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

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

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

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

MR. ASHBROOK: I thank the Speaker.

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

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

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

§ 14. —Of Member in Control

Cross References

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

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

Management by reporting committee, see § 26, infra.

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

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

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

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

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

Role of manager, see § 24, infra.

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

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

Generally

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

mittee of the Whole, the Speaker recognizes the Member in charge of the bill or resolution if he seeks recognition.

On Sept. 11, 1945,[20] Mr. Robert F. Rich, of Pennsylvania, and Mr. Adolph J. Sabath, of Illinois, arose at the same time seeking recognition on a resolution called up by Mr. Sabath and being considered (by special order) in the House as in the Committee of the Whole. Speaker Sam Rayburn, of Texas, recognized Mr. Sabath, since he had priority of recognition as the Member in charge, and then answered parliamentary inquiries on the order of recognition:

MR. RICH: After the reading of section 4 of the bill which contained subsections (a), (b), and (c), could not a Member have risen to strike out the last word and have been recognized?

THE SPEAKER: The gentleman did not state for what purpose he rose. The gentleman from Illinois who is in charge of the resolution was on his feet at the same time. The Chair recognized the gentleman from Illinois, and the gentleman from Illinois made a preferential motion.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HOFFMAN: Must a Member on the floor addressing the Speaker state the purpose for which he addresses the Speaker before he may be recognized?

THE SPEAKER: Two Members rose. The Speaker always has the right to recognize whichever Member he desires. The Chair recognized the gentleman from Illinois who was in charge of the resolution. The gentleman from Illinois made a preferential motion; the Chair put the motion and it was adopted.

§ 14.2 Where the Member handling a bill on the floor and a minority Member both seek recognition, the Chair gives preference to the former.

On Nov. 15, 1967,[1] the Committee of the Whole was considering under the five-minute rule H.R. 2388, economic opportunity amendments, reported by the Committee on Education and Labor, and under the management of its Chairman, Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition from the Chair to offer an amendment, but Chairman John J. Rooney, of New York, recognized Mr. Perkins to submit a unanimous-consent request (to close debate at a certain hour). Mr. Gurney's point of order against recognition of Mr. Perkins was overruled.

§ 14.3 The member of the committee in charge of a bill is

20. 91 CONG. REC. 8510, 79th Cong. 1st Sess.

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

entitled to prior recognition over other Members of the Committee of the Whole.

On July 8, 1937,[2] Chairman Marvin Jones, of Texas, answered a parliamentary inquiry on the order of recognition on the pending bill and indicated that the legislative committee member in charge of the bill would be entitled to recognition over other Members of the Committee of the Whole.

Recognition Under Five-minute Rule

§ 14.4 In bestowing recognition under the five-minute rule in the Committee of the Whole, the Chair gives preference to the chairman of the legislative committee reporting the bill under consideration.

On Nov. 15, 1967,[3] the Committee of the Whole was considering under the five-minute rule a bill reported from the Committee on Education and Labor, chaired by Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition and started to offer an amendment. The Chairman then recognized Mr. Perkins, the chairman of the committee and manager of the bill, to submit a unanimous-consent request on closing debate, and then subsequently recognized Mr. Gurney to offer his amendment.

§ 14.5 Under the five-minute rule in the Committee of the Whole, the Member handling a bill has preference in recognition for debate but the power of recognition remains with the Chair and the Member cannot "yield" himself time for debate.

On Mar. 26, 1965,[4] Mr. Adam C. Powell, of New York, was the Member in charge of debate on H.R. 2362, the Elementary and Secondary Education Act of 1965, which was being considered for amendment under the five-minute rule in the Committee of the Whole. Mr. Powell arose and stated "I yield myself 5 minutes." Chairman Richard Bolling, of Missouri, stated as follows:

> The gentleman cannot yield himself 5 minutes. The Chair assumes he moves to strike out the last word.

Mr. Melvin R. Laird, of Wisconsin, objected that Mr. Powell had not moved to strike out the last word, and then made such motion himself. However, the

2. 81 CONG. REC. 6946, 75th Cong. 1st Sess.

3. 113 CONG. REC. 32655, 90th Cong. 1st Sess.

4. 111 CONG. REC. 6113, 89th Cong. 1st Sess.

Chairman recognized Mr. Powell for that motion, since he was the manager of the bill and chairman of the Committee on Education and Labor.

