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.

amendments be limited and controlled, and that the Members in charge control and distribute the time under the limitation.[1]

If debate is closed instantly, no further debate is in order for any purpose (including the preferential motion that the enacting clause be stricken if the limitation is on the entire bill) and further amendments may be offered but not debated[2] unless they have been printed in the *Congressional Record*.

If debate is limited to a time certain (e.g., 5 p.m.), time runs for all purposes, including the taking of votes, reading amendments, quorum calls, and debating the preferential motion to strike the enacting clause.[3] If the Committee rises before the expiration of such a limitation, and does not resume consideration before the time certain arrives, no further time for debate remains.[4]

If debate on an amendment or portion of a bill is limited to a fixed period for debate (e.g., 20 minutes), time runs only for debate and not for votes, quorum calls, reading amendments, or offering and debating the preferential motion to strike the enacting clause.[5] But if time is limited to a fixed period on the entire bill and all amendments thereto, the time for the preferential motion does consume time under the limitation.[6]

Whether the expiration of a limitation precludes debate on an amendment yet to be offered depends on whether the amendment comes within the scope of the limitation, which may apply to an amendment, a section, a paragraph, a title, or the entire bill, and also to amendments to each of those.[7]

The expiration of a limitation does not apply to amendments which have been printed, pursuant to Rule XXIII clause 6, in the *Congressional Record* at least one day prior to their consideration.[8] Amendments which are covered by the limitation may be offered after the expiration thereof, but may not be debated.[9]

Cross References

Opening and closing debate generally, see § 7, supra.

Recognition for offering and debating amendments, see § 19, supra.

Recognition where five-minute debate has been limited, see § 22, supra.

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1. See §§ 79.83, 79.87, infra.

2. See §§ 79.1, 79.23, infra.

3. See §§ 79.2 et seq., infra.

4. See § 79.128, infra.

5. See §§ 79.10 et seq., infra.

6. See § 79.17, infra.

7. See §§ 79.30, 79.35, 79.38–79.40, 79.43, infra.

8. See § 79.104, infra.

9. See §§ 79.95–79.98, infra.

Reserving time under limitation, see § 78, supra.
Yielding time under limitation, see § 31, supra.

Debate Closed Instantly

§ 79.1 Where debate on a pending amendment has been closed instantly by motion, the Chair puts the question on the amendment and does not recognize Members who seek to debate the amendment further.

On Nov. 25, 1970,[10] Mr. John C. Kluczynski, of Illinois, the manager of the pending bill in the Committee of the Whole, moved that all debate on the pending amendment close instantly. The Committee agreed to the motion by division vote. Mr. Andrew Jacobs, Jr., of Indiana, and Mr. Jonathan B. Bingham, of New York, then sought recognition to debate the amendment. Chairman Chet Holifield, of California, ruled that no further debate was in order:

> MR. JACOBS: What about those of us who were on our feet when debate was choked off? Will we be recognized?
>
> THE CHAIRMAN: There was no count made of Members standing for time, and the motion of the gentleman from Illinois was to close debate, and that motion was agreed to.[11]

Running of Time Under Limitation to Time Certain

§ 79.2 Where the Committee of the Whole has agreed to close debate on an amendment and all amendments thereto at a time certain, the Chair attempts to divide the time equally between Members desiring recognition; but where part of the fixed time is consumed by votes, it may not be possible for the Chair to reach each Member on the list before the time expires.

On Aug. 7, 1964,[12] the Committee of the Whole agreed to a motion offered by Mr. Phillip M. Landrum, of Georgia, that debate under the five-minute rule on an amendment in the nature of a substitute and amendments thereto close at 6:30 p.m. Before the time expired, various teller votes intervened and prevented all the Members who were noted by the Chair and who desired recognition under the limitation from being heard before the time expired. Chairman Albert Rains, of Ala-

10. 116 CONG. REC. 38990, 91st Cong. 2d Sess.

11. The manager of a bill has priority of recognition to move to close debate instantly on an amendment, even if other Members seek to debate it further or to offer amendments thereto; see § 21.30, supra.

12. 110 CONG. REC. 18583, 18608, 88th Cong. 2d Sess.

bama, answered an inquiry on that subject as follows:

THE CHAIRMAN: All time has expired for debate on the amendments.

MR. [CHARLES E.] GOODELL [of New York]: Mr. Chairman, a parliamentary inquiry. I was standing on my feet when the original time limitation was made. There are others here who were standing on their feet. Everybody had 2 minutes. Do I understand now, since time has elapsed, that we are prevented from even taking the 2 minutes?

THE CHAIRMAN: The Chair will state that the Committee voted to close all debate at 6:30 and that most of the time was taken up by the ordering of teller votes. There were many Members who did not get to be recognized who were standing on their feet.

On Oct. 7, 1965,[13] the Committee of the Whole agreed to a motion that debate on a title of a bill and amendments thereto close at 8:20 p.m. Mr. William C. Cramer, of Florida, offered an amendment and debated it, and a division vote and teller vote consumed the time. Chairman Phillip M. Landrum, of Georgia, stated in response to a parliamentary inquiry that Members who had indicated their desire to speak when the limitation was agreed to could not be recognized for further debate, the time for votes having consumed the time under the limitation.

§ 79.3 Time consumed by teller votes comes out of a limitation of time for debate on a pending amendment and all amendments thereto where that debate has been limited to a time certain.

On Nov. 30, 1971,[14] the Committee of the Whole agreed to a motion by Mr. Wayne L. Hays, of Ohio, that all debate on an amendment and amendments thereto end at 7 o'clock p.m. Chairman Richard Bolling, of Missouri, answered a parliamentary inquiry on the effect of teller votes on such a time limitation:

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. BROWN of Ohio: If there is a teller vote on the Bingham amendment, or any subsequent amendment, would those teller votes come out of the time limitation at 7 o'clock?

THE CHAIRMAN: The Chair will state in response to the parliamentary inquiry of the gentleman from Ohio that the time limitation has been fixed at 7 o'clock and all time used comes out of that time limitation.

§ 79.4 Where time for debate is limited to a certain hour rather than a number of minutes of debate time, the time taken by teller votes is counted as time out of the time allowed for debate.

13. 111 CONG. REC. 26305, 26306, 89th Cong. 1st Sess.

14. 117 CONG. REC. 43406, 92d Cong. 1st Sess.

On Feb. 22, 1950,[15] the Committee of the Whole agreed to the following motion to close debate offered by Mr. John W. McCormack, of Massachusetts:

> Mr. Chairman, I ask unanimous consent that all debate on the McConnell amendment and all amendments thereto close at 2:30 a.m.

Chairman Francis E. Walter, of Pennsylvania, then answered a parliamentary inquiry on the counting of time under the limitation:

> MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. CASE of South Dakota: The limitation on time fixed the time at a precise hour rather than so many minutes. The effect of teller votes, then, is simply to take time out of the time allowed for debate?
>
> THE CHAIRMAN: Of course, it comes out of the time.

§ 79.5 After time for debate has been fixed to a certain hour by motion, time for parliamentary inquiries, rereading of amendments, and the like, is taken from the time remaining, thus cutting the time for debate apportioned to Members who have not yet spoken.

On Jan. 23, 1962,[16] the Committee of the Whole had agreed to a motion that debate under the five-minute rule close at 5:30 p.m. on an amendment and amendments thereto. Mr. Charles McC. Mathias, Jr., of Maryland, offered an amendment and was recognized. Mr. Hale Boggs, of Louisiana, then made a unanimous-consent request and Chairman Charles M. Price, of Illinois, answered a parliamentary inquiry on the consumption of time under the limitation:

> MR. BOGGS: Mr. Chairman, I ask unanimous consent that the amendment may be reread by the Clerk.
>
> MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, reserving the right to object is this coming out of the gentleman's time?
>
> THE CHAIRMAN: It is coming out of the time allotted for general debate which closes at 5:30 p.m. There will be a loss of time to succeeding Members.
>
> Is there objection to the request of the gentleman from Louisiana?
>
> MR. GROSS: Yes; I object.
>
> THE CHAIRMAN: The gentleman from Maryland is recognized.

§ 79.6 In response to a parliamentary inquiry, the Chair indicated that a limitation of time for debate on a bill and all amendments thereto at a time certain

15. 96 CONG. REC. 2240–46, 81st Cong. 2d Sess.

16. 108 CONG. REC. 769, 773, 774, 87th Cong. 2d Sess.

would preclude any debate thereafter except on amendments printed in the Record, while time consumed by votes and quorum calls is not counted where the limitation is on the number of minutes of debate and not by the clock.

During consideration of H.R. 6096, the Vietnam Humanitarian and Evacuation Assistance Act, in the Committee of the Whole on Apr. 23, 1975,[17] the proceedings relative to limiting debate were as follows:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: . . . It is my intention at this time to seek a time limit on the debate if I can obtain the permission of the House.

Mr. Chairman, I move that the debate on the bill and all amendments thereto be concluded at 11:30.

MR. [PAUL S.] SARBANES [of Maryland]: Mr. Chairman, will the gentleman yield for a question?

THE CHAIRMAN:[18] This motion is not a debatable question. . . .

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

THE CHAIRMAN: The gentleman will state it.

MR. ECKHARDT: Mr. Chairman, do I understand correctly that when such a motion is passed setting a time certain for conclusion of the debate, that regardless of the situation which may exist in the House debate is absolutely cut off and amendments must proceed without presentation of any argument, whereas if a time is provided as for instance an hour and a half, then when the Chair establishes time for each Member, that time is not cut off at any specific hour?

THE CHAIRMAN: The gentleman has stated the case properly, with the exception that even under the pending motion those amendments which have previously been printed in the Record would get the time allotted to them under the basic House rules.

§ 79.7 Where all debate on a bill and all amendments thereto has been limited to a time certain, time consumed by votes comes out of the time remaining for debate.

On Dec. 17, 1975,[19] an example of the principle stated above was demonstrated in the Committee of the Whole during consideration of the Regional Rail Reorganization Act amendments (H.R. 10979). The proceedings were as follows:

MR. [FRED B.] ROONEY [of Pennsylvania]: Mr. Chairman, I move that all debate on the bill and all amendments thereto conclude at 5 o'clock.

THE CHAIRMAN:[20] The question is on the motion offered by the gentleman from Pennsylvania (Mr. Rooney).

17. 121 CONG. REC. 11534, 94th Cong. 1st Sess.

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

19. 121 CONG. REC. 41386, 41389, 94th Cong. 1st Sess.

20. Gerry E. Studds (Mass.).

The question was taken; and on a division (demanded by Mr. Skubitz) there were—ayes 61, noes 37.

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 258, noes 161, answered "present" 1, not voting 14, as follows: . . .

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. PEYSER: Mr. Chairman, does the time of the vote go against the 5 o'clock deadline?

THE CHAIRMAN: The Chair will state that it does, yes.

MR. PEYSER: In other words, Mr. Chairman, if we have another vote we would then cut 15 more minutes out of that time?

THE CHAIRMAN: The gentleman is correct, yes.

§ 79.8 A limitation of debate to a time certain terminates all debate at that time notwithstanding reallocations of allotted time which remain unused when debate expires.

During consideration of the Vocational Educational Act amendments (H.R. 12835) in the Committee of the Whole on May 11, 1976,[1] a motion to limit debate was offered as follows:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I move that all debate on title III and all amendments thereto close at 4:50 p.m.

The motion was agreed to. . . .

THE CHAIRMAN:[2] All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. Conlan).

MR. [JOHN B.] CONLAN [of Arizona]: Mr. Chairman, I have time. Five minutes were allowed.

THE CHAIRMAN: The time was set certain and, unfortunately, the time has expired.

—Argument on Point of Order

§ 79.9 Where debate under the five-minute rule has been limited to a time certain, debate consumed for argument on a point of order comes out of all the time under the limitation (and not only out of the time of the Member whose amendment was the subject of the point of order), and reduces the time allotted to each Member who had indicated a desire to speak under the limitation.

On Apr. 26, 1978,[3] during consideration of H.R. 8494, the Public Disclosure of Lobbying Act of

1. 122 CONG. REC. 13416, 13427, 94th Cong. 2d Sess.

2. B. F. Sisk (Calif.).

3. 124 CONG. REC. 11641–43, 95th Cong. 2d Sess.

1978, a limitation on debate was agreed to:

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I move that all debate on this bill and all amendments thereto be terminated at the hour of 7:30 o'clock p.m. tonight.

[The motion was agreed to.]

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gary A. Myers: Page 39, insert the following after line 7:

(8) If any lobbying communication was made on the floor of the House of Representatives or adjoining rooms thereof, or on the floor of the Senate or adjoining rooms thereof, a statement that such lobbying communication was made. . . .

MR. DANIELSON: Mr. Chairman, I make the point of order that this amendment is not germane to the bill. The bill calls for disclosure of lobbying activities under the terms of expenditure and the like, and related lobbying activities as to influencing the conduct and disposition of legislation. This has to do with activities within the Capitol Building and is not necessarily within the purview of the bill. . . .

MR. GARY A. MYERS: Mr. Chairman, I would like to point out that the amendment is more narrowly drafted than the amendment which I offered last year. It only requires an item of disclosure by those individuals who otherwise would have to be reporting. . . . In last year's amendment there was a point of order raised about the invasion of the House rules. It would seem to me that article I, section 5 of the Constitution clearly states that:

. . . each House may determine the rules of its proceedings.

Numerous precedents have held that the power to make rules is not impaired by rules of previous Congresses or by laws passed by previous Congresses. So that this amendment in no way adds to or impairs the rules of the House. . . .

THE CHAIRMAN:[4] The Chair will notify the members of the committee that time taken from the allotted time for the discussion of the point of order was not allotted to the gentleman from Pennsylvania but will come out of the general time and will reduce everyone's time to 5 minutes each.

Are there further amendments?

Running of Time Under Fixed-period Limitation

§ 79.10 Where the Committee of the Whole limits debate under the five-minute rule to a fixed period of debate time, time consumed by voting is not counted against this limitation.

On Feb. 10, 1964,[5] Mr. Emanuel Celler, of New York, propounded a unanimous-consent request that all debate on the pending title and amendments thereto conclude in two hours. Chairman

4. Lloyd Meeds (Wash.).

5. 110 CONG. REC. 2705, 2706, 88th Cong. 2d Sess.

Eugene J. Keogh, of New York, answered a parliamentary inquiry on the effect of interruptions on such a limitation:

MR. [CHARLES A.] HALLECK [of Indiana]: If the limit is 2 hours, would that 2 hours include teller votes or division votes, or matters of that sort, or would it be actually 2 hours of debate.

THE CHAIRMAN: If the unanimous-consent agreement is that there be 2 hours' debate, division votes would not be taken out of the 2 hours.

§ 79.11 Where debate has been limited "to 30 minutes," time is counted only during debate, not during quorum calls.

On Aug. 4, 1966,[6] Majority Leader Carl Albert, of Oklahoma, propounded a unanimous-consent request that debate on a pending motion to strike a title of a bill be limited to 30 minutes. Chairman Richard Bolling, of Missouri, answered a parliamentary inquiry on the effect of a quorum call on time under the limitation:

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, is my understanding correct that the unanimous-consent request propounded by the distinguished majority leader would preclude a quorum call prior to the first order of business and the 30 minutes before the vote?

THE CHAIRMAN: The Chair will reply to the gentleman that if there is no quorum present any Member at any time can make a point of order. In other words, it will not preclude a quorum call.

MR. HALL: A further parliamentary inquiry, Mr. Chairman. Would that time come out of the 30 minutes allotted for debate?

THE CHAIRMAN: It would not.

§ 79.12 Time consumed by a quorum call does not come out of a limitation of time for debate on a pending amendment and all amendments thereto where that limitation specifies minutes of debate rather than a time certain by the clock.

On Nov. 9, 1971,[7] Chairman William L. Hungate, of Missouri, answered a parliamentary inquiry on whether time for a quorum call would come out of the time for debate under a limitation:

MR. [WILLIAM R.] POAGE [of Texas]: Mr. Chairman, I move that all debate on the Dow amendment in the nature of a substitute, the Kyl substitute amendment, and all amendments thereto close in 20 minutes.

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

The motion was agreed to.

MR. [JOHN G.] DOW [of New York]: Mr. Chairman, I make the point of order that a quorum is not present.

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6. 112 CONG. REC. 18207, 89th Cong. 2d Sess.

7. 117 CONG. REC. 40060, 40061, 92d Cong. 1st Sess.

THE CHAIRMAN: The Chair will count.

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. DOW: Mr. Chairman, if there is a rollcall will this come out of the time limitation?

THE CHAIRMAN: The Chair will state in response to the inquiry of the gentleman from New York (Mr. Dow) that the motion that was agreed to, that was offered by the gentleman from Texas (Mr. Poage) was for 20 minutes of debate, and the Chair will advise the gentleman from New York that there will be 20 minutes allotted for debate.

§ 79.13 In answer to a parliamentary inquiry, the Chair indicated that when debate is limited to "60 minutes," the time consumed for purposes other than debate is not counted as part of the time.

On May 26, 1966,[8] Mr. Adam C. Powell, of New York, made a unanimous-consent request that debate on a pending amendment be limited to "60 minutes." Mr. Charles A. Halleck, of Indiana, propounded a parliamentary inquiry whether that limitation would be a specific number of minutes or to a given time on the clock. Chairman Charles M. Price, of Illinois, responded that the language of the limitation meant one hour of debate (to exclude time for purposes other than debate).

When a quorum call was had during the limitation, the time consumed thereby was not taken out of the remaining time for debate.[9]

§ 79.14 Where time for debate is limited without reference to a time certain, the time consumed by the reading of amendments is not taken from that remaining for debate.

On Oct. 3, 1969,[10] the Committee of the Whole agreed to a motion by Mr. L. Mendel Rivers, of South Carolina, that all debate on a title and amendments thereto close in 15 minutes. Under the limitation, Mr. John B. Anderson, of Illinois, offered a perfecting amendment to the title, and it was read by the Clerk. During the reading, Mr. Harold R. Collier, of Illinois, inquired whether the reading of the amendment was charged against the time under the limitation. Chairman Daniel D. Rostenkowski, of Illinois, responded that the time for the

8. 112 CONG. REC. 11608, 89th Cong. 2d Sess.

9. *Id.* at p. 11618.

10. 115 CONG. REC. 28459, 28460, 91st Cong. 1st Sess.

reading would not be charged against the limited time.

§ 79.15 Where the Committee of the Whole has agreed to a limitation for debate on a pending amendment and the limitation specified minutes of debate rather than a time certain, time consumed by votes does not come out of the time under the limitation.

On Sept. 28, 1976,[11] during consideration of H.R. 15 (the Public Disclosure of Lobbying Act of 1976), the Chair responded to parliamentary inquiries regarding a limitation on debate time, as indicated below:

> MR. [WALTER] FLOWERS [of Alabama]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute and all amendments thereto be limited to 30 minutes.
>
> THE CHAIRMAN:[12] The question is on the motion offered by the gentleman from Alabama (Mr. Flowers). . . .
>
> So the motion was agreed to.
>
> THE CHAIRMAN: Members standing at the time the motion was agreed to will each be recognized for a fraction over 2 minutes.
>
> MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. ASHBROOK: Mr. Chairman, the way the motion was stated, would the time for votes be taken out of the 30 minutes, or will there be 30 minutes of debate?
>
> THE CHAIRMAN: The Chair will state that the time consumed by votes would be excluded from the time allotted.
>
> MR. ASHBROOK: So, Mr. Chairman, the time for votes, if we would have votes, would not come out of the 30 minutes?
>
> THE CHAIRMAN: The gentleman is correct.

§ 79.16 When debate under the five-minute rule has been limited to a certain amount of time for debate, time is counted only during debate and not during quorum calls and recorded votes, unless otherwise stipulated in the request to limit debate.

During consideration of the Outer Continental Shelf Lands Act (H.R. 1614) in the Committee of the Whole on Feb. 1, 1978,[13] the following exchange occurred:

> MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I will revise the unanimous-consent request.
>
> Mr. Chairman, I ask unanimous consent that when we convene tomorrow, all debate on H.R. 1614 and all amendments and substitutes thereto end after 3 hours of debate.

