[Mr. Dornan] that his time had expired.

§ 12. Priorities in Recognition

The order in which Members are recognized, or whether they are recognized at all, on matters before the House depends substantially on the application of the standing rules and the precedents to each specific motion or question. The purpose of this division is to delineate the general principles governing recognition during the deliberations of the House.

The discretion of the Speaker to determine the order of recognition is based on Rule XIV clause 2:

> When two or more Members rise at once, the Speaker shall name the Member who is first to speak . . . .[12]

The Speaker or the Chairman of the Committee of the Whole has the power and discretion to decide the order of recognition,[13] without the right of appeal,[14] but he is governed in his decisions by the usages and precedents of the House.[15]

When a Member rises to seek recognition, the Chair first ascertains the purpose for which he seeks recognition.[16] If recognition for the purpose stated is required under the rules and precedents to be first extended to a Member with certain qualifications, such as being opposed to a measure, the Chair may further inquire whether the Member meets those qualifications.[17] The Chair generally takes judicial notice of the committee rank and party alignment of a Member.

Generally, prior recognition is extended to a member of the committee which has reported the bill—often the chairman or senior member or other committee member who has been designated as manager of the bill.[18]

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12. *House Rules and Manual* § 753 (1995). For the parliamentary law, see Jefferson's Manual, *House Rules and Manual* § 356 (1995).

13. See, for example, § 12.1, infra.

14. See §§ 9.5, 9.6, supra.

15. For a discussion of practices and precedents on the order of and right to recognition, see Cannon's Procedure in the House of Representatives 150–155, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

16. See § 8, supra. The inquiry "for what purpose does the gentleman rise" does not confer recognition.

17. For examples of the Chair's inquiry whether a Member is opposed, see §§ 15.11, 15.12, 15.14, 15.15, infra. For discussion of recognition of one opposed in order of rank, see § 12.4, infra.

18. See *House Rules and Manual* §§ 754, 756 (1995).

The rules provide that a committee manager may open and close debate; see Rule XIV clause 3, *House*

Where the committee or Member in charge offers an "essential" motion and the motion is rejected by the House, recognition passes to the opposition for controlling debate and for offering amendments and motions on the pending matter.[19]

The Chair endeavors to alternate recognition to offer pro forma amendments between majority and minority Members (giving priority to committee members) rather than between sides of the question.[20]

Cross References

Order of recognition on questions and motions, see §§ 16 et seq., infra.

Order of recognition determined by rules and principles on control and management, see §§ 24–27, infra.

Members of Committee; Discretion of Chair

§ 12.1 Although members of the committee reporting a bill under consideration usually have preference in recognition, the power of recognition remains in the discretion of the Chair.

On July 19, 1967,[1] Chairman Joseph L. Evins, of Tennessee, recognized in the Committee of the Whole Mr. Edmond Edmondson, of Oklahoma, for a parliamentary inquiry and then recognized him to offer an amendment to the pending amendment. Mr. William C. Cramer, of Florida, made the point of order that William M. McCulloch, of Ohio, the ranking minority member of the Committee on the Judiciary, which had reported the bill, had been on his feet seeking recognition to offer an amendment at the time and that members of the committee reporting the bill had the prior right to be recognized. The Chairman declared:

> The Chair is trying to be fair and trying to recognize Members on both sides. The Chair will recognize the gentleman from Ohio [Mr. McCulloch].

The Chairman recognized Mr. McCulloch for a unanimous-consent request, and then recognized Mr. Edmondson to debate his amendment.

Chairman of Committee

§ 12.2 In bestowing recognition under the five-minute rule in

Rules and Manual § 759 (1995). For instances where the priority of committee recognition was discussed, see §§ 13.1 et seq., infra.

Usually, the Member in charge has been authorized by the reporting committee, but on rare occasions a matter has been brought directly before the House by a Member, who is entitled to prior recognition. See *House Rules and Manual* § 754 (1995).

19. See § 15, infra, and *House Rules and Manual* § 755 (1995).

20. See § 12.6, infra.

1. 113 CONG. REC. 19416, 19417, 90th Cong. 1st Sess.

the Committee of the Whole, the Chair gives preference to the chairman of the legislative committee reporting the bill under consideration.

On Nov. 15, 1967,[2] the Committee of the Whole was considering under the five-minute rule a bill reported from the Committee on Education and Labor, chaired by Mr. Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition and when Chairman John J. Rooney, of New York, asked for what purpose he rose, he stated that he sought recognition to offer an amendment. The Chairman then recognized Mr. Perkins, the chairman of the committee, to submit a unanimous-consent request to limit debate before recognizing Mr. Gurney to offer his amendment.

Seniority as Affecting Priority of Recognition

§ 12.3 Recognition of Members to offer amendments under the five-minute rule in the Committee of the Whole is within the discretion of the Chair and he extends preference to members of the committee which reported the bill according to seniority.

On July 21, 1949,[3] Chairman Eugene J. Keogh, of New York, answered a parliamentary inquiry on the order of recognition for amendments under the five-minute rule:

> MR. [JAMES P.] SUTTON [of Tennessee]: Mr. Chairman, I offer an amendment.
>
> MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. H. CARL ANDERSEN: Mr. Chairman, is it not the custom during debate under the 5-minute rule for the Chair in recognizing Members to alternate from side to side? At least I suggest to the Chair that that would be the fair procedure. The Chair has recognized three Democrats in a row.
>
> THE CHAIRMAN: The Chair will say to the gentleman that the matter of recognition of members of the committee is within the discretion of the Chair. The Chair has undertaken to follow as closely as possible the seniority of those Members.
>
> MR. [CLIFFORD R.] HOPE [of Kansas]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HOPE: For the information of the Chair, the gentleman from Wisconsin, who has been seeking recogni-

2. 113 CONG. REC. 32655, 90th Cong. 1st Sess.

3. 95 CONG. REC. 9936, 81st Cong. 1st Sess.

tion, has been a Member of the House for 10 years, and the gentleman from Tennessee is a Member whose service began only this year.

THE CHAIRMAN: The Chair would refer the gentleman to the official list of the members of the committee, which the Chair has before him.

The Clerk will report the amendment offered by the gentleman from Tennessee.

§ 12.4 In recognizing Members to move to recommit, the Speaker gives preference first to the ranking minority member of the committee reporting the bill, if opposed to the bill, and then to the remaining minority members of that committee in the order of their rank.

On June 18, 1957,[4] the House was considering H.R. 6127, the Civil Rights Act of 1957. In response to a parliamentary inquiry, Speaker Sam Rayburn, of Texas, stated that the order of recognition for a motion to recommit would be in the order of rank of minority members of the committee reporting the bill, the Committee on the Judiciary. When two minority members of the committee arose to offer the motion, the Speaker recognized the member higher in rank:

MR. [JOSEPH W.] MARTIN [Jr., of Massachusetts]: Mr. Speaker, on a motion to recommit, for over 20 years it has been the custom for the minority leader to select the Member who shall make that motion. The leader has selected a member of the committee who is absolutely opposed to the bill. My parliamentary inquiry is, does he have preference over someone who would move to recommit with instructions but who at the same time would not vote for the bill even if the motion to recommit should prevail? So I propound the inquiry whether a gentleman who is absolutely opposed to the bill, who led the fight for the jury trial amendment in the committee, would have preference over someone who would not vote for the bill even in the event a motion to recommit prevailed.

