MR. [PETER H. B.] FRELINGHUYSEN [of New Jersey]: Madam Chairman, I rise in opposition to the committee amendment on page 7 line 4, inserting section 9.

THE CHAIRMAN: Is there objection to the other committee amendments? If not the Chair will put the question on the remaining committee amendments. . . .

The remaining committee amendments were agreed to. . . .

THE CHAIRMAN: All other committee amendments have been agreed to. The gentleman will be recognized in opposition to the committee amendment.

Division of Question Where Amendment Proposes To Strike Out Two Sections

§ 27.17 An amendment proposing to strike out two sections of a pending committee amendment in the nature of a substitute was, on demand of a Member, subjected to a division of the question in order to obtain separate votes on the proposals to strike out each section.

On July 25, 1974,[5] during consideration in the Committee of the Whole of the bill H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, the proceedings, described above, were as follows:

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

Amendment offered by Mr. Hosmer to the committee amendment in the nature of a substitute: Page 252, line 15, through page 256, after line 19, strike out sections 404 and 405.

THE CHAIRMAN:[6] Does the gentleman ask for a division of the question?

MR. HOSMER: I do, Mr. Chairman. I ask unanimous consent for a division of the question as to sections 404 and 405. . . .

There was no objection.

THE CHAIRMAN: The question will be divided.

The first question is upon the part of the amendment offered by the gentleman from California (Mr. Hosmer) referring to section 404.

The portion of the amendment, referring to section 404, to the committee amendment in the nature of a substitute was agreed to.

THE CHAIRMAN: The question is on the portion of the amendment offered by the gentleman from California (Mr. Hosmer) referring to section 405.

The question was taken; and on a division (demanded by Mr. Hosmer) there were—ayes 7, noes 29.

So the portion of the amendment referring to section 405, of the amendment to the amendment to the committee amendment in the nature of a substitute was rejected.

§ 28. Debating Amendments

Debate Until Chair Puts Questions

§ 28.1 An amendment cannot be "accepted" by the major-

5. 120 CONG. REC. 25238, 25239, 93d Cong. 2d Sess.

6. Neal Smith (Iowa).

ity and minority managers of a bill but must be voted on, and a Member may be recognized to debate the amendment for five minutes by offering a pro forma amendment.

On Nov. 18, 1981,[7] the Committee of the Whole having under consideration H.R. 4995,[8] the above-stated proposition was illustrated as indicated below:

MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Chairman, we have no objection to the amendment. . . .

MR. [JACK] EDWARDS of Alabama: Mr. Chairman, we have no objection to the amendment.

MR. [THEODORE S.] WEISS [of New York]: Mr. Chairman, I move to strike the last word.

MR. [SAMUEL S.] STRATTON [of New York]: Point of order, Mr. Chairman.

Did I understand that the amendment had been accepted?

THE CHAIRMAN:[9] The Chair did not put the question.

MR. STRATTON: Is a motion to strike the last word in order at this time?

THE CHAIRMAN: Even while an amendment is pending, the gentleman may be recognized for 5 minutes.

Amendments Not Debatable

§ 28.2 Where there was pending a committee amendment, an amendment thereto, a substitute therefor and an amendment to the substitute, time for debate on the amendment, the substitute, and all amendments thereto having expired, votes were taken on the amendment to the committee amendment and then on the amendment to the substitute, after which further amendments were offered and voted upon without debate.

On Aug. 5, 1970,[10] the following proceedings took place:

The Chairman Pro Tempore:[11] . . . The question is on the amendment offered by the gentleman from New York [Mr. Lowenstein] to the committee amendment.

The amendment to the committee amendment was rejected.

The Chairman Pro Tempore: The question now occurs on the amendment offered by the gentleman from Indiana [Mr. Jacobs] to the substitute amendment offered by the gentleman from Illinois [Mr. Findley].

The amendment to the substitute amendment was rejected.

MR. [SAM] STEIGER of Arizona: Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Illinois.

The Clerk read as follows: . . .

7. 127 CONG. REC. 28026, 97th Cong. 1st Sess.
8. Department of Defense appropriations for fiscal year 1982.
9. Dan Rostenkowski (Ill.).
10. 116 CONG. REC. 27471, 91st Cong. 2d Sess. Under consideration was H.R. 18546.
11. Neal Smith (Iowa).

THE CHAIRMAN PRO TEMPORE: The question is on the amendment offered by the gentleman from Arizona [Mr. Steiger] to the substitute amendment offered by the gentleman from Illinois [Mr. Findley].

§ 28.3 In some instances, amendments may be offered that are not debatable.

Parliamentarian's Note: As an example, where all time for debate on a section of a bill and amendments thereto has expired, amendments may still be offered to the section, but are voted on without debate, except in certain cases where a Member has caused an amendment to be printed in the Record pursuant to the House rules.[12] hus, 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.[13]

And rejection by the House or by the Committee of the Whole of a preferential motion to strike (or to recommend striking) the enacting clause permits the offering of proper amendments notwithstanding expiration of all debate time on the bill, but only amendments which have been printed in the Record may be debated for five minutes on each side.[14]

Motion To Close Debate; When in Order

§ 28.4 A motion to close debate on an amendment is not in order until there has been debate on the amendment (unless the proponent of the amendment yields for that purpose).[15]

On July 9, 1965,[16] the following proceedings took place:

MR. [BASIL L.] WHITENER [of North Carolina]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Whitener: . . .

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:[17] Is there objection to the request of the gentleman from New York?

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12. See § 14.9, supra.

13. See § 28.28, infra.

14. See § 28.29, infra.

15. See § 28.5, infra.

16. 111 CONG. REC. 16233, 89th Cong. 1st Sess. Under consideration was H.R. 6400.

17. Richard Bolling (Mo.).

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.

For rules governing debate under the five-minute rule and the effects of limitation thereon, see Rule XXIII clauses 5, 6, *House Rules and Manual* § 870–874 (101st Cong.). See, for general discussion, Ch. 29, Consideration and Debate, infra.

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.

§ 28.5 A motion to limit debate on an amendment, while privileged, cannot be made while another Member has the floor.

On Mar. 12, 1964,[18] the following proceedings took place:

MR. [JAMES H.] MORRISON [of Louisiana]: 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. MORRISON: Mr. Chairman, I move that be done.

THE CHAIRMAN:[19] The gentleman from Nebraska has the floor. Does the gentleman from Nebraska yield to the gentleman from Louisiana?

MR. [GLENN C.] CUNNINGHAM [of Nebraska]: No, because I wish to make a statement. . . .

THE CHAIRMAN: The gentleman from Nebraska is recognized for 5 minutes.

§ 28.6 A motion to close all debate on a pending amendment and amendments thereto has been interpreted to include amendments not yet offered or at the desk.

On Aug. 13, 1959,[20] the following proceedings took place:

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? . . .

THE CHAIRMAN:[21] 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]: And that would include any other amendments which may hereafter be offered?

18. 110 CONG. REC. 5118, 88th Cong. 2d Sess.

19. Chet Holifield (Calif.).

20. 105 CONG. REC. 15850, 86th Cong. 1st Sess.

21. Francis E. Walter (Pa.).

THE CHAIRMAN: That would include all amendments.

§ 28.7 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.

On June 4, 1975,[1] during consideration of a bill[2] in Committee of the Whole, a motion to close debate was made and the proceedings, as described above, were as follows:

MR. [DON] EDWARDS of California: . . . 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.

THE CHAIRMAN:[3] 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.

Motion To Limit Debate; Reservation of Time Not in Order

§ 28.8 A motion to limit debate on an amendment is not in order if it includes a reservation of time for the committee.

On Dec. 12, 1969,[4] the following proceedings took place:

MR. [WILLIAM H.] AYRES [of Ohio]: Mr. Chairman, I move that all debate on the substitute amendment and all amendments thereto close at 6 o'clock with the last 5 minutes reserved to the committee.

THE CHAIRMAN:[5] The matter of the last 5 minutes being reserved to the committee may not be included in the motion.

Special Rule Limiting Debate on Amendments During Further Consideration

§ 28.9 The Committee on Rules may report a resolution providing additional procedures to govern the further consideration of a measure already pending in Committee of the Whole, including limiting

1. 121 CONG. REC. 16895, 94th Cong. 1st Sess.
2. H.R. 6219, Voting Rights Act extension.
3. Richard Bolling (Mo.).
4. 115 CONG. REC. 38844, 91st Cong. 1st Sess. Under consideration was H.R. 12321.
5. John J. Rooney (N.Y.).

further consideration of amendments to a total amount of time, and prohibiting further debate or amendments when the limitation has expired.

