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

The Clerk read as follows:

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

SHORT TITLE AND TABLE OF CONTENTS

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

THE SPEAKER:[11] Is a second demanded?

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

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

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

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

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

MR. SENSENBRENNER: I am opposed to the bill.

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

There was no objection.

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

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

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

§ 13.—Of Members of Committee

Cross References

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

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

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

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

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

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

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

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

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

Generally

§ 13.1 As a customary practice and in the absence of other considerations, members of the committee which reported a bill are entitled to prior recognition thereon.

On Feb. 10, 1941,[12] Chairman Clarence Cannon, of Missouri, responded to a parliamentary inquiry on the practice of extending priority for recognition to members of the committee reporting a bill:

> MR. [LYLE H.] BOREN [of Oklahoma]: Mr. Chairman, I rise to a parliamentary inquiry. I want it thoroughly understood that I recognize fully the custom of members of the committee being recognized ahead of any other Member on the floor, not a member of the committee. I am quite willing to withdraw my amendment for that purpose, but as I understood it the gentleman from Tennessee [Mr. Cooper] rose to make the point of order that my recognition at that time was not in order. I understood the Chair sustained the point of order and recognized the gentleman from New York [Mr. Crowther]. I should like to be enlightened as to under what rule of the House that point of order is sustained after the Chair had recognized me for the purpose of offering an amendment.
>
> THE CHAIRMAN: The gentleman from New York [Mr. Crowther] is a member of the committee reporting the bill and, therefore, entitled to prior recognition.
>
> MR. [JACK] NICHOLS [of Oklahoma]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. NICHOLS: Is there a rule of the House that gives the members of the committee the right to recognition ahead of other Members of the House? Is that a rule of the House?
>
> THE CHAIRMAN: It is a procedure of long standing.
>
> MR. NICHOLS: It is not a rule of the House.
>
> THE CHAIRMAN: In the absence of other considerations, members of the committee in charge of the bill are entitled to prior recognition. The rule is essential to expedition in legislation and its importance is too obvious to require justification.

Parliamentarian's Note: No point of order was actually made or sustained relative to recognition. The Chair simply gave priority of recognition to a committee member, Mr. Crowther, to offer an amendment.

§ 13.2 During amendment of a bill in Committee of the Whole, the Chairman first recognizes members of the committee reporting the bill, if on their feet seeking recognition.

On June 29, 1939,[13] Chairman Jere Cooper, of Tennessee, ruled

12. 87 CONG. REC. 875, 876, 77th Cong. 1st Sess.

13. 84 CONG. REC. 8311, 76th Cong. 1st Sess.

that a Member who had been recognized to offer an amendment could not be deprived of recognition by members of the committee reporting the bill, if not on their feet seeking recognition:

MR. [HAROLD] KNUTSON [of Minnesota]: Mr. Chairman, I have an amendment at the Clerk's desk which I would like to offer at this time.

The Clerk read as follows:

Amendment offered by Mr. Knutson: Strike out all of section 1 and insert the following——

MR. [HAMILTON] FISH [Jr., of New York] (interrupting the reading of the amendment): Mr. Chairman, would it be in order for the committee members to be recognized first to offer amendments?

MR. KNUTSON: I have already been recognized.

THE CHAIRMAN: If there is any member of the committee seeking recognition, he is entitled to recognition.

MR. FISH: Mr. Chairman, I would like to be recognized.

MR. KNUTSON: I already have the floor, and have been recognized.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, the gentleman from Minnesota [Mr. Knutson] has already been recognized.

THE CHAIRMAN: Recognition is in the discretion of the Chair, and the Chair will recognize members of the committee first. Does the acting chairman of the committee seek recognition?

MR. [SOL] BLOOM [of New York]: Mr. Chairman, I would like to ask whether the committee amendments to section 1 have been agreed to?

THE CHAIRMAN: The only one the Chair knows about is the one appearing in the print of the bill, and that has been agreed to.

MR. BLOOM: In line 16, there is a committee amendment.

MR. KNUTSON: Mr. Chairman, I was recognized by the Chair.

THE CHAIRMAN: The Chair feels that inasmuch as members of the committee were not on their feet and the gentleman from Minnesota had been recognized, the gentleman is entitled to recognition.

Priority Over Member Who Introduced Bill

§ 13.3 Members of the committee reporting a bill are entitled to prior recognition over the Member who introduced the bill.

On July 8, 1937,[14] Chairman Marvin Jones, of Texas, answered a parliamentary inquiry on the order of recognition on the pending bill:

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, what is the order of priority on the bill? Does the author of the bill precede a member who is not a member of the committee?

THE CHAIRMAN: If the Chair understands the rule correctly, the members of the committee which report the bill have preference. After that all members of the Committee of the Whole are on equal standing.

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14. 81 CONG. REC. 6946, 75th Cong. 1st Sess.

Opposition to Substitute Amendment—Proponent of Amendment Does Not Have Priority

§ 13.4 The proponent of an amendment may be recognized to control the time in opposition to a substitute offered therefor, but a member of the committee reporting the bill has priority of recognition to control such time.

On May 4, 1983,[15] during consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding priority of recognition for debate:

> MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, I offer an amendment as a substitute for the amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Dicks as a substitute for the amendment offered by Mr. Levitas: In view of the matter proposed to be inserted, insert the following: "with negotiators proceeding immediately to pursuing reductions.". . . .
>
> MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a parliamentary inquiry. . . .
>
> My parliamentary inquiry is twofold, Mr. Chairman.
>
> The first is that under the rule if I am opposed to the amendment being offered as a substitute for my amendment, can I be recognized in opposition thereto?
>
> My second inquiry is: Is the substitute open for amendment?
>
> THE CHAIRMAN:[16] The answer to the second question is the substitute is open for amendment.
>
> It is appropriate under the rules to offer an amendment. In terms of whom the Chair recognizes in opposition, the Chair would be inclined to recognize a member of the committee, if a member of the committee seeks recognition in opposition to the amendment.
>
> If a committee member does not seek recognition for that purpose the Chair would be inclined to recognize the gentleman.

Members of Committee or Subcommittee

§ 13.5 The Chair, in giving preference of recognition on appropriation bills, does not distinguish between members of the full committee and members of the subcommittee which handled the bill.

On Apr. 7, 1943,[17] Chairman Luther A. Johnson, of Texas, recognized Mr. Frank B. Keefe, of Wisconsin, in opposition to a pro forma amendment. Mr. Keefe was

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15. 129 CONG. REC. 11074, 98th Cong. 1st Sess.

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

17. 89 CONG. REC. 3067, 78th Cong. 1st Sess.

a member of the Committee on Appropriations, which had reported the pending bill. Mr. John H. Kerr, of North Carolina, objected that he asked to be recognized, as a member of the subcommittee which had handled the bill. The Chairman stated as follows on the priority of recognition:

> As the Chair understands it, a member of the Committee on Appropriations has the same right as those who are members of that committee who happen to be members of a subcommittee. That is the parliamentary procedure, as the Chair understands it. The Chair has recognized the gentleman from Wisconsin. Had he not done so, he certainly would have recognized the gentleman from North Carolina.

§ 13.6 Priority of recognition to offer amendments under the five-minute rule in Committee of the Whole is extended to members of the full committee reporting the bill, alternating between the majority and minority, and the Chair does not distinguish between members of the subcommittee which considered the bill and other members of the full committee.

On July 2, 1980,[18] during consideration of the Rail Act of 1980 (H.R. 7235) in the Committee of the Whole, it was demonstrated that a decision of the Chair on a matter of recognition is not subject to a point of order. The proceedings were as follows:

> MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN:[19] The gentleman will state his inquiry.
>
> MR. ECKHARDT: Mr. Chairman, I was not aware at the time that this amendment was offered that it would purport to deal with a number of very different subjects. I assume that it would not be in order to raise a point of order concerning germaneness at this late time, not having reserved it, but I would like to ask if the question may be divided. There are several subjects that are quite divisible in the amendment offered here, and that deal with different matters.
>
> THE CHAIRMAN: The Chair will advise the gentleman from Texas that he is correct, it is too late to raise a point of order on the question of germaneness.
>
> The Chair will further advise the gentleman from Texas that a substitute is not divisible.
>
> MR. ECKHARDT: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.
>
> THE CHAIRMAN: The Clerk will report the amendment to the substitute amendment.
>
> MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, a point of order.

18. 126 CONG. REC. 18292, 96th Cong. 2d Sess.

19. Les AuCoin (Oreg.).

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

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

I further understand that the gentlewoman from Maryland, a member of the subcommittee, was on her feet seeking recognition for the purpose of offering an amendment, as well as the gentleman from North Carolina (Mr. Broyhill). . . .

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

Therefore, the gentleman is recognized, and any point of order that the gentleman from Illinois would make on that point would not be sustained.

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

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

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

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

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

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

because of the procedures of the House, having to recognize Members on both sides of the aisle who are members of the committee. I wish the Members to know that the Chair will recognize them under the normal procedures.

Parliamentarian's Note: The Chair normally follows the list of full committee seniority and is not bound by subcommittee rankings.

Alternation Between Majority and Minority

§ 13.8 While recognition of Members to offer amendments is within the Chair's discretion and cannot be challenged on a point of order, the Chair under the precedents alternates recognition between majority and minority members of the committee reporting the bill.

During consideration of the Outer Continental Shelf Act (H.R. 6218) in the Committee of the Whole on June 11, 1976,[1] the following occurred:

THE CHAIRMAN: V[2] The question is on the amendment offered by the gentleman from New York (Mr. Murphy).

The amendment was agreed to.

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Murphy of New York; On page 59, lines 12 to 20, strike paragraphs 5(a), (6), (7), and (8) and renumber subsequent paragraphs accordingly.

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Chairman, a point of order.

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

MR. FISH: Mr. Chairman, the minority has amendments to offer, including a substitute amendment to title II. It is my understanding that the minority would have its turn at the same time as the majority in considering the amendments.

THE CHAIRMAN: The Chair would advise the gentleman from New York (Mr. Fish) that that would not come under the category of a point of order; but the Chair would further advise the gentleman from New York (Mr. Fish) that since the gentleman has raised the point, the Chair will alternate from side to side.

§ 13.9 While the Chair endeavors to alternate recognition for the purpose of offering amendments, and controlling time in opposition thereto, between majority and minority Members, members of the committee reporting a pending bill are entitled to prior recognition over non-committee members regardless of their party affiliation.

On May 4, 1983,[3] during consideration of House Joint Resolu-

1. 122 CONG. REC. 17764, 94th Cong. 2d Sess.
2. William H. Natcher (Ky.).
3. 129 CONG. REC. 11068, 98th Cong. 1st Sess.

tion 13 (nuclear weapons freeze) in the Committee of the Whole, the Chair, in responding to an inquiry, indicated that priority in recognition is with the committee reporting the pending legislation:

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Solarz to the amendment offered by Mr. Levitas: Strike out the matter proposed to be added to the resolution by the Levitas amendment and insert in lieu thereof the following: ", with reductions to be achieved as soon as possible after the achievement of a mutual and verifiable freeze".