11. 122 CONG. REC. 33081, 33082, 94th Cong. 2d Sess.

12. Richard Bolling (Mo.).

13. 124 CONG. REC. 1827, 1828, 95th Cong. 2d Sess.

THE CHAIRMAN:[14] Is there objection to the request of the gentleman from New York?

MR. [WILLIAM A.] STEIGER [of Wisconsin]: Mr. Chairman, reserving the right to object, may I inquire of the Chairman of the committee: Does that include quorum calls and rollcall votes?

MR. MURPHY of New York: Mr. Chairman, if the gentleman will yield, we did not set 3 o'clock tomorrow as the time to terminate the debate. We said we would have 3 hours of debate. . . .

THE CHAIRMAN: The Chair would like to make an inquiry of the gentleman from New York (Mr. Murphy).

Assuming that the unanimous-consent request for 3 hours is approved, ordinarily the time for quorum calls and rollcall votes would not be deducted from the 3 hours of debate unless that is the intention of the gentleman from New York (Mr. Murphy). The unanimous-consent request for 3 hours would cover debate time only, and it would not take into consideration the time consumed for quorum calls and rollcall votes.

That would be the ordinary procedure, unless the gentleman from New York (Mr. Murphy) would like to stipulate that those be included in the 3 hours.

MR. MURPHY of New York: Mr. Chairman, I would like to stipulate in the unanimous-consent request that any time allocated to quorum calls or to rollcalls not be included in the 3 hours.

Time on Enacting Clause

§ 79.17 After debate on a bill and all amendments thereto had been limited to 10 minutes and five had been consumed, a preferential motion to strike the enacting clause consumed the remaining time and prevented recognition of a member of the committee handling the bill to speak against the pending amendment or against the motion to strike the enacting clause.

On Mar. 28, 1958,[15] the Committee of the Whole agreed to a motion, offered by Mr. George P. Miller, of California, the manager of the pending bill, that all debate on the bill and amendments thereto close in 10 minutes. After five minutes of debate following the limitation agreement, Mr. Clare E. Hoffman, of Michigan, offered the motion that the Committee of the Whole rise and report the bill to the House with the recommendation that the enacting clause be stricken. Chairman William H. Natcher, of Kentucky, stated in response to parliamentary inquiries that the time for the motion would come out of remaining time on the bill:

MR. HOFFMAN: If my motion is defeated can there be further debate on the pending amendment, since time for debate has been limited?

14. William H. Natcher (Ky.).

15. 104 CONG. REC. 5701, 5702, 85th Cong. 2d Sess.

THE CHAIRMAN: The Chair informs the gentleman that all debate will be concluded in 5 minutes.

MR. [ALBERT P.] MORANO [of Connecticut]: Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

THE CHAIRMAN: Does the gentleman yield for a parliamentary inquiry? It will come out of his time.

MR. HOFFMAN: Will the Chair inform me how much time I have?

THE CHAIRMAN: The gentleman has 4 minutes remaining.

MR. HOFFMAN: I yield 30 seconds to the gentleman from Connecticut.

MR. MORANO: As I understand, Mr. Chairman, the gentleman from Michigan moves to strike out the enacting clause.

THE CHAIRMAN: That is the pending motion.

MR. MORANO: Do the rules of the House not provide that there may be 5 minutes debate in opposition to strike the enacting clause?

THE CHAIRMAN: That would be the case ordinarily, but in this particular instance the Committee adopted a motion closing all debate on the bill in 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. Hoffman].

§ 79.18 The 10 minutes of debate on a motion to strike the enacting clause in the Committee of the Whole is not taken from the time fixed for debate on an amendment previously offered, where the time was not fixed by the clock.

On Apr. 28, 1953,[16] the Committee of the Whole agreed to limit debate on a pending amendment, the time thereto to expire after a fixed number of minutes (not to expire at a specified time on the clock). Mr. Clare E. Hoffman, of Michigan, offered the preferential motion to strike the enacting clause and debated it, as did a Member in opposition to the motion. After the 10 minutes on the motion expired, Chairman J. Harry McGregor, of Ohio, answered a parliamentary inquiry on the time left to debate the pending amendment:

MR. HOFFMAN of Michigan: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

[After 10 minutes debate on the motion.]

THE CHAIRMAN: The time of the gentleman from Missouri has expired. All time has expired.

MR. [HERMAN P.] EBERHARTER [of Pennsylvania]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. EBERHARTER: The time on the preferential motion offered by the gen-

16. 99 CONG. REC. 4125–28, 83d Cong. 1st Sess.

tleman from Michigan is not taken out of the time already allotted for debate on this subject?

THE CHAIRMAN: That is correct. All debate on the preferential motion has expired, but not all debate on the amendment offered by the gentleman from Texas.

§ 79.19 When time for debate on an amendment is limited to a time certain, the 10 minutes permitted for debate on a preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken comes out of the time remaining under the limitation and reduces the time which may be allocated to Members wishing to speak.

On May 6, 1970,[17] the Committee of the Whole agreed to a motion that all debate on a pending amendment and amendments thereto close at a time certain, 5 o'clock. During debate under the limitation, Mr. Thomas P. O'Neill, Jr., of Massachusetts, offered the preferential motion that the Committee rise and report back the bill with the recommendation that the enacting clause be stricken. Chairman Daniel D. Rostenkowski, of Illinois, stated in response to a parliamentary inquiry that regardless of the allocation by the Chair of time remaining under the limitation, the motion could be debated for 10 minutes, five in favor of and five against the motion.

The Chairman then answered a further parliamentary inquiry on the charging of the time on the motion to the time remaining under the limitation:

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LEGGETT: Mr. Chairman, considering the fact that a time limitation has now been set in relation to today at 5 o'clock, does the time of the debate on the motion that we have already heard, come out of the time on the amendments?

THE CHAIRMAN: The time will come out of the time of those who are participating in debate.

MR. LEGGETT: Mr. Chairman, a further parliamentary inquiry. If we choose to rise right now and come back tomorrow, then would there be any time limitation on debate?

THE CHAIRMAN: There would be no further debate.

The time was set at 5 o'clock.

The question is on the motion offered by the gentleman from Massachusetts (Mr. O'Neill).

The motion was rejected.

§ 79.20 When because of a limitation of debate on a para-

17. 116 CONG. REC. 14452, 91st Cong. 2d Sess.

graph or section a Member is unable to obtain time during the stage of amendments, he may offer a motion to strike out the enacting clause and thus secure time for debate, if he is opposed to the bill.

On Mar. 13, 1942,[18] the Committee of the Whole had agreed to limit debate on a paragraph of the pending bill and amendments thereto. When the time expired, Mr. Andrew J. May, of Kentucky, offered the motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken. He indicated he would withdraw the motion after it was discussed, or expect the House to vote it down. Chairman Robert Ramspeck, of Georgia, recognized Mr. May for five minutes.

Mr. Clarence Cannon, of Missouri, then made a point of order against recognition of Mr. May for that purpose, stating that the offering of the motion merely to secure time for debate should not abrogate the right of the Committee to close debate when it chose. The Chairman overruled the point of order.

When Mr. Clare E. Hoffman, of Michigan, made the point of order that Mr. May had not qualified to offer the motion by stating he was opposed to the bill, Mr. May assured the Chairman that he was opposed to the bill in its present form.[19]

§ 79.21 Where a bill has been amended subsequent to the rejection of a motion to strike out the enacting clause, a second such motion

18. 88 CONG. REC. 2439, 77th Cong. 2d Sess.

19. See also 91 CONG. REC. 5149, 79th Cong. 1st Sess., May 26, 1945; and 86 CONG. REC. 1883, 76th Cong. 3d Sess., Feb. 23, 1940. For argument opposing such use of the motion, see 88 CONG. REC. 2441, 2442, 77th Cong. 2d Sess., Mar. 13, 1942; and 86 CONG. REC. 2017–19, 76th Cong. 3d Sess., Feb. 26, 1940.

A Member offering the motion or opposing the motion may discuss the entire bill, the motion opening the bill up for discussion (see § 38, supra).

The Member making the motion, if challenged, must qualify by stating he is opposed to the bill (see 104 CONG. REC. 3443, 85th Cong. 2d Sess., Mar. 5, 1958), and to obtain recognition in opposition to the motion a Member must qualify by stating he is opposed to the motion (see 97 CONG. REC. 8539, 82d Cong. 1st Sess., July 20, 1951). When no member of the reporting committee seeks recognition in opposition to the motion, the Chair may recognize a Member from the opposite party of the Member making the motion (see 101 CONG. REC. 12997, 84th Cong. 1st Sess., Aug. 2, 1955).

is in order and is debatable notwithstanding a limitation of unexpired debate on the bill.

On May 9, 1947,[20] Mr. Clare E. Hoffman, of Michigan, offered a motion that the Committee of the Whole rise and report a bill to the House with the recommendation that the enacting clause be stricken, after a previous such motion had been offered before the bill had been amended, and after a limitation on debate had been agreed to. Chairman Francis H. Case, of South Dakota, overruled points of order against the motion:

MR. HOFFMAN: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

MR. [PETE] JARMAN [of Alabama]: Mr. Chairman, a point of order against the motion.

THE CHAIRMAN: The gentleman will state it.

MR. JARMAN: Mr. Chairman, that motion has already been made and was voted down once.

THE CHAIRMAN: There have been several amendments adopted on the bill, it has been changed since that motion was previously acted on. The Chair overrules the point of order.

MR. [JOHN M.] VORYS [of Ohio]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. VORYS: Mr. Chairman, debate is limited on the bill by action of the committee.

THE CHAIRMAN: The gentleman from Michigan has offered a preferential motion which is in order in spite of the agreement on closing debate.

§ 79.22 A preferential motion to strike the enacting clause is not debatable after all time for debate on the bill and amendments thereto has expired.

On July 9, 1965,[1] while the Committee of the Whole was considering the Voting Rights Act of 1965, H.R. 6400, Chairman Richard Bolling, of Missouri, ruled that a motion to strike the enacting clause was not debatable, all time having expired on the bill and amendments thereto:

THE CHAIRMAN: All time has expired.

MR. GERALD R. FORD [of Michigan]: Mr. Chairman, I was on the list, but the time has expired. I have a preferential motion.

THE CHAIRMAN: All debate is concluded even with a preferential motion. The agreement was that all debate would conclude at 7:20 p.m. The hour is now 7:20 p.m. There is no further time.

20. 93 CONG. REC. 4974, 80th Cong. 1st Sess.

1. 111 CONG. REC. 16280, 89th Cong. 1st Sess.

The question is on the committee amendment, as amended.

§ 79.23 A motion having been adopted in the Committee of the Whole to close debate instantly on a bill, a preferential motion that the Committee rise and report back to the House a recommendation that the enacting clause be stricken is not debatable.

On June 11, 1959,[2] Mr. Harold D. Cooley, of North Carolina, moved and the Committee of the Whole agreed to close all debate on the pending bill and on all amendments thereto. Chairman Joseph L. Evins, of Tennessee, then ruled that a preferential motion on the bill was not debatable since debate on the bill had been closed:

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: The Chair must inform the gentleman from Michigan that the motion is not debatable.

MR. HOFFMAN of Michigan: Is this a Senate bill?

THE CHAIRMAN: This is a House bill.

MR. HOFFMAN of Michigan: This is a Senate bill and the Chair holds that it is not debatable at this time?

THE CHAIRMAN: All debate on the bill has been ordered closed.

MR. HOFFMAN of Michigan: This is not on the bill. This is on a motion to strike out the enacting clause on the ground that the first amendment has been denied to the minority here, the right of free speech in debate, and this being the greatest deliberative body in the world and the accusation having been made the other day that the minority was intimidated, or the majority was being intimidated.

THE CHAIRMAN: The gentleman from Michigan is a very beloved and very distinguished and very able parliamentarian, but the majority have ruled and ordered that all debate is concluded at this time.

§ 79.24 Where all debate on a bill and all amendments thereto has been limited and there remains less than 10 minutes, a Member offering the preferential motion that the Committee rise and report with a recommendation to strike the enacting clause, is entitled to one-half of the time remaining and a Member in opposition to the motion is recognized for the other half.

On June 19, 1975,[3] during consideration of the Energy Conservation and Conversion Act of 1975 (H.R. 6860) in the Committee of the Whole, the following proceedings occurred:

MR. [AL] ULLMAN [of Oregon]: Mr. Chairman, I ask unanimous consent

2. 105 CONG. REC. 10560, 10561, 86th Cong. 1st Sess.

3. 121 CONG. REC. 19785–87, 94th Cong. 1st Sess.

that all debate on the bill and all amendments cease in 2 minutes.

THE CHAIRMAN:[4] Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE CHAIRMAN: Under the rule, the Chairman has the right at this time to recognize one Member on each side. The Chair will do that. All debate on the bill is limited to 2 minutes. The Chair would be unable to recognize 40 or 50 Members for 1 second or 2 seconds.

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

MR. [JOHN H.] ROUSSELOT [of California]: Why, on a motion which the gentleman from Wisconsin made, is he not allowed 5 minutes?

THE CHAIRMAN: The Chair would like to state to the gentleman from California that all debate on the bill and all amendments thereto is limited to two minutes. . . .

MR. ROUSSELOT: But he has 5 minutes on a preferential motion.

THE CHAIRMAN: All time has been fixed on the bill, and all amendments thereto, and the time was 2 minutes.

The Chair recognizes the gentleman from California (Mr. Phillip Burton) for 1 minute in opposition to the preferential motion.

§ 79.25 Despite a limitation of time for debate on the remaining portion of a bill and all amendments thereto to a time certain and the subsequent allocation of less than five minutes time to each Member seeking recognition, a full 10 minutes' debate, five for and five against, may still be demanded on a preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken.

During debate in the Committee of the Whole on an appropriation for public works for water and power development and energy research (H.R. 8122) on June 24, 1975,[5] the following proceedings occurred:

> MR. [JOE L.] EVINS of Tennessee: Mr. Chairman, I now move that all debate on the remaining portion of the bill and all amendments thereto conclude in 30 minutes.
>
> THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Tennessee (Mr. Evins). . . .
>
> So the motion was agreed to.
>
> THE CHAIRMAN: Members standing at the time the motion was made will be recognized for 40 seconds each. . . .
>
> MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:

4. William H. Natcher (Ky.).

5. 121 CONG. REC. 20618, 20619, 94th Cong. 1st Sess.

6. Richard H. Ichord (Mo.).

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

THE CHAIRMAN: The Chair recognizes the gentleman from Massachusetts (Mr. Conte) for 5 minutes. . . .

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

(By unanimous consent, Messrs. Perkins, James V. Stanton, Moakley, and Burke of Massachusetts yielded their time to Mr. Boland). . . .

THE CHAIRMAN: The time of the gentleman has expired.

The Chair will advise the gentleman from Massachusetts, Mr. Boland, that the Chair will now put the question on the preferential motion, and after that time the Chair will recognize the gentleman from Massachusetts (Mr. Boland) for the remainder of the time.

The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. Conte).

The preferential motion was rejected.

THE CHAIRMAN: The Chair now recognizes the gentleman from Massachusetts (Mr. Boland) for 2 additional minutes.

§ 79.26 The 10 minutes of debate otherwise permitted on a preferential motion to recommend that the enacting clause be stricken is not available where all time for debate under the five-minute rule on a bill and all amendments thereto has expired.

On Apr. 9, 1976,[7] during consideration of the military procurement authorization bill (H.R. 12438) in the Committee of the Whole, the following proceedings occurred:

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I ask unanimous consent that all debate on the remainder of the bill, title VII and all amendments thereto, close in 10 minutes.

THE CHAIRMAN PRO TEMPORE:[8] Is there objection to the request of the gentleman from Illinois?

There was no objection. . . .

THE CHAIRMAN PRO TEMPORE: All time for debate has expired. . . .

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Harkin moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause of H.R. 12438 be stricken.

THE CHAIRMAN PRO TEMPORE: The gentleman's motion is not debatable, in that all time has expired.

The question is on the preferential motion offered by the gentleman from Iowa (Mr. Harkin).

The preferential motion was rejected.

§ 79.27 When the Committee of the Whole has limited debate on the bill and all amend-

7. 122 CONG. REC. 10245, 10246, 10249, 94th Cong. 2d Sess.
8. John Brademas (Ind.).

ments thereto to a time certain, even a preferential motion to strike the enacting clause is not debatable if offered after the expiration of time for debate.

On Aug. 1, 1984,[9] during consideration of H.R. 6028 (Departments of Labor and Health, Education, and Welfare appropriations for fiscal 1985) in the Committee of the Whole, the following proceedings occurred:

THE CHAIRMAN:[10] All time has expired.

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Chairman, I have a preferential motion at the desk.

THE CHAIRMAN: The Clerk will state the motion.

The Chair will first advise the gentleman that it is not debatable at this point under the unanimous-consent agreement.

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

Is it not true that on behalf of this motion this Member would have 5 minutes?

THE CHAIRMAN: All debate on the bill and all amendments to the bill under the unanimous-consent agreement was to end at 1:30, unless amendments had been printed in the Record.

MR. DANNEMEYER: This is not an amendment.

THE CHAIRMAN: All debate on the bill ended at 1:30, under the unanimous-consent agreement.

MR. DANNEMEYER: Maybe this Member does not understand, but the preferential motion takes precedence over the time limitation that has been agreed to; does it not?

THE CHAIRMAN: It could be offered, but there will be no debate on the preferential motion.

MR. DANNEMEYER: This Member would have no time on behalf of it?

THE CHAIRMAN: The gentleman would not have any time under the unanimous-consent agreement.

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

The time limitation was on the bill itself; is that correct?

THE CHAIRMAN: The gentleman is correct.

MR. WALKER: The preferential motion deals with a specific motion before the House which would be my understanding, would permit the gentleman 5 minutes of time to debate his motion. That is the pattern that I have understood we have used before when time limitations have been declared. Is this a change of policy on the part of the Chair?

THE CHAIRMAN: The Chair will state that the precedents of the House are that when the time limit is on the entire bill, that includes all motions thereto.

MR. WALKER: So that the Chair is ruling that this motion is a part of the debate on the bill?

THE CHAIRMAN: That is correct.

Where Enacting Clause Debate Uses All Time Remaining

§ 79.28 A limitation of all debate time on a bill and all

9. 130 CONG. REC. 21869, 98th Cong. 2d Sess.

10. Don Fuqua (Fla.).

amendments thereto to a time certain does not preclude the offering of a preferential motion to rise with the recommendation that the enacting clause be stricken, nor debate thereon during time remaining under the limitation; and where the remaining time for debate on a bill and all amendments thereto is consumed by debate on a preferential motion, an amendment pending when the preferential motion was offered is voted on without further debate, if that amendment was not printed in the Record.

On Oct. 6, 1981,[11] during consideration of H.R. 4560 (Labor, Health and Human Services appropriations for fiscal year 1982) in the Committee of the Whole, the following proceedings occurred:

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude not later than 5 o'clock.

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

MR. [THEODORE S.] WEISS [of New York]: . . . I wonder if the distinguished gentleman from Kentucky (Mr. Natcher) would not agree that a 6 o'clock time frame would be more appropriate?

MR. NATCHER: Mr. Chairman, I would accept the recommendation, and so move.

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

There was no objection.

THE CHAIRMAN: The time will be limited to 6 o'clock. . . .

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

The Clerk read as follows:

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

MR. WEISS: Mr. Chairman, at the time the gentleman from Kentucky (Mr. Natcher) requested unanimous consent that debate be terminated at 6 o'clock, we were given assurances that all the amendments that . . . any Member had to offer would be entertained. So I now raise the point of order that in fact the gentleman is proceeding out of the regular order that was agreed to.

THE CHAIRMAN: The gentleman from Mississippi (Mr. Lott) has offered a preferential motion which is in order and not precluded by the unanimous-consent agreement, and under the unanimous-consent agreement, the gentleman from Mississippi is recognized for 2½ minutes. . . .

