bill being considered in the Committee of the Whole, moved that all debate on the pending amendment and all amendments thereto conclude at a certain time, and the motion was agreed to. Chairman Wilbur D. Mills, of Arkansas, then answered a parliamentary inquiry:

> 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.

§ 78. —Closing and Limiting Debate

Rule XXIII clause 6 provides a privileged motion for closing five-minute debate in the Committee of the Whole:

> The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate. However, if debate is closed on any section or paragraph under this clause before there has been debate on any amendment which any Member shall have caused to be printed in the Congressional Record after the reporting of the bill by the committee but at least one day prior to floor consideration of such amendment, the Member who caused such amendment to be printed in the Record shall be given five minutes in which to explain such amendment, after which the first person to obtain the floor shall be given five minutes in opposition to it, and there shall be no further debate thereon; but such time for debate shall not be allowed when the offering of such amendment is dilatory. Material placed in the Record pursuant to this provision shall indicate the full text of the proposed amendment, the name of the proponent Member, the number of the bill to which it will be offered and the point in the bill or amendment thereto where the amendment in intended to be offered, and shall appear in a portion of the Record designated for that purpose.[18]

Although the House may by unanimous consent limit five-minute debate in Committee of the Whole, the motion or unanimous-consent request is ordinarily made in the Committee.[19] The

18. *House Rules and Manual* § 874 (1995). The clause preserving five-minute debate regardless of a limitation for an amendment which has been printed in the Record was added to the rule by H. Res. 5 in the 92d Congress.

19. See §§ 78.1, 78.2, 78.39, infra. A dated precedent, at 5 Hinds' Precedents § 5229, indicates that the mo-

motion, which is not debatable, is privileged, but is not in order until the portion of the bill to which it applies has been read and debated.[20] By unanimous consent, time under the five-minute rule may be limited before the relevant portion of the bill is read, or before there has been debate thereon.[1]

Although a motion to close debate is not in order to change the effect of a prior motion to close debate, the House or the Committee may by unanimous consent vacate, rescind, or extend a limitation.[2]

Debate may be closed instantly by motion or unanimous-consent request; and it may be limited either to a certain number of minutes or to a fixed time by the clock.[3]

The motion may not include a reservation or allocation of time under the limitation, but time may be reserved under a unanimous-consent request to limit debate.[4]

Another method in which debate may be suspended in the Committee of the Whole is the motion to rise, which is highly privileged.[5]

Cross References

Closing debate generally, see § 7, supra.

Closing five-minute debate in the House as in the Committee of the Whole, see § 72, supra.

Closing and limiting general debate, see § 76, supra.

---

tion under Rule XXIII clause 6 may be offered in the House.

20. See §§ 78.5–78.9, infra, for the privilege of the motion and §§ 78.58, 78.59, infra, for the precedence of the motion to strike the enacting clause over the motion to close debate.

For the nondebatability of the motion, see §§ 78.16, 78.17, infra.

For the proper time of offering the motion, see §§ 78.5, 78.26–78.31, infra (after reading of relevant portion of bill); §§ 78.21–78.25, infra (after some debate has been had).

1. See §§ 78.93–78.95, infra.

To permit a request to limit debate on an entire bill prior to completion of its reading for amendment would allow amendments under the limitation only to that portion of the bill which has been read and, if the limitation were reached, would require subsequent reading of the remainder of the bill without further debate on any amendments.

2. See §§ 78.81–78.88, infra.

A Member who is allotted time, by the Chair, under a limitation, may not extend his time even by unanimous consent (see § 79.50, infra).

3. See §§ 78.41, 78.50, 78.51, infra.

4. See §§ 78.61, 78.62, infra.

5. See §§ 78.53–78.55, infra. If the Committee rises and time was set at a certain amount of minutes of debate when debate is resumed the unexpired time remains; if time was set to expire at a fixed time by the clock, and the Committee rises and does not resume before the time arrives, all time is construed as having expired (see § 78.57, infra).

Effect of limitation on five-minute debate, see § 79, infra.

Procedure generally in Committee of the Whole, see Ch. 19, supra.

Recognition for motion to close debate, see § 23, supra.

Recognition under a limitation on five-minute debate, see § 22, supra.

Special orders limiting or dispensing with five-minute debate, see § 74, supra.

In General; Authority of the Committee of the Whole

§ 78.1 The right to close debate under the five-minute rule may be exercised by the Committee of the Whole.

On Feb. 8, 1964,[6] inquiries were made by Mr. William M. McCulloch, of Ohio, relative to closing or limiting debate time on certain unread titles of a bill. Chairman Eugene J. Keogh, of New York, affirmed the right of the Committee of the Whole to close debate on those titles by unanimous consent under the five-minute rule.

§ 78.2 By unanimous consent, the Committee of the Whole agreed that when it resumed consideration of a pending bill on the following day, debate on all amendments to the bill would be limited to two hours.

On Mar. 28, 1972,[7] the Committee of the Whole agreed to a unanimous-consent limitation of debate under the five-minute rule, to take effect on the following day when consideration would be resumed:

> MR. [ROBERT E.] JONES of Alabama: Mr. Chairman, I ask unanimous consent that debate on all amendments to the bill conclude 2 hours after the Committee of the Whole House on the State of the Union resumes consideration of this bill tomorrow, Wednesday, March 29, 1972.
>
> THE CHAIRMAN:[8] Is there objection to the request of the gentleman from Alabama?
>
> There was no objection.
>
> MR. JONES of Alabama: Mr. Chairman, I move that the Committee do now rise.
>
> The motion was agreed to.

§ 78.3 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.

6. 110 CONG. REC. 2614, 88th Cong. 2d Sess.

7. 118 CONG. REC. 10673, 92d Cong. 2d Sess.

8. Neal Smith (Iowa).

The following proceedings occurred in the House on July 31, 1975:[9]

MR. [WAYNE L.] HAYS of Ohio: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:[10] 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.

§ 78.4 The Chair refused to entertain a unanimous-consent request regarding the limitation of time for debate on an amendment during the reading of the amendment.

During consideration of the Energy Conservation and Oil Policy Act of 1975 (H.R. 7014) in the Committee of the Whole on Sept. 18, 1975,[11] the proceedings described above occurred as follows:

MR. [JAMES M.] JEFFORDS [of Vermont]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jeffords: Page 331, after line 10, add the following:

TITLE VI—ENERGY LABELING AND EFFICIENCY STANDARDS FOR BEVERAGE CONTAINERS

DEFINITIONS AND COVERAGE

Sec. 601.—For purposes of this part—

(1) The term "beverage container" means a bottle, jar, can, or carton of glass, plastic, or metal, or any combination thereof, used for packaging or marketing beer . . . or a carbonated soft drink of any variety in liquid form which is intended for human consumption. . . .

MR. JEFFORDS (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record due to the fact that it was printed in the Record with the exception of two words which I shall explain. . . .

MR. [PHILLIP H.] HAYES of Indiana: Mr. Chairman, I object. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to make a unanimous consent request with regard to a limitation of time. . . .

THE CHAIRMAN:[12] The Chair will state to the gentleman from Michigan

9. 121 CONG. REC. 26223, 94th Cong. 1st Sess.

10. Carl Albert (Okla.).

11. 121 CONG. REC. 29322, 29323, 94th Cong. 1st Sess.

12. Richard Bolling (Mo.).

that the reading of the amendment has not been completed and we should dispose of the reading of the amendment prior to such a request.

The Clerk will proceed to read the amendment.

Privilege of Motion

§ 78.5 A motion to close debate on a committee amendment in the nature of a substitute and all amendments thereto is privileged when made after the amendment has been read and debated.

On Aug. 16, 1967,[13] Chairman Richard Bolling, of Missouri, overruled a point of order against a motion to limit debate on a bill and amendments thereto, after a committee amendment in the nature of a substitute had been read and debated:

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I now move that all debate on the bill and all amendments thereto conclude at 5 minutes to 4. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, a further point of order.

THE CHAIRMAN: The gentleman will state it.

MR. HAYS: Mr. Chairman, it is my understanding that a motion may be made to close debate on an amendment. But this motion is to close debate on the bill and all amendments thereto.

THE CHAIRMAN: It happens that the Committee of the Whole is considering an amendment which is a committee amendment, and the motion made by the gentleman from New York under the circumstances is in order.

§ 78.6 The pendency of an amendment to a committee amendment in the nature of a substitute does not preclude a motion to limit debate on the substitute and all amendments thereto.

On Aug. 16, 1967,[14] Mr. Emanuel Celler, of New York, moved to limit debate on a committee amendment in the nature of a substitute and all amendments thereto while an amendment to the substitute was pending, and Chairman Richard Bolling, of Missouri, overruled a point of order against the motion:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, a point of order.

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

MR. HAYS: Mr. Chairman, the point of order is that there is an amendment pending, the point of order being can we have another motion intervene to close debate?

Mr. Chairman, I make the point of order that the gentleman's motion is out of order.

THE CHAIRMAN: The Chair will state that the Chair will have to overrule

13. 113 CONG. REC. 22754, 22755, 90th Cong. 1st Sess.

14. 113 CONG. REC. 22754, 22755, 90th Cong. 1st Sess.

the gentleman's point of order because a motion may be made on the amendment, or to close debate, at any time after debate has been had on the pending amendment.

§ 78.7 The motion to limit debate on the pending portion of a bill and all amendments thereto is in order while an amendment is pending.

On June 21, 1973,[15] while an amendment was pending in the Committee of the Whole, Mr. Augustus F. Hawkins, of California, moved that debate on the bill and amendments thereto close at a certain time. Chairman Robert C. Eckhardt, of Texas, then answered a parliamentary inquiry:

MR. [JOHN T.] MYERS [of Indiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MYERS: Mr. Chairman, there is one motion pending before the motion made by the gentleman from California. Is this a substitute motion?

THE CHAIRMAN: There is an amendment pending, but the motion of the gentleman from California is in order at this time.

The question is on the motion offered by the gentleman from California (Mr. Hawkins) that all debate on the bill and all pending amendments thereto close at 11 p.m.

The motion was agreed to.

15. 119 CONG. REC. 20753, 93d Cong. 1st Sess.

§ 78.8 A motion to close debate in the Committee of the Whole is privileged after debate has been had on a section or paragraph (and amendments thereto) to which the motion applies.

On Jan. 26, 1932,[16] Chairman John W. McCormack, of Massachusetts, ruled in the Committee of the Whole that the motion to close debate under the five-minute rule was privileged and nondebatable.

MR. [WILLIAM B.] OLIVER [of Alabama]: Mr. Chairman——

MR. [JAMES P.] BUCHANAN [of Texas]: Mr. Chairman——

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

MR. BUCHANAN: Mr. Chairman, I move that all debate upon this amendment and upon this section do now close.

THE CHAIRMAN: The question is on the motion of the gentleman from Texas that all debate on this amendment and the section do now close.

MR. [CHARLES L.] UNDERHILL [of Massachusetts]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. UNDERHILL: The Chairman had already recognized the gentleman from Alabama, and he has the floor and can not be taken off the floor.

THE CHAIRMAN: The Chair overrules the point of order. The question is on

16. 75 CONG. REC. 2749, 72d Cong. 1st Sess.

the motion of the gentleman from Texas.

The question was taken and the motion was agreed to.

MR. [ALLEN T.] TREADWAY [of Massachusetts]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. TREADWAY: Does the adoption of that vote foreclose debate on any other part of this section?

THE CHAIRMAN: The motion closes debate on the pending paragraph.

MR. TREADWAY: Mr. Chairman, I was on my feet asking recognition.

THE CHAIRMAN: The motion of the gentleman from Texas is . . . a privileged motion after debate has been had on the paragraph.

§ 78.9 During the 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.

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 that all debate on the pending amendment immediately close. The motion was adopted; Mr. Jonathan B. Bingham, of New York, attempted to offer an amendment and Mr. Andrew Jacobs, Jr., of Indiana, attempted to debate the amendment on which debate had been closed. The Chairman stated:

> The Chair had 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.[18]

§ 78.10 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.

The following proceedings occurred in the Committee of the Whole on June 19, 1984,[19] during

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

18. The manager of the bill, and not the proponent of a particular amendment, is entitled to recognition to close debate on the amendment. See 111 CONG. REC. 16228, 89th Cong. 1st Sess., July 9, 1965 (cited at § 7, supra, wherein is generally discussed the closing of debate and recognition therefor).

19. 130 CONG. REC. 17055, 98th Cong. 2d Sess.

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:[20] 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.

§ 78.11 Under the five-minute rule in Committee of the Whole, 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.

The Committee of the Whole was considering H.R. 7797 (the Foreign Assistance and related agencies appropriations, 1978) under the five-minute rule on June 22, 1977,[1] when the following proceedings occurred:

20. William H. Natcher (Ky.).

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

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:[2] 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.

§ 78.12 The Chair may recognize the manager of a bill to request a limit on debate on a pending portion of the bill before recognizing a Member to offer an amendment thereto.

On Dec. 4, 1979,[3] the following proceedings occurred in the Committee of the Whole during consideration of the Nuclear Regulatory Commission Authorization bill (H.R. 2608):

THE CHAIRMAN:[4] Is there any further debate on the amendment offered by the gentleman from Virginia (Mr. Harris)? If not, the question is on the amendment offered by the gentleman from Virginia (Mr. Harris).

The amendment was agreed to.

THE CHAIRMAN: The Chair will indicate that we believe there is one additional amendment to be offered by the gentleman from Texas (Mr. Gonzalez).

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, then I would ask unanimous consent that all debate on this bill and all amendments thereto close at 4:15.

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

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

3. 125 CONG. REC. 34516, 34518, 34519, 96th Cong. 1st Sess.

4. Leon E. Panetta (Calif.).

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous consent request was granted will be recognized for 10 seconds each.

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

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gonzalez: Page 11, after line 15, add the following new title:

TITLE IV—PROTECTION FOR INSPECTORS

Sec. 401. Section 1114 of Title 18, United States Code is amended by inserting "any construction inspector or quality assurance inspector on any Nuclear Regulatory Commission licensed project," after "Department of Justice.".

After debate on a point of order, Mr. Gonzalez made a parliamentary inquiry:

THE CHAIRMAN: . . . The gentleman from Texas (Mr. Gonzalez) is recognized for 40 seconds.

MR. GONZALEZ: Mr. Chairman, I would like now to interpose my parliamentary inquiry with regard to the time allotted me. . . .

Why should I be limited to a motion that was made subsequent to the knowledge that I had a pending amendment to offer?

Had I known that I would come under that limitation on a subsequent motion, though I had not been recognized for the purpose of amendment, because the gentleman from Arizona was recognized anticipatorily on a motion I had no knowledge was going to be made. If I had known, I would have objected to the unanimous-consent request, because I wanted the opportunity to offer the amendment and be given at least 5 minutes, that is the customary time allotted a Member.

Let me say this, in order to avoid any kind of an argument. How much net time will I have to present this amendment?

THE CHAIRMAN: The gentleman has 1 minute and 20 seconds on his amendment. . . .

With regard to the parliamentary inquiry, the Chair would indicate that he first recognized the chairman, the gentleman from Arizona as manager of the bill, that the gentleman made a unanimous-consent agreement with regard to limitation of time and that there was no objection.

Therefore, the gentleman is recognized for 1 minute and 20 seconds on his amendment.

Interruption of Member by Proposal To Limit Debate

§ 78.13 A Member having the floor in debate on his amendment may not be interrupted without his consent by a motion to close debate in a specified time.

On Aug. 21, 1940,[5] Mr. John C. Schafer, of Wisconsin, offered an amendment under the five-minute rule in the Committee of

5. 86 CONG. REC. 10698, 76th Cong. 3d Sess.

the Whole and was recognized for five minutes:

THE CHAIRMAN:[6] The gentleman from Wisconsin is recognized for 5 minutes.

MR. SCHAFER of Wisconsin: Mr. Chairman——

MR. [HENRY B.] STEAGALL [of Alabama]: Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

MR. [JESSE P.] WOLCOTT [of Michigan]: Mr. Chairman, I object.

MR. STEAGALL: Mr. Chairman, I move that all debate on this section——

MR. SCHAFER of Wisconsin: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. SCHAFER of Wisconsin: Mr. Chairman, I did not yield to the gentleman from Alabama to submit a unanimous-consent request or to make a motion. I have some rights here under the rules of the House. I demand the regular order, and that is that I be permitted to continue without interruption.

THE CHAIRMAN: The gentleman is recognized for 5 minutes, but there is a motion before the House.

MR. SCHAFER of Wisconsin: Mr. Chairman, I make the point of order against that motion. I did not yield for the gentleman to make a motion. I had the floor. The gentleman did not ask me to yield and I did not yield. I have some rights under the rules of the House and I ask that they be respected by the gentleman who has interrupted even though he is chairman of the important committee in charge of the pending legislation.

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

6. Abe Murdock (Utah).

§ 78.14 A motion to limit debate on an amendment, while privileged, cannot deprive another Member of the floor.

On Mar. 12, 1964,[7] a Member with the floor on his amendment under the five-minute rule declined to yield to another Member to move to limit debate:

MR. [GLEN C.] CUNNINGHAM [of Nebraska]: Mr. Chairman, I rise in support of my amendment.

MR. [JAMES H.] MORRISON [of Louisiana]: Mr. Chairman, will the gentleman yield for a unanimous-consent request?

MR. CUNNINGHAM: For a unanimous-consent request I yield; yes.

MR. MORRISON: I wonder if we can agree that all debate on the amendment and all other amendments to title II end in 20 minutes.

MR. CUNNINGHAM: Mr. Chairman, I do not yield for that purpose. That would come out of my time.

MR. MORRISON: After consideration of the gentleman's amendment, could all debate on all amendments end in 20 minutes?

MR. [AUGUST E.] JOHANSEN [of Michigan]: Mr. Chairman, I object.

MR. [PAUL C.] JONES of Missouri: I object.

7. 110 CONG. REC. 5118, 5119, 88th Cong. 2d Sess.

THE CHAIRMAN:[8] Objection is heard.

MR. MORRISON: Mr. Chairman, I move that be done.

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

MR. CUNNINGHAM: No, because I wish to make a statement. Following my statement the gentleman can be recognized.