THE CHAIRMAN PRO TEMPORE:[4] The gentleman from New York (Mr. Solarz) is recognized for 15 minutes, for purposes of debate only, on his amendment.

MR. [JAMES G.] MARTIN of North Carolina: Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

MR. SOLARZ: Certainly. I am happy to yield for that purpose.

MR. MARTIN of North Carolina: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. MARTIN of North Carolina: Mr. Chairman, I would appreciate if the Chair would put a little time over here.

Is it customary and is it correct order for the business of the House of Representatives for the Chair to sequentially recognize only Members of the majority party time and time again, both to make an amendment, to take the position opposing that amendment, and then to offer the next amendment; is that regular order?

THE CHAIRMAN PRO TEMPORE: Under the precedents the priority in this instance is with the committee members to offer an amendment to the amendment.

MR. MARTIN of North Carolina: I beg pardon?

THE CHAIRMAN PRO TEMPORE: Priority in this instance by the Chair is with the committee members, regardless of party.

MR. MARTIN of North Carolina: That means the Chair will not recognize anyone on the Republican side until after all this has been disposed of, is that what the Chair is saying? Is that the Chair's prerogative?

THE CHAIRMAN PRO TEMPORE: The Chair has indicated its position on recognition up to this point.

§ 13.10 In recognizing members of the committee reporting a bill to offer amendments in the Committee of the Whole, the Chairman has discretion whether to first recognize a minority or majority member.

On June 4, 1948,[5] while the Committee of the Whole was considering H.R. 6801, the foreign aid appropriation bill, for amendment, Chairman Albert M. Cole, of Kan-

4. Leon E. Panetta (Calif.).

5. 94 CONG. REC. 7189, 80th Cong. 2d Sess.

sas, recognized Everett M. Dirksen, of Illinois (a majority member), to offer an amendment. Mr. Clarence Cannon, of Missouri, objected that the minority was entitled to recognition to move to amend the bill. The Chairman responded:

> Under the rules of the House, any member of the committee may offer an amendment, and it is in the discretion of the Chair as to which member shall be recognized.

§ 13.11 While the Chair endeavors to alternate recognition for the purpose of offering amendments between majority and minority Members, members of the committee reporting a pending bill are entitled to prior recognition over noncommittee members regardless of their party affiliation.

On July 22, 1974,[6] during consideration of the Surface Mining Control and Reclamation Act of 1974,[7] the Chairman[8] of the Committee of the Whole indicated that he would continue to accord prior recognition to minority members of the Committee on Interior and Insular Affairs to offer amendments to a bill reported from that committee over majority noncommittee Members, but that he would alternate between parties if majority committee members sought recognition. The proceedings were as follows:

> MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I offer an amendment to the amendment offered by Mrs. Mink as a substitute for the amendment offered by Mr. Hosmer to the committee amendment in the nature of a substitute.
>
> MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, I do not know whether a point of order or a parliamentary inquiry is in order; but I would like to make one or the other.
>
> THE CHAIRMAN: The gentleman will state his parliamentary inquiry.
>
> MR. HAYS: It is my understanding that under the long-standing rules of the House and the Committee of the Whole that we alternate from the Democratic side to the Republican side, or vice versa, whichever the case may be.
>
> Now, there are Members on this side who want to offer amendments. If the Chair is going to consistently listen to three in a row that the gentleman from California has had, we do not know where we stand.
>
> THE CHAIRMAN: The Chair understands the gentleman's parliamentary inquiry; but the Chair believes that as long as members of the committee seek recognition, they are entitled to recognition first; at least, up to a certain point, and if a member of the committee from the majority side stands, he could be recognized.

6. 120 CONG. REC. 24454, 24457, 93d Cong. 2d Sess.

7. H.R. 11500.

8. Neal E. Smith (Iowa).

Subjects Beyond Jurisdiction of Committee

§ 13.12 Where the Committee of the Whole was considering, under a special rule waiving points of order, a bill that extended to a number of legislative subjects that were beyond the jurisdiction of the reporting committee (a general appropriations bill containing a variety of legislative provisions), the Chairman ruled that he would not limit recognition to the members of the committee reporting a bill, but that his decision was not to be taken as a precedent for other bills.

On Mar. 5 and 6, 1941,[9] the Committee of the Whole was considering H.R. 3737, a general appropriation bill, pursuant to House Resolution 126, waiving all points of order against the bill. As to distribution of recognition for debate on the bill, Chairman John E. Rankin, of Mississippi, ruled that, contrary to normal practice, recognition would not be limited to members of the Committee on Appropriations.

THE CHAIRMAN: Permit the Chair to make a statement.

On yesterday the question of recognizing members of the committee to the exclusion of other Members of the House was raised. The Chair stated that since we were operating under a rule that makes in order legislation on an appropriation bill, the Chair did not feel the policy that has grown up in recent years of recognizing members of the committee to the exclusion of other Members of the House should be followed. The Chair does not know what attitude future Chairmen of the Committee of the Whole may assume, but the present occupant of the chair wishes to lay down what the Chair believes to be a sound principle in this respect.

There are 40 members of the Committee on Appropriations. They have control of all the time for general debate on bills coming from that committee just as members of the Committee on Foreign Affairs, members of the Committee on Ways and Means, or other committees have control of the time under general debate on bills coming from their respective committees. There is no written or adopted rule of this House giving members of the committee in control of the bill the exclusive right to recognition under the 5-minute rule over other Members of the House, but a custom to that effect seems to have grown up in recent years which the Chair thinks is wrong.

It is all right to give preference to the chairman of a subcommittee or to the ranking minority member on that subcommittee in connection with important amendments under the 5-minute rule, but the Chair does not think it is fair to the rest of the membership of the House to follow a policy, and gradually petrify it into the rules of the House, of recognizing all mem-

9. 87 CONG. REC. 1846, 1921, 1922, 77th Cong. 1st Sess.

bers of a committee handling the bill under the 5-minute rule to the exclusion of other Members of the House.

MR. [CLARENCE] CANNON of Missouri: Mr. Chairman, I trust the Chair has no intention of announcing a formal decision, which would be in contravention of the practice of the House, which has been in effect for a hundred years. From time immemorial the members of the committee in control of the bill and charged with its passage have been given precedence in recognition, other things being equal.

MR. [CLIFTON A.] WOODRUM of Virginia: Will the gentleman yield?

MR. CANNON of Missouri: I yield to the gentleman from Virginia.

MR. WOODRUM of Virginia: That does not apply alone to the Appropriations Committee; it applies to all committees.

MR. CANNON of Missouri: The gentleman is correct. There is no code applying to any one committee more than to any other committee. And that rule—like all rules of the House—is justified by reason and logic. There is a reason for it. The members of a committee through months—sometimes years—of work on a certain class of legislation or a recurring bill are naturally more familiar with it, and under the rules of the House are responsible for its disposition. And it naturally follows that they must be in position to secure the floor and must be accorded priority of recognition when that subject or that bill is under consideration in order to expedite the business of the House. There is no specific provision in the body of the rules, but the practice has not only been established in the long history of the American Congress but came down to us from the English Parliament from which we received originally our parliamentary code. And as Speaker Cannon and Speaker Reed both said authoritatively, the greater portion of our procedure is the unwritten law—more binding than the letter of the law—because not subject to amendment save through the long processes of evolution.

In all the years I have been on the floor, 30 years next month, I have never heard from the Chair a decision questioning this rule, nor a suggestion that it was not a reasonable rule, or a rule that should not be strictly enforced. As I understand it, the Chairman is about to decide that while this is the rule and practice of the House, that due to the fact that a resolution was adopted when this bill was brought in, the Chair is warranted for the time being in recognizing another priority; but does not pass on the rule itself under normal circumstances. I realize the Chairman would not at this late date propose to set aside, even temporarily, a rule which has been in effect from the beginning of the Republic and which is based upon sound parliamentary logic.

THE CHAIRMAN: Let the Chair say in reply to the gentleman from Missouri, whom the Chair regards as one of the greatest parliamentarians on earth, that the Chair is not setting aside any rule.

MR. WOODRUM of Virginia: Mr. Chairman, I would like to withdraw my request for recognition.

THE CHAIRMAN: The Chair is not discussing that.

MR. WOODRUM of Virginia: Mr. Chairman, I will withdraw my request for recognition.

THE CHAIRMAN: The Chair desires to finish his statement.

The Chair may say to the gentleman from Missouri [Mr. Cannon] that there is no written rule on this subject, but within the last two or three decades appropriations have been taken away from other committees and concentrated in the hands of one committee. The Chair is not speaking any more with reference to the Committee on Appropriations than any other committee. It is perfectly fair for a committee to have charge of general debate and probably debate under the 5-minute rule to a large extent, but the Chair does not think it is fair—especially under conditions such as we have here, where a rule has been adopted making legislation that ordinarily comes from the Committee on Agriculture and from other committees of the House in order on the bill—the Chair does think it fair to the rest of the membership of the House to recognize members of the Committee on Appropriations under the 5-minute rule to the exclusion of the other Members of the House.

So far as the present occupant of the chair individually is concerned, if the time should come when that matter is presented, the Chair might go a step further and apply it to all measures coming before the House and considered under the 5-minute rule. If we are going to have legislation by the entire Congress we will have to come to that decision ultimately.

MR. [JOHN] TABER [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. TABER: Would the Chair feel the same way with reference to a bill being considered from the Committee on Agriculture or from the Committee on World War Veterans?

THE CHAIRMAN: Yes.

MR. TABER: Or from the Committee on Foreign Affairs?

THE CHAIRMAN: Yes. The Chair is not singling out any committee. A great many Members of the House are vitally interested in the various provisions of these bills, and the Chair does not think it is right to exclude them until the committee has exhausted and closed debate.

MR. [EVERETT M.] DIRKSEN [of Illinois]: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DIRKSEN: Is this to be regarded as a ruling today, or is it merely an observation of the Chair?

THE CHAIRMAN: It is a ruling as far as this bill is concerned.

The Chair recognizes the gentleman from South Carolina.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Will the gentleman yield for a parliamentary inquiry.

MR. [HAMPTON P.] FULMER [of South Carolina]: I yield to the gentleman from Massachusetts.

MR. MCCORMACK: Mr. Chairman, is it my understanding that the ruling just made by the Chair confines itself to the pending bill?

THE CHAIRMAN: That is right.

MR. MCCORMACK: And by reason of the rule adopted making in order certain provisions which are legislative, the Chair feels, under those circumstances, that the broader application should be applied to this bill only?

THE CHAIRMAN: Yes. The Chair may say to the gentleman from Massachusetts that if the present occupant were in the chair when one of these relief bills came in, which also covers a multitude of various phases of legislation, the Chair would assume the same attitude.

MR. MCCORMACK: May I say that the Chair is absolutely correct so far as this bill is concerned, but may I say for the Record, so that some future Chairman might not construe the broad remarks of the Chair as a precedent, that the present Chairman is confining himself in his ruling to the present bill.

