Joseph L. Evins, of Tennessee, then ruled that a preferential motion on the bill was not debatable since debate on the bill had been closed:

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: The Chair must inform the gentleman from Michigan that the motion is not debatable.

MR. HOFFMAN of Michigan: Is this a Senate bill?

THE CHAIRMAN: This is a House bill.

MR. HOFFMAN of Michigan: This is a Senate bill and the Chair holds that it is not debatable at this time?

THE CHAIRMAN: All debate on the bill has been ordered closed.

MR. HOFFMAN of Michigan: This is not on the bill. This is on a motion to strike out the enacting clause on the ground that the first amendment has been denied to the minority here, the right of free speech in debate, and this being the greatest deliberative body in the world and the accusation having been made the other day that the minority was intimidated, or the majority was being intimidated.

THE CHAIRMAN: The gentleman from Michigan is a very beloved and very distinguished and very able parliamentarian, but the majority have ruled and ordered that all debate is concluded at this time.

§ 79.24 Where all debate on a bill and all amendments thereto has been limited and there remains less than 10 minutes, a Member offering the preferential motion that the Committee rise and report with a recommendation to strike the enacting clause, is entitled to one-half of the time remaining and a Member in opposition to the motion is recognized for the other half.

On June 19, 1975,[3] during consideration of the Energy Conservation and Conversion Act of 1975 (H.R. 6860) in the Committee of the Whole, the following proceedings occurred:

MR. [AL] ULLMAN [of Oregon]: Mr. Chairman, I ask unanimous consent

2. 105 CONG. REC. 10560, 10561, 86th Cong. 1st Sess.

3. 121 CONG. REC. 19785–87, 94th Cong. 1st Sess.

that all debate on the bill and all amendments cease in 2 minutes.

THE CHAIRMAN:[4] Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE CHAIRMAN: Under the rule, the Chairman has the right at this time to recognize one Member on each side. The Chair will do that. All debate on the bill is limited to 2 minutes. The Chair would be unable to recognize 40 or 50 Members for 1 second or 2 seconds.

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Steiger of Wisconsin moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken. . . .

MR. [JOHN H.] ROUSSELOT [of California]: Why, on a motion which the gentleman from Wisconsin made, is he not allowed 5 minutes?

THE CHAIRMAN: The Chair would like to state to the gentleman from California that all debate on the bill and all amendments thereto is limited to two minutes. . . .

MR. ROUSSELOT: But he has 5 minutes on a preferential motion.

THE CHAIRMAN: All time has been fixed on the bill, and all amendments thereto, and the time was 2 minutes.

The Chair recognizes the gentleman from California (Mr. Phillip Burton) for 1 minute in opposition to the preferential motion.

§ 79.25 Despite a limitation of time for debate on the remaining portion of a bill and all amendments thereto to a time certain and the subsequent allocation of less than five minutes time to each Member seeking recognition, a full 10 minutes' debate, five for and five against, may still be demanded on a preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken.

During debate in the Committee of the Whole on an appropriation for public works for water and power development and energy research (H.R. 8122) on June 24, 1975,[5] the following proceedings occurred:

> MR. [JOE L.] EVINS of Tennessee: Mr. Chairman, I now move that all debate on the remaining portion of the bill and all amendments thereto conclude in 30 minutes.
>
> THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Tennessee (Mr. Evins). . . .
>
> So the motion was agreed to.
>
> THE CHAIRMAN: Members standing at the time the motion was made will be recognized for 40 seconds each. . . .
>
> MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:

4. William H. Natcher (Ky.).

5. 121 CONG. REC. 20618, 20619, 94th Cong. 1st Sess.

6. Richard H. Ichord (Mo.).

Mr. Conte moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN: The Chair recognizes the gentleman from Massachusetts (Mr. Conte) for 5 minutes. . . .

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Chairman, I rise in opposition to the preferential motion.

(By unanimous consent, Messrs. Perkins, James V. Stanton, Moakley, and Burke of Massachusetts yielded their time to Mr. Boland). . . .

THE CHAIRMAN: The time of the gentleman has expired.

The Chair will advise the gentleman from Massachusetts, Mr. Boland, that the Chair will now put the question on the preferential motion, and after that time the Chair will recognize the gentleman from Massachusetts (Mr. Boland) for the remainder of the time.

The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. Conte).

The preferential motion was rejected.

THE CHAIRMAN: The Chair now recognizes the gentleman from Massachusetts (Mr. Boland) for 2 additional minutes.

§ 79.26 The 10 minutes of debate otherwise permitted on a preferential motion to recommend that the enacting clause be stricken is not available where all time for debate under the five-minute rule on a bill and all amendments thereto has expired.

On Apr. 9, 1976,[7] during consideration of the military procurement authorization bill (H.R. 12438) in the Committee of the Whole, the following proceedings occurred:

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I ask unanimous consent that all debate on the remainder of the bill, title VII and all amendments thereto, close in 10 minutes.

THE CHAIRMAN PRO TEMPORE:[8] Is there objection to the request of the gentleman from Illinois?

There was no objection. . . .

THE CHAIRMAN PRO TEMPORE: All time for debate has expired. . . .

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Harkin moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause of H.R. 12438 be stricken.

THE CHAIRMAN PRO TEMPORE: The gentleman's motion is not debatable, in that all time has expired.

The question is on the preferential motion offered by the gentleman from Iowa (Mr. Harkin).

The preferential motion was rejected.

§ 79.27 When the Committee of the Whole has limited debate on the bill and all amend-

7. 122 CONG. REC. 10245, 10246, 10249, 94th Cong. 2d Sess.

8. John Brademas (Ind.).

ments thereto to a time certain, even a preferential motion to strike the enacting clause is not debatable if offered after the expiration of time for debate.

On Aug. 1, 1984,[9] during consideration of H.R. 6028 (Departments of Labor and Health, Education, and Welfare appropriations for fiscal 1985) in the Committee of the Whole, the following proceedings occurred:

THE CHAIRMAN:[10] All time has expired.

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Chairman, I have a preferential motion at the desk.

THE CHAIRMAN: The Clerk will state the motion.

The Chair will first advise the gentleman that it is not debatable at this point under the unanimous-consent agreement.

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

Is it not true that on behalf of this motion this Member would have 5 minutes?

THE CHAIRMAN: All debate on the bill and all amendments to the bill under the unanimous-consent agreement was to end at 1:30, unless amendments had been printed in the Record.

MR. DANNEMEYER: This is not an amendment.

THE CHAIRMAN: All debate on the bill ended at 1:30, under the unanimous-consent agreement.

MR. DANNEMEYER: Maybe this Member does not understand, but the preferential motion takes precedence over the time limitation that has been agreed to; does it not?

THE CHAIRMAN: It could be offered, but there will be no debate on the preferential motion.

MR. DANNEMEYER: This Member would have no time on behalf of it?

THE CHAIRMAN: The gentleman would not have any time under the unanimous-consent agreement.

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

The time limitation was on the bill itself; is that correct?

THE CHAIRMAN: The gentleman is correct.

MR. WALKER: The preferential motion deals with a specific motion before the House which would be my understanding, would permit the gentleman 5 minutes of time to debate his motion. That is the pattern that I have understood we have used before when time limitations have been declared. Is this a change of policy on the part of the Chair?

THE CHAIRMAN: The Chair will state that the precedents of the House are that when the time limit is on the entire bill, that includes all motions thereto.

MR. WALKER: So that the Chair is ruling that this motion is a part of the debate on the bill?

THE CHAIRMAN: That is correct.

Where Enacting Clause Debate Uses All Time Remaining

§ 79.28 A limitation of all debate time on a bill and all

9. 130 CONG. REC. 21869, 98th Cong. 2d Sess.

10. Don Fuqua (Fla.).

amendments thereto to a time certain does not preclude the offering of a preferential motion to rise with the recommendation that the enacting clause be stricken, nor debate thereon during time remaining under the limitation; and where the remaining time for debate on a bill and all amendments thereto is consumed by debate on a preferential motion, an amendment pending when the preferential motion was offered is voted on without further debate, if that amendment was not printed in the Record.

On Oct. 6, 1981,[11] during consideration of H.R. 4560 (Labor, Health and Human Services appropriations for fiscal year 1982) in the Committee of the Whole, the following proceedings occurred:

> MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude not later than 5 o'clock.
>
> THE CHAIRMAN:[12] Is there objection to the request of the gentleman from Kentucky?
>
> MR. [THEODORE S.] WEISS [of New York]: . . . I wonder if the distinguished gentleman from Kentucky (Mr. Natcher) would not agree that a 6 o'clock time frame would be more appropriate?
>
> MR. NATCHER: Mr. Chairman, I would accept the recommendation, and so move.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from Kentucky?
>
> There was no objection.
>
> THE CHAIRMAN: The time will be limited to 6 o'clock. . . .
>
> MR. [TRENT] LOTT [of Mississippi]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Lott moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .
>
> MR. WEISS: Mr. Chairman, at the time the gentleman from Kentucky (Mr. Natcher) requested unanimous consent that debate be terminated at 6 o'clock, we were given assurances that all the amendments that . . . any Member had to offer would be entertained. So I now raise the point of order that in fact the gentleman is proceeding out of the regular order that was agreed to.
>
> THE CHAIRMAN: The gentleman from Mississippi (Mr. Lott) has offered a preferential motion which is in order and not precluded by the unanimous-consent agreement, and under the unanimous-consent agreement, the gentleman from Mississippi is recognized for 2½ minutes. . . .
>
> MR. [JOSEPH M.] GAYDOS [of Pennsylvania]: Mr. Chairman, I make a point of order.

11. 127 CONG. REC. 23361, 23362, 23396, 23397, 97th Cong. 1st Sess.

12. Don Fuqua (Fla.).

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

MR. GAYDOS: Mr. Chairman, I am asking the Chair whether or not I have 5 minutes to respond to the amendment as offered by the gentleman from New Hampshire (Mr. Gregg).

THE CHAIRMAN: All time for debate on the bill and on the pending amendment has expired.

The question is on the amendment offered by the gentleman from New Hampshire (Mr. Gregg). . . .

So the amendment was rejected.

MR. [DONALD J.] PEASE [of Ohio]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: Is the gentleman's amendment printed in the Record?

MR. PEASE: It is, Mr. Chairman. It is amendment No. 1.

[Mr. Pease was subsequently recognized to debate the amendment.]

Parliamentarian's Note: During debate on the preferential motion, there was discussion of a prospective motion to recommit. For discussion of the distinction between a motion to recommit pending a vote on a motion to strike the enacting clause, and the motion to recommit pending final passage, see § 15, supra.

Applicability of Limitation to Particular Measures

§ 79.29 The closing of debate on a section of a bill and all amendments thereto does not apply to an amendment offered as a new section.

On June 30, 1939,[13] Chairman Jere Cooper, of Tennessee, ruled that the adoption of a motion to close debate on a section did not preclude offering a new section with debate thereon:

MR. [JAMES E.] VAN ZANDT [of Pennsylvania]: Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. Van Zandt: Page 9, line 14, insert:

"ARMING OF AMERICAN MERCHANT VESSELS PROHIBITED

"Sec. 9. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state, named in such proclamation, to be armed, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels."

MR. LUTHER A. JOHNSON [of Texas]: Mr. Chairman, I call the attention of the Chair to the fact that debate has expired on section 9 by unanimous consent.

THE CHAIRMAN: The Chair invites the attention of the gentleman to the fact that section 9 has been eliminated. This is a new section.

Similarly, Chairman Emanuel Celler, of New York, ruled as follows on Mar. 12, 1935:[14]

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13. 84 CONG. REC. 8500, 76th Cong. 1st Sess.

14. 79 CONG. REC. 3478, 74th Cong. 1st Sess. See also 78 CONG. REC. 9397,

MR. [HENRY] ELLENBOGEN [of Pennsylvania]: Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. Ellenbogen: Page 15, after line 15, insert a new section, as follows:

"Sec. 29. Any loan insured under the National Housing Act shall bear interest at a rate not to exceed 6 percent per annum, inclusive of all charges."

MR. ELLENBOGEN: Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

MR. [HENRY B.] STEAGALL [of Alabama]: Mr. Chairman, all debate has been closed.

THE CHAIRMAN: The Chair will say to the gentleman from Alabama that his request covered section 27 and all amendments thereto.

MR. STEAGALL: Mr. Chairman, a motion was made and carried, as I understood, closing debate on this section and all amendments thereto.

THE CHAIRMAN: The gentleman from Pennsylvania [Mr. Ellenbogen] has offered an amendment adding a new section, and is entitled to recognition for 5 minutes.

§ 79.30 Under a limitation of time for debate on a paragraph and all amendments thereto, a Member may not offer a second amendment until the pending amendment is disposed of.

73d Cong. 2d Sess., May 23, 1934; 75 CONG. REC. 4887, 72d Cong. 1st Sess., Feb. 27, 1932; and 72 CONG. REC. 7640, 71st Cong. 2d Sess., Apr. 24, 1930.

On June 29, 1959,[15] the Committee of the Whole agreed to a unanimous-consent request that debate on the pending paragraph and amendments thereto close in 15 minutes. Mr. Joel T. Broyhill, of Virginia, inquired when he could offer another amendment to the paragraph. Chairman Paul J. Kilday, of Texas, responded that he could so offer it after the pending amendment was disposed of.

§ 79.31 A limitation on debate under the five-minute rule in Committee of the Whole on a section of a bill and all amendments thereto does not affect debate on an amendment adding a new section to the bill.

On Aug. 1, 1979,[16] during consideration of the Emergency Energy Conservation Act of 1979 (S. 1030), the following proceedings occurred:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move that all debate on Section 3 and all amendments thereto end at 4 o'clock.

THE CHAIRMAN:[17] The question is on the motion offered by the gentleman from Michigan (Mr. Dingell). . . .

The vote was taken by electronic device, and there were—ayes 247, noes 164, not voting 23, as follows. . . .

15. 105 CONG. REC. 12122–24, 86th Cong. 1st Sess.

16. 125 CONG. REC. 21963, 21964, 21969, 96th Cong. 1st Sess.

17. Dante B. Fascell (Fla.).

Amendment offered by Mr. Tauke: Page 50, after line 2, insert the following new section: . . .

MR. [JOHN N.] ERLENBORN [of Illinois]: I have a point of order, Mr. Chairman.

I understood we were operating under a time limit.

THE CHAIRMAN: Will the gentleman restate his point of order?

MR. ERLENBORN: Mr. Chairman, the point of order is that I understood that the House voted a time limit.

THE CHAIRMAN: The Chair will state to the gentleman that the time limitation agreement involves debate on section 3. This is a new section.

Status of "Amendments at the Desk" Under Limitation

§ 79.32 Where all time for debate in Committee of the Whole on a bill and all amendments thereto is limited to a time certain, the Chair may in his discretion continue to recognize Members under the five-minute rule, rather than allocate the remaining time among all Members desiring to speak or between two Members, subject to subsequent limitations on time ordered by the Committee of the Whole on separate amendments when offered.

The following proceedings occurred in the Committee of the Whole during consideration of the military procurement authorization for fiscal 1983 (H.R. 6030) on July 29, 1982:[18]

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, we are now in our seventh day of the authorization bill. . . .

I therefore move that the debate on the bill and all amendments thereto conclude at 2 p.m. . . .

So the motion was agreed to. . . .

MR. PRICE: Mr. Chairman, I wonder if we could resolve this and compromise and make it 3 o'clock.

THE CHAIRMAN:[19] The gentleman from Illinois is asking unanimous consent that debate be concluded at 3 o'clock as opposed to 2 o'clock. Is there objection to the request of the gentleman from Illinois?

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, reserving the right to object, I do so to ask the Chairman whether or not, under the procedure that he is adopting here, we are going to have all amendments protected that have been at the desk and have been awaiting consideration. . . .

THE CHAIRMAN: The Chair expects that we will continue under the 5-minute rule, and all amendments are protected. . . .

MR. WALKER: . . . I am trying to find out how many of the amendments already at the desk are going to be permitted to be called here under the 2 o'clock or 3 o'clock time.

THE CHAIRMAN: The gentleman understands, though, that the Committee has every right to limit debate on any amendment which is pending? . . .

18. 128 CONG. REC. 18569, 18570, 97th Cong. 2d Sess.

19. Dan Rostenkowski (Ill.).

The Chair hears no objection. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Would it be in order to propose that the time between now and 3 o'clock be controlled one-half by the Chairman and one-half by the ranking minority Member?

THE CHAIRMAN: The Chair would make the observation that that would be very difficult with all the amendments which may be offered.

MR. STRATTON: Then in what way are Members who want to discuss various amendments protected on the opportunity to speak in favor or against them?

THE CHAIRMAN: The gentleman would be protected under the 5-minute rule unless there is a further limitation.

Parliamentarian's Note: Where a limitation on the entire bill is agreed to far in advance of the expiration of time (in the instant case 4 or 5 hours later) the Chair will normally proceed under the five-minute rule subject to subsequent limitations or allocations of time.

Pro Forma Amendments During Allocated Time

§ 79.33 By unanimous consent, debate under the five-minute rule on possible amendments to be offered by two designated Members (one as a substitute for the other) and on all amendments thereto was limited and equally divided between proponents and opponents prior to the offering of those amendments; and where debate has been so limited and allocated on amendments to the pending section of the bill, a Member may not obtain time by moving to strike out the last word unless there is no amendment pending (debate having been limited on amendments but not on the section).

During consideration of the Legal Services Corporation Act Amendments of 1981 (H.R. 3480) in the Committee of the Whole on June 18, 1981,[20] the following unanimous-consent requests resulted in a discussion, as indicated below:

MR. [ROBERT W.] KASTENMEIER [of Wisconsin] (during the reading): Mr. Chairman, I ask unanimous consent that section 11 be considered as read, printed in the Record, and open to amendment at any point.

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

There was no objection.

MR. KASTENMEIER: . . . I ask unanimous consent all debate on amendments to section 11 do not exceed more than 20 minutes, one-half to be con-

20. 127 CONG. REC. 12958, 12959, 97th Cong. 1st Sess.

1. Bruce F. Vento (Minn.).

trolled by the proponents of the amendment and one-half by the opponents of the amendment, excepting in the case of the so-called alien amendments to be offered by the gentleman from Texas (Mr. Kazen) and the gentleman from Florida (Mr. McCollum), in which case the debate on those amendments do not exceed 40 minutes, those amendments and all amendments thereto on the question of aliens.

THE CHAIRMAN PRO TEMPORE: A point of clarification from the standpoint of the Chair. Is the gentleman suggesting to limit debate on each amendment to section 11 and on any amendment thereto to 20 minutes, the time to be divided equally between the proponents and the opponents, and 40 minutes on the amendments being offered by the gentleman from Texas (Mr. Kazen) and the possible substitute therefor of the gentleman from Florida (Mr. McCollum) and all amendments thereto?

MR. KASTENMEIER: Yes. The request of 40 minutes pertains to both amendments, that is to say that they may be offered in tandem, but that the total amount of time allocated to the subject represented by those two amendments not exceed 40 minutes.

THE CHAIRMAN PRO TEMPORE: And all amendments thereto.

MR. KASTENMEIER: Yes. . . .

THE CHAIRMAN PRO TEMPORE: The Chair would point out to the Members that are discussing this, that the request addresses itself to each amendment and any amendment thereto, inclusive. . . .

The unanimous-consent request has been modified to 1 hour of debate on the amendment offered by the gentleman from Texas (Mr. Kazen) and the amendment offered by the gentleman from Florida (Mr. McCollum) and all amendments thereto, 1 hour.

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

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, reserving the right to object, I have a couple of questions.

Under the proposal would we be prevented from offering motions to strike the requisite number of words in order to engage in debate that might not be directly related to the amendment? . . .

MR. KASTENMEIER: I would have to ask the Chairman if that would entitle the speaker to time other than that allocated under this request.

THE CHAIRMAN PRO TEMPORE: If an amendment to section 11 were pending, under this request, a motion to strike the last word would not be in order, since time would be allocated. . . .

The unanimous-consent request does not go to the section itself, but only goes to substantive amendments if offered; so it would be possible, if there are no other amendments pending, at the right time, to be recognized as the Chair has permitted to strike the requisite number of words.

Limitation on Resolving Clause, Not on Preamble

§ 79.34 Where the text of a joint resolution (all after the resolving clause) is open to amendment at any point, a

motion to limit debate thereon and on all amendments thereto to a time certain: (1) does not include debate on amendments to the preamble, which has not been read for amendment; (2) does not include debate on an amendment in the nature of a substitute to be offered to the text and preamble at the end of the amendment process pursuant to a special rule; (3) cannot include separate allocations of time on amendments to amendments not yet offered (only by unanimous consent or separate motion when the amendments are pending); (4) would permit the Chair in his discretion to continue under the five-minute rule rather than allocate the lengthy amount of remaining time, with printed amendments guaranteed 10 minutes' debate at the expiration of time; and (5) would include time consumed by votes and quorum calls.

On Apr. 21, 1983,[2] during consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding a motion to limit debate:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the text of House Joint Resolution 13 and all amendments thereto close at 3:30 p.m.

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a parliamentary inquiry. . . .

Mr. Chairman, as I understand the motion of the gentleman from Wisconsin, all debate on House Joint Resolution 13 and all amendments thereto will end at 3:30 today?

MR. ZABLOCKI: Mr. Chairman, my motion only covers the resolving clause. It does not include the preamble, the whereas clauses, or the substitute if the gentleman intends to offer it.

MR. LEVITAS: . . . What would be the status of amendments printed in the Record with respect to the resolving clause, and, also, how would the time be allocated with respect to amendments pending between now and 3:30 p.m.?

THE CHAIRMAN:[3] The Chair will advise the gentleman from Georgia that, with respect to the amendments printed in the Record which have not been offered before 3:30, the proponents of the amendment would be entitled to offer those amendments after 3:30, and 5 minutes would be allotted for the proponent of the amendment and 5 minutes would be allocated to an opponent of the amendment.

With respect to the time between now and 3:30, if the motion offered by the gentleman from Wisconsin (Mr. Za-

2. 129 CONG. REC. 9347, 9348, 98th Cong. 1st Sess.

3. Matthew F. McHugh (N.Y.).

blocki) is agreed to, the Chair would have discretion as to how to allot the time.

MR. [TRENT] LOTT [of Mississippi]: Mr. Chairman, I have a parliamentary inquiry. . . .

I would like to inquire if it would be possible for the distinguished chairman of the Committee on Foreign Affairs to amend his motion, to put some amendment in there with regard to these perfecting amendments or the amendments to amendments that are being offered that wind up tying up a good portion of the time and in fact delaying the debate on the amendments that are the crucial amendments.

Could the gentleman offer a change in that or some suggestion?

THE CHAIRMAN: The Chair would advise the gentleman from Mississippi that that would not be appropriate in the form of a motion but only by a unanimous-consent request. . . .

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, my parliamentary inquiry is with regard to exactly what the motion offered by the gentleman from Wisconsin (Mr. Zablocki) covers.

The gentleman from Wisconsin indicated in language which I did not hear that it in fact excluded some clauses or some sections of the resolutions.

Would the Chair state what this motion includes and what it does not include, and I think we would be satisfied.

THE CHAIRMAN: The Chair will advise the gentleman from New Jersey that the gentleman from Wisconsin (Mr. Zablocki) has moved that debate on the resolving clause and all amendments thereto cease at 3:30. That would cover all amendments to the resolving clause except those that have been printed in the Record and which have not been offered prior to 3:30.

MR. COURTER: . . . Those amendments that we have proffered so far, the pending amendments, are they on the resolving clause?

THE CHAIRMAN: The amendments which are now being considered are amendments to the resolving clause.

MR. COURTER: So the result of the gentleman's motion is, basically, to cut off debate at 3:30 on any amendments that are not printed in the Record.

THE CHAIRMAN: With respect to the amendments to the resolving clause. That does not cover the amendments to the preamble or the substitute which the gentleman from Michigan may offer, which is protected by the rule. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, would the Chair define what amendments are to the resolving clause?

THE CHAIRMAN: Any amendments which relate to the resolving portion of the joint resolution.

MR. STRATTON: Suppose there is the addition of a section. Is that an amendment to the resolving clause?

THE CHAIRMAN: That would be an amendment to the resolving clause.

MR. STRATTON: Mr. Chairman, how does the Chair propose to allocate the time on individual amendments?

We have to know how many amendments are pending in order for this thing to become other than just a rat race where someone hardly has time to read the amendment, as I understand it.

THE CHAIRMAN: The Chair would intend, at least for a time, to proceed

under the 5-minute rule, in expectation that Members who have amendments to offer would do so in accordance with the 5-minute rule.

MR. [WILLIAM] CARNEY [of New York]: Mr. Chairman, I have a parliamentary inquiry. . . .

I would like to know if the Chair would consider the time necessary for rollcall votes would be taken out, or would that be part of the limitation to 3:30?

THE CHAIRMAN: Under the motion as offered, all time would cease at 3:30. So the time for rollcall votes would be covered by the 3:30 limitation.

Pro Forma Amendments After Closing of All Debate on Bill

§ 79.35 When debate on a bill is limited by unanimous consent prior to the reading thereof, and, after the time for debate expires, the remainder of the bill is read, pro forma amendments are not debatable.

On Sept. 12, 1968,[4] the Committee of the Whole agreed by unanimous consent to limit debate on a bill and amendments thereto before the bill had been completely read.

When the limitation expired, Chairman Daniel D. Rostenkowski, of Illinois, directed the Clerk to read the remainder of the bill. Mr. John E. Moss, Jr., of California, sought recognition to move to strike the last word, and the Chairman ruled that he could not be recognized for that purpose, all debate having been concluded.

§ 79.36 Where a limitation on debate under the five-minute rule on an amendment and all amendments thereto has expired, no further debate is in order and a Member may not gain time for debate by offering a pro forma amendment "to strike the last word."

On Aug. 2, 1978,[5] the Committee of the Whole had under consideration the foreign aid authorization bill (H.R. 12514) when the following exchange occurred:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto end at 4 o'clock.

THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki).

The motion was agreed to. . . .

THE CHAIRMAN: For what purpose does the gentleman from California (Mr. Lagomarsino) rise?

MR. [ROBERT J.] LAGOMARSINO [of California]: Mr. Chairman, I move to strike the last word.

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4. 114 CONG. REC. 26574, 90th Cong. 2d Sess.

5. 124 CONG. REC. 23947, 23954, 95th Cong. 2d Sess.

6. Don Fuqua (Fla.).

THE CHAIRMAN: The Chair will inform the gentleman that no further debate is in order at this time.

Applicability of Limitation on Amendment and Amendments Thereto

§ 79.37 A motion to close all debate on a pending amendment and amendments thereto includes all amendments to the pending amendment not yet offered or at the desk.

On Aug. 13, 1959,[7] Chairman Francis E. Walter, of Pennsylvania, answered a parliamentary inquiry on the application of a motion to close debate on an amendment and amendments thereto:

MR. [GRAHAM A.] BARDEN [of North Carolina]: Mr. Chairman, I move that all debate on the amendment and all amendments thereto close at 4 o'clock. . . .

MR. [EDWIN E.] WILLIS [of Louisiana]: My parliamentary inquiry is this: Would the suggested time of closure of debate on all pending amendments—I seek an interpretation of "all pending amendments." Does that include amendments on the desk?

MR. BARDEN: Pending amendment and all amendments thereto.

THE CHAIRMAN: The Chair may say that the pending amendment is the Landrum-Griffin bill. Amendments thereto are the amendments that are on the desk which have not yet been offered.

MR. [JOHN] TABER [of New York]: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. TABER: And that would include any other amendments which may hereafter be offered?

THE CHAIRMAN: That would include all amendments.

§ 79.38 Where the Committee of the Whole limits debate on a substitute and all amendments thereto, such limitation does not apply to amendments which may be offered to the original amendment.

On Sept. 29, 1965,[8] Mr. B. F. Sisk, of California, propounded a unanimous-consent request to limit five-minute debate to a certain time on a substitute amendment and amendments thereto, offered to an amendment in the nature of a substitute for the pending bill. Chairman Eugene J. Keogh, of New York, stated in response to a parliamentary inquiry that if perfecting amendments to the amendment in the nature of a substitute were offered, such amendments would not be subject to the limitation:

THE CHAIRMAN: The House is in Committee of the Whole House on the

7. 105 CONG. REC. 15850, 86th Cong. 1st Sess.

8. 111 CONG. REC. 25426, 89th Cong. 1st Sess.

State of the Union for the further consideration of the bill H.R. 4644.

When the Committee rose there was pending a substitute amendment offered by the gentleman from California [Mr. Sisk] for the amendment in the nature of a substitute offered by the gentleman from New York [Mr. Multer].

MR. SISK: Mr. Chairman, I rise to make a unanimous-consent request.

Mr. Chairman, in order to expedite the business of the House—and after some 3 days of debate it seems to me the time has come to move along—I ask unanimous consent that all debate on the Sisk amendment and all amendments thereto close in 20 minutes. It is my understanding that there is one amendment at the desk to be offered by the gentleman from Pennsylvania [Mr. Craley] and as part of my unanimous-consent request, I ask unanimous consent that 3 minutes of that time be reserved to the gentleman from Pennsylvania [Mr. Craley]. . . .

MR. [ABRAHAM J.] MULTER: Mr. Chairman, there is an amendment to be offered to the Multer amendment. Would that come out of the time reserved for the closing of debate on the Sisk amendment, if that is offered—in other words, if someone offers an amendment to the Multer amendment?

THE CHAIRMAN: The Chair will state to the gentleman from New York that as the Chair understood the request of the gentleman from California, it was that all debate on the Sisk substitute and all amendments thereto close in 20 minutes and that, therefore, would not preclude the offering of any amendments to the amendment offered by the gentleman from New York.

§ 79.39 A limitation of debate on a pending amendment and all amendments thereto does not, following the disposition of the amendment, proscribe offering and debating further amendments to the pending section of a bill.

On May 4, 1966,[9] Mr. John E. Fogarty, of Rhode Island, propounded a unanimous-consent request that debate under the five-minute rule be limited on the pending amendment and all amendments thereto. In response to a parliamentary inquiry by Mr. Frank T. Bow, of Ohio, who intended to offer an amendment to the pending section should the pending amendment thereto fail, Chairman Frank Thompson, Jr., of New Jersey, stated that the limitation applied only to the pending amendment and amendments thereto and did not preclude offering and debating further amendments to the pending section.

§ 79.40 A substitute offered to a pending committee amendment is considered an amendment for the purpose of a debate limitation imposed on the pending amendment and all amendments thereto.

9. 112 CONG. REC. 9829, 9830, 89th Cong. 2d Sess.

On Aug. 5, 1970,[10] Chairman Pro Tempore Neal Smith, of Iowa, answered a parliamentary inquiry on the effect of a limitation on debate:

MR. [WILLIAM R.] POAGE [of Texas]: Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close at 4 o'clock.

THE CHAIRMAN PRO TEMPORE: The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Chairman, a parliamentary inquiry.

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

MR. WAGGONNER: Do I correctly understand that we are closing debate at 4 o'clock on the Lowenstein amendment?

THE CHAIRMAN PRO TEMPORE: On all amendments pending.

MR. WAGGONNER: Mr. Chairman, was not the Findley motion offered as a substitute, rather than an amendment?

THE CHAIRMAN PRO TEMPORE: It was a substitute amendment.

MR. WAGGONNER: Then debate will not close at 4 o'clock, will it?

THE CHAIRMAN PRO TEMPORE: There is a committee amendment pending. The limitation of debate applies to the committee amendment and all amendments thereto, including the substitute and amendment thereto.

§ 79.41 Where there was pending an amendment proposing to strike out an entire section of text and insert new language, and a substitute for that amendment, the Chair indicated in response to a series of parliamentary inquiries that: (1) termination of debate on the pending amendment and all amendments thereto at a time certain would preclude further debate on amendments offered to the amendment or substitute but not printed in that form in the Record pursuant to Rule XXIII clause 6; (2) rejection of the amendment as amended would permit further amendments to the pending section and debate thereon; (3) adoption of an amendment changing the entire section would preclude further amendment to that section—and amendments printed in the Record could not be offered to that section.

During consideration of the Surface Mining Control and Reclamation Act of 1974[11] in the Committee of the Whole on July 22, 1974,[12] the Chair responded to

10. 116 CONG. REC. 27466, 91st Cong. 2d Sess.

11. H.R. 11500.

12. 120 CONG. REC. 24459, 24460, 93d Cong. 2d Sess.

several parliamentary inquiries, as indicated below:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I move that all debate on the pending Hosmer amendment and the Mink substitute for that amendment and all perfecting amendments to either close at 40 minutes past 4 o'clock.

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[13] The gentleman will state his parliamentary inquiry.

MR. HOSMER: Mr. Chairman, does that mean all these gentlemen who have any amendments that pertain to section 201 either by way of amendment to the Mink substitute or by way of amendment to my substitute or by way of amendment to the language in the bill itself are preemptorily cut off in 40 minutes?

THE CHAIRMAN: As far as further amendments to section 201 of the committee bill is concerned, that depends on the committee's disposition of the Hosmer amendment. . . .

MR. [KEN] HECHLER of West Virginia: Supposing there are several votes in the process that we discovered the other day, this would effectively cut off all debate, such as we had three rollcalls or quorum calls.

THE CHAIRMAN: The time will be set by the clock. The Chair thinks the motion is clear. . . .

MR. [WILLIAM M.] KETCHUM [of California]: What effect would this motion have on those individuals who under the rules or who have published their amendments in the Record, is that going to close them off? . . .

THE CHAIRMAN: That depends on the form of the amendment printed in the Record and on the disposition of the substitute amendment of the gentlewoman from Hawaii (Mrs. Mink) and the amendment offered by the gentleman from California (Mr. Hosmer). . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, reserving the right to object for the purpose of making a parliamentary inquiry, as I understand there are a number of us who do have amendments to the bill itself or which are appropriate to the substitute amendment offered by the gentlewoman from Hawaii or the gentleman from California.

Now, what is the ruling of the Chair with regard to the limitation of time on section 201? Are those amendments published in the Record foreclosed from the 5-minute rule by reason of the debate here, or foreclosed by expiration of the time under the clock, if the time does expire from even offering an amendment?

THE CHAIRMAN: If section 201 of the bill is later open to amendment due to adverse disposition of the Mink substitute and the Hosmer amendment, then those rights would obtain; but those rights would be foreclosed if no further amendments to section 201 were in order. . . .

MR. DINGELL: I am of the impression that what the Chair is saying is that if the Mink amendment is adopted or if the Hosmer amendment is adopted that Members will not be protected by the provisions of the rule affording them 5 minutes to discuss or offer amendments, even if they are published in the Record in compliance with the rule?

13. Neal Smith (Iowa).

THE CHAIRMAN: If further amendments to section 201 are not in order, then amendments cannot be submitted under which 5 minutes would otherwise be allowed. . . .

MR. DINGELL: The provisions of the rule relating to 5 minutes of time for a Member where he has published his amendment in the Record in appropriate fashion will not be protected if either the Mink amendment or the amendment to the amendment of Mr. Hosmer is adopted; am I correct?

THE CHAIRMAN: If the substitute is adopted to the Hosmer amendment and then the Hosmer amendment as amended by the substitute is adopted, further amendments to section 201 could not be offered. Therefore, there would be no further amendments appropriate. . . .

MR. DINGELL: Then I understand the ruling to be further that the rule relating to a Member getting 5 minutes on an amendment does not apply to the substitute offered by the gentlewoman from Hawaii (Mrs. Mink) or the gentleman from California (Mr. Hosmer), even previous to the time that those amendments are adopted, am I correct?

THE CHAIRMAN: That would be true if they were not printed in the Record as amendments to the substitute. . . .

MR. HOSMER: Does that mean if either amendment, the Hosmer or the Mink substitute, is adopted, that is it as far as section 201 is concerned, even if somebody had placed his amendment?

THE CHAIRMAN: If the Hosmer amendment is not adopted as amended by the Mink substitute, then further amendments to section 201 will be in order. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, is it not true that if, under the gentleman's motion, an amendment—I am now giving a hypothetical situation—the Mink substitute for that portion of the Hosmer amendment were to prevail, and the Hosmer amendment would be defeated, is it not true that the rest of that section which the Mink substitute does not pertain to would be proper to amend at any point?

THE CHAIRMAN: If the entire section has been amended, further amendments to that section would not be in order.

MR. HAYS: Not if the Hosmer substitute were defeated, it would not be true, would it? Just to section 201?

THE CHAIRMAN: If the Mink substitute is adopted, the vote would then recur on the Hosmer amendment since it is a substitute for the entire amendment. If the Hosmer amendment were then adopted, section 201 would not be open to amendment.

MR. HAYS: Yes, section 201 only. Not all of title II?

THE CHAIRMAN: Not the rest of title II; just section 201.

§ 79.42 A limitation of debate under the five-minute rule on a pending amendment and all amendments thereto includes debate on any substitute for the amendment that might subsequently be offered.

During consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee

of the Whole on Apr. 21, 1983,[14] the following proceedings occurred:

THE CHAIRMAN:[15] When the Committee rose on Wednesday, April 20, 1983, pending was an amendment offered by the gentleman from New York (Mr. Carney) and an amendment to the amendment offered by the gentleman from New York (Mr. Solarz). Debate on the amendment offered by the gentleman from New York (Mr. Carney) and all amendments thereto had been limited to 10 minutes.

The Chair will recognize the gentleman from Wisconsin (Mr. Zablocki) and the gentleman from Michigan (Mr. Broomfield) for 5 minutes each. . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I have a substitute for the pending amendment, the pending amendment and the amendment thereto.

MR. [WILLIAM] CARNEY [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. CARNEY: Mr. Chairman, if the substitute is offered, I would like to know what that does to the standing agreement on the 5-minute debate between the gentleman from New York (Mr. Solarz) and myself.

THE CHAIRMAN: The Chair will state that the previously agreed to time will still apply with respect to the two pending amendments, including the amendment offered by the gentleman from New York.

MR. CARNEY: And will the substitute then be open to normal 5-minute rule procedures? . . .

THE CHAIRMAN: The substitute, if offered, will be subject to the same 10-minute limitation since the limitation was on the Carney amendment and all amendments thereto.

Chair's Distribution of Time

§ 79.43 Where the Committee of the Whole has agreed to close debate on a title of a bill and all amendments thereto to a time certain, the Chair endeavors to recognize as many Members as possible prior thereto, and after the time fixed has arrived will recognize Members only to offer amendments which will be voted on without debate.

On Feb. 10, 1964,[16] the Committee of the Whole agreed to a motion by Mr. Emanuel Celler, of New York, that debate on the pending title of a bill and amendments thereto close at 1 o'clock p.m. Chairman Eugene J. Keogh, of New York, answered a parliamentary inquiry on recognition under and after the expiration of the limitation:

MR. [RICHARD H.] POFF [of Virginia]: Mr. Chairman, will the gentleman from Mississippi yield for a parliamentary inquiry?

14. 129 CONG. REC. 9341, 98th Cong. 1st Sess.

15. Matthew F. McHugh (N.Y.).

16. 110 CONG. REC. 2706, 2719, 88th Cong. 2d Sess.

MR. [WILLIAM M.] COLMER [of Mississippi]: I yield, very briefly.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. POFF: Mr. Chairman, in light of the limitation on time may I inquire what amendments will be voted upon when the time expires? I have two amendments at the desk which I may or may not offer, depending upon developments. I would like to be advised whether I will be recognized to offer the amendments and if so when that time will occur.

THE CHAIRMAN: The Chair will state to the gentleman from Virginia that up to 1 o'clock the Chair will undertake to recognize such Members as he can. After 1 o'clock the Chair will recognize those Members desiring to offer amendments and the question on each amendment will be put immediately without debate.

MR. POFF: I thank the Chair.[17]

§ 79.44 Where the Committee of the Whole agrees to terminate debate on an amendment and all amendments thereto to a time certain, the Chair generally divides the time equally among Members who indicate a desire to speak and may decline to apportion the time solely among Members who have amendments.

On Jan. 23, 1962,[18] the Committee of the Whole agreed to a limitation of debate under the five-minute rule (on an amendment and amendments thereto). Mr. John M. Ashbrook, of Ohio, inquired whether the Chair would divide the remaining time among those Members having amendments to offer, and Chairman Charles M. Price, of Illinois, responded that the time would be equally divided among all Members desiring to speak.[19]

§ 79.45 While a limitation of debate in the Committee of the Whole on a pending amendment and on all amendments thereto normally abrogates the five-minute rule, the Chair may, in his discretion, announce his intention to recognize each Member offering an amendment for five minutes where it is apparent that all Members who might offer amendments are not in the Chamber at the time the limitation is imposed.

17. A Member who has previously debated an amendment may speak again under a limitation thereon. See 113 CONG. REC. 17762, 90th Cong. 1st Sess., June 28, 1967; and 113 CONG. REC. 15903, 90th Cong. 1st Sess., June 15, 1967.

18. 108 CONG. REC. 769, 773, 774, 87th Cong. 2d Sess.

19. But see § 79.49, infra (Chair may in his discretion recognize only Members with amendments and others opposed thereto).

On Dec. 14, 1973,[20] Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that where there was pending an amendment in the nature of a substitute for a bill, a motion to close all debate on that amendment and all amendments thereto at a time certain would be in order.

The Chairman answered a further parliamentary inquiry on recognition by the Chair should five-minute debate be limited:

> MR. [JAMES T.] BROYHILL of North Carolina: Mr. Chairman, my parliamentary inquiry is this: If the time is limited, would only those Members who are presently standing and would be listed—would they be the only Members who could be recognized either to propose an amendment or to oppose an amendment?
>
> THE CHAIRMAN: The Chair will state any motion that the Chair can conceive of would involve enough time so that the Chair would feel that he could reserve that right to recognize Members under the 5-minute rule.
>
> The Chair will explain that if needed.
>
> The gentleman is talking about limiting debate on the amendment in the nature of a substitute, and all amendments thereto?
>
> MR. BROYHILL of North Carolina: That is correct, Mr. Chairman.
>
> THE CHAIRMAN: The Chairman would presume that there will be a substantial block of amendments, and the Chair would feel that the Chair should not fail to protect the Members who are not in the Chamber at the moment who might have amendments that they sought to offer.[1]

20. 119 CONG. REC. 41712, 93d Cong. 1st Sess.