§ 14.6 In recognizing Members to offer amendments, the Chair gives preference to the chairman of the committee reporting the bill.

On July 12, 1962,[5] Chairman Wilbur D. Mills, of Arkansas, stated in response to a parliamentary inquiry by Mr. Michael A. Feighan, of Ohio, that he would be recognized at the proper time to offer a substitute to a pending amendment. The Chairman then extended prior recognition to Mr. Thomas E. Morgan, of Pennsylvania, Chairman of the Committee on Foreign Affairs, which had reported the pending bill, to offer an amendment.

§ 14.7 Recognition to offer amendments is first extended to the manager of a bill, and the fact that the Committee of the Whole has just completed consideration of one amendment offered by the manager does not preclude his being recognized to offer another.

On Apr. 6, 1967,[6] Mr. Robert W. Kastenmeier, of Wisconsin, was the Member in charge of H.R. 2512, being considered for amendment in the Committee of the Whole. Mr. Kastenmeier had offered an amendment, which was adopted by the Committee. He then immediately offered another amendment. Mr. Byron G. Rogers, of Colorado, made a point of order against recognition for that purpose, and Chairman John H. Dent, of Pennsylvania, overruled the point of order:

> MR. ROGERS of Colorado: The gentleman from Wisconsin just offered an amendment, and certainly I as a member of the committee ought to have the privilege of offering an amendment.
>
> THE CHAIRMAN: The gentleman from Wisconsin is manager of the bill. The Chair recognizes the gentleman from Wisconsin.

—After Limitation on Debate

§ 14.8 The Committee of the Whole having agreed to limit debate under the five-minute rule on an amendment and all amendments thereto, the Member in charge of the bill may be recognized to speak under the limitation although he has already spoken on the amendment.

5. 108 CONG. REC. 13391, 87th Cong. 2d Sess.

6. 113 CONG. REC. 8617, 8618, 90th Cong. 1st Sess.

On June 25, 1952,[7] during consideration of amendments to a bill in the Committee of the Whole, a motion was adopted to close debate on a pending amendment and all amendments thereto at a certain time. Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry as to the right to recognition, under the limitation, of the Member in charge of the bill:

> MR. [CLARE E.] HOFFMAN of Michigan: Under this limitation is the chairman of the committee, who has already spoken once on this amendment, entitled to be heard again under the rule?
>
> THE CHAIRMAN: The chairman of the committee could rise in opposition to a pro forma amendment and be recognized again.
>
> MR. HOFFMAN of Michigan: Under the limitation?
>
> THE CHAIRMAN: Yes; under the limitation.

Parliamentarian's Note: A limitation on debate abrogates the five-minute rule, and the Chair may allocate the remaining time among those Members desiring recognition, including Members who have already spoken. If sufficient time remains under the limitation to allow the five-minute rule to continue to operate, a Member who has spoken on an amendment may again be recognized to speak in opposition to an amendment thereto (including a pro forma amendment).

Manager Designated by Committee

§ 14.9 Where the Committee on Rules designates a member to call up a report from the committee, only that member may be recognized for that purpose, unless the resolution has been on the calendar for seven legislative days without action.

On June 6, 1940,[8] Mr. Hamilton Fish, Jr., of New York, sought recognition to call up for consideration a special resolution from the Committee on Rules providing for the consideration of a bill. Speaker William B. Bankhead, of Alabama, inquired whether Mr. Fish had been authorized to call up the resolution and Mr. Fish stated he had not. He asserted that calling up such a resolution was "the privilege of any member of the Rules Committee."

The Speaker, in declining to recognize Mr. Fish for that purpose, stated:

> The Chair cannot recognize the gentleman from New York to call up the

7. 98 CONG. REC. 8028, 82d Cong. 2d Sess.

8. 86 CONG. REC. 7706, 76th Cong. 3d Sess.

resolution unless the Record shows he was authorized to do so by the Rules Committee. The Chair would be authorized to recognize the gentleman from Mississippi [Mr. Colmer] to call up the rule in the event the resolution offered by the gentleman from New York, which was the unfinished business, is not called up.

MR. FISH: Will the Chair permit me to read this rule?

THE SPEAKER: The Chair would be glad to hear the gentleman.

MR. FISH: Rule XI reads as follows:

> It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting).