THE SPEAKER: The Chair in answer to that will ask the Clerk to read the holding of Mr. Speaker Champ Clark, which is found in volume 8 of Cannon's Precedents of the House of Representatives, section 2767.

The Clerk read as follows:

> The Chair laid down this rule, from which he never intends to depart unless overruled by the House, that on a motion to recommit he will give preference to the gentleman, at the head of the minority list, provided he qualifies, and then go down the list of the minority of the committee until it is gotten through with. And then if no one of them offer a motion to recommit the Chair will recognize the gentleman from Kansas [Mr. Murdock], as the leader of the third party in the House. Of course he would have to qualify. The Chair will state it again. The present occupant of the chair laid down a rule here about a year ago that in making this preferential motion for recommitment the Speaker would

4. 103 CONG. REC. 9516, 9517, 85th Cong. 1st Sess. See also § 12.21, infra.

recognize the top man on the minority of the committee if he qualified—that is, if he says he is opposed to the bill—and so on down to the end of the minority list of the committee.

MR. MARTIN: Will the Clerk continue the reading of the section? I think there is a little more to it than that.

THE SPEAKER: If the gentleman desires, the Clerk will read the entire quotation. The Clerk will continue to read.

The Clerk read as follows:

Then, if no gentleman on the committee wants to make the motion, the Speaker will recognize the gentleman from Illinois, Mr. Mann, because he is the leader of the minority. Then, in the next place, the Speaker would recognize the gentleman from Kansas, Mr. Murdock. But in this case, the gentleman from Kansas, Mr. Murdock, is on the Ways and Means Committee, which would bring him in ahead, under that rule, of the gentleman from Illinois, Mr. Mann.

MR. MARTIN: The Chair does not think that preference should be given to an individual who was going to make a motion to recommit and who was absolutely opposed to the bill?

THE SPEAKER: The Chair is not qualified to answer a question like that. The Chair in response to the parliamentary inquiry of the gentleman from Massachusetts will say that the decision made by Mr. Speaker Champ Clark has never been overturned, and it has been upheld by 1 or 2 Speakers since that time, especially by Mr. Speaker Garner in 1932.

In looking over this list, the Chair has gone down the list and will make the decision when someone arises to make a motion to recommit. The Chair does not know entirely who is going to seek recognition.

MR. [RICHARD H.] POFF [of Virginia]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. POFF: I am, Mr. Speaker.

MR. [RUSSELL W.] KEENEY [of Illinois]: Mr. Speaker, I also offer a motion to recommit, and I, too, am opposed to the bill.

THE SPEAKER: In this instance the Chair finds that no one has arisen who is a member of the minority of the Committee on the Judiciary until it comes down to the name of the gentleman from Virginia [Mr. Poff]. He ranks the gentleman from Illinois [Mr. Kenney] and is therefore senior. Under the rules and precedents of the House, the Chair therefore must recognize the gentleman from Virginia [Mr. Poff].[5]

§ 12.5 Priority of recognition under a limitation of time for debate under the five-minute rule is in the complete discretion of the Chair, who may disregard committee seniority and consider amendment sponsorship.

On June 26, 1979,[6] it was demonstrated that where the Com-

5. Where recognition is required by rule or precedent to pass to the opposition, the Speaker inquires whether the Member seeking recognition is opposed in fact to the measure or motion (see §§ 15.11, 15.12, 15.14, 15.15, infra).

6. 125 CONG. REC. 16677, 16678, 96th Cong. 1st Sess.

mittee of the Whole has agreed to a limitation on debate under the five-minute rule on a section of a bill and all amendments thereto, distribution of the time under the limitation is within the discretion of the Chair. The proceedings were as follows:

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I move that all debate on section 3 and all amendments thereto cease at 6:40 p.m. . . .

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 183, answered "present" 1, not voting 41, as follows: . . .

THE CHAIRMAN:[7] The Chair will attempt to explain the situation.

The Committee has just voted to end all debate on section 3 and all amendments thereto at 6:40. The Chair in a moment is going to ask those Members wishing to speak between now and then to stand. The Chair will advise Members that he will attempt, once that list is determined, to recognize first those Members on the list with amendments which are not protected by having been printed in the Record. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, did I understand the Chair correctly that Members who are protected by having their amendments printed in the Record will not be recognized until the time has run so that those Members will only have 5 minutes to present their amendments, but that other Members will be recognized first for the amendments which are not printed in the Record?

THE CHAIRMAN: Those Members who are recognized prior to the expiration of time have approximately 20 seconds to present their amendments. Those Members whose amendments are printed in the Record will have a guaranteed 5 minutes after time has expired. . . .

The Chair will now recognize those Members who wish to offer amendments which have not been printed in the Record.

The Chair will advise Members he will recognize listed Members in opposition to the amendments also for 20 seconds. . . .

MR. [RICHARD] KELLY [of Florida]: Mr. Chairman, is it not regular order that the Members of the Committee with amendments be given preference and recognition?

THE CHAIRMAN: The Chair would advise the gentleman once the limitation of time has been agreed to and time divided, that priority of recognition is within the complete discretion of the Chair.

Alternation Between Majority and Minority

§ 12.6 In recognizing Members to offer "pro forma amendments" under the five-minute rule, the Chair endeavors to alternate between majority and minority Members, giving priority of recognition

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Under consideration was H.R. 3930, the Defense Production Act Amendments of 1979.

7. Gerry E. Studds (Mass.).

to committee members and, having no knowledge of whether specific Members oppose or support the pending proposition, does not endeavor to alternate between both sides of the question.

On Mar. 21, 1994,[8] the Committee of the Whole had under consideration H.R. 6 (Improving America's Schools Act of 1994). The following exchange took place:

MR. [CHARLES H.] TAYLOR of North Carolina: Mr. Chairman, I move to strike the requisite number of words.

THE CHAIRMAN:[9] The Chair recognizes the gentleman from California (Mr. Cunningham), a member of the committee.

MR. TAYLOR of North Carolina: Mr. Chairman, is it possible to have some support statements made on the floor, since most have been negative?

THE CHAIRMAN: The Chair is to give priority to members of the committee and does not confer recognition by stated position on the issue. The gentleman will be recognized in due course.

MR. [RANDY] CUNNINGHAM [of California]: Mr. Chairman, I move to strike the requisite number of words.

§ 12.7 The Chairman of the Committee of the Whole attempts to alternate recognition during the five-minute rule between the majority and minority, with preference being given to senior members of the reporting committee; and a senior committee majority member has no precedence in recognition over the minority manager of the bill.

On Sept. 9, 1980,[10] during consideration of the Rail Act of 1980 in the Committee of the Whole, the following exchange occurred:

THE CHAIRMAN:[11] For what purpose does the gentleman from Illinois (Mr. Madigan) rise?

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I have an amendment at the desk.

MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, am I not entitled to recognition as a senior Member on the floor?

THE CHAIRMAN: For what purpose does the gentleman from Texas (Mr. Eckhardt) rise?

MR. ECKHARDT: To offer an amendment, Mr. Chairman.