On May 4, 1983,[6] the Committee on Rules Chairman, Claude Pepper, of Florida, called up for immediate consideration in the House, House Resolution 179, providing for the further consideration of House Joint Resolution 13, then pending in Committee of the Whole. The reported resolution and Chairman Pepper's comments thereon were as follows:

MR. PEPPER: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 179 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 179

Resolved, That during the further consideration of the joint resolution (H.J. Res. 13) calling for a mutual and verifiable freeze on and reductions in nuclear weapons, further consideration of amendments to the committee amendment in the nature of a substitute shall terminate at the expiration of ten further hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to said substitute, and then on said substitute. During such time limitation, debate on any amendment to said substitute, and on any amendment thereto, whether or not printed in the Congressional Record, shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto. After the disposition of said substitute, the preamble shall be considered for amendment, debate on each amendment to the preamble or on each amendment thereto shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and further consideration of amendments to the preamble shall terminate at the expiration of two hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to the preamble. After the disposition of said amendments, it shall be in order to consider the amendment in the nature of a substitute by Representative Broomfield made in order by House Resolution 138 for amendment under the five-minute rule, debate on each amendment to the amendment or on each amendment thereto shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and further consideration of amendments to said amendment shall terminate at the expiration of two hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to said amendment, and then on said amendment. During the further consideration of the joint resolution, the Chairman of the Committee of the Whole shall not entertain any pro forma amendment offered for the purpose of obtaining time for debate only. During the further consideration of the joint resolution, the

6. 129 CONG. REC. 11036, 11037, 98th Cong. 1st Sess.

> Chairman of the Committee of the Whole may, in his discretion, announce after a recorded vote has been ordered that he may reduce to not less than five minutes the period of time in which a recorded vote, if ordered, will be taken by electronic device on any amendment which is to be voted on without further debate immediately following that fifteen-minute recorded vote. In the event that an amendment in the nature of a substitute to the committee amendment in the nature of a substitute to the resolution is adopted, it shall not be in order to demand a separate vote in the House on any other amendment adopted to said committee substitute. . . .

MR. PEPPER: Mr. Speaker, there are two essential elements involved in the legislative process. One is the right to debate, the other is the right to decide. We have had some 45 hours of debate upon the pending resolution. This rule today is offered by the Rules Committee as an instrument by which the Members of this House may also enjoy the right to decide the pertinent issues involved in the pending resolution.

Mr. Speaker, House Resolution 179 provides additional procedures for the consideration of House Joint Resolution 13, calling for a mutual and verifiable freeze on and reductions in nuclear weapons. Prior to discussing the actual provisions of this rule, Mr. Speaker, I would like to take a few minutes to discuss the necessity for this rule.

On March 15, 1983, the Committee on Rules ordered reported an open rule allowing 3 hours of general debate on House Joint Resolution 13. The rule, House Resolution 138, was adopted on March 16 and since that time, Mr. Speaker, the House has spent more than 45 hours over 5 days considering only the resolving clause of the joint resolution. On April 14, Chairman Zablocki requested an additional rule on House Resolution 13, but later asked the Rules Committee that the meeting scheduled for April 19 be canceled after he reached what he believed at that time to be an agreement to finish debate on the matter.

On April 21, the House agreed, by a vote of 214 to 194 and after three attempts, to a motion that "debate on the resolving clause—to House Joint Resolution 13—and all amendments thereto cease at 3:30 p.m." on that date. The effect of that time limitation agreement was to stop further debate on the resolving clause of House Joint Resolution 13 under the 5-minute rule, with the exception that amendments printed in the Congressional Record could be offered pursuant to clause 6, rule XXIII, allowing the member presenting the amendment 5 minutes to explain his amendment, and the first person to obtain the floor 5 minutes to oppose the amendment. In addition, perfecting amendments could be offered while such amendments were pending. However, such perfecting amendments would have been decided without debate unless printed in the Record.

The Committee of the Whole again debated House Joint Resolution 13 on Thursday, April 28. At that time, it became apparent that the House would not be able to complete consideration of the nuclear freeze resolution in any reasonable amount of time. Chairman Zablocki then stated his intention of asking the Rules Committee to grant an additional rule of the joint resolution.

The Committee on Rules met on Monday, May 2, to consider the possi-

bility of granting an additional rule and again yesterday to discuss further the rule and to vote on special order that we are bringing before the House today.

Let me say that during my absence last week I had left authority before my departure with the able ranking majority member on the Rules Committee, the gentleman from Louisiana, Mr. Long, to perform the necessary duties to allow the Rules Committee to function. He subsequently met with the leadership of the House and they formulated basically the rule which is presented today. It was that rule which was considered on Monday and Tuesday of this week. We heard several witnesses, 10 to 12 witnesses, most from the minority party on that rule on Monday.

Parliamentarian's Note: This rule has provided a model for further rules on complicated bills (see, for example, House Resolution 247, on H.R. 2760, Intelligence Authorization Amendment, reported June 29, 1983; and House Resolution 300, on H.R. 2453, Radio Broadcasting to Cuba, reported Aug. 3, 1983).

Special Rule Precluding Pro Forma Amendments

§ 28.10 Where a bill was being considered for amendment pursuant to a special "modified closed" rule permitting only designated amendments to be offered and precluding amendments thereto, with debate on each amendment limited and controlled, the Chair indicated that pro forma amendments for the purpose of debate were not in order.

On May 21, 1986,[7] the Committee of the Whole having under consideration H.R. 4800,[8] the Chair responded to a parliamentary inquiry in the circumstances described above:

THE CHAIRMAN:[9] When the Committee of the Whole rose on Tuesday, May 20, 1986, all time for general debate had expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. The amendments printed in section 2 of House Resolution 456, agreed to by the House on May 15, 1986, are considered as having been adopted.

No other amendments to the bill are in order except the following amendments printed in the Congressional Record of May 15, 1986, . . . by, and if offered by the designated Members or their designees, which shall be considered only in the following order, shall be considered as having been read, shall not be subject to amendment or to a demand for a division of the question, and each amendment shall be debatable for 30 minutes, or 1 hour in the case of amendments (8) and (12), the time to be equally divided and con-

7. 132 CONG. REC. 11484, 11485, 11566, 99th Cong. 2d Sess.
8. The Omnibus Trade Act of 1986.
9. Anthony C. Beilenson (Calif.).

trolled by the proponent of the amendment and a Member opposed thereto: . . .

MR. [DON] YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. YOUNG of Alaska: Mr Chairman, can I move to strike the last word and get 5 minutes?

THE CHAIRMAN: The time is controlled by the gentleman from Wisconsin [Mr. Roth, the proponent of the amendment]. The gentleman has to seek time from the gentleman from Wisconsin or the gentleman from Washington [Mr. Bonker, controlling time in opposition to the amendment].

Allocation of Time or Recognition Following Limitation on Debate; Discretion of Chair

§ 28.11 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.

On June 4, 1975,[10] the Committee of the Whole having under consideration the bill H.R. 6219,[11] a motion to close debate on the bill and all amendments was agreed to, and resulted in a division of the remaining time, as described above. The proceedings were as follows:

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).

§ 28.12 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

10. 121 CONG. REC. 16899, 16901, 94th Cong. 1st Sess.
11. Voting Rights Act extension.
12. Richard Bolling (Mo.).

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,[13] during consideration of a bill[14] in the Committee of the Whole, a unanimous-consent request to close debate on the bill and all amendments thereto was agreed to. The proceedings were 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:[15] 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 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.

§ 28.13 Where time for debate has been limited and the time remaining has been allocated by the Chair, a Member offering an amendment printed in the Record is nevertheless entitled to five minutes—with five minutes in opposition—and if that debate comes out of the allocated time the Chair must reduce and reallocate the remaining time among the Members previously listed.

The proceedings on June 26, 1975,[16] during consideration of a bill[17] in the Committee of the Whole, were as follows:

THE CHAIRMAN:[18] The time of the gentleman has expired.

13. 121 CONG. REC. 20951, 20957, 94th Cong. 1st Sess.
14. H.R. 8121, Departments of State, Justice, and Commerce, the Judiciary, and related agencies appropriation bill for fiscal 1976.
15. Charles A. Vanik (Ohio).
16. 121 CONG. REC. 20965, 94th Cong. 1st Sess.
17. H.R. 8121, Departments of State, Justice, and Commerce, the Judiciary, and related agencies appropriations for fiscal 1976.
18. Charles A. Vanik (Ohio).

MR. [M. CALDWELL] BUTLER [of Virginia]: Mr. Chairman, I ask that I may be permitted to speak on my own time.

THE CHAIRMAN: The Chair recognizes the gentleman from Virginia for 1 additional minute.

MR. BUTLER: Mr. Chairman, I would inquire, am I not to be permitted to proceed for my full time?

THE CHAIRMAN: The Chair will advise the gentleman from Virginia that the time has been reallocated because of the time taken under the 5-minute rule.

§ 28.14 Where debate under the five-minute rule has been limited to a time certain and time allocated among those Members desiring to speak, the Chair may either insist that listed Members utilize their time when first recognized or may, in his discretion, permit a recognized Member to reserve his time with the admonition that subsequent recognition would not be assured if time expired.

An example of the situation described above occurred on Apr. 9, 1979,[19] during consideration of H.R. 3324.[20]

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I ask unanimous consent that all debate on the Bauman amendment and the Solarz amendment to the Bauman amendment and all amendments thereto end at 3:30 o'clock. . . .

The request having been agreed to, the Chair announced that time would be allocated among Members desiring to speak at one minute each.