THE CHAIRMAN: That is correct.

The Chair recognizes the gentleman from South Carolina [Mr. Fulmer].

May Lose Priority

§ 13.13 Members of the committee reporting a bill under consideration usually have preference of recognition, but such preference may be lost if they do not seek recognition in a timely manner.

On Aug. 8, 1967,[10] Chairman Daniel D. Rostenkowski, of Illinois, recognized under the five-minute rule a Member not on the committee which reported the bill because a committee member's request for recognition was untimely.

THE CHAIRMAN: For what purpose does the gentleman from Michigan rise?

MR. [JAMES G.] O'HARA of Michigan: Mr. Chairman, I offer an amendment.

MR. [CLARK] MACGREGOR [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. MACGREGOR: Mr. Chairman, is it not customary when two Members rise at approximately the same time that the Chairman recognizes a member of the committee first?

THE CHAIRMAN: The Chair will state that the gentleman from Michigan was on his feet, and the Chair recognized the gentleman from Michigan.

MR. MACGREGOR: Mr. Chairman, the gentleman from Minnesota was on his feet, and had asked for recognition before the teller vote was taken.

THE CHAIRMAN: The Chair will state that the Chair saw the gentleman from Michigan on his feet first, and the Chair recognized the gentleman from Michigan.

Where Committee Member Does Not Seek Recognition

§ 13.14 In recognizing Members under the five-minute rule, the Chair attempts to give preference to members of the committee reporting the bill; but the Chair may recognize another where a committee member is standing but not actively seeking recognition by addressing the Chair.

On Aug. 4, 1978,[11] during consideration of the foreign aid ap-

10. 113 CONG. REC. 21842, 21843, 90th Cong. 1st Sess.

11. 124 CONG. REC. 24439, 95th Cong. 2d Sess.

propriation bill for fiscal 1979 (H.R. 12931) in the Committee of the Whole, it was demonstrated that, in order to be recognized, a Member must be on his feet and must address the Chair at the appropriate time:

THE CHAIRMAN:[12] The Clerk will read.

The Clerk read as follows:

TITLE II—FOREIGN MILITARY CREDIT SALES

FOREIGN MILITARY CREDIT SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of sections 23 and 24 of the Arms Export Control Act, $648,000,000. . . .

THE CHAIRMAN: Are there amendments to title II?

For what purpose does the gentleman from Iowa rise?

MR. [THOMAS R.] HARKIN [of Iowa]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The Chair recognizes the gentleman from Iowa (Mr. Harkin).

MR. [CLARENCE E.] MILLER of Ohio: Mr. Chairman, I am a member of the committee.

THE CHAIRMAN: The Chair has recognized the gentleman from Iowa (Mr. Harkin).

MR. MILLER of Ohio: Mr. Chairman, I was on my feet at the time.

THE CHAIRMAN: The Chair will tell the gentleman that he might have been on his feet, but the Chair was not aware that he addressed the Chair. . . .

Let the Chair make this announcement for the last time during the consideration of this bill. On yesterday twice the Chair admonished the members of this Committee that if they had amendments pending, it was their duty to be standing and to address the Chair seeking recognition. Otherwise the Chair would have no way of knowing that they had an amendment to offer. The Chair is for the third and last time admonishing the Committee that those who have amendments not only be on their feet but seek recognition. On this particular occasion the gentleman from Ohio (Mr. Miller) did not seek the Chair's attention, and the Chair did recognize the gentleman from Iowa (Mr. Harkin), who did seek the Chair's attention.

Absence of Chairman

§ 13.15 Where the chairman and ranking minority member of the reporting committee, named in a resolution to control debate on the bill, are absent, the Speaker or Chairman of the Committee of the Whole may recognize the next ranking majority and minority members (if the chairman and ranking minority member have not designated other members to control the time).

On July 23, 1942,[13] the House adopted a resolution from the

12. Abraham Kazen, Jr. (Tex.).

13. 88 CONG. REC. 6542–46, 77th Cong. 2d Sess.

Committee on Rules providing for debate on a bill to be divided between the Chairman and the ranking minority member of the reporting committee—the Committee on Election of the President, Vice President, and Representatives in Congress. The chairman and ranking minority member both being absent, Speaker Sam Rayburn, of Texas, declared, in response to a parliamentary inquiry, that the Chair would recognize the next ranking majority member and the next ranking minority member to control debate:

MR. [JOHN E.] RANKIN of Mississippi: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN of Mississippi: Mr. Speaker, we have been unable to find a man in the House on either side who was present when this bill was voted out. A majority of the members of the committee who are here are opposed to the bill. We feel that the time ought to be divided not between the Members who are for the bill but know nothing about it any more than the rest of us, but between the members of the committee who are for the bill and the members of the committee who are opposed to the bill. I would like to have the Chair's ruling on that proposition.

THE SPEAKER: The Chair thinks the Chair has a rather wide range of latitude here. The Chair could hold and some future Speaker might hold that since the chairman and ranking minority member of the committee are not here there could be no general debate because there was nobody here to control it, but the present occupant of the chair is not going to rule in such a restricted way.

The Chair is going to recognize the next ranking majority member and the next ranking minority member when the House goes into the Committee of the Whole.

When the House had resolved itself into the Committee of the Whole, Chairman Jere Cooper, of Tennessee, responded as follows to a similar inquiry:

MR. RANKIN of Mississippi: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RANKIN of Mississippi: Mr. Chairman, there is not a member of the committee present who was present when this bill was voted out. A majority of the members of the committee who are present are opposed to this bill. . . .

THE CHAIRMAN: The Chair will say in response to the parliamentary inquiry, that the Speaker held only a few moments ago that the ranking majority Member, acting as chairman of the committee, and the ranking minority Member present, would have control of the time under the rule that has been adopted for the consideration of the bill.

Recognition for Points of Order

§ 13.16 Members of the committee reporting a bill have

priority of recognition to make points of order against proposed amendments to the bill.

On Mar. 30, 1949,[14] Mr. Henry M. Jackson, of Washington, and Mr. Carl T. Curtis, of Nebraska, simultaneously arose in the Committee of the Whole to make a point of order against a pending amendment on the ground that it constituted legislation on an appropriation bill. Chairman Jere Cooper, of Tennessee, recognized Mr. Jackson in preference over Mr. Curtis since Mr. Jackson was a member of the committee which had reported the bill.

Pro Forma Amendments

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

On Aug. 3, 1977,[15] the following proceedings occurred in the Committee of the Whole during consideration of the National Energy Act (H.R. 8444):

> THE CHAIRMAN:[16] The Chair would like to make a statement for the information of the Members of the Committee of the Whole.
>
> The Chair has before it a list of those who spoke on this amendment yesterday. The Chair will recognize those who have not spoken on this amendment first and, of course, preference will be given to the members of the ad hoc committee and any Member, of course, under the rule has the right to offer pro forma amendments. The Chair will adhere to that direction.
>
> The gentleman from Michigan (Mr. Dingell) did not speak on this amendment yesterday, so as a member of the ad hoc committee, for what purpose does the gentleman from Michigan (Mr. Dingell) [rise]?
>
> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move to strike the last word.

Opposition to Motion To Discharge

§ 13.18 The chairman of a committee having jurisdiction over a bill is entitled to prior recognition for debate in opposition to a motion to dis-

14. 95 CONG. REC. 3520, 81st Cong. 1st Sess.

15. 123 CONG. REC. 26444, 95th Cong. 1st Sess.

16. Edward P. Boland (Mass.).

charge the committee, and if the chairman is not opposed to the motion the next ranking member of the committee is recognized for that purpose, and so on, in order of rank.

On Jan. 13, 1936,[17] Mr. Wright Patman, of Texas, moved to discharge the Committee on Ways and Means from the further consideration of H.R. 1, for the immediate cash payment of adjusted service certificates. Speaker Joseph W. Byrns, of Tennessee, stated that 20 minutes' debate would be had on the motion, to be equally divided between those for and against the motion. He stated that he would recognize Robert L. Doughton, of North Carolina (chairman of the Committee on Ways and Means), to control half the time. Mr. Hamilton Fish, Jr., of New York, stated that he wished to be heard in opposition to the motion. The Speaker responded:

> The chairman of the committee before which the bill is pending is entitled to be recognized in opposition, if he desires.

On May 23, 1938,[18] Mrs. Mary T. Norton, of New Jersey, moved to discharge the Committee on Rules from the further consideration of House Resolution 478, making in order the consideration of a bill. Speaker William B. Bankhead, of Alabama, stated that Mrs. Norton would control 10 minutes' debate in favor of the motion. The Speaker further stated:

> Does the gentleman from New York, chairman of the Committee on Rules, desire recognition in opposition to the resolution?
>
> MR. [JOHN J.] O'CONNOR of New York: Mr. Speaker, I cannot qualify in opposition because I am wholeheartedly in favor of the bill.
>
> THE SPEAKER: The gentleman from Georgia [the next ranking member on the committee]?
>
> MR. [EDWARD E.] COX [of Georgia]: Mr. Speaker, I am proud to say I am in position to qualify. I claim the time and will yield to the gentleman from Texas.
>
> THE SPEAKER: The Chair will recognize the gentleman from Georgia for 10 minutes in opposition to the resolution, and the gentlewoman from New Jersey is now recognized for 10 minutes.[19]

17. 80 CONG. REC. 336, 337, 74th Cong. 2d Sess.

18. 83 CONG. REC. 7274, 7275, 75th Cong. 3d Sess.

19. See also 96 CONG. REC. 12543, 81st Cong. 2d Sess., Aug. 15, 1950; 96 CONG. REC. 12441, 12442, 81st Cong. 2d Sess., Aug. 14, 1950; 89 CONG. REC. 4807, 4808, 78th Cong. 1st Sess., May 24, 1943; and 88 CONG. REC. 8067, 8068, 77th Cong. 2d Sess., Oct. 12, 1942.

Where Portion of Bill Is Considered Read and Open to Amendment

§ 13.19 Where a pending title of a bill is open to amendment and a unanimous-consent request is made that the next two succeeding titles also be considered as open to amendment, all three titles would be open to amendment, with priority in recognition being given to members of the committee reporting the bill.

The following proceedings occurred in the Committee of the Whole on Jan. 29, 1980,[20] during consideration of the Water Resources Development Act (H.R. 4788):

MR. [RAY] ROBERTS [of Texas]: Mr. Chairman, I ask unanimous consent that titles III and IV be considered as read and open for amendment at any point.

THE CHAIRMAN:[1] Is there objection to the request of the gentleman from Texas? . . .

MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Chairman, am I under the understanding at this point that titles II, III, and IV are now open to amendment?

THE CHAIRMAN: That is correct, if no objection is heard.

MR. ERTEL: I have no objection.

MR. [DON H.] CLAUSEN [of California]: Mr. Chairman, reserving the right to object, I want to make sure we are going to be proceeding in an orderly manner. I am assuming we will proceed through title II for the consideration of the amendment and then follow on with the consideration of titles III and IV.