THE CHAIRMAN: The Chair will state to the gentleman from Texas that the gentleman from Illinois (Mr. Madigan) was on his feet. The Chair heard the gentleman from Illinois first, and the Chair recognized him first. The Chair has the prerogative of recognizing Members at his discretion. The Chair is attempting to be fair. I think the Chair has been fair in this instance.

8. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.

9. David E. Price (N.C.).

10. 126 CONG. REC. 24865, 96th Cong. 2d Sess.

11. Les AuCoin (Oreg.).

MR. ECKHARDT: The gentleman from Texas was on his feet also.

THE CHAIRMAN: The Chair recognizes the gentleman from Illinois (Mr. Madigan).

§ 12.8 The Chairman of the Committee of the Whole announced that during consideration of an appropriation bill under the five-minute rule he would alternate recognition between the majority and minority sides of the aisle.

On July 30, 1969,[12] Chairman Chet Holifield, of California, made an announcement on the order of recognition during consideration under the five-minute rule of H.R. 13111, appropriations for the Health, Education, and Welfare and Labor Departments:

> The Chair might state, under the procedures of the House, he is trying to recognize first members of the subcommittee on appropriations handling the bill and second general members of the Committee on Appropriations. It is his intention to go back and forth to each side of the aisle to recognize Members who have been standing and seeking recognition the longest. The gentlewoman from Hawaii sought recognition all yesterday afternoon, and the Chair was unable to recognize her because of the procedures of the House, having to recognize Members on both sides of the aisle who are members of the committee. I wish the Members to know that the Chair will recognize them under the normal procedures.[13]

—Principle as Affected by Recognition for Parliamentary Inquiry

§ 12.9 The fact that the Chair has recognized a Member to raise a parliamentary inquiry does not prohibit the Chair from then recognizing the same Member to offer an amendment, and the principle of alternation of recognition does not require the Chair to recognize a Member from the minority to offer an amendment after recognizing a Member from the majority to raise a parliamentary inquiry.

On July 2, 1980,[14] during consideration of the Rail Act of 1980 (H.R. 7235) in the Committee of the Whole, it was demonstrated that a decision of the Chair on a matter of recognition is not subject to challenge. The proceedings were as follows:

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

12. 115 CONG. REC. 21420, 91st Cong. 1st Sess.

13. For the practice of alternation of recognition, see *House Rules and Manual* § 756 (1995).

14. 126 CONG. REC. 18292, 96th Cong. 2d Sess.

THE CHAIRMAN:[15] The gentleman will state his inquiry.

MR. ECKHARDT: Mr. Chairman, I was not aware at the time that this amendment was offered that it would purport to deal with a number of very different subjects. I assume that it would not be in order to raise a point of order concerning germaneness at this late time, not having reserved it, but I would like to ask if the question may be divided. There are several subjects that are quite divisible in the amendment offered here, and that deal with different matters.

THE CHAIRMAN: The Chair will advise the gentleman from Texas that he is correct, it is too late to raise a point of order on the question of germaneness.

The Chair will further advise the gentleman from Texas that a substitute is not divisible.

MR. ECKHARDT: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

THE CHAIRMAN: The Clerk will report the amendment to the substitute amendment.

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, a point of order. . . .

I understand that the procedure is that the members of the subcommittee would be recognized for amendments first, and that the gentleman from Texas sought recognition for the purpose of making a parliamentary inquiry and was recognized for that purpose, and was not recognized for the purpose of offering an amendment. . . .

THE CHAIRMAN: The Chair will respond to the gentleman by saying to him that the normal procedure is to recognize members of the full committee by seniority, alternating from side to side, which the Chair has been doing. The gentleman was recognized under that procedure, and the Chair's recognition is not in any event subject to challenge. . . .

MR. MADIGAN: Further pursuing my point of order, and with all due respect to the Chair, am I incorrect in assuming that the gentleman from Texas was recognized for the point of raising a parliamentary inquiry?

THE CHAIRMAN: The gentleman is correct. He was recognized for that purpose; then separately for the purpose of the amendment that he is offering, which the Clerk will now report.

Members Simultaneously Seeking Recognition

§ 12.10 Where more than one Member seeks recognition, the Speaker recognizes the Member in charge or a member of the reporting committee, if he seeks recognition.

On Sept. 11, 1945,[16] Mr. Robert F. Rich, of Pennsylvania, and Mr. Adolph J. Sabath, of Illinois, arose at the same time seeking recognition during the five-minute rule on a bill being handled by Mr. Sabath. Speaker Sam Ray-

15. Les AuCoin (Oreg.).

16. 91 CONG. REC. 8510, 79th Cong. 1st Sess.

burn, of Texas, recognized Mr. Sabath since he had priority of recognition as the Member in charge and then answered parliamentary inquiries on the order of recognition:

> MR. RICH: After the reading of section 4 of the bill which contained subsections (a), (b), and (c), could not a Member have risen to strike out the last word and have been recognized?
>
> THE SPEAKER: The gentleman did not state for what purpose he rose. The gentleman from Illinois who is in charge of the resolution was on his feet at the same time. The Chair recognized the gentleman from Illinois, and the gentleman from Illinois made a preferential motion.
>
> MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. HOFFMAN: Must a Member on the floor addressing the Speaker state the purpose for which he addresses the Speaker before he may be recognized?
>
> THE SPEAKER: Two Members rose. The Speaker always has the right to recognize whichever Member he desires. The Chair recognized the gentleman from Illinois who was in charge of the resolution. The gentleman from Illinois made a preferential motion; the Chair put the motion and it was adopted.

On Nov. 15, 1967,[17] the Committee of the Whole was considering under the five-minute rule a bill reported from the Committee on Education and Labor, chaired by Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition and when Chairman John J. Rooney, of New York, asked for what purpose he rose, he stated that he sought recognition to offer an amendment. The Chairman then recognized Mr. Perkins, the chairman of the committee, to submit a unanimous-consent request to limit debate before recognizing Mr. Gurney to offer his amendment.[18]

In Absence of Agreement as to Control of Time

§ 12.11 During general debate on District of Columbia business in Committee of the Whole, where there has been no agreement in the House as to control of time, the Chair alternates in recognizing between those for and against the pending legislation, giving preference to members of the Committee on the District of Columbia.

17. 113 CONG. REC. 32655, 90th Cong. 1st Sess.

18. See Rule XIV clause 2, *House Rules and Manual* § 753 (1995): "When two or more Members rise at once, the Speaker shall name the Member who is first to speak. . . ." See *id.* at §§ 754–757 for the usages and priorities which govern the Chair when two or more Members rise.

On Apr. 11, 1932,[19] Chairman Thomas L. Blanton, of Texas, answered a parliamentary inquiry on recognition in the Committee of the Whole during general debate on a District of Columbia bill:

> MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Chairman, when the Committee on the District of Columbia has the call and the Committee of the Whole House on the state of the Union is considering legislation, is it necessary, in gaining recognition, that a Member has to be in opposition to the bill or is any Member whatsoever entitled to one hour's time for general debate?
>
> THE CHAIRMAN: From the Chair's experience, gained through having been a member of this committee for over 10 years, he will state that where a bill is called up for general debate on District day in the Committee of the Whole House on the state of the Union, and the chairman of the committee has yielded the floor, a member of the committee opposed to the bill is entitled to recognition over any other member opposed to the bill, and it was the duty of the Chair to ascertain whether there were any members of the committee opposed to the bill who would be entitled to prior recognition. The Chair, having ascertained there were no members of the committee opposed to the bill, took pleasure, under the direction of the gentleman from Wisconsin, in recognizing the gentleman from Mississippi.