I submit, according to that rule and the reading of that rule, Mr. Speaker, that any member of the Rules Committee can call up the rule, but it would require the membership of the House to act upon it by a two-thirds vote in order to obtain consideration.

THE SPEAKER: The precedents are all to the effect that only a Member authorized by the Rules Committee can call up a rule, unless the rule has been on the calendar for 7 legislative days without action.

MR. FISH: Of course, there is nothing to that effect in the reading of the rule.

THE SPEAKER: The Chair is relying upon the precedents in such instances.

—*Calendar Wednesday Bill*

§ 14.10 Where a committee designates a member thereof to call up a bill on Calendar Wednesday, no other Member may take such action.

On Feb. 24, 1937,[9] Speaker Pro Tempore William J. Driver, of Arkansas, answered a parliamentary inquiry preceding the call of committees on Calendar Wednesday:

> MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.
>
> MR. MICHENER: Mr. Speaker, where a bill has been reported favorably by a committee, and the chairman of the committee is authorized to call the bill up on Calendar Wednesday, when the chairman absents himself from the floor, and when other members of the committee are present, is it proper for one of the other members to call up the bill?
>
> THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that under the rules only the chairman or the member designated by the committee is authorized to call up a bill.

Privileged Resolution

§ 14.11 Debate on a privileged resolution is under the hour rule and the Member in charge of the resolution has control of the time.

On Feb. 27, 1963,[10] Mr. Samuel N. Friedel, of Maryland, called

9. 81 CONG. REC. 1562, 1563, 75th Cong. 1st Sess.
10. 109 CONG. REC. 3051, 3052, 88th Cong. 1st Sess.

up, by direction of the Committee on House Administration, House Resolution 164, a privileged resolution providing funds for the Committee on Armed Services. Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry as to control of the time for debate:

MR. [CHARLES A.] HALLECK [of Indiana]: As I understand it, the gentleman from Maryland [Mr. Friedel] has said that he would yield time to Members on the minority side, and that is what we want. If there is another minority Member who wants to be recognized at this time, it would be in order under the rules for that Member to be granted time in order that he might make such statement as he might want to make.

THE SPEAKER: The Chair will state that under the rules of the House and pursuant to custom that has existed from time immemorial, on a resolution of this kind the Member in charge of the resolution has control of the time and he, in turn, yields time. The gentleman from Maryland [Mr. Friedel] in charge of the resolution has yielded 10 minutes to the gentleman from Ohio. If the gentleman from Ohio desires to yield to some other Member, he may do so but he may not yield a specific amount of time.

Mr. Carl Albert, of Oklahoma, the Majority Leader, then made the following statement on distribution of time to the minority:

MR. ALBERT: . . . Of course, the principle is well established under the rules of the House and has been observed by both parties from time immemorial, that the Member recognized to call up the resolution has control of the time under the 1-hour rule. But, I would like to advise the gentleman, as the gentleman from Maryland has, I am sure the gentleman from Maryland will yield at least half of the time to the minority.

On Feb. 25, 1954,[11] Speaker Joseph W. Martin, Jr., of Massachusetts, answered parliamentary inquiries on the control of debate on a privileged resolution called up by the Member in charge—the chairman of the Committee on House Administration:

MR. [KARL M.] LECOMPTE [of Iowa]: Under the rules the Chairman has control of the time.

THE SPEAKER: The gentleman has 1 hour to yield to whomsoever he desires.

MR. LECOMPTE: And he has control of the matter of offering amendments.

THE SPEAKER: A committee amendment is now pending. No other amendment can be offered unless the gentleman yields the floor for that purpose.

MR. LECOMPTE: A motion to recommit, of course, belongs to some member of the minority opposed to the resolution. Would any motion except a motion to recommit be in order except by the gentleman in charge of the bill?

THE SPEAKER: Not unless the gentleman yields for that purpose.

11. 100 CONG. REC. 2282, 83d Cong. 2d Sess.

The gentleman from Iowa is recognized for 1 hour.

Absence or Death of Manager

§ 14.12 Where the chairman and ranking minority member, named in a resolution to control debate on a bill, are absent and have not designated Members to control the time, the Speaker or Chairman of the Committee of the Whole recognizes the next ranking majority and minority members for control of such debate.