MR. [JOSEPH M.] GAYDOS [of Pennsylvania]: Mr. Chairman, I make a point of order.

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11. 127 CONG. REC. 23361, 23362, 23396, 23397, 97th Cong. 1st Sess.

12. Don Fuqua (Fla.).

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

MR. GAYDOS: Mr. Chairman, I am asking the Chair whether or not I have 5 minutes to respond to the amendment as offered by the gentleman from New Hampshire (Mr. Gregg).

THE CHAIRMAN: All time for debate on the bill and on the pending amendment has expired.

The question is on the amendment offered by the gentleman from New Hampshire (Mr. Gregg). . . .

So the amendment was rejected.

MR. [DONALD J.] PEASE [of Ohio]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: Is the gentleman's amendment printed in the Record?

MR. PEASE: It is, Mr. Chairman. It is amendment No. 1.

[Mr. Pease was subsequently recognized to debate the amendment.]

Parliamentarian's Note: During debate on the preferential motion, there was discussion of a prospective motion to recommit. For discussion of the distinction between a motion to recommit pending a vote on a motion to strike the enacting clause, and the motion to recommit pending final passage, see § 15, supra.

Applicability of Limitation to Particular Measures

§ 79.29 The closing of debate on a section of a bill and all amendments thereto does not apply to an amendment offered as a new section.

On June 30, 1939,[13] Chairman Jere Cooper, of Tennessee, ruled that the adoption of a motion to close debate on a section did not preclude offering a new section with debate thereon:

MR. [JAMES E.] VAN ZANDT [of Pennsylvania]: Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. Van Zandt: Page 9, line 14, insert:

"ARMING OF AMERICAN MERCHANT VESSELS PROHIBITED

"Sec. 9. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state, named in such proclamation, to be armed, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels."

MR. LUTHER A. JOHNSON [of Texas]: Mr. Chairman, I call the attention of the Chair to the fact that debate has expired on section 9 by unanimous consent.

THE CHAIRMAN: The Chair invites the attention of the gentleman to the fact that section 9 has been eliminated. This is a new section.

Similarly, Chairman Emanuel Celler, of New York, ruled as follows on Mar. 12, 1935:[14]

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13. 84 CONG. REC. 8500, 76th Cong. 1st Sess.

14. 79 CONG. REC. 3478, 74th Cong. 1st Sess. See also 78 CONG. REC. 9397,

MR. [HENRY] ELLENBOGEN [of Pennsylvania]: Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. Ellenbogen: Page 15, after line 15, insert a new section, as follows:

"Sec. 29. Any loan insured under the National Housing Act shall bear interest at a rate not to exceed 6 percent per annum, inclusive of all charges."

MR. ELLENBOGEN: Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

MR. [HENRY B.] STEAGALL [of Alabama]: Mr. Chairman, all debate has been closed.

THE CHAIRMAN: The Chair will say to the gentleman from Alabama that his request covered section 27 and all amendments thereto.

MR. STEAGALL: Mr. Chairman, a motion was made and carried, as I understood, closing debate on this section and all amendments thereto.

THE CHAIRMAN: The gentleman from Pennsylvania [Mr. Ellenbogen] has offered an amendment adding a new section, and is entitled to recognition for 5 minutes.

§ 79.30 Under a limitation of time for debate on a paragraph and all amendments thereto, a Member may not offer a second amendment until the pending amendment is disposed of.

73d Cong. 2d Sess., May 23, 1934; 75 CONG. REC. 4887, 72d Cong. 1st Sess., Feb. 27, 1932; and 72 CONG. REC. 7640, 71st Cong. 2d Sess., Apr. 24, 1930.

On June 29, 1959,[15] the Committee of the Whole agreed to a unanimous-consent request that debate on the pending paragraph and amendments thereto close in 15 minutes. Mr. Joel T. Broyhill, of Virginia, inquired when he could offer another amendment to the paragraph. Chairman Paul J. Kilday, of Texas, responded that he could so offer it after the pending amendment was disposed of.

§ 79.31 A limitation on debate under the five-minute rule in Committee of the Whole on a section of a bill and all amendments thereto does not affect debate on an amendment adding a new section to the bill.

On Aug. 1, 1979,[16] during consideration of the Emergency Energy Conservation Act of 1979 (S. 1030), the following proceedings occurred:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move that all debate on Section 3 and all amendments thereto end at 4 o'clock.

THE CHAIRMAN:[17] The question is on the motion offered by the gentleman from Michigan (Mr. Dingell). . . .

The vote was taken by electronic device, and there were—ayes 247, noes 164, not voting 23, as follows. . . .

15. 105 CONG. REC. 12122–24, 86th Cong. 1st Sess.

16. 125 CONG. REC. 21963, 21964, 21969, 96th Cong. 1st Sess.

17. Dante B. Fascell (Fla.).

Amendment offered by Mr. Tauke: Page 50, after line 2, insert the following new section: . . .

MR. [JOHN N.] ERLENBORN [of Illinois]: I have a point of order, Mr. Chairman.

I understood we were operating under a time limit.

THE CHAIRMAN: Will the gentleman restate his point of order?

MR. ERLENBORN: Mr. Chairman, the point of order is that I understood that the House voted a time limit.

THE CHAIRMAN: The Chair will state to the gentleman that the time limitation agreement involves debate on section 3. This is a new section.

Status of "Amendments at the Desk" Under Limitation

§ 79.32 Where all time for debate in Committee of the Whole on a bill and all amendments thereto is limited to a time certain, the Chair may in his discretion continue to recognize Members under the five-minute rule, rather than allocate the remaining time among all Members desiring to speak or between two Members, subject to subsequent limitations on time ordered by the Committee of the Whole on separate amendments when offered.

The following proceedings occurred in the Committee of the Whole during consideration of the military procurement authorization for fiscal 1983 (H.R. 6030) on July 29, 1982:[18]

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, we are now in our seventh day of the authorization bill. . . .

I therefore move that the debate on the bill and all amendments thereto conclude at 2 p.m. . . .

So the motion was agreed to. . . .

MR. PRICE: Mr. Chairman, I wonder if we could resolve this and compromise and make it 3 o'clock.

THE CHAIRMAN:[19] The gentleman from Illinois is asking unanimous consent that debate be concluded at 3 o'clock as opposed to 2 o'clock. Is there objection to the request of the gentleman from Illinois?

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, reserving the right to object, I do so to ask the Chairman whether or not, under the procedure that he is adopting here, we are going to have all amendments protected that have been at the desk and have been awaiting consideration. . . .

THE CHAIRMAN: The Chair expects that we will continue under the 5-minute rule, and all amendments are protected. . . .

MR. WALKER: . . . I am trying to find out how many of the amendments already at the desk are going to be permitted to be called here under the 2 o'clock or 3 o'clock time.

THE CHAIRMAN: The gentleman understands, though, that the Committee has every right to limit debate on any amendment which is pending? . . .

18. 128 CONG. REC. 18569, 18570, 97th Cong. 2d Sess.

19. Dan Rostenkowski (Ill.).

The Chair hears no objection. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Would it be in order to propose that the time between now and 3 o'clock be controlled one-half by the Chairman and one-half by the ranking minority Member?

THE CHAIRMAN: The Chair would make the observation that that would be very difficult with all the amendments which may be offered.

MR. STRATTON: Then in what way are Members who want to discuss various amendments protected on the opportunity to speak in favor or against them?

THE CHAIRMAN: The gentleman would be protected under the 5-minute rule unless there is a further limitation.

Parliamentarian's Note: Where a limitation on the entire bill is agreed to far in advance of the expiration of time (in the instant case 4 or 5 hours later) the Chair will normally proceed under the five-minute rule subject to subsequent limitations or allocations of time.

Pro Forma Amendments During Allocated Time

§ 79.33 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,[20] 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:[1] 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 con-

20. 127 CONG. REC. 12958, 12959, 97th Cong. 1st Sess.

1. Bruce F. Vento (Minn.).

trolled 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 standpoint 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.

Limitation on Resolving Clause, Not on Preamble

§ 79.34 Where the text of a joint resolution (all after the resolving clause) is open to amendment at any point, a

motion to limit debate thereon and on all amendments thereto to a time certain: (1) does not include debate on amendments to the preamble, which has not been read for amendment; (2) does not include debate on an amendment in the nature of a substitute to be offered to the text and preamble at the end of the amendment process pursuant to a special rule; (3) cannot include separate allocations of time on amendments to amendments not yet offered (only by unanimous consent or separate motion when the amendments are pending); (4) would permit the Chair in his discretion to continue under the five-minute rule rather than allocate the lengthy amount of remaining time, with printed amendments guaranteed 10 minutes' debate at the expiration of time; and (5) would include time consumed by votes and quorum calls.

On Apr. 21, 1983,[2] during consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding a motion to limit debate:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the text of House Joint Resolution 13 and all amendments thereto close at 3:30 p.m.

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a parliamentary inquiry. . . .

Mr. Chairman, as I understand the motion of the gentleman from Wisconsin, all debate on House Joint Resolution 13 and all amendments thereto will end at 3:30 today?

MR. ZABLOCKI: Mr. Chairman, my motion only covers the resolving clause. It does not include the preamble, the whereas clauses, or the substitute if the gentleman intends to offer it.

MR. LEVITAS: . . . What would be the status of amendments printed in the Record with respect to the resolving clause, and, also, how would the time be allocated with respect to amendments pending between now and 3:30 p.m.?

THE CHAIRMAN:[3] The Chair will advise the gentleman from Georgia that, with respect to the amendments printed in the Record which have not been offered before 3:30, the proponents of the amendment would be entitled to offer those amendments after 3:30, and 5 minutes would be allotted for the proponent of the amendment and 5 minutes would be allocated to an opponent of the amendment.

With respect to the time between now and 3:30, if the motion offered by the gentleman from Wisconsin (Mr. Za-

2. 129 CONG. REC. 9347, 9348, 98th Cong. 1st Sess.

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

blocki) is agreed to, the Chair would have discretion as to how to allot the time.

MR. [TRENT] LOTT [of Mississippi]: Mr. Chairman, I have a parliamentary inquiry. . . .

I would like to inquire if it would be possible for the distinguished chairman of the Committee on Foreign Affairs to amend his motion, to put some amendment in there with regard to these perfecting amendments or the amendments to amendments that are being offered that wind up tying up a good portion of the time and in fact delaying the debate on the amendments that are the crucial amendments.

Could the gentleman offer a change in that or some suggestion?

THE CHAIRMAN: The Chair would advise the gentleman from Mississippi that that would not be appropriate in the form of a motion but only by a unanimous-consent request. . . .

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, my parliamentary inquiry is with regard to exactly what the motion offered by the gentleman from Wisconsin (Mr. Zablocki) covers.

The gentleman from Wisconsin indicated in language which I did not hear that it in fact excluded some clauses or some sections of the resolutions.

Would the Chair state what this motion includes and what it does not include, and I think we would be satisfied.

THE CHAIRMAN: The Chair will advise the gentleman from New Jersey that the gentleman from Wisconsin (Mr. Zablocki) has moved that debate on the resolving clause and all amendments thereto cease at 3:30. That would cover all amendments to the resolving clause except those that have been printed in the Record and which have not been offered prior to 3:30.

MR. COURTER: . . . Those amendments that we have proffered so far, the pending amendments, are they on the resolving clause?

THE CHAIRMAN: The amendments which are now being considered are amendments to the resolving clause.

MR. COURTER: So the result of the gentleman's motion is, basically, to cut off debate at 3:30 on any amendments that are not printed in the Record.

THE CHAIRMAN: With respect to the amendments to the resolving clause. That does not cover the amendments to the preamble or the substitute which the gentleman from Michigan may offer, which is protected by the rule. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, would the Chair define what amendments are to the resolving clause?

THE CHAIRMAN: Any amendments which relate to the resolving portion of the joint resolution.

MR. STRATTON: Suppose there is the addition of a section. Is that an amendment to the resolving clause?

THE CHAIRMAN: That would be an amendment to the resolving clause.

MR. STRATTON: Mr. Chairman, how does the Chair propose to allocate the time on individual amendments?

We have to know how many amendments are pending in order for this thing to become other than just a rat race where someone hardly has time to read the amendment, as I understand it.

THE CHAIRMAN: The Chair would intend, at least for a time, to proceed

under the 5-minute rule, in expectation that Members who have amendments to offer would do so in accordance with the 5-minute rule.

MR. [WILLIAM] CARNEY [of New York]: Mr. Chairman, I have a parliamentary inquiry. . . .

I would like to know if the Chair would consider the time necessary for rollcall votes would be taken out, or would that be part of the limitation to 3:30?

THE CHAIRMAN: Under the motion as offered, all time would cease at 3:30. So the time for rollcall votes would be covered by the 3:30 limitation.

Pro Forma Amendments After Closing of All Debate on Bill

§ 79.35 When debate on a bill is limited by unanimous consent prior to the reading thereof, and, after the time for debate expires, the remainder of the bill is read, pro forma amendments are not debatable.

On Sept. 12, 1968,[4] the Committee of the Whole agreed by unanimous consent to limit debate on a bill and amendments thereto before the bill had been completely read.

When the limitation expired, Chairman Daniel D. Rostenkowski, of Illinois, directed the Clerk to read the remainder of the bill. Mr. John E. Moss, Jr., of California, sought recognition to move to strike the last word, and the Chairman ruled that he could not be recognized for that purpose, all debate having been concluded.

§ 79.36 Where a limitation on debate under the five-minute rule on an amendment and all amendments thereto has expired, no further debate is in order and a Member may not gain time for debate by offering a pro forma amendment "to strike the last word."

On Aug. 2, 1978,[5] the Committee of the Whole had under consideration the foreign aid authorization bill (H.R. 12514) when the following exchange occurred:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto end at 4 o'clock.

THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki).

The motion was agreed to. . . .

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

MR. [ROBERT J.] LAGOMARSINO [of California]: Mr. Chairman, I move to strike the last word.

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4. 114 CONG. REC. 26574, 90th Cong. 2d Sess.

5. 124 CONG. REC. 23947, 23954, 95th Cong. 2d Sess.

6. Don Fuqua (Fla.).

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

Applicability of Limitation on Amendment and Amendments Thereto

§ 79.37 A motion to close all debate on a pending amendment and amendments thereto includes all amendments to the pending amendment not yet offered or at the desk.

On Aug. 13, 1959,[7] Chairman Francis E. Walter, of Pennsylvania, answered a parliamentary inquiry on the application of a motion to close debate on an amendment and amendments thereto:

MR. [GRAHAM A.] BARDEN [of North Carolina]: Mr. Chairman, I move that all debate on the amendment and all amendments thereto close at 4 o'clock. . . .

MR. [EDWIN E.] WILLIS [of Louisiana]: My parliamentary inquiry is this: Would the suggested time of closure of debate on all pending amendments—I seek an interpretation of "all pending amendments." Does that include amendments on the desk?

MR. BARDEN: Pending amendment and all amendments thereto.

THE CHAIRMAN: The Chair may say that the pending amendment is the Landrum-Griffin bill. Amendments thereto are the amendments that are on the desk which have not yet been offered.

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

THE CHAIRMAN: The gentleman will state it.

MR. TABER: And that would include any other amendments which may hereafter be offered?

THE CHAIRMAN: That would include all amendments.

§ 79.38 Where the Committee of the Whole limits debate on a substitute and all amendments thereto, such limitation does not apply to amendments which may be offered to the original amendment.

On Sept. 29, 1965,[8] Mr. B. F. Sisk, of California, propounded a unanimous-consent request to limit five-minute debate to a certain time on a substitute amendment and amendments thereto, offered to an amendment in the nature of a substitute for the pending bill. Chairman Eugene J. Keogh, of New York, stated in response to a parliamentary inquiry that if perfecting amendments to the amendment in the nature of a substitute were offered, such amendments would not be subject to the limitation:

THE CHAIRMAN: The House is in Committee of the Whole House on the

7. 105 CONG. REC. 15850, 86th Cong. 1st Sess.

8. 111 CONG. REC. 25426, 89th Cong. 1st Sess.

State of the Union for the further consideration of the bill H.R. 4644.

When the Committee rose there was pending a substitute amendment offered by the gentleman from California [Mr. Sisk] for the amendment in the nature of a substitute offered by the gentleman from New York [Mr. Multer].

MR. SISK: Mr. Chairman, I rise to make a unanimous-consent request.

Mr. Chairman, in order to expedite the business of the House—and after some 3 days of debate it seems to me the time has come to move along—I ask unanimous consent that all debate on the Sisk amendment and all amendments thereto close in 20 minutes. It is my understanding that there is one amendment at the desk to be offered by the gentleman from Pennsylvania [Mr. Craley] and as part of my unanimous-consent request, I ask unanimous consent that 3 minutes of that time be reserved to the gentleman from Pennsylvania [Mr. Craley]. . . .

MR. [ABRAHAM J.] MULTER: Mr. Chairman, there is an amendment to be offered to the Multer amendment. Would that come out of the time reserved for the closing of debate on the Sisk amendment, if that is offered—in other words, if someone offers an amendment to the Multer amendment?

THE CHAIRMAN: The Chair will state to the gentleman from New York that as the Chair understood the request of the gentleman from California, it was that all debate on the Sisk substitute and all amendments thereto close in 20 minutes and that, therefore, would not preclude the offering of any amendments to the amendment offered by the gentleman from New York.

§ 79.39 A limitation of debate on a pending amendment and all amendments thereto does not, following the disposition of the amendment, proscribe offering and debating further amendments to the pending section of a bill.

On May 4, 1966,[9] Mr. John E. Fogarty, of Rhode Island, propounded a unanimous-consent request that debate under the five-minute rule be limited on the pending amendment and all amendments thereto. In response to a parliamentary inquiry by Mr. Frank T. Bow, of Ohio, who intended to offer an amendment to the pending section should the pending amendment thereto fail, Chairman Frank Thompson, Jr., of New Jersey, stated that the limitation applied only to the pending amendment and amendments thereto and did not preclude offering and debating further amendments to the pending section.

§ 79.40 A substitute offered to a pending committee amendment is considered an amendment for the purpose of a debate limitation imposed on the pending amendment and all amendments thereto.

9. 112 CONG. REC. 9829, 9830, 89th Cong. 2d Sess.

On Aug. 5, 1970,[10] Chairman Pro Tempore Neal Smith, of Iowa, answered a parliamentary inquiry on the effect of a limitation on debate:

MR. [WILLIAM R.] POAGE [of Texas]: Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close at 4 o'clock.

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

The motion was agreed to.

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

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

MR. WAGGONNER: Do I correctly understand that we are closing debate at 4 o'clock on the Lowenstein amendment?

THE CHAIRMAN PRO TEMPORE: On all amendments pending.

MR. WAGGONNER: Mr. Chairman, was not the Findley motion offered as a substitute, rather than an amendment?

THE CHAIRMAN PRO TEMPORE: It was a substitute amendment.

MR. WAGGONNER: Then debate will not close at 4 o'clock, will it?

THE CHAIRMAN PRO TEMPORE: There is a committee amendment pending. The limitation of debate applies to the committee amendment and all amendments thereto, including the substitute and amendment thereto.

§ 79.41 Where there was pending an amendment proposing to strike out an entire section of text and insert new language, and a substitute for that amendment, the Chair indicated in response to a series of parliamentary inquiries that: (1) termination of debate on the pending amendment and all amendments thereto at a time certain would preclude further debate on amendments offered to the amendment or substitute but not printed in that form in the Record pursuant to Rule XXIII clause 6; (2) rejection of the amendment as amended would permit further amendments to the pending section and debate thereon; (3) adoption of an amendment changing the entire section would preclude further amendment to that section—and amendments printed in the Record could not be offered to that section.

During consideration of the Surface Mining Control and Reclamation Act of 1974[11] in the Committee of the Whole on July 22, 1974,[12] the Chair responded to

10. 116 CONG. REC. 27466, 91st Cong. 2d Sess.