Parliamentarian's Note: Ordinarily, consideration of District of Columbia business in Committee of the Whole is preceded by a unanimous-consent agreement in the House as to division and control of general debate.

Announcement by Chair as to Recognition Under Five-minute Rule

§ 12.12 The Chairman of the Committee of the Whole announced that during consideration of an appropriation bill under the five-minute rule he would alternate recognition between the majority and minority sides of the aisle and would follow the following priorities: first, members of the committee or subcommittee handling the bill; second, members of the full Committee on Appropriations; and finally, other Members of the House.

On July 30, 1969,[20] Chairman Chet Holifield, of California, made an announcement on the order of recognition during consideration under the five-minute rule of H.R. 13111, appropriations for the

19. 75 CONG. REC. 7990, 72d Cong. 1st Sess.

20. 115 CONG. REC. 21420, 91st Cong. 1st Sess.

Health, Education, and Welfare and Labor Departments:

> The Chair might state, under the procedures of the House, he is trying to recognize first members of the subcommittee on appropriations handling the bill and second general members of the Committee on Appropriations. It is his intention to go back and forth to each side of the aisle to recognize Members who have been standing and seeking recognition the longest. The gentlewoman from Hawaii sought recognition all yesterday afternoon, and the Chair was unable to recognize her because of the procedures of the House, having to recognize Members on both sides of the aisle who are members of the committee. I wish the Members to know that the Chair will recognize them under the normal procedures.

Recognition for Motion To Strike Enacting Clause Where Another Had Been Recognized To Offer Amendment

§ 12.13 Under Rule XXIII clause 7, a motion to strike out the enacting clause takes precedence over a motion to amend, and may be offered where another Member has been recognized to offer an amendment but prior to reading of the amendment by the Clerk.

During consideration of H.R. 6096, the Vietnam Humanitarian and Evacuation Act, in the Committee of the Whole on Apr. 23, 1975,[1] the principle described above was demonstrated as follows:

> MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I offer an amendment.
>
> THE CHAIRMAN:[2] The Clerk will read.
>
> PREFERENTIAL MOTION OFFERED BY MR. BLOUIN
>
> MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Blouin moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.
>
> MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Chairman, I have a parliamentary inquiry. . . .
>
> I recognize that the gentleman has a preferential motion, but is it not so that the Chair had recognized the gentleman from Texas to offer his amendment?
>
> THE CHAIRMAN: The Chair had recognized the gentleman from Texas, to offer an amendment but the preferential motion supersedes that amendment.
>
> MR. WAGGONNER: Even after the gentleman had been recognized to proceed?
>
> THE CHAIRMAN: He had not been recognized. The amendment had not been read.

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1. 121 CONG. REC. 11513, 94th Cong. 1st Sess.

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

MR. WAGGONNER: The gentleman had been recognized.

THE CHAIRMAN: The gentleman had been recognized only for the purpose of finding out the reason for which he sought recognition. The gentleman stated that he had an amendment at the desk. The Chair asked the Clerk to report the amendment, and before the amendment was reported, a preferential motion was made.

The gentleman from Iowa (Mr. Blouin) is recognized.

Amendments to General Appropriation Bill

§ 12.14 When a general appropriation bill has been read, or considered as read, for amendment in its entirety, the Chair (after entertaining points of order) first entertains amendments which are not prohibited by clause 2(c) of Rule XXI, and then recognizes for amendments proposing limitations not contained or authorized in existing law pursuant to clause 2(d) of Rule XXI, subject to the preferential motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been agreed to.

The following proceedings occurred in the Committee of the Whole on Oct. 27, 1983,[3] during consideration of H.R. 4139 (Department of Treasury and Postal Service appropriations for fiscal 1984):

MR. [CHRISTOPHER H.] SMITH of New Jersey: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[4] The gentleman will state his parliamentary inquiry.

MR. SMITH of New Jersey: Mr. Chairman, would it be in order at this time to offer a change in the language that would not be considered under the House rules to be legislating on an appropriations bill?

THE CHAIRMAN: The Chair will first entertain any amendment to the bill which is not prohibited by clause 2(c), rule XXI, and will then entertain amendments proposing limitations pursuant to clause 2(d), rule XXI.

MR. SMITH of New Jersey: Mr. Chairman, I offer an amendment.

MR. [BRUCE A.] MORRISON of Connecticut: Mr. Chairman, I reserve a point of order against the amendment.

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New Jersey: On page 49, immediately after line 2, add the following new section:

"Sec. 618. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program

3. 129 CONG. REC. 29630, 29631, 98th Cong. 1st Sess.

4. Philip R. Sharp (Ind.).

which provides any benefits or coverages for abortions. . . .

MR. MORRISON of Connecticut: Mr. Chairman, I would like to be heard on my point of order. . . .

Mr. Chairman, my point of order is that this amendment constitutes a limitation on an appropriation and cannot be considered by the House prior to the consideration of a motion by the Committee to rise.

THE CHAIRMAN: The Chair must indicate to the gentleman that no such preferential motion has yet been made.

The gentleman is correct that a motion that the Committee rise and report the bill to the House with such amendments as may have been adopted takes precedence over an amendment proposing a limitation.

MR. MORRISON of Connecticut: Mr. Chairman, then I move that the committee do now rise. . . .

THE CHAIRMAN: . . . It would be more appropriate if a motion to rise and report the bill to the House with such amendments as have been adopted, pursuant to clause 2(d), rule XXI were offered instead. . . .

MR. [EDWARD R.] ROYBAL [of California]: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that bill, as amended, do pass.

[The motion was rejected.]

MR. SMITH of New Jersey: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New Jersey: On page 49, immediately after line 2, add the following new section:

"Sec. 618. No funds appropriated by this Act shall be available to pay for an abortion. . . .

Parliamentarian's Note: Mr. Smith was the only Member seeking recognition to offer a limitation after the preferential motion was rejected and could have been preempted by a member of the Appropriations Committee or a more senior member offering an amendment since principles governing priority of recognition would remain applicable. A Member who has attempted to offer a limitation before the motion to rise and report is rejected is not guaranteed first recognition for a limitation amendment.

Member of Minority Opposed to Bill Has Priority Over Majority Member Opposed To Control Time in Opposition to Motion To Suspend Rules

§ 12.15 To control the time in opposition to a motion to suspend the rules and pass a bill (on which a second is not required), the Speaker recognizes a minority Member who is opposed to the bill, and if no minority member of the reporting committee qualifies to control the time in opposition, a minority Member who is opposed may be recognized.

The following proceedings occurred in the House on May 4, 1981,[5] during consideration of the Cash Discount Act (H.R. 3132):

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3132) to amend the Truth in Lending Act to encourage cash discounts, and for other purposes. . . .

