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.

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.

§ 13. Debate

Debate on a motion to rise and report with the recommendation that the enacting clause be stricken out is limited to five minutes in favor thereof and five minutes in opposition.[3]

Where debate on an amendment and all amendments thereto has been fixed by a limitation of time for debate to a certain number of minutes, as distinguished from a limitation of debate on a bill and all amendments or a limitation to a time certain by the clock, the time used in debating the preferential motion to rise and report with the recommendation that the enacting clause be stricken out (five minutes for, five minutes against) does not come out of the limitation.[4]

On the other hand, where time for debate on an amendment is limited to a time certain, or where a time limitation is applied to debate on the bill itself and all amendments thereto, the 10 minutes permitted for debate on such preferential motion comes out of the time remaining under the limitation and reduces the time which may be allocated to Members wishing to speak.[5]

Parliamentarian's Note: Although no time would be permitted for debate on the preferential motion after arrival of the time designated in an agreement limiting debate on a bill and all amendments thereto,[6] a full 10 minutes of debate on the preferential motion would be allowed as long as that much time remained under such an agreement. This amount of time would be available to the proponent and opponent of the preferential motion notwithstanding an allocation of less than five minutes' time to each Member who had sought

3. § 13.1, infra.

4. See § 13.5, infra.

See also §§ 12.8–12.10, supra, for precedents which relate to offering this motion to secure debate time, and § 15, infra, for precedents which relate to consideration and debate in the Committee generally.

5. See §§ 13.6 and 13.7, infra.

6. See § 13.7, infra.

time to debate the bill and amendments under that agreement.

Duration

§ 13.1 Debate on a preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken is limited to 10 minutes, five minutes to be apportioned among those in favor and five minutes to be apportioned among those in opposition.

On May 6, 1970,[7] during consideration of H.R. 17123, the military procurement authorization for 1970, Chairman Daniel D. Rostenkowski of Illinois, ruled as to the time for debate on a preferential motion that the Committee of the Whole rise and report a bill to the House with a recommendation that the enacting clause be stricken.

MR. [THOMAS P.] O'NEILL [Jr.] of Massachusetts: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. O'Neill of Massachusetts 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. [L. MENDEL] RIVERS [of South Carolina]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RIVERS: How much time is allocated to the gentleman from Massachusetts and do I have any time during which to discuss the motion?

THE CHAIRMAN: Under the preferential motion the gentleman from Massachusetts is recognized for 5 minutes.

MR. RIVERS: Do I get 5 minutes to speak in opposition to the motion?

THE CHAIRMAN: The gentleman from South Carolina will be recognized for 5 minutes to speak in opposition to the motion.

MR. [SAM M.] GIBBONS [of Florida]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GIBBONS: Mr. Chairman, I just want to find out what my rights are in this matter. The gentleman from Massachusetts (Mr. O'Neill) has submitted a preferential motion, and has received 5 minutes time to discuss it. Now, do all the opponents and proponents on that motion have 5 minutes?

THE CHAIRMAN: The Chair will state that the opponents to the motion are entitled to 5 minutes.

MR. GIBBONS: They are entitled to 5 minutes each?

THE CHAIRMAN: The Chair will state that the opponents are entitled to only one 5 minutes of rebuttal.

§ 13.2 On a motion to rise and report a bill with the rec-

7. 116 CONG. REC. 14445, 14451, 91st Cong. 2d Sess. See 98 CONG. REC. 1829, 1830, 82d Cong. 2d Sess., Mar. 4, 1952, for another example of this principle.

ommendation that the enacting clause be stricken out in the Committee of the Whole, two five-minute speeches are permitted, and the Chair does not recognize extensions of this time.

On Sept. 29, 1966,[8] during consideration of H.R. 15111, the Economic Opportunity Act Amendments of 1966, Chairman Daniel J. Flood, of Pennsylvania, refused to entertain a unanimous-consent request for an extension of time on a motion to rise and report a bill with the recommendation that the enacting clause be stricken out.

MR. [PAUL A.] FINO [of New York]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Fino 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. [WILLIAM H.] AYRES [of Ohio]: Mr. Chairman, I ask unanimous consent that the gentleman, in view of the interest in this, be given 5 additional minutes.

THE CHAIRMAN: On a preferential motion, for which the proponent has 5 minutes and for which one opponent has 5 minutes, at which time the motion is put to the Committee, it is not in order.