§ 79.46 Where the Committee of the Whole fixed debate at an hour and a half, the Chair did not note the names of the Members seeking recognition and divide the time at less than five minutes each, as is the practice when a shorter period is fixed.

On Feb. 22, 1950,[2] Mr. John W. McCormack, of Massachusetts, moved that debate close on pending amendments at 2:30 a.m. and the Committee of the Whole agreed thereto. Chairman Francis E. Walter, of Pennsylvania, then answered a parliamentary inquiry on division of the time:

> MR. [JACOB K.] JAVITS [of New York]: Mr. Chairman, is the Chair dis-

1. See also 111 CONG. REC. 17961, 89th Cong. 1st Sess., July 22, 1965 (where all debate on a section and all amendments thereto has been limited, the Chair generally divides the time equally among those seeking recognition; but if there has been no agreement as to the division of time, the Chair may recognize each Member who seeks recognition for the full five minutes to which he is entitled under the rule, until the time has expired).

2. 96 CONG. REC. 2240–46, 81st Cong. 2d Sess.

posed to divide the time in view of the fact that it has been limited, and to announce the Members who will be recognized?

THE CHAIRMAN: In view of the fact that one hour and a half remains for debate, and since it was impossible for the Chair to determine the number of Members who were on their feet, I believe it is advisable to follow the strict rule [five minutes for each Member recognized].

§ 79.47 After time for debate under the five-minute rule has been fixed by motion, and the Chair announces the list of Members to be recognized, the Chair does not recognize in his own right a Member not on the list.

On Jan. 23, 1962,[3] the Committee of the Whole agreed to limit debate under the five-minute rule to a certain hour. Chairman Charles M. Price, of Illinois, noted the names of the Members who wished to be recognized under the limitation and announced the list of those Members. He then answered a parliamentary inquiry on recognition under the limitation:

MR. [BEN F.] JENSEN [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JENSEN: How much time will be allowed in support of this amendment?

THE CHAIRMAN: The time has been allocated under the motion to limit debate.

MR. JENSEN: Will I have any time in support of the amendment?

THE CHAIRMAN: Not unless the gentleman's name is on the list.[4]

§ 79.48 Where the Committee of the Whole fixes the time for debate on a substitute amendment, the Chair in counting those seeking recognition may in his discretion and without objection allot a portion of the time to the committee reporting the bill.

On Feb. 8, 1950,[5] the Committee of the Whole fixed time for debate on amendments to a committee substitute. Chairman Chet Holifield, of California, then stated, in response to a parliamentary inquiry, that the Chair could recognize the same committee member in opposition to each amendment offered where no other mem-

3. 108 CONG. REC. 769, 774, 87th Cong. 2d Sess.

4. See also 114 CONG. REC. 19757, 19914, 90th Cong. 2d Sess., July 2 and 3, 1968 (after the Committee of the Whole agrees to a limitation of time for debate on a bill and all amendments thereto, the Chair notes and announces the names of the Members who are standing to indicate their desire to be recognized and then allots equal time to each).

5. 96 CONG. REC. 1691, 81st Cong. 2d Sess.

ber of the committee sought such recognition:

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

THE CHAIRMAN: The gentleman will state it.

MR. CASE of South Dakota: Under what precedent or ruling is the Chair recognizing a certain member of the committee for 1 minute in opposition to each amendment being offered? That was not included in the motion. Had it been included in the motion, it would have been subject to a point of order.

THE CHAIRMAN: The Chair is trying to be fair in the conduct of the committee, and the only gentleman that has arisen on the opposite side has been the gentleman from Tennessee [Mr. Murray]. There was no point of order raised at the time that I announced that I would recognize the committee for 1 minute in rebuttal to each amendment.

MR. CASE of South Dakota: But the gentleman from South Dakota got up at the time the Chair proposed to recognize the gentleman from Tennessee a second time. Obviously, when the committee avails itself of the opportunity to make a motion to limit debate it, in a sense, is closing debate, and unless it does seek to limit time and is successful in so doing, in principle it forfeits that courtesy. The Members who have proposed amendments here have been waiting all afternoon to be heard, and if the committee adopted the procedure of seeking to close debate on 20 minutes' notice, with 10 amendments pending, it would seem as a matter of courtesy that the committee should restrain itself to one member of the committee who might have been on his feet, but to recognize one gentleman a succession of times seems entirely out of keeping with the spirit of closing debate.

THE CHAIRMAN: The Chairman, in the list of names, also read the name of the committee. If the Chair was so inclined, the Chair could recognize two Members for 5 minutes each on amendments, on each side, and that would preclude the others from having any voice in the amendments that are pending, or in the debate.

MR. CASE of South Dakota: That, of course, is true, the Chair could do that. But, ordinarily, under the precedents always followed in the House, when time is closed on amendments, the time is divided among those who are seeking to offer amendments, and unless the motion specifically reserves time to the committee, it has been the precedent to divide the time among those who are seeking to offer amendments.

THE CHAIRMAN: The Chair feels that the committee is entitled to a rebuttal on any amendment that is offered, and has so announced, and there was no point of order made at the time. The Chair sustains its present position.

§ 79.49 Where debate on a bill and all amendments thereto is limited to a time certain, the five-minute rule is abrogated, and the Chair may choose either to allocate the time among those Members standing and desiring to speak, or choose to recognize only Members wishing to

offer amendments and to oppose amendments.

On May 6, 1970,[6] the Committee of the Whole agreed to a motion, offered by Mr. L. Mendel Rivers, of South Carolina, that all debate on the pending bill and amendments thereto close at a certain hour. Chairman Daniel D. Rostenkowski, of Illinois, stated his intention to recognize under the time limitation Members offering and opposing amendments, rather than to divide time among all Members indicating their desire to speak:

> MR. [SAMUEL S.] STRATTON [of New York]: Under the limitation of debate imposed by the House, a moment ago, is there any restriction on those Members who will be permitted to speak on amendments, either for or against, between now and 7 o'clock?
>
> THE CHAIRMAN: The Chair will endeavor to divide the time equally among the proponents and the opponents of those who have amendments.

§ 79.50 Where debate on an amendment has been limited to a time certain, and the time equally divided by the Chair among those Members desiring to speak, the Chair declined to entertain a unanimous-consent request to extend the time of one Member.

On Mar. 31, 1971,[7] the Committee of the Whole agreed to a motion by Mr. Charles W. Whalen, Jr., of Ohio, that debate on an amendment and amendments thereto close at 6 p.m. Mr. Whalen was recognized in support of his amendment and when his time had expired asked unanimous consent to proceed for two additional minutes. Chairman Edward P. Boland, of Massachusetts, declined to entertain the request and advised Mr. Whalen that the time had been fixed.

Parliamentarian's Note: Time under a limitation may be extended by a unanimous-consent request to vacate the limitation, if the Chair entertains that request.

§ 79.51 Where debate has been limited on a pending title and all amendments thereto and the Chair has divided the remaining time among Members desiring to offer amendments or to speak, a Member not allocated time may not speak in opposition to an amendment; thus, such a time limitation imposed in Committee of the Whole abrogates the right of a Member under Rule XXIII clause 5 to speak for five minutes

6. 116 CONG. REC. 14465, 14466, 91st Cong. 2d Sess.

7. 117 CONG. REC. 8814, 8815, 92d Cong. 1st Sess.

in opposition to an offered amendment.

On July 25, 1974,[8] during consideration of the Surface Mining Control and Reclamation Act of 1974 (H.R. 11500), the Chair made a statement and responded to a parliamentary inquiry regarding debate on amendments offered to the pending title of the bill. The proceedings were as follows:

THE CHAIRMAN:[9] When the Committee rose on yesterday, titles II through VIII inclusive were subject to amendment at any point, and there was pending an amendment offered by the gentleman from California (Mr. Hosmer) to title II of the committee amendment in the nature of a substitute. Before recognizing the gentleman from California, the Chair will state for the information of the Committee of the Whole that there are 42 minutes remaining out of 50 minutes debate allocated to title II under the unanimous consent agreement of Tuesday, July 23.

Before the Chair recognizes the gentleman from California, the Chair will reiterate his announcement of yesterday that if listed Members who have printed their amendments to title II in the Record would agree to offer those amendments during the 42-minute period, and to be recognized for 1 minute and 20 seconds, the Chair will recognize both committee and noncommittee members for that purpose.

The Chair will request that Members who have amendments printed in the Record and who insist upon 5 minutes for debate defer offering those amendments until the conclusion of the 42 remaining minutes.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. ROUSSELOT: In this time frame, when somebody might object or support the amendment, how does he get time to do it? He does not?

THE CHAIRMAN: Not unless he is on the list.

MR. ROUSSELOT: In other words, if anyone wants to oppose the amendment, he has no time; is that correct?

THE CHAIRMAN: Not unless the gentleman is on the list announced by the Chair.

§ 79.52 Where debate under the five-minute rule has been limited on a pending portion of a bill and the Committee of the Whole is about to rise on motion, the Chair may, in his discretion, defer his allocation of that time until the Committee resumes consideration of the bill on a subsequent day.

On Sept. 11, 1978,[10] during consideration of the Civil Service Reform Act of 1978 (H.R. 11280)

8. 120 CONG. REC. 25214, 25217, 93d Cong. 2d Sess.

9. Neal Smith (Iowa).

10. 124 CONG. REC. 28800, 95th Cong. 2d Sess.

in the Committee of the Whole, the following exchange occurred:

MR. [MORRIS K.] UDALL [of Arizona]: . . . Mr. Chairman, we have had a long and difficult day . . . the hour is late, and I am not sure we can be productive much longer. We do have a number of important amendments left.

Mr. Chairman, I am going to make a unanimous-consent request in just a moment, and if it is agreed to, at that point I would move that the Committee rise. . . .

Mr. Chairman, my unanimous-consent request is that the remaining time for debate on title VII, and all amendments thereto—that is the title we are now considering—be limited to a total of 2 hours. . . .

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, reserving the right to object, I do so [to] make inquiry on parliamentary procedure. It is normal parliamentary procedure upon such a request for Members to stand and request time. Is it the Chairman's intent that the time to be divided be divided tonight?

THE CHAIRMAN:[11] The Chair would advise the gentleman that the Chair would not intend to divide the time tonight, but that subject will be taken up at the time we reconvene in connection with this bill.

Significance of Members Standing To Be Noted

§ 79.53 In allocating time under a limitation on debate on an amendment under the five-minute rule, the Chair divides the time among all Members standing when the limitation is agreed to, not just those standing when the request or motion is first stated.

The following proceedings occurred in the Committee of the Whole on June 22, 1983,[12] during consideration of H.R. 3329 (Department of Transportation appropriations for fiscal 1984):

MR. [WILLIAM] LEHMAN of Florida: Would the Chair count how many want to speak?

THE CHAIRMAN:[13] The Chair has only seen one person rise who has not yet spoken, unless the gentleman from Pennsylvania (Mr. Coughlin) is also seeking recognition.

MR. LEHMAN of Florida: Mr. Chairman, there is one at this time on this side.

MR. [LAWRENCE] COUGHLIN [of Pennsylvania]: How about 3:30?

MR. LEHMAN of Florida: 3:25.

MR. COUGHLIN: 3:25 it is.

THE CHAIRMAN: Is there objection to the unanimous-consent request of the gentleman from Florida that all debate on this amendment and all amendments thereto close at 3:25?

There was no objection.

THE CHAIRMAN: It is so ordered, and the Chair saw standing at the time the limitation was agreed to the gentleman

11. George E. Danielson (Calif.).

12. 129 CONG. REC. 16845, 98th Cong. 1st Sess.

13. Philip R. Sharp (Ind.).

from Florida (Mr. Lehman) . . . the gentlemen from California, Mr. Fazio, Mr. Coelho, and Mr. Dixon.

MR. COUGHLIN: Mr. Chairman, under my reservation, I do not think that is a proper count.

MR. [JULIAN C.] DIXON [of California]: Mr. Chairman, will the minority leader on this issue yield?

I had no intention of speaking. As we looked around the room——

THE CHAIRMAN: The Chair heard no objection to the request.

MR. COUGHLIN: I reserved the right to object, Mr. Chairman.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, regular order.

The unanimous-consent request was made, opportunity was given for objection, and no objection was heard. The Chair waited to see if there was objection, and agreement was reached.

MR. COUGHLIN: I object, Mr. Chairman.

MR. WRIGHT: Debate was limited on the amendment. The gentleman's objection comes too late.

THE CHAIRMAN: The majority leader is correct. The regular order is to proceed, and those standing when the request was agreed to, their names have been taken down and the time will be allocated among them.

MR. [DANIEL E.] LUNGREN [of California]: I have a parliamentary inquiry, Mr. Chairman. . . .

At the time the reservation was expressed, was there not an understanding, at least implicit, that those who rose were the ones who intended to speak, and that being the case, should it not be limited to the people who rose at that time, rather than the additional three or four people who rose after the time that the limit was placed?

THE CHAIRMAN: The Chair will have to indicate that the Chair has no control over that. The Chair was asked how many wished to speak and how many were standing prior to the request. The gentleman from California was the only person standing. However, when the request was put, others began to rise and take an interest in the issue, including the author of the amendment.

Reserving Time Under Limitation

§ 79.54 An agreement to limit debate in the Committee of the Whole abrogates the five-minute rule and the Member holding the floor at the time the agreement is entered into may not reserve any part of the five minutes for debate under the limitation (unless such reservation was stated as part of the agreement).

On Sept. 19, 1967,[14] Mr. Harley O. Staggers, of West Virginia, offered a pro forma amendment under the five-minute rule and was recognized for five minutes. He then propounded a unanimous-consent agreement to limit debate on the pending amendment and amendments thereto to 20

14. 113 CONG. REC. 26030, 26033, 90th Cong. 1st Sess.

minutes. The request was agreed to, and Mr. Staggers stated he would reserve the balance of his time.

Under the limitation, Mr. Staggers was recognized for one and one-half minutes by Chairman Jack B. Brooks, of Texas, but Mr. Staggers contended he was entitled to more time, having reserved the time he had not used when he had been recognized for five minutes. The Chairman stated that he was only entitled to the one and one-half minutes:

> . . . The gentleman from West Virginia [Mr. Staggers] is recognized for 1½ minutes.
>
> MR. STAGGERS: Mr. Chairman, the gentleman from West Virginia had been recognized prior to the time the motion for the limitation of debate had been made, the gentleman had been recognized for 5 minutes.
>
> THE CHAIRMAN: The Chair will state that the Chair understood that the limitation as to time was made prior to the expiration of the gentleman's 5 minutes, for which the gentleman was recognized, which was when the gentleman made the motion that all debate on this amendment cease after 20 minutes' time.
>
> MR. STAGGERS: That is correct, Mr. Chairman, but I had been recognized for 5 minutes.
>
> THE CHAIRMAN: The Chair will state that the gentleman was among those standing, and was included among those who were standing; in addition to the gentleman 13 other Members were standing, so that there were 14 Members who were entitled to a minute and a half.
>
> MR. STAGGERS: Mr. Chairman, I will do the best I can in a minute and a half.

§ 79.55 The Chair indicated that he would permit a Member to use a portion of his time under a limitation on one amendment and reserve the remainder of his time for further debate on another amendment yet to be offered.

On July 3, 1968,[15] Chairman Daniel D. Rostenkowski, of Illinois, indicated that Members recognized under a limitation of debate could use part of their allotted time on one amendment and part on another by reserving time:

> MR. [CHET] HOLIFIELD [of California]: Mr. Chairman, I understand that there are at least two amendments which are major amendments, one being as to section 17, and the other on section 22.
>
> Section 17 is now being considered in the amendment offered by the gentleman from New York [Mr. McCarthy].
>
> THE CHAIRMAN: The Chair will state that that amendment is now pending.
>
> MR. HOLIFIELD: Those gentlemen who wish to speak on that amendment must speak at this time, and they will be precluded from speaking on the section 22 amendment; is that correct?

15. 114 CONG. REC. 19914, 90th Cong. 2d Sess.

THE CHAIRMAN: The Chair will state that if they so speak on the McCarthy amendment, that is correct.

MR. HOLIFIELD: I thank the Chairman.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GROSS: That would be true if they exhaust their time?

THE CHAIRMAN: The Chair will state that that is correct.

MR. GROSS: And only in the event that they exhaust their time will they not be permitted to speak on another matter?

THE CHAIRMAN: The Chair will state that that is correct.[16]

§ 79.56 After time for debate under the five-minute rule has been fixed by motion, the remaining time is divided equally among those Members indicating a desire to speak; but when the parliamentary situation warrants it, the Chair may allow a Member, when recognized, to use a portion of his allotted time and reserve the balance.

On Feb. 28, 1962,[17] the Committee of the Whole agreed to a motion to limit debate on an amendment and amendments thereto to an hour certain. Chairman George H. Mahon, of Texas, indicated he would recognize the Members who indicated they wished to speak under the limitation (he divided the remaining time at two minutes per Member). The Chairman then overruled a point of order against a Member's reserving a portion of his time:

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida [Mr. Cramer].

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a point of order.

The gentleman exhausted his time on the previous amendment, did he not? I demand the regular order.

THE CHAIRMAN: Each Member was allocated 2 minutes.

MR. GROSS: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GROSS: Mr. Chairman, did not the gentleman from New York use his time in response to a previous amendment?

THE CHAIRMAN: The Chair will say to the gentleman from Iowa that the gentleman from New York did not use his full 2 minutes.

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16. See also 104 CONG. REC. 14659, 14664, 85th Cong. 2d Sess., July 22, 1958 (when debate on a bill and all amendments thereto has been limited, a Member allotted time pursuant to the limitation may in the discretion of the Chair use whatever part thereof he desires in support of each of various amendments he may offer).

17. 108 CONG. REC. 3069, 3070, 87th Cong. 2d Sess.

MR. GROSS: How much time does the gentleman have remaining?

THE CHAIRMAN: The gentleman from New York has 1½ minutes remaining.

§ 79.57 Where time for debate on amendments has been limited and equally divided among those desiring to speak, the Chair may in his discretion insist that each Member utilize or yield back his full time when recognized and may permit a portion to be reserved only by unanimous consent.

During consideration of H.R. 10760 (Black Lung Benefits Reform Act of 1976) in the Committee of the Whole on Mar. 2, 1976,[18] the following proceedings occurred:

MR. [JOHN H.] DENT [of Pennsylvania]: . . . I . . . ask unanimous consent to end all debate on amendments in 1 hour's time.

THE CHAIRMAN:[19] Is there objection to the request of the gentleman from Pennsylvania that all debate cease in 1 hour on the committee amendment and all amendments thereto?

There was no objection. . . .

MR. DENT: As a point of information, Mr. Chairman, would the Chair establish the time basis.

THE CHAIRMAN: The Chair will state to the gentleman that it is 1 hour of time on the committee amendment and all amendments thereto. . . .

The Chair will state, for the gentleman's information, that there are 12 speakers who were standing at the time the request was made, and there is only 1 hour allotted, each speaker will have 5 minutes, and that is all. . . .

MR. [GARY] MYERS of Pennsylvania: Mr. Chairman, in utilization of the 5-minute allotment will the speakers be allowed to divide it up into different periods and reserve time back and forth?

THE CHAIRMAN: The Chair will state that by unanimous consent, Members may do that, yes. . . .

MR. MYERS of Pennsylvania: The Chairman is then saying, it takes unanimous consent to reserve time for later usage?

THE CHAIRMAN: The Chair will state that the Members will be recognized for 5 minutes each. If the gentleman from Pennsylvania wishes to reserve a portion of his five minutes then it requires unanimous consent to do so.

§ 79.58 Where debate has been limited under the five-minute rule to a time certain and the Chair has allocated the remaining time among those Members desiring to speak, the Chair may require that Members wishing to reserve a portion of their allocated time may do so only by unanimous consent.

On May 11, 1976,[20] the Committee of the Whole had under

18. 122 CONG. REC. 4992, 94th Cong. 2d Sess.

19. Sam Gibbons (Fla.).

20. 122 CONG. REC. 13416, 13417, 94th Cong. 2d Sess.

consideration H.R. 12835 (the Vocational Education Act amendments) when a motion to limit debate was offered as follows:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I move that all debate on title III and all amendments thereto close at 4:50 p.m.

The motion was agreed to.

THE CHAIRMAN:[1] Members standing at the time the motion was made will each be recognized for approximately a minute and a quarter.

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

THE CHAIRMAN: The gentleman will state it.

MR. QUIE: Mr. Chairman, would it be in order for a Member to divide his minute and a quarter into parts if he wishes to speak on more than one amendment?

THE CHAIRMAN: The gentleman might make that request by unanimous consent.

§ 79.59 The allocation of time pursuant to a limitation under the five-minute rule is within the discretion of the Chair, who may refuse to permit Members to whom time has been allotted to split their time except by unanimous consent.

On Apr. 26, 1978,[2] during consideration of H.R. 8494, the Public Disclosure of Lobbying Act of 1978, a limitation on debate to a time certain was agreed to:

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I move that all debate on this bill and all amendments thereto be terminated at the hour of 7:30 o'clock p.m. tonight.

[The motion was agreed to.]

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kindness: On page 31, line 18, insert . . . before the comma the following language: "or to the membership of an organization". . . .

MR. DANIELSON: Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN:[3] At this time the Chair will advise Members that even if they have 5 minutes, they may address themselves only to one amendment. They will not be able to split their time except by unanimous consent.

MR. DANIELSON: Between amendments?

THE CHAIRMAN: That is correct.

§ 79.60 A Member to whom time is allocated under a limitation on debate under the five-minute rule may, by unanimous consent, consume a portion of his time and reserve the unused portion for debate on another amendment to be offered under the limitation.

1. B. F. Sisk (Calif.).
2. 124 CONG. REC. 11641, 11643, 95th Cong. 2d Sess.
3. Lloyd Meeds (Wash.).

The following proceedings occurred in the Committee of the Whole on May 24, 1978,[4] during consideration of H.R. 10929 (the Department of Defense authorization for fiscal 1979):

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 6:30.

THE CHAIRMAN:[5] The question is on the motion offered by the gentleman from Illinois (Mr. Price).

The motion was agreed to. . . .

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gary A. Myers: Page 35, line 10, strike out "and". . . .

MR. GARY A. MYERS: Mr. Chairman, I ask unanimous consent that I be allotted one-half my time at this time and reserve the balance for another amendment.

THE CHAIRMAN: Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

§ 79.61 A Member allocated time under a limitation of debate under the five-minute rule must obtain unanimous consent to reserve his time, and time for other Members in opposition, for debate on an amendment if offered.

During consideration of the foreign assistance authorization bill (H.R. 12514) in the Committee of the Whole on Aug. 2, 1978,[6] the following proceedings occurred:

MR. [RICHARD H.] ICHORD [of Missouri]: Mr. Chairman, I have an amendment pending at the desk, which I will offer in the event that the amendment of the gentleman from Illinois (Mr. Findley) to the substitute amendment of the gentleman from Wisconsin (Mr. Zablocki) fails.

Therefore, Mr. Chairman, I ask unanimous consent that I may reserve my time for the discussion of that amendment.

THE CHAIRMAN:[7] Is there objection to the request of the gentleman from Missouri?

MR. [STEPHEN J.] SOLARZ [of New York]: Reserving the right to object, Mr. Chairman, if the Findley amendment is defeated and the gentleman from Missouri (Mr. Ichord) offers his amendment, at that point, after he makes his remarks, will there be time for other Members to speak on the amendment?

THE CHAIRMAN: The Chair will inform the gentleman that any other Member or Members will be permitted to speak only if a unanimous-consent request is made and granted.

MR. SOLARZ: Mr. Chairman, I withdraw my reservation of objection.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I do not intend to object, but I would join in the gen-

4. 124 CONG. REC. 15338, 15341, 95th Cong. 2d Sess.

5. Dan Rostenkowski (Ill.).

6. 124 CONG. REC. 23950, 95th Cong. 2d Sess.

7. Don Fuqua (Fla.).

tleman's unanimous-consent request that, if his time is reserved just prior to the consideration of his amendment, he also include my time.

MR. ICHORD: Mr. Chairman, I would so request.

THE CHAIRMAN: Is there objection to the request of the gentleman from Missouri?

There was no objection.

Reserving Time To Debate Amendments Not Yet Pending

§ 79.62 Notwithstanding a limitation of debate under the five-minute rule, an amendment printed in the Record in the proper form will be guaranteed 10 minutes of debate thereon.

On Sept. 11, 1978,[8] during consideration of the Civil Service Reform Act of 1978 (H.R. 11280) in the Committee of the Whole, the Chair responded to an inquiry regarding the effect of a limitation of debate on amendments printed in the Record:

MR. [MORRIS K.] UDALL [of Arizona]: . . . Mr. Chairman, we have had a long and difficult day . . . the hour is late, and I am not sure we can be productive much longer. We do have a number of important amendments left.

Mr. Chairman, I am going to make a unanimous-consent request in just a moment, and if it is agreed to, at that point I would move that the Committee rise. . . .

Mr. Chairman, my unanimous-consent request is that the remaining time for debate on title VII, and all amendments thereto—that is the title we are now considering—be limited to a total of 2 hours. . . .

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, reserving the right to object, as I understand it, there will be two substitutes posed, and a number of Members have amendments in the Record. They are, of course, amendments to the bill and not to the substitutes. I wonder if the Chair could tell me how we could protect the amendments which are now filed so that they would be in order and have time under the proposal that the gentleman suggests, to either of the substitutes.

THE CHAIRMAN:[9] The Chair advises the gentleman that the amendments which have been printed in the Record would be protected under our rules.

MR. FRENZEL: Will we be able to make the amendments to the substitute, Mr. Chairman?

THE CHAIRMAN: Yes. If they can be redrafted to pertain to the substitute, and placed in the Record, the answer is in the affirmative.

MR. FRENZEL: I thank the Chair.

Additional Debate Time Beyond Original Cutoff

§ 79.63 The Committee of the Whole may by unanimous consent permit additional debate on an amendment prior

8. 124 CONG. REC. 28800, 95th Cong. 2d Sess.

9. George E. Danielson (Calif.).

to its being offered, notwithstanding a previous limitation on debate under the five-minute rule on all amendments to the bill.

On Oct. 4, 1983,[10] the following proceedings occurred in Committee of the Whole during consideration of H.R. 2379 (National Park System Protection and Resources Management Act of 1983):

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, reserving the right to object, I wonder if we could have agreement on putting a time limitation on discussions on this amendment and all other amendments to this bill of 4:15?

I make that as a unanimous-consent request.

THE CHAIRMAN:[11] Is there objection to the request of the gentleman from Ohio?

There was no objection.

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LUJAN: Mr. Chairman, we undoubtedly will have a vote on this bill which will take us beyond 4:15, and I was wondering if it would be in order, by a unanimous-consent request, that we could change that 4:15 time so that the gentleman from Pennsylvania (Mr. Murphy) would have time to offer his amendment after the vote on this amendment?

THE CHAIRMAN: By unanimous consent, he can obtain time to debate his amendment. . . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I ask unanimous consent that following the vote on the pending Hansen amendment the gentleman from Colorado (Mr. Brown) have 3 minutes and some member in opposition have 3 minutes for debate; and that the same request be extended to the amendment of the gentleman from Pennsylvania (Mr. Murphy).

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

There was no objection.

Chair's Discretion in Allocating Time

§ 79.64 A limitation of debate on a bill and all amendments thereto to a time certain abrogates in effect the five-minute rule, and decisions regarding the division of time and the order of recognition of those Members desiring to speak are largely within the discretion of the Chair, who may decline to recognize Members more than one time under the limitation and may refuse to permit Members to divide their allotted time so as to speak to several of the amendments which are to be offered.

10. 129 CONG. REC. 27099, 27102, 98th Cong. 1st Sess.

11. Carl D. Perkins (Ky.).

On May 6, 1970,[12] after the Committee of the Whole had agreed to close debate on a pending bill and amendments thereto at a certain hour, Chairman Daniel D. Rostenkowski, of Illinois, answered a parliamentary inquiry on whether he would, under his discretion, allow Members to speak more than once or to allot their time under the limitation:

> MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. STRATTON: Under the limitation of debate, is it permissible for a Member to speak twice within his allotted time either for or against two specific amendments?
>
> THE CHAIRMAN: The Chair will recognize the gentleman for one time in support of or in opposition to an amendment.
>
> MR. STRATTON: But not more than once?
>
> THE CHAIRMAN: No; not more than once.

§ 79.65 While the Chair normally allocates time for debate among those standing at the time a motion to limit debate is adopted, the Chair may refrain from doing so where several hours of debate remain under the limitation and where it would be premature to deviate from the five-minute rule by dividing all remaining time just among Members who are then present.

On Oct. 7, 1974,[13] during consideration of H. Res. 988 (to reform the structure, jurisdiction, and procedures of House committees), the Chair responded to a parliamentary inquiry as follows:

> MR. [RICHARD] BOLLING [of Missouri]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen), and all amendments thereto, conclude in 5 hours.
>
> THE CHAIRMAN:[14] The question is on the motion.
>
> The question was taken; and the Chairman announced that the noes appeared to have it.
>
> MR. BOLLING: Mr. Chairman, I demand a recorded vote. . . .
>
> MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I have a . . . parliamentary inquiry. . . .
>
> Mr. Chairman, it is my understanding that when time is limited under the rules of the House, the Chair normally recognizes those Members standing and allocates time. I pose the question to the Chair whether that would or would not be the procedure for as long as we would proceed, for as long as a period of 5 hours?

12. 116 CONG. REC. 14467, 91st Cong. 2d Sess.

13. 120 CONG. REC. 34170, 34171, 93d Cong. 2d Sess.

14. William H. Natcher (Ky.).

THE CHAIRMAN: The Chair would like to advise the gentleman that those amendments pending and those that would be offered would, of course, be considered. As far as the Members standing on the request that is now before the committee, it would seem to the Chair that it would be premature to recognize the Members standing when there are a number of Members not present at this time who would like to be heard.

MR. [FRANK] THOMPSON [Jr. of New Jersey]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. THOMPSON of New Jersey: Mr. Chairman, I did not understand the Chair's answer to the parliamentary inquiry by the gentleman from Michigan (Mr. O'Hara). Is it my understanding that notwithstanding that 5 hours under the gentleman's motion would dispose of the Hansen and Martin substitutes, in addition thereto for those amendments which have been printed in the Record will there be time to debate them allowed?

THE CHAIRMAN: The Chair would like to advise the gentleman from New Jersey that the proponents of all amendments printed in the Record that have not been reached during the 5-hour period will be recognized under the rules of the House for 5 minutes in support of their amendments. They would be protected.

MR. THOMPSON of New Jersey: How about time in opposition?

THE CHAIRMAN: And 5 minutes in opposition. The gentleman is correct.

§ 79.66 A limitation on time for debate on a pending amendment and all amendments thereto in effect abrogates the five-minute rule and the Chair, at his discretion, may allocate time to all Members desiring to speak, whether or not they have previously spoken on the amendment; and where time for debate has been limited and the time remaining allocated to those Members wishing to speak, an extension of time for debate by unanimous consent would increase the time allotted to individual Members but would not allow additional Members to seek recognition.

On Oct. 1, 1975,[15] during consideration of the Department of Defense appropriation bill (H.R. 9861) in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had misjudged before the desire of the House at an earlier time to try to limit debate to 30 minutes. I want to be sure that no one is denied the opportunity to speak. I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 15 minutes.

15. 121 CONG. REC. 31074, 31075, 94th Cong. 1st Sess.

THE CHAIRMAN:[16] Is there objection to the request of the gentleman from Texas?

There was no objection. . . .

MR. [BURT L.] TALCOTT [of California]: Mr. Chairman, may I inquire whether or not the Members who have already spoken on this amendment may speak again during limited time?

THE CHAIRMAN: When time is limited, Members are permitted to speak again under the allocation of time.

MR. TALCOTT: And they can yield their time to other Members?

THE CHAIRMAN: That is a unanimous-consent request. . . .

MR. [BARRY] GOLDWATER [Jr., of California]: . . . I ask unanimous consent that the time be extended another 15 minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from California?

MR. [ANDREW J.] HINSHAW [of California]: Mr. Chairman, reserving the right to object, if we were to accede to the unanimous-consent request, would that open the door for additional Members to stand up to seek additional time?

THE CHAIRMAN: The Chair has already announced his allocation of time.

§ 79.67 Where time for debate is limited to a specific number of minutes rather than a limitation to a time certain on the clock, the Chair may permit Members to reserve time until an amendment to an amendment has been disposed of so as to speak on the main amendment.

On Oct. 3, 1975,[17] the proposition described above was demonstrated in the Committee of the Whole, as follows:

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, I withdraw my request and now I ask unanimous consent that all debate on the Brown amendment and all amendments thereto end in 20 minutes.

THE CHAIRMAN:[18] Is there objection to the request of the gentleman from Washington?

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, reserving the right to object, I would like to ask the chairman of the committee, if this is going to be ending in 20 minutes and we have a vote on the Symms amendment, as I understand it, does that time for the vote go into the 20 minutes?

MR. FOLEY: No. Mr. Chairman, if the gentleman will yield. I asked unanimous consent that all debate on the Brown amendment and all amendments thereto end in 20 minutes. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Washington that all debate will end on the Brown amendment in the nature of a substitute and the Symms amendment and all amendments thereto in 20 minutes?

There was no objection. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from Washington (Mr. McCormack).

16. Dan Rostenkowski (Ill.).

17. 121 CONG. REC. 31602–04, 94th Cong. 1st Sess.

18. William L. Hungate (Mo.).

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, I reserve my time in order to speak on the Brown of California amendment after the vote on the Symms amendment. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from New York (Mr. Peyser).

MR. PEYSER: Mr. Chairman, I reserve my time until after the vote on the Symms amendment. . . .

MR. FOLEY: Is it correct that approximately 2½ minutes remain of debate under the limitation previously adopted, and that following that a vote will occur on the Brown amendment in the nature of a substitute?

THE CHAIRMAN: The gentleman states the question correctly. The gentleman from New York (Mr. Peyser) has 1¼ minutes, and the gentleman from Washington (Mr. McCormack) has 1¼ minutes. Then a vote will occur on the Brown amendment.

The Chair recognizes the gentleman from New York (Mr. Peyser).

Parliamentarian's Note: Where time is limited by the clock, a Member attempting to reserve time may be preempted by votes, quorum calls, etc., which come out of the time remaining. Therefore, the Chair, to protect Members' right to speak, might refuse to permit a reservation of time.

§ 79.68 A limitation of debate on a bill and all amendments thereto to a time certain in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition of those Members desiring to speak are largely within the discretion of the Chair, who may defer recognition of listed Members whose amendments have been printed in the Record and who are therefore guaranteed five minutes notwithstanding the limitation.

The following proceedings occurred in the Committee of the Whole on June 4, 1975,[19] during consideration of the Voting Rights Act Extension (H.R. 6219):

MR. [DON] EDWARDS of California: Mr. Chairman, I move that all debate on the bill and all amendments thereto terminate at 6:45 p.m.

THE CHAIRMAN:[20] The question is on the motion offered by the gentleman from California.

The motion was agreed to. . . .

THE CHAIRMAN: With the permission of the Committee, the Chair will briefly state the situation.

There are a number of Members who do not have amendments that were placed in the Record, and the Chair feels that he must try to protect them somewhat, so he proposes to go to a number of Members on the list so they will at least get some time. The time allotted will be less than a minute.

The Chair recognizes the gentleman from Texas (Mr. de la Garza).

19. 121 CONG. REC. 16899, 16901, 94th Cong. 1st Sess.

20. Richard Bolling (Mo.).

§ 79.69 Where the Committee of the Whole agrees to limit debate on a pending amendment, the five-minute rule is abrogated and the Chair allocates the remaining time among those Members standing at the time the limitation is agreed to, and not among those Members who stand after the allocation of time is announced.

On May 4, 1977,[1] the situation described above occurred in the Committee of the Whole, as follows:

MR. [DANTE B.] FASCELL [of Florida]: I am trying to be reasonable about this.

Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from California (Mr. Dornan) and the amendment offered as a substitute by the gentleman from Alabama (Mr. Buchanan), and all amendments thereto, close in 10 minutes.

THE CHAIRMAN:[2] Is there objection to the request of the gentleman from Florida?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous-consent request was granted will be recognized for 50 seconds each. . . .

MR. [PARREN J.] MITCHELL of Maryland: Mr. Chairman, was the limitation set on debate a time period of 10 minutes?

THE CHAIRMAN: The gentleman is correct. The time limitation is 10 minutes.

MR. MITCHELL of Maryland: Ten minutes. And may I ask the Chairman, how many Members were standing? I figured there were roughly 120 Members standing.

THE CHAIRMAN: At the time the unanimous-consent request for limitation of debate was agreed to the Chair saw 14 Members on their feet. That observation was made at the time the request for limitation was agreed to, and not later on. The Chair saw 14 Members standing at the time the request for limitation was agreed to, and under the precedents the Chair has discretion to divide the remaining time only among those Members

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DELLUMS: Mr. Chairman, would the Chair announce the names of the Members who were standing? The gentleman from California was standing at the time of the agreement to the limitation. This gentleman from California was on his feet, and I do not recall hearing my name announced.

THE CHAIRMAN: The Chair named each Member he saw standing at the time the unanimous-consent agreement for a time limitation was agreed to. . . .

The Chair will once again read the names of the Members who were seen standing at the time the unanimous-consent request was agreed to.

1. 123 CONG. REC. 13413, 13414, 95th Cong. 1st Sess.
2. Elliott Levitas (Ga.).

§ 79.70 Where the Committee of the Whole has limited to 5 minutes the remaining time for debate on an amendment, the five-minute rule is in effect abrogated and the Chair may in his discretion recognize two Members to equally control the time in support of and in opposition to the amendment, granting priority of recognition to control the time in opposition to a member of the committee handling the bill; but where no committee member seeks recognition for that purpose, the Chair may recognize any Member to control the time.

On June 22, 1977,[3] during consideration of H.R. 7797 (the foreign assistance and related agencies appropriation bill for fiscal 1978) in the Committee of the Whole, the Chair made an announcement regarding debate under the five-minute rule. The proceedings were as follows:

> MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I move that all debate on this amendment and any amendments thereto close in 5 minutes.
>
> The motion was agreed to.
>
> THE CHAIRMAN:[4] Let the Chair make this announcement. There is no way that the Chair can divide 5 minutes among all who wish to speak. Therefore, under the prerogative of the Chair, the Chair will recognize one proponent and one opponent each for 2½ minutes.
>
> The Chair at this time recognizes the proponent, the gentleman from New York (Mr. Wolff). . . .
>
> Is there any member of the committee who wishes to be recognized in opposition to the amendment?
>
> If not, the Chair recognizes the gentleman from New York (Mr. Weiss) as an opponent of the amendment.

§ 79.71 Adoption of a motion to limit debate in Committee of the Whole abrogates the five-minute rule, and the allocation of the remaining time is within the discretion of the Chair, who may divide the time between the majority and minority manager of the bill rather than among all Members indicating a desire to speak.

On Apr. 1, 1976,[5] during consideration of H.R. 12406 (the Federal Election Campaign Act amendments of 1976) in the Committee of the Whole, the following proceedings occurred:

> MR. [WAYNE L.] HAYS of Ohio: Mr. Chairman, I move that all debate on this amendment and all amendments thereto finish at 3 p.m.

3. 123 CONG. REC. 20291, 20292, 95th Cong. 1st Sess.

4. Abraham Kazen, Jr. (Tex.).

5. 122 CONG. REC. 9088, 94th Cong. 2d Sess.

THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Ohio (Mr. Hays).

The question was taken; and on a division (demanded by Mr. Hays of Ohio) there were—ayes 93, noes 48. . . .

So the motion was agreed to. . . .

THE CHAIRMAN: With the permission of the Committee, the Chair would like to make a brief statement.

The Committee has just limited the time on this amendment and all amendments thereto to 3 o'clock. The gentleman from California (Mr. Phillip Burton) had been recognized for 5 minutes. That will leave approximately 6 minutes to be allocated.

The precedents provide under chapter 29, section 31, of Deschler's Procedures that the Chair has discretion in distributing the time. Due to the obvious impossibility of satisfying all Members the Chair proposes to allocate 3 minutes to the gentleman from Ohio (Mr. Hays) and 3 minutes to the gentleman from California (Mr. Wiggins), whereby they may yield time.

The Chair now recognizes the gentleman from California (Mr. Phillip Burton).

§ 79.72 Where there was pending an amendment in the nature of a substitute for a bill and the permissible degree of amendments thereto, the Chair indicated in response to parliamentary inquiries: (1) that a motion to limit debate on the amendment in the nature of a substitute and all amendments thereto was in order although the bill itself had not been read; (2) that amendments printed in the Record would be debatable for 10 minutes notwithstanding the limitation; and (3) that all Members would be allocated equal time under the limitation regardless of committee membership but that Members seeking to offer amendments could be first recognized.

The proceedings in the Committee of the Whole relating to consideration of H.R. 13367 (a bill to amend and extend the State and Local Fiscal Assistance Act of 1972) on June 10, 1976,[7] were as follows:

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I move that all debate on the Brooks amendment and all amendments thereto end by 6 p.m. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . I do not remember the bill being open at any point to amendment.

THE CHAIRMAN:[8] The motion of the gentleman from New York, as the Chair understood it, was that all debate on the Brooks amendment and all amendments thereto end at 6 p.m.

MR. BAUMAN: So that the motion is in order?

THE CHAIRMAN: The motion is in order. It is limited to the Brooks amendment and amendments thereto.

6. Richard Bolling (Mo.).

7. 122 CONG. REC. 17380, 17381, 94th Cong. 2d Sess.

8. Gerry E. Studds (Mass.).

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LONG of Maryland: Mr. Chairman, of course I believe it is understood that this does not apply to any amendments that are printed in the Congressional Record?

THE CHAIRMAN: Under the rules of the House, it does not apply to those amendments. . . .