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

§ 78.15 Time consumed in disposing of unanimous-consent requests or motions to limit debate on an amendment in the Committee of the Whole is charged to the Member who had been recognized under the five-minute rule and who had yielded for that purpose.

On June 1, 1972,[9] Chairman Robert N. Giaimo, of Connecticut, ruled on whether time for interruptions for which a Member with the floor under the five-minute rule yielded, would be taken out of that Member's time:

MR. [WILLIAM V.] CHAPPELL [Jr., of Florida]: Mr. Chairman, I offer an amendment. . . .

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Chairman, would the gentleman yield to me?

MR. CHAPPELL: I yield to the gentleman from West Virginia.

MR. STAGGERS: I have asked the gentleman from Florida to yield to me in order to ascertain if we could set a limit of debate on this amendment.

Having heard the amendment read, it is a very simple amendment, and it can be read again if needed.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

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

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. STAGGERS: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

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

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GROSS: Mr. Chairman, is this coming out of the gentleman's time?

THE CHAIRMAN: The Chair will state that that is correct.

Motion Not Debatable

§ 78.16 A motion to close debate under the five-minute rule in the Committee of the Whole is not debatable.

On Mar. 26, 1965,[10] Chairman Richard Bolling, of Missouri, ruled

8. Chet Holifield (Calif.).

9. 118 CONG. REC. 19476, 92d Cong. 2d Sess.

10. 111 CONG. REC. 6098, 89th Cong. 1st Sess.

that a motion to close debate under the five-minute rule is nondebatable:

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, I move that all debate on this title and all amendments thereto close now. . . .

MRS. [EDITH S.] GREEN of Oregon: Mr. Chairman . . . I rise in opposition to this motion.

THE CHAIRMAN: Does the gentleman from New York [Mr. Powell] withdraw his motion?

MR. POWELL: I do not, Mr. Chairman.

MR. [ROBERT P.] GRIFFIN [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GRIFFIN: Mr. Chairman, I understand the chairman of the full committee to move that debate on title II be cut off at this time. Was that the motion by the gentleman from New York?

THE CHAIRMAN: The motion, as the Chair understood it, was that all debate on section 202 of title II close.

The question is on the motion of the gentleman from New York.

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Chairman——

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

MR. COLMER: Mr. Chairman, do I understand the ruling of the Chair to be that a motion to close debate is not debatable?

THE CHAIRMAN: That is correct.[11]

§ 78.17 A motion to fix the closing of debate under the five-minute rule in the Committee of the Whole is not debatable.

On Mar. 30, 1950,[12] Chairman Oren Harris, of Arkansas, responded as follows to a parliamentary inquiry:

MR. [JOHN] KEE [of West Virginia]: Mr. Chairman, I move that all debate on title I and all amendments thereto close in 30 minutes.

MR. [COMPTON I.] WHITE of Idaho: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WHITE of Idaho: I would like to know if this motion is debatable.

THE CHAIRMAN: The motion is not debatable.

Similarly, Chairman Howard W. Smith, of Virginia, ruled on Jan.

---

11. See also 75 CONG. REC. 11453, 72d Cong. 1st Sess., May 27, 1932; and 75 CONG. REC. 2749, 72d Cong. 1st Sess., Jan. 26, 1932.

For the basis of the ruling, see Rule XXIII clause 6, *House Rules and Manual* § 874 (1995): "The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only (which motion shall be decided without debate)."

12. 96 CONG. REC. 4423, 81st Cong. 2d Sess.

19, 1944,[13] that a motion that "all debate on section 2 and all amendments thereto close in 30 minutes" was not debatable.

On Jan. 26, 1932, Mr. James P. Buchanan, of Texas, moved, in the Committee of the Whole, that all debate on a pending amendment and on a pending section close instantly. Chairman John W. McCormack, of Massachusetts, ruled that the motion was privileged and not debatable.[14]

§ 78.18 The motion to close debate is not subject to debate.

An illustration of the principle described above was demonstrated in the Committee of the Whole on June 5, 1975,[15] as follows:

> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move that all debate on the committee amendment and all amendments thereto conclude at 5:15 o'clock.
>
> MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, will the gentleman yield?
>
> THE CHAIRMAN:[16] The motion is not debatable.
>
> The question is on the motion offered by the gentleman from Michigan.
>
> The motion was agreed to.

§ 78.19 A motion to limit debate under the five-minute rule in Committee of the Whole is not subject to debate.

On May 18, 1977,[17] during debate in the Committee of the Whole on the Federal Employees' Political Activities Act of 1977 (H.R. 10), Mr. William Clay, of Missouri, made the following motion:

> MR. CLAY: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 9 o'clock.
>
> THE CHAIRMAN:[18] . . . Does the Chair understand the gentleman's motion to be that all debate on the committee amendment and all amendments thereto cease at 9 o'clock?
>
> MR. CLAY: And the bill is a part of the motion.
>
> THE CHAIRMAN: That is the bill. . . .
>
> MR. [DANIEL R.] GLICKMAN [of Kansas]: Mr. Chairman, under this type of motion is it true that no Member of the body is allowed to speak for or against the motion?
>
> I would like to speak against the motion. Is that possible?
>
> THE CHAIRMAN: The Chair will state that the motion is not debatable.
>
> The question is on the motion offered by the gentleman from Missouri (Mr. Clay).

---

13. 90 CONG. REC. 418, 78th Cong. 2d Sess.

14. 75 CONG. REC. 2749, 72d Cong. 1st Sess. See also 111 CONG. REC. 6098, 89th Cong. 1st Sess., Mar. 26, 1965; and 90 CONG. REC. 418, 78th Cong. 2d Sess., Jan. 19, 1944.

15. 121 CONG. REC. 17187, 94th Cong. 1st Sess.

16. Bob Wilson (Calif.).

17. 123 CONG. REC. 15418, 95th Cong. 1st Sess.

18. James R. Mann (S.C.).

§ 78.20 A motion to limit debate under the five-minute rule in Committee of the Whole is not subject to debate.

During consideration of the foreign aid authorization bill (H.R. 12514) in the Committee of the Whole on Aug. 1, 1978,[19] the following exchange occurred:

> MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendments and all amendments thereto conclude at 4:30. . . .
>
> MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, is the motion now before the House debatable?
>
> THE CHAIRMAN:[20] The Chair will advise the gentleman that it is not.

Time for Motion To Close Debate

§ 78.21 A motion to close five-minute debate in the Committee of the Whole is in order after some debate has been had on the pending proposition.

On Feb. 27, 1931,[1] Mr. James S. Parker, of New York, moved to close debate in the Committee of the Whole after some debate had been had under the five-minute rule. Chairman William H. Stafford, of Wisconsin, overruled a point of order against the motion:

> MR. PARKER: There is no reason why amendments can not be offered to the bill. There is no reason why Members should not offer as many amendments as they choose. Mr. Chairman, I make the motion that all debate on this amendment and all amendments thereto close in 15 minutes.
>
> THE CHAIRMAN: The gentleman from New York moves that all debate on the pending amendment and all amendments thereto close in 15 minutes.
>
> MR. [GEORGE] HUDDLESTON [of Alabama]: Mr. Chairman, I make the point of order that this is an attempt in the committee to fix time for the future, which is in violation of the rules of the House.
>
> THE CHAIRMAN: The Chair will state that, under the rules of the House, after any quota of debate has been had on one amendment it is then the privilege of the committee to close debate. . . .
>
> Paragraph 6 of Rule XXIII provides:
>
> > The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.
>
> MR. HUDDLESTON: Of course, I understand that, but the point I am making is that this is not a motion to close

19. 124 CONG. REC. 23716, 95th Cong. 2d Sess.

20. Don Fuqua (Fla.).

1. 74 CONG. REC. 6300, 71st Cong. 3d Sess.

debate but it is a motion to fix time. That is what the motion is.

THE CHAIRMAN: The present occupant of the chair cannot follow the argument of the gentleman. It seems to the Chair, with due respect, that the gentleman's point is a distinction without a difference.[2]

§ 78.22 A motion to close debate on a section of or an amendment to a bill in the Committee of the Whole is not in order until there has been some debate on the section or amendment.

On Mar. 26, 1965,[3] Chairman Richard Bolling, of Missouri, stated that a motion to close debate on a section in the Committee of the Whole was not in order until some debate had been had thereon:

The Clerk read as follows:

STATE PLANS

Sec. 203. (a) Any State which desires to receive grants under this title shall submit to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which—

(1) designates a State agency which shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for administration of the State plan. . . .

THE CHAIRMAN: For what purpose does the gentleman from New York, the chairman of the committee, rise?

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, I move that all debate on section 203 of title II——

THE CHAIRMAN: If the gentleman will permit, the Chair will advise the chairman of the committee that motion is not in order until there is debate on the section.

On the same day,[4] Chairman Bolling sustained a point of order by Mrs. Edith S. Green, of Oregon, against a motion offered by Mr. Powell to close debate on a section, which motion had been offered immediately after the section had been read and before any debate had occurred thereon.[5]

On July 9, 1965,[6] Chairman Richard Bolling, of Missouri, ruled as follows on the proper time to offer a motion to close debate on an amendment:

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

The Clerk read as follows:

---

2. The Chair may entertain a motion to close debate before debate has been had where no point of order is made against the motion. See 114 CONG. REC. 22094, 22095, 90th Cong. 2d Sess., July 18, 1968.

3. 111 CONG. REC. 6100, 89th Cong. 1st Sess.

4. *Id.* at pp. 6097, 6098.

5. See also 111 CONG. REC. 6104, 89th Cong. 1st Sess., Mar. 26, 1965; and 82 CONG. REC. 1809, 75th Cong. 2d Sess., Dec. 17, 1937.

6. 111 CONG. REC. 16233, 89th Cong. 1st Sess.

Amendment offered by Mr. Whitener: On page 14 after line 6 strike all of section 4 and insert in lieu thereof the following:

"Sec. 4. (a) To assure that the right of citizens of the United States to vote. . . .

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, will the gentleman yield for a unanimous-consent request?

MR. WHITENER: I yield to the gentleman.

MR. CELLER: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 10 minutes.

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

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I object.

MR. CELLER: Mr. Chairman, I move that all debate on this amendment and all amendments thereto end in 10 minutes.

THE CHAIRMAN: The Chair will have to advise the gentleman that no such motion is in order until the gentleman from North Carolina has been heard on his amendment. The gentleman from North Carolina is recognized for 5 minutes.

On Mar. 21, 1930,[7] Chairman Earl C. Michener, of Michigan, ruled that a motion to close debate on an amendment was in order after one speech of five minutes had been had on the amendment.[8]

§ 78.23 The motion to close debate in the Committee of the Whole is in order after one five-minute speech.

On Mar. 26, 1965, Chairman Richard Bolling, of Missouri, answered a parliamentary inquiry as follows:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HALLECK: Mr. Chairman, under the Rules of the House would it be possible or permissible to move to close debate on the whole bill until each section has been read?

THE CHAIRMAN: Under the practices and precedents of the House the bill is being read by sections. A motion is in order to close debate on each section after it has been read and debated.

MR. HALLECK: How much debate on each section is required to be had?

THE CHAIRMAN: At least 5 minutes.[9]

§ 78.24 After debate, however brief, the motion to close debate under the five-minute rule is in order.

On Apr. 8, 1964,[10] Chairman Phillip M. Landrum, of Georgia,

---

7. 72 CONG. REC. 5858, 71st Cong. 2d Sess.

8. See also 113 CONG. REC. 32349, 32350, 90th Cong. 1st Sess., Nov. 14, 1967; and 93 CONG. REC. 2557, 80th Cong. 1st Sess., Mar. 25, 1947.

9. 111 CONG. REC. 6104, 89th Cong. 1st Sess. See also 72 CONG. REC. 5858, 71st Cong. 2d Sess., Mar. 21, 1930.

10. 110 CONG. REC. 7298, 88th Cong. 2d Sess.

overruled a point of order against a motion to limit debate under the five-minute rule:

MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Chairman, I move that all debate on this amendment and on this bill close by 6 o'clock.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. HALLECK: As I understand it, that motion is not in order until the first speech has been made in support of the amendment and then a 5-minute speech in opposition to it.

MR. [CARL] ALBERT [of Oklahoma]: He just made the 5-minute speech.

THE CHAIRMAN: There has been debate on this amendment already. The motion is in order.

MR. [CHARLES B.] HOEVEN [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HOEVEN: Mr. Chairman, has the entire bill been read?

THE CHAIRMAN: The entire bill has been read, and there has been debate on this amendment.

MR. [RALPH F.] BEERMANN [of Nebraska]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. BEERMANN: As I understand it, one speaker may speak for the amendment and one against it. Is that correct?

THE CHAIRMAN: That has been done.

MR. BEERMANN: So far only the author of the amendment has spoken for it. Three minutes were granted additionally by the majority leader and 3 minutes were requested by the minority leader. There has been no 5-minute debate against the amendment.

THE CHAIRMAN: There has been debate on the amendment, the Chair advises the gentleman, and the motion of the gentleman from North Carolina is in order.

—What Qualifies as "Debate" To Permit Clause 6 Motion

§ 78.25 The motion to close debate under the five-minute rule is in order after one speech, even though the Member making the speech, after gaining recognition to strike out the last word, obtains consent to speak out of order.

On Mar. 26, 1965,[11] Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that a motion to close debate under the five-minute rule on an entire bill could not be offered until the last section of the bill had been read and debated for at least five minutes. The Clerk then read the last section of the pending bill, and Mr. George W. Andrews, of Alabama, gained recognition by moving to strike out the last word. He asked and was given permission to speak out of

11. 111 CONG. REC. 6104, 6105, 89th Cong. 1st Sess.

order and delivered remarks not related to the pending bill.

Following Mr. Andrews' remarks, Mr. Adam C. Powell, of New York, moved that all debate on the final section close instantly, and the Chairman stated in response to a parliamentary inquiry that the motion was properly offered:

> MR. POWELL: Mr. Chairman, I move that all debate on this section close now.
>
> MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. QUIE: The gentleman who has just spoken, spoke out of order. Therefore, there was no debate on the bill. Therefore, I ask if it is possible to strike out the last word.
>
> THE CHAIRMAN: The gentleman obtained the 5 minutes by the motion to strike out the last word. Therefore, there has been debate on this section.
>
> The question is on the motion offered by the gentleman from New York.
>
> The motion was agreed to.

Motion To Close Debate in Order Only on Matter Read

§ 78.26 A motion to close debate on a bill in the Committee of the Whole is not in order until the bill has been completely read.

On June 29, 1949,[12] Chairman Hale Boggs, of Louisiana, sustained a point of order against a motion to close debate on a bill because the motion was offered before the bill had been read:

> MR. [BRENT] SPENCE [of Kentucky]: Then Mr. Chairman, I move that all debate on the bill and all amendments thereto conclude at 5 minutes past 5, the remainder of the bill to be considered as read and be open to amendment at any point.
>
> MR. [T. MILLET] HAND [of New Jersey]: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HAND: The motion is not in order. The gentleman from Kentucky does not have the floor.
>
> MR. [SAM] RAYBURN [of Texas]: The gentleman from Mississippi [Mr. Whittington] yielded to the gentleman from Kentucky.
>
> THE CHAIRMAN: The gentleman from Mississippi yielded and the gentleman from Kentucky is not out of order.
>
> MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Chairman, I make a point of order against the motion because the bill has not yet been read in its entirety.
>
> THE CHAIRMAN: The Chair must sustain the point of order because the remainder of the bill has not been read.

§ 78.27 A motion to close debate on a bill and amendments thereto is not in order until the bill has been completely read.

On July 22, 1965,[13] Mr. Adam C. Powell, of New York, moved

12. 95 CONG. REC. 8652, 8653, 81st Cong. 1st Sess.

13. 111 CONG. REC. 17932, 89th Cong. 1st Sess.

that all debate on the pending bill and amendments thereto close at 5 p.m. Chairman John J. Rooney, of New York, stated that the motion was not in order, the bill not having been fully read. When Mr. Powell made a unanimous-consent request to close debate on the bill, it was objected to.

On May 18, 1966,[14] Chairman Eugene J. Keogh, of New York, stated in response to a parliamentary inquiry that it was in order by unanimous consent, but not by motion, to close debate on a bill and all remaining amendments thereto, the bill not having been read.

§ 78.28 Until the last section of a bill being read by sections has been read, a motion to close debate on the entire bill is not in order.

On Mar. 26, 1965,[15] Chairman Richard Bolling, of Missouri, answered a parliamentary inquiry on whether a motion to close debate on a bill can be offered before the entire bill has been read or debated:

> MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HALLECK: Mr. Chairman, under the rules of the House would it be possible or permissible to move to close debate on the whole bill until each section has been read?
>
> THE CHAIRMAN: Under the practices and precedents of the House the bill is being read by sections. A motion is in order to close debate on each section after it has been read and debated.

§ 78.29 When a bill is being read for amendment by titles or by sections, debate under the five-minute rule on the portion of the bill which has been read and debated may be closed by motion, but on titles or sections that have not been read, debate may only be closed by unanimous consent.

On Feb. 8, 1964,[16] Chairman Eugene J. Keogh, of New York, answered parliamentary inquiries on closing debate under the five-minute rule:

> MR. [WILLIAM M.] MCCULLOCH [of Ohio]: I should like to ask, Mr. Chairman, if the Committee of the Whole House on the State of the Union can now effect binding action as to time on the titles of the bill which we have not reached?
>
> THE CHAIRMAN: The Chair would inform the gentleman from Ohio that

14. 112 CONG. REC. 10911, 89th Cong. 2d Sess.

15. 111 CONG. REC. 6104, 6105, 89th Cong. 1st Sess.

16. 110 CONG. REC. 2614, 2615, 88th Cong. 2d Sess.

that could be done only by unanimous consent.

MR. [CARL] ALBERT [of Oklahoma]: And cannot it be done in Committee of the Whole, Mr. Chairman?

THE CHAIRMAN: It can be done in Committee of the Whole. It would also depend in a measure on the nature of the request. . . .

MR. ALBERT: Mr. Chairman, I ask unanimous consent that debate on title VII on Monday next be limited to 2 hours and that the debate on the remainder of the bill be limited to 2 hours, making a total of 4 hours.