The gentleman from New York [Mr. Fino] is recognized for 5 minutes.

§ 13.3 On a motion to rise and report a bill with the recommendation that the enacting clause be stricken out in the Committee of the Whole, only two five-minute speeches may be permitted notwithstanding the fact that the second Member, recognized in opposition to the motion, spoke in favor thereof.

On Mar. 18, 1960,[9] Chairman Francis E. Walter, of Pennsylvania, refused to recognize a Member to speak in opposition to a motion to strike out the enacting clause after two five-minute speeches had been made, although the second speaker, who had been recognized in opposition to the motion, spoke in favor of it.

The Clerk read as follows:

Mr. [Paul C.] Jones of Missouri 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. JONES of Missouri: Mr. Chairman, this motion is made in all sincerity. . . .

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Chairman, I rise in opposition to the pro forma amendment.

8. 112 CONG. REC. 24442, 89th Cong. 2d Sess. See 107 CONG. REC. 20298, 87th Cong. 1st Sess., Sept. 19, 1961; and 97 CONG. REC. 8371, 8372, 82d Cong. 1st Sess., July 18, 1951, for other examples of this principle.

9. 106 CONG. REC. 6026, 6027, 86th Cong. 2d Sess.

Mr. Chairman, of course I am not in opposition, but I wanted to point out to the gentleman from Missouri [Mr. Jones] who has made a very clear and concise statement about the confusion that we find ourselves in that in these 7 days of debate we have not reached consideration of the bill that the Committee on the Judiciary reported out. We have been laboring over amendments that have been offered, which were never considered or voted upon by the Committee on the Judiciary. . . .

The motion of the gentleman from Missouri should prevail.

THE CHAIRMAN: The time of the gentleman from Mississippi [Mr. Colmer] has expired.

MR. [CLARK E.] HOFFMAN of Michigan: Mr. Chairman, a point of order. I seek recognition in opposition to the amendment on the ground that the gentleman from Mississippi did not talk against the motion.

THE CHAIRMAN: The 5 minutes for the preferential motion and the 5 minutes against the motion have expired.

The question is on the motion offered by the gentleman from Missouri [Mr. Jones].

[The motion was rejected.]

Limitation of Time for Debate on Amendments; Effects

§ 13.4 Despite a limitation of time for debate on an amendment and all amendments thereto to a time certain and the subsequent allocation of less than five minutes' time to each Member, a full 10 minutes of 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.

On May 6, 1970,[10] during consideration of H.R. 17123, the military procurement authorization, 1970, Chairman Daniel D. Rostenkowski, of Illinois, indicated that 10 minutes of debate on a preferential motion that the Committee of the Whole rise and report a bill with the recommendation that the enacting clause be stricken may be demanded despite a limitation of time for debate on an amendment and all amendments thereto to a time certain and the subsequent allocation of less than five minutes to each Member.

MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Chairman, I move that all debate on the Reid of New York amendment and all amendments thereto close at 5 o'clock.

The question was taken.

MR. RIVERS: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Rivers and Mr. Burton of California.

The Committee divided, and the tellers reported that there were—ayes 147, noes 82.

10. 116 CONG. REC. 14445, 14451, 14452, 91st Cong. 2d Sess.

So the motion was agreed to.

THE CHAIRMAN: The Chair has noted the names of Members standing and seeking recognition under the limitation of time.

The Chair recognizes the gentleman from Texas (Mr. Eckhardt). . . .[11]

After debate by several Members under the allocated time the following proceedings occurred:

MR. [THOMAS P.] O'NEILL [Jr.] of Massachusetts: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. O'Neill of Massachusetts 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. RIVERS: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RIVERS: How much time is allocated to the gentleman from Massachusetts and do I have any time during which to discuss the motion?

THE CHAIRMAN: Under the preferential motion the gentleman from Massachusetts is recognized for 5 minutes.

MR. RIVERS: Do I get 5 minutes to speak in opposition to the motion?

THE CHAIRMAN: The gentleman from South Carolina will be recognized for 5 minutes to speak in opposition to the motion.

MR. O'NEILL of Massachusetts: Mr. Chairman, I do this in protest to cutting off the debate. Under this procedure we are allocated only 45 seconds. It takes more time than 45 seconds to say "Hello."