On July 23, 1942,[12] the House adopted a resolution from the Committee on Rules providing for debate on a bill to be divided between the chairman and the ranking minority member of the reporting committee. The chairman and ranking minority member both being absent, Speaker Sam Rayburn, of Texas, declared, in response to a parliamentary inquiry, that the Chair would recognize the next ranking majority member and the next ranking minority member to control debate:

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

THE SPEAKER: The gentleman will state it.

MR. RANKIN: . . . We feel that the time ought to be divided not between the Members who are for the bill but know nothing about it any more than the rest of us, but between the members of the committee who are for the bill and the members of the committee who are opposed to the bill. I would like to have the Chair's ruling on that proposition.

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

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

§ 14.13 Where a Member designated in a resolution to call up a bill dies, the Speaker may recognize another Member in favor of the bill.

On Oct. 12, 1942,[13] Speaker Sam Rayburn, of Texas, overruled a point of order against consideration of a resolution discharged from the Committee on Rules, where the resolution named as manager a Member no longer living:

THE SPEAKER: If no Member wishes to be heard on the point of order the Chair is ready to rule.

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12. 88 CONG. REC. 6542–46, 77th Cong. 2d Sess.

13. 88 CONG. REC. 8080, 77th Cong. 2d Sess.

A matter not exactly on all fours with this, but similar to it, was ruled on a few weeks ago. On that occasion both the chairman and the ranking minority member of the committee were absent. A point of order was made against consideration of the bill because of that fact.

In ruling on the point of order at that time the Chair made the following statement:

> The Chair thinks the Chair has rather a wide range of latitude here. The Chair could hold, and some future Speaker might hold, that since the chairman and the ranking minority member of the committee are not here there could be no general debate because there was nobody here to control it; but the present occupant of the Chair is not going to rule in such a restricted way.
>
> The Chair is going to recognize the next ranking majority member and the next ranking minority member when the House goes into the Committee of the Whole.

We have here even a stronger case than that. The absence of a living Member may be his or her fault; the absence of a dead signer of this petition is not his fault.

There is a rule followed by the chancery courts which might well be followed here. It is that equity never allows a trust to fail for want of a trustee. Applying that rule to the instant case, the Chair holds that the consideration of this legislation will not be permitted to fail for want of a manager. After all, an act of God ought not, in all good conscience, deprive this House of the right to consider legislation; especially so, since this House has by its vote on the motion to discharge expressed its intent. . . .

The Chair overrules the point of order made by the gentleman from Alabama.[14]

Unanimous-consent Consideration of Bill

§ 14.14 Where the House has agreed to consider a bill called up by unanimous consent, the Member calling up the bill is recognized for one hour, and amendments may not be offered by other Members unless the Member in charge yields for that purpose.

On Oct. 5, 1962,[15] Mr. Francis E. Walter, of Pennsylvania, asked for the unanimous-consent consideration of a bill in the House. Mr. Arch A. Moore, Jr., of West Virginia, a minority Member, sought recognition to offer an amendment. Since Mr. Walter was recognized to control time (one hour) on the bill, Speaker John W. McCormack, of Massachusetts, asked Mr. Walter whether he was willing to accept the amendment, and Mr. Walter answered in the affirmative.

Parliamentarian's Note: Ordinarily a Member in charge of a

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14. See the similar rulings of Speaker Rayburn, on the same bill, at 88 CONG. REC. 8066, 8120, 77th Cong. 2d Sess., Oct. 12, 1942.

15. 108 CONG. REC. 22606–09, 87th Cong. 2d Sess.

bill considered in the House loses the floor if he yields for an amendment. In this instance, the amendment was non-controversial and the Speaker put the question on the amendment and on the bill.

—*Private Bill*

§ 14.15 When a private bill is called up by unanimous consent for consideration in the House, the Member making the request is recognized for one hour.

On Mar. 12, 1963,[16] Mr. Emanuel Celler, of New York, asked unanimous consent for the immediate consideration of private bill H.R. 4374, to proclaim Sir Winston Churchill an honorary citizen of the United States, in the House. Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the control and time for debate:

> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, under what circumstances will this resolution be considered? Will there be any time for discussion of the resolution, if unanimous consent is given?
>
> THE SPEAKER: In response to the parliamentary inquiry of the gentleman from Iowa, if consent is granted for the present consideration of the bill, the gentleman from New York [Mr. Celler] will be recognized for 1 hour and the gentleman from New York may yield to such Members as he desires to yield to before moving the previous question.
>
> MR. GROSS: Mr. Speaker, further reserving the right to object, is some time to be allocated to this side of the aisle?
>
> MR. CELLER: I intend to allocate half of the time to the other side.
>
> MR. GROSS: Mr. Speaker, I withdraw my reservation of objection.