THE CHAIRMAN: The Chair will advise the gentleman that if the unanimous-consent request is adopted without objection, titles II, III, and IV will be open for amendment at any point. Committee members will, of course, have priority in recognition.

MR. ERTEL: Mr. Chairman, I reserve the right to object, and I do object. I think we ought to go by title II, then go to title III and title IV. I object.

THE CHAIRMAN: Objection is heard.

Recognition To Offer Substitute—Previous Recognition To Debate Original Amendment

§ 13.20 While recognition during the five-minute rule is within the discretion of the Chair and is not subject to a point of order, the Chair will ordinarily recognize a member of a committee reporting a bill to offer a substitute before recognizing a non-committee member, although that committee member may already have been recognized to debate the original amendment.

20. 126 CONG. REC. 973, 96th Cong. 2d Sess.

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

During consideration of the Department of Energy Authorization Act (H.R. 3000) in the Committee of the Whole on Oct. 18, 1979,[2] the following proceedings occurred:

THE CHAIRMAN PRO TEMPORE:[3] Are there further amendments to title IV? If not, the Clerk will designate title V.

Title V reads as follows:

TITLE V—NUCLEAR ASSESSMENT, SPENT FUEL DISPOSITION OPERATIONS, AND DECONTAMINATION AND DECOMMISSIONING . . .

MR. [JOHN W.] WYDLER [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wydler: On page 56, line 21 and 22, substitute the following new title: . . .

MR. [PHILIP R.] SHARP [of Indiana]: Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, there are two things we have to recognize: First, we are moving ahead to deal with the question of away-from-reactor storage for domestic spent fuel.

After further debate, Mr. Sharp was recognized to offer an amendment:

MR. SHARP: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Sharp as a substitute for the amendment offered by Mr. Wydler: On page 56, line 21 and 22, substitute the following new title: "TRANSITIONAL STORAGE OF SPENT FUEL."

On page 57, after line 7, insert the following new subsections: . . .

MR. WYDLER: Mr. Chairman, I make a point of order. I believe the gentleman from Indiana was already recognized on this amendment and there were other people standing on the amendment.

THE CHAIRMAN PRO TEMPORE: The gentleman from Indiana has been recognized to offer a substitute for the gentleman's amendment, and the Clerk is reporting the substitute amendment.

MR. WYDLER: The gentleman had already been recognized on my amendment. Is the Chairman aware of that?

THE CHAIRMAN PRO TEMPORE: The Clerk will report the amendment. The gentleman is on the committee which considered the pending title and is entitled to separate recognition to offer an amendment, and the Clerk will report the substitute.

Chairman Requesting Conference

§ 13.21 The Speaker indicated, in response to a parliamentary inquiry, that only the chairman of the committee having jurisdiction of the subject matter of a bill would be recognized to ask unanimous consent to take the bill from the table, disagree to a

2. 125 CONG. REC. 28765, 28767, 28768, 28770, 96th Cong. 1st Sess.

3. Gerry E. Studds (Mass.).

Senate amendment and ask for a conference.

On the legislative day of Aug. 31, 1960,[4] Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry as follows:

> MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. HALLECK: Would it be in order for a unanimous-consent request to be made to send the bill that has just come from the Senate to conference?
>
> THE SPEAKER: That would be up to the gentleman from North Carolina [Mr. Cooley] [chairman of the committee with jurisdiction].

District of Columbia Business

§ 13.22 During the consideration of District of Columbia business in the Committee of the Whole, in the absence of a special agreement controlling time for general debate, the Chair alternates in recognizing between those for and against the pending legislation, giving preference to members of the Committee on the District of Columbia.

The above-stated principle is set out in detail in another section.[5]

Private Calendar

§ 13.23 Recognition for debate in opposition to an amendment to a bill on the Private Calendar goes to a member of the committee reporting the bill in preference to a Member who is not on that committee.

On Dec. 14, 1967,[6] during the call of the Private Calendar, Speaker John W. McCormack, of Massachusetts, extended recognition to oppose an amendment to a private bill to Mr. Michael A. Feighan, of Ohio, a member of the reporting committee, over Mr. Durward G. Hall, of Missouri, not a member of the committee, and stated "a member of the committee is entitled to recognition."

Calendar Wednesday

§ 13.24 In recognizing for five minutes' debate in opposition to a motion to dispense with business under the Calendar Wednesday call of committees, the Speaker extends preference to a member of the committee having the call.

On Feb. 22, 1950,[7] Mr. Dwight L. Rogers, of Florida, moved to

4. 106 CONG. REC. 18920, 86th Cong. 2d Sess., Sept. 1, 1960 (Calendar Day).
5. See § 12.11, supra.
6. 113 CONG. REC. 36535–37, 90th Cong. 1st Sess.
7. 96 CONG. REC. 2157–59, 81st Cong. 2d Sess.

dispense with the call of committees on Calendar Wednesday. When the five minutes' debate by Mr. Rogers in favor of the motion, provided for by rule, had expired, Speaker Sam Rayburn, of Texas, refused to recognize Mr. Andrew J. Biemiller, of Wisconsin, who was not a member of the committee who had the call. He then recognized Thruston Ballard Morton, of Kentucky, who was a member of the committee next to be called on the Calendar Wednesday list of committees.

§ 13.25 In recognizing a Member to control time in opposition to a bill on Calendar Wednesday in the Committee of the Whole, the Chair recognizes minority members in the order of their seniority on the committee reporting the bill.

On Apr. 14, 1937,[8] the House resolved itself into the Committee of the Whole for the consideration of H.R. 1668, to amend the Interstate Commerce Act, called up by the Committee on Interstate and Foreign Commerce under the Calendar Wednesday call of committees. Chairman J. Mark Wilcox, of Florida, answered a parliamentary inquiry on the order of recognition for debate in opposition to the bill:

> MR. [PEHR G.] HOLMES [of Massachusetts]: Am I to understand that 1 hour will be extended me in opposition to the bill as a minority member of the committee?
>
> THE CHAIRMAN: Is the gentleman from Massachusetts opposed to the bill?
>
> MR. HOLMES: I am, Mr. Chairman.
>
> THE CHAIRMAN: Is the gentleman from Massachusetts the ranking minority member of the committee?
>
> MR. HOLMES: I am the ranking minority member opposed to the bill.
>
> THE CHAIRMAN: The gentleman is entitled to recognition in opposition to the bill unless a minority member of the committee outranking the gentleman desires recognition.

Minority Committee Member Offered Amendment in Nature of Substitute From Floor

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

8. 81 CONG. REC. 3456, 75th Cong. 1st Sess.

On Sept. 19, 1974,[9] Chairman Thomas M. Rees, of California, recognized James T. Broyhill, of North Carolina, who then offered an amendment in the nature of a substitute:

> The Clerk read the title of the bill.
>
> THE CHAIRMAN: When the Committee rose on Tuesday, September 17, 1974, all time for general debate had expired.
>
> Pursuant to the rule, immediately after the reading of the enacting clause, it shall be in order to consider the text of the bill H.R. 16327 as an amendment in the nature of a substitute for the bill, and said substitute shall be read for amendment by title.
>
> The Clerk will read the enacting clause.
>
> The Clerk read as follows:
>
> > *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. . . .*
>
> MR. BROYHILL of North Carolina: Mr. Chairman, under the rule, I offer the following amendment in the nature of a substitute, which is to the text of the bill (H.R. 7917).
>
> The Clerk read as follows:
>
> > Amendment in the nature of a substitute offered by Mr. Broyhill of North Carolina: That this Act may be cited as the "Consumer Product Warranties-Federal Trade Commission Improvements Act".
>
> TITLE I—CONSUMER PRODUCT WARRANTIES
>
> DEFINITION

Parliamentarian's Note: Mr. Broyhill was a minority member of the committee and had introduced the bill made in order by the rule. The Chair recognized him when the chairman of the then Committee on Interstate and Foreign Commerce did not immediately seek recognition. It should be noted that the Chair could have considered the amendment to be pending and could have directed that it be read by title as an original bill without being offered from the floor.

Suspension of Rules

§ 13.27 In recognizing a Member to demand a second on a motion to suspend the rules (under a former rule), the Speaker gave preference to a member of the reporting committee who was opposed to the bill; that Member was then recognized to speak in opposition to the motion.

On Feb. 20, 1967,[10] Speaker John W. McCormack, of Massachusetts, ruled as follows on recognition to demand a second on the motion to suspend the rules:

> THE SPEAKER: Is a second demanded?
>
> MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I demand a second.
>
> THE SPEAKER: For what reason does the gentleman from Michigan [Mr.

9. 120 CONG. REC. 31727, 93d Cong. 2d Sess.

10. 113 CONG. REC. 3829, 90th Cong. 1st Sess.

Nedzi], a member of the committee, stand?

MR. [LUCIEN N.] NEDZI: Mr. Speaker, I demand a second.

MR. YATES: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. YATES: The distinguished gentleman from Michigan is my good friend. Is it in order to inquire as to whether the gentleman from Michigan is opposed to the bill?

MR. NEDZI: I will allay the gentleman's fears. He is.

MR. YATES: I will withdraw.

THE SPEAKER: The Chair had not reached that point yet. The Chair would have asked that question.

Is the gentleman from Michigan opposed to the bill?

MR. NEDZI: I am, Mr. Speaker.

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

Parliamentarian's Note: The Member demanding a second on the motion to suspend the rules was entitled to recognition for debate against the motion.[11] Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from Rule XXVII in the 102d Congress (see H. Res. 5, Jan. 3, 1991).

§ 13.28 A member of the committee reporting a bill, who is opposed to the bill, has prior right to recognition to demand a second on a motion to suspend the rules.

On Dec. 1, 1941,[12] Mr. J. Harry McGregor, of Ohio, and Mr. Pehr G. Holmes, of Massachusetts, arose simultaneously to demand a second on a motion to suspend the rules and pass a bill. Mr. Holmes responded to the inquiry of Speaker Sam Rayburn, of Texas, by saying that he was not opposed to the bill. Mr. McGregor was recognized to demand a second after he stated that he was opposed to the bill and was a member of the committee which reported it.

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

§ 13.29 The Speaker accords priority of recognition to demand a second on a motion to suspend the rules to a minority member of the committee reporting the bill who qualifies as being opposed to the motion.

11. See 105 CONG. REC. 17600, 86th Cong. 1st Sess., Sept. 1, 1959.

12. 87 CONG. REC. 9276, 9277, 77th Cong. 1st Sess.

On Sept. 20, 1976,[13] during consideration of H.R. 14319 (the Clinical Laboratory Improvement Act) in the House, the following proceedings occurred:

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14319) to amend the Public Health Service Act and the Social Security Act to revise and improve the authorities under those acts for the regulation of clinical laboratories, as amended.

The Clerk read as follows:

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

SHORT TITLE

Section 1. This Act may be cited as the "Clinical Laboratory Improvement Act of 1976". . . .

THE SPEAKER PRO TEMPORE:[14] Is a second demanded?

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Speaker, I demand a second.

MR. [TIM LEE] CARTER [of Kentucky]: Mr. Speaker, I demand a second.