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

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Chairman, reserving the right to object, and I am just one ordinary Member of this House, but I do have certain rights as one ordinary Member of the House, if I understand what was agreed upon originally, I am willing to abide by that agreement. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, will the gentleman yield to me?

MR. COLMER: I yield to the gentleman from Ohio.

MR. HAYS: Mr. Chairman, I would like to propound a parliamentary inquiry. If the unanimous-consent request of the majority leader should be objected to, would not the majority leader or the chairman of the committee have a right to move that that be set and that the debate be ended at a specified time on Monday?

THE CHAIRMAN: The Chair would say a motion to limit debate would be in order after there has been debate on the title.

Parliamentarian's Note: The bill under consideration, H.R. 7152, the Civil Rights Act of 1963, was being read for amendment by titles instead of by sections, pursuant to House Resolution 616 from the Committee on Rules making in order its consideration.

On Mar. 25, 1965,[17] Chairman Richard Bolling, of Missouri, answered inquiries on a motion to limit debate which had been agreed to:

THE CHAIRMAN: All time on section 2 has expired. The question is on the amendment offered by the gentleman from Minnesota [Mr. Quie].

MR. [ROBERT P.] GRIFFIN [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GRIFFIN: The Chair said "on section 2." It was my understanding that the chairman of the Committee on Education and Labor said "title I." Am I incorrect?

THE CHAIRMAN: The Chair put the motion on section 2, which contains a title I.

MR. GRIFFIN: So the debate is closed at 6 o'clock on section 2, but not on the remainder of title I?

THE CHAIRMAN: That is correct.

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman——

THE CHAIRMAN: For what purpose does the gentleman rise?

MR. POWELL: I should like for the Clerk to repeat my request.

---

17. 111 CONG. REC. 6016, 6020, 89th Cong. 1st Sess.

THE CHAIRMAN: The gentleman may have made another request than that, but since the other sections of this title have not been read, and since no unanimous-consent request has been made that they be considered as read, no motion could have been in order on anything except that which was read. That was section 2.

MR. POWELL: I beg to state, Mr. Chairman, that the motion I offered was on all amendments and debate on title I, and there was no point of order raised against it.

THE CHAIRMAN: There may have been a misunderstanding, but the Chair knows how he put the motion, and he knows he could not have put the other motion at that time. The other sections of that title had not been read, nor had unanimous consent been requested that they be considered as read. It does happen that section 2 contains a different title I. That is the motion which the Chairman put.

MR. POWELL: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. POWELL: Is it possible for the Chairman to put the motion as made?

THE CHAIRMAN: The Chair stated the motion as the Chair at that time understood it. There was no correction of the Chair's statement of the motion. The motion stands as stated. That was what the Committee voted on.

§ 78.30 Where the Committee of the Whole has by unanimous consent dispensed with further reading of a bill for amendment, a motion to fix the time for debate on the remainder of the bill and amendments thereto is in order after there has been debate.

On Apr. 25, 1947,[18] Chairman Earl C. Michener, of Michigan, overruled a point of order against a motion to close debate, under the five-minute rule, on a bill:

MR. [ROBERT F.] JONES of Ohio: Mr. Chairman, I move that all debate on the bill and all amendments thereto, and amendments, be limited to 40 minutes.

MR. [FRANCIS E.] WALTER [of Pennsylvania]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. WALTER: Mr. Chairman, I make the point of order that the motion may eliminate the possibility of debate on an amendment or amendments to amendments; therefore, until it is determined how many amendments there are the motion is subject to a point of order.

THE CHAIRMAN: The Chair will be constrained to overrule the point of order because by unanimous consent the further reading of the bill was waived.

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

The motion was agreed to.

§ 78.31 Where a special rule provided for the reading of a

18. 93 CONG. REC. 4100, 80th Cong. 1st Sess.

bill in its entirety, and not by sections, it was held in order following debate under the five-minute rule to move to close debate on the bill and all amendments thereto.

On Aug. 22, 1935,[19] the Committee of the Whole was conducting five-minute debate on H.R. 8455, relative to public works, pursuant to House Resolution 349, providing that the bill "in its entirety shall be read for amendment." Mr. Jack Nichols, of Oklahoma, moved to close debate on the entire bill and amendments thereto, and Chairman Claude A. Fuller, of Arkansas, overruled a point of order against the motion.

MR. NICHOLS: Mr. Chairman, I move that all debate on this bill and all amendments thereto close in 30 minutes.

THE CHAIRMAN: The gentleman from Oklahoma [Mr. Nichols] moves that all debate on the bill and all amendments thereto close in 30 minutes.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make a point of order against that motion.

THE CHAIRMAN: The Chair will hear the gentleman.

MR. TABER: Mr. Chairman, such a motion is only in order when a bill is being read by sections and after an amendment has been offered. The motion is not in order at this stage.

THE CHAIRMAN: The rule provided for the reading of the entire bill, and the Chair holds that the motion of the gentleman from Oklahoma is in order.

§ 78.32 A motion under Rule XXIII clause 6 to close debate on a bill and all amendments thereto is not in order until the reading of the bill has been completed.

The proposition stated above was demonstrated on June 21, 1974,[20] during consideration of H.R. 15472 (agriculture, environmental, and consumer appropriations for fiscal year 1975) in the Committee of the Whole:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Chairman, I move to strike the requisite number of words. . . .

Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto close at 5:30.

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

MR. [SILVIO O.] CONTE [of Massachusetts]: I object.

THE CHAIRMAN: Objection is heard.

MR. WHITTEN: Mr. Chairman, I move that all debate on this bill and all amendments thereto close at 5:30.

THE CHAIRMAN: The Chair will state that the committee must complete the reading of the bill before such a motion could be entertained.

MR. WHITTEN: Mr. Chairman, I ask unanimous consent that further read-

19. 79 CONG. REC. 14192, 14193, 74th Cong. 1st Sess.

20. 120 CONG. REC. 20583, 93d Cong. 2d Sess.

1. Sam Gibbons (Fla.).

ing of the bill be dispensed with, and that it be printed in the Record and open to amendment at any point.

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

MR. [H. R.] GROSS [of Iowa]: I object.

THE CHAIRMAN: Objection is heard.

The Clerk will read.

§ 78.33 The Chair may decline to entertain a unanimous-consent request that all debate on a pending measure be limited, in advance of completion of reading of that measure in its entirety and in the absence of a unanimous-consent agreement to consider the measure as having been read.

On July 16, 1975,[2] during consideration of House Resolution 591 (establishing a Select Committee on Intelligence) in the Committee of the Whole, Mr. Richard Bolling, of Missouri, made a unanimous-consent request, as follows:

MR. BOLLING: Mr. Chairman, I move to strike the necessary number of words. . . . I am going to ask unanimous consent that the resolution be considered as read, printed in the Record, and open to amendment at any point.

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

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

THE CHAIRMAN: Objection is heard.

MR. BOLLING: Mr. Chairman, then I can only ask unanimous consent that all debate on the resolution and all amendments thereto close at 2:30.

THE CHAIRMAN: The gentleman should be advised that that request cannot be made until the resolution has been read.

§ 78.34 A motion to close all debate on a bill and all amendments thereto under the five-minute rule is not in order when the bill has not been completely read; such motion may be made only with respect to that portion which has been read and on which there has been debate.

The following proceedings occurred in the Committee of the Whole on June 4, 1975,[4] during consideration of the Voting Rights Act Extension (H.R. 6219):

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

Mr. Chairman, I believe we have an agreement to vote on the final passage of the bill at 6:30 and with a time limitation on certain amendments that remain, so I ask unanimous consent at this time that the bill be considered as read in full and open to amendment at any point.

2. 121 CONG. REC. 23112, 94th Cong. 1st Sess.

3. Frank E. Evans (Colo.).

4. 121 CONG. REC. 16899, 16901, 94th Cong. 1st Sess.

THE CHAIRMAN:[5] Is there objection to the request of the gentleman from California?

MR. [JAMES P.] JOHNSON of Colorado: Mr. Chairman, I object.

MR. EDWARDS of California: Mr. Chairman, I so move.

THE CHAIRMAN: The motion is not in order. Only title II could be closed at this time by a motion.

§ 78.35 Where the Committee of the Whole was considering a bill pursuant to a special rule making in order a motion to strike out a title thereof and insert a new text to be read by section for amendment, the Chair stated, in response to a parliamentary inquiry, that a motion would be in order to close debate under the five-minute rule on a section of said amendment which had been read for amendment.

On July 26, 1977,[6] the Committee of the Whole had under consideration the Agriculture Act of 1977 (H.R. 7171), when the following proceedings occurred:

THE CHAIRMAN:[7] Pursuant to the rule, it shall be in order to consider an amendment striking out title XII and inserting in lieu thereof the text of the bill H.R. 7940, which shall be considered as original text for the purpose of amendment and shall be read for amendment by sections. . . .

The Clerk read as follows:

TITLE XII—FOOD STAMPS

Sec. 1201. The Food Stamp Act of 1964, as amended, is amended as follows:

(a) New sections 18 and 19 are added as follows: . . .

MR. [THOMAS S.] FOLEY [of Washington] (during the reading): Mr. Chairman, I ask unanimous consent that further reading of title XII be dispensed with, that it be considered as read, and open to amendment at any point.

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

MR. [STEVEN D.] SYMMS [of Idaho]: Reserving the right to object, Mr. Chairman, would the gentleman from Washington (Mr. Foley) explain to the Members of the House just what the parliamentary procedure is here.

MR. FOLEY: If the gentleman will yield, Mr. Chairman, the parliamentary situation is that the title which was about to be read is the title of the original bill, H.R. 7171. It is a truncated food stamp title, and it would be my purpose at the time we conclude the reading or the waiving of the reading to offer a substitute in lieu of title XII, which will be the text of H.R. 7940, which is made in order as a substitute by the rule that the House has previously adopted.

In the event that that substitute is then offered, the substitute would be read by section. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: If this particular request is

5. Richard Bolling (Mo.).

6. 123 CONG. REC. 24973, 24974, 95th Cong. 1st Sess.

7. Frank E. Evans (Colo.).

granted then there would be no curtailment of the reading of the substitute amendment by section and time could not be limited on any section or amendments thereto except by unanimous consent? . . .

MR. FOLEY: If the gentleman from Maryland will permit me to continue . . . the gentleman is correct in that if the substitute is before the committee, it would be in order to move to cut off the debate but by section by section and not on the whole title.

THE CHAIRMAN: The Chair would advise the gentleman from Maryland (Mr. Bauman) that that is correct.

§ 78.36 By unanimous consent, a bill under consideration in the Committee of the Whole may be considered as read and open for amendment at any point; but until a bill has been read in full or its reading dispensed with by unanimous consent, a motion to limit debate on the bill (and amendments thereto) is not in order.

On June 27, 1979,[8] the following proceedings occurred in the Committee of the Whole during consideration of the Departments of Labor and Health, Education, and Welfare appropriation bill for fiscal 1980 (H.R. 4389):

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 further, Mr. Chairman, that all debate on the bill and all amendments thereto end at 8 o'clock.

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

MR. NATCHER: Mr. Chairman, I would . . . like to propound a parliamentary inquiry.

As I understand it, under the rules of the House, it requires a unanimous-consent request to open the bill for amendment at any point; am I correct in that?

THE CHAIRMAN: The gentleman is correct.

MR. NATCHER: Mr. Chairman, it requires unanimous consent before the time of 8 or 8:30 could be fixed? A motion would not be in order at this time? . . .

THE CHAIRMAN: The Chair will state that a motion would not be in order until the bill is read.

§ 78.37 Clause 6 of Rule XXIII permits the Committee of the Whole by motion to limit debate on the pending portion of a bill (and on all amendments thereto) or just on a pending amendment (and all amendments thereto), but does not permit a motion to limit and allocate separate time for debate on perfecting amendments not yet offered; unanimous consent is re-

8. 125 CONG. REC. 17013, 17014, 96th Cong. 1st Sess.

9. Don Fuqua (Fla.).

quired to limit or allocate debate time on such amendments.

During consideration of the nuclear freeze resolution (H.J. Res. 13) in the Committee of the Whole on Mar. 16, 1983,[10] the following proceedings occurred:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate close at 11:30 on the resolve clause and all amendments pending thereto. . . .

MR. PHILIP M. CRANE [of Illinois]: Mr. Chairman, under the provisions of the motion just made, does this mean again that one of the 11 amendments that are pending on the resolution could theoretically consume the entire time until 11:30?

THE CHAIRMAN:[11] The answer is yes, but the Chair would remind the gentleman that the committee could separately adopt a limitation of debate on any amendment that was pending if there were a unanimous-consent request and no objection, or if there were a motion so adopted.

The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki) to limit debate on the resolve clause and all amendments thereto to 11:30 p.m. . . .

[The motion was rejected.]

MR. [ALBERT A.] GORE [Jr., of Tennessee]: Mr. Chairman, I ask unanimous consent that debate be limited to 6 minutes on each amendment, divided equally for and against.

MR. [THOMAS F.] HARTNETT [of South Carolina]: I object.

THE CHAIRMAN: Objection is heard.

MR. GORE: Mr. Chairman, I move that debate be limited to 6 minutes per amendment, divided equally for and against.

THE CHAIRMAN: That is not an appropriate motion and is not in order.

MR. GORE: Mr. Chairman, would the motion be in order if those amendments protected under the rule received 5 minutes for and against?

THE CHAIRMAN: It is not appropriate or proper to limit and allocate time for debate on amendments not yet offered.

Parliamentarian's Note: As indicated in the Chair's remarks above, the Committee of the Whole, pursuant to clause 6 of Rule XXIII, may by motion limit debate on a pending committee amendment in the nature of a substitute (considered as having been read as original text) and on all amendments thereto to a time certain, and may then, by subsequent unanimous consent or motions, separately limit debate on each perfecting amendment after it has been offered.

§ 78.38 Pursuant to clause 6 of Rule XXIII, the Committee of the Whole may, by motion, limit debate to a time certain on a pending committee amendment in the nature of a substitute (once it has been considered as having been

10. 129 CONG. REC. 5796, 98th Cong. 1st Sess.

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

read) and on all amendments which might be offered thereto, since the original amendment is pending and has been read in its entirety, but may not separately by motion limit debate or allocate time thereon on perfecting amendments not yet offered.

On Mar. 16, 1983,[12] during consideration of House Joint Resolution 13, the nuclear freeze resolution, in the Committee of the Whole, a motion to close debate on all amendments resulted in the following parliamentary inquiries:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate end at a quarter to 12 on this amendment and all amendments thereto and on all amendments to the resolve clause.

THE CHAIRMAN:[13] The gentleman moves that debate on this amendment and all amendments to the text following the resolve clause end at a quarter to 12.

The Chair would inquire of the gentleman, does his motion cover all amendments to the text following the resolve clause?

MR. ZABLOCKI: All amendments. . . .

MR. [TRENT] LOTT [of Mississippi]: In line with my parliamentary inquiry, I did not think we had even completed debate on the Levitas amendment, and the distinguished chairman of the Committee on Foreign Affairs is now asking that we dispense with all further debate and vote on amendments by a quarter to 12, many of which have not even been considered, amendments which have great value. Some of the best amendments that could be offered here in this body tonight have not even been offered and considered.

My parliamentary inquiry, Mr. Chairman, is, is that in order at this point before we have even dispensed with the amendment pending before us?

THE CHAIRMAN: The motion is in order since the underlying committee substitute to the text has been considered as read in its entirety and is pending.

MR. [DANIEL E.] LUNGREN [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LUNGREN: Mr. Chairman, is this not the same motion that was suggested by the gentleman from Tennessee (Mr. Gore) a few minutes ago and ruled out of order by the Chair?

THE CHAIRMAN: No. The Chair would advise the gentleman it is a different limitation motion on a text which is pending and all amendments thereto, and does not allocate time.

The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki) to limit debate on this amendment and all amendments to the resolving clause to 11:45 p.m.

[The motion was rejected.]

The motion by Mr. Gore and ruling thereon, referred to by Mr. Lungren, were as follows:[14]

12. 129 CONG. REC. 5803, 5804, 98th Cong. 1st Sess.

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

14. 129 CONG. REC. 5796, 98th Cong. 1st Sess., Mar. 16, 1983.

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

MR. [ALBERT A.] GORE [Jr., of Tennessee]: Mr. Chairman, I ask unanimous consent that debate be limited to 6 minutes on each amendment, divided equally for and against.

MR. [THOMAS F.] HARTNETT [of South Carolina]: I object.

THE CHAIRMAN: Objection is heard.

MR. GORE: Mr. Chairman, I move that debate be limited to 6 minutes per amendment, divided equally for and against.

THE CHAIRMAN: That is not an appropriate motion and is not in order.

MR. GORE: Mr. Chairman, would the motion be in order if those amendments protected under the rule received 5 minutes for and against?

THE CHAIRMAN: It is not appropriate or proper to limit and allocate time for debate on amendments not yet offered.

Closing Debate Instanter or After Stated Time

§ 78.39 A motion to close debate under the five-minute rule in the Committee of the Whole may be made to close debate instantly or after a stated time.

On Feb. 27, 1931,[15] after some debate had been had on an amendment in the Committee of the Whole, Mr. James S. Parker, of New York, moved that all debate on the amendment and amendments thereto close in 15 minutes. Mr. George Huddleston, of Alabama, made a point of order against the motion and Chairman William H. Stafford, of Wisconsin, ruled that the motion could be made, pursuant to Rule XXIII, at any time after five minutes' debate has begun. Mr. Huddleston then contended that the motion was not to close debate under the rule but to fix time. The Chairman stated that there was no difference between the motions as to their coming within the rule:

MR. HUDDLESTON: May I call this to the attention of the Chair? This is not a motion to close debate but it is a motion to fix time, which is a very different thing. I do not question the right of the gentleman to move to close debate now, but you can not move to fix time in the future.

THE CHAIRMAN: Paragraph 6 of Rule XXIII provides:

> The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

MR. HUDDLESTON: Of course, I understand that, but the point I am making is that this is not a motion to close debate but it is a motion to fix time. That is what the motion is.

15. 74 CONG. REC. 6300, 71st Cong. 3d Sess.

THE CHAIRMAN: The present occupant of the chair can not follow the argument of the gentleman. It seems to the Chair, with due respect, that the gentleman's point is a distinction without a difference.