Parliamentarian's Note: Normally a Private Calendar bill called up by unanimous consent is considered under the five-minute rule in the Committee of the Whole, unless the request specifies consideration "in the House" (discharging the Committee of the Whole).

Recognition for Motion or Request To Limit Debate

§ 14.16 During five-minute debate in the Committee of the Whole, the Member managing the bill is entitled to prior recognition to move to close debate on a pending amendment over other Members who desire to debate the amendment or to offer amendments thereto.

16. 109 CONG. REC. 3993, 88th Cong. 1st Sess. The Journal indicates that Mr. Eller asked for consideration in the House, although the Record does not. H. Jour. 279, 88th Cong. 1st Sess.

On Nov. 25, 1970,[17] the Committee of the Whole was conducting five-minute debate on H.R. 19504, which was being handled by Mr. John C. Kluczynski, of Illinois. Mr. Kluczynski was recognized by Chairman Chet Holifield, of California, to move to close all debate on the pending amendment immediately. The motion was adopted. Mr. Jonathan B. Bingham, of New York, then attempted to offer another amendment, and Mr. Andrew Jacobs, Jr., of Indiana, attempted to debate the amendment on which debate had been closed. The Chairman stated:

> The Chair has not recognized the gentleman from New York or the gentleman from Indiana. The Chair had recognized the gentleman from Illinois (Mr. Kluczynski). The gentleman from Indiana misunderstood the Chair had recognized him. The Chair had to recognize the gentleman from Illinois as chairman of the subcommittee.

§ 14.17 While it is customary for the Chair to recognize the manager of the pending bill to offer motions to limit debate, any Member may, pursuant to Rule XXIII clause 6, move to limit debate at the appropriate time in Committee of the Whole.

17. 116 CONG. REC. 38990, 91st Cong. 2d Sess.

The following proceedings occurred in the House on July 31, 1975:[18]

> MR. [WAYNE L.] HAYS of Ohio: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER:[19] The gentleman will state it.
>
> MR. HAYS of Ohio: Would it be in order for a person not a member of the committee to move to close debate on whatever pending amendment there might be, and all amendments thereto, to this bill when we go into the Committee of the Whole?
>
> THE SPEAKER: It is the practice and custom of the House that the Chair looks to the manager of the bill for motions relating to the management of the bill.
>
> MR. HAYS of Ohio: If I made the motion—and I will make it more specific—would it be out of order or in violation of the rules?
>
> THE SPEAKER: A proper motion could be entertained at the proper time.
>
> MR. HAYS of Ohio: I am prepared to make such a motion and I will seek the proper time.

§ 14.18 Although any Member may move, or request unanimous consent, to limit debate under the five-minute rule in the Committee of the Whole, the manager of the bill has the prior right to recognition for such purpose.

18. 121 CONG. REC. 26223, 94th Cong. 1st Sess.

19. Carl Albert (Okla.).

The following proceedings occurred in the Committee of the Whole on June 19, 1984,[20] during consideration of the Immigration Reform and Control Act (H.R. 1510):

MR. [DANIEL E.] LUNGREN [of California]: Mr. Chairman, I ask unanimous consent that all debate on this amendment end at 7:15.

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

MR. [THEODORE S.] WEISS [of New York]: Objection, Mr. Chairman.

THE CHAIRMAN: Objection is heard.

MR. LUNGREN: Mr. Chairman, I move——

MR. [ROMANO L.] MAZZOLI [of Kentucky]: Mr. Chairman, I should be recognized as the floor manager.

THE CHAIRMAN: The Chair recognizes the gentleman from Kentucky (Mr. Mazzoli).

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

THE CHAIRMAN: The gentleman will state it.

MR. MAZZOLI: Mr. Chairman, I believe under the rule, the gentleman from Kentucky, the floor manager, is entitled to be heard and to be recognized on matters limiting debate.

Let me just respectfully suggest to my friend, the gentleman from California, the House has made it clear we are not going to protract the debate tonight. . . .