MR. [J. J.] PICKLE [of Texas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. PICKLE: Mr. Chairman, under the proposed time limitation, would the Chair tend to recognize a Member who is not a member of the committee? For instance, the gentleman from Washington (Mr. Adams) has an important amendment, and if he is not recognized within the time limitation, would the chairman of the committee let the gentleman be recognized?

MR. [JACK] BROOKS [of Texas]: I do not have control of the time. I think the answer, obviously, is that he will be recognized.

THE CHAIRMAN: The Chair will state that under limitation of time committee members no longer have priority in seeking recognition. Time is equally allocated.

So the motion was agreed to.

THE CHAIRMAN: Members standing at the time the motion was made will be recognized for approximately 1 minute and 55 seconds each.

§ 79.73 Where debate has been limited to a time certain and the Chair has divided the remaining time among those desiring to speak, the Chair may, in his discretion, entertain a parliamentary inquiry without deducting the time from that allocated to the Member raising the inquiry.

On June 18, 1976,[9] the Committee of the Whole was considering H.R. 13179 (the State Department authorization for fiscal year 1977) when a time limitation on debate was agreed to, following which several parliamentary inquiries were directed to the Chair. The proceedings were as indicated below:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 2:30. . . .

The motion was agreed to. . . .

THE CHAIRMAN PRO TEMPORE:[10] The Chair recognizes the gentleman from Pennsylvania (Mr. Biester).

MR. [EDWARD G.] BIESTER [Jr., of Pennsylvania]: Mr. Chairman, a parliamentary inquiry.

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

MR. BIESTER: Mr. Chairman, so far we have been discussing only one of the five remaining amendments that the Chairman of the Committee of the Whole informed the chairman of the

9. 122 CONG. REC. 19251, 19254, 94th Cong. 2d Sess.

10. John Brademas (Ind.).

Committee on International Relations that were at the desk.

THE CHAIRMAN PRO TEMPORE: That is correct.

MR. BIESTER: I am wondering what the plans of the Chair are with respect to allocating time to those Members who wish to speak on the various other amendments.

THE CHAIRMAN PRO TEMPORE: The Chair will state that Members will have to use the time that is allotted to them prior to 2:30 p.m. to debate any of the amendments that remain, under the unanimous-consent request that was granted earlier.

MR. BIESTER: Since I have engaged in this parliamentary inquiry, I presume that my time has about expired; is that correct?

THE CHAIRMAN PRO TEMPORE: The Chair will state that the gentleman's parliamentary inquiry will not come out of his time.

§ 79.74 Where debate under the five-minute rule is limited to three hours of debate, the Chair may determine that any allocation of the time at that point is premature, and continue to recognize Members for five minutes.

On Feb. 1, 1978,[11] during consideration of H.R. 1614 (the Outer Continental Shelf Lands Act Amendments) in the Committee of the Whole, the Chair responded to inquiries regarding allocation of time for debate, as follows:

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I will revise the unanimous-consent request.

Mr. Chairman, I ask unanimous consent that when we convene tomorrow, all debate on H.R. 1614 and all amendments and substitutes thereto end after 3 hours of debate. . . .

MR. [WILLIAM A.] STEIGER [of Wisconsin]: . . . If we were to agree to this procedure tonight, what Members are going to be recognized tomorrow? Will it be those Members who are standing, the majority leader, the gentleman from Texas (Mr. Wright), the gentleman from Illinois, and a few others? There are four or five Members standing, and I am one of those standing. . . .

THE CHAIRMAN:[12] The Chair would like to advise the gentleman from Wisconsin (Mr. Steiger) that regardless of the time fixed, we would proceed under the 5-minute rule at the outset.

MR. STEIGER: Regardless of the time fixed, we proceed under the 5-minute rule?

THE CHAIRMAN: We will proceed under the 5-minute rule. The Chair would like to advise the gentleman that it would be premature for the Chair to allocate time at this point.

§ 79.75 Priority of recognition under a limitation of time for debate under the five-minute rule is in the complete discretion of the Chair, who may disregard committee se-

11. 124 CONG. REC. 1827, 1828, 95th Cong. 2d Sess.

12. William H. Natcher (Ky.).

niority and consider amendment sponsorship.

On June 26, 1979,[13] it was demonstrated that where the Committee of the Whole has agreed to a limitation on debate under the five-minute rule on a section of a bill and all amendments thereto, distribution of the time under the limitation is within the discretion of the Chair. The proceedings were as follows:

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I move that all debate on section 3 and all amendments thereto cease at 6:40 p.m. . . .

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 183, answered "present" 1, not voting 41, as follows: . . .

THE CHAIRMAN:[14] The Chair will attempt to explain the situation.

The Committee has just voted to end all debate on section 3 and all amendments thereto at 6:40. The Chair in a moment is going to ask those Members wishing to speak between now and then to stand. The Chair will advise Members that he will attempt, once that list is determined, to recognize first those Members on the list with amendments which are not protected by having been printed in the Record. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, did I understand the Chair correctly that Members who are protected by having their amendments printed in the Record will not be recognized until the time has run so that those Members will only have 5 minutes to present their amendments, but that other Members will be recognized first for the amendments which are not printed in the Record?

THE CHAIRMAN: Those Members who are recognized prior to the expiration of time have approximately 20 seconds to present their amendments. Those Members whose amendments are printed in the Record will have a guaranteed 5 minutes after time has expired. . . .

The Chair will now recognize those Members who wish to offer amendments which have not been printed in the Record.

The Chair will advise Members he will recognize listed Members in opposition to the amendments also for 20 seconds. . . .

MR. [RICHARD] KELLY [of Florida]: Mr. Chairman, is it not regular order that the Members of the Committee with amendments be given preference and recognition?

THE CHAIRMAN: The Chair would advise the gentleman once the limitation of time has been agreed to and time divided, that priority of recognition is within the complete discretion of the Chair.

§ 79.76 Where the Committee of the Whole has, by unanimous consent, permitted four designated amendments to be offered to a title of a bill

13. 125 CONG. REC. 16677, 16678, 96th Cong. 1st Sess.

Under consideration was H.R. 3930, the Defense Production Act Amendments of 1979.

14. Gerry E. Studds (Mass.).

which has been passed in the reading for amendment, and has limited time on those amendments to a time certain, the Chair may, in his discretion, allocate in advance a portion of that time among the proponent and opponent of those amendments and then allocate the remaining time among other Members desiring to speak.

On Jan. 29, 1980, the Committee of the Whole, having under consideration H.R. 4788, the Water Resources Development Act, had by unanimous consent agreed to allow four specified amendments to be offered to a title of the bill that had been passed in the reading for amendment.

Mr. Ray Roberts, of Texas, subsequently asked unanimous consent that debate on the title and amendments end at a time certain:[15]

MR. ROBERTS: Mr. Chairman, I ask unanimous consent that all debate on title III and all amendments thereto end at 4:40.

THE CHAIRMAN:[16] Does the gentleman from Texas wish to allocate any portion of that time under his unanimous-consent request, consistent with the discussion that took place previously?

MR. ROBERTS: Five minutes only. I think there is enough to go around. I will not use my 5 minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from Texas (Mr. Roberts)?

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Reserving the right to object, in our colloquy we had suggested that the gentleman from Montana be given at least a minimum of 5 minutes and the gentleman from Washington be given 5 minutes. I would have no objection to that.

THE CHAIRMAN: Does the gentleman from Texas (Mr. Roberts) so revise his unanimous-consent request?

MR. ROBERTS: I do, Mr. Chairman.

THE CHAIRMAN: Is there objection to the request of the gentleman from Texas (Mr. Roberts) as revised? . . .

There was no objection.

THE CHAIRMAN: The Chair has discretion to allocate time under the unanimous-consent request. In addition to the allocation which has been requested of 5 minutes for the gentleman from Montana and 5 minutes for the gentleman from Washington, the Chair in the exercise of that discretion will allocate a total of 10 minutes to the gentleman from Pennsylvania (Mr. Edgar) on the basis that he is offering three amendments, and will allocate the balance of the time to those Members who are standing.

Members standing at the time the unanimous-consent request was agreed to will be recognized for 40 seconds each, with the possible loss of time if there are any recorded votes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Edgar) for 10 minutes.

15. 126 CONG. REC. 993, 994, 96th Cong. 2d Sess.

16. Matthew F. McHugh (N.Y.).

§ 79.77 Debate on an amendment and all amendments thereto pending in the Committee of the Whole may be limited to a time certain by motion; and the Chairman of the Committee of the Whole may divide remaining debate time equally between two Members following such limitation.

On July 26, 1984,[17] during consideration of the Education Amendments of 1984 (H.R. 11) in the Committee of the Whole, the Chair divided the remaining time for debate equally between the chairman of the Committee on Education and Labor and the proponent of the pending amendment. The proceedings were as follows:

> MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, all amendments thereto and all substitutes, close at 2 p.m.
>
> THE CHAIRMAN PRO TEMPORE:[18] Is there objection to the request of the gentleman from Kentucky?
>
> MR. [DAN R.] COATS [of Indiana]: Reserving the right to object, Mr. Chairman, it is my understanding, and I am not sure, I just want to check, I think a perfecting amendment is going to be offered, and I just want to check to see if that is the case. If that is the case, I would have to object to that unanimous-consent request.
>
> MR. PERKINS: Then, Mr. Chairman, I move that all debate on the Coats amendment, all substitutes and all amendments thereto, be concluded at 2 p.m.
>
> THE CHAIRMAN PRO TEMPORE: The question is on the motion offered by the gentleman from Kentucky. . . .
>
> So the motion was agreed to.
>
> THE CHAIRMAN PRO TEMPORE: The Chair will proceed to divide the time.
>
> Since there are so many Members seeking recognition, the Chair at this time will divide the time equally between the chairman, Mr. Perkins, and the gentleman from Indiana, Mr. Coats, 10 minutes each, and they will yield time as they see fit.

Parliamentarian's Note: During the above proceedings, the Chairman also ruled that a parliamentary inquiry relating to a pending motion occurring after the Chairman has announced the results of a voice vote does not constitute such intervening business as to preclude the right of a Member to demand a recorded vote on the pending motion. After the result of the voice vote was announced in the above instance (that a majority favored the motion), a parliamentary inquiry was made:[19]

> MR. [WILLIAM F.] GOODLING [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry. . . .

17. 130 CONG. REC. 21249, 21250, 98th Cong. 2d Sess.

18. Abraham Kazen, Jr. (Tex.).

19. 130 CONG. REC. 21249, 21250, 98th Cong. 2d Sess., July 26, 1984.

I want to make sure the motion was talking only about this portion of this bill.

MR. PERKINS: . . . This does not include the Goodling amendment, the funding of the school programs.

MR. [ROBERT S.] WALKER [of Pennsylvania]: I want to get a record vote.

THE CHAIRMAN PRO TEMPORE: This motion referred to the Coats amendment and all amendments thereto.

MR. WALKER: That is right, and I want a record vote on the ruling of the Chair.

THE CHAIRMAN PRO TEMPORE: Those in favor of taking this by recorded vote. . . .

MR. [RICHARD J.] DURBIN [of Illinois]: Mr. Chairman, a point of order.

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

MR. DURBIN: Is it my understanding there was intervening business between the vote which was taken orally, the parliamentary inquiry made by the gentleman?

THE CHAIRMAN PRO TEMPORE: The intervening business was a parliamentary inquiry that was related to the motion, and no independent business has been taken up.

MR. DURBIN: As a further parliamentary inquiry of the Chair, does not this parliamentary inquiry and interruption preclude the gentleman from Pennsylvania's right to ask for a recorded vote?

THE CHAIRMAN PRO TEMPORE: No; it is related to the status of the vote, and of the motion.

§ 79.78 Following an agreement to limit debate on an amendment and an amendment thereto to a time certain, the Chairman of the Committee of the Whole may exercise his discretion and allot the remaining time in three equal parts; in this case time was controlled by the offeror of the amendment (Brown), the offeror of the amendment to the amendment (Leach) and the floor manager of the bill (Zablocki).

The following proceedings occurred in the Committee of the Whole on Apr. 13, 1983,[20] during consideration of House Joint Resolution 13 (nuclear weapons freeze):

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: . . . I ask unanimous consent that debate close at 6:05.

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

MR. [JACK] KEMP [of New York]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. ZABLOCKI: 6:15?

THE CHAIRMAN: Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE CHAIRMAN: The unanimous-consent request is agreed to and debate is limited to 6:15.

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20. 129 CONG. REC. 8425, 8426, 98th Cong. 1st Sess.

1. Matthew F. McHugh (N.Y.).

The Chair is going to exercise discretion and allot the time in three equal parts to the gentleman from Iowa (Mr. Leach), the gentleman from Colorado (Mr. Brown) and the gentleman from Wisconsin (Mr. Zablocki) and, of course, those Members can yield for purposes of debate.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GINGRICH: Mr. Chairman, if I may express my ignorance for a moment, is it, in fact, the prerogative of the Chair in that sort of unanimous-consent request to then design whatever system seems workable?

THE CHAIRMAN: Yes, it is. The Chair has exercised its discretion in light of the circumstances and allocates 6 minutes to the gentleman from Iowa (Mr. Leach); 6 minutes to the gentleman from Colorado (Mr. Brown); and 6 minutes to the gentleman from Wisconsin (Mr. Zablocki).

§ 79.79 Where debate under the five-minute rule on a bill and all amendments thereto has been limited by motion to a time certain (with approximately 90 minutes remaining) the Chair may in his discretion continue to recognize Members under the five-minute rule, according priority to members of the committee reporting the bill, instead of allocating time between proponents and opponents or among all Members standing, where it cannot be determined what amendments will be offered.

On July 29, 1983,[2] during consideration of the International Monetary Fund Authorization (H.R. 2957) in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding recognition following agreement to a motion to limit debate to a time certain:

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I ask unanimous consent that the remainder of the bill, H.R. 2957, be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The text of title IV and title V is as follows:

TITLE IV—INTERNATIONAL LENDING SUPERVISION

Sec. 401. This title may be cited as the "International Lending Supervision Act of 1983". . . .

MR. ST GERMAIN: I have a motion, Mr. Chairman. . . .

I now move that all debate on the bill, H.R. 2957, and all amendments thereto, cease at 12 o'clock noon. . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, a parliamentary inquiry. . . .

2. 129 CONG. REC. 21649, 21650, 21659, 21660, 98th Cong. 1st Sess.

Mr. Chairman, the parliamentary inquiry is for the Chair to please state the process by which we will do our business from now until the time is cut off. . . .

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, would it not be in order at this time to ask that the time be divided between the proponents and the opponents of this measure, since there is a limitation on the time?

THE CHAIRMAN:[3] The Chair believes not, because the time has been limited on the entire bill. It would be very difficult to allocate time to any one particular party or two parties when the Chair has no knowledge of the amendments that will be offered.

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

THE CHAIRMAN: The gentleman will state it.

MR. NEAL: Mr. Chairman, is it not true that members of the committee should be given preference in terms of recognition?

THE CHAIRMAN: That is true. At the time the gentleman from Pennsylvania was recognized, he was the only one seeking recognition.

Chair Allocates Limited Time, Not Proponent of Amendment

§ 79.80 Where debate is limited on an amendment in the Committee of the Whole, the Chair divides the remaining time among all Members desiring to speak at the time the limitation was agreed to, and not merely among those Members mentioned by a Member as having wished to be recognized prior to the limitation.

The proceedings in the Committee of the Whole on Oct. 5, 1981,[4] during consideration of H.R. 3112 (to extend the Voting Rights Act of 1965) were as follows:

MR. [DON] EDWARDS of California: Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes.

THE CHAIRMAN PRO TEMPORE:[5] The Chair will inquire of the gentleman from California whether his unanimous-consent request includes this amendment and all amendments thereto.

MR. EDWARDS of California: Just on this amendment, Mr. Chairman.

THE CHAIRMAN PRO TEMPORE: Just on this amendment.

Is there objection to the request of the gentleman from California?

There was no objection.

THE CHAIRMAN PRO TEMPORE: For what purpose does the gentleman from Louisiana seek recognition?

MR. [W. HENSON] MOORE [of Louisiana]: Mr. Chairman, I move to strike the requisite number of words.

THE CHAIRMAN PRO TEMPORE: The Chair will first allocate the time

3. Donald J. Pease (Ohio).

4. 127 CONG. REC. 23154, 97th Cong. 1st Sess.

5. Dennis E. Eckart (Ohio).

among all Members seeking recognition on this amendment.

The Chair has observed the following Members standing: The gentleman from California (Mr. Edwards), the gentleman from Illinois (Mr. Hyde) . . . and the gentlewoman from New Jersey (Mrs. Fenwick).

MR. [HENRY J.] HYDE [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. HYDE: Mr. Chairman, I have three Members who want to speak on this side. That is the gentleman from Louisiana, the gentleman from Michigan, and the gentlewoman from New Jersey.

I was assuming 5 minutes apiece, 15 minutes total.

Are we talking about a whole slew of Members who want to talk now?

THE CHAIRMAN PRO TEMPORE: The Chair will point out to the gentleman from Illinois that the Chair merely allocated the time among those Members who rose by the time that the unanimous-consent request was granted.

Where Division of Time by Unanimous Consent Was Objected to, Chair Used His Discretion

§ 79.81 A motion to limit debate under the five-minute rule on a pending amendment in the Committee of the Whole is not in order if it includes a provision for division of time between two Members, since debate time can be allocated between Members only by unanimous consent; but where debate on an amendment and all amendments thereto has been limited to a time certain, the Chair may exercise his discretion and allocate the remaining time between two Members and may indicate which Member may close the debate.

The following proceedings occurred in the Committee of the Whole on Aug. 2, 1984,[6] during consideration of the Department of Interior Appropriations Act of 1985 (H.R. 5973):

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I move that all time on the Conte amendment and all amendments thereto with the exception of the Ottinger amendment end at 3:30, the time to be equally divided between the gentleman from Massachusetts (Mr. Conte) and the gentleman from Connecticut (Mr. Ratchford).

THE CHAIRMAN:[7] The Chair will remind the gentleman that time cannot be allocated between sides or between Members except by unanimous consent. . . .

But the motion only to limit debate is in order. . . .

MR. [BILL] FRENZEL [of Minnesota]: If the gentleman's motion passes I will not object to the unanimous-consent request at that time to divide the time.

6. 130 CONG. REC. 22180, 22181, 98th Cong. 2d Sess.

7. Richard A. Gephardt (Mo.).

THE CHAIRMAN: . . . The motion offered by the gentleman from Illinois (Mr. Yates) is to end all debate on the Conte amendment and all amendments thereto except the Ottinger amendment at 3:30.

MR. YATES: That is correct, Mr. Chairman.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Illinois (Mr. Yates).

[The motion was agreed to.]

MR. YATES: Mr. Chairman, the time has been limited to 3:30. I ask unanimous consent that the time be expanded to permit 10 minutes on each side, with those favoring the Conte amendment to be controlled by the gentleman from Massachusetts (Mr. Conte) and those favoring the Ratchford amendment to be controlled by the gentleman from Connecticut (Mr. Ratchford).

THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois.

MR. [MARTY] RUSSO [of Illinois]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The Chair now intends to allocate 6 minutes to the gentleman from Massachusetts (Mr. Conte) and 6 minutes to the gentleman from Connecticut (Mr. Ratchford).

The Chair intends that the debate will end with Mr. Ratchford.

Procedure Where Control of Time Set by Unanimous Consent

§ 79.82 The Committee of the Whole may by unanimous consent limit the time for debate under the five-minute rule and provide for the time to be controlled and divided between the majority and minority sides.

On May 26, 1966,[8] Adam C. Powell, of New York, Chairman of the Committee on Education and Labor which had reported the bill under discussion under the five-minute rule in the Committee of the Whole, asked unanimous consent that debate on a pending amendment be limited to 60 minutes, 30 minutes on each side (majority and minority), to be equally divided and controlled by the proponent of the amendment and the subcommittee chairman handling the bill.

The request was agreed to.

On May 10, 1966,[9] the Committee of the Whole agreed to a request limiting five-minute debate and dividing the control of the time between the majority and minority Members in charge of the bill:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Chairman, for the purpose of clarification, would it be in order for the gentleman from Tennessee to ask unanimous consent that debate on this amendment be confined to 20 minutes

8. 112 CONG. REC. 11608, 89th Cong. 2d Sess.

9. *Id.* at p. 10232.

on each side, the 20 minutes on this side to be controlled by the gentleman from Tennessee [Mr. Evins] and the 20 minutes on the Republican side by the gentleman from North Carolina [Mr. Jonas]?

MR. [JOSEPH L.] EVINS: Mr. Chairman, I thank the distinguished majority leader for the suggestion and now make the unanimous-consent request accordingly.

THE CHAIRMAN:[10] Without objection, it is so ordered.

There was no objection.[11]

§ 79.83 Where the Committee of the Whole has by unanimous consent fixed debate on an amendment to two hours and divided control of the time between the proponent of the amendment and the chairman of the committee, the two Members controlling debate may yield time as in general debate, and Members may offer and debate amendments in the time yielded them.

On July 9, 1965,[12] the Committee of the Whole was considering H.R. 6400, the Voting Rights Act of 1965, pursuant to a unanimous-consent agreement fixing debate on the pending amendment at two hours and dividing control of the time between Mr. William M. McCulloch, of Ohio, the proponent of the amendment, and Emanuel Celler, of New York, Chairman of the Committee on the Judiciary. Mr. McCulloch, who had the floor, yielded to Mr. Robert McClory, of Illinois, who offered an amendment and was recognized by Chairman Richard Bolling, of Missouri, for five minutes.

The Chairman stated, in response to a parliamentary inquiry by Mr. Celler that the two Members in control could, under the unanimous-consent agreement, yield time to other Members and that Members yielded to could offer amendments.

§ 79.84 Where by unanimous consent the final portion of debate under a limitation has been reserved to the manager of the bill, and that Member has also consumed five minutes in opposition to a preferential motion to strike the enacting clause, he is nevertheless recognized again where all other time under the limitation has been preempted by debate on the preferential motion.

During consideration of the Clean Air Act Amendments of

10. Richard Bolling (Mo.).

11. See also 111 CONG. REC. 16227, 16228, 89th Cong. 1st Sess., July 9, 1965.

12. 111 CONG. REC. 16207, 16217, 16218, 89th Cong. 1st Sess.

1976 (H.R. 10498) in the Committee of the Whole on Sept. 15, 1976,[13] the following proceedings occurred:

MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I ask unanimous consent that debate on the Waxman-Maguire amendment and the Dingell amendment, and all amendments thereto, conclude at 1:30 . . . and that the last 10 minutes be reserved for myself.

THE CHAIRMAN:[14] Is there objection to the request of the gentleman from Florida?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous-consent request was made will be recognized for 30 seconds each. . . .

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Wright moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN: The gentleman from Texas (Mr. Wright) is recognized for 5 minutes in support of his preferential motion. . . .

MR. ROGERS: Mr. Chairman, I rise in opposition to the motion.

THE CHAIRMAN: The gentleman from Florida (Mr. Rogers) is recognized for 5 minutes in opposition to the preferential motion. . . .

The time of the gentleman has expired. . . .

The question is on the preferential motion offered by the gentleman from Texas (Mr. Wright).

The preferential motion was rejected.

THE CHAIRMAN: The Chair recognizes the gentleman from Florida (Mr. Rogers) for the balance of the time.

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, did the Chair not mean to recognize the gentleman from North Carolina?

THE CHAIRMAN: The Chair will state to the gentleman from North Carolina that the Chair is operating under the limitation which was imposed by the unanimous-consent request. There are two key points that come into play at this time, the limitation of the time and the reservation of time to the gentleman from Florida (Mr. Rogers) of the last 10 minutes. The gentleman from Florida will not get the full 10 minutes because the time will have expired at 1:30.

The Chair again recognizes the gentleman from Florida (Mr. Rogers).

§ 79.85 Although a motion to limit debate on a pending amendment is in order in the Committee of the Whole, such a motion may not allocate the time proposed under the limitation or vary the order of recognition to close debate under the limitation.

During consideration of the Defense Savings Act of 1988 (H.R. 4481) in the Committee of the

13. 122 CONG. REC. 30466, 30469–71, 94th Cong. 2d Sess.

14. J. Edward Roush (Ind.).

Whole on July 12, 1988,[15] the following exchange occurred:

MR. [WILLIAM L.] DICKINSON [of Alabama]: I think that the rule provides a division of time of all those standing and who want to speak. But if it would be proper, Mr. Chairman, I would so move that limitation of time would be within 30 minutes of the present time, the time to be divided equally by the proponents and opponents and that the gentleman from Texas, the author of the amendment, be allowed to close debate.

MR. [DENNIS M.] HERTEL [of Michigan]: . . . I have no problem with the gentleman closing debate. I just do not know if it is proper to put it in a motion. I have no objection to him being the last person to speak. . . .

THE CHAIRMAN:[16] The gentleman . . . has made a motion. He has moved. But the gentleman should make a unanimous-consent request to allocate time.

MR. DICKINSON: Mr. Chairman, I would ask unanimous consent that all debate on this amendment and all amendments thereto close within 30 minutes, that the 30 minutes be divided half and half between the proponents and the opponents and that the gentleman from Texas be allowed to close.

MR. [G. V.] MONTGOMERY [of Mississippi]: Mr. Chairman, reserving the right to object, I agree with the gentleman's first part with respect to 30 minutes but over the years the House procedure is I believe, and I will have the Chair correct me if I am wrong, that when an amendment is offered and the chairman of the committee objects to that amendment, that he has the right to close debate. Is that proper?

THE CHAIRMAN: Normally when the Committee of the Whole divides the time on an amendment the person handling the bill, the chairman, has the right to end the debate. That is normal.

There has been a unanimous-consent request to alter that, which can be done, to permit the gentleman from Texas to close the debate.

Special Rule May Permit Time Allocation by Motion

§ 79.86 A special rule agreed to by the House for consideration of a bill permitted motions by the chairman of the committee reporting the bill to include the allocation of time in any motion to limit debate, and to consider the remainder of the bill or any titles thereof read and open to amendment.

On Dec. 9, 1981,[17] Mr. Anthony C. Beilenson, of California, called up House Resolution 291 (providing for consideration of H.R. 3566, International Security and Development Assistance authorizations for fiscal 1982 and 1983) in the House:

MR. BEILENSON: Mr. Speaker, by direction of the Committee on Rules, I

15. 134 CONG. REC. 17767, 100th Cong. 2d Sess.

16. Harold L. Volkmer (Mo.).

17. 127 CONG. REC. 30193, 97th Cong. 1st Sess.

call up House Resolution 291 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3566) to authorize appropriations for the fiscal years 1982 and 1983 for international security and development assistance and for the Peace Corps, and for other purposes, the first reading of the bill shall be dispensed with. . . . After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. It shall be in order at any time while the bill is being considered for amendment under the five-minute rule for the chairman of the Committee on Foreign Affairs to move to limit debate on the pending portion of the bill and to provide in said motion for the allocation of time under the limitation on the pending portion of the bill, or on amendments, or on amendments to amendments, thereto. It shall also be in order at any time while the bill is being considered for amendment under the five-minute rule for the chairman of the Committee on Foreign Affairs to move that the remainder of the bill, or any title thereof, be considered as having been read and open to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Where All Debate on Pending Amendment Is Limited, Enacting Clause Still Debatable

§ 79.87 During consideration of an amendment in the Committee of the Whole, where time for debate thereon has been fixed and control vested in two Members, the motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken is in order and privileged and the Member making the motion as well as the Member rising in opposition thereto are entitled to recognition for five minutes.

On July 9, 1965,[18] the Committee of the Whole was conducting debate on an amendment pursuant to a unanimous-consent agreement limiting debate on the amendment and amendments thereto to two hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on

18. 111 CONG. REC. 16227, 16228, 89th Cong. 1st Sess.

the Judiciary which reported the bill (Emanuel Celler, of New York, and William M. McCulloch, of Ohio, respectively). The bill under consideration was H.R. 6400, the Voting Rights Act of 1965, and the amendment was the "McCulloch substitute." During debate under the unanimous-consent agreement, Mr. Albert W. Watson, of South Carolina, offered the preferential motion that the Committee of the Whole rise and report the bill to the House with the recommendation that the enacting clause be stricken. Chairman Richard Bolling, of Missouri, entertained the motion and recognized Mr. Watson for five minutes in favor of the motion and Mr. William T. Cahill, of New Jersey, for five minutes against the motion.

Parliamentarian's Note: Since the limitation previously agreed to was not on the bill and not by the clock, the time consumed in debating the motion was not charged to the time remaining under the limitation.

§ 79.88 Where debate has been closed on all amendments to a bill, but not on the bill itself, the preferential motion to strike the enacting clause is debatable for 10 minutes, five to a side.

During consideration of the military procurement authorization (H.R. 6674) in the Committee of the Whole on May 20, 1975,[19] the proposition described above was demonstrated as follows:

> MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I move that all debate on this amendment and all amendments thereto, and on further amendments to the bill, end in 20 minutes.
>
> THE CHAIRMAN:[20] The question is on the motion offered by the gentleman from Illinois.
>
> The motion was agreed to. . . .
>
> THE CHAIRMAN: The time of the gentleman has expired. [All time has expired.]
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Bauman moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.
>
> MR. BAUMAN: Mr. Chairman, I only offer this motion in order to obtain time since I was not able to receive any time from the gentleman from Iowa (Mr. Harkin) who offered what he claimed to be the Bauman amendment. I have read his amendment very carefully. It is not the same amendment which I offered to the National Science Foundation authorization bill. . . .
>
> MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the preferential motion.

19. 121 CONG. REC. 15458, 15465, 15466, 94th Cong. 1st Sess.

20. Dan Rostenkowski (Ill.).

I thank the gentleman from Maryland for giving me an opportunity to expand a little bit more on some of these ridiculous spending programs that waste the taxpayers' dollars. . . . If we pass this routine authorization bill for the Defense Department of $32 billion in the usual manner, we will have to answer to our constituents if we choose to be honest about it.

§ 79.89 Where all time for debate on a committee amendment in the nature of a substitute (being read as an original bill for amendment pursuant to a special rule) and all amendments thereto has been terminated, a preferential motion that the Committee rise with the recommendation that the enacting clause be stricken out is debatable for 10 minutes since the preferential motion applies to the bill and all debate on the bill has not been closed.

On June 20, 1975,[1] during debate in the Committee of the Whole pertaining to the Energy Research and Development Administration authorization for fiscal year 1976 (H.R. 3474), and after a motion to terminate that debate had been agreed to, the preferential motion described above was offered. The proceedings were as follows:

MR. [JOHN] YOUNG of Texas: Mr. Chairman, I move that all debate on the committee amendment in the nature of a substitute and all amendments thereto terminate at 4 o'clock p.m.

THE CHAIRMAN: G5(2) The question is on the motion offered by the gentleman from Texas (Mr. Young). . . .

So the motion was agreed to. . . .

THE CHAIRMAN: All time has expired. . . .

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

THE CHAIRMAN: . . . The gentleman is recognized for 5 minutes.

§ 79.90 A Member who has been recognized under a time limitation on an amendment in Committee of the Whole may offer a preferential motion (that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken out) and be recognized for five minutes to debate the motion.

During consideration of the Foreign Relations Authorization Act

1. 121 CONG. REC. 19966, 19970, 19971, 94th Cong. 1st Sess.

2. J. Edward Roush (Ind.).

for fiscal year 1978 (H.R. 6689) in the Committee of the Whole on May 4, 1977,[3] Mr. Dante B. Fascell, of Florida, was granted a unanimous-consent request limiting debate, as follows:

> MR. FASCELL: . . . Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from California (Mr. Dornan) and the amendment offered as a substitute by the gentleman from Alabama (Mr. Buchanan), and all amendments thereto, close in 10 minutes.
>
> THE CHAIRMAN:[4] Is there objection to the request of the gentleman from Florida?
>
> There was no objection.
>
> THE CHAIRMAN: Members standing at the time the unanimous-consent request was granted will be recognized for 50 seconds each. . . .
>
> The Chair recognizes the gentleman from California (Mr. Dornan) for 50 seconds.
>
> MR. [ROBERT K.] DORNAN [of California]: Mr. Chairman, I rise to offer a preferential motion.
>
> THE CHAIRMAN: Does the gentleman from California (Mr. Dornan) have such a motion?
>
> MR. DORNAN: Yes, I do, Mr. Chairman.
>
> THE CHAIRMAN: The Clerk will report the motion offered by the gentleman from California (Mr. Dornan). Is there such a motion at the desk?
>
> MR. DORNAN: Mr. Chairman, the motion is offered to get time for debate, providing 5 more minutes on each side, and this is to try to wipe out this part of the bill. The motion is to strike all after the enacting clause. . . .
>
> Mr. Chairman, I have my motion in writing.
>
> Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Dornan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.
>
> THE CHAIRMAN: The gentleman from California (Mr. Dornan) is recognized for 5 minutes in support of his preferential motion.

§ 79.91 Where debate in Committee of the Whole on an amendment has been limited to a number of minutes of debate (rather than to a time certain), time consumed debating a preferential motion does not reduce the time remaining under the limitation.

During consideration of the Treasury Department and Postal Service appropriation bill for fiscal year 1981 (H.R. 7593) in the Committee of the Whole on Aug. 20, 1980,[5] the Chair responded to a parliamentary inquiry concerning debate time as follows:

> MR. [TOM] STEED [of Oklahoma]: Mr. Chairman, I move that all debate on

3. 123 CONG. REC. 13413, 13414, 95th Cong. 1st Sess.
4. Elliott Levitas (Ga.).
5. 126 CONG. REC. 22173–76, 96th Cong. 2d Sess.

this amendment and all amendments thereto end in 15 minutes.

THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Oklahoma (Mr. Steed).

The motion was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. BAUMAN

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a preferential motion.

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. PEYSER: Mr. Chairman, does the time for the preferential motion come out of the 15 minutes that we have just agreed to?

THE CHAIRMAN: The Chair informs the gentleman that it does not come out of the preferential motion.

Disposition of Unused Time

§ 79.92 While a motion to limit debate on a portion of a bill and all amendments thereto was pending, the Chair advised that in the event the motion carried: (1) the Chair would first recognize those Members standing, each for five minutes, then any other Members seeking recognition, also for five minutes, until the time expired or there were no other requests for recognition; and (2) if requests for recognition did not consume the time set, the Chair would direct the Clerk to read.

On Aug. 1, 1966,[7] while the Committee of the Whole was considering under the five-minute rule H.R. 14765, the Civil Rights Act of 1966, Mr. Emanuel Celler, of New York, moved that all debate on title I and amendments thereto close in one and one-half hours. Chairman Richard Bolling, of Missouri, then answered a parliamentary inquiry stated by Mr. Gerald R. Ford, of Michigan, on the order of recognition should the motion be agreed to:

MR. GERALD R. FORD: Mr. Chairman, I notice that there are relatively only a few standing. How will the Chair determine under that process those who will be eligible to speak? The lack of those standing does not necessarily mean that Members will not wish to speak.

THE CHAIRMAN: The Chair will state that if the time is fixed at 1½ hours and there are no other gentlemen to be recognized or who desire to be heard, the Chair will proceed to ask the Clerk to read the next title.

If, however, there are 1½ hours, each Member standing now will be recognized for 5 minutes.

MR. GERALD R. FORD: A further parliamentary inquiry, Mr. Chairman. If

6. Richardson Preyer (N.C.).

7. 112 CONG. REC. 17759, 17760, 89th Cong. 2d Sess.

there are not a sufficient number of Members standing at the present time, will the Chair proceed under the 5-minute rule during the 1½ hours?

THE CHAIRMAN: The Chair will see to it that each of those Members now standing will be recognized in an orderly fashion. If there are others desiring to speak within the time limitation, the Chair will then recognize them. Those now standing will receive a priority from the Chair.[8]

§ 79.93 Where the Committee of the Whole agrees to terminate all debate on an amendment at a certain time, the Chair divides the time remaining among those Members who indicate a desire to speak; and if free time remains after these Members have been recognized, the Chair may recognize Members who have not spoken to the amendment or Members who were recognized for less than five minutes under the limitation of time.

On Mar. 17, 1960,[9] the Committee of the Whole agreed to a request that all debate on the pending amendment close at 3:50 p.m. Chairman Francis E. Walter, of Pennsylvania, recognized under the limitation Members who had indicated they wished to speak. When those Members had spoken, time still remained and the Chairman recognized for debate Members who were not standing seeking recognition when the limitation was agreed to. The Chair answered a parliamentary inquiry:

MR. [JAMES C.] DAVIS of Georgia: Was not the time fixed for this debate, and was not the time limited to those who were standing on their feet seeking recognition?

THE CHAIRMAN: The time was fixed at 3:50. The Chair made a list of the names of those Members who indicated they desired to speak. However, the thing that governs is the time that was fixed in the unanimous-consent request made by the gentleman from New York, but because the time has not arrived when debate will end, the Chair will recognize those Members who seek recognition.

MR. DAVIS of Georgia: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DAVIS of Georgia: Does that limitation then of 2 minutes apply to me, or could I have some of this additional time?

8. See also 116 CONG. REC. 25809, 25810, 91st Cong. 2d Sess., July 27, 1970 (where time limitation on amendment and amendments thereto, time divided among Members wishing to speak, Chair indicated in response to a parliamentary inquiry that he would put the question on the amendments prior to the designated hour if all those Members listed had not consumed their allotted time and if there were no further requests to speak).

9. 106 CONG. REC. 5911, 5914, 86th Cong. 2d Sess.

THE CHAIRMAN: Yes, the gentleman could be recognized again if he sought recognition.

Amendments Offered After Debate Time Expires

§ 79.94 Where all time expires for debate on a paragraph of a bill and on amendments thereto, further amendments to the paragraph may be offered but are not debatable.

On June 29, 1959,[10] the Committee of the Whole agreed to a unanimous-consent request to limit debate on the pending paragraph and amendments thereto. In response to parliamentary inquiries, Chairman Paul J. Kilday, of Texas, stated that when all time had expired pursuant to that agreement, further amendments could be offered but not debated:

MR. [JOEL T.] BROYHILL [of Virginia]: Mr. Chairman, when could I offer this other amendment?

THE CHAIRMAN: To this paragraph?

MR. BROYHILL: Yes.

THE CHAIRMAN: After the disposition of the pending amendment. The Chair would point out that under the arrangement made, the gentleman might find himself in the position of not being permitted to debate the other amendment.[11]

§ 79.95 Members may offer amendments to a title, after a time limitation for debate on the title and all amendments thereto has expired, and such amendments may be reported and voted on, but not debated.

On May 21, 1959,[12] the Committee of the Whole agreed to a motion closing debate on a pending title and on amendments thereto at 3:35 p.m. Chairman Francis E. Walter, of Pennsylvania, answered parliamentary inquiries on the effect of the limitation on the offering of further amendments to the title:

MR. [JOHN] TABER [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. TABER: Is it not a fact that an amendment may be offered after debate has concluded? Any one has a right to offer an amendment even after debate has concluded.

THE CHAIRMAN: The Member may offer an amendment after time for debate has expired; and the amendment may be reported and voted on, but it may not be debated.

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10. 105 CONG. REC. 12122–24, 86th Cong. 1st Sess.

11. See also 113 CONG. REC. 32691–94, 90th Cong. 1st Sess., Nov. 15, 1967 (where time expires on section and amendments thereto, Chair may still recognize Members to offer amendments, which will be voted upon without debate).

12. 105 CONG. REC. 8828–31, 86th Cong. 1st Sess.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HALLECK: Suppose a Member has an amendment which might or might not be offered depending on the action taken on the pending amendment and he had informed the Chair of the situation, could not his time be allotted to him after the pending amendment is disposed of?

THE CHAIRMAN: If debate goes beyond 3:35, then, of course, he could not be recognized for debate.

MR. HALLECK: I understand, but if he was standing and was one of those who would be entitled to part of the time allotted, could not the Chair, under the circumstances, refrain from recognizing him until such time as the pending amendment were disposed of?

THE CHAIRMAN: The Chair has no way of telling for what purpose a Member rises, certainly not until he stated the purpose for which he sought recognition.

§ 79.96 Where time for debate on an amendment and amendments thereto has expired, the Chair may still recognize Members to offer amendments, but not for further debate.

On Feb. 10, 1964,[13] the Committee of the Whole voted to close debate on a title of a pending bill and on all amendments thereto.

Chairman Eugene J. Keogh, of New York, responded to a later parliamentary inquiry as follows:

MR. [RICHARD H.] POFF [of Virginia]: Mr. Chairman, in light of the limitation on time may I inquire what amendments will be voted upon when the time expires? I have two amendments at the desk which I may or may not offer, depending upon developments. I would like to be advised whether I will be recognized to offer the amendments and if so when that time will occur.

THE CHAIRMAN: The Chair will state to the gentleman from Virginia that up to 1 o'clock the Chair will undertake to recognize such Members as he can. After 1 o'clock the Chair will recognize those Members desiring to offer amendments and the question on each amendment will be put immediately without debate.[14]

§ 79.97 After time set under a limitation on a bill and amendments thereto has expired, further amendments may be offered but not debated.

On July 18, 1968,[15] Mr. Wayne L. Hays, of Ohio, offered an amendment after all time had expired, time having been limited on the bill and all amendments thereto. In response to his parliamentary inquiry, Chairman Charles M. Price, of Illinois, stated that the amendment was not debatable.

§ 79.98 The expiration of time for debate on a pending

13. 110 CONG. REC. 2706, 88th Cong. 2d Sess.

14. *Id.* at p. 2719. See also 110 CONG. REC. 18583, 18608, 88th Cong. 2d Sess., Aug. 7, 1964.

15. 114 CONG. REC. 22110, 90th Cong. 2d Sess.

amendment in the nature of a substitute and all amendments thereto does not preclude the offering of a substitute and amendments to the substitute, which are voted upon, after being read, without debate.

On Apr. 23, 1975,[16] during consideration of the Vietnam Humanitarian and Evacuation Assistance Act (H.R. 6096) in the Committee of the Whole, Chairman Otis G. Pike, of New York, responded to several inquiries relating to the offering and debating of amendments:

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I offer a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Eckhardt as a substitute for the amendment in the nature of a substitute offered by Mr. Edgar: strike all after enacting clauses and add:

Sec. 2. There is authorized to be appropriated to the President for the fiscal year 1975 not to exceed $150,000,000 to be used, notwithstanding any other provision of law, on such terms and conditions as the President may deem appropriate for humanitarian assistance to an evacuation program from South Vietnam. . . .