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Speaker, I demand a second.

THE SPEAKER PRO TEMPORE: Is each of the gentlemen who request a second opposed to the bill?

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

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

MR. CARTER: Mr. Speaker, so am I, in its present form.

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

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. SYMMS: Mr. Speaker, did the gentleman from Kentucky (Mr. Carter) say that he is opposed to the bill?

THE SPEAKER PRO TEMPORE: The Chair will state that the gentleman from Kentucky (Mr. Carter) did say he is opposed to the bill, in its present form.

MR. CARTER: Mr. Speaker, I withdraw my demand for a second.

MR. BROYHILL: Mr. Speaker, I demand a second.

THE SPEAKER PRO TEMPORE: Is the gentleman from North Carolina opposed to the bill?

MR. BROYHILL: I am, Mr. Speaker.

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

There was no objection.

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

Seniority as Factor

§ 13.30 Recognition of Members to offer amendments

13. 122 CONG. REC. 31328, 31333, 94th Cong. 2d Sess.

All three Members demanding a second were minority Members, with Mr. Carter ranking on the committee reporting the bill, Mr. Broyhill junior on that committee, and Mr. Symms not on the committee.

14. John J. McFall (Calif.).

under the five-minute rule in the Committee of the Whole is within the discretion of the Chair, and he extends preference to members of the committee which reported the bill according to seniority.

On July 21, 1949,[15] Chairman Eugene J. Keogh, of New York, answered a parliamentary inquiry on the order of recognition for amendments under the five-minute rule:

MR. [JAMES P.] SUTTON [of Tennessee]: Mr. Chairman, I offered an amendment.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. H. CARL ANDERSEN: Mr. Chairman, is it not the custom during debate under the 5-minute rule for the Chair in recognizing Members to alternate from side to side? At least I suggest to the Chair that that would be the fair procedure. The Chair has recognized three Democrats in a row.

THE CHAIRMAN: The Chair will say to the gentleman that the matter of recognition of members of the committee is within the discretion of the Chair. The Chair has undertaken to follow as closely as possible the seniority of those Members.

MR. [CLIFFORD R.] HOPE [of Kansas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HOPE: For the information of the Chair, the gentleman from Wisconsin, who has been seeking recognition, has been a Member of the House for 10 years, and the gentleman from Tennessee is a Member whose service began only this year.

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

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

§ 13.31 Recognition under the five-minute rule in the Committee of the Whole is within the discretion of the Chair, and the Chair is not required in every instance to recognize members of the legislative committee reporting the bill in order of their seniority.

On Oct. 2, 1969,[16] the Committee of the Whole was considering under the five-minute rule H.R. 14000, military procurement authorization. Chairman Daniel D. Rostenkowski, of Illinois, recognized Robert C. Wilson, of California, a minority member of the Committee on Armed Services which had reported the bill, to offer an amendment. Mr. Lucien

15. 95 CONG. REC. 9936, 81st Cong. 1st Sess.

16. 115 CONG. REC. 28101, 28102, 91st Cong. 1st Sess.

N. Nedzi, of Michigan, inquired whether members of the committee were not supposed to be recognized in the order of their seniority. The Chairman responded "That is a matter for the Chair's discretion" and proceeded to recognize Mr. Wilson for his amendment.

§ 13.32 The Chairman of the Committee of the Whole gives priority in recognition, in opposition to an amendment printed in the Record and offered after debate is limited, to senior members of the committee reporting the bill regardless of party affiliation.

On June 7, 1977,[17] during consideration of the Federal Employees' Political Activities Act of 1977 (H.R. 10) in the Committee of the Whole, Chairman James R. Mann, of South Carolina, responded to a parliamentary inquiry, as follows:

> MR. [EDWARD J.] DERWINSKI [of Illinois]: The Chairman just referred to the situation whereby debate was limited, which is under clause 6, rule XXIII, and under that procedure any Member who has filed and published an amendment is protected in his right to call up the amendment and is entitled to 5 minutes to explain the amendment.
>
> My parliamentary inquiry is: How will the Chair determine the appropriate Member to speak in opposition to the amendment? In other words, what will qualify a Member to speak in opposition to these pending amendments?
>
> THE CHAIRMAN: The Chair will endeavor to recognize committee members who are opposed, and if there is more than one committee member desiring to speak in opposition to the amendment, the Chair will seek to recognize the most senior of the committee members. The matter of party affiliation will not be controlling.

§ 13.33 While the matter of recognition to offer amendments in Committee of the Whole under the five-minute rule is within the discretion of the Chairman, members of the reporting committee(s) are normally accorded prior recognition in order of committee seniority.

During consideration of House Resolution 1186 (providing for consideration of H.R. 39, the Alaska National Interest Lands Conservation Act) in the House on May 17, 1978,[18] the following proceedings occurred:

> MR. [CHRISTOPHER J.] DODD [of Connecticut]: Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1186 and ask for its immediate consideration. . . .

17. 123 CONG. REC. 17700, 95th Cong. 1st Sess.

18. 124 CONG. REC. 14139–45, 95th Cong. 2d Sess.

The Clerk read the resolution. . . .

MR. DODD: Mr. Speaker, House Resolution 1186 provides for the consideration of H.R. 39, the Alaska National Interest Lands Conservation Act of 1978. This resolution provides for an open rule with 3 hours of general debate; 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. . . .

MR. [MORRIS K.] UDALL [of Arizona]: The Chair will tell us, will he not, that the rules and customs of the House would ordinarily indicate that the floor managers of the bill or members of the appropriate committees would be recognized ahead of other Members in case there were more than one substitute to be offered?

THE SPEAKER PRO TEMPORE:[19] The Chair will state that recognition of Members will be under the control of the Chair at the time that the House is in the Committee of the Whole.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BAUMAN: I would like to ask the Chair whether it is not true, under the precedents of the House, that any member of either committee has a right to be recognized to offer amendments; of course, the chairman and ranking minority member first and other Members after that, may be recognized to offer amendments, so that no restriction is imposed on any Member's right to offer amendments under this rule?

THE SPEAKER PRO TEMPORE: The Chair will state that the gentleman has correctly stated the general principles relating to recognition.

—Chair May Base Recognition on Seniority or on Preferential Status of Amendments

§ 13.34 The order of recognition to offer amendments is within the discretion of the Chair, who may either base his initial recognition on committee seniority or upon the preferential voting status of the amendments sought to be offered; thus, where both a pending amendment and a substitute therefor are open to perfecting amendments, the Chair has the discretion of first recognizing either the senior committee member, or a junior committee member whose amendment would be first voted upon, where both amendments could ultimately be pending at the same time.

The following proceedings occurred during consideration of the Alaska National Interest Lands Conservation Act of 1979 in the

19. Charles A. Vanik (Ohio).

Committee of the Whole on May 15, 1979:[20]

THE CHAIRMAN:[1] For what purpose does the gentleman from Ohio (Mr. Seiberling) rise?

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: Is this to the Udall substitute?

MR. SEIBERLING: Mr. Chairman, I have an amendment at the desk to the Udall-Anderson bill, which is actually a series of technical amendments which I will ask unanimous consent to offer en bloc. . . .

THE CHAIRMAN: Since there is no other amendment pending to the Udall substitute, the amendment of the gentleman from Ohio may be offered. . . .

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, assuming there is an amendment to be offered to the so-called Breaux-Dingell merchant marine version, that would take precedence over an amendment to the so-called Udall-Anderson interior bill?

THE CHAIRMAN: The Chair has the option either to recognize the senior Member first or to first recognize that Member seeking to offer the amendment which will be preferential and first voted upon.

MR. [THOMAS J.] HUCKABY [of Louisiana]: Mr. Chairman, I have amendments at the desk for the Breaux-Dingell bill.

THE CHAIRMAN: The Clerk will report the amendments.[2]

MR. [DON H.] CLAUSEN [of California]: Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, what is the parliamentary situation? Is there an amendment to be offered by the gentleman from Ohio (Mr. Seiberling) or the gentleman from Louisiana (Mr. Huckaby)?

THE CHAIRMAN: The Chair will state that the gentleman from Ohio (Mr. Seiberling) sought recognition to amend the Udall substitute, but the gentleman from Louisiana (Mr. Huckaby) has an amendment to the Merchant Marine and Fisheries amendment in the nature of a substitute, and he will be recognized. The Chair will recognize the gentleman from Ohio (Mr. Seiberling) later for the purposes of offering his amendment. . . .

MR. HUCKABY: Mr. Chairman, I offer amendments to the amendment in the nature of a substitute.

THE CHAIRMAN: The Clerk will report the amendments.

Parliamentarian's Note: Mr. Huckaby's amendments to the original amendment were subsequently agreed to.[3] Mr. Seiberling then indicated that he had amendments to the substitute, and Mr. Huckaby that he had further amendments to the original amendment. As noted above, the Chair would have discretion to

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20. 125 CONG. REC. 11135, 11136, 96th Cong. 1st Sess.

1. Paul Simon (Ill.).

2. Mr. Seiberling was senior to Mr. Huckaby on the Committee on Interior and Insular Affairs, but Mr. Huckaby's amendment was to be voted on first and he represented the majority position on the committee.

3. 125 CONG. REC. 11152, 96th Cong. 1st Sess.

recognize either Member; but the Chair indicated that in either case, the question would not be put on amendments to the substitute until all amendments to the original amendment had been disposed of.

Limitation on Debate Under Five-minute Rule as Affecting Priority of Recognition

§ 13.35 Where the Committee of the Whole has limited to 5 minutes the remaining time for debate on an amendment, the five-minute rule is in effect abrogated and the Chair may in his discretion recognize two Members to equally control the time in support of and in opposition to the amendment (granting priority of recognition to control the time in opposition to a member of the committee handling a bill).

On June 22, 1977,[4] during consideration of H.R. 7797 (the foreign assistance and related agencies appropriation bill for fiscal 1978) in the Committee of the Whole, the Chair made an announcement regarding debate under the five-minute rule. The proceedings were as follows:

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I move that all debate on this amendment and any amendments thereto close in 5 minutes.

The motion was agreed to.

THE CHAIRMAN:[5] Let the Chair make this announcement. There is no way that the Chair can divide 5 minutes among all who wish to speak. Therefore, under the prerogative of the Chair, the Chair will recognize one proponent and one opponent each for 2½ minutes.

The Chair at this time recognizes the proponent, the gentleman from New York (Mr. Wolff). . . .

THE CHAIRMAN: Is there any member of the committee who wishes to be recognized in opposition to the amendment?

If not, the Chair recognizes the gentleman from New York (Mr. Weiss) as an opponent of the amendment.

§ 13.36 A limitation on debate abrogates the five-minute rule and the ordinary criteria for priority of recognition, and the Chair may extend priority of recognition under a limitation to Members seeking to offer amendments not printed in the Record, before members of the reporting committee.

On June 27, 1979,[6] it was demonstrated that, where time had been limited for debate under the five-minute rule in Committee of

4. 123 CONG. REC. 20291, 20292, 95th Cong. 1st Sess.