MR. LUNGREN: Mr. Chairman, if I might reclaim my time, I indulged the gentleman from Texas and asked him to withdraw his motion on the pretext that I would make a motion, as I have the ability to do under the rule, that debate on this amendment shall end in a half hour. Since I had the gentleman agree to withdraw it, I feel bound that I will then continue with this motion, and I so move.

MR. MAZZOLI: Mr. Chairman, can the gentleman say 45 minutes? I understand 45 minutes will be enough.

THE CHAIRMAN: If the gentleman from Kentucky has no motion, the gentleman from California is entitled to make his motion. Does the gentleman offer a motion?

MR. LUNGREN: Yes, Mr. Chairman.

Mr. Chairman, I move that debate on the amendment offered by the gentleman from Texas (Mr. Wright) be concluded at 7:30.

THE CHAIRMAN: The question is on the motion offered by the gentleman from California (Mr. Lungren).

The motion was agreed to.

§ 14.19 A Member is not entitled to five minutes of debate on a pro forma amendment in Committee of the Whole until the Chair has recognized him for that purpose; and the subcommittee chairman who is managing the bill is entitled to prior recognition to move to limit debate over a Member seeking recognition to offer a pro forma amendment.

During consideration of the foreign assistance and related agen-

20. 130 CONG. REC. 17055, 98th Cong. 2d Sess.

1. William H. Natcher (Ky.).

cies appropriation bill for fiscal year 1978 (H.R. 7797) in the Committee of the Whole on June 22, 1977,[2] the following proceedings occurred:

MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Chairman, I move to strike the requisite number of words.

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I was on my feet seeking recognition.

THE CHAIRMAN:[3] For what purpose does the gentleman from Maryland rise?

MR. LONG of Maryland: Mr. Chairman, I rise to ask unanimous consent for a limitation on the debate.

THE CHAIRMAN: Will the gentleman make his request.

MR. LONG of Maryland: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto cease in 10 minutes.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I object.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. LONG of Maryland: Mr. Chairman, I move that all debate on this amendment and all amendments thereto cease in 10 minutes.

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ASHBROOK: Mr. Chairman, my understanding is that the Chairman recognized the gentleman from New York (Mr. Bingham) and he was halfway down the aisle.

THE CHAIRMAN: The Chair saw both gentlemen at the same time, and he did recognize the gentleman from Maryland because the Chair had to, by custom and rule, I believe, recognize the chairman of the subcommittee. . . .

The question is on the motion offered by the gentleman from Maryland (Mr. Long).

The motion was agreed to.

Recognition for Motion That Committee Rise

§ 14.20 The motion that the Committee of the Whole rise is always within the discretion of the Member handling the bill before the Committee.

On June 16, 1948,[4] Mr. George W. Andrews, of Alabama, was managing the consideration in the Committee of the Whole of a bill being read for amendment under the five-minute rule, and moved that the Committee rise, several Members desiring recognition being absent. Mr. George A. Smathers, of Florida, interjected that he would like to be heard on the motion. Chairman Francis H. Case, of South Dakota, ruled:

That is not a debatable motion. It is always within the discretion of the

2. 123 CONG. REC. 20288, 95th Cong. 1st Sess.

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

4. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

gentleman handling the bill to move that the Committee rise.

Parliamentarian's Note: Any Member may be recognized under the five-minute rule to offer the preferential motion that the Committee rise. Under general debate, only a Member controlling time for general debate may make the motion.

—*Minority Member in Control Where Chairman Opposed to Concurrent Resolution*

§ 14.21 On one occasion, the ranking minority member of a subcommittee who had introduced and controlled general debate in favor of a concurrent resolution being considered in Committee of the Whole, moved that the Committee rise and report the resolution to the House favorably, where the chairman who had reported the resolution had offered the motion for its consideration but had controlled time in opposition.

The following proceedings occurred in the Committee of the Whole on May 24, 1983,[5] during consideration of House Concurrent Resolution 113 (approving MX missile funds):

THE CHAIRMAN:[6] All time has expired.

The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 113

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and the Senate of the United States approve the obligation and expenditure of funds appropriated in Public Law 97–377 for MX missile procurement. . . .