MR. [PAUL] FINDLEY [of Illinois]: Mr. Chairman, I offer an amendment. . . .

THE CHAIRMAN:[21] The Chair would advise the gentleman from Illinois the amendment is not in order. There is already an amendment pending to the Bauman amendment.

MR. FINDLEY: May I reserve my time?

THE CHAIRMAN: If there is still time left. The Chair would point out the limitation is for 3:30 p.m.

§ 28.15 Where the Committee of the Whole has, by unanimous consent, permitted four designated amendments to be offered to a title of a bill 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.

19. 125 CONG. REC. 7763, 96th Cong. 1st Sess.

20. The International Development Cooperation Act of 1979.

21. Elliott H. Levitas (Ga.).

On Jan. 29, 1980,[1] during consideration of H.R. 4788[2] in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Mr. Chairman, I ask unanimous consent that titles III and IV be open to amendment at any point. . . .

MR. [WILLIAM H.] HARSHA [of Ohio]: Mr. Chairman, reserving the right to object, we have passed over title III, and without unanimous consent it is my understanding that the gentleman could not offer any amendment to title III. Is that correct?

THE CHAIRMAN: The gentleman is correct.

MR. HARSHA: Further reserving the right to object, could the gentleman explain to me what amendments he proposes to offer to title III?

MR. EDGAR: I would be glad to. I would hope that we could protect the gentleman from Montana in offering his amendment to the Libby Dam, and then I have three amendments I would like to offer, amendments in title III. . . .

THE CHAIRMAN:[3] Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MR. [RAY] ROBERTS [of Texas]: Mr. Chairman, I ask unanimous consent that all debate on title III and all amendments thereto end at 4:40.

THE CHAIRMAN: 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. EDGAR: 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?

MR. CLAUSEN: Reserving the right to object, 10 minutes is going to be allocated to the Montana project. Is the balance to be divided among the Members standing, or will there be a division between the majority and the minority of the remaining time?

MR. ROBERTS: If the gentleman will yield, that would be up to the Chair, but we have already authorization for revision and extension. We have beaten this thing over the head all day, and I would certainly hope we can go ahead with it. I will certainly give my attention to that.

MR. CLAUSEN: Mr. Chairman, I withdraw my reservation of objection.

THE CHAIRMAN: Is there objection to the request of the gentleman from Texas (Mr. Roberts)?

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1. 126 CONG. REC. 992–94, 96th Cong. 2d Sess.

2. The Water Resources Development Act.

3. Matthew F. McHugh (N.Y.).

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.

§ 28.16 In allocating time under a limitation on debate under the five-minute rule, the Chairman of the Committee of the Whole may in his discretion recognize first those Members wishing to offer amendments after having equally divided the time among all Members desiring to speak.

On Nov. 18, 1981,[4] during consideration of H.R. 4995[5] n the Committee of the Whole, the situation described above occurred as follows:

MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Chairman, there are about nine amendments at the desk. I have looked at those amendments. The committee will be accepting at least six or seven of them. There are only two or three that may be slightly controversial and subject to some slight debate.

I would therefore believe that we can finish this bill tonight and not be burdened with it tomorrow because I know full well if we come in tomorrow, we will be using a whole day for what can be completed in approximately half an hour here tonight.

Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto end at 9:30 p.m.

THE CHAIRMAN:[6] Is there objection to the request of the gentleman from New York?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous consent request was agreed to will be recognized for 1 minute each.

The Chair will recognize first those Members who have amendments.

§ 28.17 Where a "modified closed" rule permitted only 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 Mem-

4. 127 CONG. REC. 28074, 97th Cong. 1st Sess.

5. Department of Defense appropriation bill, fiscal year 1982.

6. Dan Rostenkowski (Ill.).

bers, the Chair permitted the total time to be accumulated and consumed before putting the question on the substitute.

On June 10, 1982,[7] during consideration of House Concurrent Resolution 352[8] in the Committee of the Whole, the proceedings described above occurred as follows:

THE CHAIRMAN:[9] 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. . . .

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, 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 amendment in the nature of a substitute is 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 CHAIRMAN: 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.

The Chair recognizes the gentleman from Oklahoma, Mr. Jones.

[Mr. James R. Jones, of Oklahoma, offered an amendment as a substitute for the amendment in the nature of a substitute as permitted by the rule.]

THE CHAIRMAN: 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.

The Chair now recognizes the gentleman from Oklahoma (Mr. Jones).

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. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. Simon) a member of the committee. . . . [After debate:]

MR. [RALPH] REGULA [of Ohio]: Mr. Chairman, I have a parliamentary inquiry. . . .

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 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.

§ 28.18 Following an agreement to limit debate on an

7. 128 CONG. REC. 13387, 13390, 13395, 13399, 13409, 97th Cong. 2d Sess.

8. First concurrent resolution on the budget, fiscal 1983.

9. Anthony C. Beilenson (Calif.).

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 several equal parts, between, for example, the offerors of an amendment and an amendment to the amendment, and the floor manager of the bill.

On Apr. 13, 1983,[10] during consideration of House Joint Resolution 13[11] in the Committee of the Whole, the situation described above occurred as follows:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: . . . I ask unanimous consent that debate close at 6:05. . . .

MR. [JACK] KEMP [of New York]: Mr. Chairman, I object. . . .

MR. ZABLOCKI: 6:15?

THE CHAIRMAN:[12] 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: Yet, 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).

§ 28.19 Where the Committee of the Whole has, by unanimous consent, considered the remainder of a bill as read and open to amendment at any point, and has then separately limited debate on each remaining title and all amendments thereto to a number of hours of debate, equally divided and controlled, the Chair may, through the power of recognition, continue to require debate and amendments to proceed title by title.

During consideration of H.R. 2100[13] in the Committee of the

10. 129 CONG. REC. 8425, 8426, 98th Cong. 1st Sess.

11. Nuclear Weapons Freeze.

12. Matthew F. McHugh (N.Y.).

13. The Food Security Act of 1985.

Whole on Oct. 3, 1985,[14] the situation described above occurred as follows:

MR. [KIKA] DE LA GARZA [of Texas]: Mr. Chairman, in order to facilitate the debate for the rest of the day, I ask unanimous consent that the remainder of the bill after this title be printed in the Record, and open to amendment at any point. . . .

There was no objection. . . .

MR. DE LA GARZA: Mr. Chairman, further to facilitate and expedite the debate of today, I ask unanimous consent that all debate on title VIII on peanuts, and all amendments thereto on that title, be limited to 1 hour, the time to be divided equally between the proponents and the opponents. . . .

There was no objection.

MR. DE LA GARZA: Mr. Chairman, I ask unanimous consent that debate on title XV and all amendments thereto, which is the food stamps section, be limited to 1 hour, to be divided equally between the proponents and the opponents, and further, that the debate on the Petri amendment to title XXI be limited to 1 hour, the time to be equally divided between the proponents and the opponents. . . .

There was no objection. . . .

MR. DE LA GARZA: Mr. Chairman, under the unanimous-consent agreement on the time and on opening the bill for amendment at any point, does the Chair intend to proceed title by title?

THE CHAIRMAN: It is the intention of the Chair to proceed title by title for amendments.

14. 131 Cong. Rec. 25897, 25947, 25948, 99th Cong. 1st Sess.

§ 28.20 Where a special order 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.

On June 18, 1986,[15] during consideration of H.R. 4868[16] in the Committee of the Whole, the situation described above occurred as follows:

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.

15. 132 CONG. REC. 14275, 14276, 99th Cong. 2d Sess.

16. The Anti-Apartheid Act of 1986.

17. Bob Traxler (Mich.).

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.

—Member Not Allocated Time

§ 28.21 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.

During proceedings on July 25, 1974,[18] relating to H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, the Chair indicated that a time limitation imposed in Committee of the Whole on debate on an amendment and all amendments thereto abrogates the right of a Member[19] to speak for five minutes in opposition to an offered amendment.

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. (Neal) Smith of Iowa in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN: 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 Com-

18. 120 CONG. REC. 25214, 25217, 93d Cong. 2d Sess.

19. See Rule XXIII clause 5(a), *House Rules and Manual* Sec. 870 (101st Cong.).

mittee 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 fron 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.

Control of Debate by Proponent of Amendment

§ 28.22 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.

On July 9, 1965,[20] the following statement was made by the Chair:

THE CHAIRMAN:[1] 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.

Pro Forma Amendment Offered by Proponent of Pending Amendment

§ 28.23 Under the five-minute rule the proponent of a pend-

20. 111 CONG. REC. 16207, 16217, 89th Cong. 1st Sess. Under consideration was H.R. 6400.

1. Richard Bolling (Mo.).

ing amendment may offer a pro forma amendment thereto (for additional debate time) only by unanimous consent.

On Apr. 13, 1983,[2] The Committee of the Whole having under consideration House Joint Resolution 13,[3] the above-stated proposition was illustrated as indicated below:

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I move to strike the requisite number of words.

THE CHAIRMAN:[4] without objection, the gentleman from Georgia (Mr. Levitas) is recognized for 5 minutes.

There was no objection.

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. STRATTON: 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.