5. Abraham Kazen, Jr. (Tex.).

6. 125 CONG. REC. 17018, 17029, 96th Cong. 1st Sess.

the Whole, the Chair could continue to recognize Members under the five-minute rule and then as the expiration time approached allocate the remaining time among Members seeking to offer amendments not printed in the *Congressional Record*, and Members opposing such amendments. The proceedings during consideration of H.R. 4389 (the Departments of Labor, and Health, Education, and Welfare appropriations) were as follows:

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, I ask unanimous consent that the balance of the bill be considered as read, open to amendment at any point, and that all debate on the bill and all amendments thereto close at 8:30 p.m.

THE CHAIRMAN:[7] Is there objection to the request of the gentleman from Kentucky?

There was no objection. . . .

THE CHAIRMAN: The Chair would like to make an announcement. We have less than 45 minutes of the allocated time. The Chair would like for all those Members who have amendments which are not printed in the Record—not printed in the Record—to please rise and remain standing so that the Chair can get the names of the Members and try to recognize them for the offering of their amendments.

The Chair recognizes the gentleman from California (Mr. Miller) for approximately 3 minutes.

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

THE CHAIRMAN: The gentleman will state it.

MR. MICHEL: Mr. Chairman, is it not normal practice to recognize members of the committee before we recognize other Members?

THE CHAIRMAN: Not when a time limitation has been imposed. That rule does not apply, but the Chair will try to protect all the Members who do not have amendments printed in the Record.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. CONTE: If some member of the committee opposes one of these amendments, may that Member rise and speak against an amendment?

THE CHAIRMAN: Certainly.

§ 13.37 Where the Committee of the Whole has limited debate on a bill and all amendments thereto, the five-minute rule may be abrogated at any time the Chair in his discretion deems it necessary to divide the remaining time; and if such limitation is to a time certain several hours in the future, the Chair may in his discretion continue to proceed under the five-minute rule until he desires to allocate remaining time on possible amendments, and may then divide that time between proponents and com-

7. Don Fuqua (Fla.).

mittee opponents of amendments before they are offered.

During consideration of the Department of Defense authorization bill (H.R. 3519) in the Committee of the Whole on July 16, 1981,[8] the following proceedings occurred:

MR. [WILLIAM L.] DICKINSON [of Alabama]: . . . I was wondering if we could agree that we would limit the debate on this bill and all amendments thereto until 5 o'clock tonight, so we would then know whether or not we have to come back tomorrow. I think that would give the Members ample time and ample opportunity to speak. That still allows 6½ hours more time for amendment and debate.

So, Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto terminate at 5 p.m. today.

THE CHAIRMAN:[9] Is there objection to the request of the gentleman from Alabama?

There was no objection. . . .

THE CHAIRMAN: Under the precedents of the House, the Chairman has the power in this situation to allocate time, a limitation having been imposed. The Chair will on the Moffett amendment, if offered, allocate 9 minutes to the gentleman from Connecticut (Mr. Moffett) and 9 minutes to the opposition. Following that the Chair will, if time remains, allocate 2 minutes to the gentleman from Washington (Mr. Foley) and if he offers an amendment to any opposition if there is any, and then what time may be remaining the Chair will allocate to the gentleman from New Jersey (Mr. Minish) if he offers an amendment, 1 minute, to be divided equally between any proponents or opponents.

MR. DICKINSON: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman from Alabama will state his parliamentary inquiry.

MR. DICKINSON: I was just wondering if the Chair could clear up for us the definition of "opponents." The Chair is going to recognize the proponent for 9 minutes and the opponent for 9 minutes. Does that mean the committee, or does that mean some identified person?

THE CHAIRMAN: That means a senior member of the committee in opposition.

§ 13.38 Where there was pending an amendment in the nature of a substitute for a bill and the permissible degree of amendments thereto, the Chair indicated in response to parliamentary inquiries that a motion to limit debate on the amendment in the nature of a substitute and all amendments thereto was in order although the bill itself had not been read, and that all Members would be allocated equal time under the limitation regardless of com-

8. 127 CONG. REC. 16005, 16044, 97th Cong. 1st Sess.

9. Paul Simon (Ill.).

mittee membership but that Members seeking to offer amendments could be first recognized.

On June 10, 1976,[10] the Committee of the Whole having under consideration a bill relating to the State and Local Fiscal Assistance Act of 1972 (H.R. 13367), a motion to limit debate was offered and the proceedings that followed were as indicated below:

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I move that all debate on the Brooks amendment and all amendments thereto end by 6 p.m. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . I do not remember the bill being open at any point to amendment.

THE CHAIRMAN:[11] The motion of the gentleman from New York, as the Chair understood it, was that all debate on the Brooks amendment and all amendments thereto end at 6 p.m.

MR. BAUMAN: So that the motion is in order?

THE CHAIRMAN: The motion is in order. It is limited to the Brooks amendment and amendments thereto. . . .

MR. [J. J.] PICKLE [of Texas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. PICKLE: Mr. Chairman, under the proposed time limitation, would the Chair tend to recognize a Member who is not a member of the committee? For instance, the gentleman from Washington (Mr. Adams) has an important amendment, and if he is not recognized within the time limitation, would the chairman of the committee let the gentleman be recognized?

MR. [JACK] BROOKS [of Texas]: I do not have control of the time. I think the answer, obviously, is that he will be recognized.

THE CHAIRMAN: The Chair will state that under limitation of time committee members no longer have priority in seeking recognition. Time is equally allocated.

So the motion was agreed to.

§ 13.39 Where debate under the five-minute rule on a bill and all amendments thereto has been limited by motion to a time certain (with approximately 90 minutes remaining) the Chair may in his discretion continue to recognize Members under the five-minute rule, according priority to members of the committee reporting the bill, instead of allocating time between proponents and opponents or among all Members standing, where it cannot be determined what amendments will be offered.

On July 29, 1983,[12] during consideration of the International

10. 122 CONG. REC. 17380, 17381, 94th Cong. 2d Sess.

11. Gerry E. Studds (Mass.).

12. 129 CONG. REC. 21649, 21650, 21659, 21660, 98th Cong. 1st Sess.

Monetary Fund authorization (H.R. 2957) in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding recognition following agreement to a motion to limit debate to a time certain:

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I ask unanimous consent that the remainder of the bill, H.R. 2957, be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The text of title IV and title V is as follows:

TITLE IV—INTERNATIONAL LENDING SUPERVISION

Sec. 401. This title may be cited as the "International Lending Supervision Act of 1983". . . .

MR. ST GERMAIN: I have a motion, Mr. Chairman. . . .

I now move that all debate on the bill, H.R. 2957, and all amendments thereto, cease at 12 o'clock noon. . . .

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

Mr. Chairman, the parliamentary inquiry is for the Chair to please state the process by which we will do our business from now until the time is cut off. . . .

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, would it not be in order at this time to ask that the time be divided between the proponents and the opponents of this measure, since there is a limitation on the time?

THE CHAIRMAN:[13] The Chair believes not, because the time has been limited on the entire bill. It would be very difficult to allocate time to any one particular party or two parties when the Chair has no knowledge of the amendments that will be offered.

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

THE CHAIRMAN: The gentleman will state it.

MR. NEAL: Mr. Chairman, is it not true that members of the committee should be given preference in terms of recognition?

THE CHAIRMAN: That is true. At the time the gentleman from Pennsylvania was recognized, he was the only one seeking recognition.

§ 13.40 Where under a time limitation only five minutes of debate is available in opposition both to an amendment and to a substitute therefor printed in the Record, one Member cannot simultaneously be recognized for 10 minutes in opposition to both amendments, but must be separately recognized on each amendment, with preference of recognition being accorded to members of the committee reporting the bill.

The following proceedings occurred in the Committee of the

13. Donald J. Pease (Ohio).

Whole on June 27, 1985,[14] during consideration of H.R. 1872 (Department of Defense authorization for fiscal 1986):

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

(a) Limitation of Funds Authorized for Fiscal Year 1986.—None of the funds appropriated pursuant to the authorizations of appropriations in this or any other Act may be used for the production of the 155-millimeter artillery-fired, atomic projectile. . . .

MR. [VIC] FAZIO [of California]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Fazio as a substitute for the amendment offered by Mr. Markey: Insert the following new section at the end of title X (page 200, after line 4): . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and the amendment to the amendment.

MR. [ROBERT E.] BADHAM [of California]: Mr. Chairman, at this time, I would ask a parliamentary inquiry of the Chair. . . .

My inquiry is that since there were two offerings, an amendment and an amendment to the amendment in the form of a substitute, would the opposition now be exercising its prerogative in using 10 minutes in opposition to both?

THE CHAIRMAN PRO TEMPORE:[15] That is correct, except that the gentleman from New York rose in opposition to the Markey amendment. There would be 5 minutes of debate left in opposition to the Fazio substitute. . . .

MR. STRATTON: Mr. Chairman, I rose in opposition to both amendments, both the Markey amendment and the Fazio amendment.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the gentleman can only rise in opposition to one amendment at a time, and when he rose, the Chair understood him to rise first in opposition to the Markey amendment. That leaves only 5 minutes in opposition to the Fazio substitute amendment.

Any Member wishing to rise in opposition to the Fazio substitute amendment may, and a member of the committee is recognized before other Members.

Motion To Recommit

§ 13.41 In response to a parliamentary inquiry the Speaker stated that recognition to offer a motion to recommit is the prerogative of a Member opposed to the bill, that the Speaker will first look to minority members of the committee reporting the bill in their order of seniority on the committee, second to other Members of the minority and finally to majority Members opposed to the bill;

14. 131 CONG. REC. 17799–802, 99th Cong. 1st Sess.

15. Marty Russo (Ill.).

thus, a minority Member opposed to a bill but not on the committee reporting it is entitled to recognition to offer a motion to recommit over a majority Member who is also a member of the committee.

On July 10, 1975,[16] during consideration of H.R. 8365 (Department of Transportation appropriations) in the House, the Speaker put the question on passage of the bill and then recognized Mr. William A. Steiger, of Wisconsin, a minority Member, to offer a motion to recommit. The proceedings were as follows:

THE SPEAKER:[17] The question is on the passage of the bill.

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

THE SPEAKER: Is the gentleman opposed to the bill?

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

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

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

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

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

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

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

THE SPEAKER: You may.

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

THE SPEAKER: A motion to recommit is the prerogative of the minority, and the Chair so rules and so answers the parliamentary inquiry.

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

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

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

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

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

What the gentleman is saying is that because he is a member of the Com-

16. 121 CONG. REC. 22014, 22015, 94th Cong. 1st Sess.

17. Carl Albert (Okla.).

mittee on Appropriations, he is so entitled. The Chair has not gone over all the precedents, but the Chair can do it if the gentleman desires him to do so.

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

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

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

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

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

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

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

The Clerk read as follows (from section 788):

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

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

The Clerk will report the motion to recommit.