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Mr. Chairman, I make the point of order that this is a substitute amendment for my amendment in the nature of a substitute and it would not be in order at this time.

THE CHAIRMAN: A substitute for the amendment in the nature of a substitute would be in order at this time. . . .

MR. [WILLIAM J.] RANDALL [of Missouri]: Mr. Chairman, I make the point of order that the understanding was the debate on the substitute and all amendments thereto would end at 4 o'clock and the hour of 4 o'clock has arrived. What is the parliamentary situation?

THE CHAIRMAN: The parliamentary situation is, as the Chair understands it, as follows:

A substitute amendment offered by the gentleman from Texas for the amendment in the nature of a substitute can be read but cannot be debated.

If there are amendments to the substitute offered by the gentleman from Texas they will be reported by the Clerk but they will not be debated and they will be disposed of as soon as they are reported by the Clerk. . . .

MS. [ELIZABETH] HOLTZMAN [of New York]: Would the Chair further elaborate; is this substitute amendment by the gentleman from Texas open to further amendment in time?

THE CHAIRMAN: As each amendment is disposed of, other amendments would be in order, but they may not be debated. . . .

MR. [DONALD W.] RIEGLE [Jr., of Michigan]: Mr. Chairman, if I understood our time limit earlier when we set the 4 o'clock time limit and when Members were standing at the time and were given time, it was on the

16. 121 CONG. REC. 11507, 11508, 94th Cong. 1st Sess.

basis that we would consider the amendment in the nature of a substitute and all amendments thereto by 4 o'clock.

As I understand it, when we got to 4 o'clock, can the Chair tell me why the proceedings passed 4 o'clock?

THE CHAIRMAN: The committee is proceeding past 4 o'clock because the limitation was on debate. Members wishing to offer amendments to the amendment in the nature of a substitute cannot be cut off from offering their amendments. The debate has ended. . . .

MR. RIEGLE: Does that mean that those offering amendments are restricted to those who were on their feet at the time we set the time limit, or not?

THE CHAIRMAN: No. As long as the amendment in the nature of a substitute is pending, amendments to that amendment in the nature of a substitute may be offered. . . .

MR. RIEGLE: Is the Chairman saying that amendments now can be offered really indefinitely by any Member of the House who wishes to so offer them.

THE CHAIRMAN: As long as the amendments are in order, they may be offered.

§ 79.99 The expiration of a limitation on debate under the five-minute rule in Committee of the Whole does not prohibit the offering of further amendments, but such amendments are not subject to debate if not printed in the *Congressional Record*.

On June 14, 1979,[17] during consideration of H.R. 4388, the energy and water appropriation bill for fiscal year 1980, the following proceedings occurred in the Committee of the Whole:

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, as I understand it, we are scheduled to adjourn at 5:30 this evening.

Mr. Chairman, I ask unanimous consent that all debate on these amendments and all amendments thereto conclude in 2 minutes.

THE CHAIRMAN:[18] Is there objection to the request of the gentleman from Alabama?

There was no objection.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Colorado (Mr. Johnson) to the amendments offered by the gentleman from Connecticut (Mr. Dodd). . . .

[The amendment to the amendments was agreed to.]

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment as a substitute for the amendment, as amended.

THE CHAIRMAN: For what purpose does the gentleman from Alabama (Mr. Bevill) seek recognition?

MR. BEVILL: Mr. Chairman, on the amendment, as amended, I ask for a rollcall vote.

THE CHAIRMAN: The Chair has not yet put the question on the amendment, as amended.

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17. 125 CONG. REC. 14993, 14994, 96th Cong. 1st Sess.

18. Philip R. Sharp (Ind.).

MR. BEVILL: I ask for a vote then. . . .

THE CHAIRMAN: The Chair had recognized the gentleman from Michigan and asked him for what purpose he sought recognition. The gentleman indicated that he had an amendment.

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: Mr. Chairman, when the gentleman from Alabama, the chairman of the subcommittee, requested an agreement to end debate, there was no objection on the amendment and amendments thereto. At that point the vote was put.

I suggest to the Chair that it is in order now to vote on the amendment.

MR. DINGELL: Mr. Chairman, I have an amendment I desire to offer as a substitute at this time.

THE CHAIRMAN: The Chair will indicate to the gentleman from Washington that we are operating under a time limit; however, that does not exclude the possibility of offering an amendment as a substitute, though no debate will be in order in the absence of a unanimous-consent request.

Therefore, the Clerk will read the amendment.

§ 79.100 Where the Committee of the Whole rises immediately after having limited debate under the five-minute rule on the pending bill, the Chair allocates time under the limitation among those Members present when the Committee of the Whole reconvenes on that bill, but a Member who has printed an amendment in the Record is entitled to five minutes notwithstanding the allocation, and may be recognized to offer the amendment after the limitation has expired.

During consideration of H.R. 3000 (Department of Energy authorization bill) in the Committee of the Whole on Oct. 24, 1979,[19] the following proceedings occurred:

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3000, with Mr. Studds, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN PRO TEMPORE:[20] When the Committee of the Whole rose on Tuesday, October 18, title VIII was open to amendment at any point.

Pending was an amendment offered by the gentleman from New York (Mr. Peyser).

It was also agreed that all time for debate on the bill and all amendments thereto would be limited to 15 minutes. At this point, the Chair would like to ascertain those Members wishing to be recognized in the allocation of the remaining 15 minutes of debate.

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I have a parliamentary inquiry.

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19. 125 CONG. REC. 29384, 29385, 96th Cong. 1st Sess.

20. Gerry E. Studds (Mass.).

THE CHAIRMAN PRO TEMPORE: The gentleman will state the parliamentary inquiry.

MR. COURTER: Mr. Chairman, there are, I believe, two Members, perhaps even three, who have amendments printed in the Record, printed I believe last week. Under the rules, are we given 5 minutes despite the fact that we use up the 15 minutes that are left for debate?

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman that at the conclusion of the allocated time of 15 minutes remaining those Members with amendments printed in the Record—and the Chair believes there are three of them—will be entitled to 5 minutes in support of these amendments.

MR. COURTER: I thank the Chairman.

THE CHAIRMAN PRO TEMPORE: Members standing at the time the motion was agreed to, amongst whom the time will be allocated, will be recognized for approximately 50 seconds each.

Debate on Amendments to Amendments Printed in Record

§ 79.101 Where all debate has been limited on an amendment in the nature of a substitute and all amendments thereto, only amendments and amendments to amendments which have been printed in the Record may be debated, and other amendments may be offered and voted upon without debate.

During consideration of the Federal Employees' Political Activities Act of 1977 (H.R. 10) in the Committee of the Whole on June 7, 1977,[1] the Chair responded to inquiries regarding debate on amendments:

THE CHAIRMAN:[2] When the Committee rose on Wednesday, May 18, 1977, the committee amendment in the nature of a substitute was considered as having been read and open for amendment at any point. Pursuant to a motion to limit debate in the Committee of the Whole, all time for debate on the committee amendment in the nature of a substitute and all amendments thereto had expired. . . .

MR. [EDWARD J.] DERWINSKI [of Illinois]: . . . If there is an amendment covered by clause 6, rule XXIII, and this is then subject to an amendment, is an additional 10 minutes debate time granted to the proponent of that amendment and in opposition thereto?

THE CHAIRMAN: Proper amendments to an amendment will be in order. If the amendment to the amendment has been printed in the Record, there will be 5 minutes allowed to the proponent of the amendment and 5 minutes to the opponent of the amendment.

MR. DERWINSKI: It must have been printed in the Record?

THE CHAIRMAN: It must have been printed in the Record. However, proper amendments to the amendment may be offered, even though they have not been printed in the Record, but there

1. 123 CONG. REC. 17700, 95th Cong. 1st Sess.
2. James R. Mann (S.C.).

will be no debate time allotted to such amendments to the amendment.

§ 79.102 After the expiration of a limitation on debate under the five-minute rule, an amendment which has been printed in the Record may be offered and debated, five minutes for and five minutes against, and an amendment to the amendment may be offered but may not be debated unless it has also been printed in the Record.

On Apr. 28, 1983,[3] during consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee of the Whole, the Chair, in response to parliamentary inquiries, indicated the procedures to be followed in offering and debating amendments pursuant to the expiration of a debate limitation under the five-minute rule:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan (Mr. Siljander).

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[4] The gentleman will state his parliamentary inquiry.

MR. COURTER: The parliamentary inquiry to the Chair is whether the gentleman can offer an amendment to the amendment if same has not been printed in the Record?

THE CHAIRMAN: The answer to the gentleman is "Yes."

MR. COURTER: A further parliamentary inquiry, Mr. Chairman.

What type of time now are we dealing with? I understand the proponent of the amendment utilized or yielded back his 5 minutes. Then the gentleman has an amendment to the amendment. Is he given 5 minutes and then an additional 5 minutes to those who oppose the amendment?

THE CHAIRMAN: The Chair will advise the gentleman that under the limitation previously agreed to, the gentleman from Michigan (Mr. Siljander) in offering the amendment, since it was printed in the Record, had 5 minutes to support his amendment for debate purposes.

The Chair will now recognize the chairman of the committee, the gentleman from Wisconsin (Mr. Zablocki) in opposition for 5 minutes.

If the gentleman from Iowa (Mr. Leach) or someone else offers an amendment to the amendment, which is not printed in the Record, there is no time available for debate on that amendment.

Amendments Printed in Record

§ 79.103 Where all debate in the Committee of the Whole on a bill and on amendments thereto has been terminated, a Member offering an amend-

3. 129 CONG. REC. 10428, 98th Cong. 1st Sess.

4. Matthew F. McHugh (N.Y.).

ment which has been printed in the Record on a preceding day may nevertheless, pursuant to Rule XXIII clause 6, debate that amendment for five minutes, and another Member opposing the amendment may then speak for five minutes.

On Aug. 2, 1973,[5] Chairman William H. Natcher, of Kentucky, answered a parliamentary inquiry on the right of Members with amendments printed in the Record to debate them for five minutes, after the Committee had agreed to a unanimous-consent agreement closing all debate on the pending bill and amendments thereto at a time certain:

MR. [JOHN] DELLENBACK [of Oregon]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DELLENBACK: May I ask whether under the rules of the House for every amendment that has been published in the Record is it not true the sponsor has 5 minutes?

THE CHAIRMAN: The gentleman is correct.

At the expiration of the time agreed to, the Chair made an announcement and the following procedure ensued for printed amendments:[6]

THE CHAIRMAN: The Chair desires to announce at this time that all time under the limitation has expired. This does not apply to those Members who had their amendments previously printed in the Record. Those Members whom the Chair observed standing who have amendments, those amendments will be reported and voted upon.

Are there amendments from the members of the committee who were standing at the time the limitation was set? If not, the Chair recognizes the Members who have had their amendments printed in the Record.

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows: . . .

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. STEIGER of Arizona: Mr. Chairman, it is my understanding that the proponent of the amendment is entitled to be recognized for 5 minutes.

THE CHAIRMAN: The gentleman is correct.

MR. STEIGER of Arizona: And also any Member opposing the amendment is entitled to 5 minutes?

THE CHAIRMAN: The gentleman is correct.[7]

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5. 119 CONG. REC. 27712, 93d Cong. 1st Sess.

6. *Id.* at p. 27715.

7. See also 118 CONG. REC. 10771–74, 92d Cong. 2d Sess., Mar. 29, 1972 (debate on all amendments to a pending bill having been closed, the Chair inquired of Members whether amendments then offered had been printed in the Record, the Members answered in the affirmative, and the Chair recognized for five minutes against and in support of the amendments).

Parliamentarian's Note: Rule XXIII clause 6, provides that the right of five-minute debate is preserved for an amendment printed in the Record "at least one day prior to floor consideration of such amendment." The rule has been construed to protect Members printing amendments in the Record dated the day prior to such consideration, although such an edition of the Record is not usually available until the morning of the following day (the day of consideration).

§ 79.104 Notwithstanding a limitation of debate on a pending title of a bill and all amendments thereto to a time certain and the allocation of the remaining time by the Chair, a Member who had inserted the text of his amendment in the Record is entitled, under Rule XXIII clause 6, to be recognized for five minutes upon offering that amendment during the limitation.

On Apr. 19, 1973,[8] the Committee of the Whole agreed to a unanimous-consent request, offered by Mr. James C. Wright, Jr., of Texas, that all debate on the pending title and amendments, being considered under the five-minute rule, close at a certain time. Chairman Morris K. Udall, of Arizona, allotted the remaining time to Members seeking recognition, each Member being entitled to 45 seconds.

Mr. Thomas F. Railsback, of Illinois, was recognized and offered an amendment. At the conclusion of 45 seconds, the Chairman stated that his time had expired. Mr. Railsback objected that he had printed his amendment in the *Congressional Record* prior to floor consideration thereof, and was therefore entitled to debate his amendment for five minutes pursuant to Rule XXIII clause 6. The Chairman, who had not been aware the amendment was printed in the Record, ruled that Mr. Railsback was entitled to five minutes.[9]

8. 119 CONG. REC. 13253, 13254, 93d Cong. 1st Sess.

9. Rule XXIII clause 6, was amended in the 92d Congress to allow five minutes, regardless of a limitation, on an amendment printed in the Record. See *House Rules and Manual* § 874 (1995).

The Chair, in response to a parliamentary inquiry, has declined to rule in advance upon the applicability of Rule XXIII clause 6 (permitting 10 minutes of debate on amendments printed in the Record notwithstanding a limitation of time under the five-minute rule) to an amendment not yet offered from the floor. See 117 CONG. REC. 39089, 92d Cong. 1st Sess., Nov. 3, 1971.

§ 79.105 Where all debate in Committee of the Whole on a bill and all amendments thereto has been terminated, a Member offering an amendment which has been printed in the Record on a preceding day may nevertheless, pursuant to Rule XXIII, clause 6, debate that amendment for five minutes, and another Member opposing the amendment may then speak for five minutes.

During consideration of the agriculture, environment, and consumer appropriation bill[10] in the Committee of the Whole on June 21, 1974,[11] Chairman Sam Gibbons, of Florida, indicated the procedure for offering amendments after time for all debate had expired, as follows:

> THE CHAIRMAN: The Chair will state the parliamentary situation as it is now. Under a unanimous-consent agreement entered into earlier, all time for debate on amendments and on this bill has expired. The Chair will recognize no one to debate on an amendment or the bill unless that Member has had his amendment published in the Record in advance.
>
> Is there anyone who falls into that category?
>
> MR. [LIONEL] VAN DEERLIN [of California]: Mr. Chairman, there is at least one Member.
>
> THE CHAIRMAN: Does the gentleman seek recognition?
>
> MR. VAN DEERLIN: Yes, Mr. Chairman.
>
> THE CHAIRMAN: And the gentleman's amendment has been printed in the Record?
>
> MR. VAN DEERLIN: Yes, at page H5504.
>
> Mr. Chairman, I offer an amendment.
>
> The portion of the bill to which the amendment relates is as follows:
>
> > Sec. 511: Except as provided in existing law, funds provided in this Act shall be available only for the purposes for which they are appropriated.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Van Deerlin: On page 52, after line 11, insert a new Section 513:
> >
> > "No funds contained in this appropriation act shall be available for the promotion or advertising of tobacco or any tobacco products in foreign nations."

§ 79.106 Where the Committee of the Whole had separately limited debate on the remaining titles of a committee amendment in the nature of a substitute which was open to amendment at any point, the Chair indicated that he would give preference in recognition to all Members who had amendments to the title being debated, and that Members who had printed amendments in the Record should offer them at the con-

10. H.R. 15472.

11. 120 CONG. REC. 20616, 93d Cong. 2d Sess.

clusion of debate under the limitation on that title.

The proceedings of July 24, 1974, relating to H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, are discussed in § 79.131, infra.

§ 79.107 Amendments printed in the Record pursuant to Rule XXIII clause 6 to a pending amendment in the nature of a substitute or to a substitute therefor may be debated for 10 minutes if offered following the expiration of all time for debate on the pending amendment and all amendments thereto.

During consideration of H. Res. 988 (to reform the structure, jurisdiction, and procedures of House committees) in the Committee of the Whole on Oct. 7, 1974,[12] the Chair responded to parliamentary inquiries concerning debate allowed for amendments printed in the Record. The proceedings were as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen), and all amendments thereto, conclude in 5 hours.

THE CHAIRMAN:[13] The question is on the motion.

The question was taken; and the Chairman announced that the noes appeared to have it.

MR. BOLLING: Mr. Chairman, I demand a recorded vote.

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, a parliamentary inquiry. . . .

Mr. Chairman, if the motion were to be agreed on, what effect would that have on amendments that have been printed in the Record under the rule?

THE CHAIRMAN: The Chair will state that amendments printed in the Record would be protected.

MR. O'HARA: A further parliamentary inquiry, Mr. Chairman, Would there be time for debate guaranteed to those amendments?

THE CHAIRMAN: The Chair will state that the gentleman's statement is correct; they would be protected. . . .

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Chairman, I did not understand the Chair's answer to the parliamentary inquiry by the gentleman from Michigan (Mr. O'Hara). Is it my understanding that notwithstanding that 5 hours under the gentleman's motion would dispose of the Hansen and Martin substitutes in addition thereto for those amendments which have been printed in the Record will there be time to debate them allowed?

THE CHAIRMAN: The Chair would like to advise the gentleman from New Jersey that the proponents of all amendments printed in the Record that have not been reached during the 5-hour period will be recognized under

12. 120 CONG. REC. 34170, 34171, 93d Cong. 2d Sess.

13. William H. Natcher (Ky.).

the rules of the House for 5 minutes in support of their amendments. They would be protected.

MR. THOMPSON of New Jersey: How about time in opposition?

THE CHAIRMAN: And 5 minutes in opposition. The gentleman is correct.

§ 79.108 Upon the expiration of time for debate on a bill and all amendments thereto, only those amendments which have been printed in the Record pursuant to Rule XXIII clause 6 may be debated, while other amendments may be offered and voted upon without debate.

On Dec. 11, 1974,[14] during consideration of H.R. 17234 (to amend the Foreign Assistance Act of 1961, as amended) in the Committee of the Whole, the Chair responded to a parliamentary inquiry, as follows:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I now move that all debate on the bill and all amendments thereto cease at 7 o'clock.

The motion was agreed to. . . .

THE CHAIRMAN:[15] All time has expired. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, will those Members who have amendments at the desk have a minute for time to present their amendments?

THE CHAIRMAN: Those Members who have amendments at the desk may present their amendments. Those who have amendments which were printed in the Record will be recognized for 5 minutes in support of their amendments.

§ 79.109 Pursuant to Rule XXIII clause 6, a Member may be recognized for five minutes in opposition to an amendment which had been printed in the Record and debated by its proponent for five minutes, notwithstanding a prior allocation of time to that Member under a limitation on the pending proposition and all amendments thereto.

On July 25, 1974,[16] during consideration of the Surface Mining Control and Reclamation Act of 1974 (H.R. 11500) in the Committee of the Whole, the Chair overruled a point of order, as follows:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I have a point of order.

THE CHAIRMAN:[17] The gentleman will state his point of order.

MR. HOSMER: Mr. Chairman, the gentleman from Arizona has spoken for a minute and 20 seconds already.

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14. 120 CONG. REC. 39165, 39170, 93d Cong. 2d Sess.

15. Melvin Price (Ill.).

16. 120 CONG. REC. 25221, 25222, 93d Cong. 2d Sess.

17. Neal Smith (Iowa).

THE CHAIRMAN: The Chair will state that under the rule, when the amendment has been printed in the Record, the author of the amendment gets 5 minutes in support of his amendment and an opponent gets 5 minutes in opposition to the amendment, regardless of a time limitation.

The Chair overrules the point of order.

To Qualify for Five Minutes, Form of Offered Amendment Must Be Identical to That Printed

§ 79.110 While Rule XXIII clause 6 permits any Member who has printed an amendment in the Record five minutes of debate thereon notwithstanding any limitation imposed by the Committee of the Whole, the amendment must be offered in the precise form in which it was printed in the Record to guarantee its proponent time for debate, and an amendment printed in the Record to be offered to original text is not protected by the rule when offered in different form as an amendment to a pending substitute.

On July 25, 1974,[18] during consideration of the Surface Mining Control and Reclamation Act of 1974 (H.R. 11500) in the Committee of the Whole, the principle described above was demonstrated as follows:

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Seiberling to the committee amendment in the nature of a substitute: Section 401, page 250, line 5 through page 251, line 5, strike subsection (d) and (e), substitute the following new subsections, and renumber the remaining subsection accordingly:

(d) All operators of coal mining operations which are subject to this Act shall, not later than 60 days following the end of the calendar year 1975 and each calendar year thereafter, pay a reclamation fee to the Secretary equal in amount to $2.50 per ton of coal mined by the operator during the preceding calendar year. . . .

MR. [JOSEPH M.] MCDADE [of Pennsylvania]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute.

MR. SEIBERLING: Mr. Chairman, a point of order. . . .

Mr. Chairman, this is a third degree amendment on an amendment.

THE CHAIRMAN:[19] This is an amendment to the substitute.

MR. SEIBERLING: It is an amendment to the substitute, which is an amendment to my amendment.

THE CHAIRMAN: That is not in the third degree.

18. 120 CONG. REC. 25230, 25232, 93d Cong. 2d Sess.

19. Neal Smith (Iowa).

The Clerk read as follows:

Amendment offered by Mr. McDade to the amendment offered by Mr. Ruppe as a substitute for the amendment offered by Mr. Seiberling to the committee amendment in the nature of a substitute: Page 249, strike out lines 15 through 16 and insert in lieu thereof the following:

(3) appropriations made to the fund, or amounts credited to the fund, under subsection (d). . . .

MR. MCDADE (during the reading): Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

THE CHAIRMAN: Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE CHAIRMAN: The Chair will advise the gentleman from Pennsylvania that the time has been set. The gentleman is not on the list.

MR. MCDADE: Mr. Chairman, may I say that I have this amendment printed in the Record. It has been printed for about 10 days.

THE CHAIRMAN: This is an amendment drafted as an amendment to the Ruppe substitute, whereas the amendment which the gentleman caused to be printed in the Record was drafted as an amendment to the committee amendment.

(By unanimous consent Mr. [Edwin D.] Eshleman [of Pennsylvania] yielded his time to the gentleman from Pennsylvania, Mr. McDade.)

§ 79.111 To be guaranteed five minutes of debate on an amendment printed in the Record under clause 6 of Rule XXIII notwithstanding a limitation of debate, the published amendment must indicate the portion of the bill or amendment (or both) to which it could be offered, and debate will not be permitted if the amendment is offered to a proposition not identified in the Record.

On Sept. 28, 1976,[20] during consideration of H.R. 15 (the Public Disclosure of Lobbying Act of 1976), the Chair responded to parliamentary inquiries regarding time for debate on amendments previously printed in the Record, notwithstanding a limitation of debate. The proceedings were as follows:

MR. [WALTER] FLOWERS [of Alabama]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute and all amendments thereto be limited to 30 minutes.

THE CHAIRMAN:[1] The question is on the motion offered by the gentleman from Alabama (Mr. Flowers). . . .

So the motion was agreed to. . . .

MR. [ABNER J.] MIKVA [of Illinois]: Mr. Chairman, if any Member has had an amendment to the amendment in the nature of a substitute printed in the Record, that Member, would, of course, be protected by the rule and

20. 122 CONG. REC. 33081, 33082, 94th Cong. 2d Sess.

1. Richard Bolling (Mo.).

would be allowed to speak for 5 minutes?

THE CHAIRMAN: If the amendment had been printed in the proper form, the gentleman is correct.

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KINDNESS: Mr. Chairman, to clarify the previous parliamentary inquiry, if an amendment was published in the Record as an amendment to be offered to H.R. 15 and not as an amendment to the substitute, I take it that the Member offering the amendment would not be protected at this stage of the proceedings?

THE CHAIRMAN: The gentleman is correct.

§ 79.112 The guarantee of 10 minutes of debate on amendments printed in the Record inures to an amendment offered as a substitute for another amendment, rather than as an original amendment as originally intended, if offered in the precise form printed; thus, although an amendment printed in the Record to assure debate time under clause 6 of Rule XXIII was not drafted as a substitute for another amendment, the Chair indicated that 10 minutes of debate would be permitted on the amendment if offered as a substitute at the precise point in the bill as previously stated in the Record.

During consideration of the Defense Production Act Amendments of 1979 (H.R. 3930) in the Committee of the Whole on June 26, 1979,[2] the following proceedings occurred relative to the offering of an amendment by Mr. Morris K. Udall, of Arizona:

Amendment offered by Mr. Udall: Page 8, after line 13 add the following new subsection and renumber the subsequent sections accordingly:

(g)(1) The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project. . . .

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

THE CHAIRMAN:[3] That is correct if offered in the proper form.

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

THE CHAIRMAN: It would be difficult for the Chair to rule on that without

2. 125 CONG. REC. 16681, 16682, 96th Cong. 1st Sess.

3. Gerry E. Studds (Mass.).

having seen the gentleman's amendment.

MR. BROWN of Ohio: The question I would put to the Chair as a parliamentary inquiry is: Does, then, my amendment become appropriate to this amendment and give me the right to 5 minutes to discuss my amendment?

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

§ 79.113 Where all time for debate on a bill and all amendments thereto has expired, only those amendments printed in the Record under the rule may be debated.

On Apr. 23, 1975,[4] during consideration of H.R. 6096[5] in the Committee of the Whole, the Chair made the following statement regarding debate on amendments:

THE CHAIRMAN:[6] The Chair would like to state the parliamentary situation as best he can as follows: There is no additional time for debate, except in the case of those amendments which have been printed in the Record as to which the proponents will have 5 minutes and the opponents will have 5 minutes.

Members seeking recognition for amendments which have not been printed in the Record will be recognized. Their amendments will be read and they will be voted on.

§ 79.114 A limitation of time for debate abrogates the five-minute rule and allocation of the time remaining to Members seeking recognition is within the discretion of the Chair, except that Members who had caused amendments to be printed in the Record under Rule XXIII clause 6 would receive the full five minutes.

On June 26, 1975,[7] an illustration of the proposition described above was demonstrated in the Committee of the Whole, as follows:

MR. [NEAL] SMITH of Iowa: Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto cease in 60 minutes.

THE CHAIRMAN:[8] Is there objection to the request of the gentleman from Iowa?

There was no objection. . . .

THE CHAIRMAN: The Chair will further add that all Members who were standing at the time the limitation of

4. 121 CONG. REC. 11544, 11545, 94th Cong. 1st Sess.
5. The Vietnam Humanitarian and Evacuation Assistance Act.
6. Otis G. Pike (N.Y.).
7. 121 CONG. REC. 20951, 20957, 94th Cong. 1st Sess. Under consideration was H.R. 8121, the Departments of State, Justice, and Commerce, the Judiciary and related agencies appropriation bill for fiscal year 1976.
8. Charles A. Vanik (Ohio).

debate was made will be recognized for approximately 2 minutes each. . . .

MR. [ROBERT F.] DRINAN [of Massachusetts]: Mr. Chairman, will the time be allotted according to the three amendments now pending at the desk?

THE CHAIRMAN: All Members who were listed, who were standing at the time the limitation of time was granted, will be accorded the same amount of time.

MR. DRINAN: Mr. Chairman, will the time be limited with regard to the amendments offered by the gentleman from Pennsylvania (Mr. Heinz) so that the other Members who have filed amendments will also have a certain amount of time?

THE CHAIRMAN: The Chair will state that the gentleman from Pennsylvania (Mr. Heinz) will be recognized, and then all other Members will be allotted 2 minutes, except for such amendments as were printed in the Congressional Record. Every Member who has an amendment that was printed in the Congressional Record will be guaranteed a full 5 minutes.

§ 79.115 An amendment printed in the Record at least one day prior to its consideration in Committee of the Whole may be debated five minutes for and five minutes against, regardless of a limitation imposed on five-minute debate by the Committee.

In the Committee of the Whole on Feb. 1, 1978,[9] during consideration of H.R. 1614 (the Outer Continental Shelf Lands Act Amendments), the following exchange occurred:

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I will revise the unanimous-consent request.

Mr. Chairman, I ask unanimous consent that when we convene tomorrow, all debate on H.R. 1614 and all amendments and substitutes thereto end after 3 hours of debate. . . .

MR. [DAVID C.] TREEN [of Louisiana]: Mr. Chairman, if the unanimous-consent request is granted, will all amendments that are in the Record as of tonight have the protection of the 5-minute rule, including any amendments that are put in the Record tonight?

THE CHAIRMAN:[10] The Chair would like to advise the gentleman that his inquiry is correct. They would be protected; all amendments placed in the Record tonight would be protected.

MR. TREEN: And each would have 5 minutes for presentation; is that correct?

THE CHAIRMAN: The Chair will state that the gentleman is correct; 5 minutes would be allotted to each side.

§ 79.116 Amendments printed in the Record at least one day prior to their consideration, including those printed after the debate time has expired under a limitation but before the Committee of the Whole resumes consider-

9. 124 CONG. REC. 1827, 1828, 95th Cong. 2d Sess.

10. William H. Natcher (Ky.).

ation of that portion of the bill to which the limitation applies, are nevertheless debatable for 10 minutes when consideration resumes on the following day.

On Mar. 15, 1978,[11] during consideration of H.R. 50 (the Full Employment and Balanced Growth Act of 1978) in the Committee of the Whole, Chairman William H. Natcher, of Kentucky, responded to parliamentary inquiries as to the effect a limitation on debate would have to amendments printed in the Record. The proceedings were as follows:

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I move that all debate on title I and all amendments thereto terminate at 5:45 p.m. . . .

So the motion was agreed to. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. BAUMAN: Mr. Chairman, am I correct in my understanding that at the conclusion of the 45 minutes of debate that is remaining any amendments that have been printed in the Record prior to this date allow the Member to have 5 minutes of discussion today and 5 minutes for the opposition?

THE CHAIRMAN PRO TEMPORE: The gentleman from Maryland is correct.

MR. BAUMAN: Further, Mr. Chairman, if a motion were made for the Committee to rise at that time, those amendments would still be under the limitation tomorrow?

THE CHAIRMAN: The gentleman is correct.

MR. BAUMAN: Further, Mr. Chairman, would amendments printed in the Record tonight to title I also be in order tomorrow?

THE CHAIRMAN: The gentleman is again correct.

Pro Forma Amendments Printed in Record

§ 79.117 A Member who has printed a "pro forma" amendment (to strike the last three words) in the Record is entitled to five minutes on the amendment despite the expiration of a limitation on debate; and the amendment must be voted on unless withdrawn by unanimous consent.

On Oct. 24, 1979,[12] during consideration of H.R. 3000 (the Department of Energy authorization

11. 124 CONG. REC. 7044, 95th Cong. 2d Sess.

12. 125 CONG. REC. 29389, 29391, 96th Cong. 1st Sess.

In recent years, special rules from the Committee on Rules permitting "pro forma amendments for the purpose of debate" have been interpreted as contemplating automatic withdrawal after debate, thereby avoiding the need to put the question.

bill) in the Committee of the Whole, the following occurred:

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Courter: On page 79 at the end of title VIII: Strike out the last three words.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise in opposition to the amendment.

(Mr. Dingell asked and was given permission to revise and extend his remarks.)

THE CHAIRMAN PRO TEMPORE:[13] Without objection, the pro forma amendment of the gentleman from New Jersey (Mr. Courter) is withdrawn.

There was no objection.

Five Minutes in Support Inures Only to Member Placing Amendment in Record

§ 79.118 Pursuant to clause 6 of Rule XXIII, only the Member causing an amendment to be printed in the *Congressional Record* is entitled to five minutes upon offering the amendment in Committee of the Whole notwithstanding a limitation on time for debate under the five-minute rule.

On Nov. 12, 1980,[14] during consideration of the Pacific Northwest Electric Power Planning and Conservation Act (S. 885), the Committee of the Whole having limited time for debate under the five-minute rule on the bill and all amendments thereto to a time certain, the Chairman stated that he would first recognize Members who did not have amendments printed in the Record for three minutes each, and would then recognize Members with amendments printed in the Record for five minutes (to which they were entitled under clause 6 of Rule XXIII). The proceedings were as follows:

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Chairman, I move that all debate on the bill and the amendment in the nature of a substitute and all amendments thereto cease at 5:30....

The motion was agreed to. . . .

THE CHAIRMAN:[15] Members standing at the time the unanimous-consent request was agreed to will be recognized for 3 minutes each, unless the Member has an amendment printed in the Record, in which case he or she is protected. . . .

MR. [EDWARD J.] MARKEY [of Massachusetts]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Markey: Page 27, line 10, strike "may" and insert therefor "shall".

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13. Gerry E. Studds (Mass.).

14. 126 CONG. REC. 29255–58, 96th Cong. 2d Sess.

15. Matthew F. McHugh (N.Y.).

The Chair then initially recognized Mr. Markey for five minutes, but subsequently stated, having noted that the amendment was printed in the Record under the name of Mr. James Weaver, of Oregon:

THE CHAIRMAN: Will the gentleman suspend for just a moment, please?

The Chair would like to advise the gentleman that the Chair was incorrect originally, and the gentleman from Massachusetts (Mr. Markey) has 3 minutes under the rule in support of his amendment.

Form of Amendment Offered Must Conform to That Printed

§ 79.119 To be guaranteed the right to five minutes on an amendment printed in the Record notwithstanding a limitation on debate under the five-minute rule in Committee of the Whole, the Member causing the amendment to be printed must offer the amendment exactly as it was printed in the Record.

During consideration of S. 885 (Pacific Northwest Electric Power Planning and Conservation Act of 1980) in the Committee of the Whole on Nov. 14, 1980,[16] an amendment was offered by Mr. James Weaver, of Oregon, as follows:

Amendment offered by Mr. Weaver: Page 11, lines 24–25, strike "appointed" and insert "elected";

Page 12, line 2, after "Council.", insert "All references in this Act to the appointment of the members of such Council shall be deemed to mean the election of the members of such Council under applicable state law.".

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[17] The gentleman will state his parliamentary inquiry.

MR. DINGELL: Mr. Chairman, the rule provides that the gentleman from Oregon (Mr. Weaver) is recognized for 5 minutes if his amendment has been printed in the Record. Is that correct?

THE CHAIRMAN: That is correct.

MR. DINGELL: That rule requires, as I understand it, that the amendment printed in the Record and the amendment which is offered be identical in every word and particular. Is that correct?

THE CHAIRMAN: That is correct.

Upon assurance by Mr. Weaver that the amendment was identical to that appearing in the Record, the Chair recognized Mr. Weaver for five minutes.

Points of Order After Expiration of Limitation

§ 79.120 The Chair may hear argument on a point of or-

16. 126 CONG. REC. 29613, 96th Cong. 2d Sess.

17. Matthew F. McHugh (N.Y.).

der against an amendment although all debate under the five-minute rule on the pending paragraph and all amendments thereto has been closed.

On Mar. 29, 1966,[18] Mr. Elford A. Cederberg, of Michigan, offered an amendment to a paragraph, after all time for debate on the paragraph and amendments thereto had expired under a unanimous-consent limitation of time. Mr. Joseph L. Evins, of Tennessee, made a point of order against the amendment on the ground that it constituted legislation in an appropriation bill. Chairman James G. O'Hara, of Michigan, allowed Mr. Cederberg to be heard briefly on the point of order despite the expiration of the limitation.[19]

Reallocation of Time

§ 79.121 Where time for debate under the five-minute rule was, by unanimous consent, extended beyond that previously fixed, the Chair reallocated the additional time among those Members who had requested time under the original limitation but had not been reached.

On Nov. 15, 1967,[20] the Committee of the Whole agreed to a motion to close debate under the five-minute rule at 8:05 p.m. When the time under the limitation was largely consumed by teller votes and preferential motions, the Committee agreed by unanimous consent to extend the time to 8:45 p.m. Chairman John J. Rooney, of New York, stated in response to parliamentary inquiries that he would reallocate the extended time only among those Members originally on the list to be recognized under the limitation:

> MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state his point of order.
>
> MR. ASHBROOK: Under the unanimous-consent request of the gentleman from Oklahoma, the previous order was vacated. Does that mean the allocation of time under that was also vacated?
>
> THE CHAIRMAN: Yes. The Chair then allocated the additional 30 minutes among the Members on the list he had before him.
>
> MR. ASHBROOK: What about Members who were not in that previous listing?
>
> THE CHAIRMAN: They may not be recognized. The Chair is attempting to

18. 112 CONG. REC. 7118, 89th Cong. 2d Sess.

19. Debate on a point of order is always in the Chair's discretion (see § 67.3, supra).

20. 113 CONG. REC. 32691–94, 90th Cong. 1st Sess.

do what he has been trying to do since the first limitation of time was proposed, and that is to dispose of the amendments at the desk.

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

THE CHAIRMAN: The gentleman will state it.

MR. QUIE: If a Member has an amendment at the desk but his name is not on the list, he will not be precluded from offering his amendment; is that correct?

THE CHAIRMAN: No. There is no question about that. If a Member's name is not on the list, he will not have any time, but his amendment will be voted on.[1]

Parliamentarian's Note: The Chair in his discretion could have allocated time under the new limitation to Members who were not listed under the original allocation.

§ 79.122 Where debate under the five-minute rule has been limited to a time certain and remaining time has been reduced by a rollcall, the Chair may reallocate the remaining time among the remaining Members to whom time had been initially allocated and may first recognize Members on that list who desire to offer amendments.

On Apr. 26, 1978,[2] during consideration of H.R. 8494, the Public Disclosure of Lobbying Act of 1978, a motion to limit debate to a time certain was agreed to:

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I move that all debate on this bill and all amendments thereto be terminated at the hour of 7:30 o'clock p.m. tonight.

[The motion was agreed to.]

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kindness: On page 32, line 5, strike "or".

On page 32, line 16, insert "or" after the semicolon. . . .

THE CHAIRMAN:[3] The question is on the amendment offered by the gentleman from Ohio (Mr. Kindness).

The question was taken; and on a division (demanded by Mr. Kindness) there were—ayes 16, noes 22. . . .

MR. KINDNESS: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 188, not voting 39, as follows: . . .

So the amendment was agreed to. . . .

1. Where a limitation is vacated, after the Chair has noted the Members wishing to speak under that first limitation, Members must again indicate their desire to be heard under a second limitation in order to be recognized (see § 22, supra).

2. 124 CONG. REC. 11641, 11646, 11648, 11649, 95th Cong. 2d Sess.

3. Lloyd Meeds (Wash.).

THE CHAIRMAN: The Chair will state that under the motion setting a limitation of time previously entered into, all debate will terminate in 10 minutes.

The parliamentary situation is that there are nine Members remaining to be recognized, and there are approximately 9 minutes left. Each Member listed will be recognized for approximately 1 minute.

The Chair will first ask if there are Members on the list who have amendments to be offered.

If not, the Chair will first recognize the gentleman from Illinois (Mr. McClory).

§ 79.123 When no Members stand to indicate their desire to be recognized under a limitation on five-minute debate when the limitation is agreed to, the Chair allows debate to proceed under the five-minute rule; but the Committee of the Whole may subsequently by unanimous consent allow the time remaining under the limitation to be divided among Members indicating a desire to speak.

On May 19, 1978,[4] during consideration of the Alaska National Interest Conservation Lands Act of 1978 (H.R. 39) in the Committee of the Whole, the following exchange occurred:

MR. [MORRIS K.] UDALL [of Arizona]: . . . Mr. Chairman, I ask unanimous consent that all debate on the pending Udall substitute and all amendments thereto end at 11:15 a.m. . . .

Mr. Chairman, I change my unanimous-consent request to 12 o'clock noon.

THE CHAIRMAN:[5] Is there objection to the request of the gentleman from Arizona?

There was no objection. . . .

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, at the time the debate was limited, there was no assigning of time to individuals. Is that procedure in accordance with normal practice?

THE CHAIRMAN: The Chair will state that at the time the debate was limited, no one was standing. Therefore, we proceeded under the regular 5-minute rule.

MR. GARY A. MYERS: . . . Mr. Chairman, I ask unanimous consent that the remaining time be divided by those who are presently standing and make a request for time to speak during the remaining period.

THE CHAIRMAN: Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

§ 79.124 Where time has been limited for debate under the five-minute rule in Committee of the Whole, the Chair may continue to recognize Members under the five-minute rule and then as the expiration time approaches

4. 124 CONG. REC. 14661, 14670, 95th Cong. 2d Sess.

5. Paul M. Simon (Ill.).

allocate the remaining time among Members seeking to offer amendments not printed in the *Congressional Record*, and Members opposing such amendments.

On June 27, 1979,[6] it was demonstrated that where a limitation on debate abrogated the five-minute rule and the ordinary criteria for priority of recognition, the Chair could extend priority of recognition under a limitation to Members seeking to offer amendments not printed in the Record, before recognizing members of the reporting committee. The proceedings during consideration of H.R. 4389 (the Departments of Labor and Health, Education, and Welfare appropriations) in the Committee of the Whole were as follows:

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, I ask unanimous consent that the balance of the bill be considered as read, open to amendment at any point, and that all debate on the bill and all amendments thereto close at 8:30 p.m.

THE CHAIRMAN:[7] Is there objection to the request of the gentleman from Kentucky?

There was no objection. . . .

THE CHAIRMAN: The Chair would like to make an announcement. We have less than 45 minutes of the allocated time. The Chair would like for all those Members who have amendments which are not printed in the Record—not printed in the Record—to please rise and remain standing so that the Chair can get the names of the Members and try to recognize them for the offering of their amendments.

The Chair recognizes the gentleman from California (Mr. Miller) for approximately 3 minutes.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MICHEL: Mr. Chairman, is it not normal practice to recognize members of the committee before we recognize other Members?

THE CHAIRMAN: Not when a time limitation has been imposed. That rule does not apply, but the Chair will try to protect all the Members who do not have amendments printed in the Record.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. CONTE: If some member of the committee opposes one of these amendments, may that Member rise and speak against an amendment?