11. H.R. 11500.

12. 120 CONG. REC. 24459, 24460, 93d Cong. 2d Sess.

several parliamentary inquiries, as indicated below:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I move that all debate on the pending Hosmer amendment and the Mink substitute for that amendment and all perfecting amendments to either close at 40 minutes past 4 o'clock.

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[13] The gentleman will state his parliamentary inquiry.

MR. HOSMER: Mr. Chairman, does that mean all these gentlemen who have any amendments that pertain to section 201 either by way of amendment to the Mink substitute or by way of amendment to my substitute or by way of amendment to the language in the bill itself are preemptorily cut off in 40 minutes?

THE CHAIRMAN: As far as further amendments to section 201 of the committee bill is concerned, that depends on the committee's disposition of the Hosmer amendment. . . .

MR. [KEN] HECHLER of West Virginia: Supposing there are several votes in the process that we discovered the other day, this would effectively cut off all debate, such as we had three rollcalls or quorum calls.

THE CHAIRMAN: The time will be set by the clock. The Chair thinks the motion is clear. . . .

MR. [WILLIAM M.] KETCHUM [of California]: What effect would this motion have on those individuals who under the rules or who have published their amendments in the Record, is that going to close them off? . . .

THE CHAIRMAN: That depends on the form of the amendment printed in the Record and on the disposition of the substitute amendment of the gentlewoman from Hawaii (Mrs. Mink) and the amendment offered by the gentleman from California (Mr. Hosmer). . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, reserving the right to object for the purpose of making a parliamentary inquiry, as I understand there are a number of us who do have amendments to the bill itself or which are appropriate to the substitute amendment offered by the gentlewoman from Hawaii or the gentleman from California.

Now, what is the ruling of the Chair with regard to the limitation of time on section 201? Are those amendments published in the Record foreclosed from the 5-minute rule by reason of the debate here, or foreclosed by expiration of the time under the clock, if the time does expire from even offering an amendment?

THE CHAIRMAN: If section 201 of the bill is later open to amendment due to adverse disposition of the Mink substitute and the Hosmer amendment, then those rights would obtain; but those rights would be foreclosed if no further amendments to section 201 were in order. . . .

MR. DINGELL: I am of the impression that what the Chair is saying is that if the Mink amendment is adopted or if the Hosmer amendment is adopted that Members will not be protected by the provisions of the rule affording them 5 minutes to discuss or offer amendments, even if they are published in the Record in compliance with the rule?

13. Neal Smith (Iowa).

THE CHAIRMAN: If further amendments to section 201 are not in order, then amendments cannot be submitted under which 5 minutes would otherwise be allowed. . . .

MR. DINGELL: The provisions of the rule relating to 5 minutes of time for a Member where he has published his amendment in the Record in appropriate fashion will not be protected if either the Mink amendment or the amendment to the amendment of Mr. Hosmer is adopted; am I correct?

THE CHAIRMAN: If the substitute is adopted to the Hosmer amendment and then the Hosmer amendment as amended by the substitute is adopted, further amendments to section 201 could not be offered. Therefore, there would be no further amendments appropriate. . . .

MR. DINGELL: Then I understand the ruling to be further that the rule relating to a Member getting 5 minutes on an amendment does not apply to the substitute offered by the gentlewoman from Hawaii (Mrs. Mink) or the gentleman from California (Mr. Hosmer), even previous to the time that those amendments are adopted, am I correct?

THE CHAIRMAN: That would be true if they were not printed in the Record as amendments to the substitute. . . .

MR. HOSMER: Does that mean if either amendment, the Hosmer or the Mink substitute, is adopted, that is it as far as section 201 is concerned, even if somebody had placed his amendment?

THE CHAIRMAN: If the Hosmer amendment is not adopted as amended by the Mink substitute, then further amendments to section 201 will be in order. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, is it not true that if, under the gentleman's motion, an amendment—I am now giving a hypothetical situation—the Mink substitute for that portion of the Hosmer amendment were to prevail, and the Hosmer amendment would be defeated, is it not true that the rest of that section which the Mink substitute does not pertain to would be proper to amend at any point?

THE CHAIRMAN: If the entire section has been amended, further amendments to that section would not be in order.

MR. HAYS: Not if the Hosmer substitute were defeated, it would not be true, would it? Just to section 201?

THE CHAIRMAN: If the Mink substitute is adopted, the vote would then recur on the Hosmer amendment since it is a substitute for the entire amendment. If the Hosmer amendment were then adopted, section 201 would not be open to amendment.

MR. HAYS: Yes, section 201 only. Not all of title II?

THE CHAIRMAN: Not the rest of title II; just section 201.

§ 79.42 A limitation of debate under the five-minute rule on a pending amendment and all amendments thereto includes debate on any substitute for the amendment that might subsequently be offered.

During consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee

of the Whole on Apr. 21, 1983,[14] the following proceedings occurred:

THE CHAIRMAN:[15] When the Committee rose on Wednesday, April 20, 1983, pending was an amendment offered by the gentleman from New York (Mr. Carney) and an amendment to the amendment offered by the gentleman from New York (Mr. Solarz). Debate on the amendment offered by the gentleman from New York (Mr. Carney) and all amendments thereto had been limited to 10 minutes.

The Chair will recognize the gentleman from Wisconsin (Mr. Zablocki) and the gentleman from Michigan (Mr. Broomfield) for 5 minutes each. . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I have a substitute for the pending amendment, the pending amendment and the amendment thereto.

MR. [WILLIAM] CARNEY [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. CARNEY: Mr. Chairman, if the substitute is offered, I would like to know what that does to the standing agreement on the 5-minute debate between the gentleman from New York (Mr. Solarz) and myself.

THE CHAIRMAN: The Chair will state that the previously agreed to time will still apply with respect to the two pending amendments, including the amendment offered by the gentleman from New York.

MR. CARNEY: And will the substitute then be open to normal 5-minute rule procedures? . . .

THE CHAIRMAN: The substitute, if offered, will be subject to the same 10-minute limitation since the limitation was on the Carney amendment and all amendments thereto.

Chair's Distribution of Time

§ 79.43 Where the Committee of the Whole has agreed to close debate on a title of a bill and all amendments thereto to a time certain, the Chair endeavors to recognize as many Members as possible prior thereto, and after the time fixed has arrived will recognize Members only to offer amendments which will be voted on without debate.

On Feb. 10, 1964,[16] the Committee of the Whole agreed to a motion by Mr. Emanuel Celler, of New York, that debate on the pending title of a bill and amendments thereto close at 1 o'clock p.m. Chairman Eugene J. Keogh, of New York, answered a parliamentary inquiry on recognition under and after the expiration of the limitation:

MR. [RICHARD H.] POFF [of Virginia]: Mr. Chairman, will the gentleman from Mississippi yield for a parliamentary inquiry?

14. 129 CONG. REC. 9341, 98th Cong. 1st Sess.

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

16. 110 CONG. REC. 2706, 2719, 88th Cong. 2d Sess.

MR. [WILLIAM M.] COLMER [of Mississippi]: I yield, very briefly.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. POFF: Mr. Chairman, in light of the limitation on time may I inquire what amendments will be voted upon when the time expires? I have two amendments at the desk which I may or may not offer, depending upon developments. I would like to be advised whether I will be recognized to offer the amendments and if so when that time will occur.

THE CHAIRMAN: The Chair will state to the gentleman from Virginia that up to 1 o'clock the Chair will undertake to recognize such Members as he can. After 1 o'clock the Chair will recognize those Members desiring to offer amendments and the question on each amendment will be put immediately without debate.

MR. POFF: I thank the Chair.[17]

§ 79.44 Where the Committee of the Whole agrees to terminate debate on an amendment and all amendments thereto to a time certain, the Chair generally divides the time equally among Members who indicate a desire to speak and may decline to apportion the time solely among Members who have amendments.

On Jan. 23, 1962,[18] the Committee of the Whole agreed to a limitation of debate under the five-minute rule (on an amendment and amendments thereto). Mr. John M. Ashbrook, of Ohio, inquired whether the Chair would divide the remaining time among those Members having amendments to offer, and Chairman Charles M. Price, of Illinois, responded that the time would be equally divided among all Members desiring to speak.[19]

§ 79.45 While a limitation of debate in the Committee of the Whole on a pending amendment and on all amendments thereto normally abrogates the five-minute rule, the Chair may, in his discretion, announce his intention to recognize each Member offering an amendment for five minutes where it is apparent that all Members who might offer amendments are not in the Chamber at the time the limitation is imposed.

17. A Member who has previously debated an amendment may speak again under a limitation thereon. See 113 CONG. REC. 17762, 90th Cong. 1st Sess., June 28, 1967; and 113 CONG. REC. 15903, 90th Cong. 1st Sess., June 15, 1967.

18. 108 CONG. REC. 769, 773, 774, 87th Cong. 2d Sess.

19. But see § 79.49, infra (Chair may in his discretion recognize only Members with amendments and others opposed thereto).

On Dec. 14, 1973,[20] Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that where there was pending an amendment in the nature of a substitute for a bill, a motion to close all debate on that amendment and all amendments thereto at a time certain would be in order.

The Chairman answered a further parliamentary inquiry on recognition by the Chair should five-minute debate be limited:

> MR. [JAMES T.] BROYHILL of North Carolina: Mr. Chairman, my parliamentary inquiry is this: If the time is limited, would only those Members who are presently standing and would be listed—would they be the only Members who could be recognized either to propose an amendment or to oppose an amendment?
>
> THE CHAIRMAN: The Chair will state any motion that the Chair can conceive of would involve enough time so that the Chair would feel that he could reserve that right to recognize Members under the 5-minute rule.
>
> The Chair will explain that if needed.
>
> The gentleman is talking about limiting debate on the amendment in the nature of a substitute, and all amendments thereto?
>
> MR. BROYHILL of North Carolina: That is correct, Mr. Chairman.
>
> THE CHAIRMAN: The Chairman would presume that there will be a substantial block of amendments, and the Chair would feel that the Chair should not fail to protect the Members who are not in the Chamber at the moment who might have amendments that they sought to offer.[1]

20. 119 CONG. REC. 41712, 93d Cong. 1st Sess.

§ 79.46 Where the Committee of the Whole fixed debate at an hour and a half, the Chair did not note the names of the Members seeking recognition and divide the time at less than five minutes each, as is the practice when a shorter period is fixed.

On Feb. 22, 1950,[2] Mr. John W. McCormack, of Massachusetts, moved that debate close on pending amendments at 2:30 a.m. and the Committee of the Whole agreed thereto. Chairman Francis E. Walter, of Pennsylvania, then answered a parliamentary inquiry on division of the time:

> MR. [JACOB K.] JAVITS [of New York]: Mr. Chairman, is the Chair dis-

1. See also 111 CONG. REC. 17961, 89th Cong. 1st Sess., July 22, 1965 (where all debate on a section and all amendments thereto has been limited, the Chair generally divides the time equally among those seeking recognition; but if there has been no agreement as to the division of time, the Chair may recognize each Member who seeks recognition for the full five minutes to which he is entitled under the rule, until the time has expired).

2. 96 CONG. REC. 2240–46, 81st Cong. 2d Sess.

posed to divide the time in view of the fact that it has been limited, and to announce the Members who will be recognized?

THE CHAIRMAN: In view of the fact that one hour and a half remains for debate, and since it was impossible for the Chair to determine the number of Members who were on their feet, I believe it is advisable to follow the strict rule [five minutes for each Member recognized].

§ 79.47 After time for debate under the five-minute rule has been fixed by motion, and the Chair announces the list of Members to be recognized, the Chair does not recognize in his own right a Member not on the list.

On Jan. 23, 1962,[3] the Committee of the Whole agreed to limit debate under the five-minute rule to a certain hour. Chairman Charles M. Price, of Illinois, noted the names of the Members who wished to be recognized under the limitation and announced the list of those Members. He then answered a parliamentary inquiry on recognition under the limitation:

MR. [BEN F.] JENSEN [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JENSEN: How much time will be allowed in support of this amendment?

THE CHAIRMAN: The time has been allocated under the motion to limit debate.

MR. JENSEN: Will I have any time in support of the amendment?

THE CHAIRMAN: Not unless the gentleman's name is on the list.[4]

§ 79.48 Where the Committee of the Whole fixes the time for debate on a substitute amendment, the Chair in counting those seeking recognition may in his discretion and without objection allot a portion of the time to the committee reporting the bill.

On Feb. 8, 1950,[5] the Committee of the Whole fixed time for debate on amendments to a committee substitute. Chairman Chet Holifield, of California, then stated, in response to a parliamentary inquiry, that the Chair could recognize the same committee member in opposition to each amendment offered where no other mem-

3. 108 CONG. REC. 769, 774, 87th Cong. 2d Sess.

4. See also 114 CONG. REC. 19757, 19914, 90th Cong. 2d Sess., July 2 and 3, 1968 (after the Committee of the Whole agrees to a limitation of time for debate on a bill and all amendments thereto, the Chair notes and announces the names of the Members who are standing to indicate their desire to be recognized and then allots equal time to each).

5. 96 CONG. REC. 1691, 81st Cong. 2d Sess.

ber of the committee sought such recognition:

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

THE CHAIRMAN: The gentleman will state it.

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

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

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

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

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

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

§ 79.49 Where debate on a bill and all amendments thereto is limited to a time certain, the five-minute rule is abrogated, and the Chair may choose either to allocate the time among those Members standing and desiring to speak, or choose to recognize only Members wishing to

offer amendments and to oppose amendments.

On May 6, 1970,[6] the Committee of the Whole agreed to a motion, offered by Mr. L. Mendel Rivers, of South Carolina, that all debate on the pending bill and amendments thereto close at a certain hour. Chairman Daniel D. Rostenkowski, of Illinois, stated his intention to recognize under the time limitation Members offering and opposing amendments, rather than to divide time among all Members indicating their desire to speak:

> MR. [SAMUEL S.] STRATTON [of New York]: Under the limitation of debate imposed by the House, a moment ago, is there any restriction on those Members who will be permitted to speak on amendments, either for or against, between now and 7 o'clock?
>
> THE CHAIRMAN: The Chair will endeavor to divide the time equally among the proponents and the opponents of those who have amendments.

§ 79.50 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 extend the time of one Member.

On Mar. 31, 1971,[7] the Committee of the Whole agreed to a motion by Mr. Charles W. Whalen, Jr., of Ohio, that debate on an amendment and amendments thereto close at 6 p.m. Mr. Whalen was recognized in support of his amendment and when his time had expired asked unanimous consent to proceed for two additional minutes. Chairman Edward P. Boland, of Massachusetts, declined to entertain the request and advised Mr. Whalen that the time had been fixed.

Parliamentarian's Note: Time under a limitation may be extended by a unanimous-consent request to vacate the limitation, if the Chair entertains that request.

§ 79.51 Where debate has been limited on a pending title and all amendments thereto and the Chair has divided the remaining time among Members desiring to offer amendments or to speak, a Member not allocated time may not speak in opposition to an amendment; thus, such a time limitation imposed in Committee of the Whole abrogates the right of a Member under Rule XXIII clause 5 to speak for five minutes

6. 116 CONG. REC. 14465, 14466, 91st Cong. 2d Sess.

7. 117 CONG. REC. 8814, 8815, 92d Cong. 1st Sess.

in opposition to an offered amendment.

On July 25, 1974,[8] during consideration of the Surface Mining Control and Reclamation Act of 1974 (H.R. 11500), the Chair made a statement and responded to a parliamentary inquiry regarding debate on amendments offered to the pending title of the bill. The proceedings were as follows:

THE CHAIRMAN:[9] When the Committee rose on yesterday, titles II through VIII inclusive were subject to amendment at any point, and there was pending an amendment offered by the gentleman from California (Mr. Hosmer) to title II of the committee amendment in the nature of a substitute. Before recognizing the gentleman from California, the Chair will state for the information of the Committee of the Whole that there are 42 minutes remaining out of 50 minutes debate allocated to title II under the unanimous consent agreement of Tuesday, July 23.

Before the Chair recognizes the gentleman from California, the Chair will reiterate his announcement of yesterday that if listed Members who have printed their amendments to title II in the Record would agree to offer those amendments during the 42-minute period, and to be recognized for 1 minute and 20 seconds, the Chair will recognize both committee and noncommittee members for that purpose.

The Chair will request that Members who have amendments printed in the Record and who insist upon 5 minutes for debate defer offering those amendments until the conclusion of the 42 remaining minutes.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. ROUSSELOT: In this time frame, when somebody might object or support the amendment, how does he get time to do it? He does not?

THE CHAIRMAN: Not unless he is on the list.

MR. ROUSSELOT: In other words, if anyone wants to oppose the amendment, he has no time; is that correct?

THE CHAIRMAN: Not unless the gentleman is on the list announced by the Chair.

§ 79.52 Where debate under the five-minute rule has been limited on a pending portion of a bill and the Committee of the Whole is about to rise on motion, the Chair may, in his discretion, defer his allocation of that time until the Committee resumes consideration of the bill on a subsequent day.

On Sept. 11, 1978,[10] during consideration of the Civil Service Reform Act of 1978 (H.R. 11280)

8. 120 CONG. REC. 25214, 25217, 93d Cong. 2d Sess.

9. Neal Smith (Iowa).

10. 124 CONG. REC. 28800, 95th Cong. 2d Sess.

in the Committee of the Whole, the following exchange occurred:

MR. [MORRIS K.] UDALL [of Arizona]: . . . Mr. Chairman, we have had a long and difficult day . . . the hour is late, and I am not sure we can be productive much longer. We do have a number of important amendments left.

Mr. Chairman, I am going to make a unanimous-consent request in just a moment, and if it is agreed to, at that point I would move that the Committee rise. . . .

Mr. Chairman, my unanimous-consent request is that the remaining time for debate on title VII, and all amendments thereto—that is the title we are now considering—be limited to a total of 2 hours. . . .

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, reserving the right to object, I do so [to] make inquiry on parliamentary procedure. It is normal parliamentary procedure upon such a request for Members to stand and request time. Is it the Chairman's intent that the time to be divided be divided tonight?

THE CHAIRMAN:[11] The Chair would advise the gentleman that the Chair would not intend to divide the time tonight, but that subject will be taken up at the time we reconvene in connection with this bill.

Significance of Members Standing To Be Noted

§ 79.53 In allocating time under a limitation on debate on an amendment under the five-minute rule, the Chair divides the time among all Members standing when the limitation is agreed to, not just those standing when the request or motion is first stated.

The following proceedings occurred in the Committee of the Whole on June 22, 1983,[12] during consideration of H.R. 3329 (Department of Transportation appropriations for fiscal 1984):

MR. [WILLIAM] LEHMAN of Florida: Would the Chair count how many want to speak?

THE CHAIRMAN:[13] The Chair has only seen one person rise who has not yet spoken, unless the gentleman from Pennsylvania (Mr. Coughlin) is also seeking recognition.

MR. LEHMAN of Florida: Mr. Chairman, there is one at this time on this side.

MR. [LAWRENCE] COUGHLIN [of Pennsylvania]: How about 3:30?

MR. LEHMAN of Florida: 3:25.

MR. COUGHLIN: 3:25 it is.

THE CHAIRMAN: Is there objection to the unanimous-consent request of the gentleman from Florida that all debate on this amendment and all amendments thereto close at 3:25?

There was no objection.

THE CHAIRMAN: It is so ordered, and the Chair saw standing at the time the limitation was agreed to the gentleman

11. George E. Danielson (Calif.).

12. 129 CONG. REC. 16845, 98th Cong. 1st Sess.

13. Philip R. Sharp (Ind.).

from Florida (Mr. Lehman) . . . the gentlemen from California, Mr. Fazio, Mr. Coelho, and Mr. Dixon.

MR. COUGHLIN: Mr. Chairman, under my reservation, I do not think that is a proper count.

MR. [JULIAN C.] DIXON [of California]: Mr. Chairman, will the minority leader on this issue yield?

I had no intention of speaking. As we looked around the room——

THE CHAIRMAN: The Chair heard no objection to the request.

MR. COUGHLIN: I reserved the right to object, Mr. Chairman.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, regular order.