The Clerk read as follows:

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

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

On June 18, 1957,[18] the House was considering H.R. 6127, the Civil Rights Act of 1957. In response to a parliamentary inquiry, Speaker Sam Rayburn, of Texas, stated that the order of recogni-

18. 103 CONG. REC. 9516, 9517, 85th Cong. 1st Sess.

tion for a motion to recommit would be determined by the order of rank of minority members of the committee reporting the bill, the Committee on the Judiciary. When two minority members of the committee arose to offer the motion, the Speaker recognized the member higher in rank:

> MR. [RICHARD H.] POFF [of Virginia]: Mr. Speaker, I offer a motion to recommit.
>
> THE SPEAKER: Is the gentleman opposed to the bill?
>
> MR. POFF: I am, Mr. Speaker.
>
> MR. [RUSSELL W.] KEENEY [of Illinois]: Mr. Speaker, I also offer a motion to recommit, and I, too, am opposed to the bill.
>
> THE SPEAKER: In this instance the Chair finds that no one has arisen who is a member of the minority of the Committee on the Judiciary until it comes down to the name of the gentleman from Virginia [Mr. Poff]. He ranks the gentleman from Illinois [Mr. Keeney] and is therefore senior. Under the rules and precedents of the House, the Chair therefore must recognize the gentleman from Virginia [Mr. Poff].[19]

§ 13.43 Recognition for a motion to recommit is accorded to the ranking minority member of the committee reporting a bill, even though that member is opposed to the measure merely "in its present form."

On Mar. 12, 1964,[20] Mr. Robert J. Corbett, of Pennsylvania, offered a motion to recommit a pending bill reported from the Committee on Post Office and Civil Service, of which he was a minority member. Speaker John W. McCormack, of Massachusetts, inquired whether he was opposed to the measure, and he stated he was opposed to the bill "in its present form." Mr. H. R. Gross, of Iowa, also a minority member of the committee, but lower in rank than Mr. Corbett, stated that he should be recognized to offer the motion to recommit, being unqualifiedly opposed to the bill. The Speaker declined to recognize Mr. Gross and recognized Mr. Corbett for the motion.

§ 13.44 A minority member of a committee reporting a bill is entitled to recognition to offer a motion to recommit, if opposed to the bill, over a minority Member not on the committee, although the Speaker may have failed to notice the committee member seeking recognition at the time the noncommittee Member sought to offer a mo-

19. See also 110 CONG. REC. 5147, 88th Cong. 2d Sess., Mar. 12, 1964; and 105 CONG. REC. 11372, 86th Cong. 1st Sess., June 19, 1959.

20. 110 CONG. REC. 5147, 88th Cong. 2d Sess.

tion but before it was reported by the Clerk.

During consideration of the Department of Agriculture appropriation bill for fiscal 1976 (H.R. 8561) in the House on July 14, 1975,[1] the following proceedings occurred:

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[2] Is the gentleman opposed to the bill?

MR. ROUSSELOT: Yes, I am, Mr. Speaker.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: The gentleman from Illinois is the ranking member of the Committee on Appropriations.

MR. ROUSSELOT: Mr. Speaker, I believe I was recognized.

THE SPEAKER: The Chair did not see the gentleman from Illinois.

MR. MICHEL: Mr. Speaker, I was on my feet and I was standing right here. I had the motion at the desk. I was just standing here as a matter of courtesy.

THE SPEAKER: The Chair was at fault in that the Chair did not see the gentleman from Illinois because the gentleman from California was addressing the Chair and the Chair was looking in that direction.

The Chair now recognizes the gentleman from Illinois (Mr. Michel).

MR. ROUSSELOT: Mr. Speaker, I believe I was recognized and the Clerk was proceeding with the motion to recommit.

THE SPEAKER: The Chair did not see the gentleman from Illinois (Mr. Michel) who was entitled to recognition being the senior member on the Committee on Appropriations and entitled to recognition, and the motion to recommit had not been reported by the Clerk.

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

§ 13.45 In granting recognition to offer a motion to recommit, the Chair first recognizes minority members of the committee reporting the bill who are opposed in order of their seniority, and then other minority Members who are opposed; and in one instance, the Chair recognized a senior member of the committee to offer a motion to recommit even though another Member had sought recognition to offer the motion and had been asked by the Chair if he was opposed to the bill and had responded that he was, the Chair ruling in response to a point of order that recognition in such an instance is not conferred until the Chair has directed the Clerk to report the motion.

1. 121 CONG. REC. 22620, 94th Cong. 1st Sess.
2. Carl Albert (Okla.).

On Apr. 24, 1979,[3] during consideration of the State Department authorization (H.R. 3303) in the House, the following exchange occurred:

THE SPEAKER:[4] The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

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

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a motion at the desk.

THE SPEAKER: The Chair is aware that the gentleman is standing and the Chair intends to recognize the gentleman. . . .

Is there any member of the committee that desires to make a motion to recommit on the minority side? . . .

MR. BAUMAN: Mr. Speaker, I have a motion at the desk.

THE SPEAKER: Is the gentleman opposed to the bill?

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

THE SPEAKER: The Clerk will——

MR. BAUMAN: Mr. Speaker, I was recognized.

THE SPEAKER: The Chair under the precedents of the House, will recognize the gentleman from Michigan to make a motion if he qualifies. . . .

MR. BAUMAN: Mr. Speaker, had not the Speaker said to the gentleman from Maryland, "Is the gentleman opposed to the bill?"

And the gentleman from Maryland was thus recognized.

THE SPEAKER: The Chair appreciates that the gentleman is opposed to the bill; but under the precedents of the House, the Clerk has not reported the motion. . . .

MR. BAUMAN: I make a point of order against recognizing the gentleman from Michigan or anyone else, because he did not rise in a timely fashion to make the motion. Once the Chair recognizes a Member, the precedents will support the fact that he has the right to offer the motion.

THE SPEAKER: On the point of order, the gentleman's motion has not been read yet; so the Chair will recognize the gentleman from Michigan, a senior member of the committee, who is standing. . . .

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. BROOMFIELD: Yes, I am, Mr. Speaker. . . .

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

> Mr. Broomfield moves to recommit the bill, H.R. 3363, to the Committee on Foreign Affairs. . . .

MR. BAUMAN: Mr. Speaker, the gentleman makes a point of order that the gentleman is not in order in making the motion, since another Member had already been recognized. The Chair has already conferred that recognition and had inquired whether or not the gentleman from Maryland was opposed.

THE SPEAKER: In the opinion of the Chair, until the motion has been read,

3. 125 CONG. REC. 8360, 8361, 96th Cong. 1st Sess.

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

the gentleman has not been recognized for that purpose.

MR. BAUMAN: Well, the gentleman did not yield to anyone else to offer a motion.

THE SPEAKER: The gentleman had not been recognized for that purpose and consequently—the Chair asked the gentleman if he was in opposition. The gentleman replied. The gentleman was not then recognized for that purpose. That is the statement and the opinion of the Chair. The Chair did not recognize the gentleman by directing the Clerk to report the motion. The Chair is trying to follow the precedents of the House.

Now, the Chair has ruled on the gentleman's point of order and the gentleman from Michigan is entitled to 5 minutes. The Chair so recognizes the gentleman from Michigan (Mr. Broomfield).

—*By Minority Leader*

§ 13.46 On one occasion, the Minority Leader asserted a "preemptory right" over other minority Members to offer a motion to recommit a reprimand resolution to the Committee on Standards of Official Conduct with instructions to report back forthwith an amendment proposing the more severe punishment of censure (although the ranking minority member of that committee opposed to the reported resolution would ordinarily have been entitled to recognition to offer the motion under Rule XVII, clause 1).

On July 20, 1983,[5] Minority Leader Robert H. Michel, of Illinois, was recognized to offer a motion to recommit House Resolution 266 (reprimanding Mr. Daniel B. Crane, of Illinois). The proceedings in the House were as follows:

MR. MICHEL: . . . I am going to exercise my preemptory right of taking the motion to recommit for myself and it will read as follows. Those of you who want to vote for it can, and those who will not I am certainly not going to have any quarrel with you because, frankly, I think the committee recommendations are good and sound and were based on fundamental good reason. . . .

Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[6] Is the gentleman opposed to the resolution?

MR. MICHEL: I am, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Mr. Michel of Illinois moves to recommit House Resolution 266 to the Committee on Standards of Official Conduct with instructions to report the resolution back to the House forthwith with the following amendment: Strike all after the resolving

5. 129 CONG. REC. 20028, 20029, 98th Cong. 1st Sess.

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

clause and insert in lieu thereof the following:

(1) That Representative Daniel B. Crane be censured. . . .[7]

[The motion to recommit was agreed to.]

Parliamentarian's Note: Mr. Michel's assertion of "preemptory right" as Minority Leader was valid only if no member of the Committee on Standards of Official Conduct qualified as opposed to the resolution in its reported form. Apart from members of the committee who are opposed to the bill or resolution, however, the Minority Leader can preempt all other minority Members of the House in recognition for recommittal of a reported bill or resolution.

Opposition to Recommendation To Strike Enacting Clause

§ 13.47 In recognizing a Member in opposition to a motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken, the Chair extends preference to a member of the committee handling the bill.

On Mar. 1, 1950,[8] Mr. Clare E. Hoffman, of Michigan, offered the preferential motion that the Committee of the Whole rise and report back the bill under consideration with the recommendation that the enacting clause be stricken. Chairman Clark W. Thompson, of Texas, ruled that a member of the committee reporting the bill had priority of recognition in debate to oppose the motion:

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, I object, and claim time in opposition to the motion.

MR. [CARL] HINSHAW [of California]: Mr. Chairman, I rise in opposition to the motion.

MR. [OREN] HARRIS [of Arkansas]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. HARRIS: This is a preferential motion to strike out the enacting clause, and I believe a committee member is entitled to recognition.

THE CHAIRMAN: The gentleman is correct. The Chair recognizes the gentleman from California [Mr. Hinshaw].

MR. CASE of South Dakota: Mr. Chairman, a parliamentary inquiry.

7. The Committee on Standards of Official Conduct had recommended that Mr. Crane be reprimanded for sexual misconduct. Mr. Michel offered the recommittal motion to give Members the opportunity to vote on a more stringent penalty (censure) and to prevent other motions, such as postponement as part of recommittal. (Expulsion would not have been germane to reprimand.)

8. 96 CONG. REC. 2597, 2598, 81st Cong. 2d Sess.

THE CHAIRMAN: The gentleman will state it.

MR. CASE of South Dakota: The gentleman from South Dakota was recognized, was he not?

THE CHAIRMAN: The gentleman was recognized by the Chair to make an objection, but not to speak.

MR. HINSHAW: Mr. Chairman, if the gentleman from South Dakota desires time, I will be glad to yield to him for a minute or so.

Parliamentarian's Note: Mr. Case had objected to a unanimous-consent request to withdraw the motion.

§ 13.48 When no member of the committee from which a bill is reported seeks recognition in opposition to a motion to strike the enacting clause, the Chair may recognize for that purpose a Member from the party other than that of the Member making the motion.