MR. [JACK] EDWARDS of Alabama [ranking minority member of the Subcommittee on Defense of the Committee on Appropriations]: Mr. Chairman, I move that the Committee do now rise and report the concurrent resolution back to the House with the recommendation that the concurrent resolution be agreed to.

The motion was agreed to.

Parliamentarian's Note: Although Mr. Joseph P. Addabbo, of New York, chairman of the Subcommittee on Defense, arguably had the responsibility under Rule XI, clause 2(l)(1)(a) to take all necessary steps to bring the matter to a vote, he did not want to move that the Committee of the Whole rise and report the concurrent resolution favorably, since he opposed that motion.

5. 129 CONG. REC. 13594, 98th Cong. 1st Sess.

6. Norman Y. Mineta (Calif.).

Recognition in Opposition to Motion Recommending That Enacting Clause Be Stricken

§ 14.22 The Chair normally recognizes the manager of a bill for five minutes if he rises in opposition to a preferential motion that the enacting clause be stricken, and no preference in recognition is granted to the minority.

An illustration of the proposition described above occurred on Apr. 23, 1975,[7] in the Committee of the Whole during consideration of the Vietnam Humanitarian Assistance Act (H.R. 6096):

> MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. O'Neill moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.
>
> THE CHAIRMAN:[8] The Chair recognizes the gentleman from Massachusetts (Mr. O'Neill) in support of his preferential motion. . . .
>
> MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I rise in opposition to the preferential motion offered by the gentleman from Massachusetts (Mr. O'Neill).
>
> MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state his parliamentary inquiry.
>
> MR. DU PONT: Mr. Chairman, my parliamentary inquiry is this: Does the grant of time by the Chairman to the gentleman from Pennsylvania (Mr. Morgan) preclude anyone on the minority side from rising in opposition to the preferential motion and being heard?
>
> THE CHAIRMAN: The Chair will say that that is correct.
>
> MR. DU PONT: Under the rules, is not time designated to the minority side?
>
> THE CHAIRMAN: The Chair will state that is not a prerogative of the minority on a preferential motion of this sort.

§ 14.23 The chairman of a committee managing a bill is entitled to recognition for debate in opposition to a motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, over the minority manager of the bill.

The following proceedings occurred in the Committee of the Whole on Apr. 28, 1983,[9] during consideration of House Joint Resolution 13 (nuclear weapons freeze):

> THE CHAIRMAN:[10] When the Committee of the Whole rose on Thursday,

7. 121 CONG. REC. 11505, 11506, 94th Cong. 1st Sess.
8. Otis G. Pike (N.Y.).
9. 129 CONG. REC. 10425, 98th Cong. 1st Sess.
10. Matthew F. McHugh (N.Y.).

April 21, 1983, pending was the committee amendment in the nature of a substitute which is considered as an original resolution for the purpose of amendment. All time for debate on the text of the resolution had expired.

Are there further amendments?

PREFERENTIAL MOTION OFFERED BY MR. AU COIN

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. AuCoin moves that the committee do now rise and report the resolution back to the House with the recommendation that the resolving clause be stricken out.

THE CHAIRMAN: The gentleman from Oregon (Mr. AuCoin) is recognized for 5 minutes in support of his preferential motion. . . .

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Chairman, I rise in opposition to the preferential motion.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin] [Chairman of Committee on Foreign Affairs]: Mr. Chairman, I rise in opposition to the preferential motion and ask for a vote.

THE CHAIRMAN: The gentleman from Wisconsin (Mr. Zablocki) is recognized for 5 minutes in opposition to the preferential motion.

Where Committee Discharged From Consideration of Privileged Resolution

§ 14.24 If a motion to discharge a committee from the further consideration of a privileged resolution is agreed to, the resolution is debatable under the hour rule, and the proponent of the resolution is entitled to prior recognition.

The principle described above was illustrated on Sept. 29, 1975,[11] during proceedings in the House relating to House Resolution 718 (a resolution of inquiry, directing the Secretary of the Department of Health, Education, and Welfare to furnish documents relating to public school systems to the House):

MR. [JAMES M.] COLLINS of Texas: Mr. Speaker, I offer a privileged motion to discharge the Committee on Education and Labor from consideration of the resolution (H. Res. 718).

THE SPEAKER:[12] The Clerk will report the motion.

The Clerk read the motion as follows:

> Mr. Collins of Texas moves to discharge the Committee on Education and Labor from consideration of House Resolution 718.