The unanimous-consent request was made, opportunity was given for objection, and no objection was heard. The Chair waited to see if there was objection, and agreement was reached.

MR. COUGHLIN: I object, Mr. Chairman.

MR. WRIGHT: Debate was limited on the amendment. The gentleman's objection comes too late.

THE CHAIRMAN: The majority leader is correct. The regular order is to proceed, and those standing when the request was agreed to, their names have been taken down and the time will be allocated among them.

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

At the time the reservation was expressed, was there not an understanding, at least implicit, that those who rose were the ones who intended to speak, and that being the case, should it not be limited to the people who rose at that time, rather than the additional three or four people who rose after the time that the limit was placed?

THE CHAIRMAN: The Chair will have to indicate that the Chair has no control over that. The Chair was asked how many wished to speak and how many were standing prior to the request. The gentleman from California was the only person standing. However, when the request was put, others began to rise and take an interest in the issue, including the author of the amendment.

Reserving Time Under Limitation

§ 79.54 An agreement to limit debate in the Committee of the Whole abrogates the five-minute rule and the Member holding the floor at the time the agreement is entered into may not reserve any part of the five minutes for debate under the limitation (unless such reservation was stated as part of the agreement).

On Sept. 19, 1967,[14] Mr. Harley O. Staggers, of West Virginia, offered a pro forma amendment under the five-minute rule and was recognized for five minutes. He then propounded a unanimous-consent agreement to limit debate on the pending amendment and amendments thereto to 20

14. 113 CONG. REC. 26030, 26033, 90th Cong. 1st Sess.

minutes. The request was agreed to, and Mr. Staggers stated he would reserve the balance of his time.

Under the limitation, Mr. Staggers was recognized for one and one-half minutes by Chairman Jack B. Brooks, of Texas, but Mr. Staggers contended he was entitled to more time, having reserved the time he had not used when he had been recognized for five minutes. The Chairman stated that he was only entitled to the one and one-half minutes:

> . . . The gentleman from West Virginia [Mr. Staggers] is recognized for 1½ minutes.
>
> MR. STAGGERS: Mr. Chairman, the gentleman from West Virginia had been recognized prior to the time the motion for the limitation of debate had been made, the gentleman had been recognized for 5 minutes.
>
> THE CHAIRMAN: The Chair will state that the Chair understood that the limitation as to time was made prior to the expiration of the gentleman's 5 minutes, for which the gentleman was recognized, which was when the gentleman made the motion that all debate on this amendment cease after 20 minutes' time.
>
> MR. STAGGERS: That is correct, Mr. Chairman, but I had been recognized for 5 minutes.
>
> THE CHAIRMAN: The Chair will state that the gentleman was among those standing, and was included among those who were standing; in addition to the gentleman 13 other Members were standing, so that there were 14 Members who were entitled to a minute and a half.
>
> MR. STAGGERS: Mr. Chairman, I will do the best I can in a minute and a half.

§ 79.55 The Chair indicated that he would permit a Member to use a portion of his time under a limitation on one amendment and reserve the remainder of his time for further debate on another amendment yet to be offered.

On July 3, 1968,[15] Chairman Daniel D. Rostenkowski, of Illinois, indicated that Members recognized under a limitation of debate could use part of their allotted time on one amendment and part on another by reserving time:

> MR. [CHET] HOLIFIELD [of California]: Mr. Chairman, I understand that there are at least two amendments which are major amendments, one being as to section 17, and the other on section 22.
>
> Section 17 is now being considered in the amendment offered by the gentleman from New York [Mr. McCarthy].
>
> THE CHAIRMAN: The Chair will state that that amendment is now pending.
>
> MR. HOLIFIELD: Those gentlemen who wish to speak on that amendment must speak at this time, and they will be precluded from speaking on the section 22 amendment; is that correct?

15. 114 CONG. REC. 19914, 90th Cong. 2d Sess.

THE CHAIRMAN: The Chair will state that if they so speak on the McCarthy amendment, that is correct.

MR. HOLIFIELD: I thank the Chairman.

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GROSS: That would be true if they exhaust their time?

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

MR. GROSS: And only in the event that they exhaust their time will they not be permitted to speak on another matter?

THE CHAIRMAN: The Chair will state that that is correct.[16]

§ 79.56 After time for debate under the five-minute rule has been fixed by motion, the remaining time is divided equally among those Members indicating a desire to speak; but when the parliamentary situation warrants it, the Chair may allow a Member, when recognized, to use a portion of his allotted time and reserve the balance.

On Feb. 28, 1962,[17] the Committee of the Whole agreed to a motion to limit debate on an amendment and amendments thereto to an hour certain. Chairman George H. Mahon, of Texas, indicated he would recognize the Members who indicated they wished to speak under the limitation (he divided the remaining time at two minutes per Member). The Chairman then overruled a point of order against a Member's reserving a portion of his time:

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida [Mr. Cramer].

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a point of order.

The gentleman exhausted his time on the previous amendment, did he not? I demand the regular order.

THE CHAIRMAN: Each Member was allocated 2 minutes.

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

THE CHAIRMAN: The gentleman will state it.

MR. GROSS: Mr. Chairman, did not the gentleman from New York use his time in response to a previous amendment?

THE CHAIRMAN: The Chair will say to the gentleman from Iowa that the gentleman from New York did not use his full 2 minutes.

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16. See also 104 CONG. REC. 14659, 14664, 85th Cong. 2d Sess., July 22, 1958 (when debate on a bill and all amendments thereto has been limited, a Member allotted time pursuant to the limitation may in the discretion of the Chair use whatever part thereof he desires in support of each of various amendments he may offer).

17. 108 CONG. REC. 3069, 3070, 87th Cong. 2d Sess.

MR. GROSS: How much time does the gentleman have remaining?

THE CHAIRMAN: The gentleman from New York has 1½ minutes remaining.

§ 79.57 Where time for debate on amendments has been limited and equally divided among those desiring to speak, the Chair may in his discretion insist that each Member utilize or yield back his full time when recognized and may permit a portion to be reserved only by unanimous consent.

During consideration of H.R. 10760 (Black Lung Benefits Reform Act of 1976) in the Committee of the Whole on Mar. 2, 1976,[18] the following proceedings occurred:

MR. [JOHN H.] DENT [of Pennsylvania]: . . . I . . . ask unanimous consent to end all debate on amendments in 1 hour's time.

THE CHAIRMAN:[19] Is there objection to the request of the gentleman from Pennsylvania that all debate cease in 1 hour on the committee amendment and all amendments thereto?

There was no objection. . . .

MR. DENT: As a point of information, Mr. Chairman, would the Chair establish the time basis.

THE CHAIRMAN: The Chair will state to the gentleman that it is 1 hour of time on the committee amendment and all amendments thereto. . . .

The Chair will state, for the gentleman's information, that there are 12 speakers who were standing at the time the request was made, and there is only 1 hour allotted, each speaker will have 5 minutes, and that is all. . . .

MR. [GARY] MYERS of Pennsylvania: Mr. Chairman, in utilization of the 5-minute allotment will the speakers be allowed to divide it up into different periods and reserve time back and forth?

THE CHAIRMAN: The Chair will state that by unanimous consent, Members may do that, yes. . . .

MR. MYERS of Pennsylvania: The Chairman is then saying, it takes unanimous consent to reserve time for later usage?

THE CHAIRMAN: The Chair will state that the Members will be recognized for 5 minutes each. If the gentleman from Pennsylvania wishes to reserve a portion of his five minutes then it requires unanimous consent to do so.

§ 79.58 Where debate has been limited under the five-minute rule to a time certain and the Chair has allocated the remaining time among those Members desiring to speak, the Chair may require that Members wishing to reserve a portion of their allocated time may do so only by unanimous consent.

On May 11, 1976,[20] the Committee of the Whole had under

18. 122 CONG. REC. 4992, 94th Cong. 2d Sess.

19. Sam Gibbons (Fla.).

20. 122 CONG. REC. 13416, 13417, 94th Cong. 2d Sess.

consideration H.R. 12835 (the Vocational Education Act amendments) when a motion to limit debate was offered as follows:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I move that all debate on title III and all amendments thereto close at 4:50 p.m.

The motion was agreed to.

THE CHAIRMAN:[1] Members standing at the time the motion was made will each be recognized for approximately a minute and a quarter.

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. QUIE: Mr. Chairman, would it be in order for a Member to divide his minute and a quarter into parts if he wishes to speak on more than one amendment?

THE CHAIRMAN: The gentleman might make that request by unanimous consent.

§ 79.59 The allocation of time pursuant to a limitation under the five-minute rule is within the discretion of the Chair, who may refuse to permit Members to whom time has been allotted to split their time except by unanimous consent.

On Apr. 26, 1978,[2] during consideration of H.R. 8494, the Public Disclosure of Lobbying Act of 1978, a limitation on debate to a time certain was agreed to:

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I move that all debate on this bill and all amendments thereto be terminated at the hour of 7:30 o'clock p.m. tonight.

[The motion was agreed to.]

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kindness: On page 31, line 18, insert . . . before the comma the following language: "or to the membership of an organization". . . .

MR. DANIELSON: Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN:[3] At this time the Chair will advise Members that even if they have 5 minutes, they may address themselves only to one amendment. They will not be able to split their time except by unanimous consent.

MR. DANIELSON: Between amendments?

THE CHAIRMAN: That is correct.

§ 79.60 A Member to whom time is allocated under a limitation on debate under the five-minute rule may, by unanimous consent, consume a portion of his time and reserve the unused portion for debate on another amendment to be offered under the limitation.

1. B. F. Sisk (Calif.).
2. 124 CONG. REC. 11641, 11643, 95th Cong. 2d Sess.
3. Lloyd Meeds (Wash.).

The following proceedings occurred in the Committee of the Whole on May 24, 1978,[4] during consideration of H.R. 10929 (the Department of Defense authorization for fiscal 1979):

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 6:30.

THE CHAIRMAN:[5] The question is on the motion offered by the gentleman from Illinois (Mr. Price).

The motion was agreed to. . . .

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gary A. Myers: Page 35, line 10, strike out "and". . . .

MR. GARY A. MYERS: Mr. Chairman, I ask unanimous consent that I be allotted one-half my time at this time and reserve the balance for another amendment.

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

There was no objection.

§ 79.61 A Member allocated time under a limitation of debate under the five-minute rule must obtain unanimous consent to reserve his time, and time for other Members in opposition, for debate on an amendment if offered.

During consideration of the foreign assistance authorization bill (H.R. 12514) in the Committee of the Whole on Aug. 2, 1978,[6] the following proceedings occurred:

MR. [RICHARD H.] ICHORD [of Missouri]: Mr. Chairman, I have an amendment pending at the desk, which I will offer in the event that the amendment of the gentleman from Illinois (Mr. Findley) to the substitute amendment of the gentleman from Wisconsin (Mr. Zablocki) fails.

Therefore, Mr. Chairman, I ask unanimous consent that I may reserve my time for the discussion of that amendment.

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

MR. [STEPHEN J.] SOLARZ [of New York]: Reserving the right to object, Mr. Chairman, if the Findley amendment is defeated and the gentleman from Missouri (Mr. Ichord) offers his amendment, at that point, after he makes his remarks, will there be time for other Members to speak on the amendment?

THE CHAIRMAN: The Chair will inform the gentleman that any other Member or Members will be permitted to speak only if a unanimous-consent request is made and granted.

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

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I do not intend to object, but I would join in the gen-

4. 124 CONG. REC. 15338, 15341, 95th Cong. 2d Sess.

5. Dan Rostenkowski (Ill.).

6. 124 CONG. REC. 23950, 95th Cong. 2d Sess.

7. Don Fuqua (Fla.).

tleman's unanimous-consent request that, if his time is reserved just prior to the consideration of his amendment, he also include my time.

MR. ICHORD: Mr. Chairman, I would so request.

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

There was no objection.

Reserving Time To Debate Amendments Not Yet Pending

§ 79.62 Notwithstanding a limitation of debate under the five-minute rule, an amendment printed in the Record in the proper form will be guaranteed 10 minutes of debate thereon.

On Sept. 11, 1978,[8] during consideration of the Civil Service Reform Act of 1978 (H.R. 11280) in the Committee of the Whole, the Chair responded to an inquiry regarding the effect of a limitation of debate on amendments printed in the Record:

MR. [MORRIS K.] UDALL [of Arizona]: . . . Mr. Chairman, we have had a long and difficult day . . . the hour is late, and I am not sure we can be productive much longer. We do have a number of important amendments left.

Mr. Chairman, I am going to make a unanimous-consent request in just a moment, and if it is agreed to, at that point I would move that the Committee rise. . . .

Mr. Chairman, my unanimous-consent request is that the remaining time for debate on title VII, and all amendments thereto—that is the title we are now considering—be limited to a total of 2 hours. . . .

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, reserving the right to object, as I understand it, there will be two substitutes posed, and a number of Members have amendments in the Record. They are, of course, amendments to the bill and not to the substitutes. I wonder if the Chair could tell me how we could protect the amendments which are now filed so that they would be in order and have time under the proposal that the gentleman suggests, to either of the substitutes.

THE CHAIRMAN:[9] The Chair advises the gentleman that the amendments which have been printed in the Record would be protected under our rules.

MR. FRENZEL: Will we be able to make the amendments to the substitute, Mr. Chairman?

THE CHAIRMAN: Yes. If they can be redrafted to pertain to the substitute, and placed in the Record, the answer is in the affirmative.

MR. FRENZEL: I thank the Chair.

Additional Debate Time Beyond Original Cutoff

§ 79.63 The Committee of the Whole may by unanimous consent permit additional debate on an amendment prior

8. 124 CONG. REC. 28800, 95th Cong. 2d Sess.

9. George E. Danielson (Calif.).

to its being offered, notwithstanding a previous limitation on debate under the five-minute rule on all amendments to the bill.

On Oct. 4, 1983,[10] the following proceedings occurred in Committee of the Whole during consideration of H.R. 2379 (National Park System Protection and Resources Management Act of 1983):

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, reserving the right to object, I wonder if we could have agreement on putting a time limitation on discussions on this amendment and all other amendments to this bill of 4:15?

I make that as a unanimous-consent request.

THE CHAIRMAN:[11] Is there objection to the request of the gentleman from Ohio?

There was no objection.

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LUJAN: Mr. Chairman, we undoubtedly will have a vote on this bill which will take us beyond 4:15, and I was wondering if it would be in order, by a unanimous-consent request, that we could change that 4:15 time so that the gentleman from Pennsylvania (Mr. Murphy) would have time to offer his amendment after the vote on this amendment?

THE CHAIRMAN: By unanimous consent, he can obtain time to debate his amendment. . . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I ask unanimous consent that following the vote on the pending Hansen amendment the gentleman from Colorado (Mr. Brown) have 3 minutes and some member in opposition have 3 minutes for debate; and that the same request be extended to the amendment of the gentleman from Pennsylvania (Mr. Murphy).

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

There was no objection.

Chair's Discretion in Allocating Time

§ 79.64 A limitation of debate on a bill and all amendments thereto to a time certain abrogates in effect the five-minute rule, and decisions regarding the division of time and the order of recognition of those Members desiring to speak are largely within the discretion of the Chair, who may decline to recognize Members more than one time under the limitation and may refuse to permit Members to divide their allotted time so as to speak to several of the amendments which are to be offered.

10. 129 CONG. REC. 27099, 27102, 98th Cong. 1st Sess.

11. Carl D. Perkins (Ky.).

On May 6, 1970,[12] after the Committee of the Whole had agreed to close debate on a pending bill and amendments thereto at a certain hour, Chairman Daniel D. Rostenkowski, of Illinois, answered a parliamentary inquiry on whether he would, under his discretion, allow Members to speak more than once or to allot their time under the limitation:

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

THE CHAIRMAN: The gentleman will state it.

MR. STRATTON: Under the limitation of debate, is it permissible for a Member to speak twice within his allotted time either for or against two specific amendments?

THE CHAIRMAN: The Chair will recognize the gentleman for one time in support of or in opposition to an amendment.

MR. STRATTON: But not more than once?

THE CHAIRMAN: No; not more than once.

§ 79.65 While the Chair normally allocates time for debate among those standing at the time a motion to limit debate is adopted, the Chair may refrain from doing so where several hours of debate remain under the limitation and where it would be premature to deviate from the five-minute rule by dividing all remaining time just among Members who are then present.

On Oct. 7, 1974,[13] during consideration of H. Res. 988 (to reform the structure, jurisdiction, and procedures of House committees), the Chair responded to a parliamentary inquiry as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen), and all amendments thereto, conclude in 5 hours.

THE CHAIRMAN:[14] 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. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I have a . . . parliamentary inquiry. . . .

Mr. Chairman, it is my understanding that when time is limited under the rules of the House, the Chair normally recognizes those Members standing and allocates time. I pose the question to the Chair whether that would or would not be the procedure for as long as we would proceed, for as long as a period of 5 hours?

12. 116 CONG. REC. 14467, 91st Cong. 2d Sess.

13. 120 CONG. REC. 34170, 34171, 93d Cong. 2d Sess.

14. William H. Natcher (Ky.).

THE CHAIRMAN: The Chair would like to advise the gentleman that those amendments pending and those that would be offered would, of course, be considered. As far as the Members standing on the request that is now before the committee, it would seem to the Chair that it would be premature to recognize the Members standing when there are a number of Members not present at this time who would like to be heard.

MR. [FRANK] THOMPSON [Jr. of New Jersey]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. THOMPSON of New Jersey: Mr. Chairman, I did not understand the Chair's answer to the parliamentary inquiry by the gentleman from Michigan (Mr. O'Hara). Is it my understanding that notwithstanding that 5 hours under the gentleman's motion would dispose of the Hansen and Martin substitutes, in addition thereto for those amendments which have been printed in the Record will there be time to debate them allowed?

THE CHAIRMAN: The Chair would like to advise the gentleman from New Jersey that the proponents of all amendments printed in the Record that have not been reached during the 5-hour period will be recognized under the rules of the House for 5 minutes in support of their amendments. They would be protected.

MR. THOMPSON of New Jersey: How about time in opposition?

THE CHAIRMAN: And 5 minutes in opposition. The gentleman is correct.

§ 79.66 A limitation on time for debate on a pending amendment and all amendments thereto in effect abrogates the five-minute rule and the Chair, at his discretion, may allocate time to all Members desiring to speak, whether or not they have previously spoken on the amendment; and where time for debate has been limited and the time remaining allocated to those Members wishing to speak, an extension of time for debate by unanimous consent would increase the time allotted to individual Members but would not allow additional Members to seek recognition.

On Oct. 1, 1975,[15] during consideration of the Department of Defense appropriation bill (H.R. 9861) in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had misjudged before the desire of the House at an earlier time to try to limit debate to 30 minutes. I want to be sure that no one is denied the opportunity to speak. I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 15 minutes.

15. 121 CONG. REC. 31074, 31075, 94th Cong. 1st Sess.

THE CHAIRMAN:[16] Is there objection to the request of the gentleman from Texas?

There was no objection. . . .

MR. [BURT L.] TALCOTT [of California]: Mr. Chairman, may I inquire whether or not the Members who have already spoken on this amendment may speak again during limited time?

THE CHAIRMAN: When time is limited, Members are permitted to speak again under the allocation of time.

MR. TALCOTT: And they can yield their time to other Members?

THE CHAIRMAN: That is a unanimous-consent request. . . .

MR. [BARRY] GOLDWATER [Jr., of California]: . . . I ask unanimous consent that the time be extended another 15 minutes.

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

MR. [ANDREW J.] HINSHAW [of California]: Mr. Chairman, reserving the right to object, if we were to accede to the unanimous-consent request, would that open the door for additional Members to stand up to seek additional time?

THE CHAIRMAN: The Chair has already announced his allocation of time.

§ 79.67 Where time for debate is limited to a specific number of minutes rather than a 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).

16. Dan Rostenkowski (Ill.).

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

18. William L. Hungate (Mo.).

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.

§ 79.68 A limitation of debate on a bill and all amendments thereto to a time certain in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition of those Members desiring to speak are largely within the discretion of the Chair, who may defer recognition of listed Members whose amendments have been printed in the Record and who are therefore guaranteed five minutes notwithstanding the limitation.