THE SPEAKER:[6] Pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois (Mr. Annunzio) will be recognized for 20 minutes, and the gentleman from Delaware (Mr. Evans) will be recognized for 20 minutes.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. WALKER: May I inquire, Mr. Speaker, is the gentleman from Delaware (Mr. Evans) opposed to the bill?

THE SPEAKER: Is the gentleman from Delaware (Mr. Evans) opposed to the bill?

MR. [THOMAS B.] EVANS [Jr.] of Delaware: No; Mr. Speaker, I am not opposed to the bill.

THE SPEAKER: Is the gentleman from Pennsylvania (Mr. Walker) opposed to the bill?

MR. WALKER: Yes; Mr. Speaker, I am.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Walker) is entitled to the time that the gentleman from Delaware (Mr. Evans) would have had.

So the gentleman from Illinois (Mr. Annunzio) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. Walker) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Annunzio).

Parliamentarian's Note: Representative Barney Frank, of Massachusetts, a majority party member of the Banking Committee, desired recognition to control the time in opposition, but a minority member opposed is entitled to recognition over a majority member even if on the committee.

Special Rule—Control of Time in Opposition

§ 12.16 Where a special rule limiting debate on an amendment under the five-minute rule requires the time thereon to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, the Chair has discretion in determining which Member to control the time in opposition, and may recognize the majority chairman of the subcommittee with jurisdiction over the subject matter of an amendment which has been offered by a member of the minority, over the rank-

5. 127 CONG. REC. 8323, 8324, 97th Cong. 1st Sess.

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

ing minority member of the full committee managing the bill, to control the time in opposition under the principle of alternation of recognition.

On Sept. 24, 1984,[7] the Committee of the Whole had under consideration House Joint Resolution 648 (continuing appropriations) when an amendment was offered as indicated below:

MR. [HANK] BROWN of Colorado: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[8] The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Brown of Colorado: Page 2, line 24, strike out the period at the end of section 101(b) and insert in lieu thereof the following: ": *Provided,* That 2 percent of the aggregate amount of new budget authority provided for in each of the first three titles of H.R. 6237 shall be withheld from obligation. . . .

THE CHAIRMAN: Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Colorado (Mr. Brown) will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Colorado (Mr. Brown). . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I rise in opposition to the amendment.

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN: The Chair is required to choose between these two distinguished gentlemen and would prefer to alternate the parties in this case.

The Chair will recognize the gentleman from Maryland (Mr. Long). The gentleman from Maryland is recognized for 15 minutes in opposition to the amendment.

§ 12.17 Where a special rule limited debate time on amendments to be controlled by a proponent and opponent, the Chair accorded priority of recognition in opposition to an amendment to a minority member of one of the reporting committees over a majority Member not on any reporting committee.

The following proceedings occurred in the Committee of the Whole on Apr. 29, 1987,[9] during consideration of the Trade Reform Act of 1987 (H.R. 3):

MR. [CLAUDE] PEPPER [of Florida]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[10] The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Pepper: On page 278, after line 23, add the following section:

7. 130 CONG. REC. 26769, 26770, 98th Cong. 2d Sess.

8. George E. Brown, Jr. (Calif.).

9. 133 CONG. REC. 10488, 100th Cong. 1st Sess.

10. Anthony C. Beilenson (Calif.).

Sec. 199. The USTR shall request that all relevant agencies prepare appropriate recommendations for improving the enforcement of restrictions on importation of articles from Cuba. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Chairman, would the Chair state how the time will be divided on the amendment that has been read?

THE CHAIRMAN: The gentleman from Florida [Mr. Pepper] will be entitled to 15 minutes and a Member in opposition will be entitled to 15 minutes.

MR. ALEXANDER: Mr. Chairman, I am opposed to the amendment, and I would request that that time be assigned to me, if some Member of the committee is not opposed.

THE CHAIRMAN: The Chair will advise the gentleman from Arkansas if there is someone else on the committee who seeks time in opposition, the Chair would designate that person in opposition.

Does the gentleman from Minnesota [Mr. Frenzel] seek time in opposition?

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, I am opposed to the amendment, and I also seek time in opposition.

THE CHAIRMAN: The gentleman from Minnesota [Mr. Frenzel] will have 15 minutes in opposition.

—All Amendments Except Pro Forma Amendments Prohibited

§ 12.18 Where the Committee of the Whole resumed consideration of a bill under a special rule prohibiting amendments to a pending amendment except pro forma amendments for debate, the Chair announced that he would first recognize Members who had not offered pro forma amendments on the preceding day, priority of recognition being given to members of the reporting committee.

On Aug. 3, 1977,[11] the following proceedings occurred in the Committee of the Whole during consideration of the National Energy Act (H.R. 8444):

THE CHAIRMAN:[12] The Chair would like to make a statement for the information of the Members of the Committee of the Whole.

The Chair has before it a list of those who spoke on this amendment yesterday. The Chair will recognize those who have not spoken on this amendment first and, of course, preference will be given to the members of the ad hoc committee and any Member, of course, under the rule has the right to offer pro forma amendments. The Chair will adhere to that direction.

The gentleman from Michigan (Mr. Dingell) did not speak on this amendment yesterday, so as a member of the ad hoc committee, for what purpose does the gentleman from Michigan (Mr. Dingell) [rise]?

11. 123 CONG. REC. 26444, 95th Cong. 1st Sess.

12. Edward P. Boland (Mass.).

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move to strike the last word.

—*Permitting Simultaneous Pendency of Three Amendments in Nature of Substitute Then Perfecting Amendments in Specified Order*

§ 12.19 Where a special rule permitted the simultaneous pendency of three amendments in the nature of a substitute and then permitted the offering of pro forma amendments and of perfecting amendments in a specified order, the Chair indicated that he would recognize the proponent of each substitute under the five-minute rule and for unanimous-consent extensions of time, then Members offering pro forma amendments to debate any of the substitutes once pending, and then Members designated to offer perfecting amendments.

The House having agreed to a special rule[13] for the consideration of House Concurrent Resolution 345, the first concurrent resolution on the budget for fiscal 1983, a discussion of the effect of the rule took place on May 25, 1982. The special rule stated in part:

H. RES. 477

Resolved, That upon the adoption of this resolution it shall be in order, section 305(a)(1) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 345) revising the congressional budget for the United States Government for the fiscal year 1982. . . . No amendment to the concurrent resolution shall be in order except those listed in categories A and B as follows: (A) four amendments in the nature of a substitute printed in the Congressional Record of May 21, 1982 . . . (B) after all amendments in category A above are disposed of, the following three amendments in the nature of a substitute printed in the Congressional Record of May 21, 1982, which shall be offered and voted on only in the following order but which shall if offered be pending simultaneously as amendments in the first degree and said amendments shall be in order any rule of the House to the contrary notwithstanding: (1) an amendment in the nature of a substitute by, and if offered by, Representative Latta of Ohio; (2) an amendment in the nature of a substitute by, and if offered by, Representative Aspin of Wisconsin; and (3) an amendment in the nature of a substitute consisting of the text of H. Con. Res. 345 if offered by Representative Jones of Oklahoma. None of the

13. H. Res. 477, 128 CONG. REC. 11085, 11093, 97th Cong. 2d Sess., May 21, 1982.

said substitutes in category B shall be subject to amendment except by pro forma amendments for the purpose of debate only and by the following perfecting amendments printed in the Congressional Record of May 21, 1982:

(1) the amendment by Representative Pease; . . .