THE CHAIRMAN: Certainly.

§ 79.125 Where debate has been limited to a time certain on an amendment and all amendments thereto, the Chairman may utilize his dis-

6. 125 CONG. REC. 17018, 17029, 96th Cong. 1st Sess.

7. Don Fuqua (Fla.).

cretion in allocating debate time and continue to recognize Members under the five-minute rule; but he may choose at a later time to divide any remaining debate time among those Members standing and reserve some time for the committee to conclude debate.

The following proceedings occurred in the Committee of the Whole on Nov. 2, 1983,[8] during consideration of the Department of Defense appropriations for fiscal year 1984 (H.R. 4185):

> MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 2 o'clock. . . .
>
> THE CHAIRMAN PRO TEMPORE:[9] Is there objection to the unanimous-consent request of the gentleman from New York (Mr. Addabbo) . . . ?
>
> There was no objection.
>
> MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I have a parliamentary inquiry. . . .
>
> Under the unanimous-consent agreement, does that mean only those who were standing at the time the agreement was entered into may enter into the debate?
>
> THE CHAIRMAN PRO TEMPORE: The Chair will continue to allow time under the 5-minute rule.[10]

With about 30 minutes remaining under the limitation, the Chair[11] stated:[12]

> The Chair recognizes that there are more Members rising that wish to participate in the debate than time will permit.
>
> The Chair has the discretion of dividing the time among Members who wish to participate in the debate, and the Chair would also make a request that those who have already entered into the debate not seek further time.
>
> Those Members who wish to participate in the debate will please rise.
>
> The Chair will reserve 2 minutes for the gentleman from Alabama (Mr. Edwards) to conclude the debate.
>
> Members standing will be recognized for 1½ minutes each.

Reallocating Controlled Time by Unanimous Consent

§ 79.126 Where the House has adopted a special rule limiting debate on an amendment in Committee of the Whole and equally dividing the time between the proponent and an opponent, the Committee of the Whole may, by unanimous consent, allocate some of the opposition time to the proponent where no Member has claimed time in opposition.

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8. 129 CONG. REC. 30504, 98th Cong. 1st Sess.

9. Abraham Kazen, Jr. (Tex.).

10. Approximately 90 minutes of time for debate remained at this point.

11. Dan Rostenkowski (Ill.).

12. 129 CONG. REC. 30512, 98th Cong. 1st Sess., Nov. 2, 1983.

The following proceedings occurred in the Committee of the Whole on Mar. 3, 1983,[13] during consideration of H.R. 1718 (emergency appropriations for fiscal 1983):

THE CHAIRMAN:[14] Pursuant to House Resolution 113, the gentleman from New Jersey (Mr. Howard) will be recognized for 15 minutes, and a Member opposed to the amendment will be recognized for the other 15 minutes.

Is there a Member opposed who wishes to control that time?

No Member has responded, and the Chair recognizes the gentleman from New Jersey (Mr. Howard) for 15 minutes.

MR. [M. G. (GENE)] SNYDER [of Kentucky]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. SNYDER: The Chairman, since no one has risen in opposition, would it be permissible to ask unanimous consent to transfer 5 minutes of the opposition time to the gentleman from New Jersey?

THE CHAIRMAN: Under unanimous consent, yes.

MR. SNYDER: Mr. Chairman, I make that request.

THE CHAIRMAN: Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Parliamentarian's Note: The Committee of the Whole may not by unanimous consent extend time for debate set by the House, but may reallocate time where there is no opposition.

Effect of Limitation Where Committee Rises for the Day

§ 79.127 The Chair stated in response to a parliamentary inquiry that where all debate on an amendment and all amendments thereto has been limited to a time certain (i.e., 5 p.m.) and the Committee of the Whole rises before that time without having completed action on the amendment, no time would be considered as remaining when the Committee, on a later day, again resumed consideration of the amendment.

On May 6, 1970,[15] Chairman Daniel D. Rostenkowski, of Illinois, answered parliamentary inquiries on the effect of a limitation of debate under the five-minute rule:

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LEGGETT: Mr. Chairman, considering the fact that a time limitation

13. 129 CONG. REC. 3939, 3943, 98th Cong. 1st Sess.

14. David E. Bonior (Mich.).

15. 116 CONG. REC. 14452, 91st Cong. 2d Sess.

has now been set in relation to today at 5 o'clock, does the time of the debate on the motion that we have already heard, come out of the time on the amendments?

THE CHAIRMAN: The time will come out of the time of those who are participating in debate.

MR. LEGGETT: Mr. Chairman, a further parliamentary inquiry. If we choose to rise right now and come back tomorrow, then would there be any time limitation on debate?

THE CHAIRMAN: There would be no further debate.

The time was set at 5 o'clock.

§ 79.128 Where the Committee of the Whole has agreed by unanimous consent that all debate under the five-minute rule on a bill and amendments thereto close at 4:15 p.m., and the Committee rises before that time without having completed action on all amendments, no time is considered as remaining when the House resolves back into the Committee of the Whole for the further consideration of the bill on the following day.

On May 10, 1961,[16] the Committee of the Whole had agreed to a unanimous-consent request that all debate on the pending bill and amendments thereto close at 4:15 p.m. The Committee rose before consideration of all amendments to the bill had been completed, and before 4:15. In the House, Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry on the effect of the limitation:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALLECK: While the Committee of the Whole was considering the bill H.R. 2010, a unanimous consent request was granted to limit all debate on the bill and all amendments thereto to 4:15 this afternoon. In the meantime, the Committee has risen. My parliamentary inquiry is, in view of the fact the time limit was set at 4:15, which is some 25 minutes from now, does not that mean that debate tomorrow will be limited to 25 minutes?

THE SPEAKER: It means, unless there is another consent agreement, that there will not be any more debate.

MR. HALLECK: There will be no more debate?

THE SPEAKER: Not unless there is an agreement to extend the time.

Parliamentarian's Note: If the limitation had provided for a fixed period, such as a certain number of minutes of debate, the number of minutes not consumed would have remained on the following day. On the day following the precedent discussed above, the House agreed by unanimous consent, before resolving itself into

16. 107 CONG. REC. 7725, 7727, 7728, 87th Cong. 1st Sess.

the Committee of the Whole, to allow two minutes in favor of each amendment to be offered and two minutes in opposition.[17]

§ 79.129 The House agreed to a unanimous-consent request that further debate on a bill and amendments thereto close in one hour, half to be consumed on the present day and half when the Committee resumed its sitting on the following day.

On June 22, 1960,[18] the Committee of the Whole agreed to a unanimous-consent request propounded by Mr. Harold D. Cooley, of North Carolina, to close debate on a bill and amendments thereto:

> . . . The unanimous consent request was that debate be fixed at 1 hour on the bill, and all amendments thereto, and that we consume 30 minutes of that hour this afternoon and reserve 30 minutes to be used tomorrow. That means the Committee will rise at approximately 5 minutes after 6.

§ 79.130 Prior to rising for the day, the Committee of the Whole limited debate on a title of a bill and all amendments thereto to one hour of debate, and the Chair advised that upon again resolving into the Committee, Members would be recognized within the time limit under the five-minute rule.

On Aug. 2, 1966,[19] the Committee of the Whole was considering for amendment title III of H.R. 14765, the Civil Rights Act of 1966. Prior to rising for the day, the Committee agreed to a request by Mr. Peter W. Rodino, Jr., of New Jersey, that all debate on the title and amendments thereto terminate in one hour. Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that when the Committee again took up the bill on a following day, Members would be recognized subject to the limitation under the five-minute rule.

§ 79.131 Where the Committee of the Whole rises prior to completion of debate which has been limited to a designated number of minutes rather than by the clock, time for debate remains under the limitation when the Committee resumes consideration at a subsequent time.

When consideration of the Surface Mining Control and Reclama-

17. 107 Cong. Rec. 7869, 87th Cong. 1st Sess., May 11, 1961.

18. 106 Cong. Rec. 13874, 86th Cong. 2d Sess.

19. 112 Cong. Rec. 17856, 89th Cong. 2d Sess.

tion Act of 1974[20] resumed in the Committee of the Whole on July 24, 1974,[1] Chairman Neal Smith, of Iowa, made an explanatory statement of the pending situation as follows:

> Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11500, with Mr. Smith of Iowa in the chair.
>
> The Clerk read the title of the bill.
>
> THE CHAIRMAN: The Chair will attempt to explain the situation.
>
> Before the Committee rose on yesterday, it had agreed that the remainder of the substitute committee amendment titles II through VIII, inclusive, would be considered as read and open to amendment at any point.
>
> The Committee further agreed that the time for debate under the 5-minute rule would be limited to not to exceed 3 hours and allocated time to titles II through VIII as follows: 50 minutes for title II, 20 minutes for title III, 50 minutes for title IV, 5 minutes for title V, 5 minutes for title VI, 40 minutes for title VII, and 10 minutes for title VIII.
>
> In an attempt to be consistent with the unanimous-consent agreement entered into on yesterday, the Chair will endeavor to recognize all Members who wish to offer or debate amendments to title II during the 50 minutes of time for debate on that title.
>
> If Members who have printed their amendments to title II in the Record would agree to offer those amendments during the 50-minute period and to be recognized for the allotted time, the Chair will recognize both Committee and non-Committee members for that purpose.
>
> Members who have caused amendments to title II to be printed in the Record, however, are protected under clause 6, rule XXIII, and will be permitted to debate for 5 minutes any such amendment which they might offer to title II at the conclusion of the 50 minutes of debate thereon.
>
> The Chair will now compile a list of those Members seeking recognition to offer or debate amendments to title II and will allocate 50 minutes for debate accordingly.
>
> The Chair will give preference where possible to those Members who have amendments to offer to title II.
>
> Members who were standing at the time of the determination of the time allocation will be recognized for 1 minute and 20 seconds each.

Transferring Allocated Time

§ 79.132 Where time for debate on an amendment and all amendments thereto has been limited and the time remaining has been allocated by the Chairman to Members seeking recognition, a Member may, by unanimous consent yield his time to another Member but a motion to that effect is not in order.

On June 25, 1975,[2] during consideration of the Departments of

20. H.R. 11500.

1. 120 CONG. REC. 25009, 93d Cong. 2d Sess.

2. 121 CONG. REC. 20839, 94th Cong. 1st Sess.

Labor and Health, Education, and Welfare appropriations for fiscal year 1976 (H.R. 8069) in the Committee of the Whole, Mr. Daniel J. Flood, of Pennsylvania, made a motion as follows:

MR. FLOOD: Mr. Chairman, I move that all debate on this amendment and all amendments thereto close . . . in 10 minutes.

THE CHAIRMAN:[3] The gentleman from Pennsylvania moves that all debate on this amendment and all amendments thereto close in 10 minutes.

The question is on the motion offered by the gentleman from Pennsylvania. . . .

So the motion was agreed to.

THE CHAIRMAN: Members standing at the time the motion was made will be recognized for approximately one-half minute each.

The Chair recognizes the gentleman from New York (Mr. Downey).

MR. [THOMAS J.] DOWNEY of New York: Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Wisconsin (Mr. Obey). . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I object to any yielding.

THE CHAIRMAN: Objection is heard.

The gentleman from New York will be given the opportunity to speak for 30 seconds.

MR. DOWNEY of New York: Mr. Chairman, I move that my time be given to the gentleman from Wisconsin (Mr. Obey).

THE CHAIRMAN: That is an improper motion. The Chair would suggest that the gentleman from New York might yield for a question to the gentleman from Wisconsin.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, will the gentleman yield?

MR. DOWNEY of New York: I yield to the gentleman from Wisconsin.

Transferring Unused Debate Time to Another Amendment

§ 79.133 By unanimous consent, remaining debate fixed at a time certain on an amendment in the nature of a substitute may be converted to minutes of debate and reserved to follow disposition of a pending perfecting amendment not covered by the limitation.

On Apr. 13, 1983,[4] during consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee of the Whole, the following exchange occurred:

MR. [HENRY J.] HYDE [of Illinois]: Mr. Chairman, would a unanimous-consent request be in order that the gentleman from Georgia (Mr. Levitas) move his perfecting amendment and a unanimous-consent request that the same limitation on debate that prevailed before his motion obtain following it? Could that be done by unanimous consent?

THE CHAIRMAN:[5] The Chair is unclear as to the nature of the gentleman's inquiry.

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

4. 129 CONG. REC. 8402–04, 98th Cong. 1st Sess.

5. Matthew F. McHugh (N.Y.).

MR. HYDE: I think what the chairman has said is that if the gentleman from Georgia's motion is granted or his request is granted, the limitation that has been set on debate would no longer prevail; is that correct?

THE CHAIRMAN: The Chair will advise the gentleman that the limitation of debate applies only to debate on the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. Levitas) which is now pending.

MR. HYDE: I am asking the Chair if he made another motion asking unanimous consent that the same limitation on debate that has previously been entered apply, would that be in order?

THE CHAIRMAN: The gentleman could ask unanimous consent for a limitation on the perfecting amendment. . . .

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I offer a perfecting amendment. . . .

Mr. Chairman, I will seek recognition for debate on the amendment if I may ask a parliamentary inquiry before I do.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. LEVITAS: My parliamentary inquiry is this. The perfecting amendment which I have just offered is now available for debate under the 5-minute rule without any time constraints?

THE CHAIRMAN: The gentleman is correct.

MR. LEVITAS: The time limitation that was originally agreed to for termination of debate on the pending substitute to end at 3 o'clock, that was the focus of the time limitation.

THE CHAIRMAN: The gentleman is correct.

MR. LEVITAS: My parliamentary inquiry is this: Would it be in order to request unanimous consent to preserve the time of those Members who had time allocated to them under the original limitation so that their time would be preserved at the conclusion of the disposition of the pending amendment?

THE CHAIRMAN: The gentleman or any other Member could request unanimous consent for that purpose.

MR. LEVITAS: A further parliamentary inquiry: Would it be in order after this amendment is explained to seek a time limitation on debate of the pending amendment?

THE CHAIRMAN: That would be in order.

MR. LEVITAS: Well, under the circumstances, Mr. Chairman, I will make a unanimous-consent request that after the question is put on the pending amendment, that the time remaining under the original time limitation on the substitute will be made available to the Members who have such time allocated to them.

THE CHAIRMAN: Is there objection to the request of the gentleman from Georgia?

MR. [C. W. BILL] YOUNG of Florida: I make a parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. YOUNG of Florida: Those of us who had time under the original reservation no longer have that time, and would be precluded by this unanimous-consent request from debating the perfecting amendment, which is an entirely different issue than the substitute was. . . .

THE CHAIRMAN: The Chair would ask the gentleman from Georgia

whether it is his intent under the unanimous-consent request that the time allocated to those who have not yet been recognized under the limitation of time be the time originally allocated to them by other Members or a pro rata reduction of the time that is now remaining before 3 o'clock, the time originally set?

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I would hope that since the substitute and the so-called perfecting amendment to House Joint Resolution 13 are practically identical, certainly in substance, that we could limit the time to 15 minutes after the gentleman from Georgia's 5-minute allocated time for explaining his amendment.

Mr. Chairman, I ask unanimous consent that——

THE CHAIRMAN: The Chair will advise the gentleman that there is now pending a unanimous-consent request by the gentleman from Georgia to permit the Members who have not spoken under the limitation of time their allocated time as originally allocated on the amendment in the nature of a substitute. . . .

Is there objection to the request of the gentleman from Georgia?

There was no objection.

Effect of Debate on Amendment Pending When Limitation Imposed

§ 79.134 Where a motion to limit debate has been made and agreed to following the offering of an amendment but prior to recognition of its proponent, the Chair may nevertheless allocate five minutes to the proponent and in his discretion divide the remaining time among other Members.

A limitation on time for debate, in effect, abrogates the five-minute rule. On one occasion, a Member who had offered an amendment but had not been recognized to debate the amendment was recognized, in the exercise of discretion by the Chair, for five minutes. The proceedings of Oct. 9, 1975,[6] in the Committee of the Whole, were as follows:

MRS. [LEONOR K.] SULLIVAN [of Missouri] (during the reading): Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN:[7] Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

MRS. SULLIVAN: Mr. Chairman, I move that all debate on the pending amendment to title IV and all amendments thereto be limited to 10 minutes.

THE CHAIRMAN: The Chair would prefer to wait until the amendment has been offered.

MR. [PAUL N.] MCCLOSKEY [Jr., of California]: Mr. Chairman, I offer an amendment.

6. 121 CONG. REC. 32600, 94th Cong. 1st Sess.

7. Neal Smith (Iowa).

The Clerk read as follows:

Amendment offered by Mr. McCloskey: On page 77 at line 18 add a new section as follows:

"Sec. 407. The United States hereby consents to the jurisdiction of the International Court of Justice with respect to any claim or controversy arising as a result of the enactment or the implementation of this Act.

THE CHAIRMAN: Does the gentlewoman from Missouri (Mrs. Sullivan) move to limit debate on this title and all amendments thereto to 10 minutes?

MRS. SULLIVAN: I do, Mr. Chairman.

THE CHAIRMAN: The question is on the motion offered by the gentlewoman from Missouri (Mrs. Sullivan).

The motion was agreed to.

MR. MCCLOSKEY: Mr. Chairman, may I ask if I will have 5 minutes to explain my amendment?

THE CHAIRMAN: The gentleman from California is correct, he will have 5 minutes.

Ordering of Amendments Under Limitation

§ 79.135 Where the Committee of the Whole had limited debate to a time certain on a motion to strike a portion of pending text, the Chair requested a Member to withhold offering a perfecting amendment to the text until the expiration of the limitation since the limitation did not apply to perfecting amendments which could be offered, debated, and voted upon prior to the vote on the motion to strike and since debate on the perfecting amendment, if offered during the limitation, would reduce time remaining under the limitation.

On May 24, 1977,[8] during consideration of the International Security Assistance Act of 1977 (H.R. 6884) in the Committee of the Whole, the following proceedings occurred:

THE CHAIRMAN:[9] When the Committee of the Whole House rose on Monday, May 2, 1977, the bill had been considered as having been read and open to amendment at any point, and pending was an amendment offered by the gentleman from Missouri (Mr. Ichord).

Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Ichord: Page 8, line 17, strike out "$2,214,700,000" and insert in lieu thereof "$12,114,700,000". . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: . . . I ask unanimous consent that all debate on this amendment and all amendments thereto end at 1:15 p.m. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Wisconsin?

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8. 123 CONG. REC. 16172, 16175, 16176, 95th Cong. 1st Sess.

9. Don Fuqua (Fla.).

There was no objection. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have an amendment at the desk which has been printed in the Record.

THE CHAIRMAN: Would the gentleman withhold his amendment until the limitation of time expires.

MR. BAUMAN: Mr. Chairman, will the amendment then be in order and may it be offered prior to the vote on the Ichord amendment?

THE CHAIRMAN: The Chair will advise the gentleman that the amendment will be in order as a perfecting amendment prior to the vote on the Ichord amendment.

MR. BAUMAN: Mr. Chairman, in that case, I will withhold the amendment at this time.

§ 79.136 Where there was pending an amendment in the nature of a substitute, a substitute therefor and an amendment to the substitute, and debate had been limited on the substitute and all amendments thereto but not on the original amendment or amendments thereto, the Chair indicated that: (1) further amendments to the substitute or modifications of the substitute by unanimous consent must await disposition of the pending amendment to the substitute; (2) amendments to the original amendment could be offered and debated under the five-minute rule and would be voted on before amendments to the substitute; (3) amendments to the substitute could be offered and voted upon without debate unless printed in the Record pursuant to clause 6 of Rule XXIII; and (4) the question would not be put on the substitute until all perfecting amendments to it and to the original amendment were disposed of.

During consideration of the Natural Gas Emergency Act of 1976 (H.R. 9464) in the Committee of the Whole on Feb. 5, 1976,[10] the following proceedings occurred:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent that all debate on the Smith amendment and all amendments thereto terminate immediately upon the conclusion of consideration of the amendment offered by the gentleman from Texas (Mr. Eckhardt).

THE CHAIRMAN:[11] Is there objection to the request of the gentleman from Michigan?

There was no objection. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, as I understood it, the unanimous-consent request of the gentleman from Michigan (Mr. Dingell)

10. 122 CONG. REC. 2646–48, 94th Cong. 2d Sess.

11. Richard Bolling (Mo.).

was that all debate on the Smith substitute amendment cease after the disposition of the Eckhardt amendment. The Eckhardt amendment would be the pending business then, and immediately after the determination of the Eckhardt amendment, we would vote on the Smith amendment. Is that not correct? . . .

THE CHAIRMAN: Let the Chair add this: the Chair has said it once, and would like to say it again. Before we vote on the Smith substitute, amendments to the Krueger amendment are debatable if offered.

MR. BROWN of Ohio: I understand that, Mr. Chairman. My questions were with reference only to how we get to the Smith amendment.

THE CHAIRMAN: The point that the Chair is trying to make, regardless of what agreements are reached, is that until the Krueger amendment is finally perfected to the satisfaction of the Committee, the Chair cannot put the question on the Smith substitute. . . .

There has been no limitation of debate on the Krueger amendment or amendments thereto. The basic parliamentary situation is that we have a substitute amendment for the amendment in the nature of a substitute, the Krueger amendment. Both of those are subject to amendment, but both must be perfected before the Chair can put the question on the substitute for the amendment in the nature of a substitute.

MR. BROWN of Ohio: With respect to the unanimous-consent request of the gentleman from Michigan (Mr. Dingell), the Eckhardt amendment is still to be voted upon, and then there are to be no other amendments to the Smith amendment?

THE CHAIRMAN: There is to be no further debate on such amendments. . . .

MR. BROWN of Ohio: Mr. Chairman, if my time still applies, I would like to ask the Chair to state the circumstances. If I may, before the Chair does that, I would like to ask the question this way: As the situation stands at this moment, the Krueger amendment is still perfectable by amendments under the normal course of time, and there is no limitation on the Krueger amendment.

The Smith amendment, however, can be perfected only by the vote on the Eckhardt amendment, and then if there are other amendments to the Smith amendment there is no debate time remaining on those amendments.

Is that correct?

THE CHAIRMAN: Unless they are printed in the Record.

MR. BROWN of Ohio: And if they are printed in the Record, the debate time is 5 minutes per side pro and con. Is that correct?

THE CHAIRMAN: That is correct.

MR. BROWN of Ohio: And they must be printed as amendments to the Smith amendment. Is that correct?

THE CHAIRMAN: That is correct. . . .

MR. [ROBERT] KRUEGER [of Texas]: . . . Mr. Chairman, my question is this: We will vote first on the Eckhardt amendment to the Smith substitute?

THE CHAIRMAN: That is right.

MR. KRUEGER: Following that, there will then be a vote without further debate on the Smith substitute, or no?

THE CHAIRMAN: The Chair cannot say, because if there were amendments printed in the Record, there can be both an amendment offered and debate

on the amendment. If there were no amendments that were qualified for debate by being printed in the Record, they could not be offered and voted on without debate.

But if they are offered to the Krueger amendment in the nature of a substitute, they would both be considered and would be debatable under the 5-minute rule.

MR. KRUEGER: Mr. Chairman, does the 5-minute rule apply also to any possible amendments to the Smith substitute?

THE CHAIRMAN: The 5-minute rule applies only to amendments to the Smith amendment which has been printed in the Record. Other amendments to the Smith amendment do not have debate time; they are just voted on.

§ 79.137 Where debate has been limited on a pending section and all amendments thereto and time allocated among those Members desiring to offer amendments to that section, the Chair may decline to recognize a Member to offer an amendment adding a new section and therefore not covered by the limitation, until perfecting amendments to the pending section have been disposed of under the limitation.

On June 26, 1979,[12] during consideration of H.R. 3930, the Defense Production Act Amendments of 1979, the Committee of the Whole was proceeding under a limitation on debate on section 3 and amendments thereto, when an amendment was offered by Mr. Morris K. Udall, of Arizona:

Amendment offered by Mr. Udall: Page 8, after line 13 add the following new section and renumber the subsequent sections accordingly.

Sec. 4. The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, is this amendment to section 3 or section 4? . . .

The copy I have indicates that it is to section 4, Mr. Chairman. Is that correct?

MR. UDALL: I had modified it to apply to section 3.

THE CHAIRMAN:[13] The Clerk will cease reading the amendment.

The Chair will advise the gentleman from Arizona that this amendment currently being read adds a new section 4, and is not covered by the limitation on time, and should not be offered at this time. . . .

MR. UDALL: I had intended—I had so instructed the Clerk to change this to an amendment to section 3, not section 4. . . .

THE CHAIRMAN: . . . The Chair will advise the gentleman from Arizona that he is within his rights to redraft the amendment as an amendment to section 3, but the Chair understood that is not the amendment currently being read.

12. 125 CONG. REC. 16679, 16680, 96th Cong. 1st Sess.

13. Gerry E. Studds (Mass.).

MR. UDALL: I so offer it as an amendment to section 3.

THE CHAIRMAN: The Clerk will report the amendment.

Where Debate Limitation Is on Motion To Strike

§ 79.138 Where the Committee of the Whole had limited debate to a time certain on a motion to strike a portion of pending text, the Chair requested a Member to withhold offering a perfecting amendment to the text until the expiration of the limitation since the limitation did not apply to perfecting amendments which could be offered, debated, and voted upon prior to the vote on the motion to strike and since debate on the perfecting amendment, if offered during the limitation, would reduce time remaining under the limitation.

On May 24, 1977,[14] the Committee of the Whole having under consideration the International Security Assistance Act of 1977 (H.R. 6884), the following proceedings occurred:

THE CHAIRMAN:[15] When the Committee of the Whole House rose on Monday, May 2, 1977, the bill had been considered as having been read and open to amendment at any point, and pending was an amendment offered by the gentleman from Missouri (Mr. Ichord).

Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. Ichord: Page 8, line 17, strike out "$2,214,700,000" and insert in lieu thereof "$12,114,700,000"; on page 9, line 17, strike out "sections" and insert in lieu thereof "section"; strike out line 18 on page 9 and all that follows through line 2 on page 11; and in line 3 on page 11, strike out "534" and insert in lieu thereof "533". . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I wonder if we could determine how many more speakers we have.

I ask unanimous consent that all debate on this amendment and all amendments thereto end at 1:15 p.m. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Wisconsin?

There was no objection. . . .

THE CHAIRMAN: The time of the gentleman from Maryland (Mr. Bauman) has expired.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have an amendment at the desk which has been printed in the Record.

THE CHAIRMAN: Would the gentleman withhold his amendment until the limitation of time expires.

MR. BAUMAN: Mr. Chairman, will the amendment then be in order and may it be offered prior to the vote on the Ichord amendment?

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14. 123 CONG. REC. 16172, 16175, 16176, 95th Cong. 1st Sess.

15. Don Fuqua (Fla.).

THE CHAIRMAN: The Chair will advise the gentleman that the amendment will be in order as a perfecting amendment prior to the vote on the Ichord amendment.

MR. BAUMAN: Mr. Chairman, in that case, I will withhold the amendment at this time.

Protected Amendment Offered During Allocated Time

§ 79.139 While under clause 6 of Rule XXIII, five minutes of debate in favor of an amendment and five minutes in opposition is permitted notwithstanding a limitation on debate where the amendment has been printed in the Record, if the proponent of the amendment offers it during his allocated time under the limitation and does not claim a separate five-minute recognition under the rule, then a Member opposing the amendment to whom time has been allocated under the limitation must consume that time and cannot claim a separate five minutes under the rule.

On Mar. 2, 1976,[16] the Chair ruled that, pursuant to Rule XXIII, clause 6, a separate ten minutes of debate on an amendment printed in the Record is in order only where the proponent of the amendment claims that time notwithstanding an imposed limitation; and where the amendment is offered and debated within the time allocated under the limitation, a separate five minutes in opposition is not available:

MR. [PHILIP H.] HAYES of Indiana: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hayes of Indiana: Page 39, immediately after line 12, insert the following new subsection:

"(c) Section 402(d) of the Act (30 U.S.C. 902(d)) is amended by inserting immediately before the period at the end thereof the following: ', including any individual who is or was employed in any aboveground mining operation'." . . .

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[17] The gentleman will state it.

MR. ERLENBORN: Mr. Chairman, since this amendment was one of the published amendments, 5 minutes in opposition to the amendment is available not counting against the limit?

THE CHAIRMAN: The gentleman would be correct if debate on the amendment were outside of the limitation. . . .

MR. ERLENBORN: Mr. Chairman, may I have the 5 minutes, under the rule?

THE CHAIRMAN: It will be counted against the gentleman's time if the gentleman takes it at this time.

16. 122 CONG. REC. 4994, 4995, 94th Cong. 2d Sess.

17. Sam Gibbons (Fla.).

MR. ERLENBORN: Mr. Chairman, I understand there are 5 minutes in opposition that are available, under the rule; and I claim those 5 minutes.

THE CHAIRMAN: It is the Chair's understanding that at this point debate on the amendment is under the limitation. The gentleman could claim his 5 minutes under the rule if the amendment were offered, notwithstanding the limitation, but not at this time. . . .

MR. ERLENBORN: Mr. Chairman, I have 5 minutes, under the time limitation?

THE CHAIRMAN: That is correct.

MR. ERLENBORN: Without using that, am I not entitled to 5 minutes to oppose a published or printed amendment?

THE CHAIRMAN: No, because the proponent of the amendment did not take his time under the rule. The gentleman from Indiana (Mr. Hayes) had 5 minutes reserved under the limitation of time. The Chair understands the gentleman from Indiana took his time under the limitation and not under the rule.

J. READING PAPERS AND DISPLAYING EXHIBITS

§ 80. In General

Until it was rewritten in the 103d Congress,[18] Rule XXX required the consent of the House or the Committee of the Whole for the reading of papers if objection was made:

> When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.[19]

Rule XXX now states:[20]

> When the use of any exhibit in debate is objected to by any Member, it shall be determined without debate by a vote of the House.

Under the former rule, the consent of the House was only required for the reading of papers on which a Member was not called to vote. The reading of messages, and bills and resolutions which had been called up for consideration, were governed by other rules and practices which are not discussed in this division. Committee reports which were not to be voted upon could be read in debate, but the consent of the House was required if objection was made.[1] If a report presented facts

18. See H. Res. 5, 103d Cong. 1st Sess., Jan. 5, 1993.

19. *House Rules and Manual* § 915 (1991). For parliamentary law on reading papers, see Jefferson's Manual, *House Rules and Manual* §§ 432–436 (1995).

20. *House Rules and Manual* § 915 (1995).

1. See 5 Hinds' Precedents §§ 5292, 5293. Similarly, the statement accompanying a report may be read

and conclusions without accompanying a legislative proposition, it was read to the House if acted upon.[2]

The requirement of unanimous consent applied to all documents not subject to a vote, including a Member's own written speech.[3]

Where a Member sought to challenge the reading of a paper by another, the proper procedure was to object to the reading rather than to raise a point of order. The House and not the Chair decided whether the reading was proper,[4] if the contents of the document were otherwise in order under the rules of the House.

However, a point of order could and may be made against disorderly language contained in a document being read.[5]

only with leave of the House. 5 Hinds' Precedents §§ 5261, 5262; and 8 Cannon's Precedents § 2606.

2. See 2 Hinds' Precedents § 1364 and 4 Hinds' Precedents § 4663.
3. See § 80.5, infra.
4. See § 80.1, infra.
5. See § 83.5, infra. As to relevancy, specific consent of the House to read a paper waived that particular objection; see § 80.2, infra.

Certain papers cannot be read at all and are subject to a point of order in the first instance, such as reports of Senate proceedings (see § 83.3, infra) and reports of executive sessions of House committees (see § 83.4, infra).

Cross References

Publications of the House in general, see Ch. 5, supra.
Reading of bills, resolutions, petitions, and memorials generally, see Ch. 24, supra.
Reading communications from the executive branch, see Ch. 35, infra.
Reading conference reports, see Ch. 33, infra.
Reading of evidence in impeachment proceedings, see Ch. 14, supra.
Reading the Journal, see Ch. 5, supra.
Reading messages from the Senate, see Ch. 32, infra.
Reading propositions for amendment, see Ch. 27, supra.
Reading unreported proceedings of House committees is not in order, see § 55, supra.
Senate practice as to reading House proceedings, see § 46, supra.

Procedures Under Former Rule XXX: Objections to Reading

§ 80.1 The proper procedure for challenging the reading of a paper under Rule XXX was not by a point of order but by voicing objection thereto, and calling for a vote on the reading by the House.

On Feb. 27, 1946,[6] Mr. Vito Marcantonio, of New York, made a point of order against the read-

6. 92 CONG. REC. 1729, 79th Cong. 2d Sess.

ing in debate of a document by Mr. John E. Rankin, of Mississippi. Speaker Sam Rayburn, of Texas, stated that the proper procedure under Rule XXX of the House rules was a vote by the House on permission to read, after objection had been made to the reading:

MR. MARCANTONIO: The gentleman from Mississippi is reading from a document and pamphlet. It is out of order and cannot be done except by obtaining the consent of the House. . . .

I [ask] for a ruling on my point of order.

THE SPEAKER: If the gentleman from Mississippi is reading from something that the House does not want to hear, it is entirely within the power of the House to decide the question, not the gentleman from New York.

MR. MARCANTONIO: Does he not have to have consent to read a document?

THE SPEAKER: The gentleman from Mississippi is speaking to his motion, and that gives him a rather wide latitude. If the gentleman is reading something the House does not want to hear, then the House has its remedy.

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SABATH: Mr. Speaker, is it not the duty of the Speaker to pass on the point of order or to pass on whether the gentleman is speaking in order or not? I think it is up to the Speaker. The gentleman here has been reading from Foster or Thomas, or whatever the man's name is, something he has written or said some years ago, today or yesterday, trying to make the House believe that I have had something to do with the articles that Foster has written.

THE SPEAKER: The Chair did not have the specific rule before him when he answered the inquiry of the gentleman from New York [Mr. Marcantonio].

Rule XXX states:

> When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.

MR. MARCANTONIO: Mr. Speaker, that bears out my contention and I definitely object.

THE SPEAKER: Does the gentleman object?

MR. MARCANTONIO: I do, Mr. Speaker. I object to the dragging of an irrelevant red herring into this discussion.

THE SPEAKER: The question is: Shall the gentleman be permitted to proceed to read the paper from which he is now reading?

The question was taken; and the House decided that Mr. Rankin be permitted to proceed with the reading.

THE SPEAKER: The gentleman from Mississippi will proceed in order.

Relevancy Not Required Where Permission To Read Is Given

§ 80.2 Where unanimous consent is granted for the reading of a letter in debate, and no reservation of objection is made as to the contents of

the letter, a subsequent objection may not be made that the letter is irrelevant to the pending subject.

On July 28, 1939,[7] Chairman Virgil M. Chapman, of Kentucky, ruled that where unanimous consent was granted for the reading of a letter, a subsequent point of order that the letter was not pertinent to the pending subject came too late:

MR. [ABE] MURDOCK of Utah (interrupting the reading of the letter): Mr. Chairman, I make the point of order that the gentleman from Michigan [Mr. Hoffman] did not get consent to proceed out of order, and when he asked that the letter be read, I assumed it was pertinent to the debate here on the pending bill. I now make the point of order that it is not.

THE CHAIRMAN: The gentleman from Michigan obtained unanimous consent that the letter be read, and stated the name of the person who wrote the letter. The point of order is overruled.

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, he did not state the purport or intent of the letter.

THE CHAIRMAN: All the gentleman from Michigan said was that it was a letter written by a former Member from New York, Mr. O'Conner, and asked unanimous consent that it be read by the Clerk. That unanimous consent was granted.

MR. MURDOCK of Utah: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MURDOCK of Utah: Does not a Member have the right to assume that when a unanimous-consent request is made to have a letter read, that the letter is pertinent to the debate being carried on at the time on the floor?

THE CHAIRMAN: Any member of the Committee had the right, when the request was made, to reserve the right to object and to interrogate the gentleman from Michigan as to the contents of the letter.

Reading Parliamentary Rules

§ 80.3 It is in order in debate on a point of order to read a parliamentary rule relevant thereto without obtaining the consent of the House.

On July 16, 1935,[8] Mr. Thomas L. Blanton, of Texas, in debating a point of order read one of the standing rules of the United States Senate. Mr. Vito Marcantonio, of New York, objected to the reading of the rule on the grounds that Mr. Blanton could not read from any document or from any other papers. Speaker Joseph W. Byrns, of Tennessee, overruled the objection and stated that the reading of the rule was for the "information of the Chair."[9]

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7. 84 CONG. REC. 10368, 76th Cong. 1st Sess.

8. 79 CONG. REC. 11262, 74th Cong. 1st Sess.

9. See also 8 Cannon's Precedents §§ 2507, 2508.

Reading Letters

§ 80.4 There is no rule requiring a Member to give the name of the person who signed the letter he is reading under permission to address the House.

On Oct. 15, 1942,[10] Speaker Pro Tempore Schuyler Otis Bland, of Virginia, ruled in response to a point of order that no House rule required a Member who reads a letter during debate to name the writer thereof:

MR. [HERMAN P.] EBERHARTER [of Pennsylvania]: Mr. Speaker, I make the point of order that these quotations cannot be inserted in the Record over an objection when they do not contain the names of the persons alleged to have written them.

MR. [EARL] WILSON [of Indiana]: Mr. Speaker, I would like to be heard on the point of order. Every letter from which I am quoting is signed by the Government employee writing the letter.

MR. EBERHARTER: Is it the intention of the gentleman to put the name of the person writing the letter in the Record?

MR. WILSON: It is not.

MR. EBERHARTER: Then I object, unless the gentleman is willing to put the names of the authors of the letters in the Record.

THE SPEAKER PRO TEMPORE: The Chair does not understand that there is a unanimous-consent request pending. There was a request made a short time ago for the insertion of certain papers in the Record. The Chair asked if there was objection, or stated "Without objection, it is so ordered" and there was no objection. There is no unanimous-consent request now pending.

MR. EBERHARTER: Mr. Speaker, I make the point of order that the gentleman is out of order when he reads a purported letter without naming the person who is supposed to have written the letter.

MR. WILSON: Mr. Speaker, I want to be heard on the point of order.

THE SPEAKER PRO TEMPORE: The Chair does not know of any such rule requiring a Member who is reading to state by whom the letter was written.

MR. EBERHARTER: Mr. Speaker, on that point of order, if the Chair has not finally ruled, my understanding is that it is a violation of the rules of the House to read anything which is purported to come from another source without indicating the particular source from which it came.

THE SPEAKER PRO TEMPORE: The Chair does not know of any such rule.

Reading Speeches

§ 80.5 If objection was made to the reading of a paper, even though it be the Member's own speech, the question was put to the House for determination.

On May 23, 1935,[11] Speaker Joseph W. Byrns, of Tennessee,

10. 88 CONG. REC. 8236, 77th Cong. 2d Sess.

11. 79 CONG. REC. 8094, 74th Cong. 1st Sess.

ruled that if an objection were made a Member could not even read his own remarks to the House without permission of the House:

THE SPEAKER: Is there objection to the resolution being read in the time of the gentleman from Minnesota?

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I object to the reading of the resolution.

MR. [HAROLD] KNUTSON [of Minnesota]: Then I shall read it myself.

MR. O'CONNOR: The gentleman cannot do that except by unanimous consent.

MR. KNUTSON: I can certainly read it myself, I submit to the Speaker.

THE SPEAKER: The gentleman cannot read the resolution without the consent of the House.

MR. KNUTSON: I am going to read it as a part of my remarks. It would be an extraordinary ruling——

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, this is the gentleman's own writing.

THE SPEAKER: The gentleman cannot even read his own speech if anyone objects, according to the precedents.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Is that going to be the ruling of the Chair?

THE SPEAKER: The Chair will not seek to enforce the rule unless the demand is made. When demand is made, the Chair must enforce the rules of the House.

On July 18, 1935,[12] Chairman William M. Whittington, of Mississippi, ruled that where a Member objected to another Member's reading his own speech, the question must be put to the Committee of the Whole for a vote:

MR. [WILLIAM D.] MCFARLANE [of Texas]: Mr. Chairman, I raise the further point of order. The gentleman is reading his speech, and I want the House to pass on whether we have got to listen to such remarks.

MR. [BERTRAND H.] SNELL [of New York]: I make the point of order that that question was raised several days ago, and the House made the decision itself.

THE CHAIRMAN: The gentleman from Texas objects to the gentleman from New York reading his speech. The gentleman from New York [Mr. Snell] makes the point that the House passed on this very question. The Chair is of the opinion that the House, on the occasion referred to, passed on a specific case and not generally. The question is, Will the Committee permit the gentleman from New York to continue reading his speech?

The question was taken; and the Committee decided to allow the gentleman from New York [Mr. Reed] to proceed.

Thereupon Mr. Reed completed his speech, and was given permission to revise and extend his remarks.[13]

12. *Id.* at p. 11423.

13. See Jefferson's Manual, *House Rules and Manual* § 434 (1995): "A Member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time, and therefore is not refused but where that is intended."

Yielding Time to Member To Read Paper

§ 80.6 A Member with the floor who yields time to another to read a paper does not necessarily lose his right to the floor.

On Apr. 25, 1947, Chairman Earl C. Michener, of Michigan, ruled that the Member with the floor could yield to another for the reading of a paper, not to be voted upon, without losing his right to the floor:[14]

> MRS. [HELEN GAHAGAN] DOUGLAS [of California]: Mr. Chairman, will the gentleman yield?
>
> MR. [JOHN J.] ROONEY [of New York]: I yield to the gentlewoman from California.
>
> MRS. DOUGLAS: Mr. Chairman, I would like to read from a statement made by the Secretary of the Interior.
>
> MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HOFFMAN: The gentleman from New York has yielded the floor.
>
> THE CHAIRMAN: The gentleman from New York still has the floor. He is standing at attention, with the gentlewoman beside him.
>
> MRS. DOUGLAS: Mr. Chairman, I wish to quote a statement made by the Secretary of the Interior which clearly states what has been done in this bill.

14. 93 CONG. REC. 4086, 4087, 80th Cong. 1st Sess.