The following proceedings occurred in the Committee of the Whole on June 4, 1975,[19] during consideration of the Voting Rights Act Extension (H.R. 6219):

MR. [DON] EDWARDS of California: Mr. Chairman, I move that all debate on the bill and all amendments thereto terminate at 6:45 p.m.

THE CHAIRMAN:[20] The question is on the motion offered by the gentleman from California.

The motion was agreed to. . . .

THE CHAIRMAN: With the permission of the Committee, the Chair will briefly state the situation.

There are a number of Members who do not have amendments that were placed in the Record, and the Chair feels that he must try to protect them somewhat, so he proposes to go to a number of Members on the list so they will at least get some time. The time allotted will be less than a minute.

The Chair recognizes the gentleman from Texas (Mr. de la Garza).

19. 121 CONG. REC. 16899, 16901, 94th Cong. 1st Sess.

20. Richard Bolling (Mo.).

§ 79.69 Where the Committee of the Whole agrees to limit debate on a pending amendment, the five-minute rule is abrogated and the Chair allocates the remaining time among those Members standing at the time the limitation is agreed to, and not among those Members who stand after the allocation of time is announced.

On May 4, 1977,[1] the situation described above occurred in the Committee of the Whole, as follows:

MR. [DANTE B.] FASCELL [of Florida]: I am trying to be reasonable about this.

Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from California (Mr. Dornan) and the amendment offered as a substitute by the gentleman from Alabama (Mr. Buchanan), and all amendments thereto, close in 10 minutes.

THE CHAIRMAN:[2] Is there objection to the request of the gentleman from Florida?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous-consent request was granted will be recognized for 50 seconds each. . . .

MR. [PARREN J.] MITCHELL of Maryland: Mr. Chairman, was the limitation set on debate a time period of 10 minutes?

THE CHAIRMAN: The gentleman is correct. The time limitation is 10 minutes.

MR. MITCHELL of Maryland: Ten minutes. And may I ask the Chairman, how many Members were standing? I figured there were roughly 120 Members standing.

THE CHAIRMAN: At the time the unanimous-consent request for limitation of debate was agreed to the Chair saw 14 Members on their feet. That observation was made at the time the request for limitation was agreed to, and not later on. The Chair saw 14 Members standing at the time the request for limitation was agreed to, and under the precedents the Chair has discretion to divide the remaining time only among those Members

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DELLUMS: Mr. Chairman, would the Chair announce the names of the Members who were standing? The gentleman from California was standing at the time of the agreement to the limitation. This gentleman from California was on his feet, and I do not recall hearing my name announced.

THE CHAIRMAN: The Chair named each Member he saw standing at the time the unanimous-consent agreement for a time limitation was agreed to. . . .

The Chair will once again read the names of the Members who were seen standing at the time the unanimous-consent request was agreed to.

1. 123 CONG. REC. 13413, 13414, 95th Cong. 1st Sess.
2. Elliott Levitas (Ga.).

§ 79.70 Where the Committee of the Whole has limited to 5 minutes the remaining time for debate on an amendment, the five-minute rule is in effect abrogated and the Chair may in his discretion recognize two Members to equally control the time in support of and in opposition to the amendment, granting priority of recognition to control the time in opposition to a member of the committee handling the bill; but where no committee member seeks recognition for that purpose, the Chair may recognize any Member to control the time.

On June 22, 1977,[3] during consideration of H.R. 7797 (the foreign assistance and related agencies appropriation bill for fiscal 1978) in the Committee of the Whole, the Chair made an announcement regarding debate under the five-minute rule. The proceedings were as follows:

> MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I move that all debate on this amendment and any amendments thereto close in 5 minutes.
>
> The motion was agreed to.
>
> THE CHAIRMAN:[4] Let the Chair make this announcement. There is no way that the Chair can divide 5 minutes among all who wish to speak. Therefore, under the prerogative of the Chair, the Chair will recognize one proponent and one opponent each for 2½ minutes.
>
> The Chair at this time recognizes the proponent, the gentleman from New York (Mr. Wolff). . . .
>
> Is there any member of the committee who wishes to be recognized in opposition to the amendment?
>
> If not, the Chair recognizes the gentleman from New York (Mr. Weiss) as an opponent of the amendment.

§ 79.71 Adoption of a motion to limit debate in Committee of the Whole abrogates the five-minute rule, and the allocation of the remaining time is within the discretion of the Chair, who may divide the time between the majority and minority manager of the bill rather than among all Members indicating a desire to speak.

On Apr. 1, 1976,[5] during consideration of H.R. 12406 (the Federal Election Campaign Act amendments of 1976) in the Committee of the Whole, the following proceedings occurred:

> MR. [WAYNE L.] HAYS of Ohio: Mr. Chairman, I move that all debate on this amendment and all amendments thereto finish at 3 p.m.

3. 123 CONG. REC. 20291, 20292, 95th Cong. 1st Sess.

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

5. 122 CONG. REC. 9088, 94th Cong. 2d Sess.

THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Ohio (Mr. Hays).

The question was taken; and on a division (demanded by Mr. Hays of Ohio) there were—ayes 93, noes 48. . . .

So the motion was agreed to. . . .

THE CHAIRMAN: With the permission of the Committee, the Chair would like to make a brief statement.

The Committee has just limited the time on this amendment and all amendments thereto to 3 o'clock. The gentleman from California (Mr. Phillip Burton) had been recognized for 5 minutes. That will leave approximately 6 minutes to be allocated.

The precedents provide under chapter 29, section 31, of Deschler's Procedures that the Chair has discretion in distributing the time. Due to the obvious impossibility of satisfying all Members the Chair proposes to allocate 3 minutes to the gentleman from Ohio (Mr. Hays) and 3 minutes to the gentleman from California (Mr. Wiggins), whereby they may yield time.

The Chair now recognizes the gentleman from California (Mr. Phillip Burton).

§ 79.72 Where there was pending an amendment in the nature of a substitute for a bill and the permissible degree of amendments thereto, the Chair indicated in response to parliamentary inquiries: (1) that a motion to limit debate on the amendment in the nature of a substitute and all amendments thereto was in order although the bill itself had not been read; (2) that amendments printed in the Record would be debatable for 10 minutes notwithstanding the limitation; and (3) that all Members would be allocated equal time under the limitation regardless of committee membership but that Members seeking to offer amendments could be first recognized.

The proceedings in the Committee of the Whole relating to consideration of H.R. 13367 (a bill to amend and extend the State and Local Fiscal Assistance Act of 1972) on June 10, 1976,[7] were as follows:

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

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

THE CHAIRMAN:[8] The motion of the gentleman from New York, as the Chair understood it, was that all debate on the Brooks amendment and all amendments thereto end at 6 p.m.

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

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

6. Richard Bolling (Mo.).

7. 122 CONG. REC. 17380, 17381, 94th Cong. 2d Sess.

8. Gerry E. Studds (Mass.).

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LONG of Maryland: Mr. Chairman, of course I believe it is understood that this does not apply to any amendments that are printed in the Congressional Record?

THE CHAIRMAN: Under the rules of the House, it does not apply to those amendments. . . .

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

THE CHAIRMAN: The gentleman will state it.

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

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

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

So the motion was agreed to.

THE CHAIRMAN: Members standing at the time the motion was made will be recognized for approximately 1 minute and 55 seconds each.

§ 79.73 Where debate has been limited to a time certain and the Chair has divided the remaining time among those desiring to speak, the Chair may, in his discretion, entertain a parliamentary inquiry without deducting the time from that allocated to the Member raising the inquiry.

On June 18, 1976,[9] the Committee of the Whole was considering H.R. 13179 (the State Department authorization for fiscal year 1977) when a time limitation on debate was agreed to, following which several parliamentary inquiries were directed to the Chair. The proceedings were as indicated below:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 2:30. . . .

The motion was agreed to. . . .

THE CHAIRMAN PRO TEMPORE:[10] The Chair recognizes the gentleman from Pennsylvania (Mr. Biester).

MR. [EDWARD G.] BIESTER [Jr., of Pennsylvania]: Mr. Chairman, a parliamentary inquiry.

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

MR. BIESTER: Mr. Chairman, so far we have been discussing only one of the five remaining amendments that the Chairman of the Committee of the Whole informed the chairman of the

9. 122 CONG. REC. 19251, 19254, 94th Cong. 2d Sess.

10. John Brademas (Ind.).

Committee on International Relations that were at the desk.

THE CHAIRMAN PRO TEMPORE: That is correct.

MR. BIESTER: I am wondering what the plans of the Chair are with respect to allocating time to those Members who wish to speak on the various other amendments.

THE CHAIRMAN PRO TEMPORE: The Chair will state that Members will have to use the time that is allotted to them prior to 2:30 p.m. to debate any of the amendments that remain, under the unanimous-consent request that was granted earlier.

MR. BIESTER: Since I have engaged in this parliamentary inquiry, I presume that my time has about expired; is that correct?

THE CHAIRMAN PRO TEMPORE: The Chair will state that the gentleman's parliamentary inquiry will not come out of his time.

§ 79.74 Where debate under the five-minute rule is limited to three hours of debate, the Chair may determine that any allocation of the time at that point is premature, and continue to recognize Members for five minutes.

On Feb. 1, 1978,[11] during consideration of H.R. 1614 (the Outer Continental Shelf Lands Act Amendments) in the Committee of the Whole, the Chair responded to inquiries regarding allocation of time for debate, as follows:

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I will revise the unanimous-consent request.

Mr. Chairman, I ask unanimous consent that when we convene tomorrow, all debate on H.R. 1614 and all amendments and substitutes thereto end after 3 hours of debate. . . .

MR. [WILLIAM A.] STEIGER [of Wisconsin]: . . . If we were to agree to this procedure tonight, what Members are going to be recognized tomorrow? Will it be those Members who are standing, the majority leader, the gentleman from Texas (Mr. Wright), the gentleman from Illinois, and a few others? There are four or five Members standing, and I am one of those standing. . . .

THE CHAIRMAN:[12] The Chair would like to advise the gentleman from Wisconsin (Mr. Steiger) that regardless of the time fixed, we would proceed under the 5-minute rule at the outset.

MR. STEIGER: Regardless of the time fixed, we proceed under the 5-minute rule?

THE CHAIRMAN: We will proceed under the 5-minute rule. The Chair would like to advise the gentleman that it would be premature for the Chair to allocate time at this point.

§ 79.75 Priority of recognition under a limitation of time for debate under the five-minute rule is in the complete discretion of the Chair, who may disregard committee se-

11. 124 CONG. REC. 1827, 1828, 95th Cong. 2d Sess.

12. William H. Natcher (Ky.).

niority and consider amendment sponsorship.

On June 26, 1979,[13] it was demonstrated that where the Committee of the Whole has agreed to a limitation on debate under the five-minute rule on a section of a bill and all amendments thereto, distribution of the time under the limitation is within the discretion of the Chair. The proceedings were as follows:

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

A recorded vote was ordered.

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

THE CHAIRMAN:[14] The Chair will attempt to explain the situation.

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

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

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

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

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

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

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

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

13. 125 CONG. REC. 16677, 16678, 96th Cong. 1st Sess.

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

14. Gerry E. Studds (Mass.).

which has been passed in the reading for amendment, and has limited time on those amendments to a time certain, the Chair may, in his discretion, allocate in advance a portion of that time among the proponent and opponent of those amendments and then allocate the remaining time among other Members desiring to speak.

On Jan. 29, 1980, the Committee of the Whole, having under consideration H.R. 4788, the Water Resources Development Act, had by unanimous consent agreed to allow four specified amendments to be offered to a title of the bill that had been passed in the reading for amendment.

Mr. Ray Roberts, of Texas, subsequently asked unanimous consent that debate on the title and amendments end at a time certain:[15]

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

THE CHAIRMAN:[16] Does the gentleman from Texas wish to allocate any portion of that time under his unanimous-consent request, consistent with the discussion that took place previously?

MR. ROBERTS: Five minutes only. I think there is enough to go around. I will not use my 5 minutes.

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

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Reserving the right to object, in our colloquy we had suggested that the gentleman from Montana be given at least a minimum of 5 minutes and the gentleman from Washington be given 5 minutes. I would have no objection to that.

THE CHAIRMAN: Does the gentleman from Texas (Mr. Roberts) so revise his unanimous-consent request?

MR. ROBERTS: I do, Mr. Chairman.

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

There was no objection.

THE CHAIRMAN: The Chair has discretion to allocate time under the unanimous-consent request. In addition to the allocation which has been requested of 5 minutes for the gentleman from Montana and 5 minutes for the gentleman from Washington, the Chair in the exercise of that discretion will allocate a total of 10 minutes to the gentleman from Pennsylvania (Mr. Edgar) on the basis that he is offering three amendments, and will allocate the balance of the time to those Members who are standing.

Members standing at the time the unanimous-consent request was agreed to will be recognized for 40 seconds each, with the possible loss of time if there are any recorded votes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Edgar) for 10 minutes.

15. 126 CONG. REC. 993, 994, 96th Cong. 2d Sess.

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

§ 79.77 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. 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. . . .

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

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

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

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.

§ 79.78 Following an agreement to limit debate on an amendment and an amendment thereto to a time certain, the Chairman of the Committee of the Whole may exercise his discretion and allot the remaining time in three equal parts; in this case time was controlled by the offeror of the amendment (Brown), the offeror of the amendment to the amendment (Leach) and the floor manager of the bill (Zablocki).

The following proceedings occurred in the Committee of the Whole on Apr. 13, 1983,[20] during consideration of House Joint Resolution 13 (nuclear weapons freeze):

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

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

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

THE CHAIRMAN: Objection is heard.

MR. ZABLOCKI: 6:15?

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

There was no objection.

THE CHAIRMAN: The unanimous-consent request is agreed to and debate is limited to 6:15.

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20. 129 CONG. REC. 8425, 8426, 98th Cong. 1st Sess.

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

The Chair is going to exercise discretion and allot the time in three equal parts to the gentleman from Iowa (Mr. Leach), the gentleman from Colorado (Mr. Brown) and the gentleman from Wisconsin (Mr. Zablocki) and, of course, those Members can yield for purposes of debate.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GINGRICH: Mr. Chairman, if I may express my ignorance for a moment, is it, in fact, the prerogative of the Chair in that sort of unanimous-consent request to then design whatever system seems workable?

THE CHAIRMAN: Yes, it is. The Chair has exercised its discretion in light of the circumstances and allocates 6 minutes to the gentleman from Iowa (Mr. Leach); 6 minutes to the gentleman from Colorado (Mr. Brown); and 6 minutes to the gentleman from Wisconsin (Mr. Zablocki).

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

On July 29, 1983,[2] during consideration of the International Monetary Fund Authorization (H.R. 2957) in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding recognition following agreement to a motion to limit debate to a time certain:

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

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

There was no objection.

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

TITLE IV—INTERNATIONAL LENDING SUPERVISION

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

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

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

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

2. 129 CONG. REC. 21649, 21650, 21659, 21660, 98th Cong. 1st Sess.

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

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

THE CHAIRMAN:[3] The Chair believes not, because the time has been limited on the entire bill. It would be very difficult to allocate time to any one particular party or two parties when the Chair has no knowledge of the amendments that will be offered.

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

THE CHAIRMAN: The gentleman will state it.

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

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

Chair Allocates Limited Time, Not Proponent of Amendment

§ 79.80 Where debate is limited on an amendment in the Committee of the Whole, the Chair divides the remaining time among all Members desiring to speak at the time the limitation was agreed to, and not merely among those Members mentioned by a Member as having wished to be recognized prior to the limitation.

The proceedings in the Committee of the Whole on Oct. 5, 1981,[4] during consideration of H.R. 3112 (to extend the Voting Rights Act of 1965) were as follows:

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:[5] 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: For what purpose does the gentleman from Louisiana seek recognition?

MR. [W. HENSON] MOORE [of Louisiana]: Mr. Chairman, I move to strike the requisite number of words.

THE CHAIRMAN PRO TEMPORE: The Chair will first allocate the time

3. Donald J. Pease (Ohio).

4. 127 CONG. REC. 23154, 97th Cong. 1st Sess.

5. 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. That is the gentleman from Louisiana, the gentleman from Michigan, and the gentlewoman from New Jersey.

I was assuming 5 minutes apiece, 15 minutes total.

Are we talking about a whole slew of Members who want to talk now?

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.

Where Division of Time by Unanimous Consent Was Objected to, Chair Used His Discretion

§ 79.81 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.

The following proceedings occurred in the Committee of the Whole on Aug. 2, 1984,[6] 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:[7] 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.

6. 130 CONG. REC. 22180, 22181, 98th Cong. 2d Sess.

7. Richard A. Gephardt (Mo.).

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.

Procedure Where Control of Time Set by Unanimous Consent

§ 79.82 The Committee of the Whole may by unanimous consent limit the time for debate under the five-minute rule and provide for the time to be controlled and divided between the majority and minority sides.

On May 26, 1966,[8] Adam C. Powell, of New York, Chairman of the Committee on Education and Labor which had reported the bill under discussion under the five-minute rule in the Committee of the Whole, asked unanimous consent that debate on a pending amendment be limited to 60 minutes, 30 minutes on each side (majority and minority), to be equally divided and controlled by the proponent of the amendment and the subcommittee chairman handling the bill.

The request was agreed to.

On May 10, 1966,[9] the Committee of the Whole agreed to a request limiting five-minute debate and dividing the control of the time between the majority and minority Members in charge of the bill:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Chairman, for the purpose of clarification, would it be in order for the gentleman from Tennessee to ask unanimous consent that debate on this amendment be confined to 20 minutes

8. 112 CONG. REC. 11608, 89th Cong. 2d Sess.

9. *Id.* at p. 10232.

on each side, the 20 minutes on this side to be controlled by the gentleman from Tennessee [Mr. Evins] and the 20 minutes on the Republican side by the gentleman from North Carolina [Mr. Jonas]?

MR. [JOSEPH L.] EVINS: Mr. Chairman, I thank the distinguished majority leader for the suggestion and now make the unanimous-consent request accordingly.

THE CHAIRMAN:[10] Without objection, it is so ordered.

There was no objection.[11]

§ 79.83 Where the Committee of the Whole has by unanimous consent fixed debate on an amendment to two hours and divided control of the time between the proponent of the amendment and the chairman of the committee, the two Members controlling debate may yield time as in general debate, and Members may offer and debate amendments in the time yielded them.

On July 9, 1965,[12] the Committee of the Whole was considering H.R. 6400, the Voting Rights Act of 1965, pursuant to a unanimous-consent agreement fixing debate on the pending amendment at two hours and dividing control of the time between Mr. William M. McCulloch, of Ohio, the proponent of the amendment, and Emanuel Celler, of New York, Chairman of the Committee on the Judiciary. Mr. McCulloch, who had the floor, yielded to Mr. Robert McClory, of Illinois, who offered an amendment and was recognized by Chairman Richard Bolling, of Missouri, for five minutes.

The Chairman stated, in response to a parliamentary inquiry by Mr. Celler that the two Members in control could, under the unanimous-consent agreement, yield time to other Members and that Members yielded to could offer amendments.

§ 79.84 Where by unanimous consent the final portion of debate under a limitation has been reserved to the manager of the bill, and that Member has also consumed five minutes in opposition to a preferential motion to strike the enacting clause, he is nevertheless recognized again where all other time under the limitation has been preempted by debate on the preferential motion.

During consideration of the Clean Air Act Amendments of

10. Richard Bolling (Mo.).

11. See also 111 CONG. REC. 16227, 16228, 89th Cong. 1st Sess., July 9, 1965.

12. 111 CONG. REC. 16207, 16217, 16218, 89th Cong. 1st Sess.

1976 (H.R. 10498) in the Committee of the Whole on Sept. 15, 1976,[13] the following proceedings occurred:

MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I ask unanimous consent that debate on the Waxman-Maguire amendment and the Dingell amendment, and all amendments thereto, conclude at 1:30 . . . and that the last 10 minutes be reserved for myself.