THE SPEAKER: The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 718

Resolved, That the Secretary of Health, Education, and Welfare, to the extent not incompatible with the

11. 121 CONG. REC. 30748, 94th Cong. 1st Sess.
12. Carl Albert (Okla.).

public interest, is directed to furnish to the House of Representatives, not later than sixty days following the adoption of this resolution, any documents containing a list of the public school systems in the United States which, during the period beginning on August 1, 1975, and ending on June 30, 1976, will be receiving Federal funds and will be engaging in the busing of schoolchildren to achieve racial balance, and any documents respecting the rules and regulations of the Department of Health, Education, and Welfare with respect to the use of any Federal funds administered by the Department for the busing of schoolchildren to achieve racial balance.

THE SPEAKER: The question is on the privileged motion to discharge.

The motion was agreed to.

MR. COLLINS of Texas: Mr. Speaker, basically, what I am concerned with here is full documentation from the Secretary of HEW.

I filed this in the Congressional Record and have met the necessary requirements for a resolution of inquiry. . . .

The other body at this time is discussing the appropriation bill on HEW and has raised the subject over and over again regarding transportation of students to achieve racial balance and how that is affecting the budget. Therefore, it is absolutely essential to us, in our deliberations here in this House, that we have a concise, clear, complete, and factual statement from the Secretary of HEW as defined in my House Resolution 718.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Moving the Previous Question

§ 14.25 A Member calling up a privileged resolution in the House may move the previous question at any time, except to take another Member from his feet, notwithstanding his prior allocation of debate time to another Member.

On Mar. 9, 1977,[13] it was demonstrated that the Member recognized to control debate in the House may, by moving the previous question, terminate utilization of debate time he has previously yielded:

THE SPEAKER:[14] The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), for the minority, pending which I yield myself 5 minutes. . . .

Mr. Speaker, the other amendment that the gentleman offers proposes to give the House the opportunity to vote up or down in a certain period of time regulations proposed by the select committee. What that does, and it really demonstrates an almost total lack of understanding of the rules, is to upgrade regulations into rules. The Members of the House will have the opportunity to deal with all laws and

13. 123 CONG. REC. 6816, 95th Cong. 1st Sess.

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

rules. That is provided in the resolution. . . .

Mr. Speaker, I move the previous question on the resolution. . . .

MR. [JOHN B.] ANDERSON of Illinois: I have time remaining. Do I not have a right to respond to the gentleman from Missouri?

THE SPEAKER: Not if the previous question has been moved, and it has been moved.

MR. ANDERSON of Illinois: Even though the gentleman mentioned my name and made numerous references to me for the last 10 minutes?

THE SPEAKER: The Chair is aware of that.

The question is on ordering the previous question.

§ 15. — Of Opposition After Rejection of Essential Motion

Right of recognition to offer a motion to recommit pending final passage, which is the prerogative of the minority if opposed, should be distinguished from the right of recognition for a motion to refer under Rule XXIII clause 7 pending a vote in the House on a motion to strike out the enacting clause. In the latter case, a Member seeking recognition need not be opposed to the bill, since the motion to refer in this case is a measure designed to avert final adverse disposition of the bill. As stated by Speaker Frederick H. Gillett, of Massachusetts, on May 19, 1924,[15] "apparently the provision for a motion to refer was inserted so that the friends of the original bill might avert its permanent death by referring it again to the committee, where it could again be considered in the light of the action of the House." By the same reasoning, Speaker Gillett pointed out, rejection of the motion to refer should not give the right of recognition to sponsors of the bill, but to one supporting the motion to strike the enacting clause.

The right to recognition upon rejection of the previous question is not necessarily a prerogative of the minority.

Cross References

Distribution and alternation of time between proponent and opposition, see § 25, infra.

Effect of special orders on control of opposing time, see § 28, infra.

Losing or surrendering control to opposition, see §§ 33, 34, infra.

Practice of House committees as to time for opposition, see § 26, infra.

Rights of opposition on specific questions and motions, see §§ 16 et seq., infra.

Time for opposition in debate, see §§ 67 et seq., infra (duration of debate in the House) and §§ 74 et seq., infra (duration of debate in the Committee of the Whole).

Yielding time by or to opposition, see §§ 29–31, infra.

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15. See 8 Cannon's Precedents § 2629.