—Permission To Read Paper Does Not Extend Time

§ 80.7 Where any Member objected to the reading in debate of a paper on which the House was not called to vote (and no point of order lay against the reading of the paper because of its content under other rules or precedents), the Chair put the question pursuant to Rule XXX whether the paper might be read; but the consent of the House for the Member to read the paper, once granted, only permitted the Member seeking such permission to read as much of the paper as possible in the time yielded or allotted to that Member, and did not necessarily grant permission to read or insert the entire document.

On Mar. 1, 1979,[15] during consideration of House Resolution 142 (to expel Charles C. Diggs, Jr.) in the House, the following proceedings occurred:

> MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 142) and ask for its immediate consideration.

15. 125 CONG. REC. 3746–48, 96th Cong. 1st Sess.

The Clerk read the resolution as follows:

H. RES. 142

Resolved, That Charles C. Diggs, Jr., a Representative from the Thirteenth District of Michigan, is hereby expelled from the House of Representatives. . . .

MR. [M. CALDWELL] BUTLER [of Virginia]: . . . I will tell you . . . that I have read the testimony of Charles Diggs under oath before the court and in my opinion he affirmatively stated and admitted sufficient acts to constitute grounds for his expulsion today. . . .

Bear in mind, I have not read the entire record. I make no representation about that. I only deal with what the gentleman from Michigan (Mr. Diggs) had to say on the charges against him. There are 29. My time is limited. I will only deal with samples, but I represent that these are fair samples. . . .

MR. [PARREN J.] MITCHELL of Maryland: Mr. Speaker, the Member in the well is going to attempt to read from a transcript in a trial. Ordinarily, I would have no objection to that if this body had constituted itself as a body to try Mr. Diggs. It has not done so. I have strenuous objections to reading any portion of that transcript when this body is not so constituted to receive that information. . . .

THE SPEAKER:[16] The gentleman objects to the reading?

MR. MITCHELL of Maryland: Yes, I do, Mr. Speaker; any portion of the transcript, whether it is printed in the Record or not, I do not care. I object to its being read before this body as presently constituted.

THE SPEAKER: The gentleman from Virginia can continue to debate, but he cannot continue to read without the permission of the House.

MR. BUTLER: Mr. Speaker, may I have the permission of the House to read from the transcript?

MR. MITCHELL of Maryland: Mr. Speaker, I object to granting permission for the reading of the transcript.

THE SPEAKER: The question is: Shall the gentleman from Virginia be permitted to read the document? The question is on that matter.

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

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, on that I demand the yeas and nays.

THE SPEAKER: The gentleman from Maryland demands the yeas and nays.

Those in favor of taking this by the yeas and nays will arise.

In the opinion of the Chair, a sufficient number have arisen. The yeas and nays will be ordered. . . .

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I am confused as to what an "aye" vote and a "no" vote would mean. Would the Chair explain it to the Members?

THE SPEAKER: The Chair will state that an "aye" vote would permit the document to be read, and a "no" vote would not permit the document to be read. . . .

The question comes now—and a sufficient number of Members have risen for the ordering of the yeas and nays—as to whether or not the gentleman from Virginia shall be allowed to read that document from the Court at this time in this proceeding. Under normal

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

circumstances, the Chair rules that the objection was in order, so the question comes to a vote without debate. . . .

MR. [LESTER L.] WOLFF [of New York]: Mr. Speaker, does the motion mean that the entire proceedings must be read, or is it confined to selected portions the gentleman wants to read?

THE SPEAKER: The Chair will state that the gentleman from Virginia (Mr. Butler) has a prepared document, and he has been allotted 8 minutes by the gentleman from Texas (Mr. Wright). He could read as much of the document as he has within those 8 minutes.

Use of Video in Floor Debate

§ 80.8 A Member having been denied permission to utilize a Betamax video telecasting machine on the floor of the House during a special order to communicate statements made by non-Members of the House, informed the House of the Speaker's denial of his request (which was based upon precedents prohibiting non-Members from participating in debate).

On Feb. 11, 1980,[17] Guy Vander Jagt, of Michigan, was recognized in the House and made a statement as indicated below:

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from Michigan (Mr. Vander Jagt) is recognized for 60 minutes.

(Mr. Vander Jagt asked and was given permission to revise and extend his remarks.)

MR. VANDER JAGT: . . . The National Republican Congressional Committee, of which I am chairman, and the National Republican Committee have prepared a nationwide television advertising campaign which addresses these three issues and presents Republican solutions to these problems which the people feel so acutely.

Madam Speaker, I have taken this special order and requested of the Speaker permission to bring a Betamax onto the floor so that our colleagues would be able to see exactly what these commercials are saying. The Speaker did not see fit to grant that request but scripts of the commercials are at the desk. . . .

§ 81. Voting on Permission To Read Papers

Rule XXX, which formerly required unanimous consent for the reading of papers if objection was made, has been rewritten to apply to the use of exhibits rather than the reading of papers.[18] Procedures under the former rule were as follows: where objection was made to the reading of a paper in debate, the question was put on the reading by the Speaker or Chairman.[19] The question was

17. 126 CONG. REC. 2596, 96th Cong. 2d Sess.

18. See the discussion in § 80, supra.

19. See § 81.1, infra.

put without debate,[20] and could be determined in the same manner as any other proposition before the House or Committee of the Whole.[1]

Time consumed on the objection and on the vote to permit reading was not taken out of the time of the Member attempting to read,[2] but permission to read did not entitle the Member to more time than originally allotted.[3]

Procedures Under Former Rule XXX

—Putting the Question

§ 81.1 Where objection was made to the reading of a paper other than one on which the House or the Committee of the Whole was to vote, the Chair put the question to the House or Committee for determination.[4]

—Voting; Debate

§ 81.2 Where objection was made to the reading of a paper, the House decided the question by majority vote and not by unanimous consent.

On Oct. 24, 1945,[5] Mr. John E. Rankin, of Mississippi, made a point of order against the reading of papers in debate by Mr. Hugh De Lacy, of Washington, and asserted that "A Member who has the floor has to get unanimous consent to read."

Speaker Sam Rayburn, of Texas, ruled that a vote of the House was required on an objection to such reading, and put the question to the House for a majority vote.[6]

§ 81.3 Under the former practice, when objection was made to the reading of a paper, it would be deter-

20. See § 81.3, infra.
1. See § 81.4, infra (voice vote and division).
2. See § 81.5, infra.
3. See § 81.6, infra.
4. See, for example, 94 CONG. REC. 3436, 80th Cong. 2d Sess., Mar. 24, 1948; 91 CONG. REC. 10031, 79th Cong. 1st Sess., Oct. 24, 1945; 83 CONG. REC. 4874, 75th Cong. 3d Sess., Apr. 6, 1938; 80 CONG. REC. 3143, 74th Cong. 2d Sess., Mar. 3, 1936; 79 CONG. REC. 10418, 10419, 74th Cong. 1st Sess., June 29, 1935; and 75 CONG. REC. 3281, 72d Cong. 1st Sess., Feb. 2, 1932.

   Objections to the reading of papers not to be voted upon were determined by the House pursuant to Rule XXX, *House Rules and Manual* § 915 (1991).
5. 91 CONG. REC. 10031, 79th Cong. 1st Sess.
6. See also 94 CONG. REC. 2479, 80th Cong. 2d Sess., Mar. 10, 1948.

mined without debate by a vote of the House.[7]

§ 81.4 The House could by voice or division vote permit a Member to continue reading a paper after objection had been made.

On Feb. 27, 1946, objection was made to the reading by Mr. John E. Rankin, of Mississippi, of a document expressing the political doctrine of William Z. Foster.[8] Speaker Sam Rayburn, of Texas, ruled that whether the paper could be read was for the House to decide, and put the question to the House, as follows:

> The question is: Shall the gentleman be permitted to proceed to read the paper from which he is now reading?
>
> The question was taken; and the House decided that Mr. Rankin be permitted to proceed with the reading.
>
> THE SPEAKER: The gentleman from Mississippi will proceed in order.

On Jan. 25, 1939,[9] Speaker Pro Tempore Stephen Pace, of Georgia, ruled that where objection was made to a Member's reading his own address from a manuscript, the question must be put to the House:

> MR. [JOHN C.] SCHAFER of Wisconsin: Regular order, Mr. Speaker. The gentleman is out of order. Under the rules of the House, the gentleman is not supposed to read from a manuscript. . . .
>
> Mr. Speaker, I make the point of order that the gentleman is out of order under the rules of the House and is not supposed to read his remarks in the well of the House. I ask for a ruling.
>
> THE SPEAKER PRO TEMPORE: The Chair has been provided with a copy of the rules of the House and refers to rule XXX, which reads:
>
> > When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House. . . .
>
> The Chair is of the opinion that under this rule the question of whether or not the gentleman from Washington shall be permitted to proceed to read his own remarks must be submitted to the House.
>
> The question is on permitting the gentleman from Washington to proceed to read his own remarks.
>
> The question was taken; and on a division (demanded by Mr. Schafer of Wisconsin) there were—ayes 15, noes 3.

—Charging of Time on Vote

§ 81.5 Where objection was made to the reading of a

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7. See, for example, 98 CONG. REC. 8175, 8176, 82d Cong. 2d Sess., June 26, 1952 (in Committee of the Whole); 92 CONG. REC. 1729, 79th Cong. 2d Sess., Feb. 27, 1946; and 88 CONG. REC. 8237, 77th Cong. 2d Sess., Oct. 15, 1942.

Rule XXX, *House Rules and Manual* § 915 (1991) provided that the vote on permission to read would be taken without debate.

8. 92 CONG. REC. 1729, 79th Cong. 2d Sess.

9. 84 CONG. REC. 796, 76th Cong. 1st Sess.

paper, the time consumed in voting on the question was not taken out of the time of the Member attempting to read.

On Jan. 25, 1939,[10] objection was made by Mr. John C. Schafer, of Wisconsin, to the reading in debate of a manuscript by Mr. Knute Hill, of Washington. Speaker Pro Tempore Stephen Pace, of Georgia, ruled that the question must be put to the House. Mr. Hill inquired whether time consumed on the objection and on the vote was to be taken out of his time and the Speaker Pro Tempore responded that it would not.

On Mar. 25, 1937,[11] Speaker William B. Bankhead, of Alabama, ruled that unanimous consent granted to Mr. Ralph E. Church, of Illinois, to revise and extend his remarks did not include permission to read such extraneous matter in debate. During debate on the point of order, Mr. Church stated, "Mr. Speaker, I do not want this taken out of my time." The Speaker responded, "This will not be taken out of the gentleman's time."

10. 84 Cong. Rec. 796, 76th Cong. 1st Sess.

11. 82 Cong. Rec. 2784–88, 75th Cong. 1st Sess.

—*Permission To Read Did Not Affect Allotted Time*

§ 81.6 Where a Member was permitted by vote of the Committee of the Whole to read a letter, he could read it only within the five minutes allotted him and did not necessarily have the right to read the entire letter.

On June 26, 1952,[12] while the Committee of the Whole was considering amendments, under the five-minute rule, to the pending bill, Mr. Clinton D. McKinnon, of California, moved to strike out the last word. He then began reading a statement by Governor Arnall, of Georgia, on the subject of price control ceilings, a subject covered by the pending bill, H.R. 8210, the Defense Production Act Amendments.

Mr. Jesse P. Wolcott, of Michigan, objected to the reading of the statement, and the House by teller vote permitted Mr. McKinnon to proceed with the reading of the letter in question. Mr. McKinnon commenced reading the letter, and Chairman Wilbur D. Mills, of Arkansas, ruled that he could read only for five minutes.

> Mr. [Herman P.] Eberharter [of Pennsylvania]: Mr. Chairman, a point of order.

12. 98 Cong. Rec. 8175, 8176, 82d Cong. 2d Sess.

THE CHAIRMAN: The gentleman will state it.

MR. EBERHARTER: Mr. Chairman, the House decided by a teller vote to permit the reading of this letter. I submit that the letter should be read in its entirety; that is the point of order I make.

THE CHAIRMAN: That is not the decision made by the Committee. The Committee made the decision that the gentleman could read the letter within the time allotted to the gentleman of 5 minutes.

MR. EBERHARTER: I did not hear it so stated when the motion was put, Mr. Chairman.

THE CHAIRMAN: The question put to the Committee had nothing whatsoever to do with the time to be consumed by the gentleman from California. The Chair recognized the gentleman from California for 5 minutes; the question arose as to whether or not he could within that 5 minutes time read extraneous papers.

The point of order is overruled.

§ 81.7 Formerly under Rule XXX, a Member could read a paper upon which the House would not vote only by permission of the House, if any Member objected to that reading; and where a Member objected to another Member's reading of her own written speech, the Chair put the question to the House for a determination without debate.

On Dec. 19, 1974,[13] the principle stated above was demonstrated in the House, as follows:

MR. [DAVID T.] MARTIN of Nebraska: Mr. Speaker, a point of order. I object to the gentlewoman in the well reading her remarks because she did not ask unanimous consent before she started to read her remarks, and that is according to Jefferson's Manual.

THE SPEAKER:[14] The question is: May the gentlewoman from New York read her remarks?

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

THE SPEAKER: The gentlewoman from New York may proceed.

§ 82. Motions; Unanimous-consent Procedures

Rule XXX, which formerly required unanimous consent for the reading of papers if objection was made, has been rewritten to apply to the use of exhibits rather than the reading of papers.[15] Procedures under the former rule were as follows: where objection was made to a reading, the Speaker on his own initiative ordinarily put the vote on the question of whether the reading should be permitted (see § 81, supra). Alter-

13. 120 CONG. REC. 41425, 93d Cong. 2d Sess.

14. Carl Albert (Okla.).

15. See the discussion in § 80, supra.

natively, a Member could make the privileged motion that the Member with the floor be permitted to read or to continue reading.[16]

Unanimous consent could be granted for the reading of papers[17] and if granted precluded a further point of order that the paper was irrelevant.[18]

Procedures Under Former Rule XXX: Motions

§ 82.1 Where objection was made to the reading of a paper it was in order to move that the Member be permitted to read it, either in the House or in the Committee of the Whole.

On Feb. 10, 1931,[19] while the Committee of the Whole was considering H.R. 16969, the Navy appropriation bill, Mr. Thomas L. Blanton, of Texas, asked unanimous consent to read in debate various resolutions submitted by the American Legion. Mr. Elliott W. Sproul, of Illinois, objected to such reading and Chairman Frederick R. Lehlbach, of New Jersey, stated that such objection could be made in the Committee of the Whole:

> To read a paper in the House or in the Committee when the House is in the Committee of the Whole . . . he must obtain the consent of either the House or the Committee.

Mr. William P. Connery, Jr., of Massachusetts, then moved that Mr. Blanton be permitted to read the paper: "Mr. Chairman, I move that the gentleman from Texas [Mr. Blanton] be allowed to read the resolutions to which he referred." Mr. Connery made the motion to "see what the sentiment of the House is on not reading American Legion resolutions."

The Chairman put the question on the motion and it was rejected.

On July 15, 1932,[20] Mr. Allen T. Treadway, of Massachusetts, asked unanimous consent to read in debate from a statement made to the Senate conferees on the pending conference report on H.R. 9642, a relief bill.

Mr. Edgar Howard, of Nebraska, objected to the reading of the statement on the grounds that "under the rules of the House the gentleman may not read an outside statement if there is objection to it." Mr. Treadway then stated that he would therefore read the

16. See § 82.1, infra.
17. See §§ 82.3–82.5, infra.
18. See § 82.5, infra.
19. 74 Cong. Rec. 4544, 71st Cong. 3d Sess.
20. 75 Cong. Rec. 15490, 15491, 72d Cong. 1st Sess.

statement as his own statement. Mr. Howard also objected to that procedure, and Speaker John N. Garner, of Texas, ruled that Mr. Howard was not entitled to read the document over objection.

Mr. William H. Stafford, of Wisconsin, then made the following motion:

> Mr. Speaker, I move that the gentleman from Massachusetts be permitted to read the paper.

The Speaker put the question, and the House agreed to the motion to permit Mr. Treadway to read the statement in debate.

Reading of Documents by Clerk

§ 82.2 A Member may by unanimous consent during time yielded him in the Committee of the Whole have a letter read by the Clerk.

On July 28, 1939,[1] Mr. Ulysses S. Guyer, of Kansas, who had the floor in the Committee of the Whole, yielded five minutes' debate to Mr. Clare E. Hoffman, of Michigan. Mr. Hoffman immediately made a unanimous-consent request:

> Mr. Chairman, I ask unanimous consent, before I proceed, that the Clerk may read a letter written by the former chairman of the Rules Committee, Mr. John J. O'Connor, to the Vice President of the United States.

The request was granted.

§ 82.3 The House granted unanimous consent that the Clerk read the remarks of a Member suffering from poor eyesight.

On Apr. 16, 1942,[2] the House granted the following unanimous-consent request:

> MR. [JOSEPH B.] SHANNON [of Missouri]: Mr. Speaker, I ask unanimous consent that the Clerk be permitted to read my address, as I cannot see very well. First, I just want to say that this is an address on the subject of war by a real peace man. I have never been for war in my life and I am not for war now if it could be avoided. I refer in this speech to two men who served in this House, a Benton and a Benton. Both Bentons to whom I refer served in the House, and one of them served for 30 years in the Senate.
>
> THE SPEAKER PRO TEMPORE: Without objection, the Clerk will read the address of the gentleman from Missouri.

§ 82.4 The Speaker took the floor during debate in Committee of the Whole to obtain unanimous consent for the reading by the Clerk of a personal letter from the President expressing views

1. 84 CONG. REC. 10368, 76th Cong. 1st Sess.

2. 88 CONG. REC. 3510, 77th Cong. 2d Sess.

as to a bill then under consideration.

On Nov. 20, 1969,[3] while the Committee of the Whole was considering H.R. 14580, the Foreign Assistance Act of 1969, Speaker John W. McCormack, of Massachusetts, moved to strike the last word and then submitted a unanimous-consent request:

> Mr. Chairman, I have just received a letter from President Nixon. I understand the minority leader also received a letter. I received it a few minutes ago. It relates to the bill pending before the House. I would like to have the contents of the letter read to the House so that the Members will have in mind the views expressed by the President in his letter to me.
>
> Mr. Chairman, I ask unanimous consent that the Clerk be authorized to read the letter of the President of the United States.

There was no objection to the request, and the letter was read.

§ 82.5 Where unanimous consent is granted for the reading of a letter in debate, and no reservation of objection is made with respect to the contents of the letter, a point of order may not subsequently be made that the letter is irrelevant to the pending subject.

On July 28, 1939,[4] Chairman Virgil M. Chapman, of Kentucky, ruled that where unanimous consent was granted for the reading of a letter, a subsequent point of order that the letter was not pertinent to the pending subject came too late:

> MR. [ABE] MURDOCK of Utah (interrupting the reading of the letter): Mr. Chairman, I make the point of order that the gentleman from Michigan [Mr. Hoffman] did not get consent to proceed out of order, and when he asked that the letter be read, I assumed it was pertinent to the debate here on the pending bill. I now make the point of order that it is not.
>
> THE CHAIRMAN: The gentleman from Michigan obtained unanimous consent that the letter be read, and stated the name of the person who wrote the letter. The point of order is overruled.
>
> MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, he did not state the purport or intent of the letter.
>
> THE CHAIRMAN: All the gentleman from Michigan said was that it was a letter written by a former Member from New York, Mr. O'Connor, and asked unanimous consent that it be read by the Clerk. That unanimous consent was granted.
>
> MR. MURDOCK of Utah: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. MURDOCK of Utah: Does not a Member have the right to assume that when a unanimous-consent request is

3. 115 CONG. REC. 35192, 91st Cong. 1st Sess.

4. 84 CONG. REC. 10368, 76th Cong. 1st Sess.

made to have a letter read, that the letter is pertinent to the debate being carried on at the time on the floor?

THE CHAIRMAN: Any member of the Committee had the right, when the request was made, to reserve the right to object and to interrogate the gentleman from Michigan as to the contents of the letter.

Effect of Permission To Revise and Extend

§ 82.6 Permission to a Member to extend his remarks and include therein extraneous matter did not authorize him to read the extraneous matter in debate without the consent of the House.

On Mar. 25, 1937,[5] Mr. Ralph E. Church, of Illinois, was granted unanimous consent to revise and extend his remarks and "to include therein excerpts from a certain letter of six paragraphs, extracts from court proceedings and press comments thereon."

When Mr. Church began to read a newspaper editorial in debate, Mr. Scott W. Lucas, of Illinois, made a point of order against the reading and Speaker William B. Bankhead, of Alabama, ruled that the unanimous-consent permission to revise and extend did not include permission to read extraneous matter in debate:

The Chair is of the opinion the gentleman would probably have a right to extend his own remarks, but he would not have a right to read them now without the special permission of the House. [The Speaker also cited Rule XXX of the House rules, requiring a vote of the House where objection is raised to the reading of a paper.]

Unanimous Consent To Read in Committee

§ 82.7 Under the former practice, a Member yielded time for debate in the Committee of the Whole could read certain letters and telegrams with the consent of the Committee.

On Apr. 18, 1944,[6] Chairman Warren G. Magnuson, of Washington, stated in response to a parliamentary inquiry that the Committee of the Whole could grant permission to read certain papers:

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, I desire to revise and extend my own remarks at this point in the Record. I suppose permission to include letters, telegrams, and so forth, including a couple of letters from Drew Pearson, I would have to obtain in the House. . . .

If I did not extend my remarks, I suppose I could read those letters, could I not?

THE CHAIRMAN: If time were yielded to the gentleman from Michigan, he

5. 81 CONG. REC. 2784–88, 75th Cong. 1st Sess.

6. 90 CONG. REC. 3558, 78th Cong. 2d Sess.

could read them with the consent of the Committee.

§ 83. Certain Readings Prohibited

Rulings under the former version of Rule XXX,[7] which required a vote by the House on the reading of papers where objection was made, indicated that the rule did not apply to papers containing language subject to a point of order in the House. For example, a Member could not refer to Senators or to Senate proceedings and therefore could not read letters from Senators or reports of Senate proceedings.[8] Some rulings based on former Rule XXX are still valid under other lines of precedents. Thus a Member may not read documents impugning the integrity of other Members,[9] or reports of House committee executive proceedings not formally reported to the House.[10]

Papers containing prohibited references or disorderly language are not challenged by an objection but by a point of order or demand that they be taken down. The Speaker then rules whether the words in question are in order.[11]

Discharge Petition Signatures

§ 83.1 Under the version of the Discharge Rule which was applicable before the 103d Congress, while a Member had the right to look at a discharge petition, he did not have the right to read to the House the names signed on such petition.

On Mar. 15, 1946,[12] Speaker Sam Rayburn, of Texas, ruled that while a Member had a right to examine a discharge petition on the floor of the House, he did not have the right to read the names contained thereon in debate:

> MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Speaker, a point of order.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. COCHRAN: As I understand the rules of the House, it is not permissible to give out anything contained in a petition on the Clerk's desk until the petition has the required number of signers. Then it automatically is printed in the Record with the signatures thereon.

7. Rule XXX, which formerly required unanimous consent for the reading of papers if objection was made, has been rewritten to apply to the display of exhibits rather than the reading of papers. See the discussion in § 80, supra.
8. See §§ 83.2, 83.3, infra.
9. See § 83.5, infra.
10. See § 83.4, infra.
11. See §§ 48–52, supra.
12. 92 CONG. REC. 2329, 79th Cong. 2d Sess.

THE SPEAKER: It is certainly a violation of the rules to do that.

MR. [JOHN E.] RANKIN [of Mississippi]: I have not given out anything. Do not get excited. I merely asked for the petition. I have a right to look at it, as a Member of the House.

THE SPEAKER: The gentleman has the right to look at it but he does not have the right to read any of the names on the petition.

Communications from Senators

§ 83.2 It is not in order in debate for a Member to read a letter from a member of the Senate.

On May 25, 1937,[13] while the Committee of the Whole was considering House Joint Resolution 361, for relief appropriations, Mr. Alfred F. Beiter, of New York, stated his intention to read from letters he had from members of the Senate, stating their sympathy.

Chairman John J. O'Connor, of New York, made a point of order, on his own responsibility, against "the reading of a letter from a member of another body."

Reference to Senate Proceedings

§ 83.3 It has been held not in order to read the proceedings of the Senate or the remarks of a Senator, whether printed in the *Congressional Record* or reported elsewhere.

On May 11, 1932,[14] Mr. Fred A. Britten, of Illinois, called the attention of the House to an extract from the *Congressional Record* of Senate proceedings. Mr. Thomas L. Blanton, of Texas, made the point of order that it was a violation of the rules of the House to refer to any proceedings of the Senate or any speeches made in the Senate in House debate. Mr. Charles L. Underhill, of Massachusetts, objected that "there is no rule that prevents a Member from reading from the Record any matter published therein."

Chairman Gordon Browning, of Tennessee, ruled that a Member of the House could not in any way in debate on the floor of the House comment on the actions, speeches, or proceedings of a Senator or of the Senate itself. In response to a question by Mr. Underhill, the Chairman stated that the rules also prohibited a Member from reading from the Record matter published therein by the Senate.

Mr. Britten then attempted to quote from newspaper reports of

13. 81 CONG. REC. 5013, 75th Cong. 1st Sess.

14. 75 CONG. REC. 10019, 72d Cong. 1st Sess.

the Senate speech to which he had referred, and the Chairman ruled that Mr. Britten could not refer to newspaper reports of Senate proceedings.

Additional debate on the subject occurred, and the Chairman reiterated his ruling that under the rules a Member of the House could not read extracts from the *Congressional Record* of Senate proceedings. Mr. Britten entered an appeal from the decision of the Chair, but then withdrew his appeal after the then Speaker of the House, Mr. William B. Bankhead, of Alabama, took the floor to support the correctness of the ruling of the Chair.

On Feb. 20, 1933,[15] Mr. Henry T. Rainey, of Illinois, indicated his intention to quote from a speech made by a Senator in the Senate and printed in the *Congressional Record*. Mr. John E. Rankin, of Mississippi, made the point of order that Mr. Rainey could not so refer to a member of the Senate. Speaker John N. Garner, of Texas, sustained the point of order and ruled that "A Member of the House could not refer to a Senator and quote what he said."[16]

Executive Session Committee Proceedings

§ 83.4 If a committee has not voted to make the proceedings of an executive session public, it is not in order in debate to read or quote from the minutes thereof.

On Apr. 5, 1967,[17] during debate on a resolution funding the Committee on Science and Astronautics, Mr. Joe D. Waggonner, Jr., of Louisiana, a member of the committee, began referring to proceedings of the committee and quoting dialogue from a session thereof. Mr. John W. Wydler, of New York, whose words were being quoted, stated a point of order that quotation in debate of minutes of an executive committee session was improper.

Speaker John W. McCormack, of Massachusetts, ruled as follows:

> The Chair would like to inquire of either the gentleman from Louisiana or the gentleman from Texas whether the gentleman from Louisiana is reading from the executive session record? . . .
>
> MR. [OLIN E.] TEAGUE of Texas: Mr. Speaker, it is my remembrance that what he is quoting was what took place at an executive session.

---

15. 76 CONG. REC. 4508, 72d Cong. 2d Sess.

16. For more detailed discussion of the prohibition against referring in debate to the Senate or to individual Senators, see § 44, supra.

For Senate references to House proceedings, see § 46, supra.

17. 113 CONG. REC. 8411, 8412, 90th Cong. 1st Sess.

THE SPEAKER: The Chair would like to make the further inquiry as to whether or not the members in the executive session voted to make public what took place in the executive session?

MR. TEAGUE of Texas: It is my memory that we did not vote on that and it was not discussed.

THE SPEAKER: The Chair would suggest to the gentleman from Louisiana that he refrain from referring to what took place in the executive session.

Papers Impugning Members

§ 83.5 It is not in order in debate to read papers impugning the motives or attacking the personality of other Members.

On June 16, 1947,[18] Mr. Chet Holifield, of California, read in the House a telegram from the Southern Conference on Human Welfare. Mr. John E. Rankin, of Mississippi, made a point of order against certain words in the telegram and demanded that they be taken down: "We completely repudiate the lies and half-truths of the report that was issued and consider it un-American."

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words objected to, referring to the Committee on Un-American Activities, were unparliamentary, since they "reflect upon the character and integrity of the membership of a committee." The words were stricken by motion from the *Congressional Record*.[19]

§ 83.6 Clause 1 of Rule XIV, requiring Members to "avoid personality" during debate, prohibits references in debate to newspaper accounts used in support of a Member's personal criticism of a sitting Member in a way which would be unparliamentary if uttered on the floor as the Member's own words; and the prohibition against reading in debate of press accounts which are personally critical of a sitting Member does not constitute "censorship" of the press by the House, but rather is consistent with House rules which preclude debate or insertions in the Record which engage in "personality."

18. 93 CONG. REC. 7065, 80th Cong. 1st Sess.

19. For detailed discussion of improper references to other Members in debate, see §§ 53 et seq., supra.

Where a Member reads a paper by consent of the House, he is not thereby entitled to read language which is in itself disorderly. Such a reference is subject to the demand that words in debate be taken down and is subject to a ruling by the Speaker (see §§ 61–66, supra).

On Feb. 25, 1985,[20] the following proceedings occurred in the House:

THE SPEAKER PRO TEMPORE:[1] Under a previous order of the House, the gentleman from Georgia (Mr. Gingrich) is recognized for 60 minutes.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I am going to insert in the Record today and read into the Record several editorials, one from the Atlanta Journal and Constitution yesterday, Sunday, February 24, and one this morning from the Wall Street Journal, both of them talking about the tragic situation in which the Democratic leadership has blocked Mr. McIntyre of Indiana from being seated. . . .

> Yet twice the House has voted to deny McIntyre the seat while it investigates. . . .
>
> The technicalities aside, the case is interesting for what it says about the Congress. . . . In the second vote only five Democrats dared abandon O'Neill and the leadership.
>
> Georgia's Democrats went right along with the herd, in defiance of basic decency. . . . A few Republicans near each election try to remind voters that the Democrats' first vote will be for O'Neill and that vote signals bondage. This year it meant the abandonment of fairness. . . .

MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Speaker, parliamentary inquiry. . . .

MR. GINGRICH: Mr. Speaker, the gentlewoman has not asked me to yield, and I was in fact making an inquiry myself to the Chair. I was asking the Chair to rule in this sort of setting if one is reporting to the House on the written opinion of a columnist in which the columnist has said very strong things, is it appropriate for the House to be informed of this and, if so, what is the correct procedure?

THE SPEAKER PRO TEMPORE: The ruling of the Chair is that the gentleman should not read into the Record things which would clearly be outside the rules of this House. . . .

MR. GINGRICH: Let me continue to ask the Chair, because I am a little confused, in other words, if a columnist writing in the largest newspaper in the State of Georgia says very strong things about his concern about the House's behavior, would the House in effect censor a report of that concern?

THE SPEAKER PRO TEMPORE: No; the House does not censor any report of that kind. The gentleman does take the responsibility, however, for words uttered on the floor, and he is certainly capable of leaving out those items which he knows would be outside the rules of this House. . . .

MR. GINGRICH: If I may continue a moment to ask the gentleman, if we are in a situation where in the view of some people, such as Mr. Williams of the Atlanta Journal-Constitution, very strong things are legitimately being said, and this is obviously his viewpoint, what is the appropriate manner in which to report his language to the House?

That is not me saying these things; he is saying these things.

THE SPEAKER PRO TEMPORE: The gentleman knows the rules of the House, I am certain, and he can take

20. 131 CONG. REC. 3344–46, 99th Cong. 1st Sess.

1. Sam B. Hall, Jr. (Tex.).

out or delete any thing that he knows would violate the rules of this House if spoken from the floor.

MR. GINGRICH: Under the Rules of the House . . . if one were to only utter the words on the floor that were appropriate, but were to then insert the item in the Record, is the Record then edited by the House? That is, if it was put in as an extension of remarks or put in under general leave?

THE SPEAKER PRO TEMPORE: As the gentleman knows, there are precedents where a question of privilege can be raised about certain things inserted in the Record, and those could be raised if the gentleman attempts to insert them into the Record, or not. . . .

As the gentleman knows, words spoken on the floor of the House can be objected to.

The following exchange took place on Feb. 27, 1985:[2]

MR. [THOMAS S.] FOLEY [of Washington]: . . . I came to the floor [to] suggest that it is important that we have a balanced opportunity to discuss these issues. . . . I simply think it is important that we observe the rules of the House in the course of debate, and I think the two gentlemen, Mr. Walker and Mr. Gingrich, know that it is not permissible under long-standing rules of the House and interpretations of the Parliamentarians . . . to read into the Record statements that would be inappropriate if made by a Member directly. . . .

I just wanted to make the point that these gentlemen in the well and the gentleman from Pennsylvania (Mr. Walker) know the rules very well. They are very skilled at them and they know that it is inappropriate to use a newspaper article, however widely published, to violate the rules of the House.

§ 83.7 In response to a parliamentary inquiry, the Chair indicated that a question of the privileges of the House could be raised against the insertion in the Record of a press account using language personally offensive against a sitting Member, whether uttered by a former Member or anyone else.

The proceedings of Feb. 25, 1985, relating to newspaper articles sought to be inserted in the Record by Mr. Newton L. Gingrich, of Georgia, are discussed in § 83.6, supra.

§ 84. Use of Exhibits

Rule XXX, as amended in the 103d Congress,[3] states:

> When the use of any exhibit in debate is objected to by any Member, it shall be determined without debate by a vote of the House.

The use of exhibits in debate requires the consent of the House if

2. 131 CONG. REC. 3902, 99th Cong. 1st Sess.

3. *House Rules and Manual* § 915 (1995).

objection is made.[4] However, where Members supporting certain legislation use relevant exhibits in debate for the information of other Members, objection is rarely made to the display.[5] But a Member may not have distributed on the floor copies of a bill marked with his own interpretations of its effect and support.[6] The Chair controls the positioning of an exhibit in the well or along the side aisles, in order that his view of the floor or the Members' view of the rostrum is not obstructed.

In one instance, the Speaker ordered removed from the lobby a placard posted by a Member which impugned the motives of Members.[7]

Permission To Display Exhibit

§ 84.1 Where objection is raised against the use of exhibits in debate, the question is put to a vote in the House or the Committee of the Whole.

On June 21, 1937,[8] Mr. Maury Maverick, of Texas, made a point of order against the display on the floor of the House of an object by Mr. Robert F. Rich, of Pennsylvania. Speaker William B. Bankhead, of Alabama, put the question on the display to the House:

> MR. MAVERICK: Mr. Speaker, I make the point of order that the gentleman has no right to display a liquor bottle in the House of Representatives.
>
> MR. RICH: Mr. Speaker, this is Government rum, presented to me by Secretary Ickes.
>
> THE SPEAKER: The gentleman will suspend. The gentleman from Texas makes the point of order that the gentleman from Pennsylvania has no right to exhibit the bottle without permission of the House. The point of order is well taken. . . .
>
> As many as are in favor of granting the gentleman from Pennsylvania the right to exhibit the bottle which he now holds in his hand will say "aye" and those opposed will say "no."
>
> The vote was taken and the Speaker announced that the ayes have it, and the permission is granted.

On Aug. 5, 1949,[9] the Chairman of the Committee of the

4. See §§ 84.1, 84.2, infra; 8 Cannon's Precedents §§ 2452, 2453.
   See also 118 CONG. REC. 36133–38, 92d Cong. 2d Sess., Oct. 13, 1972 (Member exhibited several types of military bombs during a "special-order speech" on the legality of the Vietnam War).
5. See §§ 84.4, 84.5, infra.
6. See § 84.7, infra.
7. See § 84.6, infra. Since the placard contained language subject to a point of order if stated in debate, the placard could not have been read in debate by consent of the House.
8. 81 CONG. REC. 6104, 6105, 75th Cong. 1st Sess.
9. 95 CONG. REC. 10859, 81st Cong. 1st Sess.

Whole, Howard W. Smith, of Virginia, put the question as to the display of a chart to the Committee for a decision:

> MR. [OREN] HARRIS [of Arkansas]: Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for five additional minutes. . . .
>
> MR. [EUGENE D.] O'SULLIVAN [of Nebraska]: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. O'SULLIVAN: Mr. Chairman, is it in order for an exhibit to be presented to the Committee of the Whole or to the House of Representatives? As I read the rules it is not in order to do so, unless the permission of the Committee of the Whole or of the House is first obtained.
>
> THE CHAIRMAN: If the gentleman from Nebraska objects to the use of the exhibit, the Chair will put the question to the Committee of the Whole. Does the gentleman object?
>
> MR. O'SULLIVAN: I object, Mr. Chairman.
>
> THE CHAIRMAN: The question is: Shall the use of the exhibit be permitted?
>
> The question was agreed to.[10]

§ 84.2 A Member used an exhibit while engaged in debate in the Committee of the Whole without objection.

On June 8, 1966,[11] while the Committee of the Whole was considering H.R. 15202, to temporarily increase the public debt limit, Mr. Wright Patman, of Texas, was characterizing the actions of the banking industry in raising interest rates as "a loaded dice game." During his remarks, he displayed, without objection, a pair of oversized dice. The following exchange occurred between Mr. Patman and Mr. H. R. Gross, of Iowa:

> MR. GROSS: Mr. Chairman, will the gentleman yield?
>
> MR. PATMAN: Yes, I yield to the gentleman from Iowa.
>
> MR. GROSS: Mr. Chairman, I just walked in. Is the gentleman trying to convert the House Chamber into a gambling establishment with those dice here?
>
> MR. PATMAN: No, I am trying to convert them against a gambling establishment, that is, the Federal Reserve establishment. These are Federal Reserve dice. If you roll them, they will roll 7 or 11 every time. Try them.

Use of Exhibits To Explain Legislation

§ 84.3 After objection was made, the Committee of the Whole voted to permit a Member to display a chart in explanation of a legislative proposition.

On Aug. 5, 1949,[12] when objection was made to a request by a

10. See also 8 Cannon's Precedents §§ 2452, 2453.

11. 112 CONG. REC. 12574, 89th Cong. 2d Sess.

12. 95 CONG. REC. 10859, 81st Cong. 1st Sess.

Member to display a chart explaining the provisions of H.R. 1758, amending the Natural Gas Act, the Committee of the Whole voted to permit the exhibit.

§ 84.4 The House by unanimous consent permitted the Committee on Science and Astronautics to use models and exhibits in the Committee of the Whole during debate on a bill.

On Aug. 1, 1963,[13] a unanimous-consent request was granted for the Committee on Science and Astronautics to use exhibits and models on the floor:

> MR. [OLIN E.] TEAGUE of Texas: Mr. Speaker, I ask unanimous consent that the committee may be permitted to use certain models and exhibits on the floor this afternoon to better present the information that we will try to present to the House.

There was no objection to the request.

During debate on the pending bill, H.R. 7500, to authorize appropriations to the National Aeronautics and Space Administration, members of the committee referred to the models and exhibits.[14]

§ 84.5 In debating a bill or a special rule providing for its consideration, Members may display charts without requesting permission, where no objection is made to the display.

On Mar. 12, 1974,[15] the House was considering House Resolution 963, providing for the consideration of H.R. 69, the Elementary and Secondary Education Amendments of 1974. Mr. Peter A. Peyser, of New York, referred to a chart which was being displayed before the House and which continued to be displayed and referred to after the resolution had been adopted and the Committee of the Whole was conducting general debate on the bill. (The bill contained complex funding formulas suited to graphic description.)[16]

Displays Impugning Members

§ 84.6 Under authority granted him by House rule, the Speaker ordered removed from the Speaker's lobby a placard posted by a Member containing language which might have been ruled disorderly had it been uttered on the House floor.

13. 109 CONG. REC. 13853, 88th Cong. 1st Sess.
14. See for example *id.* at p. 13876.
15. 120 CONG. REC. 6269, 93d Cong. 2d Sess.
16. *Id.* at p. 6279 (see the remarks of Mr. Carl D. Perkins [Ky.]).

On June 5, 1930, the House discussed the action of the Speaker in ordering removed from the Speaker's lobby placards posted by a Member criticizing the action of House conferees on a particular bill (H.R. 2667, a tariff bill).[17]

Speaker Nicholas Longworth, of Ohio, stated that he ordered removed the placard under his authority granted by Rule I clause 3, empowering him to exercise control over the corridors and passages and unappropriated rooms in the House side of the Capitol. The Speaker also stated that "the Chair was of the opinion that at least two of the sentences in that document were sentences which, if pronounced on the floor of the House, would have been subject to being taken down, and were not in order, and, by analogy, the Chair thinks it is even more improper to have such publications posted where no one can criticize them."

The Speaker read the following objectionable language of the placard:

> 3. The House conferees, in violation of the gentleman's agreement and in disregard of the positive mandate of the House, voted lumber used by the farmers on the dutiable list and polls and ties used by the public utilities on the free list.
>
> 4. The conferees are the servants of the House, not its masters. Will the Members by their votes condone the violation of the gentleman's agreement and the disregard of the positive mandate of the House on the part of its conferees.

The Speaker stated that the truth or falsity of the document was not material; he added that whether the document cast doubt upon the worthiness of the motives of the conferees was relevant to his decision.[18]

Distribution of Bills Edited With Interpretation

§ 84.7 It is not in order for a Member to have distributed on the floor of the House copies of a bill marked with his own interpretations of its provisions.

On Aug. 16, 1935,[19] Speaker Joseph W. Byrns, of Tennessee, ruled that a Member could not distribute in the Chamber copies

17. 72 CONG. REC. 10122, 10123, 71st Cong. 2d Sess.

18. Rule I clause 3, *House Rules and Manual* § 623 (1995) provides: "He [the Speaker] shall have general control, except as provided by rule or law, of the Hall of the House, and of the corridors and passages and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House, until further order."

19. 79 CONG. REC. 13433, 74th Cong. 1st Sess.

of a bill marked with his own interpretation thereof, and instructed the House pages not to distribute any such documents:

MR. [CLAUDE A.] FULLER [of Arkansas]: Mr. Speaker, I rise to a parliamentary inquiry. I just sent a page for the bill under consideration, H.R. 9100, and received the copy which I have in my hand. At the top of the bill, pasted onto it is a pink slip, and on that pink slip in typewriting are the words:

> Bituminous-coal bill as amended and reprinted—controversial phases largely eliminated. Two-thirds of tonnage output operators favor bill and more than 95 percent of labor.