MR. [C. WILLIAM] RAMSEYER [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RAMSEYER: Is the motion to close debate directed to the amendment offered by the gentleman from New York or to the amendment to the amendment now pending?

THE CHAIRMAN: There is pending before the committee at the present time one amendment in the nature of a substitute.

MR. RAMSEYER: That is the amendment offered by the gentleman from New York [Mr. Parker]?

THE CHAIRMAN: Yes. The motion the gentleman makes is to close debate on the amendment and all amendments thereto in 15 minutes. That is the motion. The Chair will state that there is only one amendment pending before the committee at the present time, and that is an amendment in the nature of a substitute.

MR. HUDDLESTON: I call the Chair's attention to the fact that the motion is to close debate in 15 minutes and not to close it now.

THE CHAIRMAN: It is the general practice, long established and well recognized in the committee to entertain a motion to either close the debate instanter or after any stated time for debate.

§ 78.40 The Committee of the Whole agreed to a unanimous-consent request that all debate on the pending bill and all amendments thereto terminate by a time certain on the following day.

On June 20, 1979,[16] during consideration of the Panama Canal Act of 1979 (H.R. 111) in the Committee of the Whole, the following unanimous-consent request was agreed to:

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I ask unanimous consent that all debate on H.R. 111 and all amendments thereto conclude at 1 p.m. tomorrow. . . .

THE CHAIRMAN:[17] Is there objection to the unanimous-consent request by the gentleman from New York (Mr. Murphy)?

There was no objection.

Parliamentarian's Note: The form of Mr. Murphy's initial request was to cut off debate and amendments at a time certain, a unanimous-consent request which is not in order in Committee of the Whole where it would abrogate the rights of Members under special rules adopted by the House to offer amendments. Thus the request as restated affected only debate time.

Extending Debate Beyond Limitation

§ 78.41 The House, before resolving itself into the Com-

16. 125 CONG. REC. 15775, 15776, 96th Cong. 1st Sess.
17. Thomas S. Foley (Wash.).

mittee of the Whole for the further consideration of a bill, agreed by unanimous consent to extend debate under the five-minute rule to two minutes on each side on the amendments remaining undisposed of at the desk where all debate time on the bill had expired.

On May 11, 1961,[18] the House, with Speaker Sam Rayburn, of Texas, presiding, agreed to a limitation on debate on certain amendments at the Clerk's desk to be considered in the Committee of the Whole:

MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Speaker, in view of the extraordinary situation in which the House found itself on yesterday, I ask unanimous consent that when the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2010, that each of the authors of the two pending amendments now on the Speaker's desk may be given 2 minutes to present their amendments and that the committee be given 2 minutes in opposition.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, will the gentleman yield?

MR. COOLEY: I yield to the gentleman from Iowa.

MR. GROSS: What happens to the allocation of other time other than on the amendments?

MR. COOLEY: We have no other time.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, reserving the right to object, how many amendments does this request cover?

MR. COOLEY: I understand there are only two amendments now at the desk.

THE SPEAKER: Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Parliamentarian's Note: The Committee of the Whole had risen on the prior day before 4:15 p.m., which was the hour appointed by a unanimous-consent agreement for the closing of debate on the bill and all amendments thereto. By so rising, the Committee had allowed the time to expire and there was no time left on the following day, May 11.

§ 78.42 A time limitation on debate imposed by the Committee of the Whole, pursuant to Rule XXIII clause 6, may be rescinded or modified only by unanimous consent; and a unanimous consent request to extend debate time on an amendment may not be entertained while there is pending a demand for a recorded vote on that amendment.

During consideration of the Energy Conservation and Oil Policy Act of 1975 (H.R. 7014) in the

18. 107 CONG. REC. 7869, 87th Cong. 1st Sess.

Committee of the Whole on Sept. 17, 1975,[19] the following proceedings occurred:

THE CHAIRMAN:[20] When the Committee rose on Friday, August 1, 1975, all time for debate on title III of the committee amendment in the nature of a substitute and all amendments thereto had expired and there was pending the amendment offered by the gentleman from Ohio (Mr. Brown) to title III on which a recorded vote had been requested by the gentleman from Ohio.

Without objection, the Clerk will again read the amendment offered by the gentleman from Ohio (Mr. Brown).

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Brown of Ohio: Strike out sections 301, 302, 303.

Renumber the succeeding sections of title III accordingly. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I have a parliamentary inquiry. . . . The parliamentary inquiry, Mr. Chairman is, Would it be in order at this point while the vote is pending to ask unanimous consent of the House that 2 minutes may be granted on either side of the aisle for a discussion at this point of the pending vote?

THE CHAIRMAN: Such a request would be in order only if the gentleman first withdrew his request for a recorded vote. . . .

MR. BROWN of Ohio: Mr. Chairman, then I ask unanimous consent to withdraw my request for a recorded vote at this point.

THE CHAIRMAN: That does not require unanimous consent. The gentleman withdraws his request for a recorded vote.

Does the gentleman now ask unanimous consent for debate time? . . .

MR. BROWN of Ohio: Mr. Chairman, I ask unanimous consent that 1 minute be granted to the Democratic side in the hands of the gentleman from Michigan (Mr. Dingell) and 1 minute to the Republican side to be in the hands of the gentleman from Ohio (Mr. Brown).

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

There was no objection.

Extending Time Under Limitation

§ 78.43 Where the Committee of the Whole has fixed the time for debate on amendments, such time may be extended only by unanimous consent.

On Aug. 18, 1949,[1] the Committee of the Whole agreed to a request that all debate on pending amendments close in one hour. Chairman Wilbur D. Mills, of Arkansas, then advised Members that since 30 Members wished to speak, each would be entitled to two minutes. Mr. Cecil F. White,

19. 121 CONG. REC. 28904, 94th Cong. 1st Sess.

20. Richard Bolling (Mo.).

1. 95 CONG. REC. 11760, 81st Cong. 1st Sess.

of California, inquired whether it would be in order to move that the time be extended in view of the fact that so many Members had requested time. The Chairman responded that such an extension would require unanimous consent, debate already having been limited.

§ 78.44 The House can, by unanimous consent, agree to an extension of time for debate under the five-minute rule in the Committee of the Whole after such debate has been limited, but a motion to that effect is not in order.

On May 10, 1961,[2] the Committee of the Whole rose before the hour had arrived when further debate on a bill and amendments thereto would expire pursuant to a unanimous-consent limitation. Speaker Sam Rayburn, of Texas, stated in response to a parliamentary inquiry that when the Committee resumed consideration of the bill on the following day, no time would be left, the time having expired.

The Speaker stated in response to a parliamentary inquiry by Mr. Charles A. Halleck, of Indiana, that extension of the time for debate could be accomplished by unanimous consent, but only by unanimous consent.

When Mr. Alfred E. Santangelo, of New York, submitted such a request, for 25 additional minutes of debate on the following day, the request was objected to. Mr. Santangelo then made a motion to that effect, and the Speaker ruled that such a motion was not in order.

§ 78.45 The House, by unanimous consent, agreed to an extension of time for debate under the five-minute rule in the Committee of the Whole, where the Committee had previously agreed to terminate debate at a certain time on the preceding day.

On May 11, 1961,[3] the House agreed to the following unanimous-consent request:

> MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Speaker, in view of the extraordinary situation in which the House found itself on yesterday, I ask unanimous consent that when the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2010, that each of the authors of the two pending amendments now on the Speaker's desk may be given 2 minutes to present their amendments and that

2. 107 CONG. REC. 7725, 7727, 7728, 87th Cong. 1st Sess.

3. 107 CONG. REC. 7869, 87th Cong. 1st Sess.

the committee be given 2 minutes in opposition.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, will the gentleman yield?

MR. COOLEY: I yield to the gentleman from Iowa.

MR. GROSS: What happens to the allocation of other time other than on the amendments?

MR. COOLEY: We have no other time.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, reserving the right to object, how many amendments does this request cover?

MR. COOLEY: I understand there are only two amendments now at the desk.

THE SPEAKER:[4] Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The "extraordinary situation" referred to was the fact that on the prior day the Committee had risen before 4:15 p.m., without concluding consideration of the bill and amendments thereto, after the Committee had agreed to a limitation that all debate on the bill and amendments thereto close at 4:15. Speaker Rayburn had stated, after the Committee had risen, that no time would remain for debate when the Committee resumed consideration of the bill, since 4:15 would have passed.[5]

§ 78.46 Where the Committee of the Whole has, by unanimous consent, limited debate on an amendment, the Chair declines to recognize for a motion to extend the time for the debate but a unanimous-consent request to extend or allot the time may be entertained.

On June 11, 1968,[6] Mr. Daniel J. Flood, of Pennsylvania, was recognized under the five-minute rule and yielded to Mr. George H. Mahon, of Texas, who submitted a unanimous-consent request to close debate at a time certain, which request was agreed to. Chairman James G. O'Hara, of Michigan, advised Mr. Flood that the time consumed by making the request came out of his time, since he had yielded. Mr. Flood then moved that debate be extended to close in 30 minutes and the Chairman stated that such a motion was not in order.

In response to a parliamentary inquiry by Mr. Melvin R. Laird, of Wisconsin, the Chairman stated that he would entertain a unanimous-consent request for an extension of time for Mr. Flood.

§ 78.47 The Committee of the Whole, by unanimous consent, extended the time previously fixed for debate under the five-minute rule.

4. Sam Rayburn (Tex.).

5. 107 CONG. REC. 7727, 7728, 87th Cong. 1st Sess., May 10, 1961.

6. 114 CONG. REC. 16699, 90th Cong. 2d Sess.

On Nov. 15, 1967,[7] the Committee of the Whole agreed to a motion to close all debate on a pending section and amendments thereto at 8:05 p.m. A preferential motion and teller votes consumed much of the time under the limitation, and the Committee then agreed by unanimous consent to extend the time previously agreed upon:

> MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, I wonder if I would be in order now to ask for unanimous consent to extend the time limitation to 25 minutes after eight, in view of the fact that so much time has been taken up by the preferential motion.
>
> THE CHAIRMAN:[8] The Chair will put the request of the gentleman.
>
> MR. ERLENBORN: I make that unanimous consent request.
>
> MR. [CHARLES S.] JOELSON [of New Jersey]: Mr. Chairman, I object.
>
> THE CHAIRMAN: Objection is heard.
>
> MR. [CARL] ALBERT [of Oklahoma]: Mr. Chairman, I ask unanimous consent that the order limiting the time to 8:05 p.m. be vacated, and that all time on this section be closed at 8:45 p.m.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from Oklahoma?
>
> There was no objection.

§ 78.48 Although all time for debate on a title had expired, the Chair advised that a unanimous-consent request would be entertained for a Member to speak for five minutes in explanation of an amendment.

On Oct. 7, 1965,[9] Mr. Thomas M. Pelly, of Washington, offered an amendment to a title of a bill after debate had expired under a limitation of debate on the title and amendments thereto. Mr. Samuel S. Stratton, of New York, inquired whether it would be in order for him to ask unanimous consent that Mr. Pelly be allowed to speak for five minutes in support of a "very important amendment." Chairman Phillip M. Landrum, of Georgia, responded that if the request was made he would put the request to the Committee. The request was made and objected to.

§ 78.49 Although only two five-minute speeches are permitted on an amendment printed in the *Congressional Record* after a limitation on debate under the five-minute rule has expired, the Chair may in his discretion entertain a unanimous-consent request to extend the time for debate on the amendment, or

7. 113 CONG. REC. 32691–94, 90th Cong. 1st Sess.
8. John J. Rooney (N.Y.).
9. 111 CONG. REC. 26306, 89th Cong. 1st Sess.

enter his own objection by refusing to entertain such a request.

The following proceedings occurred in the Committee of the Whole on June 27, 1979,[10] during consideration of the Housing and Urban Development and independent agencies appropriation bill (H.R. 4394):

THE CHAIRMAN:[11] When the Committee of the Whole rose on Friday, June 22, 1979, the remainder of the bill beginning on line 10, page 15, had been considered as having been read and open to amendment at any point, and all time for debate on the bill and all amendments thereto had expired.

Are there any further amendments? . . .

Amendment offered by Mr. Nelson: On page 24, line 23, strike "$6,854,-924,000", and insert in lieu thereof "$6,169,924,000".

THE CHAIRMAN: Did the gentleman from Florida (Mr. Nelson) have this amendment printed in the Record?

MR. [BILL] NELSON [of Florida]: I did, Mr. Chairman.

THE CHAIRMAN: Then the gentleman qualifies. The Chair recognizes the gentleman from Florida (Mr. Nelson). . . .

The time of the gentleman from Florida (Mr. Nelson) has expired.

MR. [BOB] TRAXLER [of Michigan]: I ask unanimous consent that the gentleman be given 2 additional minutes.

THE CHAIRMAN: The Chair will state that under the rules, 5 minutes is all the gentleman is entitled to.

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Chairman, I rise in opposition to the amendment. . . .

MR. [TIMOTHY E.] WIRTH [of Colorado]: At the time there was a request for time of the gentleman from Florida, the Chair reported that we were under the 5-minute rule. I wondered how that jibed with the grant of additional time for the gentleman from Massachusetts.

THE CHAIRMAN: By unanimous consent the House can extend time.

MR. WIRTH: Had not the request been made for unanimous consent that the gentleman be allowed 2 additional minutes?

THE CHAIRMAN: The Chair did not share in the unanimous-consent request at that time.

MR. WIRTH: I thank the Chairman.

I wanted to rise in support of the amendment offered by the gentleman from Florida.

THE CHAIRMAN: The gentleman can do that only by unanimous consent.

MR. WIRTH: I thank the Chairman.

Offering Amendments After Expiration of Debate Time

§ 78.50 The adoption of a motion to close debate on a section and all amendments thereto does not prevent Members from offering amendments to the pending proposition after the stated time has expired, but no debate may be had on such amendments.

10. 125 CONG. REC. 16965–67, 96th Cong. 1st Sess.

11. Elliott H. Levitas (Ga.).

On Jan. 5, 1932,[12] Chairman Lindsay C. Warren, of North Carolina, ruled that the adoption of a motion to close debate on a section and all amendments thereto did not preclude the offering of further but nondebatable amendments:

> MR. [HENRY B.] STEAGALL [of Alabama]: Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.
>
> The motion was agreed to.
>
> THE CHAIRMAN: The question is on the adoption of the amendment offered by the gentleman from Maine.
>
> The question was taken, and on a division (demanded by Mr. Stafford) there were—ayes 13, noes 130.
>
> So the amendment was rejected.
>
> MR. [LAFAYETTE L.] PATTERSON [of Alabama]: Mr. Chairman, I offer an amendment and desire to be heard on it.
>
> MR. [WILLIAM F.] STEVENSON [of South Carolina]: Mr. Chairman, I make the point of order that the motion was to close debate on this section and on all amendments. There will be another section read in a moment, and I direct the Chair's attention to the fact that debate on this section has been closed.
>
> THE CHAIRMAN: But that does not prevent the gentleman from Alabama from offering an amendment to this section and having it voted upon by the committee.
>
> The gentleman from Alabama is recognized for the purpose of offering an amendment, which the Clerk will report.

Timekeeping

§ 78.51 Where the Committee of the Whole fixes the time for debate on an amendment at 20 minutes, such time is counted as 20 minutes of debate and not 20 minutes by the clock.

On Feb. 8, 1950,[13] after the Committee of the Whole had agreed to fix debate on an amendment at 20 minutes, and points of order and other matters had intervened, Chairman Chet Holifield, of California, answered a parliamentary inquiry and overruled a point of order on the counting of the time:

> MR. [THOMAS J.] MURRAY of Tennessee: Mr. Chairman, how much more time remains?
>
> THE CHAIRMAN: There are 6 minutes remaining.
>
> MR. [DONALD W.] NICHOLSON [of Massachusetts]: Mr. Chairman, a point of order. I raise the point of order that 20 minutes ago we voted to close debate. The 20 minutes have gone.
>
> THE CHAIRMAN: The Chair advises the gentleman that the 20 minutes for debate have not been used. The Chair will watch the matter closely.

Parliamentarian's Note: If the limitation had provided that de-

12. 75 CONG. REC. 2077, 72d Cong. 1st Sess.

13. 96 CONG. REC. 1693, 81st Cong. 2d Sess.

bate close at a certain time, exactly 20 minutes away (i.e., 4:00 p.m.), time for purposes other than debate would have been charged against the remaining time.[14]

Demand That Motion Be in Writing

§ 78.52 A motion to limit debate must, pursuant to Rule XVI clause 1, be reduced to writing upon the demand of any Member.

On Dec. 14, 1973,[15] Mr. Samuel L. Devine, of Ohio, offered, in the Committee of the Whole, a motion that debate on an amendment in the nature of a substitute and on all amendments thereto close at a certain time. Mr. H. R. Gross, of Iowa, inquired whether that motion did not have to be in writing. Chairman Richard Bolling, of Missouri, responded that the motion had to be in writing if Mr. Gross insisted upon it. Mr. Gross so insisted.[16]

Motion To Rise During Five-minute Debate

§ 78.53 A motion that the Committee of the Whole rise is of high privilege, and may be offered by a Member who holds the floor by virtue of having offered an amendment.

On Nov. 15, 1967,[17] Mr. Paul C. Jones, of Missouri, was recognized under the five-minute rule in the Committee of the Whole to offer an amendment. He then inquired of Chairman John J. Rooney, of New York, whether it would be in order for him to move that the Committee rise. The Chairman responded that the motion was highly privileged and could be made by Mr. Jones.[18]

§ 78.54 A simple motion to rise made in the Committee of the Whole is not debatable.

On Apr. 8, 1964,[19] Chairman Phillip M. Landrum, of Georgia,

14. See § 79, infra, for a full discussion of the effect of different types of limitations on five-minute debate, and the computation of time thereunder.
15. 119 CONG. REC. 41712, 41713, 93d Cong. 1st Sess.
16. Rule XVI clause 1, *House Rules and Manual* § 775 (1995), provides that every motion made and entertained shall be reduced to writing on the demand of any Member.
17. 113 CONG. REC. 32694, 90th Cong. 1st Sess.
18. See also 116 CONG. REC. 25628, 91st Cong. 2d Sess., July 23, 1970 (motion to rise is highly privileged and can be offered any time when the proponent secures the floor in his own right during the five-minute rule).
19. 110 CONG. REC. 7298, 88th Cong. 2d Sess.

advised Mr. Ben F. Jensen, of Iowa, who had moved that the Committee of the Whole rise, that the motion was not debatable.