MR. [SAM M.] GIBBONS [of Florida]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GIBBONS: Mr. Chairman, I just want to find out what my rights are in this matter. The gentleman from Massachusetts (Mr. O'Neill) has submitted a preferential motion, and has received 5 minutes' time to discuss it. Now, do all the opponents and proponents on that motion have 5 minutes?

THE CHAIRMAN: The Chair will state that the opponents to the motion are entitled to 5 minutes.

MR. GIBBONS: They are entitled to 5 minutes each?

THE CHAIRMAN: The Chair will state that the opponents are entitled to only one 5 minutes of rebuttal.

§ 13.5 Where the Committee has limited debate on an amendment to a certain number of minutes, the time consumed on a motion to strike the enacting clause is not taken from the time fixed for debate on the amendment previously offered.

11. Note: Where a limitation on debate to a time certain is agreed to under the five-minute rule, the Chair usually notes the names of those Members who indicate their desire to speak by standing, and equally divides the time between those Members, although the division of time and recognition is largely in the discretion of the Chair. See Ch. 29 §§ 22, 79, infra.

On Apr. 28, 1953,[12] during consideration of H.R. 4828, the Department of the Interior appropriations bill, 1954, Chairman J. Harry McGregor, of Ohio, stated that the time consumed on a motion to strike the enacting clause is not taken from the time fixed for debate on a previously offered amendment.

MR. [BEN F.] JENSEN [of Iowa]: Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 1 hour.

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

There was no objection.

THE CHAIRMAN: The Chair advises each Member will be allowed approximately 3 minutes. . . .

MR. [CLARK E.] 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. . . .

Following debate on the motion the following proceedings occurred:

THE CHAIRMAN: . . . 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 gentleman from Michigan is not taken out of the time already allotted for debate on this subject?

THE CHAIRMAN: That is correct.

§ 13.6 Where 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,[13] 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 re-

12. 99 CONG. REC. 4125–28, 83d Cong. 1st Sess.

13. 116 CONG. REC. 14452, 91st Cong. 2d Sess.

sponse 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 chose 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.

Limitation of Time for Debate on Bill and Amendments; Effect

§ 13.7 A preferential motion that the Committee of the Whole rise with the recommendation that the enacting clause be stricken out is not debatable after all time for debate on the bill and all amendments thereto has expired.

On July 9, 1965,[14] during consideration of H.R. 6400, the Voting Rights Act of 1965, Chairman Richard Bolling, of Missouri, refused to permit a preferential motion to be made because the time to conclude all debate on the bill and amendments had arrived.

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.

The question is on the committee amendment, as amended.

Parliamentarian's Note: Where debate on an amendment and all amendments thereto has been

14. 111 CONG. REC. 16280, 89th Cong. 1st Sess.

fixed by a limitation of time for debate, and not a limitation to a time certain by the clock, the time used in debating the preferential motion to strike the enacting clause (five minutes for, five minutes against) does not come out of the limitation; but where the limitation of debate is on the bill and all amendments, time consumed on the preferential motion comes out of the remaining time in either case.

Scope of Debate

§ 13.8 On a motion that the Committee of the Whole rise and report back to the House with the recommendation that the enacting clause be stricken out, the merits of the entire bill are open to debate.

On May 25, 1967,[15] during consideration of S. 1432, amending the Universal Military Training and Service Act, Chairman Robert L. F. Sikes, of Florida, stated that the entire bill is open for debate on 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 out.

> MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in 15 minutes.
>
> THE CHAIRMAN: The question is on the motion of the gentleman from South Carolina.
>
> The motion was agreed to. . . .
>
> MR. [WILLIAM F.] RYAN [of New York]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Ryan 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 CHAIR: The gentleman from New York is recognized for 5 minutes in support of his motion.
>
> MR. RYAN: Mr. Chairman and Members of the Committee, I rise to support the gentleman from Illinois [Mr. Rumsfeld], and to echo the sentiments of Mr. Ottinger, of New York.
>
> MR. [CRAIG] HOSMER [of California]: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state his point of order.
>
> MR. HOSMER: The gentleman has made a motion that the Committee rise, and he was recognized to speak in support of his motion. He now states that he is speaking in support of the amendment that is before the House. My point of order is that his text is out of order. It is not germane.
>
> THE CHAIRMAN: The Chair is constrained to state that this motion would open the entire field of the bill,

15. 113 CONG. REC. 14145–48, 90th Cong. 1st Sess. See 101 CONG. REC. 5774, 84th Cong. 1st Sess., May 5, 1955; and 81 CONG. REC. 373, 75th Cong. 1st Sess., Jan. 22, 1937, for other examples of this principle.

and therefore the Chair holds that the gentleman is proceeding in order.