My inquiry is to know whether it is proper for anybody to paste such a thing as that on a document of the House and whether it is proper for it to be circulated in the House. This is the first time in my experience that I have ever seen any advertisement on an official document or bill pending in the House. I rise for the purpose of ascertaining how it came there and whether or not it is proper to be on this bill.

THE SPEAKER: The Chair has no information on the subject. Where did the gentleman get his copy of the bill?

MR. FULLER: From a page. I send this copy to the desk so that the Speaker may examine it.

MR. [J. BUELL] SNYDER [of Pennsylvania]: I can tell the gentleman how that came there.

THE SPEAKER: The gentleman may state.

MR. SNYDER: Mr. Speaker, I had so many of these bills sent to my office, and with my secretarial help we wrote those words on that pink slip and pasted the slip on the bill. That is how that happens to be there. I sent copies of these bills with the slip on them to those interested and sent some of them to the desk back here, to be handed out upon request. It is altogether fitting and proper that I should do so. . . .

THE SPEAKER: The Chair knows of no rule or authority for inserting a statement like that to which the gentleman has called attention on a bill, and the Chair instructs the pages of the House not to distribute any more bills carrying this sort of inscription to Members on the floor of the House.

Proper Time To Use Displays

§ 84.8 The Member having the floor in Committee of the Whole may display charts or exhibits by permission of the Committee, but if objection is made, the question is put, without debate, as to whether such Member should be permitted to use displays; but exhibits are only to be displayed during the debate, and the Chair can direct their removal when they are not being utilized.

On Sept. 20, 1977,[20] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 6796 (the

20. 123 CONG. REC. 29927, 95th Cong. 1st Sess.

Energy Research and Development appropriations):

MR. [OLIN E.] TEAGUE [of Texas]: Madam Chairman, a parliamentary inquiry.

THE CHAIRMAN:[1] The gentleman will state it.

MR. TEAGUE: Madam Chairman, I am not going to have a lot to say, but I do not care to have what I do have to say distracted by a bunch of charts here. I think the gentleman from California should not bring those in. I ask the Chair if that is not proper.

THE CHAIRMAN: The Chair would advise the gentleman from Texas that if he does object to the demonstrations or displays before the committee, he may do so. If he does object, the Chair would then put the question as to whether the Member having the floor should be permitted to use displays.

MR. TEAGUE: Madam Chairman, I object to them until the gentleman is ready to speak. Then, I will ask unanimous consent that he be permitted to bring them in.

MR. [GEORGE E.] BROWN [Jr.] of California: Madam Chairman, will the gentleman yield?

MR. TEAGUE: I yield.

MR. BROWN of California: Madam Chairman, I want to do whatever the chairman thinks is fair. I want to point out that these charts were prepared for the purpose of assisting a number of speakers. We would be happy to put them all together and have them brought out one by one as the speakers prefer. I will not be able to use them, but others will.

MR. TEAGUE: I think it is proper, as they come to the charts, to use them. I will not object to that, but I do think that if other people are making speeches, the charts should not be there.

MR. BROWN of California: I will be happy to accede to the gentleman's objection.

THE CHAIRMAN: That, the Chair thinks, resolves the question.

§ 84.9 While Members are permitted to use exhibits such as charts during debate (subject to the permission of the House under Rule XXX), the Speaker may under Rule I direct the removal of a chart from the well if not being utilized during debate.

The following proceedings occurred in the House on Apr. 1, 1982:[2]

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

MR. [JUDD] GREGG [of New Hampshire]: Mr. Speaker, with the Congress having allegedly been in session now for approximately 4 months and about to go on recess for the month of April, I felt that we should review the "report card" of the liberal leadership of this Congress. So it has been prepared here on this chart. . . .

THE SPEAKER:[3] If there are no other Members who will use the chart in the well at this time during 1-minute speeches, it will be removed until such time as it is needed.

The Chair recognized the Republican leader, the gentleman from Illinois (Mr. Michel).

1. Barbara Jordan (Tex.).

2. 128 CONG. REC. 6303, 6304, 97th Cong. 2d Sess.

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

§ 84.10 The Chairman of the Committee of the Whole may direct the removal from the well of charts and other displays if not currently being utilized in debate.

During consideration of the first concurrent resolution on the budget for fiscal year 1983 (H. Con. Res. 345) in Committee of the Whole on May 25, 1982,[4] the following proceedings occurred:

> MR. [LEON E.] PANETTA [of California]: Mr. Chairman, I move to strike the requisite number of words.
>
> THE CHAIRMAN:[5] The gentleman from California (Mr. Panetta) is recognized, but first the charts will be removed.
>
> MR. PANETTA: Please, Mr. Chairman.
>
> THE CHAIRMAN: Perhaps from the laughter, it might be worth having the Chair remind the Members that charts are always brought forward for a particular speaker. They are present entirely at the sufferance of the Committee.[6]

4. 128 CONG. REC. 11752, 97th Cong. 2d Sess.
5. Richard Bolling (Mo.).
6. See § 84.9, supra, where the Speaker pursuant to his general authority under Rule I, directed the removal from the well of a chart that was not being utilized at the time. Under Rule XXX, the House or Committee of the Whole controls the use of displays during debate, upon the objection of any Member.

Displays Should Not Detract From Good Order and Decorum

§ 84.11 Recognition is within the discretion of the Chair, who may deny a Member recognition to speak under the "one-minute rule" in order to uphold order and decorum in the House as required under clause 2 of Rule I; thus, the Speaker inquired of a Member in the well seeking recognition, as to his purpose in utilizing an object for demonstration in debate, and then denied that Member recognition pursuant to his authority under clause 2 of Rule XIV, when he determined that the object might subject the House to ridicule.

On Aug. 27, 1980,[7] the following proceedings occurred in the House:

> THE SPEAKER:[8] The Chair would ask the gentleman from Pennsylvania (Mr. Shuster) what he intends to do with the doll. The Chair is not going to allow the Congress to be held up to ridicule and will object to any such exhibit being used in debate.
>
> MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, if I may respond, I simply want to introduce this duck as

7. 126 CONG. REC. 23456, 96th Cong. 2d Sess.
8. Thomas P. O'Neill, Jr. (Mass.).

a symbol of the lameduck session that I want to speak to.

THE SPEAKER: The Chair is of the opinion the Member would be holding the House up to ridicule and would ask the gentleman to make the speech without utilizing the apparatus or the doll or anything of that nature.

MR. SHUSTER: Mr. Speaker, this is certainly not the intention.

THE SPEAKER: That is the way the Chair feels about it and the Chair so rules.

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

Parliamentarian's Note: The original transcript shows that the Speaker first inquired as to Mr. Shuster's purpose and then denied him recognition, and that Mr. Shuster was then recognized for one minute. Thus, the Speaker was exercising his power of recognition, and was not unilaterally preventing the use of a demonstration during debate, which would be a matter to be determined by a vote of the House, under Rule XXX.

§ 84.12 Where the Speaker, pursuant to his authority and responsibility to preserve decorum in debate under clause 2 of Rule I, had informally requested a Member not to wear a mask in debate, that Member utilized the mask as a display while mentioning the Speaker's admonition.

On Oct. 6, 1983,[9] during consideration of H.R. 3958 (water resources development appropriations for fiscal 1984) in the House, the following occurred:

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I move to strike the requisite number of words.

(Mr. Conte asked and was given permission to revise and extend his remarks.)

MR. CONTE: Mr. Chairman, I rise in support of this amendment. I was going to start out this debate today by wearing this pig mask because I think it is the only way we can properly describe this bill.

But I was asked by my dear friend the Speaker not to wear it, and I am not going to put it on. But I wish I could wear it.

Because all this amendment would do is trim a little of the fat. If this amendment is adopted it will not keep anyone from bringing the bacon back home.

Parliamentarian's Note: The Speaker may deny recognition or continued recognition when an improper display is utilized. A different question would be raised by a Member's use of a politically provocative display which is not inherently disruptive or demeaning. In such a case the House, on objection of a Member, would decide the issue.

9. 129 CONG. REC. 27629, 98th Cong. 1st Sess.

§ 84.13 The Speaker's responsibility under clause 2 of Rule I to preserve decorum during debate in the House requires that he not permit exhibits to be utilized in debate which would be demeaning to the House, and the Chair may inquire as to the Member's intentions before conferring recognition.

The following proceedings occurred in the House on Mar. 21, 1984:[10]

MR. [ROBERT S.] WALKER [of Pennsylvania]: I ask unanimous consent to proceed for 1 minute, Mr. Speaker.

THE SPEAKER:[11] What has the gentleman got in his hand?

MR. WALKER: Mr. Speaker, this is a demonstration of what I have. I am not certain I am going to be able to use it under the rules.

THE SPEAKER: If the gentleman does not think so, why is he trying?

MR. WALKER: I will explain that in my speech, but I certainly would not want to violate the rules.

THE SPEAKER: Without objection, the Speaker recognizes the gentleman and will be watching carefully.

MR. WALKER: I thank the Speaker, and I know that the Speaker always watches very carefully everything that I do. . . .

Mr. Speaker, we have to be amused by an article in this morning's Washington Post, but I am pleased to see that two of my distinguished colleagues have gone on record supporting one of the major industries in my congressional district.

If we take everything they had to say, fold it between two pieces of bread, slap on a little mustard, we have the biggest bologna sandwich in history. The Lebanon bologna industry in my district is going to be forever grateful.

Mr. Speaker, what I have here is a real live Lebanon bologna, and I noticed in the rules, in reading the rules, that I probably would not be able to show that. What we are allowed to show on this floor is "verbal bologna" but not real bologna.

. . . Mr. Speaker, I did not violate the rules. I kept it in the bag.

Parliamentarian's Note: Reference to certain debate in the House as "baloney" has never been ruled unparliamentary, but to characterize all House debate as such might be ruled out as demeaning to the House.

§ 84.14 Prior to a special-order speech in which several Members intended to use photographic exhibits of missing children, the Chair reminded all Members to address the Chair and to avoid direct references to the television audience.

On Apr. 2, 1985,[12] the Speaker Pro Tempore made an announcement, as follows:

10. 130 CONG. REC. 6187, 6188, 98th Cong. 2d Sess.

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

12. 131 CONG. REC. 7221, 99th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:[13] The Chair will ask that all Members who wish to exhibit pictures to address the Chair and avoid direct references to the television audience.

Under a previous order of the House, the gentleman from Oklahoma (Mr. Edwards) is recognized for 60 minutes.

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Speaker, last summer I began a project to use the televised proceedings of the House of Representatives to help find some of the 160,000 children who each year are reported kidnaped either by strangers or by a parent who does not have custody.

§ 84.15 During a special-order speech, a Member on one occasion utilized cartoon caricatures as an exhibit to ridicule the Administration, particularly statements made by the Secretary of the Interior.

The following proceedings occurred in the House on June 2, 1987,[14] during the period designated for special-order speeches:

THE SPEAKER PRO TEMPORE:[15] Under a previous order of the House, the gentleman from New York [Mr. Scheuer] is recognized for 60 minutes.

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Speaker, will the gentleman yield?

MR. [JAMES H.] SCHEUER [of New York]: Of course, I would be happy to yield to the gentlewoman from Colorado.

MRS. SCHROEDER: Mr. Speaker, I would like the gentleman to explain some of the [exhibits] that the gentleman has down there. I can tell the gentleman from New York has worked very hard on this.

I take it that right beside the gentleman he has these [figures of] cats wearing hats and glasses and then the fish. The gentleman does not have a hat on the fish, but my understanding is that it is just as dangerous to the fish.

MR. SCHEUER: There is a hat on the fish, but it is a plastic hat and it sticks very close to its scales.

MRS. SCHROEDER: Oh, I see. So the gentleman is pointing out that the first thing we would have to do is start catching all these animals. . . .

Parliamentarian's Note: The display of exhibits in debate is always subject to the will of the House and any Member may object by requesting the Chair to put the question of propriety to the House. In particular instances, a question may arise as to whether the Chair should take the initiative and deny recognition for breaches of decorum.[16] The exhibit here consisted of large photographs of animals dressed up in sunglasses, straw hats, and the like, and was intended to ridicule a statement by the Secretary of the Interior that depletion of the

13. Kenneth J. Gray (Ill.).

14. 133 CONG. REC. 14255, 100th Cong. 1st Sess.

15. James A. Hayes (La.).

16. See 8 Cannon's Precedents § 2452.

ozone layer could be countered by such protective devices. Especially since it was probably aimed at the television audience during special orders, it was arguably such breach of decorum as the Chair has the authority under Rule I, clause 2, to prevent.

§ 84.16 In response to a parliamentary inquiry, the Chair rendered an anticipatory ruling that he would utilize his authority under Rule I, clause 2, to prevent the display of exhibits in the Chamber during debate which might disrupt order or impair decorum in the Chamber, without ruling that the exhibits were necessarily obscene or offensive.

On Sept. 13, 1989,[17] it was demonstrated that the Chair may in his discretion make an anticipatory ruling that the exhibition of certain materials during debate should be precluded as disruptive of decorum. The proceedings were as follows:

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

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

MR. WALKER: Mr. Speaker, we are in the process of discussing certain artworks which have been paid for by taxpayers' money. What would be the ruling of the Chair should those particular artworks be brought on the floor for display as a part of the debate? Can the Chair tell me that?

THE SPEAKER PRO TEMPORE: The Chair would respond that it would be the intention of the Chair under rule I to prevent any activity which would disrupt the decorum of the Chamber and he would rule such action to be a disruption of the proper decorum of the Chamber.

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

So, in other words, the material that we are talking about is so bad that it would disrupt the decorum of the House if this were displayed and so, therefore, the Chair would have to rule against that display, is that correct?

THE SPEAKER PRO TEMPORE: The Chair would rule as the Chair has already stated.

Various Types of Displays

§ 84.17 On one occasion, a Member utilized dismantled weapons as an exhibit during debate.

The following proceedings occurred in the Committee of the Whole on Apr. 23, 1985,[19] during consideration of House Joint Resolution 239 (appropriations for aid to Nicaragua):

MR. [NEWT] GINGRICH [of Georgia]: . . . I want to specifically pick up on

17. 135 CONG. REC. 20362, 101st Cong. 1st Sess.

18. George E. Brown, Jr. (Calif.).

19. 131 CONG. REC. 9024, 99th Cong. 1st Sess.

the arguments of an earlier speaker, the gentleman from Arkansas, who in a sense was asking what are these votes in Nicaragua really all about.

There are a number of ostrich Democrats who would have us believe that there is no danger from Nicaragua. . . .

Let me offer the physical proof of the Soviet-Cuban-Nicaraguan Communist offensive in El Salvador and Honduras. Let me say in advance to my colleagues, these exhibits are all harmless but they have been harmful. These exhibits are authenticated captured weapons from El Salvador. They are on loan from the El Salvadoran Government to the U.S. Defense Department. They have been dismantled. They meet every kind of rule of safety.

Parliamentarian's Note: Under Rule XXX, the Committee of the Whole or the House may, on demand of any Member, vote to permit a Member to utilize an exhibit during debate. In this instance, the Speaker had denied use of the Speaker's Lobby for the exhibition of the dismantled weapons, in accordance with his consistent policy; the Speaker could have precluded their display during debate in order to preserve decorum if he believed the display to pose a problem.

—*Badges as Exhibits*

§ 84.18 Clause 1 of Rule XIV, requiring Members desiring to "speak or deliver any matter to the House" to rise and address the Speaker to be recognized, proscribes, in effect, the wearing of badges by Members to communicate messages; thus, the Speaker, exercising his authority to preserve order and decorum, has advised Members that the wearing of badges is inappropriate under the rules of the House.

The following statement was made by the Speaker[20] during proceedings on Apr. 15, 1986:[1]

All Members wearing yellow badges should be advised that they are inappropriate under the rules of the House.

The badges in question urged support of military assistance to the Nicaraguan Contras. In recent years, some Members and staff have worn various badges on the floor to convey political messages to their colleagues and to the TV audience. Under the definition of decorum and debate in clause 1 of Rule XIV, a Member must first seek recognition and then speak his message, or use exhibits as provided in Rule XXX subject to approval of the House if objection is made.

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

1. 132 CONG. REC. 7525, 99th Cong. 2d Sess.

K. SECRET SESSIONS

§ 85. In General

Secret sessions of the House, while authorized by Rule XXIX, are rarely invoked in current practice. Such sessions have been utilized where Members wished to refer to or utilize classified national security information or intelligence-related information in debate.

Rule XXIX permits a motion that the House hold a secret session. The motion is in order if the Speaker determines that the Member making it qualifies—that the Member has information of a secret nature which he wishes to impart to his colleagues in the House.

The motion is not debatable, is not in order in Committee of the Whole, and if agreed to, requires the House to undertake certain procedures—the clearing of the galleries, closing down the televised and broadcast coverage of the proceedings, insuring the secrecy of the proceedings—before commencing the debate. The vote on the motion for a secret session is subject to a rollcall vote but is not required by the rule.

Standing committees of the House are permitted to hold executive sessions pursuant to Rule XI, clauses 2(g) and 2(k) where national security matter is under discussion or where evidence or testimony is being elicited which is potentially incriminating or defamatory. The Select Committee on Intelligence has specific procedures for closing sessions, which are set forth in Rule XLVIII. Conference committees may meet behind closed doors pursuant to Rule XXVIII, but a vote of the House is required to permit House managers at a conference to invoke or agree to this procedure. A motion that a conference committee meeting be closed to the public, privileged under Rule XXVIII, clause 6(a), is debatable under the hour rule.

Recognition To Move for Secret Session

§ 85.1 The Speaker has declined to recognize a Member to move pursuant to Rule XXIX that the House resolve itself into a secret session where the motion had not been reduced to writing; and a Member who has been recognized for five minutes where the House is proceeding in the House as in the Committee of the Whole, and who is declined recogni-

tion to offer a motion during such five minutes, is entitled to use or to yield the remainder of his time.

On Mar. 30, 1977,[2] the following proceedings occurred in the House:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I move to strike the last word. . . .

Mr. Speaker, I would move, under the terms of rule XXIX of the House of Representatives, that we resolve ourselves into a secret session, that we exclude the press and the people in the galleries, and that we be permitted, as Members of the House who have to vote on this, to know what this secret information is that they will not reveal to us here in public on the floor today. . . .

THE SPEAKER:[3] Is the gentleman's motion in writing?

MR. BAUMAN: The gentleman would be glad to reduce it to writing.

THE SPEAKER: In the meantime the Chair recognizes the gentleman from Ohio (Mr. Stokes).

MR. BAUMAN: Mr. Speaker, does the gentleman from Maryland still have time?

THE SPEAKER: Yes.

MR. BAUMAN: That being the case, the gentleman from Maryland, Mr. Speaker, would like to say——

THE SPEAKER: The Chair has recognized the gentleman from Ohio.

MR. BAUMAN: Does the gentleman from Maryland still have time remaining in his 5 minutes? . . .

THE SPEAKER: The answer is in the affirmative. The gentleman has time in which to write out his motion.

MR. BAUMAN: Mr. Speaker, I asked whether I had time to speak.

THE SPEAKER: The Chair begs the gentleman's pardon. The gentleman has time remaining.

MR. BAUMAN: The gentleman is going to use his time, Mr. Speaker, with the sufferance of the Speaker of the House.

THE SPEAKER: The Chair recognizes the gentleman from Maryland (Mr. Bauman).

Secret Session Requires Preparation

§ 85.2 Pending a vote on a motion that the House resolve itself into secret session pursuant to Rule XXIX, the Speaker announced that should the motion be adopted, a motion to adjourn would be entertained due to the announced schedule and due to the elaborate precautions and arrangements necessary for a secret session.

The proceedings of the House on Mar. 30, 1977,[4] relating to the motion described above were as follows:

MR. [ROBERT E.] BAUMAN [of Maryland]: I renew my motion.

2. 123 CONG. REC. 9576, 95th Cong. 1st Sess.

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

4. 123 CONG. REC. 9576, 95th Cong. 1st Sess.

THE SPEAKER:[5] The Chair hears the gentleman from Maryland and the Clerk will read the motion.

MOTION OFFERED BY MR. BAUMAN

The Clerk read as follows:

Mr. Bauman moves under rule XXIX that the House resolve itself into secret session.

THE SPEAKER: The Chair would like to make the following statement:

There has been a motion made by the gentleman from Maryland (Mr. Bauman). If the motion would prevail, in view of the fact that the Chair has said at an earlier date yesterday that we would be through at 5:30 this afternoon, and in view of the precautions that must be taken, the clearing of the galleries, the clearing of the Press Galleries, the proper placement of officers and employees that are necessary in order to protect the House of Representatives, that should the motion prevail that then a motion would be entertained to adjourn the House until 11 o'clock a.m. tomorrow.

The question is on the motion offered by the gentleman from Maryland (Mr. Bauman).

The question was taken; and on a division (demanded by Mr. Bauman) there were—ayes 76, noes 97.

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

The yeas and nays were ordered. . . .

The vote was taken by electronic device, and there were—yeas 185, nays 226, not voting 21. . . .

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

Motion for Secret Session Rejected

§ 85.3 On one occasion, the Speaker entertained a motion under Rule XXIX that the House resolve itself into secret session, although made by a Member who did not assert that he had a secret communication to make to the House, where no point of order was raised that the Member making the motion was merely soliciting such information from the chairman of the Select Committee on Intelligence, who did not himself wish to communicate it to the House; the House rejected the motion that the House resolve itself into a secret session.

During the proceedings of the House on Mar. 30, 1977,[6] the situation described above developed as follows:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I move to strike the last word. . . .

If, indeed, Mr. Speaker, the members of this committee have this information which they feel would warrant the continuation, they have the duty to reveal that to the House now.

Therefore, Mr. Speaker, I would move, under the terms of rule XXIX of

6. 123 CONG. REC. 9575, 9576, 95th Cong. 1st Sess.

the House of Representatives, that we resolve ourselves into a secret session, that we exclude the press and the people in the galleries, and that we be permitted, as Members of the House who have to vote on this, to know what this secret information is that they will not reveal to us here in public on the floor today. . . .

THE SPEAKER:[7] The Chair [asks] the gentleman from Maryland whether he will yield to the gentleman from Ohio (Mr. Stokes), the chairman of the committee.

MR. BAUMAN: Yes, I will yield to the gentleman from Ohio.

MR. [LOUIS] STOKES [of Ohio]: Mr. Speaker, I thank the gentleman for yielding.

In reply to the Speaker's question, this committee did consider undertaking a secret, private briefing of the House.

After a great deal of deliberation as to the unwieldy aspects of being able to contain highly sensitive materials and communications, this committee decided that it would be too unwieldy a procedure and would, in all probability redound against the committee, and we decided against such action at that time.

MR. BAUMAN: Mr. Speaker, let me say that this Member was not invited to any secret briefing. There was a secret meeting held with the select committee and the Committee on Rules with no notice at all given in an effort to get them to get this resolution to the floor. But if there are secrets, we all should be told. . . .

I renew my motion. . . .

The Clerk read as follows:

Mr. Bauman moves under rule XXIX that the House resolve itself into secret session.

THE SPEAKER:. . .The question is on the motion offered by the gentleman from Maryland (Mr. Bauman).

The question was taken; and on a division (demanded by Mr. Bauman) there were—ayes 76, noes 97.

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

The yeas and nays were ordered. . . .

The vote was taken by electronic device, and there were—yeas 185, nays 226, not voting 21. . . .

Motion Must Be Made in House Not in Committee of the Whole

§ 85.4 The House and not the Committee of the Whole decides whether the Committee may sit in executive session; and a parliamentary inquiry concerning the procedures whereby the House may act on a request for such a session should be addressed to the Speaker and not the Chairman of the Committee of the Whole.

On May 9, 1950,[8] Chairman Michael J. Mansfield, of Montana, responded to a parliamentary inquiry relating to the procedure for

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

8. 96 CONG. REC. 6746, 81st Cong. 2d Sess.

holding an executive session as follows:

MR. [ERRETT P.] SCRIVNER [of Kansas]: Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would submit a parliamentary inquiry as to whether or not an executive session could be held and, if so, what procedure would be necessary to bring that to pass before we are asked to vote upon the $350,000,000 additional.

THE CHAIRMAN: The Chair will state to the gentleman from Kansas that the Committee of the Whole would have no control over that. That would be a matter for the House itself to decide.

MR. SCRIVNER: I understand that, of course, and raised the question for information of the Members. Since it is a matter for the House to determine, as a further parliamentary inquiry, what would be the method followed to take that action?

THE CHAIRMAN: The Chair will say to the gentleman from Kansas that a parliamentary inquiry of that sort should be addressed to the Speaker rather than the chairman.

Parliamentarian's Note: Where a Member in Committee of the Whole raises a question as to whether the House might sit in executive session, the Chair will entertain a motion that the Committee rise. A resolution would then be offered in the House providing that "during further consideration of the bill, the Committee would be cleared of all persons except Members and authorized officers and employees and all proceedings of the Committee would be kept secret until otherwise ordered by the House. After a determination as to those employees deemed essential to the proceedings, the Speaker at the appropriate time would issue a statement for purposes of clearing the galleries and locking the doors.

§ 85.5 Under Rule XXIX, providing for secret sessions of the House, a motion to go into secret session may be made only in the House and not in the Committee of the Whole, and the Member making the motion must qualify by asserting that he himself has a secret communication to make to the House.

During the proceedings of the House on June 6, 1978,[9] Speaker Pro Tempore Abner J. Mikva, of Illinois, responded to a parliamentary inquiry as follows:

MR. [FORTNEY H.] STARK [of California]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. STARK: Mr. Speaker, is a motion for the House to go into executive session in order at any time?

THE SPEAKER PRO TEMPORE: It is not in order in the Committee of the

9. 124 CONG. REC. 16376, 95th Cong. 2d Sess.

Whole, the Chair will inform the gentleman.

MR. STARK: It is in order in the full House, is it?

THE SPEAKER PRO TEMPORE: The Chair will read the rule. It reads as follows:

RULE XXIX

SECRET SESSION

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

The Chair will emphasize that the rule requires that a Member assert that he himself has a secret communication to make for his motion to be in order.

Parliamentarian's Note: Pending was a special rule providing for consideration of H.R. 12240, the intelligence authorizations bill. H.R. 12240 authorized appropriations for intelligence activities of the United States government, not in a specified amount but rather by incorporating figures contained in a classified annex to the committee report. The report on the bill contained no cost estimate as to the authorization but referred to the figures contained in the classified annex available only to Members as designated. No waiver of the cost-estimate rule was necessary to allow consideration of the bill, since Rule XLVIII authorizes and directs the Select Committee on Intelligence to keep secret classified information obtained from the executive branch unless otherwise authorized by the House. (Rule XLVIII, being a more specific and more recently adopted rule, renders Rule XIII clause 7 inapplicable.) The Committee on Armed Services, in Part II of the report, merely incorporated by reference the Intelligence Committee estimate contained in the secret annex.

H.R. 12240 stated in part:[10]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence and Intelligence-Related Program Authorization Act for Fiscal Year 1979".

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1979 for the conduct of the intelligence and intelligence-related activities of the following departments, agencies, and other elements of the United States Government:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

10. 124 CONG. REC. 16386, 95th Cong. 2d Sess., June 6, 1978.

(2) The Department of Defense. . . .

(b) A classified annex to the report prepared by the Permanent Select Committee on Intelligence of the House of Representatives to accompany this Act shall be deemed to reflect the final action of the Congress with respect to the authorization of funds for fiscal year 1979 for intelligence and intelligence-related activities of the United States Government, including specific amounts for activities specified in subsection (a).

§ 85.6 Upon the conclusion of general debate on a bill in Committee of the Whole, a Member offered a pro forma amendment to announce that he would at the conclusion of his remarks move that the Committee rise, and then offer in the House a motion, pursuant to Rule XXIX, that the House resolve itself into secret session to discuss confidential communications related to the bill under consideration in Committee of the Whole.

On June 20, 1979,[11] during consideration of the Panama Canal Act of 1979 (H.R. 111) in the Committee of the Whole, Mr. Robert E. Bauman, of Maryland, after being recognized for a motion to strike the last word, made an announcement as indicated below:

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 111) to provide for the operation and maintenance of the Panama Canal and to provide for the exercise of the rights and performance of the duties of the United States provided in the Panama Canal Treaty of 1977, with Mr. Foley in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN:[12] When the Committee rose on Monday, May 21, 1979, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the reported bill shall be considered by title as an original bill for the purpose of amendment, and each title shall be considered as having been read. . . .

The Clerk will designate section 1.

Section 1 reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.—This Act may be cited as the "Panama Canal Act of 1979".

MR. BAUMAN: Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to inform the Committee of the Whole House that it will be my intention at the conclusion of the brief time that I

11. 125 CONG. REC. 15710, 15711, 96th Cong. 1st Sess.

12. Thomas S. Foley (Wash.).

will take here, to move that the Committee rise, and, assuming that is agreed to, I will move, under rule XXIX of the House, that the House meet in secret session.

I understand from the Parliamentarian that passage of the motion would allow us 1 hour of debate to be divided between the gentleman from New York and myself, during which time all of us, and I have discussed this with the gentleman from New York (Mr. Murphy), as well as with the chairman of the subcommittee, the gentleman from Kentucky (Mr. Hubbard), would be able to present to the House certain facts which we are not able to communicate to the House in public because of the classified nature and the source of the information.

Motion for Secret Session Not Debatable

§ 85.7 A motion that the House resolve itself into secret session must be made in the House and not in Committee of the Whole and is not debatable; in the 96th Congress, the House adopted by voice vote a motion that the House resolve itself into secret session pursuant to Rule XXIX (the first such occasion since 1830) where the Member offering the motion had ensured the Speaker that he had confidential communications to make to the House as required by that rule.

On June 20, 1979,[13] Mr. Robert E. Bauman, of Maryland, having informed the Committee of the Whole of his intention to make a motion under Rule XXIX in the House, made the motion as follows:

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

The Clerk read as follows:

Mr. Bauman moves that, pursuant to rule XXIX, the House resolve itself into secret session. That the galleries of the House Chamber be cleared of all persons and that the House Chamber be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and who subscribe to the notarized oath of confidentiality.

THE SPEAKER PRO TEMPORE:[14] The Chair will state that the motion is not debatable. Absent unanimous consent to debate the motion, the question will be put upon the motion.

The question is on the motion offered by the gentleman from Maryland (Mr. Bauman).

The motion was agreed to.

Clearing Galleries and Limiting Floor Access

§ 85.8 The Speaker Pro Tempore announced, after the House had adopted a motion

13. 125 CONG. REC. 15711, 96th Cong. 1st Sess.

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

to resolve itself into secret session and before the secret session commenced, that the galleries would be cleared of all persons, that the Chamber would be cleared of all persons except Members and those officers and employees specified by the Speaker whose attendance on the floor was essential to the functioning of the secret session, and that all proceedings in the secret session must be kept secret until otherwise ordered by the House.

On June 20, 1979,[15] the House adopted by voice vote a motion that the House resolve itself into secret session pursuant to Rule XXIX (the first such occasion since 1830) where the Member offering the motion had ensured the Speaker that he had confidential communications to make to the House as required by that rule. The proceedings were as follows:

> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a motion.
>
> The Clerk read as follows:
>
> > Mr. Bauman moves that, pursuant to rule XXIX, the House resolve itself into secret session. . . .
>
> The motion was agreed to.
>
> THE SPEAKER PRO TEMPORE:[16] The Chair will make a statement.
>
> The Chair desires to read to the Members the contents of rule XXIX of the rules of the House of Representatives.
>
> Rule XXIX reads as follows:
>
> RULE XXIX
>
> SECRET SESSION
>
> > Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House. . . .
>
> According to the rule of the House, the Chair is now going to order that the galleries of the House Chamber shall be cleared of all persons and the House Chamber shall be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the secret session of the House. All proceedings in the House during such consideration shall be kept secret until otherwise ordered by the House.[17]
>
> The Chair is going to declare a recess long enough for this order to be carried out.

Parliamentarian's Note: A list of the employees signing the oath of

15. 125 CONG. REC. 15711–13, 96th Cong. 1st Sess.

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

17. For further discussion of the Speaker's directions to officers and employees on this date, see § 85.12, infra.

secrecy and present in the secret session was compiled and retained by the Journal Clerk.

It would have been appropriate to require a rollcall vote on resolving into secret session (since executive sessions of committees require a rollcall vote).

Guidelines for Conducting Secret Session

§ 85.9 After a motion that the House resolve itself into secret session has been agreed to, the Chair may explain the operation of the rule and respond to parliamentary inquiries before the secret session commences; on one such occasion, before declaring a recess in order to clear the Chamber and galleries for a secret session of the House, the Speaker Pro Tempore stated in response to parliamentary inquiries that (1) the proceedings of the House in secret session would not be recorded by the television system; (2) after the presentation of the material considered confidential in secret session, the House could vote in secret session to remove the injunction of secrecy from the proceedings; (3) the material to be presented in the secret session was not required by Rule XXIX or the precedents relating thereto to be relevant to any particular legislation; (4) the Speaker had afforded the officers of the House with guidelines as to which employees were to be considered essential to the functioning of the secret session, but that during the session only those employees so designated and sworn could enter the Chamber; (5) Members could come and go at will during the session; (6) Members would be prohibited from divulging information presented in the secret session without the consent of the House; (7) a record of attendance of Members would not be kept, except through a call of the House, since Members were expected to be trusted with honor and integrity; (8) members of committees which might be meeting (having received permission to sit under the five-minute rule and perhaps under the impression that the House was proceeding in Committee of the Whole) would be sufficiently notified of the secret session by the bells and lights indicating a recess

and the reconvening of the House; (9) the admitted House employees (but not Members) must sign an oath to preserve inviolable secrecy (similar to the Senate oath for secret sessions), violation of which was punishable by the House, but that statutes applying exclusively to the executive branch, requiring appropriate clearances to receive information classified by the executive branch, did not apply to Members of Congress and only to employees of the legislative branch where such statutes were generally applicable beyond the executive branch; and (10) no rule of the House required clearance of House Members or employees under procedures applied by the executive branch for access to classified information, but that Members and employees of the House were subject to standards of conduct and disciplinary procedures under House rules.

On June 20, 1979,[18] during consideration of the Panama Canal Act of 1979 (H.R. 111), the following proceedings occurred:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Bauman moves that, pursuant to rule XXIX, the House resolve itself into secret session. . . .

The motion was agreed to. . . .

MR. [JACK] HIGHTOWER [of Texas]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[19] The gentleman will state it.

MR. HIGHTOWER: What will be the action of the Chair in regard to the television proceedings?

THE SPEAKER PRO TEMPORE: The television will not be recording the proceedings of the House during the time of the secret session.

MS. [ELIZABETH] HOLTZMAN [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentlewoman will state it.

MS. HOLTZMAN: In the Chair's reading of his order and reading the rule he mentioned that the House can order otherwise with respect to the secrecy of the proceedings. Is it my understanding then that should, during the debate or after the debate, the Members of the House determine that the material was not, in fact, confidential, is it then in order, or when is it in order, assuming that to be the case, for the proceedings to be then made public or the Journal kept of the debate then made public?

THE SPEAKER PRO TEMPORE: The precedents which the Chair has read

18. 125 CONG. REC. 15711–13, 96th Cong. 1st Sess.

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

this morning indicate that following the presentation of that material considered secret or confidential or of such nature that it ought to be heard in secret session, the House may at that time, by its own motion, in secret session decide that there is no reason to observe further secrecy with respect to the material involved. Having heard the material and determined the nature thereof, it will be up to the Members of the House as to whether they would observe additional and future secrecy with respect thereto.

MS. HOLTZMAN: I thank the Speaker.

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. DERWINSKI: The Chair did not address himself to the question of the relevancy of the material to the legislation before the House. What is the determination or the precedents involved regarding the relevancy of presumed secret testimony to the legislative matter before us?

THE SPEAKER PRO TEMPORE: The Chair will state that there is no requirement whatsoever in the precedents of the House, such materials having been received, that the material be relevant to any legislation, since the rule would include messages from the President of the United States that bear upon no pending legislation. It is not the opinion of the Chair that the material to be revealed in this session necessarily has any bearing whatever upon the legislation which otherwise would have been under consideration in the Committee of the Whole. It simply is a recognition of the right of the gentleman from Maryland and other Members present at the secret session to divulge such information as they desire to our colleagues, the Members of the House. The Members have voted to grant them that privilege. It does not necessarily bear in any way tangentially or otherwise upon the legislation previously before the House or any other legislation.

MR. DERWINSKI: I thank the Speaker.

MR. [FRANK] HORTON [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HORTON: The Chair announced that Members of the House are permitted to be present and also officers to be designated by the Speaker. Will the Speaker specifically designate those employees to remain on the floor?

The second inquiry is with regard to access to the floor. What about going and coming on the floor, will the doors be manned in order to prevent unauthorized persons from entering the Chamber?

THE SPEAKER PRO TEMPORE: The Chair will attempt to answer both questions.

First, with respect to those official staff persons whose presence on the floor of the House is essential to the operation of the House, the Chair already has, pursuant to authority conferred upon him in the motion, delivered to the officers of the House sufficient guidelines with regard to that question.

On the second question, with respect to the rights of Members to go and

come, that question should be answered in the affirmative. Members may go and come at will.

MR. HORTON: What about others? They would have to be cleared before they could come in, other than Members?

THE SPEAKER PRO TEMPORE: The gentleman is correct. Others would have to be designated and sworn before they could enter the Chamber.

MR. [PAUL N.] MCCLOSKEY [Jr., of California]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MCCLOSKEY: Mr. Speaker, I understand that we will receive in this Chamber information that will be labeled either "confidential" or "secret" or "top secret" under any Executive order which applies only to members of the executive branch. Therefore, it would not be a crime, for example, for a Member of this body to reveal information classified in the executive branch unless it came under the statute.

I am wondering what would be the rules of the House with respect to a Member of this body who might, after hearing in this secret session information perhaps classified "secret" or "top secret" if that Member should, following this session, divulge that information to the press or to third persons not authorized to receive that information. It seems to me that under the rules of the House we would violate those rules as individual Members should we reveal classified information.

THE SPEAKER PRO TEMPORE: The Chair feels that the same rule should prevail which prevails in executive sessions of committees of the House. The Chair does not wish to prejudge the nature or the import of the information to be revealed because the Chair is not privy to that knowledge.

The Chair believes that the Members of the House possess sufficient honor that they will do the right thing in determining, after having heard the information, whether or not its sanctity should be preserved or it should be revealed at the will of the Members. The Chair trusts the Members of the House to make the right decision.

MR. MCCLOSKEY: I thank the Chair.

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. GIAIMO: Mr. Speaker, under those circumstances should not attendance be kept as to whether or not a Member actually is in the Chamber or not, because there are some of us—and I feel very strongly about this kind of session because I have found out in the past through experience that I usually learn just as much outside a secret session as I do in it, and the information, if I find out the information outside of this session—I do not want to be gagged by the fact that I may or may not have been in this session at the time. It seems to me that the Chair ought to have attendance of Members.

THE SPEAKER PRO TEMPORE: The Chair would observe that the gentleman from Connecticut or any other Member might have the privilege, if he or she so desires, to move a call of the House, and thereby could ascertain the presence of Members. Beyond that, the

Chair is not of the disposition to impose upon the Members of the House any rule beyond those rules which are expressly written in the rules of the House. The Chair is of the disposition to trust implicitly the honor and the integrity of the Members of the U.S. House of Representatives.

MR. [CARROLL] CAMPBELL [Jr., of South Carolina]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. CAMPBELL: Mr. Speaker, in view of the fact that a number of the committees have received permission to sit under the 5-minute rule, I wonder if the Chair is taking steps to notify these committees of the pending proceedings.

THE SPEAKER PRO TEMPORE: The Chair will respond, as the gentleman would understand, of course, that we are not now under the 5-minute rule and will not be proceeding under the 5-minute rule after we resume following the recess which the Chair will very presently declare.

The Chair would presume that the bells signaling the recess and the bells signaling the resumption of the convening of the House would be sufficient notice to warrant knowledge on the part of those who might be in committee sessions or elsewhere on Capitol Hill.

MR. CAMPBELL: I thank the Chair.

MR. [BILL D.] BURLISON [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BURLISON: Mr. Speaker, it is my understanding from the conversation I have heard thus far that there will be classified information presented to the body; confidential, secret, top secret. Is that a fair statement?

THE SPEAKER PRO TEMPORE: In response to the gentleman's question, the Chair is not in a position to characterize the nature, the character, the quality, or the veracity of the information which will be divulged. The Chair is not privy to that knowledge.

MR. BURLISON: A further parliamentary inquiry: Do the rules of the House not require that in those instances where classified material is to be received, that the reporters and the staff members and the officers of the House who may be present other than Members of the House be cleared for that classified information?

THE SPEAKER PRO TEMPORE: The Chair is going to read to the gentleman an oath which employees and officers of the House are required to sign:

> I do solemnly swear that I will preserve inviolable secrecy on all confidential business of the House of Representatives that may come to my knowledge until especially absolved therefrom, so help me God.

Every employee and officer of the House will be expected to sign this oath if permitted to be privy to the session. Members of the House will not be requested nor required to sign such an oath.

MR. BURLISON: Mr. Speaker, my parliamentary inquiry is whether the rules of the House require, in such a session, that the reporters and the staff members and others have the requisite clearances to be present and to conduct the business.

THE SPEAKER PRO TEMPORE: The Chair will respond to the gentleman's

request in the following manner: Members of the U.S. House of Representatives are not members of the executive branch of Government, who may be bound by laws exclusively applicable to members of the executive branch of Government.

The Chair will state again that Members of the House, after hearing the nature of this information, whatever it may be, must judge on their own or as ordered by the House as to whether it is of sufficient import or secret in character to require continued silence. On previous occasions, the Chair discovers on reading the precedents, Members of the House, having heard information thus divulged, usually have voted to allow that information to become known publicly.