THE CHAIRMAN: The Chair recognizes the gentleman from Iowa [Mr. Jensen].

MR. JENSEN: Mr. Chairman, I move that the Committee do now rise out of further respect for one of the greatest Americans, Gen. Douglas MacArthur.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Iowa [Mr. Jensen].

MR. JENSEN: Mr. Chairman, I demand tellers. It is disgraceful to have this sort of thing going on while General MacArthur is lying here in the Capitol.

THE CHAIRMAN: The Chair will inform the gentleman that a vote on his motion is being taken. He is not recognized to make a speech.

§ 78.55 The motion that the Committee of the Whole rise (thereby cutting off debate at that time) is not debatable and is always within the discretion of the Member handling the bill before the Committee.

On June 16, 1948,[20] Mr. Walter G. Andrews, of New York, was handling the consideration of H.R. 6401 in the Committee of the Whole. He moved that the Committee rise, and Chairman Francis H. Case, of South Dakota, ruled that the motion was within Mr. Andrews' discretion:

MR. ANDREWS of New York: Mr. Chairman, in view of the fact that two or three Members who have time are not here, I move that the Committee do now rise.

THE CHAIRMAN: The question is on the motion offered by the gentleman from New York [Mr. Andrews].

MR. [GEORGE A.] SMATHERS [of Florida]: Mr. Chairman, I would like to be heard on that.

THE CHAIRMAN: That is not a debatable motion. It is always within the discretion of the gentleman handling the bill to move that the Committee rise.

§ 78.56 The motion that the Committee of the Whole rise is privileged and may be offered during the pendency of a motion to limit debate or immediately upon the adoption of that motion.

On Oct. 7, 1974,[1] the following proceedings occurred in the Committee of the Whole during consideration of House Resolution 988 (to reform the structure, jurisdiction, and procedures of House committees):

MR. [RICHARD] BOLLING [of Missouri]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gen-

20. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

1. 120 CONG. REC. 34170, 34171, 93d Cong. 2d Sess.

tlewoman from Washington (Mrs. Hansen), and all amendments thereto, conclude in 5 hours.

THE CHAIRMAN:[2] The question is on the motion.

The question was taken; and the Chairman announced that the noes appeared to have it.

MR. BOLLING: Mr. Chairman, I demand a recorded vote. . . .

[Several parliamentary inquiries ensued at this point.]

MR. [DAVID T.] MARTIN of Nebraska: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Martin of Nebraska moves that the Committee rise and report the resolution H. Res. 988 to the House with the recommendation that the resolving clause be stricken out.

THE CHAIRMAN: The Chair would like to ask the gentleman from Nebraska, is the gentleman opposed to this resolution?

MR. MARTIN of Nebraska: I am, Mr. Chairman.

THE CHAIRMAN: The gentleman qualifies to make the motion.

The gentleman from Nebraska is recognized for 5 minutes in support of his motion.

MR. BOLLING: Mr. Chairman, I wish to propound a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. BOLLING: Mr. Chairman, my understanding of the situation is that the question that is now pending is on the motion that I made to limit debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen) and all amendments thereto.

My parliamentary inquiry is this: If that motion carries, my intention is to move that the Committee then rise.

Mr. Chairman, is there anything unparliamentary in that?

THE CHAIRMAN: The gentleman's motion in that event would be in order.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Dingell moves the Committee do now rise.

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

[After rejection of the motion, the Chair put the question on Mr. Martin's motion:]

THE CHAIRMAN: The question is on the motion offered by the gentleman from Nebraska (Mr. Martin) to strike the resolving clause.

[The preferential motion was rejected.]

MR. [JOHN H.] DENT [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry. . . .

[A]s I understand the motion, the motion is to limit the time to 5 hours on the issue itself, the Hansen amendment and all amendments thereto; is that true?

THE CHAIRMAN: The Chair will now state the question.

The gentleman from Missouri (Mr. Bolling) moves that debate on the Hansen amendment in the nature of a substitute, and all amendments thereto be limited to 5 hours. . . .

The question is on the motion offered by the gentleman from Missouri (Mr.

2. William H. Natcher (Ky.).

Bolling) that all debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen), and all amendments thereto, be limited to 5 hours, on which a recorded vote has been demanded.

A recorded vote was ordered.

Resuming Debate When Committee Resumes Consideration

§ 78.57 Where time for debate has been fixed on an amendment in the Committee of the Whole and the Committee rises before the time expires, debate continues when the Committee resumes its deliberations (if time was not set by the clock).

On June 16, 1948,[3] Chairman Francis H. Case, of South Dakota, answered parliamentary inquiries on the procedure where the Committee of the Whole rises before a certain amount of time, agreed to by the Committee, has expired for debate on an amendment:

MR. [WALTER G.] ANDREWS of New York: Mr. Chairman, in view of the fact that two or three Members who have time are not here, I move that the Committee do now rise.

THE CHAIRMAN: The question is on the motion offered by the gentleman from New York [Mr. Andrews].

MR. [GEORGE A.] SMATHERS [of Florida]: Mr. Chairman, I would like to be heard on that.

THE CHAIRMAN: That is not a debatable motion. It is always within the discretion of the gentleman handling the bill to move that the Committee rise.

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MARCANTONIO: Mr. Chairman, under the arrangement entered into limiting debate on this amendment, will the Members who were scheduled to be recognized be recognized when the Committee resumes its deliberations?

THE CHAIRMAN: They will be recognized, if the Committee should vote to rise, when the Committee meets again.

MR. ANDREWS of New York: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. ANDREWS of New York: My understanding is that all those gentlemen whose names are on the list will be recognized immediately tomorrow.

THE CHAIRMAN: The statement of the gentleman from New York is correct.

Parliamentarian's Note: The agreement in question provided that debate on the amendment close in 50 minutes. If the agreement had provided that debate close at a certain time, by the clock, and the Committee rose to resume after that time had arrived, no time would be left for debate on the amendment.

3. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

Motion To Close Debate as Related to Motion To Strike Enacting Clause

§ 78.58 A timely motion that the Committee of the Whole rise and report a bill to the House with the recommendation that the enacting clause be stricken out under Rule XXIII clause 7 takes precedence over a motion to limit debate under Rule XXIII clause 6.

On Dec. 14, 1973,[4] Mr. Samuel L. Devine, of Ohio, offered a motion in the Committee of the Whole to close debate on a pending amendment and on amendments thereto to a time certain. Mr. H. R. Gross, of Iowa, then demanded that the motion be put in writing. Immediately following that demand, Mr. Phillip M. Landrum, of Georgia, offered the preferential motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken, and was recognized by Chairman Richard Bolling, of Missouri, for five minutes on that motion.

Chairman Bolling stated in response to a parliamentary inquiry by Mr. Devine that the motion to strike the enacting clause took precedence over the motion to limit debate. After the motion to strike was disposed of, the question recurred on the motion to limit debate.

—Enacting Clause Preferential

§ 78.59 The motion to strike or recommend striking the enacting clause is preferential to the motion to close debate.

The proceedings of June 28, 1995,[5] demonstrate that the motion to strike the enacting clause is preferential to the motion to close debate. The Committee of the Whole had under consideration H.R. 1868, the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1996:

> MR. [PORTER J.] GOSS [of Florida]: Mr. Chairman, I move that all debate on the Goss amendment and all amendments thereto close immediately.
>
> MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I have a preferential motion at the desk.
>
> THE CHAIRMAN: The Clerk will report the preferential motion.
>
> Mr. Volkmer moves that the Committee do now rise and report the bill back to the House with recommendation that the enacting clause be stricken.

4. 119 CONG. REC. 41712, 41713, 93d Cong. 1st Sess.

5. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

MR. VOLKMER: Mr. Chairman, the attempt by the gentleman from Florida [Mr. Goss] to limit debate on this very important amendment of the gentlewoman from California [Ms. Pelosi] to the gentleman's amendment, I do not think is appropriate at this time.

On July 13, 1995,[6] a motion to limit debate was made during consideration of H.R. 1977, the Department of the Interior and Related Agencies Appropriations Act of 1996, followed by a motion to recommend striking the enacting clause.

MR. [RALPH] REGULA [of Ohio]: Mr. Chairman, I move to limit debate on title I and all amendments thereto to 90 minutes not including vote time.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I offer a privileged motion. I move that the Committee rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

Mr. Chairman, what is at issue here, in my view, is whether or not this House is going to be able to conduct the business at reasonable times in public view or whether we are going to be reduced to making virtually every major decision in subcommittees and on the floor at near midnight, with minimal public attention and minimal public understanding and minimum attention. . . .

MR. REGULA: Mr. Chairman, I oppose the motion.

I was not a party to the earlier negotiations. The gentleman from Illinois [Mr. Yates] and I discussed a possible agreement here that we would finish title I with time limits on the amendments that remain. . . .

THE CHAIRMAN: The question is on the preferential motion offered by the gentleman from Wisconsin [Mr. Obey].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

MR. OBEY: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 236, not voting 36, as follows: . . .

On one occasion, when a preferential motion to close debate was before the Committee of the Whole, the Chair declined to recognize a Member to offer another privileged motion until the pending motion had been disposed of. On Mar. 26, 1965,[7] Adam C. Powell, of New York, Chairman of the Committee on Education and Labor, offered the privileged motion that all debate close on the pending title of H.R. 2362, the Elementary and Secondary Education Act of 1965, reported

6. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

7. 111 CONG. REC. 6098, 6099, 89th Cong. 1st Sess. See § 23.31, supra, indicating that while a motion to limit debate is pending, the preferential motion that the Committee of the Whole rise with the recommendation that the enacting clause be stricken may be offered.

by his committee. Chairman Richard Bolling, of Missouri, advised Members that the motion to close debate was not debatable. Mrs. Edith S. Green, of Oregon, then sought recognition to offer a preferential motion. The Chairman ruled that since the preferential motion to close debate was before the Committee of the Whole, no Member could be recognized to offer another preferential motion until the pending motion was disposed of.

Effect of Limitation on Pro Forma Motion To Strike the Last Word

§ 78.60 By unanimous consent, debate under the five-minute rule on possible amendments to be offered by two designated Members (one as a substitute for the other) and on all amendments thereto was limited and equally divided between proponents and opponents prior to the offering of those amendments; and where debate has been so limited and allocated on amendments to the pending section of the bill, a Member may not obtain time by moving to strike out the last word unless there is no amendment pending (debate having been limited on amendments but not on the section).

During consideration of the Legal Services Corporation Act Amendments of 1981 (H.R. 3480) in the Committee of the Whole on June 18, 1981,[8] the following unanimous-consent requests resulted in a discussion, as indicated below:

> MR. [ROBERT W.] KASTENMEIER [of Wisconsin] (during the reading): Mr. Chairman, I ask unanimous consent that section 11 be considered as read, printed in the Record, and open to amendment at any point.
>
> THE CHAIRMAN PRO TEMPORE:[9] Is there objection to the request of the gentleman from Wisconsin?
>
> There was no objection.
>
> MR. KASTENMEIER: . . . I ask unanimous consent all debate on amendments to section 11 do not exceed more than 20 minutes, one-half to be controlled by the proponents of the amendment and one-half by the opponents of the amendment, excepting in the case of the so-called alien amendments to be offered by the gentleman from Texas (Mr. Kazen) and the gentleman from Florida (Mr. McCollum), in which case the debate on those amendments do not exceed 40 minutes, those amendments and all amendments thereto on the question of aliens.
>
> THE CHAIRMAN PRO TEMPORE: A point of clarification from the stand-

8. 127 CONG. REC. 12958, 12959, 97th Cong. 1st Sess.

9. Bruce F. Vento (Minn.).

point of the Chair. Is the gentleman suggesting to limit debate on each amendment to section 11 and on any amendment thereto to 20 minutes, the time to be divided equally between the proponents and the opponents, and 40 minutes on the amendments being offered by the gentleman from Texas (Mr. Kazen) and the possible substitute therefor of the gentleman from Florida (Mr. McCollum) and all amendments thereto?

MR. KASTENMEIER: Yes. The request of 40 minutes pertains to both amendments, that is to say that they may be offered in tandem, but that the total amount of time allocated to the subject represented by those two amendments not exceed 40 minutes.

THE CHAIRMAN PRO TEMPORE: And all amendments thereto.

MR. KASTENMEIER: Yes. . . .

THE CHAIRMAN PRO TEMPORE: The Chair would point out to the Members that are discussing this, that the request addresses itself to each amendment and any amendment thereto, inclusive. . . .

The unanimous-consent request has been modified to 1 hour of debate on the amendment offered by the gentleman from Texas (Mr. Kazen) and the amendment offered by the gentleman from Florida (Mr. McCollum) and all amendments thereto, 1 hour.

Is there objection to the unanimous-consent request of the gentleman from Wisconsin (Mr. Kastenmeier)?

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, reserving the right to object, I have a couple of questions.

Under the proposal would we be prevented from offering motions to strike the requisite number of words in order to engage in debate that might not be directly related to the amendment?. . .

MR. KASTENMEIER: I would have to ask the Chairman if that would entitle the speaker to time other than that allocated under this request.

THE CHAIRMAN PRO TEMPORE: If an amendment to section 11 were pending, under this request, a motion to strike the last word would not be in order, since time would be allocated. . . .

The unanimous-consent request does not go to the section itself, but only goes to substantive amendments if offered; so it would be possible, if there are no other amendments pending, at the right time, to be recognized as the Chair has permitted to strike the requisite number of words.

Control of Time Under Limitation

§ 78.61 A motion to close debate under the five-minute rule is not in order if it includes a provision for division of time between the proponents and opponents of the pending amendment.

On May 24, 1967,[10] Chairman Charles M. Price, of Illinois, sustained a point of order against a motion to close debate which divided the time under the limitation:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I move that all

10. 113 CONG. REC. 13824, 90th Cong. 1st Sess.

debate on the so-called Quie amendments and all amendments thereto close within 1 hour and 30 minutes, the time to be equally divided.

MR. [PORTER] HARDY [Jr., of Virginia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HARDY: It is proper to move that time be equally divided between two Members?

THE CHAIRMAN: No, the motion is not in order.

MR. HARDY: Then, I make a point of order against the motion.

THE CHAIRMAN: The Chair sustains the point of order.[11]

§ 78.62 The Committee of the Whole, by unanimous consent, limited debate to 30 minutes on a pending motion to strike and provided that the time should be controlled equally by the managers of the bill.

On Aug. 4, 1966,[12] while the Committee of the Whole was considering H.R. 14765, the Civil Rights Act of 1966, the Committee agreed to a unanimous-consent request on the time and control of debate on a motion to strike a pending title:

MR. [CARL] ALBERT [of Oklahoma]: The unanimous-consent request is that when the Committee resumes consideration of the bill, H.R. 14765, after the recess tonight the first order of business shall be after 30 minutes of debate a vote on the Moore amendment to strike out title IV and, in the event that amendment is defeated, the Committee shall then continue the consideration of title IV.

MR. [JOHN BELL] WILLIAMS [of Mississippi]: Do I understand that the gentleman dropped that portion in which he provided for a division of time equally between the proponents and opponents?

MR. ALBERT: No. That is included. Fifteen minutes shall be under the control of the gentleman from New Jersey [Mr. Rodino] and 15 minutes under the control of the gentleman from Ohio [Mr. McCulloch]. I think it is well understood that they will yield the time to both proponents and opponents of the Moore amendment.

MR. WILLIAMS: By gentleman's agreement?

MR. ALBERT: Yes.

MR. WILLIAMS: Mr. Chairman, I withdraw my reservation.

THE CHAIRMAN:[13] Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

§ 78.63 By unanimous consent, the Committee of the Whole

11. See also 117 CONG. REC. 43406, 92d Cong. 1st Sess., Nov. 30, 1971 (not in order, in motion to limit debate, to reserve three minutes of the time to each side); and 96 CONG. REC. 11837, 81st Cong. 2d Sess., Aug. 4, 1950.

12. 112 CONG. REC. 18207, 18208, 89th Cong. 2d Sess.

13. Richard Bolling (Mo.).

provided for two hours of debate on a pending amendment (abrogating the five-minute rule) and vested control of such time in the chairman and ranking minority member of the committee that had reported the bill.

On July 8, 1965,[14] the Committee of the Whole was considering for amendment the Civil Rights Act of 1965, H.R. 6400. Mr. William M. McCulloch, of Ohio, offered an amendment, and the Committee agreed to the following unanimous-consent request for the time of debate and control thereof on the amendment:

> MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I ask unanimous consent that all debate on the so-called McCulloch substitute and all amendments thereto be limited to 2 hours, and that such time be equally divided and controlled by myself and the gentleman from Ohio [Mr. McCulloch].

Parliamentarian's Note: The McCulloch amendment, was made in order by House Resolution 440 as a substitute for the committee amendment in the nature of a substitute. Where such a unanimous-consent agreement for control of time for debate on an amendment has been fixed, the proponent is first recognized for debate.

—*Allocating Time*

§ 78.64 Where all time for debate on an amendment and all amendments thereto is limited and, by unanimous consent, placed in control of the proponent of the amendment and the chairman of the committee (in opposition), the Chair first recognizes the proponent of the amendment under the limitation.

On July 9, 1965,[15] the unfinished business in the Committee of the Whole was H.R. 6400, the Voting Rights Act of 1965. Chairman Richard Bolling, of Missouri, made the following statement on the order of recognition, the Committee having limited, on the prior day, time for debate on a pending amendment:

> When the Committee rose on yesterday, there was pending the amendment offered by the gentleman from Ohio [Mr. McCulloch] as a substitute for the committee amendment.
>
> It was agreed that all time for debate on the so-called McCulloch substitute and all amendments thereto would be limited to 2 hours, such time to be equally divided and controlled by the gentleman from New York [Mr. Celler] and the gentleman from Ohio [Mr. McCulloch]. Under the unani-

14. 111 CONG. REC. 16036–38, 89th Cong. 1st Sess.