§ 13.9 Debate on a motion to rise and report with the recommendation that the enacting clause be stricken is not limited to the motion but may go to the entire bill under consideration.

On Nov. 15, 1967,[16] during consideration of S. 2388, the Economic Opportunity Act Amendments of 1967, Chairman John J. Rooney, of New York, ruled on the effect on debate of the preferential motion to rise and report a bill with a recommendation that the enacting clause be stricken.

MR. [CHARLES E.] GOODELL [of New York]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Goodell 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 New York [Mr. Goodell] is recognized for 5 minutes.

MR. [JOHN E.] MOSS [Jr., of California]: Mr. Chairman, the gentleman is not proceeding in order—he is not discussing the preferential motion.

MR. GOODELL: I am leading up to that.

MR. MOSS: Mr. Chairman, I ask that the gentleman be instructed to proceed in order.

THE CHAIRMAN: The Chair will state that the preferential motion opens up the whole bill for discussion, and the gentleman is in order.

§ 13.10 Debate on a preferential motion that the Committee rise with the recommendation that the enacting clause be stricken may go to any part of the bill and is not confined to the proposition pending when the motion is offered.

On June 18, 1970,[17] during consideration of H.R. 17070, the Postal Reform Act of 1970, Chairman Charles M. Price, of Illinois, stated that debate on a motion that the Committee of the Whole rise with the recommendation that the enacting clause be stricken may go to any part of the bill.

MR. [FLETCHER] THOMPSON of Georgia: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Thompson of Georgia moves that the Committee do now rise and

16. 113 CONG. REC. 32679, 90th Cong. 1st Sess. See, for example, 97 CONG. REC. 8476, 8477, 82d Cong. 1st Sess., July 19, 1951; 95 CONG. REC. 4402, 81st Cong. 1st Sess., Apr. 12, 1949; 94 CONG. REC. 8679, 80th Cong. 2d Sess., June 17, 1948; and 93 CONG. REC. 4087, 80th Cong. 1st Sess., Apr. 25, 1947, for other illustrations of this principle.

17. 116 CONG. REC. 20440, 91st Cong. 2d Sess.

report the bill back to the House with the recommendation that the enacting clause be stricken out.

MR. THOMPSON of Georgia: Mr. Chairman, I regret having to take this maneuver in order to obtain this time. I certainly hope that the Members will not vote in favor of this particular motion for the House to rise and to strike the enacting clause.

The subject we are considering today is something that does require extensive debate. It is simply a question as to whether or not we are going to have a fragmented country or a uniform country.

The gentleman from Florida quoted the phrase, "equal pay for equal work." This certainly is the question, equal pay for equal work.

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, a point of order.

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

MR. DERWINSKI: Mr. Chairman, I make the point of order that the gentleman is not directing his remarks to his amendment.

THE CHAIRMAN: The gentleman from Georgia has offered a motion to strike out the enacting clause. Therefore, the gentleman may speak on the whole bill.

Pro Forma Amendments During Pendency of Motion to Rise and Recommend Striking Enacting Clause

§ 13.11 Debate on a motion to rise and report with the recommendation that the enacting clause be stricken out is limited to those speaking in favor thereof or in opposition thereto, and no pro forma amendments are recognized while such motion is pending.

On May 5, 1955,[18] during consideration of H.R. 12, providing price supports for basic commodities, Chairman Robert L. F. Sikes, of Florida, indicated that debate on a motion to strike the enacting clause is limited to those in favor or in opposition, with no pro forma amendments being permitted during the pendency of such a motion.

MR. [THOMAS G.] ABERNETHY [of Mississippi]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Abernethy 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 Mississippi is recognized for 5 minutes in support of his motion. . . .

For what purpose does the gentleman from New York [Mr. Anfuso] rise?

MR. [VICTOR L.] ANFUSO: To strike out the last word.

THE CHAIRMAN: The gentleman cannot be recognized for that purpose; there is a preferential motion pending.

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18. 101 CONG. REC. 5774, 84th Cong. 1st Sess. See 103 CONG. REC. 13385, 13386, 85th Cong. 1st Sess., Aug. 1, 1957, for another example of this principle.