(67–68) the amendments by Representative Clausen in the order in which printed.

These perfecting amendments, if offered, shall be considered only in the order listed in this resolution and shall be in order any rule of the House to the contrary notwithstanding.

The discussion of the effect of the rule was as follows:[14]

MR. [TRENT] LOTT [of Mississippi]: . . . As I understand it, we have now completed the four substitutes under the so-called category A substitutes, and we are prepared to move into category B, where three substitutes may be offered.

I would like to inquire as to the order in which those three would be offered and what then would be the parliamentary situation.

THE CHAIRMAN:[15] Perhaps it would be helpful if the Chair re-read an earlier statement. . . .

The Chair proposes to recognize and allow debate by the three Members proposing to whatever amount of time the committee approves, each in order, until all are pending before the Committee of the Whole. In other words, Mr. Latta will be recognized first. He will have as much debate as is allowed to him under the 5-minute rule by the Committee. Then Mr. Aspin will be recognized, if he rises, to go through the same process. Then Mr. Jones will be third on that list for the same process. Then, the Committee will go back and all the amendments in the nature of a substitute will be subject to amendment in the manner described. . . .

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, in listening to what the Chair has just explained to the minority whip, I assume the procedure will be, after I yield the floor in introducing my substitute, then we will go immediately to Mr. Aspin, and as soon as he yields the floor we will then go to Mr. Jones.

THE CHAIRMAN: That is correct.

MR. LATTA: So we will not have any intervening debate at that point.

THE CHAIRMAN: No. The only possible exception to that is that by unanimous consent—and the Chair tried to imply this—by unanimous consent if the gentleman seeks additional time over 5 minutes of that provided, that he will be given that opportunity. No other debate will intervene.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Chairman, a parliamentary inquiry. . . . Suppose an amendment is offered by the proponent to one substitute but not to other substitutes. At that particular time, as I understand the rule, the amendment would then be available to other Members to offer to the substitutes which had not been considered previous to that time. The question occurs as to whether or not, after the amendment has been disposed of once, whether another Mem-

14. 128 CONG. REC. 11681, 11682, 97th Cong. 2d Sess., May 25, 1982.

15. Richard Bolling (Mo.).

ber could come back to that amendment to offer it to another substitute, or are all Members precluded from using an amendment printed in the Record after the amendment which comes after that in sequence, has been considered?

THE CHAIRMAN: The Chair has consulted with the Parliamentarian, and agrees that if one proposal is made and there is nobody who rises when the request by the Chair is made, "Is there an additional offering of that amendment," then that amendment will be closed off.

Amendment No. 1 will be over, and then the Committee will move to amendment No. 2, and move to amendment No. 3 in exactly that same fashion. In other words, each amendment will be dealt with by itself and finally.

MR. RHODES: If I understand the Chair correctly, then if amendment No. 1 is offered to Latta and disposed of, and amendment No. 1 is not then offered to the other substitutes and no other Member other than the proponent desires to offer it, then the Committee goes to amendment No. 2, and any further offerings of amendment No. 1 would be precluded?

THE CHAIRMAN: That is correct.

MR. LATTA: Mr. Chairman, a further parliamentary inquiry. . . .

As I recall the rule, there is a slight variation. If, in the situation the Chairman just explained, if say amendment No. 5 is offered to our substitute and does not prevail, and then they offer it to the Aspin substitute, or to the Jones substitute, then there are only 10 minutes of debate allowed under the rule.

THE CHAIRMAN: That is correct. The second and third offerings would be under a 10-minute rule. . . .

MR. [LES] ASPIN [of Wisconsin]: Mr. Chairman, if we go through the series where Mr. Latta offers his substitute and maybe asks for additional time to explain it, and then explains his substitute; then we go to the coalition substitute and I may ask for additional time, and so forth; we finish the presentation of all three substitutes, is it the intention of the Chair to recognize additional Members for general debate on the substitutes, or is it the intention of the Chair to go directly to the amendments at that point?

THE CHAIRMAN: The Chair will entertain pro forma amendments for a time, and at the conclusion of that, he will go to numbered amendments. . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, a parliamentary inquiry one more time. . . .

The question is prompted by the question of the gentleman from Wisconsin (Mr. Aspin) because under normal procedure there would be a presentation of a Member, and joined in by either cosponsors or other Members. Would it make a more orderly process if at least a selected few or limited number be recognized in general support of the proposition that was introduced before getting to that amendment stage?

THE CHAIRMAN: The gentleman from Ohio (Mr. Latta) can yield for that purpose if he gets extra time, but it would make for a more orderly process to get all three substitutes presented, with only the principal proponent being allowed debate at that point. At the end of those three being set in and available simultaneously, then, as the Chair just said, he would entertain pro forma amendments by Members who desire

to support or oppose any one of the three, and at the conclusion of a reasonable time, then proceed to the numbered amendments.

After Rejection of Previous Question

§ 12.20 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down, the resolution would be open to further consideration and debate, and that the Chair, under the hour rule, would recognize the Member who appeared to be leading the opposition.

On Oct. 19, 1966,[16] Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour and offered a committee amendment to the resolution, which amendment was agreed to. Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries on the order of recognition should Mr. Pepper move the previous question and should the motion be defeated:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. WAGGONNER: Mr. Speaker, under the rules of the House, is it not equally so that a motion to table would then be in order?

THE SPEAKER: At that particular point, that would be a preferential motion. . . .

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Speaker, if the previous question is refused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?

THE SPEAKER: The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.

MR. FULTON of Pennsylvania: What would be the time for debate?

THE SPEAKER: Under those circumstances the Member recognized in opposition would have 1 hour at his disposal, or such portion of it as he might desire to exercise.[17]

16. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

17. For the practice of recognizing Members opposed after rejection of an es-

For Motion To Recommit

§ 12.21 In response to a parliamentary inquiry the Speaker stated that recognition to offer a motion to recommit is the prerogative of a Member opposed to the bill, that the Speaker will first look to minority members of the committee reporting the bill in their order of seniority on the committee, second to other Members of the minority and finally to majority Members opposed to the bill; thus, a minority Member opposed to a bill but not on the committee reporting it is entitled to recognition to offer a motion to recommit over a majority Member who is also a member of the committee.

On July 10, 1975,[18] during consideration of H.R. 8365 (Department of Transportation appropriations) in the House, the Speaker put the question on passage of the bill and then recognized Mr. William A. Steiger, of Wisconsin, a minority Member, to offer a motion to recommit. The proceedings were as follows:

THE SPEAKER:[19] The question is on the passage of the bill.

MR. STEIGER of Wisconsin: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. STEIGER of Wisconsin: I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies. The Clerk will report the motion to recommit.

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, the gentleman is not a member of the Committee on Appropriations. As I understand the rule, a member of the Committee on Appropriations must offer a motion to recommit.

The gentleman who offered the motion is not on the Committee on Appropriations.

THE SPEAKER: A member of the minority has priority over all the members of the majority, regardless of whether he is on the committee.

MR. YATES: Mr. Speaker, may I continue with my statement on the point of order.