THE CHAIRMAN:[14] Is there objection to the request of the gentleman from Florida?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous-consent request was made will be recognized for 30 seconds each. . . .

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

The Clerk read as follows:

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

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

MR. ROGERS: Mr. Chairman, I rise in opposition to the motion.

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

The time of the gentleman has expired. . . .

The question is on the preferential motion offered by the gentleman from Texas (Mr. Wright).

The preferential motion was rejected.

THE CHAIRMAN: The Chair recognizes the gentleman from Florida (Mr. Rogers) for the balance of the time.

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, did the Chair not mean to recognize the gentleman from North Carolina?

THE CHAIRMAN: The Chair will state to the gentleman from North Carolina that the Chair is operating under the limitation which was imposed by the unanimous-consent request. There are two key points that come into play at this time, the limitation of the time and the reservation of time to the gentleman from Florida (Mr. Rogers) of the last 10 minutes. The gentleman from Florida will not get the full 10 minutes because the time will have expired at 1:30.

The Chair again recognizes the gentleman from Florida (Mr. Rogers).

§ 79.85 Although a motion to limit debate on a pending amendment is in order in the Committee of the Whole, such a motion may not allocate the time proposed under the limitation or vary the order of recognition to close debate under the limitation.

During consideration of the Defense Savings Act of 1988 (H.R. 4481) in the Committee of the

13. 122 CONG. REC. 30466, 30469–71, 94th Cong. 2d Sess.

14. J. Edward Roush (Ind.).

Whole on July 12, 1988,[15] the following exchange occurred:

MR. [WILLIAM L.] DICKINSON [of Alabama]: I think that the rule provides a division of time of all those standing and who want to speak. But if it would be proper, Mr. Chairman, I would so move that limitation of time would be within 30 minutes of the present time, the time to be divided equally by the proponents and opponents and that the gentleman from Texas, the author of the amendment, be allowed to close debate.

MR. [DENNIS M.] HERTEL [of Michigan]: . . . I have no problem with the gentleman closing debate. I just do not know if it is proper to put it in a motion. I have no objection to him being the last person to speak. . . .

THE CHAIRMAN:[16] The gentleman . . . has made a motion. He has moved. But the gentleman should make a unanimous-consent request to allocate time.

MR. DICKINSON: Mr. Chairman, I would ask unanimous consent that all debate on this amendment and all amendments thereto close within 30 minutes, that the 30 minutes be divided half and half between the proponents and the opponents and that the gentleman from Texas be allowed to close.

MR. [G. V.] MONTGOMERY [of Mississippi]: Mr. Chairman, reserving the right to object, I agree with the gentleman's first part with respect to 30 minutes but over the years the House procedure is I believe, and I will have the Chair correct me if I am wrong, that when an amendment is offered and the chairman of the committee objects to that amendment, that he has the right to close debate. Is that proper?

THE CHAIRMAN: Normally when the Committee of the Whole divides the time on an amendment the person handling the bill, the chairman, has the right to end the debate. That is normal.

There has been a unanimous-consent request to alter that, which can be done, to permit the gentleman from Texas to close the debate.

Special Rule May Permit Time Allocation by Motion

§ 79.86 A special rule agreed to by the House for consideration of a bill permitted motions by the chairman of the committee reporting the bill to include the allocation of time in any motion to limit debate, and to consider the remainder of the bill or any titles thereof read and open to amendment.

On Dec. 9, 1981,[17] Mr. Anthony C. Beilenson, of California, called up House Resolution 291 (providing for consideration of H.R. 3566, International Security and Development Assistance authorizations for fiscal 1982 and 1983) in the House:

MR. BEILENSON: Mr. Speaker, by direction of the Committee on Rules, I

15. 134 CONG. REC. 17767, 100th Cong. 2d Sess.

16. Harold L. Volkmer (Mo.).

17. 127 CONG. REC. 30193, 97th Cong. 1st Sess.

call up House Resolution 291 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3566) to authorize appropriations for the fiscal years 1982 and 1983 for international security and development assistance and for the Peace Corps, and for other purposes, the first reading of the bill shall be dispensed with. . . . After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. It shall be in order at any time while the bill is being considered for amendment under the five-minute rule for the chairman of the Committee on Foreign Affairs to move to limit debate on the pending portion of the bill and to provide in said motion for the allocation of time under the limitation on the pending portion of the bill, or on amendments, or on amendments to amendments, thereto. It shall also be in order at any time while the bill is being considered for amendment under the five-minute rule for the chairman of the Committee on Foreign Affairs to move that the remainder of the bill, or any title thereof, be considered as having been read and open to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Where All Debate on Pending Amendment Is Limited, Enacting Clause Still Debatable

§ 79.87 During consideration of an amendment in the Committee of the Whole, where time for debate thereon has been fixed and control vested in two Members, the motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken is in order and privileged and the Member making the motion as well as the Member rising in opposition thereto are entitled to recognition for five minutes.

On July 9, 1965,[18] the Committee of the Whole was conducting debate on an amendment pursuant to a unanimous-consent agreement limiting debate on the amendment and amendments thereto to two hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on

18. 111 CONG. REC. 16227, 16228, 89th Cong. 1st Sess.

the Judiciary which reported the bill (Emanuel Celler, of New York, and William M. McCulloch, of Ohio, respectively). The bill under consideration was H.R. 6400, the Voting Rights Act of 1965, and the amendment was the "McCulloch substitute." During debate under the unanimous-consent agreement, Mr. Albert W. Watson, of South Carolina, offered the preferential motion that the Committee of the Whole rise and report the bill to the House with the recommendation that the enacting clause be stricken. Chairman Richard Bolling, of Missouri, entertained the motion and recognized Mr. Watson for five minutes in favor of the motion and Mr. William T. Cahill, of New Jersey, for five minutes against the motion.

Parliamentarian's Note: Since the limitation previously agreed to was not on the bill and not by the clock, the time consumed in debating the motion was not charged to the time remaining under the limitation.

§ 79.88 Where debate has been closed on all amendments to a bill, but not on the bill itself, the preferential motion to strike the enacting clause is debatable for 10 minutes, five to a side.

During consideration of the military procurement authorization (H.R. 6674) in the Committee of the Whole on May 20, 1975,[19] the proposition described above was demonstrated as follows:

> MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I move that all debate on this amendment and all amendments thereto, and on further amendments to the bill, end in 20 minutes.
>
> THE CHAIRMAN:[20] The question is on the motion offered by the gentleman from Illinois.
>
> The motion was agreed to. . . .
>
> THE CHAIRMAN: The time of the gentleman has expired. [All time has expired.]
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Bauman moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.
>
> MR. BAUMAN: Mr. Chairman, I only offer this motion in order to obtain time since I was not able to receive any time from the gentleman from Iowa (Mr. Harkin) who offered what he claimed to be the Bauman amendment. I have read his amendment very carefully. It is not the same amendment which I offered to the National Science Foundation authorization bill. . . .
>
> MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the preferential motion.

19. 121 CONG. REC. 15458, 15465, 15466, 94th Cong. 1st Sess.

20. Dan Rostenkowski (Ill.).

I thank the gentleman from Maryland for giving me an opportunity to expand a little bit more on some of these ridiculous spending programs that waste the taxpayers' dollars. . . . If we pass this routine authorization bill for the Defense Department of $32 billion in the usual manner, we will have to answer to our constituents if we choose to be honest about it.

§ 79.89 Where all time for debate on a committee amendment in the nature of a substitute (being read as an original bill for amendment pursuant to a special rule) and all amendments thereto has been terminated, a preferential motion that the Committee rise with the recommendation that the enacting clause be stricken out is debatable for 10 minutes since the preferential motion applies to the bill and all debate on the bill has not been closed.

On June 20, 1975,[1] during debate in the Committee of the Whole pertaining to the Energy Research and Development Administration authorization for fiscal year 1976 (H.R. 3474), and after a motion to terminate that debate had been agreed to, the preferential motion described above was offered. The proceedings were as follows:

MR. [JOHN] YOUNG of Texas: Mr. Chairman, I move that all debate on the committee amendment in the nature of a substitute and all amendments thereto terminate at 4 o'clock p.m.

THE CHAIRMAN: G5(2) The question is on the motion offered by the gentleman from Texas (Mr. Young). . . .

So the motion was agreed to. . . .

THE CHAIRMAN: All time has expired. . . .

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

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

§ 79.90 A Member who has been recognized under a time limitation on an amendment in Committee of the Whole may offer a preferential motion (that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken out) and be recognized for five minutes to debate the motion.

During consideration of the Foreign Relations Authorization Act

1. 121 CONG. REC. 19966, 19970, 19971, 94th Cong. 1st Sess.

2. J. Edward Roush (Ind.).

for fiscal year 1978 (H.R. 6689) in the Committee of the Whole on May 4, 1977,[3] Mr. Dante B. Fascell, of Florida, was granted a unanimous-consent request limiting debate, as follows:

MR. FASCELL: . . . Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from California (Mr. Dornan) and the amendment offered as a substitute by the gentleman from Alabama (Mr. Buchanan), and all amendments thereto, close in 10 minutes.

THE CHAIRMAN:[4] Is there objection to the request of the gentleman from Florida?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous-consent request was granted will be recognized for 50 seconds each. . . .

The Chair recognizes the gentleman from California (Mr. Dornan) for 50 seconds.

MR. [ROBERT K.] DORNAN [of California]: Mr. Chairman, I rise to offer a preferential motion.

THE CHAIRMAN: Does the gentleman from California (Mr. Dornan) have such a motion?

MR. DORNAN: Yes, I do, Mr. Chairman.

THE CHAIRMAN: The Clerk will report the motion offered by the gentleman from California (Mr. Dornan). Is there such a motion at the desk?

MR. DORNAN: Mr. Chairman, the motion is offered to get time for debate, providing 5 more minutes on each side, and this is to try to wipe out this part of the bill. The motion is to strike all after the enacting clause. . . .

Mr. Chairman, I have my motion in writing.

Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

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

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

§ 79.91 Where debate in Committee of the Whole on an amendment has been limited to a number of minutes of debate (rather than to a time certain), time consumed debating a preferential motion does not reduce the time remaining under the limitation.

During consideration of the Treasury Department and Postal Service appropriation bill for fiscal year 1981 (H.R. 7593) in the Committee of the Whole on Aug. 20, 1980,[5] the Chair responded to a parliamentary inquiry concerning debate time as follows:

MR. [TOM] STEED [of Oklahoma]: Mr. Chairman, I move that all debate on

3. 123 CONG. REC. 13413, 13414, 95th Cong. 1st Sess.

4. Elliott Levitas (Ga.).

5. 126 CONG. REC. 22173–76, 96th Cong. 2d Sess.

this amendment and all amendments thereto end in 15 minutes.

THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Oklahoma (Mr. Steed).

The motion was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. BAUMAN

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a preferential motion.

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. PEYSER: Mr. Chairman, does the time for the preferential motion come out of the 15 minutes that we have just agreed to?

THE CHAIRMAN: The Chair informs the gentleman that it does not come out of the preferential motion.

Disposition of Unused Time

§ 79.92 While a motion to limit debate on a portion of a bill and all amendments thereto was pending, the Chair advised that in the event the motion carried: (1) the Chair would first recognize those Members standing, each for five minutes, then any other Members seeking recognition, also for five minutes, until the time expired or there were no other requests for recognition; and (2) if requests for recognition did not consume the time set, the Chair would direct the Clerk to read.

On Aug. 1, 1966,[7] while the Committee of the Whole was considering under the five-minute rule H.R. 14765, the Civil Rights Act of 1966, Mr. Emanuel Celler, of New York, moved that all debate on title I and amendments thereto close in one and one-half hours. Chairman Richard Bolling, of Missouri, then answered a parliamentary inquiry stated by Mr. Gerald R. Ford, of Michigan, on the order of recognition should the motion be agreed to:

MR. GERALD R. FORD: Mr. Chairman, I notice that there are relatively only a few standing. How will the Chair determine under that process those who will be eligible to speak? The lack of those standing does not necessarily mean that Members will not wish to speak.

THE CHAIRMAN: The Chair will state that if the time is fixed at 1½ hours and there are no other gentlemen to be recognized or who desire to be heard, the Chair will proceed to ask the Clerk to read the next title.

If, however, there are 1½ hours, each Member standing now will be recognized for 5 minutes.

MR. GERALD R. FORD: A further parliamentary inquiry, Mr. Chairman. If

6. Richardson Preyer (N.C.).

7. 112 CONG. REC. 17759, 17760, 89th Cong. 2d Sess.

there are not a sufficient number of Members standing at the present time, will the Chair proceed under the 5-minute rule during the 1½ hours?

THE CHAIRMAN: The Chair will see to it that each of those Members now standing will be recognized in an orderly fashion. If there are others desiring to speak within the time limitation, the Chair will then recognize them. Those now standing will receive a priority from the Chair.[8]

§ 79.93 Where the Committee of the Whole agrees to terminate all debate on an amendment at a certain time, the Chair divides the time remaining among those Members who indicate a desire to speak; and if free time remains after these Members have been recognized, the Chair may recognize Members who have not spoken to the amendment or Members who were recognized for less than five minutes under the limitation of time.

On Mar. 17, 1960,[9] the Committee of the Whole agreed to a request that all debate on the pending amendment close at 3:50 p.m. Chairman Francis E. Walter, of Pennsylvania, recognized under the limitation Members who had indicated they wished to speak. When those Members had spoken, time still remained and the Chairman recognized for debate Members who were not standing seeking recognition when the limitation was agreed to. The Chair answered a parliamentary inquiry:

MR. [JAMES C.] DAVIS of Georgia: Was not the time fixed for this debate, and was not the time limited to those who were standing on their feet seeking recognition?

THE CHAIRMAN: The time was fixed at 3:50. The Chair made a list of the names of those Members who indicated they desired to speak. However, the thing that governs is the time that was fixed in the unanimous-consent request made by the gentleman from New York, but because the time has not arrived when debate will end, the Chair will recognize those Members who seek recognition.

MR. DAVIS of Georgia: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DAVIS of Georgia: Does that limitation then of 2 minutes apply to me, or could I have some of this additional time?

8. See also 116 CONG. REC. 25809, 25810, 91st Cong. 2d Sess., July 27, 1970 (where time limitation on amendment and amendments thereto, time divided among Members wishing to speak, Chair indicated in response to a parliamentary inquiry that he would put the question on the amendments prior to the designated hour if all those Members listed had not consumed their allotted time and if there were no further requests to speak).

9. 106 CONG. REC. 5911, 5914, 86th Cong. 2d Sess.

THE CHAIRMAN: Yes, the gentleman could be recognized again if he sought recognition.

Amendments Offered After Debate Time Expires

§ 79.94 Where all time expires for debate on a paragraph of a bill and on amendments thereto, further amendments to the paragraph may be offered but are not debatable.

On June 29, 1959,[10] the Committee of the Whole agreed to a unanimous-consent request to limit debate on the pending paragraph and amendments thereto. In response to parliamentary inquiries, Chairman Paul J. Kilday, of Texas, stated that when all time had expired pursuant to that agreement, further amendments could be offered but not debated:

MR. [JOEL T.] BROYHILL [of Virginia]: Mr. Chairman, when could I offer this other amendment?

THE CHAIRMAN: To this paragraph?

MR. BROYHILL: Yes.

THE CHAIRMAN: After the disposition of the pending amendment. The Chair would point out that under the arrangement made, the gentleman might find himself in the position of not being permitted to debate the other amendment.[11]

§ 79.95 Members may offer amendments to a title, after a time limitation for debate on the title and all amendments thereto has expired, and such amendments may be reported and voted on, but not debated.

On May 21, 1959,[12] the Committee of the Whole agreed to a motion closing debate on a pending title and on amendments thereto at 3:35 p.m. Chairman Francis E. Walter, of Pennsylvania, answered parliamentary inquiries on the effect of the limitation on the offering of further amendments to the title:

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

THE CHAIRMAN: The gentleman will state it.

MR. TABER: Is it not a fact that an amendment may be offered after debate has concluded? Any one has a right to offer an amendment even after debate has concluded.

THE CHAIRMAN: The Member may offer an amendment after time for debate has expired; and the amendment may be reported and voted on, but it may not be debated.

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10. 105 CONG. REC. 12122–24, 86th Cong. 1st Sess.

11. See also 113 CONG. REC. 32691–94, 90th Cong. 1st Sess., Nov. 15, 1967 (where time expires on section and amendments thereto, Chair may still recognize Members to offer amendments, which will be voted upon without debate).

12. 105 CONG. REC. 8828–31, 86th Cong. 1st Sess.

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

THE CHAIRMAN: The gentleman will state it.

MR. HALLECK: Suppose a Member has an amendment which might or might not be offered depending on the action taken on the pending amendment and he had informed the Chair of the situation, could not his time be allotted to him after the pending amendment is disposed of?

THE CHAIRMAN: If debate goes beyond 3:35, then, of course, he could not be recognized for debate.

MR. HALLECK: I understand, but if he was standing and was one of those who would be entitled to part of the time allotted, could not the Chair, under the circumstances, refrain from recognizing him until such time as the pending amendment were disposed of?

THE CHAIRMAN: The Chair has no way of telling for what purpose a Member rises, certainly not until he stated the purpose for which he sought recognition.

§ 79.96 Where time for debate on an amendment and amendments thereto has expired, the Chair may still recognize Members to offer amendments, but not for further debate.

On Feb. 10, 1964,[13] the Committee of the Whole voted to close debate on a title of a pending bill and on all amendments thereto.

Chairman Eugene J. Keogh, of New York, responded to a later parliamentary inquiry as follows:

MR. [RICHARD H.] POFF [of Virginia]: Mr. Chairman, in light of the limitation on time may I inquire what amendments will be voted upon when the time expires? I have two amendments at the desk which I may or may not offer, depending upon developments. I would like to be advised whether I will be recognized to offer the amendments and if so when that time will occur.

THE CHAIRMAN: The Chair will state to the gentleman from Virginia that up to 1 o'clock the Chair will undertake to recognize such Members as he can. After 1 o'clock the Chair will recognize those Members desiring to offer amendments and the question on each amendment will be put immediately without debate.[14]

§ 79.97 After time set under a limitation on a bill and amendments thereto has expired, further amendments may be offered but not debated.

On July 18, 1968,[15] Mr. Wayne L. Hays, of Ohio, offered an amendment after all time had expired, time having been limited on the bill and all amendments thereto. In response to his parliamentary inquiry, Chairman Charles M. Price, of Illinois, stated that the amendment was not debatable.

§ 79.98 The expiration of time for debate on a pending

13. 110 CONG. REC. 2706, 88th Cong. 2d Sess.

14. *Id.* at p. 2719. See also 110 CONG. REC. 18583, 18608, 88th Cong. 2d Sess., Aug. 7, 1964.

15. 114 CONG. REC. 22110, 90th Cong. 2d Sess.

amendment in the nature of a substitute and all amendments thereto does not preclude the offering of a substitute and amendments to the substitute, which are voted upon, after being read, without debate.

On Apr. 23, 1975,[16] during consideration of the Vietnam Humanitarian and Evacuation Assistance Act (H.R. 6096) in the Committee of the Whole, Chairman Otis G. Pike, of New York, responded to several inquiries relating to the offering and debating of amendments:

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:

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. [ROBERT W.] EDGAR [of Pennsylvania]: Mr. Chairman, I make the point of order that this is a substitute amendment for my amendment in the nature of a substitute and it would not be in order at this time.

THE CHAIRMAN: A substitute for the amendment in the nature of a substitute would be in order at this time. . . .

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. . . .

MS. [ELIZABETH] HOLTZMAN [of New York]: Would the Chair further elaborate; is this substitute amendment by the gentleman from Texas open to further amendment in time?

THE CHAIRMAN: As each amendment is disposed of, other amendments would be in order, but they may not be debated. . . .