15. 111 CONG. REC. 16207, 89th Cong. 1st Sess.

mous-consent agreement, the Chair recognizes the gentleman from Ohio [Mr. McCulloch] in support of his amendment.

Parliamentarian's Note: The time limitation coupled with the unanimous-consent agreement on control of time abrogated the five-minute rule. Under the agreement, the two Members controlling debate could yield for debate or for amendments. Amendments could also be offered by Members not yielded time, after the expiration of the time limitation, but without debate on such amendments.[16]

§ 78.65 Debate on an amendment and all amendments thereto pending in the Committee of the Whole may be limited to a time certain by motion; and the Chairman of the Committee of the Whole may divide remaining debate time equally between two Members following such limitation.

On July 26, 1984,[17] during consideration of the Education Amendments of 1984 (H.R. 11) in the Committee of the Whole, the Chair divided the remaining time for debate equally between the chairman of the Committee on Education and Labor and the proponent of the pending amendment. The proceedings were as follows:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, all amendments thereto and all substitutes, close at 2 p.m.

THE CHAIRMAN PRO TEMPORE:[18] Is there objection to the request of the gentleman from Kentucky?

MR. [DAN R.] COATS [of Indiana]: Reserving the right to object, Mr. Chairman, it is my understanding, and I am not sure, I just want to check, I think a perfecting amendment is going to be offered, and I just want to check to see if that is the case. If that is the case, I would have to object to that unanimous-consent request.

MR. PERKINS: Then, Mr. Chairman, I move that all debate on the Coats amendment, all substitutes and all amendments thereto, be concluded at 2 p.m.

THE CHAIRMAN PRO TEMPORE: The question is on the motion offered by the gentleman from Kentucky. . . .

So the motion was agreed to.

THE CHAIRMAN PRO TEMPORE: The Chair will proceed to divide the time.

Since there are so many Members seeking recognition, the Chair at this time will divide the time equally between the chairman, Mr. Perkins, and the gentleman from Indiana, Mr.

16. For an example of a unanimous-consent agreement for control of time on an appropriations bill, see § 24.38, supra.

17. 130 CONG. REC. 21249, 21250, 98th Cong. 2d Sess.

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

Coats, 10 minutes each, and they will yield time as they see fit.

Parliamentarian's Note: During the above proceedings, the Chairman also ruled that a parliamentary inquiry relating to a pending motion occurring after the Chairman has announced the results of a voice vote does not constitute such intervening business as to preclude the right of a Member to demand a recorded vote on the pending motion. After the result of the voice vote was announced in the above instance (that a majority favored the motion), a parliamentary inquiry was made: [19]

MR. [WILLIAM F.] GOODLING [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry. . . .

I want to make sure the motion was talking only about this portion of this bill.

MR. PERKINS: . . . This does not include the Goodling amendment, the funding of the school programs.

MR. [ROBERT S.] WALKER [of Pennsylvania]: I want to get a record vote.

THE CHAIRMAN PRO TEMPORE: This motion referred to the Coats amendment and all amendments thereto.

MR. WALKER: That is right, and I want a record vote on the ruling of the Chair.

THE CHAIRMAN PRO TEMPORE: Those in favor of taking this by recorded vote. . . .

MR. [RICHARD J.] DURBIN [of Illinois]: Mr. Chairman, a point of order.

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

MR. DURBIN: Is it my understanding there was intervening business between the vote which was taken orally, the parliamentary inquiry made by the gentleman?

THE CHAIRMAN PRO TEMPORE: The intervening business was a parliamentary inquiry that was related to the motion, and no independent business has been taken up.

MR. DURBIN: As a further parliamentary inquiry of the Chair, does not this parliamentary inquiry and interruption preclude the gentleman from Pennsylvania's right to ask for a recorded vote?

THE CHAIRMAN PRO TEMPORE: No; it is related to the status of the vote, and of the motion.

§ 78.66 A motion to limit debate under the five-minute rule on a pending amendment in the Committee of the Whole is not in order if it includes a provision for division of time between two Members, since debate time can be allocated between Members only by unanimous consent; but where debate on an amendment and all amendments thereto has been limited to a time certain, the Chair may exercise his discretion and allocate the remaining time between two Members and may indicate which Member may close the debate.

19. 130 CONG. REC. 21249, 21250, 98th Cong. 2d Sess., July 26, 1984.

The following proceedings occurred in the Committee of the Whole on Aug. 2, 1984,[20] during consideration of the Department of Interior Appropriations Act of 1985 (H.R. 5973):

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I move that all time on the Conte amendment and all amendments thereto with the exception of the Ottinger amendment end at 3:30, the time to be equally divided between the gentleman from Massachusetts (Mr. Conte) and the gentleman from Connecticut (Mr. Ratchford).

THE CHAIRMAN:[1] The Chair will remind the gentleman that time cannot be allocated between sides or between Members except by unanimous consent. . . .

But the motion only to limit debate is in order. . . .

MR. [BILL] FRENZEL [of Minnesota]: If the gentleman's motion passes I will not object to the unanimous-consent request at that time to divide the time.

THE CHAIRMAN: . . . The motion offered by the gentleman from Illinois (Mr. Yates) is to end all debate on the Conte amendment and all amendments thereto except the Ottinger amendment at 3:30.

MR. YATES: That is correct, Mr. Chairman.

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

[The motion was agreed to.]

MR. YATES: Mr. Chairman, the time has been limited to 3:30. I ask unanimous consent that the time be expanded to permit 10 minutes on each side, with those favoring the Conte amendment to be controlled by the gentleman from Massachusetts (Mr. Conte) and those favoring the Ratchford amendment to be controlled by the gentleman from Connecticut (Mr. Ratchford).

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

MR. [MARTY] RUSSO [of Illinois]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The Chair now intends to allocate 6 minutes to the gentleman from Massachusetts (Mr. Conte) and 6 minutes to the gentleman from Connecticut (Mr. Ratchford).

The Chair intends that the debate will end with Mr. Ratchford.

Reservation of Time Under Limitation

§ 78.67 A motion to limit debate on an amendment in the Committee of the Whole under Rule XXIII clause 6, may not include a reservation of time for any purpose, such reservation depriving the Chair of his power of recognition.

On May 9, 1973,[2] Mr. Wright Patman, of Texas, in control of the bill pending before the Committee of the Whole, moved as follows:

I move that all debate conclude in 20 minutes on this amendment only, and

20. 130 CONG. REC. 22180, 22181, 98th Cong. 2d Sess.

1. Richard A. Gephardt (Mo.).

2. 119 CONG. REC. 15010, 15011, 93d Cong. 1st Sess.

all amendments thereto, and that the last 5 minutes be reserved.

Mr. H. R. Gross, of Iowa, made a point of order against the motion and Chairman Otis G. Pike, of New York, sustained it, ruling that the last part of the motion (reserving time) was not in order.[3]

§ 78.68 Under the five-minute rule, debate may be fixed but control of the time may not be allotted by motion if a point of order is made.

On May 11, 1949,[4] Chairman Albert A. Gore, of Tennessee, stated in response to a parliamentary inquiry that where the Committee of the Whole fixes by unanimous consent the time for debate, the Chairman ordinarily divides such time equally among Members seeking recognition. Mr. Brent Spence, of Kentucky, therefore made the following motion which the Chairman ruled out of order:

MR. SPENCE: Mr. Chairman, I move that all debate on section 1 and all amendments thereto conclude at 3:30 and that the time be equally divided among those Members who asked for time and that the last 5 minutes be assigned to the committee.

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, the same point of order. The Committee of the Whole cannot allot time that way. That is in the discretion of the House of Representatives and not the committee. It must be by unanimous consent.

THE CHAIRMAN: The point of order is sustained.

MR. SPENCE: Mr. Chairman, I move that all debate on section 1 and all amendments thereto conclude at 3:30.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.[5]

§ 78.69 The Committee of the Whole may, by unanimous consent, limit further debate on an amendment and reserve part of the time to the reporting committee.

On June, 9, 1960,[6] Mr. Overton Brooks, of Louisiana, asked

3. See also 118 CONG. REC. 34137, 92d Cong. 2d Sess., Oct. 5, 1972 (motion to limit debate may not include reservation of time for an individual Member); 118 CONG. REC. 10771–74, 92d Cong. 2d Sess., Mar. 29, 1972; 111 CONG. REC. 20263, 89th Cong. 1st Sess., Aug. 12, 1965 (no reservation of time for committee); 105 CONG. REC. 12127, 86th Cong. 1st Sess., June 29, 1959; 103 CONG. REC. 12370, 85th Cong. 1st Sess., July 22, 1957; and 95 CONG. REC. 9949, 81st Cong. 1st Sess., July 21, 1949.

4. 95 CONG. REC. 6055, 6056, 81st Cong. 1st Sess.

5. Control of time under a time limitation may be effected either by motion, where no point of order is made (see § 22.39, supra), or by unanimous consent (see § 22.26, supra).

6. 106 CONG. REC. 12250, 86th Cong. 2d Sess.

unanimous consent that further debate on the pending amendment (the only amendment to be offered to the bill) and on amendments thereto close in 10 minutes, with five minutes to be allowed to each side, the last five minutes to the chairman of the reporting committee. Mr. Leonard G. Wolf, of Iowa, made a point of order and questioned whether time could be divided that way. Chairman Edwin E. Willis, of Louisiana, stated that time could be so divided by unanimous consent. There was no objection to the request.[7]

§ 78.70 Where a committee amendment in the nature of a substitute was being read by titles as an original bill for amendment, the Committee of the Whole agreed, by unanimous consent, that: (1) the remainder of the committee amendment be considered as read and open to amendment at any point; (2) all debate on the bill and all amendments thereto conclude in 3 hours plus additional time claimed upon offering of amendments printed in the Record; and (3) designated portions of the 3 hours be allotted to each remaining title of the committee amendment.

During consideration of the Surface Mining Control and Reclamation Act of 1974[8] in the Committee of the Whole on July 23, 1974,[9] the unanimous-consent agreement stated above was proposed as follows:

> MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I ask unanimous consent as the first that the remainder of the bill, titles II through VIII in their entirety be considered as read, printed in the Record, and open for amendment at any point.
>
> Second, I ask unanimous consent that all debate on all the bill, including all titles and all amendments, close after 3 hours of debate tomorrow, that time not to include time out for rollcalls or quorum calls.
>
> MR. [CRAIG] HOSMER [of California]: Mr. Chairman, reserving the right to object, would the gentleman also include in that request, excluding time for offering and debate of any posted amendments which have not been offered?
>
> Under those circumstances, I would not offer more than my 10 and I think Mr. Hechler would have to make the same gentleman's agreement for his.
>
> MR. UDALL: We will accept the word of the gentleman from California that he will abide by that.
>
> I will ask the gentleman from West Virginia (Mr. Hechler) if he will also abide by that gentleman's agreement?

7. See also 109 CONG. REC. 8144, 88th Cong. 1st Sess., May 9, 1963.

8. H.R. 11500.

9. 120 CONG. REC. 24621, 24622, 93d Cong. 2d Sess.

MR. [KEN] HECHLER of West Virginia: Yes, I certainly will.

MR. HOSMER: Will the gentleman's request for unanimous consent be agreed to on printing under clause 6, rule XXIII?

MR. UDALL: The Parliamentarian tells me we do not need that as part of the unanimous-consent request.

MR. HOSMER: Mr. Chairman, further reserving the right to object, now that we have had our gentleman's agreement, nevertheless when the expiration of the 3 hours have occurred and there are one or more amendments of myself or the gentleman from West Virginia (Mr. Hechler) still pending, I would like to ask that notwithstanding, they would be in order.

MR. UDALL: I think that is clear under the rules; but in order to make it perfectly clear, I add to the request that at the conclusion of 3 hours of debate it shall be in order under clause 6 of rule XXIII for any Members having posted amendments to call up their amendments claimed under the 5-minute rule. . . .

MR. [WAYNE L.] HAYS [of Ohio]: The amendments I have referred to are not published in the Record. Would they be included?

MR. UDALL: No; but as I said earlier, we will protect the gentleman on that.

The final part of my request is that the 3-hour time referred to be divided as follows:

Title II not to exceed 60 minutes. . . .

Title VII not to exceed 30 minutes.

Title VIII not to exceed 10 minutes. . . .

MR. [TENO] RONCALIO of Wyoming: Could we have 40 minutes instead of 30 minutes on title VII?

MR. UDALL: Yes. . . .

Mr. Chairman, I would amend my request by taking 10 minutes off title II and adding 10 minutes to title VII. . . .

THE CHAIRMAN:[10] Is there objection to the request of the gentleman from Arizona?

There was no objection.

§ 78.71 A motion to close debate and reserve time is not in order.

On June 5, 1975,[11] the following proceedings occurred in the Committee of the Whole:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I ask unanimous consent that all debate on the committee amendment and all amendments thereto conclude at 5:15 o'clock, and that the last 5 minutes be reserved for me.

THE CHAIRMAN:[12] Is there objection to the request of the gentleman from Michigan?

MR. [J. J.] PICKLE [of Texas]: I object, Mr. Chairman.

MR. DINGELL: Mr. Chairman, I move that all debate on the committee amendment and all amendments thereto conclude at 5:15 o'clock, with the last 5 minutes reserved for me.

THE CHAIRMAN: The Chair will state the gentleman cannot reserve time under his motion.

§ 78.72 A motion to limit debate under the five-minute

10. Neal Smith (Iowa).

11. 121 CONG. REC. 17187, 94th Cong. 1st Sess.

12. Bob Wilson (Calif.).

rule pursuant to clause 6 of Rule XXIII may not include a reservation of time to designated Members.

During consideration of the State Department authorization for fiscal year 1977 (H.R. 13179) in the Committee of the Whole on June 18, 1976,[13] the following exchange occurred:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 2:30, and that 10 minutes of the 30 minutes may be allotted to the amendment to be offered by the gentleman from Illinois (Mr. Crane), 5 minutes of that time to be allotted to the gentleman from Illinois (Mr. Crane) and 5 minutes of the time to be allotted in opposition to the amendment.

THE CHAIRMAN PRO TEMPORE:[14] The Chair will advise the gentleman from Pennsylvania (Mr. Morgan) that it is not in order to allocate time within such a motion.

Does the gentleman from Pennsylvania, therefore, wish to restate his motion?

MR. MORGAN: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 2:30, with the understanding that 5 minutes be allotted to the gentleman from Illinois on behalf of his amendment.

The motion was agreed to.

§ 78.73 A portion of debate on a pending amendment and all amendments thereto can be reserved only by unanimous consent, and a motion including a reservation of time within a limitation of debate is not in order.

On Sept. 15, 1976,[15] during consideration of the Clean Air Act Amendments of 1976 (H.R. 10498) in the Committee of the Whole, the following exchange occurred:

MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I move that all debate on the Waxman-Maguire amendment and on the Dingell amendment terminate at 1:25, and that the last 10 minutes be reserved for the chairman.

THE CHAIRMAN:[16] The Chair will state to the gentleman that he cannot reserve time under a motion. That can be done only by a unanimous-consent request.

MR. ROGERS: Mr. Chairman, I ask unanimous consent that all debate on the Waxman-Maguire amendment and on the Dingell amendment end at 1:25, and that the last 10 minutes be reserved for the chairman of the subcommittee.

Where Time Is Limited by Minutes, Not Clock; Reserving Time

§ 78.74 Where time for debate is limited to a specific number of minutes rather than a

13. 122 CONG. REC. 19251, 94th Cong. 2d Sess.
14. John Brademas (Ind.).
15. 122 CONG. REC. 30465, 94th Cong. 2d Sess.
16. J. Edward Roush (Ind.).

limitation to a time certain on the clock, the Chair may permit Members to reserve time until an amendment to an amendment has been disposed of so as to speak on the main amendment.

On Oct. 3, 1975,[17] the proposition described above was demonstrated in the Committee of the Whole, as follows:

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, I withdraw my request and now I ask unanimous consent that all debate on the Brown amendment and all amendments thereto end in 20 minutes.

THE CHAIRMAN:[18] Is there objection to the request of the gentleman from Washington?

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, reserving the right to object, I would like to ask the chairman of the committee, if this is going to be ending in 20 minutes and we have a vote on the Symms amendment, as I understand it, does that time for the vote go into the 20 minutes?

MR. FOLEY: No. Mr. Chairman, if the gentleman will yield. I asked unanimous consent that all debate on the Brown amendment and all amendments thereto end in 20 minutes. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Washington that all debate will end on the Brown amendment in the nature of a substitute and the Symms amendment and all amendments thereto in 20 minutes?

There was no objection. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from Washington (Mr. McCormack).

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, I reserve my time in order to speak on the Brown of California amendment after the vote on the Symms amendment. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from New York (Mr. Peyser).

MR. PEYSER: Mr. Chairman, I reserve my time until after the vote on the Symms amendment. . . .

MR. FOLEY: Is it correct that approximately 2½ minutes remain of debate under the limitation previously adopted, and that following that a vote will occur on the Brown amendment in the nature of a substitute?

THE CHAIRMAN: The gentleman states the question correctly. The gentleman from New York (Mr. Peyser) has 1¼ minutes, and the gentleman from Washington (Mr. McCormack) has 1¼ minutes. Then a vote will occur on the Brown amendment.

The Chair recognizes the gentleman from New York (Mr. Peyser).

Parliamentarian's Note: Where time is limited by the clock, a Member attempting to reserve time may be preempted by votes, quorum calls, etc., which come out of the time remaining. Therefore, the Chair, to protect Members' right to speak, might refuse to permit a reservation of time.

17. 121 CONG. REC. 31602–04, 94th Cong. 1st Sess.

18. William L. Hungate (Mo.).

Setting Time by Clock

§ 78.75 A request or motion to close debate at a time certain under the five-minute rule in Committee of the Whole should specify that the debate cease at a certain time, and not that the Committee vote at a certain time, since the Chair cannot control time consumed by quorum calls and votes on other intervening motions.