MR. STRATTON: I just wanted to make sure the amendment was still pending.

THE CHAIRMAN: The gentleman is correct.

§ 28.24 A Member who has been recognized for five minutes in support of his amendment in Committee of the Whole may offer a pro forma amendment to his amendment to gain an additional five minutes only by unanimous consent.

An example of the situation described above occurred on Mar. 18, 1986,[5] during consideration of H.R. 4151.[6] the proceedings in the Committee of the Whole were as follows:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Walker:

(1) in the section heading, strike out "EFFECTIVE DATE OF ENTITLEMENTS" and insert in lieu thereof "SPECIAL BUDGET ACT RULES FOR ENTITLEMENTS"; and

(2) strike out the period at the end of the section and insert in lieu thereof the following: ", and shall be

2. 129 CONG. REC. 8382, 98th Cong. 1st Sess.

3. Nuclear Weapons Freeze.

4. Matthew F. McHugh (N.Y.).

5. 132 CONG. REC. 5257, 5260, 5261, 99th Cong. 2d Sess.

6. The Omnibus Diplomatic Security and Anti-terrorism Act.

effective for any fiscal year only to the extent or in the amounts provided in appropriation Acts." . . .

After Mr. Walker's initial remarks in support of the amendment, the following proceedings took place:

MR. WALKER: Mr. Chairman, I move to strike the requisite number of words.

THE CHAIRMAN:[7] is there objection to the request of the gentleman from Pennsylvania?

MR. [DANIEL A.] MICA [of Florida]: Mr. Chairman, the normal procedure is each individual is allowed to speak for one time, is it not?

THE CHAIRMAN: By unanimous consent, the gentleman can be recognized for another period of time.

MR. MICA: Mr. Chairman, I will not object at this time.

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

There was no objection

Parliamentarian's Note: Occasionally, the proponent of an amendment has sought recognition as a matter of right "in opposition to a pro forma amendment" offered by another Member in order to gain an additional five minutes, on the assumption that in such case he is not amending his own amendment but is complying with the five-minute rule by speaking in opposition to another Member's amendment.

7. Gerald D. Kleczka (Wis.).

Putting Question Before Time Expires

§ 28.25 Where there is pending an amendment to a bill, an amendment thereto, a substitute therefor and an amendment to the substitute, and debate on those amendments has been limited to a time certain but has not yet been consumed, the Chair may, at his discretion, put the question on the amendment to the original amendment after ascertaining that no Member previously listed to speak desires to debate that amendment.

On July 27, 1970,[8] the following proceedings took place:

MR. [DONALD M.] FRASER [of Minnesota]: Would it be in order that we might have a vote now on the Burke amendment?

THE CHAIRMAN:[9] If there are no other speakers on the list that the Chair has that was taken down at the time of the request of the gentleman from California (Mr. Sisk) to limit debate then that would be in order. . . .

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: The Chair means if there are no further speakers on the Burke amendment; does he not?

THE CHAIRMAN: That is correct; on the Burke amendment. In order to

8. 116 CONG. REC. 25813, 91st Cong. 2d Sess. Under consideration was H.R. 17654.

9. William H. Natcher (Ky.).

clarify the question, are there other speakers on the amendment offered by the gentleman from Massachusetts (Mr. Burke) to the amendment offered by the gentleman from Massachusetts (Mr. O'Neill)? Are there any other speakers on that amendment? If not, the Chair at this time will put the question.

Debate on Amendments Printed in Record (Rule XXIII, clause 6)

§ 28.26 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.

During consideration of H.R. 1872 [10] in the Committee of the Whole on June 27, 1985, [11] the situation described above occurred as follows:

> Amendment offered by Mr. Markey: Insert the following new section at the end of title X (page 200, after line 4). . . .

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.

THE CHAIRMAN PRO TEMPORE: [12] The gentleman will state his parliamentary inquiry.

MR. BADHAM: 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: 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. BADHAM: Then if I, at this time, ask to speak in opposition to the Markey amendment, would that be in order and could time be used consecutively?

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10. The Defense Department authorization bill, fiscal 1986.

11. 131 CONG. REC. 17799–802, 99th Cong. 1st Sess.

12. Marty Russo (Ill.).

THE CHAIRMAN PRO TEMPORE: The gentleman from New York rose in opposition to the Markey amendment.

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 first 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.

§ 28.27 Amendments printed in the Congressional Record are debatable for 10 minutes after the expiration of a limitation on debate under the five-minute rule in Committee of the Whole.

The principle stated above was the basis of the following exchange, which occurred on May 31, 1984,[13] during consideration of H.R. 5167[14] in the Committee of the Whole:

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I move that all debate on the bill and amendments thereto be completed in 1 hour.

THE CHAIRMAN:[15] The question is on the motion offered by the gentleman from Illinois (Mr. Price).

MR. [BERKLEY] BEDELL [of Iowa]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. BEDELL: Is it correct that Members having amendments that are printed in the Record will have 10 minutes?

THE CHAIRMAN: If they came after the limitation is imposed, yes, the gentleman is correct.

§ 28.28 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,[16] during consideration of H.R. 2957[17] in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [WILLIAM N.] PATMAN [of Texas]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[18] 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

13. 130 CONG. REC. 14657, 98th Cong. 2d Sess.
14. Defense Department authorization bill.
15. Dan Rostenkowski (Ill.).
16. 129 CONG. REC. 21678, 21679, 98th Cong. 1st Sess.
17. International Monetary Fund Authorization.
18. Donald J. Pease (Ohio).

all that follows through line 8 on page 28.

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 "6,310.8 million Special Drawing Right" and insert in lieu thereof "1,750 million Special Drawing Rights". . . .

MR. GONZALEZ: Mr. Chairman, this is a perfecting amendment to the Patman amendment which strikes title III.

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 that I may be permitted to explain my amendment.

MR. [DOUG] BARNARD [Jr., of Georgia]: Mr. Chairman, I object.

§ 28.29 Rejection by the Committee of the Whole or by the House of a preferential motion to strike the enacting clause permits the offering of proper amendments notwithstanding expiration of all debate time on the bill, but only amendments which have been printed in the Record may be debated for five minutes on each side.

On July 29, 1983,[19] the proposition described above was demonstrated during consideration of H.R. 2957,[20] in the Committee of the Whole. The proceedings were as follows:

MR. [TRENT] LOTT [of Mississippi]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN:[1] The Clerk will report the 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 rec-

19. 129 CONG. REC. 21675, 21676, 98th Cong. 1st Sess.

20. The International Monetary Fund Authorization.

1. Donald J. Pease (Ohio).

ommendation that the enacting clause be stricken out. . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, I have a parliamentary inquiry. . . .

Earlier today, Mr. Chairman, a request was made for unanimous consent to limit debate to 12 o'clock. That was defeated. Later it was put in the form of a motion and that carried, limiting the debate to 12 o'clock today. That, therefore, closed debate past the hour of 12 o'clock.

Now, a motion to rise is being made by the minority whip. Does that foreclose now the offering of further amendments should that motion to rise carry?

THE CHAIRMAN: If the preferential motion to strike the enacting clause carries, further amendments would not be in order. . . .

MR. [RONALD E.] PAUL [of Texas]: Mr. Chairman, if this motion were to fail, whose amendments will be protected? Only those who have amendments printed in the Record, or anybody who has an amendment?

THE CHAIRMAN: Under the rule, if this motion is defeated, any amendment printed in the Record could be offered and debated for 5 minutes on each side. Any other germane amendment could also be offered but no debate would be allowed.

§ 28.30 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, where offered in the precise form printed.

Although an amendment printed in the Record to assure debate time under Rule XXIII, clause 6 was not drafted as a substitute for another amendment, 10 minutes of debate was permitted on a substitute amendment offered to the precise point in the bill as previously printed in the Record. The proceedings of June 26, 1979,[(2)] during consideration of H.R. 3930, the Defense Production Act Amendments of 1979, were as follows:

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 pursuant to the procedures and criteria provided in this section. . . .

MR. [MORRIS K.] UDALL [of Arizona] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, reserving the right to object, 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

2. 125 CONG. REC. 16681, 16682, 96th Cong. 1st Sess.

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: 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.

§ 28.31 To be guaranteed five minutes of debate on an amendment printed in the Record under Rule XXIII clause 6, notwithstanding a limitation of debate, the published amendment must properly indicate the proposition under consideration to which such published amendment is intended to be offered.

On Sept. 28, 1976,[4] the Committee of the Whole having under consideration H.R. 15,[5] motion to limit debate was agreed to which prompted parliamentary inquiries regarding the effect of that limitation on amendments which had been printed in the Record. 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:[6] The question is on the motion offered by the gentleman from Alabama (Mr. Flowers). . . .

[T]he 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 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, 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.

§ 28.32 Pursuant to Rule XXIII clause 6, only that Member who offers an amendment

3. Gerry E. Studds (Mass.).
4. 122 CONG. REC. 33081, 33082, 94th Cong. 2d Sess.
5. Public Disclosure of Lobbying Act of 1976.
6. Richard Bolling (Mo.).

which he has had printed in the Record is guaranteed five minutes of debate notwithstanding a time limitation, and that right does not inure to another Member who may offer the amendment.