On Aug. 2, 1955,[9] the Committee of the Whole was considering under the five-minute rule H.R. 7718, reported from the Committee on the District of Columbia. Mr. Clare E. Hoffman, of Michigan, a Republican, offered the motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken. When no member of the Committee on the District of Columbia rose to seek recognition in opposition to the motion, Chairman Aime J. Forand, of Rhode Island, declined to recognize Mr. H. R. Gross, of Iowa, also a Republican, and recognized a Member of the opposite party.

§ 13.49 Priority of recognition in opposition to a preferential motion to recommend that the enacting clause be stricken is accorded to a member of the committee reporting the bill.

During consideration of the Clean Air Act Amendments of 1976 (H.R. 10498) in the Committee of the Whole on Sept. 15, 1976,[10] the following proceedings occurred:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Wright moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN:[11] The gentleman from Texas (Mr. Wright) is recognized

9. 101 CONG. REC. 12997, 84th Cong. 1st Sess.

10. 122 CONG. REC. 30469, 30470, 94th Cong. 2d Sess.

11. J. Edward Roush (Ind.).

for 5 minutes in support of his preferential motion. . . .

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, I rise in opposition to the motion.

THE CHAIRMAN: Is the gentleman on the committee?

MR. MCCORMACK: No, I am not; but I rise in opposition to the motion.

THE CHAIRMAN: For what purpose does the gentleman from Florida (Mr. Rogers) seek recognition? . . .

MR. MCCORMACK: Mr. Chairman, I make a point of order.

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

MR. MCCORMACK: Mr. Chairman, there is a motion on the floor. I rise in opposition to it.

As I understand, under the rules, one Member is allowed 5 minutes to speak in opposition to a motion like this.

THE CHAIRMAN: The Chair will state that what the gentleman says is absolutely true.

However, the Chair recognizes the gentleman from Florida [Mr. Rogers, a member of the committee and manager of the bill] who is on his feet, if he seeks recognition in opposition to the preferential motion.

§ 13.50 Members of the committee managing the bill have priority of recognition for debate in opposition to a preferential motion that the Committee of the Whole rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The following proceedings occurred in the Committee of the Whole on May 5, 1988,[12] during consideration of the Department of Defense authorization for fiscal 1989 (H.R. 4264):

THE CHAIRMAN PRO TEMPORE:[13] Does any Member desire to rise in opposition to the preferential motion? Members of the committee have priority.

MR. [JOHN G.] ROWLAND of Connecticut: Mr. Chairman, I rise in opposition to the motion.

THE CHAIRMAN PRO TEMPORE: The gentleman from Connecticut is recognized for 5 minutes.

Debate on Committee Amendment

§ 13.51 When a bill is being considered under a closed rule permitting only committee amendments, only two five-minute speeches are in order on an amendment—one in support and one against the amendment—and the Chair gives preference in recognition to members of the committee reporting the bill.

On May 18, 1960,[14] the Committee of the Whole was consid-

12. 134 CONG. REC. 9955, 100th Cong. 2d Sess.
13. Kenneth J. Gray (Ill.).
14. 106 CONG. REC. 10576, 86th Cong. 2d Sess.

ering H.R. 5, amending the Internal Revenue Code, pursuant to House Resolution 468, permitting only amendments offered by the reporting committee, the Committee on Ways and Means. Mr. Cleveland M. Bailey, of West Virginia, not a member of the committee, stated a parliamentary inquiry on whether he could gain recognition under the five-minute rule:

> MR. BAILEY: I rise in opposition to the amendment, and I oppose the legislation in general.
>
> Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN:[15] The gentleman will state it.
>
> MR. BAILEY: On what ground may I get recognition for the purpose of opposing the legislation?
>
> THE CHAIRMAN: The Chair recognized the gentleman from Louisiana [Mr. Boggs] for 5 minutes in support of the committee amendment, so the gentleman from Louisiana would have to yield to the distinguished gentleman from West Virginia.
>
> MR. BAILEY: At the expiration of the 5 minutes allowed the gentleman from Louisiana, may I be recognized to discuss the amendment?
>
> THE CHAIRMAN: If no other member of the committee rises in opposition to the amendment, the Chair will recognize the gentleman.

§ 13.52 In recognizing members of the committee reporting a bill, the Chair generally recognizes a member in favor of a committee amendment prior to recognizing a member thereof who is opposed.

On Jan. 30, 1957,[16] the Committee of the Whole was considering House Joint Resolution 1311, to authorize the President to cooperate with nations of the Middle East, under a resolution permitting only committee amendments. A committee [Foreign Affairs] amendment was offered, and Mr. Brooks Hays, of Arkansas, a member of the committee, rose in opposition to the amendment. Pursuant to a point of order, Chairman Jere Cooper, of Tennessee, extended recognition to Mr. Frank M. Coffin, of Maine, a member of the committee who authored and supported the amendment.

Opposition to More Than One Amendment

§ 13.53 Where the Committee of the Whole fixes the time for debate on amendments to a substitute amendment, the Chair in counting those seeking recognition may in his discretion allot a portion of

15. William H. Natcher (Ky.).

16. 103 CONG. REC. 1311, 85th Cong. 1st Sess.

the opposition time to the reporting committee, and may recognize the same committee member in opposition to each amendment.

On Feb. 8, 1950,[17] the Committee of the Whole fixed time for debate on amendments to a committee substitute. Chairman Chet Holifield, of California, then stated, in response to a parliamentary inquiry, that the Chair could recognize the same committee member in opposition to each amendment offered where no other member of the committee sought such recognition:

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. CASE of South Dakota: Under what precedent or ruling is the Chair recognizing a certain member of the committee for 1 minute in opposition to each amendment being offered? That was not included in the motion. Had it been included in the motion, it would have been subject to a point of order.

THE CHAIRMAN: The Chair is trying to be fair in the conduct of the committee, and the only gentleman that has arisen on the opposite side has been the gentleman from Tennessee [Mr. Murray]. There was no point of order raised at the time that I announced that I would recognize the committee for 1 minute in rebuttal to each amendment.

MR. CASE of South Dakota: But the gentleman from South Dakota got up at the time the Chair proposed to recognize the gentleman from Tennessee a second time. Obviously, when the committee avails itself of the opportunity to make a motion to limit debate it, in a sense, is closing debate, and unless it does seek to limit time and is successful in so doing, in principle it forfeits that courtesy. The Members who have proposed amendments here have been waiting all afternoon to be heard, and if the committee adopted the procedure of seeking to close debate on 20 minutes' notice, with 10 amendments pending, it would seem as a matter of courtesy that the committee should restrain itself to one member of the committee who might have been on his feet, but to recognize one gentleman a succession of times seems entirely out of keeping with the spirit of closing debate.

THE CHAIRMAN: The Chairman, in the list of names, also read the name of the committee. If the Chair was so inclined, the Chair could recognize two Members for 5 minutes each on amendments, on each side, and that would preclude the others from having any voice in the amendments that are pending, or in the debate.

MR. CASE of South Dakota: That, of course, is true, the Chair could do that. But, ordinarily, under the precedents always followed in the House, when time is closed on amendments, the time is divided among those who are seeking to offer amendments, and unless the motion specifically reserves time to the committee, it has been the precedent to divide the time among

17. 96 CONG. REC. 1691, 81st Cong. 2d Sess.

those who are seeking to offer amendments.

THE CHAIRMAN: The Chair feels that the committee is entitled to a rebuttal on any amendment that is offered, and has so announced, and there was no point of order made at the time. The Chair sustains its present position.

Debate Provisions of Trade Act

§ 13.54 Debate on an implementing revenue bill must be equally divided and controlled among those favoring and those opposing the bill under section 151(f)(2) of the Trade Act of 1974, and unanimous consent is required to divide the time between the chairman and ranking minority member of the committee if both favor the bill; in the absence of such a unanimous-consent agreement, a Member opposed to the bill is entitled to control 10 hours of debate in opposition, with priority of recognition to opposing members of the Committee on Ways and Means; and the Member recognized to control the time in opposition may not be compelled to use less than that amount of time unless the Committee rises and the House limits further debate in the Committee of the Whole.

During consideration of the Trade Agreement Act of 1979 (H.R. 4537) in the House on July 10, 1979,[18] the following proceedings occurred:

MR. [AL] ULLMAN [of Oregon]: Mr. Speaker, pursuant to Section 151(f) of Public Law 93–618, the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4537) to approve and implement the trade agreements negotiated under the Trade Act of 1974, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be equally divided and controlled between the gentleman from New York (Mr. Conable) and myself. . . .

THE SPEAKER:[19] Is there objection to the request of the gentleman from Oregon (Mr. Ullman)?

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, reserving the right to object. . . .

I take this reservation for the purpose of propounding a parliamentary inquiry to the Chair.

The rule, section 151, before consideration says:

> Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 hours which shall be divided equally between those favoring and those opposing the bill or resolution. . . .

My query to the Chair as a part of my reservation is, if the unanimous-

18. 125 CONG. REC. 17812, 17813, 96th Cong. 1st Sess.

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

consent request of the chairman is granted can the chairman then move to terminate debate at any time during the course of debate before the 20 hours have expired?

THE SPEAKER: Reading the statute a motion further to limit the debate shall not be debatable, and that would be made in the House, either now or later, and not in the Committee of the Whole.

MR. ASHBROOK: Mr. Speaker, further reserving the right to object, if the gentleman from Ohio were to be recognized as opposing the bill, does the gentleman have the absolute right to the 10 hours regardless of the time that would be taken on the other side?

THE SPEAKER: Unless all general debate were further limited by the House a member of the Committee on Ways and Means who is opposed to the bill could seek to control the 10 hours of time. The gentleman would be entitled to the 10 hours unless a request came from a member of the Committee on Ways and Means who would be in opposition. . . .

MR. ASHBROOK: I thank the Speaker.

I ask this for a very specific purpose. Further reserving the right to object, it is my understanding then that the gentleman from Oregon could not foreclose debate as long as whoever controls the opposition time still has part of the 10 hours remaining. Is that correct, under the statute providing for consideration of this trade bill? . . .

THE SPEAKER: Not unless the committee rose and the House limited all debate.

A motion to limit general debate would not be entertained in the Committee of the Whole and the Chair cannot foresee something of that nature happening.

§ 14. —Of Member in Control

Cross References

Designation of manager and opposition, see § 27, infra.

Interruptions of Member in control, see § 32, infra.

Management by reporting committee, see § 26, infra.

Manager losing or surrendering control, see § 33, infra.

Member in control and amendments, see Ch. 27, supra.

Member in control closing debate, see §§ 72 (House debate), 76 (general debate in Committee of the Whole), 78 (five-minute debate in Committee of the Whole), infra.

Member in control as member of committee in control, see § 13, supra.

Priority of Member in control on specific motions and questions, see §§ 16 et seq., infra.

Role of manager, see § 24, infra.

Special orders and Members in control, see § 28, infra.

Yielding of time by Member in control, see §§ 29–31, infra.

Generally

§ 14.1 Where more than one Member seeks recognition under the five-minute rule in the House as in the Com-