MR. BURLISON: Is the Speaker saying that the rules of the House do not require that the staff, House officers, and others be cleared to receive the information? My parliamentary inquiry is whether there is such a House rule.

THE SPEAKER PRO TEMPORE: There is no such House rule, the Chair will respond.

MR. [THOMAS J.] DOWNEY [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. DOWNEY: Mr. Speaker, if I understand the ruling of the Chair then, the employees of the House of Representatives coming into the session will be privy to receive information secret, top secret, classified, that is so designated by U.S. statute. What concerns me, Mr. Speaker, is that we have no rule governing classification of House employees with respect to the receiving of secret information. That is not a rule just of the executive branch; that is United States statutory law with respect to who can receive and under what circumstances classified, secret, and top secret information.

THE SPEAKER PRO TEMPORE: The employees of the House, the Chair will advise the gentleman, are subject to applicable provisions of law and to the disciplinary action of the House, and the special rule for them requires that secrecy of the proceedings be maintained until absolved from that responsibility by the House.

The Members of the House, in context, are also subject to the disciplinary rules of the House with respect to the Standards of Official Conduct Committee and under the Constitution.

Transcript of Proceedings Remains Secret Until Otherwise Ordered

§ 85.10 The Speaker declared a recess in order to make preparations for a secret session of the House and at the conclusion of the recess the House resolved itself into secret session (the proceedings of which were not printed in the *Congressional Record* of this date, since the House refused in secret session to remove the injunction of secrecy); when the House had concluded the secret session, having voted not to release the transcripts of that session, the Speaker declared

that the injunction of secrecy remained and that he would refer the transcripts to the appropriate committees for their evaluation and ask them to report to the House as to the ultimate disposition thereof to be made.

On June 20, 1979,[20] the following proceedings occurred in the House:

THE SPEAKER PRO TEMPORE:[1] The Chair declares a recess.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

SECRET SESSION OF THE HOUSE

At 12 o'clock and 38 minutes, the House proceeded to meet in secret session.

(House proceedings held in secret session.)

At 2 o'clock and 11 minutes, the House dissolved its proceeding being held in secret session.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 30 minutes p.m.

THE SPEAKER:[2] The Chair will make the following statement:

The Chair would remind the Members that the House has not at this point voted to remove the injunction of secrecy and that Members are bound not to release or to make public any of the transcript of the closed session until further order of the House.

To enable the House to evaluate the transcript of the secret session, the Chair will refer the transcript to the Permanent Select Committee on Intelligence and to the Committee on Merchant Marine and Fisheries for their report thereon as soon as possible. The committees' report will remain executive session record of those committees for examination by the Members and ultimate disposition by the House.

The Chair further would state that he would believe that the item could go to the Committee on Rules and the House could go back into a secret session for a time allotted before making the transcript public record.[3]

§ 85.11 By unanimous consent, the transcript of the proceedings of the House on a previous day in executive session was printed in the *Congressional Record*, with revisions and deletions made by Members who participated in the debate, which revisions and deletions were mutually agreeable to the chairmen of the committees to which the Speaker had on that previous day referred the transcript of the secret

20. 125 CONG. REC. 15713, 96th Cong. 1st Sess.

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

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

3. The proceedings, with omissions, were printed in the *Congressional Record* of a subsequent date. See § 85.11, infra.

session for a report to the House on needed secrecy.

In the July 17, 1979, edition of the *Congressional Record*[4] by unanimous consent, the transcript of proceedings of the secret session of the House on June 20, 1979, with certain omissions, was printed:

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, I ask unanimous consent that the transcript of the proceedings of the House and the secret session held on June 20, 1979, be printed in today's edition of the Congressional Record, with the revisions and deletions made in that transcript by Members who participated in that debate, and which are mutually agreeable to the chairmen of the Committee on Merchant Marine and Fisheries and the Permanent Select Committee on Intelligence.

THE SPEAKER PRO TEMPORE:[5] Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SECRET SESSION OF THE HOUSE

The secret session of the House met at 12:38 p.m. and was called to order by the Speaker pro tempore (Mr. Wright).

THE SPEAKER PRO TEMPORE: Members will take their seats. Officers and employees of the House designated to remain will come to the pages' desk and sign the oath of secrecy.

The procedures for review of the transcript prior to its publication were outlined as follows:[6]

MR. BOLAND: Mr. Speaker, the procedures followed by the Permanent Select Committee on Intelligence in considering the transcript of the secret session of the House on June 20 are as follows:

Upon receipt of the transcript from the Speaker, the committee identified areas which involved classified intelligence sources and methods and other classified material. The committee then consulted with representatives from the Department of Defense, Central Intelligence Agency, Department of State and the Department of Justice and noted each item suggested by any of the above as involving classified matter. The committee then made recommendations concerning each item so noted to the Speaker.

Thereafter, the committee was called in to resolve the differences between its approach and the Committee on Merchant Marine and Fisheries to which the transcript had also been referred. The committee did this and prepared a revised transcript embodying the recommendations of both committees and reflective of such other revisions and extensions as were suggested by individual Members involved in the debate.

It is my understanding that the completed transcript which is provided to the House today represents a careful, yet critical revision of the transcript to exclude only that material which was genuinely sensitive. I believe that the

4. 125 CONG. REC. 19049 et seq., 96th Cong. 1st Sess.

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

6. 125 CONG. REC. 19059, 96th Cong. 1st Sess., July 17, 1979.

resulting document fairly represents the debate that occurred during the closed session of the House while protecting essential national security information. I want to thank the Committee on Merchant Marine and Fisheries, chaired by the distinguished gentleman from New York (Mr. Murphy) and for all the Members who participated in the debate and whose perusal and agreement was necessary to resolve the matters associated with this transcript and the charge given to the Permanent Select Committee on Intelligence by the House.

Oath of Secrecy

§ 85.12 At the convening of a secret session of the House, the Speaker directed all officers and employees designated by him as essential to the proceedings to come to the pages' desk and sign an oath of secrecy.

In the transcript of the proceedings of the June 20, 1979, secret session of the House, inserted in the *Congressional Record* on July 17, 1979,[7] it is shown that the Speaker Pro Tempore[8] made the following announcement:

> The secret session of the House met at 12:38 p.m. and was called to order by the Speaker pro tempore (Mr. Wright).
>
> THE SPEAKER PRO TEMPORE: Members will take their seats. Officers and employees of the House designated to remain will come to the pages' desk and sign the oath of secrecy. That includes any committee staff designated by the chairman of the committee in writing who are to remain in the Chamber.

Hour Rule of Debate Applies

§ 85.13 At the convening of a secret session of the House, the Speaker recognized the Member who had offered the motion for a secret session for one hour of debate, and advised that Member that the normal rules of the House would apply during such debate and that no motions would be in order unless he yielded for such purpose.

On June 20, 1979,[9] Speaker Pro Tempore James C. Wright, Jr., of Texas, responded to several inquiries regarding procedures in a secret session of the House, as follows:

> The secret session of the House met at 12:38 p.m. and was called to order by the Speaker pro tempore (Mr. Wright).
>
> THE SPEAKER PRO TEMPORE: Members will take their seats. . . .
>
> The Chair is going to recognize the gentleman from Maryland (Mr. Bau-

7. 125 CONG. REC. 19049, 96th Cong. 1st Sess.

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

9. 125 CONG. REC. 19049, 96th Cong. 1st Sess., July 17, 1979 (transcript of secret session of June 20, 1979).

man) for 1 hour, during which time the gentleman from Maryland (Mr. Bauman) may yield to such others as he deems desirable.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, are motions in order during the 1 hour in the sense that motions are in order in the Committee of the Whole? Are any motions in order?

THE SPEAKER PRO TEMPORE: The Chair will respond to the gentleman that the House is in the House. This is not the Committee of the Whole House. The House is prepared to take such action as under the rules it might otherwise take.

MR. BAUMAN: If the gentleman does not yield for any motions, however, then they would not be in order?

THE SPEAKER PRO TEMPORE: That is correct.

MR. BAUMAN: Mr. Speaker, I would yield 30 minutes to the gentleman from New York (Mr. Murphy) for the purposes of debate only.

Speaker Judges Whether Proponent Qualifies To Move for Secret Session

§ 85.14 Where the House has resolved itself into secret session pursuant to a motion under Rule XXIX, upon a finding by the Speaker that the Member making the motion has confidential communications to make as required by the rule, it is not in order to make a point of order in the secret session that the material in question must be produced to the Members in advance to determine whether secret or confidential communications are involved.

On June 20, 1979,[10] during proceedings in a secret session in the House, the Speaker ruled that a certain point of order would not be in order:

The secret session of the House met at 12:38 p.m. and was called to order by the Speaker pro tempore (Mr. Wright).

THE SPEAKER PRO TEMPORE:[11] Members will take their seats. . . .

The Chair is going to recognize the gentleman from Maryland (Mr. Bauman) for 1 hour, during which time the gentleman from Maryland (Mr. Bauman) may yield to such others as he deems desirable. . . .

MS. [ELIZABETH] HOLTZMAN [of New York]: Mr. Speaker, I have a point of order.

THE SPEAKER PRO TEMPORE: The gentlewoman will state her point of order.

MS. HOLTZMAN: Mr. Speaker, I understand that the nature of this secret session is to receive material claimed to be secret or confidential. In order for us to determine such for the materials that we receive, it would seem to me to be in order to require the person presenting the material claimed to be se-

10. 125 CONG. REC. 19049, 96th Cong. 1st Sess., July 17, 1979 (transcript of secret session of June 20, 1979).

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

cret or confidential to identify the material claimed to be secret or confidential when it is being presented for purposes ultimately for the House to make a decision as to whether in fact these are confidential or secret materials.

THE SPEAKER PRO TEMPORE: The Chair would respond that the commentary of the gentlewoman from New York (Ms. Holtzman) is not truly in the nature of a point of order and that a point of order will not lie in that regard.

Speaker Determines Which Employees Are Essential

§ 85.15 During a secret session of the House the Chair overruled a point of order that employees of the House who were not elected officers or Members were present, where the Chair had designated essential employees whose presence was essential pursuant to the motion for a secret session, which included the provision that the Chamber be cleared of all persons except Members and those officers and employees specified by the Speaker whose attendance was essential to the functioning of the House, and who had subscribed to the oath of secrecy.

During a secret session of the House on June 20, 1979,[12] the Chair responded to a point of order, as indicated below:

THE SPEAKER PRO TEMPORE:[13] The Chair recognizes the gentleman from Missouri (Mr. Burlison). The gentleman will state the point of order.

MR. [BILL D.] BURLISON [of Missouri]: I will state my point of order that the House is not in compliance with rule XXIX, the secret session section under which we are now convened. That is a very brief section with two sentences, I think. Let me read that and specify my point of order.

> Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

Mr. Speaker, my point of order is that from my observation there are a number of people on the floor who are not Members or officers of the House.

THE SPEAKER PRO TEMPORE: The Chair will respond to the gentleman's point of order. The motion made by the gentleman from Maryland (Mr. Bauman) and agreed to by a vote of the Members of the House, included the provision that the galleries of the

12. 125 CONG. REC. 19050, 96th Cong. 1st Sess., July 17, 1979 (transcript of June 20, 1979, secret session).

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

House Chamber be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House, and who have subscribed to the notarized oath of confidentiality. The Chair has taken steps to assure that this requirement be observed and that that restriction apply.

The Chair believes that any persons so designated by the Chair fulfill the broad and generic description of officers as specified in rule XXIX and as required in the motion.

Making Proceedings Public

§ 85.16 The Member recognized to control one hour of debate during a secret session of the House offered a privileged motion to make public the proceedings of the secret session, which motion was, after separate debate, withdrawn; such motion, as noted by the Speaker, is debatable for one hour, within narrow limits.

During the secret session of the House on June 20, 1979,[14] the following proceedings occurred:

The secret session of the House met at 12:38 p.m. and was called to order by the Speaker pro tempore (Mr. Wright).

THE SPEAKER PRO TEMPORE:[15] Members will take their seats. . . .

The Chair is going to recognize the gentleman from Maryland (Mr. Bauman) for 1 hour, during which time the gentleman from Maryland (Mr. Bauman) may yield to such others as he deems desirable. . . .

After debate, Mr. Bauman made the following motion:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Bauman moves that the proceedings of this Secret Session be made public.

THE SPEAKER: The gentleman from Maryland (Mr. Bauman) is recognized for 1 hour. The motion is debatable within narrow limits. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: . . . We are in a very, very sensitive position. Most of this conversation today on this debate was extremely interesting. I would not say it was classified. Certainly the gentleman from Texas, Mr. Wright's beautiful speech was not classified. But I do think that we ought to table this matter, send it to the Committee on Intelligence, let them look it over, and let the proper authorities from downtown look over what was classified. . . .

MR. BAUMAN: Mr. Speaker, frankly, I made this motion simply because I understood somebody on the other side was going to make it. I do not feel strongly attached to it. Nothing new was said here but now we are told it must remain secret. Does the gentleman from Maryland require unanimous consent to withdraw the motion?

14. 125 CONG. REC. 19049, 19057, 19058, 96th Cong. 1st Sess., July 17, 1979 (transcript of June 20, 1979, secret session).

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

THE SPEAKER PRO TEMPORE: The gentleman can withdraw the motion.

MR. BAUMAN: The gentleman withdraws the motion.

Hour Rule Applies

§ 85.17 The Speaker took the floor pending a motion, made in a secret session of the House to make public the proceedings of the secret session, to speak in opposition to the motion on the grounds that the transcript should be reviewed by the Select Committee on Intelligence to determine whether the transcript could be made public with appropriate deletions, and that the House could determine to reveal the transcript if necessary in another secret session based on such review and on review by other Members who would have access thereto; the Speaker declared his intention to offer a motion to table the motion at the conclusion of debate thereon.

On June 20, 1979,[16] during a secret session of the House, the following proceedings occurred:

The secret session of the House met at 12:38 p.m. and was called to order by the Speaker pro tempore (Mr. Wright).

THE SPEAKER PRO TEMPORE:[17] Members will take their seats. . . .

The Chair is going to recognize the gentleman from Maryland (Mr. Bauman) for 1 hour, during which time the gentleman from Maryland (Mr. Bauman) may yield to such others as he deems desirable. . . .

After debate, Mr. Bauman made the following motion:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Bauman moves that the proceedings of this Secret Session be made public.

THE SPEAKER: The gentleman from Maryland (Mr. Bauman) is recognized for 1 hour. The motion is debatable within narrow limits.

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, will the gentleman yield?

MR. BAUMAN: For purposes of debate only, I yield 5 minutes to the Speaker.

MR. O'NEILL: Mr. Speaker, we could very well be setting a precedent here today. When was it—1830—the last time that the House went into a secret session like this? I have seen rules of this House not used for many, many years, and suddenly some bright young luminary discovers one, and it becomes a common practice. I do not say that in criticism. I respect the ability of the gentleman. But it becomes a common practice.

There are those of us who would like to reveal everything that was said or

16. 125 CONG. REC. 19049, 19057, 19058, 96th Cong. 1st Sess., July 17, 1979 (transcript of June 20, 1979, secret session).

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

everything that is known about the Panamanian Government. . . .

We are in a very, very sensitive position. . . . I do think that we ought to table this matter, send it to the Committee on Intelligence, let them look it over, and let the proper authorities from downtown look over what was classified. Let them strike or delete what is classified. Then let us report to this body, and let us again, if necessary in secret session go in and accept it and reveal to the American public that which we know does not hurt the U.S. Government or hurt the individual who may have said it on the floor. I think we are doing something in fairness to our own Government. . . .

MR. [JOHN J.] RHODES [of Arizona]: . . . I agree with the Speaker. . . . It would be my hope that a committee of the House, the Intelligence Committee if the Speaker so says, would look at the transcript and expunge whatever matters might be that sensitive or classified, and then at the appropriate time a motion be made for the remainder of the debate to be published and made public to the American people.

MR. O'NEILL: . . . The document would be ready in print for the Members of the House, for the committee for their evaluation, for the evaluation of the members of the committee. I think we could very well protect everybody. If there are things that have to be deleted, they would be deleted, and then bring it back to the House and, if necessary, have a secret session, or if not necessary, if they want to debate something that was stricken from the record, we could go into secret session. If they do not want to go into secret session at that time, we could release it on the floor of the House. . . .

Mr. Speaker, I hope the Chair will take cognizance of the fact that when the gentleman's time has expired at the end of the hour, or when he yields his time, I would move to table this motion and would hope to be recognized for that motion.

Motion To Dissolve Secret Session

§ 85.18 At the conclusion of debate in a secret session of the House, the Member who had controlled the debate therein offered a motion that the secret session be dissolved, which was agreed to.

On June 20, 1979,[18] a secret session of the House was terminated as indicated below:

The secret session of the House met at 12:38 p.m. and was called to order by the Speaker pro tempore (Mr. Wright).

THE SPEAKER PRO TEMPORE:[19] Members will take their seats. . . .

The Chair is going to recognize the gentleman from Maryland (Mr. Bauman) for 1 hour, during which time the gentleman from Maryland (Mr. Bauman) may yield to such others as he deems desirable. . . .

After debate, Mr. Bauman offered a motion, as follows:

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . Mr. Speaker, I offer a motion.

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18. 125 CONG. REC. 19049, 19059, 96th Cong. 1st Sess., July 17, 1979 (transcript of June 20, 1979, secret session).

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

The Clerk read as follows:

Mr. Bauman moves that the Secret Session be dissolved.

The motion was agreed to.

Where Motion for Secret Session Was Challenged by Point of Order

§ 85.19 A Member who asserts to the Speaker that he is properly in possession of confidential communications which he believes should be shared with the House qualifies to make a privileged motion for a secret session of the House pursuant to Rule XXIX; thus, a point of order against a motion that the House resolve itself into secret session to consider confidential information which four Members had advised the Speaker Pro Tempore they wished to communicate to the House, on the grounds that the material in question was in fact in the possession of the Permanent Select Committee on Intelligence and not in the possession of the Members, was overruled, since the Speaker must rely on the assurance of a Member that he has confidential communications to make to the House, and since the Speaker Pro Tempore was aware that the Permanent Select Committee on Intelligence had authorized the material in question to be used in a secret session of the House if ordered.

On Feb. 25, 1980,[20] during consideration of a motion that the House resolve itself into secret session pursuant to Rule XXIX, Mr. Thomas R. Harkin, of Iowa, raised the point of order that the proponent of the motion had not qualified to offer the motion under the rule, in that he had not shown that he had a secret communication to make to the House, independently of secret information in the possession of the Permanent Select Committee on Intelligence.

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Speaker, I move that, pursuant to rule XXIX, the House resolve itself into secret session. . . .

THE SPEAKER PRO TEMPORE:[1] The Clerk will report the motion.

The Clerk read as follows:

Mr. Derwinski moves that, pursuant to rule XXIX, the House resolve itself into secret session, that the galleries of the House Chambers be cleared of all persons and that the House Chamber be cleared of all persons except the members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and

20. 126 CONG. REC. 3618–20, 96th Cong. 2d Sess.

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

who subscribe to the notarized oath of confidentiality. . . .

MR. HARKIN: Mr. Speaker, I raise a point of order against the motion by the gentleman from Illinois that the House resolve itself into secret session. I base my point of order on the reading of rule 29 and subsequent interpretations thereof. The rule clearly states that—

> Whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons, except the officers and Members thereof, and so continue during the reading of such communications, the debates and proceedings thereof, unless otherwise ordered by the House.

A correct reading of this rule clearly indicates that the Member making the motion for a secret session must inform the House that "he has communications" and that this means that the Member shall assert that he has certain material which he believes ought to be kept secret.

On June 6, 1978, the Speaker pro tem, in response to a question raised by a Member in the House, declared:

> A Member seeking to offer the motion that the House resolve itself into secret session must qualify, as provided by the rule, by asserting that he himself has a secret communication to make to the House.

Clearly, the gentleman from Illinois making the motion now put to the Chair does not in fact have such communications, but is in fact asserting that such communications are held by a duly authorized committee of the House of Representatives. Last year when a similar motion was made that the House resolve itself into secret session, a point of order would not have lain against the maker of the motion because at that time the maker of the motion asserted that he did in fact have communications in his possession of a secret nature which he decided to communicate to the House. No such assertion is now being made by the gentleman from Illinois who is making the present motion. In this case, the appropriate body to make such a request would be a motion from the Permanent Select Committee on Intelligence of the House of Representatives which does in fact have such communications and not the gentleman from Illinois. . . .

In further support of my point of order, I was pointing out that under this rule, under rule XXIX, which clearly states that the Member must in fact assert that he has those communications, it is clear that the reasons therefor are because the House is not as equipped to deal with these types of secret documents as are the proper intelligence communities of the Government or the duly authorized committees of the House of Representatives.

Secret intelligence must be evaluated by those in the intelligence community, with other factors taken into account, and with the proper analytical tools which they uniquely [possess]. On the other hand, the House is not so equipped. Future debates on foreign aid, on military preparedness, or on a host of other matters could be jeopardized if this motion is carried or deemed worthy of a secret session, so that one factor of intelligence favoring one point of view or another could be brought to the floor. . . .

THE SPEAKER PRO TEMPORE: The Chair is prepared to rule.

The gentleman from Iowa makes a point of order against the motion on the ground that any Member moving to resolve the House into a secret session must needs qualify as provided by the rule by asserting that he has a secret communication to make to the House.

Now, the Chair is in receipt of a letter signed by the gentleman from Illinois (Mr. Derwinski), and in addition, the gentleman from California (Mr. Lagomarsino); the gentleman from Florida (Mr. Young); and the gentleman from Maryland (Mr. Bauman); all asserting that they have communications to make to the House which they believe ought to be kept secret for the present.

Now, the gentleman therefore qualifies, and particularly with regard to the statement he has just made to the Chair and to the House to make a motion for a secret session under rule XXIX.

The Chair is not in a position to evaluate the accuracy of the information which the gentleman seeks to communicate, but the Chair will rely; and I think this is a central, unwritten but nevertheless cardinally important rule stated from time to time by Speakers, at least beginning with Speaker Rayburn and probably before, on the integrity of any Member and his or her verbal or written assurances.

As the Speaker, Mr. Rayburn, once said on an occasion when a Member's integrity was questioned, the Chair always takes the word of a Member. . . .

MR. HARKIN: . . . Mr. Speaker, would it be appropriate for the Speaker to inquire of the maker whether or not such communications are now held by the person moving that we now resolve into secret session?

THE SPEAKER PRO TEMPORE: The Chair would respond to the gentleman from Iowa that the gentleman from Illinois (Mr. Derwinski) has in writing and just now and very publicly given those assurances to the Speaker.

The Chair does not feel that it is necessary under the rule for the gentleman to carry in his possession at the moment copies of secret documents in order to qualify.

The Chair is also aware in this instance that the Permanent Select Committee on Intelligence has determined that confidential materials within its control may be considered during a secret session, if indeed such a session were to be ordered by the House.

Under all those circumstances, the Chair believes that the gentleman from Illinois qualifies to make the motion which he has made, and overrules the point of order by the gentleman from Iowa.

MR. [THEODORE S.] WEISS [of New York]: Mr. Speaker, a parliamentary inquiry. . . .

Is the Speaker stating that even though the confidential communication is a communication which is in the possession of the Committee on Intelligence of this House that that qualifies as a confidential communication personally held by the Member making the motion?

THE SPEAKER PRO TEMPORE: The Chair will respond that the gentleman from Illinois, along with other Members already has asserted that he possesses knowledge of what is contained in those documents and perhaps addi-

tional knowledge independent of those specific documents which he considers of such a nature that it should be heard in secret by the House.

Now, the House is not legally obliged to adopt the motion offered by the gentleman from Illinois, but the Chair believes under all the precedents that exist, and admittedly they are rare, that the gentleman from Illinois fully qualifies to make the motion that he has made, and the Chair will entertain the motion. . . .

The gentleman from New York has presented a hypothetical instance on which the Chair does not have to rule. . . .

The Chair will respond to the gentleman from New York by saying that if the gentleman from New York were to state to the Chair that he was properly in possession of secret information, which he thought should be shared with the House in a secret session, the Chair would respect the gentleman's integrity and would entertain the motion to resolve into a secret session if made by the gentleman from New York under those circumstances.

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

If it then turned out, upon further presentation, that the only document or information that I had was nothing independently gained or transmitted, but simply the document which I had received from the Committee on Intelligence, would I have violated the requirements of rule XXIX?

THE SPEAKER PRO TEMPORE: The Chair is not going to rule on that hypothetical question at this time.

The Chair would simply observe that under the rules any Member of the House who asserts that he is properly in possession of such information and desires to share it with the House in a secret session, believing that it may have a direct bearing upon legislation pending in the House, would have the right to offer that motion.

Committee Authorization for Member To Move for Secret Session

§ 85.20 The House adopted a privileged motion, pursuant to Rule XXIX, that the House resolve itself into secret session to receive confidential communications (consisting of classified information in the possession of the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence, which those committees had authorized to be used in a secret session of the House if ordered).

On Feb. 25, 1980,[2] the following proceedings occurred in the House:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Speaker, I move that, pursuant to rule XXIX, the House resolve itself into secret session. . . .

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

The Clerk read as follows:

2. 126 CONG. REC. 3618–22, 96th Cong. 2d Sess.

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

Mr. Derwinski moves that, pursuant to rule XXIX, the House resolve itself into secret session, that the galleries of the House Chambers be cleared of all persons and that the House Chamber be cleared of all persons except the members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and who subscribe to the notarized oath of confidentiality. . . .

MR. DERWINSKI: . . . I would point out to the Speaker that the information contained that would be presented to the House in the appropriate documents . . . [has] been cleared, it is my understanding, by the appropriate committee.

I myself sat through a session of the House Committee on Foreign Affairs, which the same basic information was provided to that committee.

I have subsequently studied the secret documents to verify my recollection of the practicality of that information and the need for further secrecy.

Therefore, it is from that practical point of view in spirit that I made the motion. . . .

THE SPEAKER PRO TEMPORE: The question is on the motion that the House resolve itself into secret session offered by the gentleman from Illinois (Mr. Derwinski).

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

MR. [BILL D.] BURLISON [of Missouri]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 290, nays 74, not voting 69, as follows: . . .

So the motion was agreed to.

Special Circumstances Surrounding Disclosure of Intelligence-related Materials

§ 85.21 The Speaker Pro Tempore stated in response to a parliamentary inquiry, pending a motion that the House resolve itself into secret session to consider confidential material within the possession of the Permanent Select Committee on Intelligence (which that committee had authorized to be used in such secret session), that clause 7(b) of Rule XLVIII, requiring special procedures to be followed by that committee with regard to the public disclosure of materials within the committee's possession which the executive branch desires be kept secret, did not prohibit the House from determining in secret session that the material in question should be released; the Speaker Pro Tempore suggested, however, that it would be inappropriate for the House to remove the injunction of secrecy before the Permanent Select Committee and the Committee on Foreign Affairs, with concurrent jurisdiction over some

of the materials, had the opportunity to review the transcript of the secret session and to make appropriate recommendations to the House.

On Feb. 25, 1980,[4] proceedings in the House relative to a motion that the House resolve itself into secret session were as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Speaker, I move that, pursuant to rule XXIX, the House resolve itself into secret session. . . .

THE SPEAKER PRO TEMPORE:[5] The Clerk will report the motion.

The Clerk read as follows:

Mr. Derwinski moves that, pursuant to rule XXIX, the House resolve itself into secret session, that the galleries of the House Chambers be cleared of all persons and that the House Chamber be cleared of all persons except the members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and who subscribe to the notarized oath of confidentiality. . . .

MR. [BILL D.] BURLISON [of Missouri]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, with respect to the secret session motion, at the time of the secret session of the House on June 20 of last year, a Member inquired of the Chair the manner in which confidential material heard in secret session under the provisions of rule XXIX might be released publicly.

The Chair responded, and I quote:

Following the presentation of that material considered secret or confidential or of such nature that it ought to be heard in secret session, the House may at that time on its own motion in secret session decide that there is no reason to observe further secrecy with respect to the material involved.

Mr. Speaker, would not such procedure if employed here be in violation of clause 7(b) of rule XLVIII of the House, which provides for disclosure of intelligence information in the possession of the Select Committee on Intelligence under very specific procedures, including recommendations by the committee, notification of the President and procedures for further action by the House?

And I might add, Mr. Speaker, that the information that we are considering did get here pursuant to rule XLVIII of the House Permanent Select Committee on Intelligence.

THE SPEAKER PRO TEMPORE: The gentleman from Missouri (Mr. Burlison) has inquired whether any action of the House to release publicly the transcript of the secret session would violate clause 7(b) of rule XLVIII, since classified materials within the possession of the Select Committee on Intelligence may have been discussed, and since that rule requires certain procedures to be followed by the Permanent Select Committee on Intelligence relative to the public disclosure of such materials. Rule XLVIII places restrictions on the Select Committee on Intelligence and only with respect to the public disclosure of classified information in the possession of that committee, and it does not prevent the

4. 126 CONG. REC. 3618–22, 96th Cong. 2d Sess.

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

House from determining to release any matter properly presented to it in secret session pursuant to rule XXIX.

Clause 7(c)(2) acknowledges the existence of other House procedures for release of information, since prohibiting any Member gaining access to classified materials within the Select Committee's control from disclosing such information, except in a secret session of the House. The Chair would further point out that the Select Committee on Intelligence, by a proper vote, with a quorum present, determined to allow executive session materials of the committee to be used in the secret session.

The Chair does not feel, however, that if the motion is agreed to it would be appropriate for the House at this time to remove the injunction of secrecy from these proceedings until the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs has had the opportunity to review the transcript and make appropriate recommendations as to which, if any, of the materials presented should be released. It would be within the spirit of rule XLVIII for prior consultation with the executive branch to take place before any House decision on public release.

Recent Example of Procedures Used in Conducting Secret Session

§ 85.22 The House having adopted a motion to resolve into secret session, the Speaker Pro Tempore announced (1) that the galleries would be cleared of all persons and the Chamber would be cleared of all persons except Members and those employees and officers specified by the Speaker whose attendance was essential to the functioning of the House; (2) that those employees and officers would be required to sign an oath of secrecy; (3) that all proceedings in the secret session would be kept secret until otherwise ordered by the House; and (4) that the Speaker would declare a recess, of approximately 15 minutes duration (without the ringing of bells to indicate the termination of the recess) in order to carry out the Chair's order.

Prior to holding a secret session of the House on Feb. 25, 1980, the Speaker Pro Tempore made a statement regarding the procedures to be followed for conducting such a session:[6]

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Speaker, I move that, pursuant to rule XXIX, the House resolve itself into secret session. . . .

THE SPEAKER PRO TEMPORE:[7] The Clerk will report the motion.

The Clerk read as follows:

6. 126 CONG. REC. 3618–22, 96th Cong. 2d Sess.

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

> Mr. Derwinski moves that, pursuant to rule XXIX, the House resolve itself into secret session, that the galleries of the House Chambers be cleared of all persons and that the House Chamber be cleared of all persons except the members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and who subscribe to the notarized oath of confidentiality. . . .

THE SPEAKER PRO TEMPORE: The question is on the motion that the House resolve itself into secret session offered by the gentleman from Illinois (Mr. Derwinski). . . .

The vote was taken by electronic device, and there were—yeas 290, nays 74, not voting 69, as follows: . . .

So the motion was agreed to. . . .

THE SPEAKER PRO TEMPORE: The Chair desires to make a statement.

The Chair desires to read to the Members the contents of rule XXIX of the Rules of the House of Representatives. Rule XXIX reads as follows:

> Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates, and proceedings thereon, unless otherwise ordered by the House.

According to the rule of the House, the Chair is going to order that the galleries and the House Chamber shall be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the secret session of the House.

Every employee and officer present in the Chamber during the secret session, pursuant to the Speaker's order, will sign an oath of secrecy which is at the page's desk to the Chair's right.

All proceedings in the House during such consideration shall be kept secret until otherwise ordered by the House.

Very presently the Chair is going to declare a recess long enough for this order to be carried out. The Chair will observe at this time that on the last occasion when this procedure was followed the recess consumed approximately 15 minutes. Bells will ring declaring the recess. No bells will ring in announcing the resumption, and the Chair would advise the Members that it probably will be approximately 15 minutes after the recess.

§ 85.23 The House having adopted a motion to resolve into secret session, the Speaker Pro Tempore stated in response to parliamentary inquiries that: (1) the television cameras would be turned off during the secret session; (2) that any Member releasing any contents of the secret session if the House had not removed the injunction of secrecy would be subject to the discipline of the House; and (3) that the House would have to determine whether disciplinary

action should be taken against Members releasing information in the secret session which had theretofore been made public; following the secret session, the Speaker Pro Tempore reminded Members that the House had not yet voted to remove the injunction of secrecy from proceedings in the secret session and that Members were bound not to release or make public any of the transcript thereof until further order of the House, which had referred the transcript to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence for their expeditious report, such report to remain executive session material for examination by the Members and ultimate disposition by the House.

On Feb. 25, 1980,[8] the following proceedings occurred in the House:

> MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Speaker, I move that, pursuant to rule XXIX, the House resolve itself into secret session. . . .
>
> THE SPEAKER PRO TEMPORE:[9] The Clerk will report the motion.
>
> The Clerk read as follows:
>
> Mr. Derwinski moves that, pursuant to rule XXIX, the House resolve itself into secret session, that the galleries of the House Chambers be cleared of all persons and that the House Chamber be cleared of all persons except the members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and who subscribe to the notarized oath of confidentiality. . . .
>
> THE SPEAKER PRO TEMPORE: The question is on the motion that the House resolve itself into secret session offered by the gentleman from Illinois (Mr. Derwinski). . . .
>
> So the motion was agreed to. . . .
>
> THE SPEAKER PRO TEMPORE: . . . According to the rule of the House, the Chair is going to order that the galleries and the House Chamber shall be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the secret session of the House. . . .
>
> All proceedings in the House during such consideration shall be kept secret until otherwise ordered by the House. . . .
>
> MR. [RICHARD H.] ICHORD [of Missouri]: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.
>
> MR. ICHORD: Would the Chair advise the membership as to how his ruling will affect the television cameras? Will the television cameras remain on in secret session or not?

8. 126 CONG. REC. 3618–22, 96th Cong. 2d Sess.

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

THE SPEAKER PRO TEMPORE: As was the case on the last occasion when this procedure was followed, the television cameras will be turned off.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. BAUMAN: Mr. Speaker, at the last occasion when a secret session was voted by the House, the chair issued a similar admonition to the Members regarding the secrecy of the proceedings. In this case, there are very specific documents to be read, names mentioned in those documents.

The gentleman from Maryland recalls that certain Members of the House went outside of the last secret session and very specifically referred to information that was covered in the session and characterized that information in a number of different ways.

Mr. Speaker, what censure or other action would be available against a Member who revealed the contents of the session without permission of the House?

THE SPEAKER PRO TEMPORE: The Chair would just have to respond that any Member violating the rule would be subject to the discipline of the House. The Chair cannot anticipate what might occur. . . .

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, would it be correct to say that if the information which is published or made available in the secret session has heretofore been made public and is in the public domain, that that would have some bearing on what the restrictions of the House might be against the Member who speaks on that information?

THE SPEAKER PRO TEMPORE: The Chair would just have to respond that that question would be up to the House to determine at the appropriate time. . . .

The Chair will declare a recess.

Accordingly (at 2 o'clock and 10 minutes p.m.) the House stood in recess subject to the call of the Chair.

The secret session began at 2 o'clock and 36 minutes p.m.

The secret session was dissolved at 4 o'clock and 12 minutes p.m.

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Brademas) at 4 o'clock and 12 minutes p.m.

THE SPEAKER PRO TEMPORE:[10] The Chair will make the following statement:

The Chair would remind the Members that the House has not at this point voted to remove the injunction of secrecy and that Members are bound not to release or to make public any of the transcript of the closed session until further order of the House.

To enable the House to evaluate the transcript of the secret session, the House has referred the transcript to the Permanent Select Committee on Intelligence and to the Committee on Foreign Affairs for their report thereon as soon as possible. The committees' report will remain executive session record of those committees for examination by the Members and ultimate disposition by the House.

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10. John Brademas (Ind.).

Members' Responsibility for Maintaining Injunction of Secrecy

§ 85.24 The Speaker Pro Tempore stated in response to a parliamentary inquiry, following a secret session of the House, that the question whether the characterization of the type of testimony and information presented in the secret session, as opposed to the substance of such material, could be divulged or released without violating the injunction of secrecy, was a judgment which each Member of the House, and not the Chair, must make.

The proceedings of Feb. 25, 1980,[11] relating to the adoption by the House of a motion to receive confidential communications in secret session, are discussed in detail in §§ 85.19–85.23, supra. After the secret session, a parliamentary inquiry was raised concerning the application of the injunction of secrecy:

> The secret session began at 2 o'clock and 36 minutes p.m.
>
> The secret session was dissolved at 4 o'clock and 12 minutes p.m. . . .
>
> THE SPEAKER PRO TEMPORE:[12] The Chair will make the following statement:
>
> The Chair would remind the Members that the House has not at this point voted to remove the injunction of secrecy and that Members are bound not to release or to make public any of the transcript of the closed session until further order of the House. . . .
>
> MR. [THEODORE S.] WEISS [of New York]: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.
>
> MR. WEISS: Earlier today there was some indication or an objection to a characterization of the kind of testimony and presentation that was made today. Does the injunction apply to characterizations as distinguished from a report of what the substance was of the matter presented here today?
>
> THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman from New York (Mr. Weiss) that the question as put to the Chair is a judgment which each Member of the House must make.

Miscellaneous

§ 85.25 A Member who had previously announced to the House his intention to offer a motion for a secret session of the House pursuant to Rule XXIX in order to discuss confidential information concerning an amendment to be offered to the Defense authorization bill (relating to binary nerve gas weapons), subsequently stated in debate on the bill that he could

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11. 126 CONG. REC. 3621, 3622, 96th Cong. 2d Sess.

12. John Brademas (Ind.).

adequately discuss information available to him in debate on the bill without moving for a secret session.

The following proceedings occurred in the Committee of the Whole during consideration of H.R. 2969 (Department of Defense authorization for fiscal year 1984) on June 15, 1983:[13]

MR. [ED] BETHUNE [of Arkansas]: Mr. Speaker, soon this House will begin the debate on the Armed Services bill and an amendment which will be offered by myself and the gentleman from Wisconsin (Mr. Zablocki) concerning the question of whether this country should commence the production of a new age of chemical weapons, known as the binary nerve gas weapon.

In spite of the fact that there is more evidence this year that this House was right when it voted overwhelmingly to stop the production of these weapons last year, the Department of Defense is pushing to commence production of the nerve gas weapons. They are pushing and they are telling Members that it is essential that we begin, because we do not have the artillery shells and they are telling Members that the Big Eye bomb is working.

Mr. Speaker, I say first of all, the artillery shells that we have are adequate. They are efficient and we have a sufficient quantity of those shells.

Second, the Big Eye bomb is not working. The Big Eye bomb is blowing up on us, not them.

Members cannot intelligently resolve this important issue based on the kinds of information that could be discussed in public. Therefore, at the appropriate time today or tomorrow, whenever this issue is before the House, I will move the House, pursuant to rule XXIX, to go into secret session, at which time I intend to bring out the kind of factual information which Members must have in order to make an intelligent judgment toward the resolution of this issue. . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: . . . The gentleman from New York (Mr. Stratton), has stated that the classified information could not be shared on the floor. The gentleman from Mississippi (Mr. Montgomery) has apparently said otherwise.

Now, what will be the policy of the Committee on Armed Services? Will it share its classified information and its confidential information with other Members? . . .

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, the policy of the Committee on Armed Services is that any information that our committee has is available to any Member of Congress. All Members have to do is to come to the committee and ask for the information, and it will be shown to them.

MR. ZABLOCKI: But do I understand that it cannot be discussed?

MR. PRICE: It cannot be discussed. Otherwise it would not be considered classified.

MR. BETHUNE: Mr. Chairman, I think the numbers are important. That was not the main point that I wanted to develop in the closed session. The main point I wanted to develop in the closed session that I think is critical to

13. 129 CONG. REC. 15781, 15802, 15803, 98th Cong. 1st Sess.

the debate here is the details concerning the Big Eye bomb—what happened to it, why it is not working, and what the ideas are for getting it to the point where we can be satisfied that it might work someday.

I am satisfied, based on the colloquy that we have had here, that I am not going to be locked up by the FBI or somebody else if I now engage in a full discourse here on the floor about what I know about the Big Eye bomb, and that is exactly what I intend to do because I think it is relevant.

With respect to the numbers, it would seem to me that it would help Members who are going to be wandering in and out if there were readily available a set of numbers on the stockpile, because that will be mentioned, too, and we could place one at the desk.

If the Committee on Armed Services is so intractably disposed to make it difficult for Members that they have to send staff over to the committee room or wherever else to get these numbers, then I will just announce to the Members that I have the numbers. They are right here, and I will share them with the Members. . . . I am now satisfied, based on the letter from the Secretary dated today in response to my announcement that I intended to call a secret session, that I can discuss the details concerning the Big Eye bomb. I intend to do that whether the gentleman wishes to have me do that or not.

Senate Use of Closed Session in Impeachment

§ 85.26 A closed session of the Senate was ordered to deliberate as a court of impeachment in the trial of Judge Walter L. Nixon, Jr.

On Nov. 2, 1989,[14] President Pro Tempore Robert C. Byrd, of West Virginia, made the following statement:

THE PRESIDENT PRO TEMPORE: Under the order, the Senate will now go into closed session, and the Chair, pursuant to rule XXI, now directs the Sergeant at Arms to clear all galleries, close all doors to the Senate Chamber, and exclude from the Chamber and its immediate corridors all employees and officials of the Senate who, under the rule, are not eligible to attend a closed session and who are not sworn to secrecy.

(At 2:03 p.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 8 p.m., at which time, the following occurred.)

MR. [GEORGE J.] MITCHELL [of Maine]: Mr. President, I ask unanimous consent that the Senate return to open session.

THE PRESIDENT PRO TEMPORE: Without objection, it is so ordered.

14. 135 CONG. REC. 26989, 101st Cong. 1st Sess.

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