On June 1, 1976,[7] the Committee of the Whole having under consideration H.R. 12169,[8] the above-described proceedings occurred as follows:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move that all debate on all amendments to the bill and all amendments thereto end at 5:30. . . .

MR. [FRANK] HORTON [of New York]: Mr. Chairman, the gentleman from Connecticut (Mr. Dodd) had to leave. I am going to offer an amendment that he was going to offer. It was printed in the Record.

Will I be permitted to do this?

THE CHAIRMAN:[9] The Chair will advise the gentleman from New York that only those Members who have had their amendments printed in the Record will be protected. Only those Members.

MR. HORTON: It was in the Record, but it was not under my name. It was an amendment of the gentleman from Connecticut (Mr. Dodd). I would offer it in his absence.

THE CHAIRMAN: The Chair will advise the gentleman from New York that the Member who places the amendment in the Record must offer it for there to be debate on the amendment under clause 6 of rule XXIII.

§ 28.33 Printing an amendment in the Record pursuant to Rule XXIII clause 6 merely permits 10 minutes of debate thereon notwithstanding a limitation of time if the amendment has been properly offered, and does not permit the offering of an amendment not otherwise in order under the rules.

On Apr. 23, 1975,[10] during consideration of a bill[11] in the Committee of the Whole, an amendment in the nature of a substitute was offered and the following proceedings occurred:

MR. [ROBERT W.] EDGAR [of Pennsylvania]: 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. Edgar: Strike out everything after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Vietnam Humanitarian Assistance and Evacuation Act of 1975."

7. 122 CONG. REC. 16044, 94th Cong. 2d Sess.
8. Federal Energy Administration extension.
9. William H. Natcher (Ky.).
10. 121 CONG. REC. 11491, 11499, 94th Cong. 1st Sess.
11. H.R. 6096, Vietnam Humanitarian and Evacuation Assistance Act.

Sec. 2. The President is directed to evacuate from South Vietnam within ten days of the enactment of this Act the following categories of persons:

(1) United States citizens;

(2) dependents of United States citizens and of permanent residents of the United States; and

(3) Vietnamese nationals eligible for immigration to the United States by reason of their relationships to United States citizens. . . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I move that all debate on this substitute amendment and all amendments thereto close at 4 p.m.

THE CHAIRMAN:[12] The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, inasmuch as the substitute offered by the gentleman from Pennsylvania would preclude many of us from offering amendments which had heretofore been dropped into the hopper and printed in today's Record in compliance with the rules, will we be granted the set-aside 5 minutes to present our amendments inasmuch as the substitute amendment offered by the gentleman from Pennsylvania (Mr. Edgar) would extinguish our right to offer an amendment at that point?

THE CHAIRMAN: If the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. Edgar) is agreed to, the stage of amendment would have been passed and no further amendments would be in order to the bill.

§ 28.34 An amendment must be offered in the precise form in which it was printed in the Congressional Record to guarantee its proponent time for debate notwithstanding a limitation imposed in Committee of the Whole.

On July 25, 1974,[13] during consideration in the Committee of the Whole of a bill,[14] the following proceedings occurred with regard to an amendment that was offered:

MR. [PHILIP E.] RUPPE [of Michigan]: 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. Ruppe to the committee amendment in the nature of a substitute: Page 282, line 14, after the period insert the following words: "The general elevation of the overall mined area may be lower than its original elevation. . . .

THE CHAIRMAN:[15] The Chair will ask the gentleman, Was this printed in the Record?

MR. RUPPE: Something was printed in the Record similar to it, but I have changed the language somewhat.

THE CHAIRMAN: It must be identical. If the amendment was not printed in the Record there can be a vote on the amendment but there will be no time for debate.

12. Otis G. Pike (N.Y.).

13. 120 CONG. REC. 25253, 93d Cong. 2d Sess.

14. H.R. 11500, the Surface Mining Control and Reclamation Act of 1974.

15. Neal Smith (Iowa).

The question is on the amendment offered by the gentleman from Michigan (Mr. Ruppe) to the committee amendment in the nature of a substitute.

§ 28.35 While clause 6 of Rule XXIII permits any Member who has printed an amendment in the Record five minutes of debate thereon notwithstanding time limitations 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 22, 1974,[16] the Committee of the Whole having under consideration the bill, H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, an inquiry was addressed to the Chair regarding debate on amendments which had been printed in the *Congressional Record*. The proceedings were as follows:

MR. [KEN] HECHLER of West Virginia: A parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN:[17] The gentleman will state it.

MR. HECHLER of West Virginia: If the substitute is adopted, offered by the gentlewoman from Hawaii, would it be out of order to have amendments to that section? . . .

THE CHAIRMAN: Once the substitute is adopted, then a vote would be on the Hosmer amendment as amended by the substitute. Prior to the vote on the substitute, however, there could be amendments to the substitute. . . .

MR. [CRAIG] HOSMER [of California]: If that is the case, how would one key in the amendments to the substitute, inasmuch as the substitute is basically a Xerox copy of section 201, with its original line numbers on some pages starting at line 18 and ending on line 13 and at other pages going to other delineations?

THE CHAIRMAN: The Chair will state that the amendments must be drafted as an amendment to the substitute, rather than to a section of the committee amendment. . . .

MR. HECHLER of West Virginia: What about those Members who have had their amendments printed in the Record; would they then be entitled to transfer the 5 minutes to which they are eligible under the rules to amendments to the substitute?

THE CHAIRMAN: Debate on such amendments, assuming a limitation of time, would only be in order if the amendments were properly offered in the precise form in which they had been printed in the Record, and if the amendments had not been printed in the Record as amendments to the sub-

16. 120 CONG. REC. 24453, 93d Cong. 2d Sess.

17. Neal Smith (Iowa).

stitute, then debate would not be permitted.

Later, in proceedings[18] relating to the same bill, H.R. 11500, Mr. Joseph M. McDade, of Pennsylvania, sought to offer an amendment:

MR. MCDADE: 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. . . .

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). . . .

THE CHAIRMAN:[19] 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.

18. 120 CONG. REC. 25232, 93d Cong. 2d Sess., July 25, 1974.

19. Neal Smith (Iowa).

—Where Special Rule Limits Consideration

§ 28.36 When the Committee of the Whole is operating under a special order limiting consideration of all amendments to a number of hours of consideration, and the Committee rises during that time immediately following the offering of an amendment, that amendment remains pending when the Committee resumes its sitting and subsequent amendments may be offered only after its disposition and during the time remaining for consideration of all amendments; no amendments may be offered thereafter, since the special order terminates consideration and overrides Rule XXIII clause 6, which would otherwise guarantee additional time for amendments printed in the Record.

An example of the situation described above occurred on Apr. 9, 1986,[20] during consideration of H.R. 4332 (the Firearms Law Reform Act). The proceedings in the Committee of the Whole were as follows:

The Clerk read as follows:

20. 132 CONG. REC. 6896, 6897, 99th Cong. 2d Sess.

Amendment offered by Mr. Hughes to the amendment, as amended, offered by Mr. Volkmer as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended: Page 7, line 10, strike out "shall not apply" and all that follows through "firearms" in line 2 on page 8, and insert in thereof the following: "shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located. . . .

MR. [WILLIAM J.] HUGHES [of New Jersey]: Mr. Chairman, I yield the balance of my time, and move that the Committee do now rise.

THE CHAIRMAN:[1] The gentleman yields back the balance of his time and moves that the Committee rise. . . .

MR. [CHARLES] ROEMER [of Louisiana]: Is it the position of the House, Mr. Chairman, that when we rise and meet tomorrow, the Hughes amendment pending now would begin the debate?

THE CHAIRMAN: The gentleman from Louisiana is exactly correct.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. VOLKMER: When we come in tomorrow and the Committee begins to act on the bill, we will have only the time left under the 5 hours for amendments, is that not correct?

THE CHAIRMAN: The gentleman is correct.

MR. VOLKMER: Which right now is approximately 1 hour?

THE CHAIRMAN: The gentleman is correct.

MR. VOLKMER: And then the rest of the amendments, are they cut off? Or do we go ahead for those that are in the Record and vote on them after 5 minutes each?

THE CHAIRMAN: There will not be any amendments that would be in order after the conclusion of the 5-hour consideration.

1. Charles B. Rangel (N.Y.).

Scope of Debate on Pro Forma Amendment

§ 28.37 Debate in the Committee of the Whole under the five-minute rule is confined to the subject and, if the point of order is raised, a Member may not under a pro forma amendment discuss a section of the bill not immediately pending.[2]

§ 28.38 Debate on a pro forma amendment must be confined to the portion of the bill to which the pro forma amendment has been offered.

2. Pro forma amendments are those phrased to make some superficial change in a bill—such as "to strike the last word"—where the underlying purpose is to obtain time for debate or to offer an explanation, no actual change in the bill being contemplated. Such amendments are discussed in § 2, supra. See, especially, § 2.4, supra, discussing the scope of debate on a pro forma amendment.