THE SPEAKER: You may.

MR. YATES: "Cannon's Precedents" states, Mr. Speaker, that if a motion is offered by a person other than a member of the committee, a member of the committee takes precedence in offering a motion to recommit.

THE SPEAKER: A motion to recommit is the prerogative of the minority, and

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sential motion, see *House Rules and Manual* § 755 (1995).

18. 121 CONG. REC. 22014, 22015, 94th Cong. 1st Sess. See also § 12.4, supra.

19. Carl Albert (Okla.).

the Chair so rules and so answers the parliamentary inquiry.

MR. YATES: Mr. Speaker, may I refer the attention of the Chair to page 311.

I am quoting from page 311 of "Cannon's Precedents."

> A member of the committee reporting the measure and opposed to it is entitled to recognition to move to recommit over one not a member of the committee but otherwise qualified.

And, Mr. Speaker, it cites volume 8, page 2768.

THE SPEAKER: The Chair desires to call the attention of the gentleman on the question of the motion to "Deschler's Procedure" chapter 23, section 13. It provides that in recognizing Members who move to recommit, the Speaker gives preference to the minority Member, and these recent precedents are consistent with the one cited by the gentleman from Illinois.

What the gentleman is saying is that because he is a member of the Committee on Appropriations, he is so entitled. The Chair has not gone over all the precedents, but the Chair can do it if the gentleman desires him to do so.

The rule is not only that a member of the minority on the Committee on Appropriations has preference over a majority member, but any Member from the minority is recognized by the Speaker over any Member of the majority, regardless of committee membership.

MR. YATES: Mr. Speaker, if the Speaker will permit me to continue——

THE SPEAKER: The only exception is when no Member of the minority seeks to make a motion to recommit.

MR. YATES: Mr. Speaker, in that respect may I say that "Cannon's Precedents" is clear on that point; that where none of those speaking, seeking recognition, are members of the committee and otherwise equally qualified, the Speaker recognizes the Member from the minority over the majority.

But the point is, Mr. Speaker, that I am a member of the committee where the gentleman offering the motion to recommit on the minority side is not a member of the committee.

I suggest, therefore, that under the precedents, I should be recognized.

THE SPEAKER: The Chair will state that in order that there can be no mistake the Chair will ask the Clerk to read the following passage from the rules and manual of the House.

The Clerk read as follows (from section 788):

> Recognition to offer the motion to recommit, whether in its simple form or with instructions, is the prerogative of a Member who is opposed to the bill (Speaker Martin, Mar. 29, 1954, p. 3692); and the Speaker looks first to minority members of the committee reporting the bill, in order of their rank on the committee (Speaker Garner, Jan. 6, 1932, p. 1396; Speaker Byrns, July 2, 1935, p. 10638), then to other Members on the minority side (Speaker Rayburn, Aug. 16, 1950, p. 12608). If no Member of the minority qualifies, a majority Member who is opposed to the bill may be recognized (Speaker Garner, Apr. 1, 1932, p. 7327).

THE SPEAKER: The Chair states that that definitely settles the question, and the Chair recognizes the gentleman from Wisconsin to offer the motion to recommit.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Steiger of Wisconsin moves to recommit the bill H.R. 8365 to the Committee on Appropriations.

—Conference Report; Bill Reported by Two Committees

§ 12.22 On one occasion, the Speaker Pro Tempore recognized the ranking minority member of one of the two committees which had originally reported a bill in the House, who was not a conferee on the bill, to move to recommit a conference report, rather than the second highest ranking minority member of the other committee which had reported the bill, who was a conferee (although the highest ranking minority member of a select committee normally has the right to recognition to move to recommit a bill reported from a select committee).

The following proceedings occurred in the House on June 27, 1980,[20] during consideration of the conference report on S. 1308 (Energy Mobilization Board):

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT

THE SPEAKER PRO TEMPORE:[1] For what reason does the gentleman from Ohio (Mr. Devine) rise?

MR. [SAMUEL L.] DEVINE [of Ohio]: Mr. Speaker, I offer a motion to recommit.

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Speaker, I am a member of the conference committee, and I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Ohio (Mr. Devine).

MR. DEVINE: Mr. Speaker, I offer a motion to recommit, and I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The gentleman qualifies.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LUJAN: Mr. Speaker, does not a member of the conference committee have preference in recognition to the ranking minority member on the standing committee working on the bill?

THE SPEAKER PRO TEMPORE: The gentleman from Ohio (Mr. Brown) was on his feet at the time of the recommital motion. Does the gentleman from Ohio, the second ranking minority member of the conference committee, have a motion?

MR. [CLARENCE J.] BROWN of Ohio: I am unqualified for the motion to recommit. I was standing, however, to make sure that the motion to recommit was protected for the minority, and when the Chair recognized the gen-

20. 126 CONG. REC. 17371, 96th Cong. 2d Sess.

1. John P. Murtha (Pa.).

tleman from Ohio (Mr. Devine), the ranking minority member of the Commerce Committee, I took my seat. . . .

MR. LUJAN: Mr. Speaker, I did not hear an answer to my parliamentary inquiry.

THE SPEAKER PRO TEMPORE: As the gentleman knows, the Chair's control over recognition is not subject to challenge and the Chair recognized the gentleman from Ohio (Mr. Devine).

The gentleman from Ohio (Mr. Devine) is recognized for a motion.

MR. DEVINE: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE: Is the gentleman opposed to the conference report?

MR. DEVINE: I am opposed to the bill, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Devine moves to recommit the conference report to accompany the Senate bill, S. 1308, to the committee of conference.

Parliamentarian's Note: Ordinarily, the prior right to recognition to move to recommit should belong to a member of a conference committee (the committee reporting the bill).

For Motion To Refer

§ 12.23 While recognition to offer a motion to recommit a bill or joint resolution (previously referred to committee) under clause 4 of Rule XVI is the prerogative of the minority party if opposed to the bill, recognition to offer a motion to refer under clause 1 of Rule XVII after the previous question has been moved or ordered on a resolution (not previously referred to committee) does not depend on party affiliation or upon opposition to the resolution.

During consideration of House Resolution 1042 (directing the Committee on Standards of Official Conduct to investigate the unauthorized publication of the report of the Select Committee on Intelligence) in the House on Feb. 19, 1976,[2] the following proceedings occurred:

MR. [SAMUEL S.] STRATTON [of New York]: I rise to a question involving the privileges of the House, and I offer a privileged resolution.

The Clerk read the resolution as follows:

H. RES. 1042

Resolution requiring that the Committee on Standards of Official Conduct inquire into the circumstances leading to the public publication of a report containing classified material prepared by the House Select Committee on Intelligence

Whereas the February 16, 1976, issue of the Village Voice, a New

2. 122 CONG. REC. 3914–21, 94th Cong. 2d Sess.

York City newspaper, contains the partial text of a report or a preliminary report prepared by the Select Committee on Intelligence of the House, pursuant to H. Res. 591, which relates to the foreign activities of the intelligence agencies of the United States and which contains sensitive classified information . . . Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct be and it is hereby authorized and directed to inquire into the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence, and to report back to the House in a timely fashion its findings and recommendations thereon.

THE SPEAKER:[3] The gentleman from New York (Mr. Stratton) is recognized for 1 hour. . . .