On June 29, 1977,[19] the following proceedings occurred in the Committee of the Whole:

> MR. [GEORGE E.] SHIPLEY [of Illinois]: Mr. Chairman, I ask unanimous consent that we vote on this amendment at 1:15 p.m. . . .
>
> THE CHAIRMAN:[20] Is there objection to the request of the gentleman from Illinois?
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Reserving the right to object, Mr. Chairman, I believe the gentleman's request was that we vote on this amendment at 1:15. I do not believe that that request is in order.
>
> A request to limit all debate on this amendment would be in order, but not that a vote be ordered at a certain time. It is not provided in the rules, Mr. Chairman. . . .
>
> MR. SHIPLEY: Mr. Chairman, would it be possible to set it at a time certain, that time to be 1 p.m.? . . .
>
> THE CHAIRMAN: The Chair would state to the gentleman from Illinois (Mr. Shipley) that the Chair cannot guarantee a 1 o'clock time certain because of the possibility of a quorum call or other extension of debate. . . .
>
> MR. SHIPLEY: Mr. Chairman, I withdraw my unanimous-consent request.
>
> Mr. Chairman, let me renew the request in this way, since we are trying to get all of the Members on the floor before we vote, I would ask unanimous consent that all debate on this amendment end at 1 o'clock, no later than 1 o'clock. . . .
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois?
>
> MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I object.
>
> THE CHAIRMAN: Objection is heard.
>
> MR. SHIPLEY: Mr. Chairman, I move that 1:15 p.m. be used as a time certain to end the debate on this amendment.
>
> The motion was agreed to.

§ 78.76 A unanimous-consent request or motion to close debate under the five-minute rule in the Committee of the Whole should limit debate time either by the clock or to a number of minutes of debate, and not by setting a time certain for voting, since the Chair cannot control motions or points of order which might intervene at that time.

During consideration of H.R. 4102 (Universal Telephone Preser-

19. 123 CONG. REC. 21383, 21384, 95th Cong. 1st Sess.

20. John M. Murphy (N.Y.).

vation Act of 1983) in the Committee of the Whole on Nov. 10, 1983,[1] the following exchange occurred:

MR. [TIMOTHY E.] WIRTH [of Colorado]: Mr. Chairman, I ask unanimous consent that we vote on the Tauke amendment at 6:30 and that the 30 minutes will be allocated with the first 10 minutes on our side, the next 5 minutes to your side, 10, and then you close with the final 5.

THE CHAIRMAN PRO TEMPORE:[2] Is the unanimous-consent request for debate time only, excluding voting time?

MR. WIRTH: We will then vote at 6:30 on the Tauke amendment.

THE CHAIRMAN PRO TEMPORE: The Chair cannot entertain a request for a vote at a time certain. The Chair will entertain a motion for the debate time to terminate.

MR. WIRTH: The debate time on the Tauke amendment would terminate at 6:30.

THE CHAIRMAN PRO TEMPORE: As the Chair understands it, the gentleman is asking for 30 additional minutes for debate on the amendment and all amendments thereto, with 20 minutes going to the gentleman from Colorado (Mr. Wirth) and 10 minutes going to the gentleman from North Carolina (Mr. Broyhill)?

MR. WIRTH: That is correct, Mr. Chairman.

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

There was no objection.

Chair's Discretion in Limiting Debate

§ 78.77 Where a bill was being read for amendment by titles instead of by sections, the Chair declined to entertain a unanimous-consent request to limit debate on just one section within that title where such an agreement would be difficult to enforce.

On Sept. 15, 1976,[3] during consideration of the Clean Air Act Amendments of 1976 (H.R. 10498) in the Committee of the Whole, the following proceedings occurred:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I ask unanimous consent that all debate on the so-called Dingell-Broyhill amendment and the Waxman-Maguire amendment and all amendments thereto, and on section 203(b) end at 1:20 o'clock p.m. with the last 10 minutes being reserved by the gentleman from Florida (Mr. Rogers).

THE CHAIRMAN:[4] May the Chair suggest to the gentleman from Michigan that because the entire title is open to amendment at any point, he limit his request to the pending amendments.

MR. DINGELL: My unanimous-consent request is to the two pending amendments and to section 203.

1. 129 CONG. REC. 32172, 98th Cong. 1st Sess.
2. Sam M. Gibbons (Fla.).
3. 122 CONG. REC. 30464, 30465, 94th Cong. 2d Sess.
4. J. Edward Roush (Ind.).

THE CHAIRMAN: Permit the Chair to state to the gentleman from Michigan that the Chair has some difficulty with that portion of the request because he is limiting debate on a section when the entire title is open to amendment. If the gentleman could limit his request to his amendment and the substitute, and amendments thereto, it would make the limitation of time more manageable.

MR. DINGELL: Mr. Chairman, I ask unanimous consent that all debate on the Dingell-Broyhill amendment and the Waxman-Maguire amendment, the two amendments now pending, and all amendments thereto terminate at 20 minutes after 1.

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

MR. [DAVID E.] SATTERFIELD [of Virginia]: Mr. Chairman, I object.

§ 78.78 Where there was pending an amendment and a substitute therefor, the Chair declined to entertain a unanimous-consent request that debate end 10 minutes after another Member "has had an opportunity to offer" a further substitute, where the offering of such substitute might be precluded by the adoption of the pending substitute.

During consideration of the Defense Production Act Amendments of 1979 (H.R. 3930) in the Committee of the Whole on June 26, 1979,[5] the following proceedings occurred:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I offer amendments as a substitute for the amendments.

The Clerk read as follows:

> Amendments offered by Mr. Michel as a substitute for the amendments offered by Mr. Wright of Texas: On page 5, line 2, strike out the period after "section" and insert in lieu thereof "and at least 2,000,000 barrels per day crude oil equivalent of synthetic fuels . . . .

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I see only about five or six Members standing. I ask unanimous consent that all debate on the Wright amendment and all amendments thereto close in 15 minutes.

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

MR. [JAMES M.] JEFFORDS [of Vermont]: Reserving the right to object, the gentleman knows I have a substitute which I think ought to be considered . . . and I just cannot agree to 15 minutes unless I am sure I am going to have 5 minutes myself in order to be able to explain the substitute.

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I ask unanimous consent that all debate on the Wright amendment and all amendments thereto close 10 minutes after the gentleman has had an opportunity to offer his substitute amendment.

5. 125 CONG. REC. 16670, 16672, 96th Cong. 1st Sess.

6. Gerry E. Studds (Mass.).

THE CHAIRMAN: The Chair would advise the gentleman that in the event the amendment offered as a substitute by the gentleman from Illinois (Mr. Michel) were adopted, no other substitute would be in order and the request would be unworkable.

Reconsideration of Vote To Close Debate

§ 78.79 Where the Committee of the Whole has, by motion, agreed to limit debate on a pending amendment, a motion to reconsider its action is not in order since the motion to reconsider does not lie in Committee of the Whole.

On May 24, 1967,[7] after the Committee of the Whole had adopted a motion limiting debate, Chairman Charles M. Price, of Illinois, stated that a motion to reconsider that action would not be in order in the Committee:

MR. [ROMAN C.] PUCINSKI [of Illinois]: Mr. Chairman, a parliamentary inquiry.

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

MR. PUCINSKI: Mr. Chairman, is a motion to reconsider the last motion in order?

THE CHAIRMAN: The Chair will state to the gentleman from Illinois [Mr. Pucinski] that such motion is not in order in the Committee of the Whole.

§ 78.80 The motion to reconsider a limitation on debate is not in order in Committee of the Whole.

While a unanimous-consent agreement may be subject to a motion to reconsider in the House,[8] the motion to reconsider is not in order in Committee of the Whole. This principle is illustrated in the proceedings of Oct. 5, 1981,[9] relating to H.R. 3112, to extend the Voting Rights Act of 1965:

MR. [DON] EDWARDS of California: Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes.

THE CHAIRMAN PRO TEMPORE:[10] The Chair will inquire of the gentleman from California whether his unanimous-consent request includes this amendment and all amendments thereto.

MR. EDWARDS of California: Just on this amendment, Mr. Chairman.

THE CHAIRMAN PRO TEMPORE: Just on this amendment.

Is there objection to the request of the gentleman from California?

There was no objection. . . .

THE CHAIRMAN PRO TEMPORE: The Chair will first allocate the time

7. 113 CONG. REC. 13824, 90th Cong. 1st Sess.

8. 8 Cannon's Precedents § 2794.

9. 127 CONG. REC. 23154, 97th Cong. 1st Sess.

10. Dennis E. Eckart (Ohio).

among all Members seeking recognition on this amendment.

The Chair has observed the following Members standing: The gentleman from California (Mr. Edwards), the gentleman from Illinois (Mr. Hyde) . . . and the gentlewoman from New Jersey (Mrs. Fenwick).

MR. [HENRY J.] HYDE [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. HYDE: Mr. Chairman, I have three Members who want to speak on this side. . . .

I was assuming 5 minutes apiece, 15 minutes total. . . .

THE CHAIRMAN PRO TEMPORE: The Chair will point out to the gentleman from Illinois that the Chair merely allocated the time among those Members who rose by the time that the unanimous-consent request was granted.

MR. HYDE: Mr. Chairman, having voted on the prevailing side, I move to reconsider the vote by which we limited this to 15 minutes. I have three Members who want to talk on this side.

THE CHAIRMAN PRO TEMPORE: A motion to reconsider is not in order.

The Chair would suggest to the gentleman from Illinois that those who merely wish to speak for a short time could allocate the remainder of their time to another Member by unanimous consent.

Vacating or Rescinding a Time Limitation

§ 78.81 The Chairman of the Committee of the Whole indicated, in response to a parliamentary inquiry, that whether the House could rescind a time limitation (on the five-minute rule) imposed by the Committee of the Whole was a matter for the Speaker, and not the Chairman, to determine.

On Dec. 14, 1973,[11] the Committee of the Whole had agreed to a motion limiting five-minute debate. In response to a parliamentary inquiry, Chairman Richard Bolling, of Missouri, stated that the question whether the House could rescind that limitation would be a question for the Speaker and not for the Chairman:

MR. [JOHN] BUCHANAN [of Alabama]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. BUCHANAN: Mr. Chairman, should a motion be offered that the committee do now rise, and that motion would be accepted by the Committee, would it be possible then in the House for time to be extended or for the earlier motion limiting time to be rescinded?

THE CHAIRMAN: The Chair will state to the gentleman from Alabama that the gentleman is asking the Chairman of the Committee of the Whole to rule on a matter that would come before

11. 119 CONG. REC. 41731, 93d Cong. 1st Sess.

the Speaker of the House of Representatives.

MR. BUCHANAN: The Chairman cannot answer that according to the rules of the House?

THE CHAIRMAN: The Chair will state that the Chair is not in a position to answer for the Speaker.

Parliamentarian's Note: A motion in the House to extend debate beyond a limitation agreed to in the Committee would not be privileged, but the House could rescind a limitation by unanimous consent, by special rule, or under suspension of the rules. The Committee could only rescind or modify a limitation by unanimous consent, the motion to reconsider not being in order in the Committee.[12]

§ 78.82 Where debate on a pending amendment and all amendments thereto had been limited to a time certain, the Committee of the Whole, by unanimous consent, vacated the limitation and then agreed to limit debate on an amendment to the pending amendment.

On Sept. 30, 1971,[13] the Committee of the Whole agreed to a unanimous-consent request propounded by Mr. Carl D. Perkins, of Kentucky, to close debate on an amendment and all amendments thereto at 2:30 p.m. Following a parliamentary inquiry, Mr. Perkins stated that he had intended the limitation to apply only to his own perfecting amendment to the amendment, and not to other perfecting amendments to be offered to the pending amendment. He therefore asked unanimous consent to vacate the unanimous-consent limitation previously agreed to. This request was granted, and he restated his proposal, which was agreed to.

§ 78.83 Instance where the Committee of the Whole, by unanimous consent, limited debate under the five-minute rule to "15 minutes on each amendment"; it later, by motion, curtailed all debate to "40 minutes to the bill and all amendments thereto."

On Oct. 14, 1966,[14] the Committee of the Whole agreed to a unanimous-consent request by Mr. Wright Patman, of Texas, that debate under the five-minute rule be limited not to exceed 15 minutes on each amendment which might be offered to the pending bill (the bill having been considered as read).

Later in the debate, when it appeared that there were 23 amend-

12. See § 78.79, supra.

13. 117 CONG. REC. 34289, 34290, 92d Cong. 1st Sess.

14. 112 CONG. REC. 26968, 26976, 26977, 89th Cong. 2d Sess.

ments remaining to the bill, the Committee agreed to a motion by Mr. Patman to close all debate on the bill and amendments thereto in 40 minutes.

§ 78.84 The Chair advised that only by unanimous consent could the Committee of the Whole rescind an agreement it had previously reached limiting debate on an amendment.

On Aug. 5, 1966,[15] Chairman Richard Bolling, of Missouri, answered a parliamentary inquiry on the power of the Committee of the Whole to rescind a limitation:

MR. [JOHN BELL] WILLIAMS [of Mississippi]: Mr. Chairman, I do have a legitimate parliamentary inquiry if the other was not. Would it be in order to make a unanimous-consent request at this time that the action of the House in voting to limit debate be vacated?

THE CHAIRMAN: The Chair will advise the gentleman that a unanimous consent is in order.

MR. WILLIAMS: If such a request is in order, I make the request.

MR. [PETER W.] RODINO [Jr., of New Jersey]: I object.

THE CHAIRMAN: The gentleman from North Carolina has the floor.

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I have a point of order.

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

MR. DICKINSON: Mr. Chairman, if I understand correctly, we were granted 2 hours in which to submit amendments. One hour and 45 minutes has been used up. We have 15 minutes remaining. Did the Chair just rule that would be inappropriate, and this Committee would be unable to reconsider, the fixing of this time? Was that the ruling of the Chair?

THE CHAIRMAN: A motion to reconsider is not in order in the Committee of the Whole.

§ 78.85 Where the Committee of the Whole has limited debate on a paragraph of a bill and all amendments thereto, it may on the succeeding day by unanimous consent vacate such agreement.

On Mar. 11, 1942,[16] Chairman Alfred L. Bulwinkle, of North Carolina, advised Mr. J. Buell Snyder, of Pennsylvania, that he had on the previous day submitted a unanimous-consent request, which was agreed to by the Committee of the Whole, that debate on a paragraph and amendments thereto close in 15 minutes. The Chairman stated however that the unanimous-consent limitation reached on the prior day could be vacated by unanimous consent, and the Committee so agreed.

§ 78.86 The Chair advised that by unanimous consent the

15. 112 CONG. REC. 18416, 89th Cong. 2d Sess.

16. 88 CONG. REC. 2269, 77th Cong. 2d Sess.

Committee of the Whole could rescind an agreement it had previously reached limiting debate on an amendment in the nature of a substitute and all amendments thereto, and could impose other limitations.

On Dec. 14, 1973,[17] Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that the Committee could by unanimous consent rescind a time limitation formerly agreed to:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Then, Mr. Chairman, one further parliamentary inquiry:

Would it be in order for me at this time to ask unanimous consent that all debate on the amendment in the nature of a substitute and all amendments thereto be open until midnight? . . .

THE CHAIRMAN: If the Chair understands the gentleman, the gentleman is proposing by unanimous consent that the Committee of the Whole rescind its previous agreement?

MR. DERWINSKI: That is exactly right, Mr. Chairman.

THE CHAIRMAN: And the gentleman is proposing that the Committee of the Whole enter into a new agreement which would provide for no further debate at midnight?

MR. DERWINSKI: Well, Mr. Chairman, the real intent is to provide that we vote on amendments after some explanation of their content so we are not voting in the blind. This is not a proper parliamentary statement, but it is a statement of the facts before us.

THE CHAIRMAN: The Chair will try to state the unanimous-consent request which I understand the gentleman is seeking to make.

The gentleman from Illinois (Mr. Derwinski) seeks unanimous consent to rescind the agreement heretofore entered into by the Committee of the Whole and to provide that all debate on the Staggers amendment and all amendments thereto close at midnight tonight.

Is there objection to the request of the gentleman from Illinois?

§ 78.87 The Committee of the Whole having limited time for debate on a pending amendment and all amendments thereto, that limitation can be rescinded only by unanimous consent.

An illustration of the proposition stated above can be seen in the proceedings of the Committee of the Whole during consideration of H.R. 6096[18] on Apr. 23, 1975:[19]

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I offer a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

17. 119 CONG. REC. 41743, 93d Cong. 1st Sess.

18. Vietnam Humanitarian Evacuation Assistance Act.

19. 121 CONG. REC. 11507, 11508, 94th Cong. 1st Sess.

Amendment offered by Mr. Eckhardt as a substitute for the amendment in the nature of a substitute offered by Mr. Edgar: strike all after enacting clauses and add:

Sec. 2. There is authorized to be appropriated to the President for the fiscal year 1975 not to exceed $150,000,000 to be used, notwithstanding any other provision of law, on such terms and conditions as the President may deem appropriate for humanitarian assistance to an evacuation program from South Vietnam. . . .

MR. [WILLIAM J.] RANDALL [of Missouri]: Mr. Chairman, I make the point of order that the understanding was the debate on the substitute and all amendments thereto would end at 4 o'clock and the hour of 4 o'clock has arrived. What is the parliamentary situation?

THE CHAIRMAN: The parliamentary situation is, as the Chair understands it, as follows:

A substitute amendment offered by the gentleman from Texas for the amendment in the nature of a substitute can be read but cannot be debated.

If there are amendments to the substitute offered by the gentleman from Texas they will be reported by the Clerk but they will not be debated and they will be disposed of as soon as they are reported by the Clerk. . . .

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, would it be in order to ask unanimous consent that the proposer of this substitute amendment could have 5 minutes of time, because what we are dealing with obviously is a major change and could he by unanimous consent of the House have 5 minutes time?

THE CHAIRMAN: The Chair will state that by unanimous consent and by unanimous consent only could that be done.

MR. PEYSER: Mr. Chairman, I would like to make a unanimous-consent request that the gentleman from Texas (Mr. Eckhardt) have 5 minutes in order to explain his amendment, because it will undoubtedly take that much time.

MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Chairman, I object.

(Several other Members objected.)

THE CHAIRMAN: Objection is heard.