On June 21, 1974,[3] during consideration of a bill in the Committee of the Whole, the Chair made the ruling described above:

MR. [PIERRE S.] DU PONT [of Delaware]: Mr. Chairman, I move to strike the requisite number of words. . . .

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, a point of order.

THE CHAIRMAN:[4] The gentleman will state his point of order.

MR. MOSS: Mr. Chairman, my point of order is that I must insist upon the regular order, and the regular order is not being observed. There has been no unanimous-consent request to proceed out of order, and the House is now proceeding out of order. So I call for the regular order.

THE CHAIRMAN: The gentleman will proceed in the regular order.

MR. [H. JOHN] HEINZ [of Pennsylvania]: Mr. Chairman, will the gentleman yield?

MR. DU PONT: I will be glad to yield to the gentleman from Pennsylvania.

MR. HEINZ: I thank the gentleman for yielding.

I am afraid the intent—-

MR. MOSS: 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: 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 Pennsylvania is not discussing a part of the bill that is pending.

The point of order is sustained.

§ 28.39 Where a special order adopted by the House permitted the offering of a nongermane amendment which would then be subject to both pro forma amendments for debate and to four designated amendments (which in turn would also be subject to pro forma amendments), the Chair indicated that pro forma debate on the broader subject of the original amendment could be had although one of the substantive amendments thereto might be pending.

On Oct. 17, 1979,[5] The Committee of the Whole having under

3. 120 CONG. REC. 20595, 93d Cong. 2d Sess. Under consideration was H.R. 15472, agriculture, environment and consumer appropriations, fiscal 1975.

4. Sam Gibbons (Fla.).

5. 125 CONG. REC. 28643–45, 96th Cong. 1st Sess.

consideration S. 832[6] pursuant to a special order, the Chair responded to a parliamentary inquiry as described above. The proceedings were as follows:

THE CHAIRMAN:[7] Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on House Administration now 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 section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended by striking out "and" after "1977" and by inserting after "1978" the following: ", and $8,998,823 for the fiscal year ending September 30, 1980". . . .

THE CHAIRMAN: If there are no amendments to the committee amendment in the nature of a substitute, the Chair will recognize the gentleman from Wisconsin [Mr. Obey] to offer the amendment made in order by the rule. . . .

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, under the rule is it possible to offer pro forma amendments on the bill proper after the gentleman from Wisconsin and his friends have offered their amendments?

THE CHAIRMAN: The Chair would like to advise the gentleman from Minnesota [Mr. Frenzel] that pro forma amendments would be in order at that time.

§ 28.40 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 third degree), where a special rule permitted the offering of both perfecting amendments in the second 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.

An example of the proposition described above occurred on May 26, 1982[8] during consideration of House Concurrent Resolution 345, the first concurrent resolution on the budget. The proceedings in the Committee of the Whole were as follows:

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I rise to strike the requisite

6. Federal Election Campaign Act of 1971 Amendments.

7. William H. Natcher (Ky.).

8. 128 CONG. REC. 12088, 12090, 97th Cong. 2d Sess.

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. . . .

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:[9] 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.

Parliamentarian's Note: The Chairman insisted that debate proceed in an "orderly fashion", that once a perfecting amendment was offered, debate under the five-minute rule be confined thereto, and not to one of the three underlying substitutes pending simultaneously. Separate debate on those substitutes was to be permitted only between consideration of numbered perfecting amendments.

§ 28.41 Where a special order 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.

On May 26, 1982,[10] The Committee of the Whole having under consideration House Concurrent Resolution 345,[11] the Chair responded to a parliamentary inquiry regarding the circumstances described above. The proceedings were as indicated below:

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:[12] 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,

9. Richard Bolling (Mo.).

10. 128 CONG. REC. 12141, 97th Cong. 2d Sess.

11. First concurrent resolution on the budget, fiscal 1983.

12. Richard Bolling (Mo.).

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.

Pro Forma Amendments After Expiration of Time

§ 28.42 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,[13] the Committee of the Whole having under consideration H.R. 12514,[14] the above-stated proposition was illustrated as indicated below:

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:[15] The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki).

The motion was agreed to.

THE CHAIRMAN: Members standing at the time the motion was made will be recognized for 1 minute and 20 seconds each. . . .

After the time had expired, another Member sought recognition.

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.

THE CHAIRMAN: The Chair will inform the gentleman that no further debate is in order at this time.

Limiting Debate Only on Substitute

§ 28.43 Where a substitute has been offered for an amendment in the nature of a substitute, and the Committee of the Whole limits debate on the substitute and all amendments thereto, such limitation does not apply to amendments which may be offered to the original amendment in the nature of a substitute.

On Sept. 29, 1965,[16] the following proceedings took place:

THE CHAIRMAN:[17] . . . When the Committee rose there was pending a

13. 124 CONG. REC. 23947, 23954, 95th Cong. 2d Sess.
14. The International Security Assistance Act of 1978.
15. Don Fuqua (Fla.).
16. 111 CONG. REC. 25426, 89th Cong. 1st Sess. Under consideration was H.R. 4644.
17. Eugene J. Keogh (N.Y.).

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. [B. F.] 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. . . .

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.

Debate on Amendment in Nature of Substitute or Amendments Thereto

§ 28.44 Where there was pending an amendment in the nature of a substitute for a bill and 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.

On June 10, 1976,[18] during consideration of a bill[19] in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding a motion to limit debate. The proceedings 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]: Mr. Chairman, is there any reason for the Clerk to read? I do not remember the bill being open at any point to amendment.

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18. 122 CONG. REC. 17380, 17381, 94th Cong. 2d Sess.

19. H.R. 13367, a bill to amend and extend the State and Local Fiscal Assistance Act of 1972.

THE CHAIRMAN:[20] 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, 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, 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? . . .

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: . . . The Chair would ask that Members with amendments to be offered seek recognition first, and the Chair would request that Members attempt to address themselves to the amendments.

20. Gerry E. Studds (Mass.).

§ 28.45 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.

On Oct. 1, 1974,[1] the Committee of the Whole having under consideration a resolution,[2] the Chair responded to a parliamentary inquiry as described above:

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[3] 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

1. 120 CONG. REC. 33338, 93d Cong. 2d Sess.
2. H. Res. 988, to reform the structure, jurisdiction, and procedures of House committees.
3. William H. Natcher (Ky.).

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 (thereto) is voted upon. . . .

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.

§ 28.46 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 Rule XXIII clause 6; 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.

On Feb. 5, 1976,[4] during consideration of H.R. 9464, the Natural Gas Emergency Act of 1976, there was pending an amendment in the nature of a substitute (the Krueger amendment); a substitute therefor (the Smith amendment); and an amendment to the substitute (the Eckhardt amendment). A unanimous-consent request was made to limit debate:

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). . . .

There was no objection. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, as I understood it, the unanimous-consent request of the gen-

4. 122 CONG. REC. 2646–48, 94th Cong. 2d Sess.

tleman 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:[5] Not necessarily, because there could be an amendment to the Krueger amendment, which would be debatable. . . .

. . . Before we vote on the Smith substitute, amendments to the Krueger amendment are debatable if offered. . . .

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.

MR. BROWN of Ohio: The Chair cannot put the question on the Smith amendment?

THE CHAIRMAN: The Chair cannot put the question on the Smith substitute until the Krueger amendment is perfected to the satisfaction of the Committee.

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. DINGELL: Mr. Chairman, it is, however, a fact that the gentleman may have an amendment at the desk and it may be voted on without debate under the unanimous-consent request?

THE CHAIRMAN: That is correct.

5. Richard Bolling (Mo.).

MR. [ROBERT] KRUEGER [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KRUEGER: Mr. Chairman, there are still those of us who are not certain of the parliamentary situation. I am among them.

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. . . .

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. . . .

MR. [BENJAMIN A.] GILMAN [of New York]: Mr. Chairman, I offer an amendment to the Krueger amendment in the nature of a substitute. My amendment has been printed in the Record.

The Clerk read as follows:

> Amendment offered by Mr. Gilman to the amendment in the nature of a substitute offered by Mr. Krueger immediately after section 26 of the Natural Gas Act (as added by section 208) insert the following:
>
> "TREATMENT OF RATES AND CHARGES FOR NATURAL GAS SOLD TO SENIOR CITIZENS
>
> **§ 25. (a) The Commission shall prohibit any natural-gas company from selling or otherwise supplying natural gas to any local natural gas company which increases the rates for natural gas sold to senior citizens. . . .**

Mr. [Joe D.] Waggonner [Jr., of Louisiana] (during the reading): Mr. Chairman, I have a point of order.

The point of order lies to the fact that the amendment now being read is to the Krueger amendment in the nature of a substitute and is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute.

THE CHAIRMAN: The Chair has stated that any amendment to the Krueger amendment in the nature of a substitute may now be offered and is debatable.

MR. WAGGONNER: But, Mr. Chairman, the amendment is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute which is now under consideration.

THE CHAIRMAN: This amendment takes precedence. This amendment takes precedence over the amendment to the substitute amendment. That is what the Chair has been trying to say now, repeatedly. The amendment that

has precedence is an amendment to the amendment in the nature of a substitute, and this is the amendment that is now before the committee. . . .