MR. STRATTON: I yield for the purposes of debate only to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'Neill). . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, some of the Members have been curious as to why the gentleman from New York (Mr. Stratton) has the floor at this time and why the resolution is privileged.

It is privileged because he believes that the rules of the House and the processes of the integrity of the House have been transgressed.

I believe that Mr. Stratton's motion to usurp the normal procedure is transgressing on the rights of all our membership here, and especially the rights of the members of the Rules Committee which normally would have jurisdiction over this issue. We should demand the normal course. We should not just say, "Here, we will send this to the Ethics Committee and the Ethics Committee will make an investigation, because we are going to bypass the Committee on Rules." That is exactly what Mr. Stratton desires. I want the Members to know that when the time comes, after the hour provided to the gentleman from New York (Mr. Stratton) is over, and after that gentleman has moved the previous question, that I will rise, and I will expect that the Speaker will recognize me and I will then move, at that time, that, pursuant to clause 1 of rule XVII, that the resolution be referred to the Committee on Rules. . . .

MR. STRATTON: Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

MR. O'NEILL: Mr. Speaker, pursuant to rule XVII, clause 1, I move to refer the resolution to the Committee on Rules.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman from Maryland will state the point of order.

MR. BAUMAN: Mr. Speaker, I make the point of order that the gentleman's motion comes too late. The Chair has already put the previous question and it has been moved.

THE SPEAKER: The motion to refer a resolution is in order after the previous question is ordered under clause 1, rule XVII. . . .

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, the gentleman from Mas-

3. Carl Albert (Okla.).

sachusetts, the distinguished majority leader, has offered, in effect, a motion to recommit the original resolution. Is it not true that under the practices and procedures of this House one who is opposed to the motion and who is on the minority side of the aisle is entitled to control of the motion to recommit? Would I not be entitled to preference over the gentleman from Massachusetts in offering a motion to recommit which is, in effect, what the gentleman from Massachusetts has offered?

THE SPEAKER: The gentleman is referring to the procedure under rule XVI. In this rather unique situation, the resolution has not been before a committee and the House technically cannot recommit a resolution that has never been previously referred to committee. This is a motion to commit or refer under rule XVII and not a motion to recommit under clause 4, rule XVI.[4]

Parliamentarian's Note: If the Majority Leader had offered the motion to refer under clause 1 of Rule XVII when the previous question was moved but before it was ordered, the motion to refer would itself have been debatable as well as amendable.

Under Motion To Suspend Rules

§ 12.24 Alternation of recognition is not followed during the 40 minutes of debate on a motion to suspend the rules.

On Sept. 20, 1961,[5] Mr. William R. Poage, of Texas, moved to suspend the rules and pass a bill. After a second was ordered, Mr. H. R. Gross, of Iowa, stated:

I understand that under the rules it is not necessary to rotate time under a suspension of the rules.

Speaker Pro Tempore John W. McCormack, of Massachusetts, responded "That is correct."

On Apr. 16, 1962,[6] Mr. James Roosevelt, of California, moved to suspend the rules and pass a bill. Speaker Pro Tempore Carl Albert, of Oklahoma, stated, in response to a parliamentary inquiry by Mr. Gross, that under suspension of the rules it was not necessary to rotate the time between opposing and favoring sides of the question.[7]

§ 12.25 In recognizing a Member to demand a second (under a former rule) on a

4. See also 2 Hinds' Precedents § 1456.

5. 107 CONG. REC. 20491, 87th Cong. 1st Sess.

6. 108 CONG. REC. 6682, 87th Cong. 2d Sess.

7. The practice of alternation is not followed where a limited time is controlled by Members in the House, as in the 40 minutes' debate provided for suspension of the rules and where the previous question has been moved without debate on a debatable question (see 2 Hinds' Precedents § 1442).

motion to suspend the rules and pass a bill or agree to an amendment, the Speaker gave preference to a majority Member opposed to the bill or amendment over a minority Member who did not qualify as being opposed.

During consideration of House Joint Resolution 644 (further continuing appropriations for fiscal year 1981) in the House on Dec. 15, 1980,[8] the following proceedings occurred:

THE SPEAKER:[9] Is a second demanded?

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I demand a second.

THE SPEAKER: The gentleman from Illinois demands a second.

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Speaker, a point of order. Does the gentleman object to the resolution?

THE SPEAKER: There is no objection. This is for suspension of the rules.

MR. STRATTON: Well, he fails to qualify for a second. I demand a second.

MR. MICHEL: I recognize the gentleman's prerogative, Mr. Speaker. I am not opposed to the joint resolution.

THE SPEAKER: The gentleman from New York has the second, since he qualifies as being opposed to the motion.

Without objection, a second will be considered as ordered.

There was no objection.

THE SPEAKER: The gentleman from Mississippi (Mr. Whitten) will be recognized for 20 minutes, and the gentleman from New York (Mr. Stratton) will be recognized for 20 minutes.

Parliamentarian's Note: Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from Rule XXVII in the 102d Congress (see H. Res. 5, Jan. 3, 1991).

§ 12.26 A Member of the minority who was opposed to a bill considered under suspension of the rules had the right to recognition, over a majority Member opposed to the bill, to demand a second thereon (under a former rule) and to control the twenty minutes of debate in opposition thereto.

On Nov. 17, 1980,[10] the House had under consideration S. 885 (Pacific Northwest Electric Power Planning and Conservation Act of 1980) when the following proceedings occurred:

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 885) to assist the electrical con-

8. 126 CONG. REC. 34191, 96th Cong. 2d Sess.

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

10. 126 CONG. REC. 29788–801, 96th Cong. 2d Sess.

sumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes, as amended.

The Clerk read as follows:

Strike out all after the enacting clause of S. 885 and insert the text of H.R. 8157 as amended.

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act, together with the following table of contents, may be cited as the "Pacific Northwest Electric Power Planning and Conservation Act". . . .

THE SPEAKER:[11] Is a second demanded?

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I demand a second.

MR. [JAMES] WEAVER [of Oregon]: Mr. Speaker, I demand a second.

THE SPEAKER: The gentleman from Wisconsin from the minority is entitled to the second.

MR. WEAVER: Mr. Speaker, is the gentleman opposed to the bill? I am opposed to the bill.

THE SPEAKER: Is the gentleman from Wisconsin opposed to the bill?

MR. SENSENBRENNER: I am opposed to the bill.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection.

THE SPEAKER: The gentleman from Texas (Mr. Kazen) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. Sensenbrenner) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. Kazen).

Parliamentarian's Note: Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from Rule XXVII in the 102d Congress (see H. Res. 5, Jan. 3, 1991).

§ 13.—Of Members of Committee

Cross References

Committee management and amendments, see Ch. 27, supra.

House committees, their powers and jurisdiction, see Ch. 17, supra.

Opening and closing debate as prerogative of committee members, see § 7, supra.

Priority of committee members on specific questions and motions, see §§ 16 et seq., infra.

Recognition of members of Committee on Rules on special orders, see Ch. 21, supra.

Recognition of members of conference committees, see Ch. 33, infra.

Seniority and derivative rights, see Ch. 7, supra.

Special orders vesting control in committee members, see § 28, infra.

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