Extensions of Allotted Time

§ 78.88 Where debate on an amendment has been limited to a time certain, and the time equally divided by the Chair among those Members desiring to speak, the Chair declined to entertain a unanimous-consent request to give one of those allotted time a larger share.[20]

Procedure Where Language of Limitation is Disputed

§ 78.89 Where a Member disagreed with the Chair's interpretation of a motion to limit debate, the Chair indicated that the Member could verify the Chair's interpretation by consulting the notes of the reporters of debates.

20. See § 79.50, infra.

On June 13, 1947,[1] Mr. George E. MacKinnon, of Minnesota, made a point of order against the interpretation by Chairman Thomas A. Jenkins, of Ohio, of a request for unanimous consent to close debate which had been agreed to. Mr. MacKinnon contended that the Chair misread the agreement as limiting debate on a section and on amendments thereto, when the agreement purportedly applied only to the section and not to amendments thereto. The Chair answered parliamentary inquiries on the matter of disagreement as to the provisions of a limitation on debate:

THE CHAIRMAN: The gentleman cannot be right in his observation, for the motion was not to limit debate on the bill but only to that section which had been read.

MR. MACKINNON: I mean on the section. The motion was only to limit time of debate on the section. The words "and amendments thereto" were not included.

I make that point of order. May we have it checked?

THE CHAIRMAN: The Chair will overrule the point of order because the motion was made to close all debate with reference to any amendments to section 202. The question now is on section 203, which the Clerk is reading.

MR. MACKINNON: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MACKINNON: What will be the situation if the Chair is in error in the Chair's recollection according to the record?

THE CHAIRMAN: We will have to decide that when we come to it.

MR. MACKINNON: I thank the Chairman.

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

THE CHAIRMAN: The gentleman will state it.

MR. HOFFMAN: May we have a copy of that part of the record?

THE CHAIRMAN: The gentleman may secure that from the reporters.

The Clerk will report the committee amendment.

Parliamentarian's Note: The Chair did in fact interpret the limitation correctly.[2]

§ 78.90 When the Chairman of the Committee of the Whole understood that a motion to limit debate under the five-minute rule did not contain a reservation of time to the committee handling the bill, the time was divided without reservation.

On May 9, 1963,[3] the Committee of the Whole agreed to a motion to limit debate and Chair-

1. 93 CONG. REC. 6972, 6973, 80th Cong. 1st Sess.

2. *Id.* at p. 6968.

3. 109 CONG. REC. 8144, 88th Cong. 1st Sess.

man John W. Davis, of Georgia, answered a parliamentary inquiry on the terms and effect of the limitation:

MR. [EDWIN E.] WILLIS [of Louisiana]: Mr. Chairman, I observed only a few Members standing. I ask unanimous consent that all time on this amendment and all amendments thereto close in 15 minutes, the last 5 minutes to be reserved for the opposition.

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

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I object.

MR. WILLIS: Mr. Chairman, I so move.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

MR. WILLIS: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WILLIS: Mr. Chairman, I ask for a clarification of the motion just voted on. The time was limited to 15 minutes, but was the last 5 minutes reserved to the committee?

THE CHAIRMAN: The Chair did not understand that the motion included the reservation of the last 5 minutes to the committee. The Chair therefore rules that the motion agreed to by the committee simply limits the time to 15 minutes without that reservation.

Parliamentarian's Note: The Chair may refuse to entertain a motion to limit debate with a reservation of time, that motion not being in order; and the Chair could object to, as could any Member, or refuse to entertain a unanimous-consent request which includes a reservation of time.

§ 78.91 The Committee of the Whole having agreed that debate on an amendment be limited to five minutes and the Chair having misinterpreted the agreement as limiting debate on the amendment and all amendments thereto, the Chair later apologized to the Committee and to a Member who was denied the privilege of debate on his amendment to the amendment through the misinterpretation.

On May 3, 1946, Chairman Wilbur D. Mills, of Arkansas, made the following statement and apology relative to an agreement, previously agreed to by the Committee, to close debate:

The Chair desires to make a statement.

Earlier today, immediately upon the House resolving itself into the Committee of the Whole House on the State of the Union for the consideration of the present bill, H.R. 6065, the chairman of the subcommittee handling the bill propounded a unanimous-consent request which the Chair endeavored to understand. The Chair, in attempting to understand the unani-

mous-consent request, failed, however, to understand that request as it was transcribed by the official reporter. The Chair has before him the transcript of the record as taken by the official reporter, of the request made by the gentleman from Michigan. The request of the gentleman from Michigan was that all debate on the pending amendment close in 5 minutes. The Chair misunderstood the gentleman so that when the gentleman from Ohio [Mr. Vorys] offered an amendment to his amendment, the gentleman from Ohio, instead of being recognized for the 5 minutes to which he was entitled, was barred by the Chair from speaking in support of his amendment to the amendment.

The Chair wishes to apologize to the Committee and to the gentleman from Ohio [Mr. Vorys] for making a most unintentional misinterpretation of the request of the gentleman from Michigan. The Chair trusts the apology of the Chair may be accepted both by the gentleman from Ohio and the Committee.[4]

Chair's Role in Interpreting or Enforcing Time Limitations

§ 78.92 Where the Committee of the Whole has, by unanimous consent, limited five-minute debate on a pending title and the remaining time has been allocated among those Members desiring to speak, the Chair has declined to entertain a unanimous-consent request to close debate prior to calling each name on his list of Members to be recognized under the time limitation.

On Nov. 3, 1971,[5] the Committee of the Whole had agreed upon a time limitation on five-minute debate, and Chairman James C. Wright, Jr., of Texas, had prepared a list of those Members desiring to speak under the limitation. In response to a parliamentary inquiry, he stated that he would not entertain a unanimous-consent request to further close debate and preclude Members on the list from speaking:

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. ERLENBORN: Mr. Chairman, would it be in order to ask unanimous consent that we pass to the next item if there are no further amendments to this title?

THE CHAIRMAN: The Chair would have to advise the gentleman that the committee has already determined that there be a limitation on debate. Those Members who were standing and seek-

4. 92 CONG. REC. 4418, 79th Cong. 2d Sess. For the proceedings referred to by the Chair, see *id.* at pp. 4404–06.

A limitation may be vacated, extended, or rescinded by unanimous consent (see §§ 78.81–78.88, supra).

5. 117 CONG. REC. 39091, 92d Cong. 1st Sess.

ing recognition at the time are entitled to recognition if they wish to use their time and it is their privilege to do so.

Opening Bill for Amendment, Dispensing With Reading, Limiting Debate

§ 78.93 The Committee of the Whole may, by unanimous consent, limit debate on all amendments to a pending bill, but such a request should include the condition that the remainder of the bill be considered as read and open to amendment at any point.

On May 18, 1972,[6] a unanimous-consent request to limit five-minute debate was propounded and then modified in the Committee of the Whole, with Chairman Thomas G. Abernethy, of Mississippi, presiding:

MR. [JOHN J.] ROONEY of New York: Mr. Chairman, I ask unanimous consent that all debate on the pending amendments and any further amendments thereto, as well as any other amendments to the bill, close in 15 minutes.

THE CHAIRMAN: The Chair advises the gentleman that his request is not in order inasmuch as the remainder of the bill has not yet been read.

MR. ROONEY of New York: Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record at this point and that all debate on the pending amendments and any further amendments thereto, as well as any further amendments to the bill, shall close in 5 minutes.

MR. [ANDREW J.] JACOBS [Jr., of Indiana]: Mr. Chairman, I object.

MR. ROONEY of New York: Mr. Chairman, I should like to amend my request by extending the time to 10 minutes.

THE CHAIRMAN: The gentleman from New York asks unanimous consent that the bill be considered as read, printed in the Record at this point, and that debate on the pending amendments and all amendments to the bill close in 10 minutes.

Is there objection to the request of the gentleman from New York?

There was no objection.

§ 78.94 Debate on a bill and all amendments thereto was, by unanimous consent, limited prior to the conclusion of the reading of the bill.

On Sept. 12, 1968,[7] the Committee of the Whole agreed to a unanimous-consent request propounded by Mr. George H. Mahon, of Texas, that all debate on the pending bill and all amendments thereto close in 30 minutes, before the entire reading of the bill had been concluded.

§ 78.95 Debate on a bill and all amendments thereto may be

6. 118 CONG. REC. 18052, 92d Cong. 2d Sess.

7. 114 CONG. REC. 26566, 90th Cong. 2d Sess.

limited by unanimous consent prior to the complete reading of the bill.

On May 18, 1966,[8] Chairman Eugene J. Keogh, of New York, stated in response to a parliamentary inquiry that debate on a bill, prior to its reading, could be limited by unanimous consent:

> MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HALLECK: The gentleman from Texas asked that the bill be considered as read. I do not know whether that request was acted upon or not.
>
> THE CHAIRMAN: Objection was heard on that request.
>
> MR. HALLECK: Mr. Chairman, a further parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HALLECK: Under the rules of the House, would it then be possible to limit debate unless the bill has been considered as read?
>
> THE CHAIRMAN: Under a unanimous-consent agreement it would be possible, and the Chair understands that the gentleman from Texas is trying to get an unanimous-consent agreement.[9]

§ 78.96 By unanimous consent, the Committee of the Whole agreed that, on a general appropriations bill considered as read and open to amendment at any point, debate under the five-minute rule should terminate at a time certain, with 30 minutes of the time remaining for debate to be allowed on a particular amendment and to be equally divided and controlled.

On Sept. 22, 1983,[10] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 3913 (the Departments of Labor and Health and Human Services appropriations for fiscal year 1984):

> MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, at this time I would ask unanimous consent that all debate on the bill and all amendments thereto conclude not later than 3:30. . . .
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, reserving the right to object, the motion does not, however, include the 30 minutes for the abortion debate that I thought the gentleman from Illinois was assured of? . . .
>
> MR. NATCHER: The gentleman is correct.
>
> Mr. Chairman, I would ask that debate conclude not later than 3:30 with 30 minutes of the time to be allocated to the amendment pertaining to abortion. . . .

8. 112 CONG. REC. 10911, 89th Cong. 2d Sess.

9. See also 114 CONG. REC. 26566, 90th Cong. 2d Sess., Sept. 12, 1968.

10. 129 CONG. REC. 25407, 98th Cong. 1st Sess.

MR. [LES] AUCOIN [of Oregon]: Reserving the right to object, Mr. Chairman, I want to be sure I understand what the gentleman just said. My understanding is that in that 30 minutes the time will be divided equally between those who agree with Mr. Hyde and those who agree with the gentleman from Oregon (Mr. AuCoin)? . . .

MR. NATCHER: . . . The gentleman (Mr. AuCoin) is correct. . . .

THE CHAIRMAN PRO TEMPORE:[11] Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Limiting Debate on Amendment in Nature of Substitute

§ 78.97 Where there was pending an amendment in the nature of a substitute for a bill, the Chair indicated in response to a parliamentary inquiry that motions to limit debate on each amendment to said amendment could only be made after the amendment was offered and could not include an allocation of time.

On Dec. 14, 1973,[12] there was pending in the Committee of the Whole an amendment in the nature of a substitute for a bill. Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that only by unanimous consent could time be limited and allocated on each amendment to be offered to the amendment in the nature of a substitute. He then answered a further inquiry on a motion to limit debate:

MR. [LAWRENCE] WILLIAMS [Jr., of New Jersey]: Would a motion to limit debate on each amendment to 10 minutes be in order?

THE CHAIRMAN: That would be in order.

MR. WILLIAMS: Then, in that case, I would like to say to my esteemed colleague——

THE CHAIRMAN: On individual amendments. A motion to limit debate on individual amendments to 10 minutes with no allocation of the 10 minutes would be in order.

MR. WILLIAMS: But it has to be made on each individual amendment?

THE CHAIRMAN: It has to be offered to each individual amendment after each amendment is offered.

§ 78.98 Where there was pending an amendment in the nature of a substitute for a bill, the Chair indicated in response to a parliamentary inquiry that a motion to close all debate on the said amendment and all amendments thereto would be in order.

On Dec. 14, 1973,[13] there was pending an amendment in the

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

12. 119 CONG. REC. 41712, 93d Cong. 1st Sess.

13. 119 CONG. REC. 41712, 93d Cong. 1st Sess.

nature of a substitute for a bill in the Committee of the Whole. Chairman Richard Bolling, of Missouri, stated in response to parliamentary inquiries that: (1) debate on amendments to the substitute could be limited and allocated only by unanimous consent; and (2) that motions to limit debate to a certain amount of time on each amendment to be offered could be made only after each amendment was offered and could not include an allocation of time.

The Chair answered a further inquiry:

> MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: A parliamentary inquiry, Mr. Chairman.
>
> A motion would be in order to end all debate on all amendments pending at 7 o'clock?
>
> THE CHAIRMAN: Such a motion to end all debate on the Staggers amendment and all amendments thereto at an hour certain would be in order.
>
> MR. O'NEILL: I thank the Chairman.

After further discussion, the Chair answered an inquiry on the same subject:

> MR. [SAMUEL L.] DEVINE [of Ohio]: Mr. Chairman, a parliamentary inquiry?
>
> THE CHAIRMAN: The gentleman will state his parliamentary inquiry.
>
> MR. DEVINE: Mr. Chairman, my parliamentary inquiry is this: Is a motion now in order to say that the House will vote on the bill and all amendments thereto by a time certain?
>
> THE CHAIRMAN: The Chair will state that a motion to limit debate on the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers) and all amendments thereto, to a time certain, would be in order.
>
> MR. DEVINE: Mr. Chairman, I therefore will make that motion.
>
> Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers) and all amendments thereto, close at 5:30 p.m. today.

Variations on Unanimous Consent To Limit Debate

§ 78.99 By unanimous consent, the Committee of the Whole agreed at the beginning of general debate to limit and divide control of time for debate on any amendments to be offered by designated Members to certain paragraphs (or to amendments thereto).

The following proceedings occurred in the Committee of the Whole on July 23, 1981,[14] during consideration of the energy and water development appropriations for fiscal 1982 (H.R. 4144):

> MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I ask unanimous consent that the debate on the amendments by

14. 127 CONG. REC. 16983, 97th Cong. 1st Sess.

the gentleman from Washington (Mr. Pritchard) and the gentleman from Pennsylvania (Mr. Edgar) in title I to the paragraph entitled "Construction, General" on page 2, be limited to 2 hours, one-half of the time to be controlled equally by the gentleman from Washington and one-half by myself.

THE CHAIRMAN:[15] Is there objection to the request of the gentleman from Alabama?

There was no objection.

MR. BEVILL: Mr. Chairman, I ask unanimous consent that the debate on the amendments by the gentleman from Pennsylvania (Mr. Coughlin) in title III to the paragraph entitled "Energy Supply, Research and Development Activities" on page 16, be limited to 2 hours, one-half of the time to be controlled equally by the gentleman from Pennsylvania and one-half by myself.

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

There was no objection.

Curtailing Previously Limited Time

§ 78.100 Where the Committee of the Whole has limited debate on a pending amendment and all amendments thereto, a further limitation may be imposed only by unanimous consent and not by motion.

On Oct. 8, 1974,[16] during consideration of House Resolution 988 (to reform the structure, jurisdiction, and procedures of House committees), Richard Bolling, of Missouri, was recognized and made the following statement:

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

Mr. Chairman, I have been talked to and have talked to a great number of Members on both sides of the aisle. There is a substantial amount of time left under the agreement voted yesterday. I believe the time is in the order of 2 hours and 15 minutes. . . .

Most of the Members with whom I have discussed this matter would like to cut back that amount of time.

Now, there is no attempt in any request that I make to limit the right of Members with noticed amendments to offer their noticed amendments. . . . I propose to ask by unanimous consent that the debate on amendments, not including those noticed under the rule, be limited to 30 minutes on the amendment in the nature of a substitute offered by the gentlewoman from Washington and all amendments thereto.

THE CHAIRMAN:[17] Is there objection to the request of the gentleman from Missouri? . . .

THE CHAIRMAN: Objection is heard. . . .

MR. BOLLING: Mr. Chairman, would it be proper to make my unanimous-consent request as a motion?

THE CHAIRMAN: The Chair would like to inform the gentleman that such a motion would not be in order at this time.

---

15. Anthony C. Beilenson (Calif.).

16. 120 CONG. REC. 34459, 34460, 93d Cong. 2d Sess.

17. William H. Natcher (Ky.).

Parliamentarian's Note: In this instance, a motion to further limit debate on each amendment as it was offered to the pending amendment in the nature of a substitute would have been in order, but it would not be in order by motion to change the overall limitation imposed by the Committee on the amendment and all amendments thereto.

Motion To Require a Certain Amount of Debate

§ 78.101 A motion to require a certain amount of debate on an amendment under the five-minute rule is not in order in the Committee of the Whole.

On June 18, 1959,[18] Chairman Wilbur D. Mills, of Arkansas, ruled as follows:

> MR. [BARRATT] O'HARA of Illinois: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. O'Hara of Illinois: On page 10, strike out all of lines 14, 15, and 16, and renumber the paragraphs. . . .
>
> MR. O'HARA of Illinois: . . . I earnestly urge the adoption of my amendment.
>
> THE CHAIRMAN: The question is on the amendment offered by the gentleman from Illinois [Mr. O'Hara].
>
> MR. O'HARA of Illinois: Mr. Chairman, I think this matter is very important and certainly I believe there should be more time given to the discussion than just taking a vote now.
>
> THE CHAIRMAN: The Chair did not observe anyone standing.
>
> MR. O'HARA of Illinois: Mr. Chairman, I move that one-half hour be given to discussing my amendment.
>
> THE CHAIRMAN: The gentleman's motion is not in order. . . .
>
> The time of the gentleman from Iowa has expired.
>
> The question is on the amendment offered by the gentleman from Illinois [Mr. O'Hara].
>
> The amendment was agreed to.

§ 79. —Effect of Limitation; Distribution of Remaining Time

Where a limitation on debate under the five-minute rule is agreed to, the Chair usually notes the names of those Members who indicate their desire to speak by standing, and equally divides the time among those Members.[19] Such distribution is, however, in the discretion of the Chair, and he may recognize a Member for a full five minutes.[20]

The Committee may provide by unanimous consent that time on

18. 105 CONG. REC. 11302, 11303, 86th Cong. 1st Sess.

19. See § 22, supra (recognition under a limitation on five-minute debate).

20. See § 79.46, infra.