The question is on the amendment offered by the gentleman from Texas (Mr. Eckhardt) to the amendment offered by the gentleman from Iowa (Mr. Smith) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger).

The question was taken; and on a division (demanded by Mr. Eckhardt) there were—ayes 33, noes 35.

So the amendment to the substitute amendment for the amendment in the nature of a substitute was rejected.

—Limitation on Debate on Amendment in Nature of Substitute But Not on Original Text

§ 28.47 Where there is a time limitation on debate on a pending amendment in the nature of a substitute and all amendments thereto, but not on the underlying original text, debate on perfecting amendments to the original text proceeds under the five-minute rule in the absence of another time limitation thereon; and even where debate on the substitute was, under the limitation, to end at a time certain, the time remaining for debate may, by unanimous consent, be determined and reserved to follow disposition of the perfecting amendments, without regard to the agreed upon time certain.

An example of the situation described above occurred on Apr. 13, 1983,[6] during consideration of House Joint Resolution 13 (dealing with nuclear weapons freeze). The proceedings in the Committee of the Whole were as follows:

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a perfecting amendment at the desk to section 2 of House Joint Resolution 13.

THE CHAIRMAN:[7] the Chair will advise that perfecting amendments to the underlying text are in order at this time while the Levitas amendment in the nature of a substitute is pending. But the Chair will also point out that if any Member is recognized to offer a perfecting amendment at this time, debate will not be limited on the perfecting amendment and the vote will first come on the perfecting amendment and on any potential amendments thereto before the question is put on the Levitas substitute. . . .

MR. [HENRY J.] HYDE [of Illinois]: . . . (I)f 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

6. 129 CONG. REC. 8402–04, 98th Cong. 1st Sess.

7. Matthew F. McHugh (N.Y.)

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. LEVITAS: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows: . . .

MR. LEVITAS: 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?

There was no objection.

Debate on Motion To Strike Out May Proceed Before Perfecting Amendment Is Offered

§ 28.48 Although the motion to strike out and insert is in order while a motion to strike out is pending, when a Member's motion to strike out has been reported he is entitled to speak thereto before another Member is recognized to offer a motion to strike out and insert.

On Sept. 30, 1965,[8] the following proceedings took place:

MR. [JAMES T.] BROYHILL of North Carolina: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Broyhill of North Carolina: On page 38,

8. 111 CONG. REC. 25696, 89th Cong. 1st Sess. Under consideration was H.R. 10281.

strike out line 9 and all that follows through line 5 on page 39. . . .

MR. [ROBERT J.] CORBETT [of Pennsylvania]: I wish to propose a substitute for the amendment. Shall I offer that now, or after the gentleman is recognized to speak on his amendment?

THE CHAIRMAN:[9] the Chair will state that the gentleman's substitute amendment (to strike and insert) will be in order and may be offered after the gentleman from North Carolina (Mr. Broyhill), has used his time.

§ 28.49 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; after the Member so recognized has completed his five minutes in support of his motion to strike, but before the question is put on the motion to strike, the perfecting amendment may be offered and voted upon.

On Oct. 31, 1975,[10] the Committee of the Whole having under consideration a bill,[11] the proceedings, described above, were as follows:

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]: 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:[12] That is true, if any are offered.

MR. ST GERMAIN: I believe there are amendments pending.

MR. [JOHN JOSEPH] 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.

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9. John H. Dent (Pa.).

10. 121 CONG. REC. 34564, 34565, 94th Cong. 1st Sess.

11. H.R. 10024, Depository Institutions Amendments of 1975.

12. Spark M. Matsunaga (Ha.).

Debate Where Amendment Is Offered, Withdrawn, and Then Reoffered

§ 28.50 Upon reintroduction of an amendment that 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,[13] the following exchange took place:

MR. [NOAH M.] MASON [of Illinois]: Under the rules of the House does a man get two 5-minute discussions of the same amendment?

THE CHAIRMAN:[14] 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.

Debate After Adoption of Substitute to Amendment

§ 28.51 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.

An example of the proposition described above occurred on Oct. 18, 1983,[15] during consideration of H.R. 3231.[1] The proceedings in the Committee of the Whole were as follows:

The Chairman Pro Tempore:[2] 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. . . .

MR. [TOBY] ROTH [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 240, noes 173, answered "present" 1, not voting 19, as follows. . . .

So the amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

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 Cali-

13. 102 CONG. REC. 7439, 84th Cong. 2d Sess. Under consideration was H.R. 10875, the Soil Bank Act of 1956.

14. J. Percy Priest (Tenn.).

15. 129 CONG. REC. 28185, 98th Cong. 1st Sess.

1. Export Administration Act Amendments of 1983.

2. George E. Brown, Jr. (California).

fornia (Mr. Zschau) is recognized for 5 minutes.

There was no objection.

Debate on Remaining Portions of Divisible Amendment

§ 28.52 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,[3] The Committee of the Whole having under consideration H.R. 2230,[4] the above-stated proposition was illustrated as indicated below:

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 by adding at the end the following: "During the period which begins on the date of the enactment of the Civil Rights Commission Act of 1983 and ends on September 30, 1988, the President may remove a member of the Commission only for neglect of duty or malfeasance in office.".

MR. [JAMES F.] SENSENBRENNER [JR., OF Wisconsin]: Mr. Chairman, pursuant to the rule, I demand a division of the question. . . .

THE CHAIRMAN:[5] The Chair would point out to the gentleman that the amendment really contains three parts, the second being, on page 2, line 4, to strike out "1998" and insert "1988".

The first part is, on page 2, line 2, to insert "(a)" after "Sec. 2".

Then the third part is the insertion of a new subsection (b) dealing with the removal of commissioners before the term of office.

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. . . .

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.". . .

[The 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 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

3. 129 CONG. REC. 23134, 23142, 23143, 98th Cong. 1st Sess.

4. The Civil Rights Commission Act of 1983.

5. Morris K. Udall (Arizona).

would be in order under the 5-minute rule until the Chair puts the question.

MR. LEVITAS: Mr. Chairman, I move to strike the requisite number of words.

Debate Under Reservation of Objection

§ 28.53 Unanimous consent is not required to adopt an amendment to a pending amendment, and the Chair may decline to permit debate to proceed under a reservation of objection to such unanimous-consent request and require debate to proceed under the five-minute rule.

On Feb. 24, 1977,[6] the Committee of the Whole having under consideration H.R. 11,[7] an amendment was offered to a pending amendment. The proceedings, described above, were as follows:

MR. [PARREN J.] MITCHELL of Maryland: Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mitchell of Maryland: Page 2, line 23, insert "(1)" immediately before "Notwithstanding."

Page 3, line 7, strike out the quotation marks and the period immediately following the quotation marks.

Page 3, immediately after line 7, add the following:

"(2) Notwithstanding any other provision of law, no grant shall be made under this Act for any local public works project unless at least 10 per centum of the dollar volume of each contract shall be set aside for minority business enterprise. . . .

MR. [ROBERT A.] ROE [of New Jersey]: Madam Chairman, I offer an amendment to the amendment offered by the gentleman from Maryland (Mr. Mitchell) and ask unanimous consent that it be adopted.

MR. [WILLIAM H.] HARSHA [of Ohio]: Madam Chairman, reserving the right to object, I would like to know exactly the language of the gentleman's amendment.

The Clerk read as follows:

Amendment offered by Mr. Roe to the amendment offered by Mr. Mitchell of Maryland: In lieu of the Mitchell amendment insert the following:

Page 3, in lieu of the matter proposed to be inserted after line 7, insert the following:

"(2) Except to the extent that the Secretary determines otherwise, no grant shall be made under this Act for any local public works project unless the applicant gives satisfactory assurance to the Secretary that at least 10 per centum of the amount of each grant shall be expended for minority business enterprises. For purposes of this paragraph, the term 'minority business enterprises' means a business at least 50 percent of which is owned by minority group members. . . .

THE CHAIRMAN:[8] Is there objection to the unanimous-consent request of

6. 123 CONG. REC. 5327, 5329, 5330, 95th Cong. 1st Sess.

7. Local Public Works Capital Development and Investment Act Amendments.

8. Barbara Jordan (Tex.).

the gentleman from New Jersey to amend the amendment offered by the gentleman from Maryland?

MR. HARSHA: Madam Chairman, reserving the right to object, I want to try to clarify this. . . .

THE CHAIRMAN: Rather than proceed under the gentleman's reservation of objection, the Chair will treat the amendment offered by the gentleman from New Jersey to the amendment offered by the gentleman from Maryland as pending and proceed under the 5-minute rule, so that debate can then take place in the proper way. . . .

MR. ROE: Is it possible for others who desire to do so to reserve the right to object?

THE CHAIRMAN: The Chair will put the question on the amendment offered by the gentleman from New Jersey to the amendment offered by the gentleman from Maryland, unless further Members desire to debate the issue under the 5-minute rule.

The gentleman from New Jersey (Mr. Roe) is recognized for 5 minutes on his amendment. . . .

MR. [JAMES J.] HOWARD [of New Jersey]: Madam Chairman, I would ask the Chair if unanimous consent was granted for the amendment offered by the gentleman from New Jersey to be before the House.

THE CHAIRMAN: That was not necessary. It is still an amendment to an amendment which is pending business to be voted on by the committee.

Separate Debate Time on Points of Order

§ 28.54 The proponent of an amendment against which a point of order has been reserved may 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.

When the Committee of the Whole is proceeding under the five-minute rule, debate on points of order against an amendment is within the discretion of the Chair and does not come out of the debate time allotted as to the merits of the amendment. Thus, on Aug. 1, 1975,[9] the Chair[10] indicated that it was not necessary to reserve debate time to address a point of order:

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. BROWN of Ohio: Mr. Chairman, the thrust of this amendment is to strike from the bill the provisions of

9. 121 CONG. REC. 26945, 94th Cong. 1st Sess. Under consideration was H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

10. Richard Bolling (Mo.).

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.

Unanimous-Consent Requests Charged Against Remaining Time

§ 28.55 Where debate is limited by motion to a time certain, parliamentary inquiries and unanimous-consent requests made pending the motion or after it is agreed to come out of the total remaining time, and can be extended only by unanimous consent.

The proposition stated above was the basis of the following proceeding, which occurred on Oct. 3, 1985,[11] during consideration of H.R. 2100[12] in the Committee of the Whole:

MR. [WALTER B.] JONES of North Carolina: Mr. Chairman, I move that, for all amendments introduced and those pending, all debate on this particular section of cargo preference shall end at 4:45.

THE CHAIRMAN:[13] Is the gentleman moving to limit debate on section 1141 and all amendments thereto?

MR. JONES of North Carolina: Only those pertaining to cargo preference, Mr. Chairman.

THE CHAIRMAN: Would that include new sections following section 1141?

MR. JONES of North Carolina: Yes, Mr. Chairman. I am confining my motion to cargo preference, the two amendments pending and those anticipated, and I had in mind the gentleman's amendments when I added 15 minutes to the original request. . . .

MR. [DOUG] BEREUTER [of Nebraska]: Since I have six or seven amendments that would be covered by the chairman's motion, Mr. Chairman, do I then have, outside of this time limit, 5 minutes for discussion, or 10 minutes in the case of opposition? And the time for votes, does that come outside of the 1 hour or within?

THE CHAIRMAN: If the amendments have not been offered within the timeframe which the gentleman from North Carolina has suggested, then the gentleman from Nebraska (Mr. Bereuter) would have 5 minutes in support of each amendment, if they have been printed in the Congressional Record, and 5 minutes in opposition also. . . .

11. 131 CONG. REC. 25986, 25995, 99th Cong. 1st Sess.

12. The Food Security Act of 1985.

13. David E. Bonior (Mich.).

MR. [GLENN] ENGLISH [of Oklahoma]: Mr. Chairman, would it be proper under the procedures of the House for a limitation upon the English-Roberts-Smith proposals to end at, say, 4:30, and any other amendments that may arise to end by 5:00?

THE CHAIRMAN: Overall time can be limited by motion. Allocation of time may be made under a unanimous-consent request. . . .

The gentleman can move to limit debate on the Smith amendment and all amendments thereto.

The question is on the motion offered by the gentleman from North Carolina (Mr. Jones).

The question was taken; and on a division (demanded by Mr. Bereuter) there were—ayes 39, noes 12.

So the motion was agreed to.

THE CHAIRMAN: The gentleman from North Carolina [Mr. Jones] still has the time.

MR. [ELIGIO] DE LA GARZA [II, of Texas]: Mr. Chairman, will the gentleman from North Carolina yield?

MR. JONES of North Carolina: I yield to the gentleman from Texas.

MR. DE LA GARZA: Mr. Chairman, I ask the gentleman to yield for the purpose of making a parliamentary inquiry as to how the time will be apportioned.

THE CHAIRMAN: The Chair is unclear as to how many Members are interested in speaking on this amendment, although he has an idea, and will continue under the 5-minute rule unless there can be some agreement reached that the time should be apportioned among those Members who are standing as the Chair speaks. The Chair has the authority to do that, and it would be, I think, fair to the committee members that the Chair allocate that time to members standing.

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I have a unanimous-consent request.

Mr. Chairman, I ask unanimous consent that the time that has just been allotted by the successful motion be divided equally between the Merchant Marine and Fisheries Committee and the Agriculture Committee, and that the time allocated to each be divided equally between the majority and the minority.

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

There was no objection.

THE CHAIRMAN: The gentleman from Texas [Mr. de la Garza] and the gentleman from North Carolina [Mr. Jones] will each have 15 minutes if they desire to control such time, and the gentleman from Illinois [Mr. Madigan] and the gentleman from New York [Mr. (Norman F.) Lent] will each have 15 minutes. . . .

MR. JONES of North Carolina: Mr. Chairman, it seems according to the official timer that we are down to 3½ minutes. According to my records, we have approximately 7 minutes. I understand that during the debate on the time limitation, that that was charged to me, to our side.

THE CHAIRMAN: The Chair would point out to his dear colleague and friend, the gentleman from North Carolina, that what was charged were these unanimous-consent requests. The reason they were charged is that under the motion that the gentleman made,

the time expires at 4:45. In order for us to fulfill the 15-minute requirement, the Chair had to take the time out of that.

If the gentleman asks to extend the time the Chair can do that by unanimous consent.

Special Rule Providing for Five-Minute Vote on Amendments After Recorded Vote Ordered

§ 28.56 Where a special order governing consideration of a bill in Committee of the Whole provided that the Chairman could announce after a recorded vote had been ordered that he would reduce to not less than five minutes the period of time in which a recorded vote by electronic device, if ordered, would be taken on any amendment which was to be voted on without further debate immediately following that 15-minute vote, the Chair indicated that, if Members reserved debate time on such amendment, he would be unable to order a five-minute vote on the amendment, since debate could intervene between the votes.

On May 4, 1983,[14] during consideration of House Joint Resolution 13, calling for a mutual and verifiable freeze on and reductions in nuclear weapons, there were pending an amendment to an amendment, and an amendment to a substitute therefor. The Chairman[15] stated:

THE CHAIRMAN: The Chair will advise the Members that with respect to the time for voting, if any time is reserved on a second amendment on which a recorded vote is ultimately ordered, the Chairman does not have the discretion to order that to be taken within 5 minutes unless all debate has been used.

So the Chair would inquire of the gentleman from Illinois, with respect to the second Zablocki amendment on which a . . . vote will occur, does the gentleman choose to use at this time the 1 minute remaining in opposition to that Zablocki amendment? . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, is my understanding correct that if the time that is reserved is not yielded back, we cannot have a 5-minute vote on the amendment?

THE CHAIRMAN: The Chair has discretion under the rule to order a 5-minute vote on a subsequent amendment only if there is no intervening debate, so the Chair would be unable to order a 5-minute vote on a subsequent amendment if a recorded vote is ordered on the first amendment, if any Member has reserved his time on the subsequent amendment which is pending, because then there would be intervening debate.

14. 129 CONG. REC. 11063, 98th Cong. 1st Sess.

15. Matthew F. McHugh (N.Y.).

MR. ZABLOCKI: A further parliamentary inquiry, Mr. Chairman.

After the vote, if there is a reservation of time and those who have reserved their time have yielded back, could we then have a 5-minute vote?

THE CHAIRMAN: No; the Chair would have to order the 5-minute vote in advance.

MR. ZABLOCKI: Mr. Chairman, did I understand that the gentleman from Illinois (Mr. Hyde) reserved his time?

THE CHAIRMAN: The Chair will advise that the gentleman from Illinois (Mr. Hyde) has reserved his 1 minute remaining on the second Zablocki amendment, that is, the Zablocki amendment to the Courter substitute, which would be the second vote taken. So the answer is, yes, he has reserved his 1 minute.

Offering Amendment in Time Yielded for Debate

§ 28.57 An amendment may not be offered in time yielded for debate only.[16]

F. EFFECT OF CONSIDERATION OR ADOPTION; CHANGES AFTER ADOPTION

§ 29. Introduction; Adoption of Perfecting Amendment, Generally

Generally, it is not in order to amend an amendment previously agreed to.[17] Nor is it in order to re-offer an amendment previously agreed to, or rejected (see § 35, infra), but to be precluded, an amendment must be practically identical to the proposition previously considered.[18] And the concept embodied in an amendment can be addressed by a subsequent amendment, although such language may be inconsistent with the earlier amendment previously agreed to.[19]

So while it is not in order to strike out an amendment already agreed to, it is in order by way of amendment to strike out a greater substantive part of a paragraph which includes the adopted amendment.[1] Similarly, an amendment proposing to strike out a section which has been partially perfected is in order.[2] Moreover, after a section has been partially perfected by amendments, it is in order to move to strike such section as amended and insert a new one therefor.[3]

16. See § 13.1, supra.
17. See § 29.2, infra.
18. See § 29.1, infra.
19. See § 29.21 et seq., infra.

1. See § 17.31, supra.
2. See § 17.29, supra.
3. See § 16.14, supra.