MR. [DONALD W.] RIEGLE [Jr., of Michigan]: Mr. Chairman, if I understood our time limit earlier when we set the 4 o'clock time limit and when Members were standing at the time and were given time, it was on the

16. 121 CONG. REC. 11507, 11508, 94th Cong. 1st Sess.

basis that we would consider the amendment in the nature of a substitute and all amendments thereto by 4 o'clock.

As I understand it, when we got to 4 o'clock, can the Chair tell me why the proceedings passed 4 o'clock?

THE CHAIRMAN: The committee is proceeding past 4 o'clock because the limitation was on debate. Members wishing to offer amendments to the amendment in the nature of a substitute cannot be cut off from offering their amendments. The debate has ended. . . .

MR. RIEGLE: Does that mean that those offering amendments are restricted to those who were on their feet at the time we set the time limit, or not?

THE CHAIRMAN: No. As long as the amendment in the nature of a substitute is pending, amendments to that amendment in the nature of a substitute may be offered. . . .

MR. RIEGLE: Is the Chairman saying that amendments now can be offered really indefinitely by any Member of the House who wishes to so offer them.

THE CHAIRMAN: As long as the amendments are in order, they may be offered.

§ 79.99 The expiration of a limitation on debate under the five-minute rule in Committee of the Whole does not prohibit the offering of further amendments, but such amendments are not subject to debate if not printed in the *Congressional Record*.

On June 14, 1979,[17] during consideration of H.R. 4388, the energy and water appropriation bill for fiscal year 1980, the following proceedings occurred in the Committee of the Whole:

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, as I understand it, we are scheduled to adjourn at 5:30 this evening.

Mr. Chairman, I ask unanimous consent that all debate on these amendments and all amendments thereto conclude in 2 minutes.

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

There was no objection.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Colorado (Mr. Johnson) to the amendments offered by the gentleman from Connecticut (Mr. Dodd). . . .

[The amendment to the amendments was agreed to.]

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment as a substitute for the amendment, as amended.

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

MR. BEVILL: Mr. Chairman, on the amendment, as amended, I ask for a rollcall vote.

THE CHAIRMAN: The Chair has not yet put the question on the amendment, as amended.

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17. 125 CONG. REC. 14993, 14994, 96th Cong. 1st Sess.

18. Philip R. Sharp (Ind.).

MR. BEVILL: I ask for a vote then. . . .

THE CHAIRMAN: The Chair had recognized the gentleman from Michigan and asked him for what purpose he sought recognition. The gentleman indicated that he had an amendment.

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: Mr. Chairman, when the gentleman from Alabama, the chairman of the subcommittee, requested an agreement to end debate, there was no objection on the amendment and amendments thereto. At that point the vote was put.

I suggest to the Chair that it is in order now to vote on the amendment.

MR. DINGELL: Mr. Chairman, I have an amendment I desire to offer as a substitute at this time.

THE CHAIRMAN: The Chair will indicate to the gentleman from Washington that we are operating under a time limit; however, that does not exclude the possibility of offering an amendment as a substitute, though no debate will be in order in the absence of a unanimous-consent request.

Therefore, the Clerk will read the amendment.

§ 79.100 Where the Committee of the Whole rises immediately after having limited debate under the five-minute rule on the pending bill, the Chair allocates time under the limitation among those Members present when the Committee of the Whole reconvenes on that bill, but a Member who has printed an amendment in the Record is entitled to five minutes notwithstanding the allocation, and may be recognized to offer the amendment after the limitation has expired.

During consideration of H.R. 3000 (Department of Energy authorization bill) in the Committee of the Whole on Oct. 24, 1979,[19] the following proceedings occurred:

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3000, with Mr. Studds, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN PRO TEMPORE:[20] When the Committee of the Whole rose on Tuesday, October 18, title VIII was open to amendment at any point.

Pending was an amendment offered by the gentleman from New York (Mr. Peyser).

It was also agreed that all time for debate on the bill and all amendments thereto would be limited to 15 minutes. At this point, the Chair would like to ascertain those Members wishing to be recognized in the allocation of the remaining 15 minutes of debate.

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I have a parliamentary inquiry.

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19. 125 CONG. REC. 29384, 29385, 96th Cong. 1st Sess.

20. Gerry E. Studds (Mass.).

THE CHAIRMAN PRO TEMPORE: The gentleman will state the parliamentary inquiry.

MR. COURTER: Mr. Chairman, there are, I believe, two Members, perhaps even three, who have amendments printed in the Record, printed I believe last week. Under the rules, are we given 5 minutes despite the fact that we use up the 15 minutes that are left for debate?

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman that at the conclusion of the allocated time of 15 minutes remaining those Members with amendments printed in the Record—and the Chair believes there are three of them—will be entitled to 5 minutes in support of these amendments.

MR. COURTER: I thank the Chairman.

THE CHAIRMAN PRO TEMPORE: Members standing at the time the motion was agreed to, amongst whom the time will be allocated, will be recognized for approximately 50 seconds each.

Debate on Amendments to Amendments Printed in Record

§ 79.101 Where all debate has been limited on an amendment in the nature of a substitute and all amendments thereto, only amendments and amendments to amendments which have been printed in the Record may be debated, and other amendments may be offered and voted upon without debate.

During consideration of the Federal Employees' Political Activities Act of 1977 (H.R. 10) in the Committee of the Whole on June 7, 1977,[1] the Chair responded to inquiries regarding debate on amendments:

THE CHAIRMAN:[2] When the Committee rose on Wednesday, May 18, 1977, the committee amendment in the nature of a substitute was considered as having been read and open for amendment at any point. Pursuant to a motion to limit debate in the Committee of the Whole, all time for debate on the committee amendment in the nature of a substitute and all amendments thereto had expired. . . .

MR. [EDWARD J.] DERWINSKI [of Illinois]: . . . If there is an amendment covered by clause 6, rule XXIII, and this is then subject to an amendment, is an additional 10 minutes debate time granted to the proponent of that amendment and in opposition thereto?

THE CHAIRMAN: Proper amendments to an amendment will be in order. If the amendment to the amendment has been printed in the Record, there will be 5 minutes allowed to the proponent of the amendment and 5 minutes to the opponent of the amendment.

MR. DERWINSKI: It must have been printed in the Record?

THE CHAIRMAN: It must have been printed in the Record. However, proper amendments to the amendment may be offered, even though they have not been printed in the Record, but there

1. 123 CONG. REC. 17700, 95th Cong. 1st Sess.
2. James R. Mann (S.C.).

will be no debate time allotted to such amendments to the amendment.

§ 79.102 After the expiration of a limitation on debate under the five-minute rule, an amendment which has been printed in the Record may be offered and debated, five minutes for and five minutes against, and an amendment to the amendment may be offered but may not be debated unless it has also been printed in the Record.

On Apr. 28, 1983,[3] during consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee of the Whole, the Chair, in response to parliamentary inquiries, indicated the procedures to be followed in offering and debating amendments pursuant to the expiration of a debate limitation under the five-minute rule:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan (Mr. Siljander).

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I have a parliamentary inquiry.

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

MR. COURTER: The parliamentary inquiry to the Chair is whether the gentleman can offer an amendment to the amendment if same has not been printed in the Record?

THE CHAIRMAN: The answer to the gentleman is "Yes."

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

What type of time now are we dealing with? I understand the proponent of the amendment utilized or yielded back his 5 minutes. Then the gentleman has an amendment to the amendment. Is he given 5 minutes and then an additional 5 minutes to those who oppose the amendment?

THE CHAIRMAN: The Chair will advise the gentleman that under the limitation previously agreed to, the gentleman from Michigan (Mr. Siljander) in offering the amendment, since it was printed in the Record, had 5 minutes to support his amendment for debate purposes.

The Chair will now recognize the chairman of the committee, the gentleman from Wisconsin (Mr. Zablocki) in opposition for 5 minutes.

If the gentleman from Iowa (Mr. Leach) or someone else offers an amendment to the amendment, which is not printed in the Record, there is no time available for debate on that amendment.

Amendments Printed in Record

§ 79.103 Where all debate in the Committee of the Whole on a bill and on amendments thereto has been terminated, a Member offering an amend-

3. 129 CONG. REC. 10428, 98th Cong. 1st Sess.

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

ment which has been printed in the Record on a preceding day may nevertheless, pursuant to Rule XXIII clause 6, debate that amendment for five minutes, and another Member opposing the amendment may then speak for five minutes.

On Aug. 2, 1973,[5] Chairman William H. Natcher, of Kentucky, answered a parliamentary inquiry on the right of Members with amendments printed in the Record to debate them for five minutes, after the Committee had agreed to a unanimous-consent agreement closing all debate on the pending bill and amendments thereto at a time certain:

MR. [JOHN] DELLENBACK [of Oregon]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DELLENBACK: May I ask whether under the rules of the House for every amendment that has been published in the Record is it not true the sponsor has 5 minutes?

THE CHAIRMAN: The gentleman is correct.

At the expiration of the time agreed to, the Chair made an announcement and the following procedure ensued for printed amendments:[6]

THE CHAIRMAN: The Chair desires to announce at this time that all time under the limitation has expired. This does not apply to those Members who had their amendments previously printed in the Record. Those Members whom the Chair observed standing who have amendments, those amendments will be reported and voted upon.

Are there amendments from the members of the committee who were standing at the time the limitation was set? If not, the Chair recognizes the Members who have had their amendments printed in the Record.

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows: . . .

MR. [SAM] STEIGER of Arizona: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. STEIGER of Arizona: Mr. Chairman, it is my understanding that the proponent of the amendment is entitled to be recognized for 5 minutes.

THE CHAIRMAN: The gentleman is correct.

MR. STEIGER of Arizona: And also any Member opposing the amendment is entitled to 5 minutes?

THE CHAIRMAN: The gentleman is correct.[7]

5. 119 CONG. REC. 27712, 93d Cong. 1st Sess.

6. *Id.* at p. 27715.

7. See also 118 CONG. REC. 10771–74, 92d Cong. 2d Sess., Mar. 29, 1972 (debate on all amendments to a pending bill having been closed, the Chair inquired of Members whether amendments then offered had been printed in the Record, the Members answered in the affirmative, and the Chair recognized for five minutes against and in support of the amendments).

Parliamentarian's Note: Rule XXIII clause 6, provides that the right of five-minute debate is preserved for an amendment printed in the Record "at least one day prior to floor consideration of such amendment." The rule has been construed to protect Members printing amendments in the Record dated the day prior to such consideration, although such an edition of the Record is not usually available until the morning of the following day (the day of consideration).

§ 79.104 Notwithstanding a limitation of debate on a pending title of a bill and all amendments thereto to a time certain and the allocation of the remaining time by the Chair, a Member who had inserted the text of his amendment in the Record is entitled, under Rule XXIII clause 6, to be recognized for five minutes upon offering that amendment during the limitation.

On Apr. 19, 1973,[8] the Committee of the Whole agreed to a unanimous-consent request, offered by Mr. James C. Wright, Jr., of Texas, that all debate on the pending title and amendments, being considered under the five-minute rule, close at a certain time. Chairman Morris K. Udall, of Arizona, allotted the remaining time to Members seeking recognition, each Member being entitled to 45 seconds.

Mr. Thomas F. Railsback, of Illinois, was recognized and offered an amendment. At the conclusion of 45 seconds, the Chairman stated that his time had expired. Mr. Railsback objected that he had printed his amendment in the *Congressional Record* prior to floor consideration thereof, and was therefore entitled to debate his amendment for five minutes pursuant to Rule XXIII clause 6. The Chairman, who had not been aware the amendment was printed in the Record, ruled that Mr. Railsback was entitled to five minutes.[9]

8. 119 CONG. REC. 13253, 13254, 93d Cong. 1st Sess.

9. Rule XXIII clause 6, was amended in the 92d Congress to allow five minutes, regardless of a limitation, on an amendment printed in the Record. See *House Rules and Manual* § 874 (1995).

The Chair, in response to a parliamentary inquiry, has declined to rule in advance upon the applicability of Rule XXIII clause 6 (permitting 10 minutes of debate on amendments printed in the Record notwithstanding a limitation of time under the five-minute rule) to an amendment not yet offered from the floor. See 117 CONG. REC. 39089, 92d Cong. 1st Sess., Nov. 3, 1971.

§ 79.105 Where all debate in Committee of the Whole on a bill and all amendments thereto has been terminated, a Member offering an amendment which has been printed in the Record on a preceding day may nevertheless, pursuant to Rule XXIII, clause 6, debate that amendment for five minutes, and another Member opposing the amendment may then speak for five minutes.

During consideration of the agriculture, environment, and consumer appropriation bill[10] in the Committee of the Whole on June 21, 1974,[11] Chairman Sam Gibbons, of Florida, indicated the procedure for offering amendments after time for all debate had expired, as follows:

> THE CHAIRMAN: The Chair will state the parliamentary situation as it is now. Under a unanimous-consent agreement entered into earlier, all time for debate on amendments and on this bill has expired. The Chair will recognize no one to debate on an amendment or the bill unless that Member has had his amendment published in the Record in advance.
>
> Is there anyone who falls into that category?
>
> MR. [LIONEL] VAN DEERLIN [of California]: Mr. Chairman, there is at least one Member.
>
> THE CHAIRMAN: Does the gentleman seek recognition?
>
> MR. VAN DEERLIN: Yes, Mr. Chairman.
>
> THE CHAIRMAN: And the gentleman's amendment has been printed in the Record?
>
> MR. VAN DEERLIN: Yes, at page H5504.
>
> Mr. Chairman, I offer an amendment.
>
> The portion of the bill to which the amendment relates is as follows:
>
> > Sec. 511: Except as provided in existing law, funds provided in this Act shall be available only for the purposes for which they are appropriated.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Van Deerlin: On page 52, after line 11, insert a new Section 513:
> >
> > "No funds contained in this appropriation act shall be available for the promotion or advertising of tobacco or any tobacco products in foreign nations."

§ 79.106 Where the Committee of the Whole had separately limited debate on the remaining titles of a committee amendment in the nature of a substitute which was open to amendment at any point, the Chair indicated that he would give preference in recognition to all Members who had amendments to the title being debated, and that Members who had printed amendments in the Record should offer them at the con-

10. H.R. 15472.

11. 120 CONG. REC. 20616, 93d Cong. 2d Sess.

clusion of debate under the limitation on that title.

The proceedings of July 24, 1974, relating to H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, are discussed in § 79.131, infra.

§ 79.107 Amendments printed in the Record pursuant to Rule XXIII clause 6 to a pending amendment in the nature of a substitute or to a substitute therefor may be debated for 10 minutes if offered following the expiration of all time for debate on the pending amendment and all amendments thereto.

During consideration of H. Res. 988 (to reform the structure, jurisdiction, and procedures of House committees) in the Committee of the Whole on Oct. 7, 1974,[12] the Chair responded to parliamentary inquiries concerning debate allowed for amendments printed in the Record. The proceedings were as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen), and all amendments thereto, conclude in 5 hours.

THE CHAIRMAN:[13] 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.

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, a parliamentary inquiry. . . .

Mr. Chairman, if the motion were to be agreed on, what effect would that have on amendments that have been printed in the Record under the rule?

THE CHAIRMAN: The Chair will state that amendments printed in the Record would be protected.

MR. O'HARA: A further parliamentary inquiry, Mr. Chairman, Would there be time for debate guaranteed to those amendments?

THE CHAIRMAN: The Chair will state that the gentleman's statement is correct; they would be protected. . . .

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Chairman, I did not understand the Chair's answer to the parliamentary inquiry by the gentleman from Michigan (Mr. O'Hara). Is it my understanding that notwithstanding that 5 hours under the gentleman's motion would dispose of the Hansen and Martin substitutes in addition thereto for those amendments which have been printed in the Record will there be time to debate them allowed?

THE CHAIRMAN: The Chair would like to advise the gentleman from New Jersey that the proponents of all amendments printed in the Record that have not been reached during the 5-hour period will be recognized under

12. 120 CONG. REC. 34170, 34171, 93d Cong. 2d Sess.

13. William H. Natcher (Ky.).

the rules of the House for 5 minutes in support of their amendments. They would be protected.

MR. THOMPSON of New Jersey: How about time in opposition?

THE CHAIRMAN: And 5 minutes in opposition. The gentleman is correct.

§ 79.108 Upon the expiration of time for debate on a bill and all amendments thereto, only those amendments which have been printed in the Record pursuant to Rule XXIII clause 6 may be debated, while other amendments may be offered and voted upon without debate.

On Dec. 11, 1974,[14] during consideration of H.R. 17234 (to amend the Foreign Assistance Act of 1961, as amended) in the Committee of the Whole, the Chair responded to a parliamentary inquiry, as follows:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I now move that all debate on the bill and all amendments thereto cease at 7 o'clock.

The motion was agreed to. . . .

THE CHAIRMAN:[15] All time has expired. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, will those Members who have amendments at the desk have a minute for time to present their amendments?

THE CHAIRMAN: Those Members who have amendments at the desk may present their amendments. Those who have amendments which were printed in the Record will be recognized for 5 minutes in support of their amendments.

§ 79.109 Pursuant to Rule XXIII clause 6, a Member may be recognized for five minutes in opposition to an amendment which had been printed in the Record and debated by its proponent for five minutes, notwithstanding a prior allocation of time to that Member under a limitation on the pending proposition and all amendments thereto.

On July 25, 1974,[16] during consideration of the Surface Mining Control and Reclamation Act of 1974 (H.R. 11500) in the Committee of the Whole, the Chair overruled a point of order, as follows:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I have a point of order.

THE CHAIRMAN:[17] The gentleman will state his point of order.

MR. HOSMER: Mr. Chairman, the gentleman from Arizona has spoken for a minute and 20 seconds already.

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14. 120 CONG. REC. 39165, 39170, 93d Cong. 2d Sess.

15. Melvin Price (Ill.).

16. 120 CONG. REC. 25221, 25222, 93d Cong. 2d Sess.

17. Neal Smith (Iowa).

THE CHAIRMAN: The Chair will state that under the rule, when the amendment has been printed in the Record, the author of the amendment gets 5 minutes in support of his amendment and an opponent gets 5 minutes in opposition to the amendment, regardless of a time limitation.

The Chair overrules the point of order.

To Qualify for Five Minutes, Form of Offered Amendment Must Be Identical to That Printed

§ 79.110 While Rule XXIII clause 6 permits any Member who has printed an amendment in the Record five minutes of debate thereon notwithstanding any limitation imposed by the Committee of the Whole, the amendment must be offered in the precise form in which it was printed in the Record to guarantee its proponent time for debate, and an amendment printed in the Record to be offered to original text is not protected by the rule when offered in different form as an amendment to a pending substitute.

On July 25, 1974,[18] during consideration of the Surface Mining Control and Reclamation Act of 1974 (H.R. 11500) in the Committee of the Whole, the principle described above was demonstrated as follows:

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Seiberling to the committee amendment in the nature of a substitute: Section 401, page 250, line 5 through page 251, line 5, strike subsection (d) and (e), substitute the following new subsections, and renumber the remaining subsection accordingly:

(d) All operators of coal mining operations which are subject to this Act shall, not later than 60 days following the end of the calendar year 1975 and each calendar year thereafter, pay a reclamation fee to the Secretary equal in amount to $2.50 per ton of coal mined by the operator during the preceding calendar year. . . .

MR. [JOSEPH M.] MCDADE [of Pennsylvania]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute.

MR. SEIBERLING: Mr. Chairman, a point of order. . . .

Mr. Chairman, this is a third degree amendment on an amendment.

THE CHAIRMAN:[19] This is an amendment to the substitute.

MR. SEIBERLING: It is an amendment to the substitute, which is an amendment to my amendment.

THE CHAIRMAN: That is not in the third degree.

18. 120 CONG. REC. 25230, 25232, 93d Cong. 2d Sess.

19. Neal Smith (Iowa).

The Clerk read as follows:

Amendment offered by Mr. McDade to the amendment offered by Mr. Ruppe as a substitute for the amendment offered by Mr. Seiberling to the committee amendment in the nature of a substitute: Page 249, strike out lines 15 through 16 and insert in lieu thereof the following:

(3) appropriations made to the fund, or amounts credited to the fund, under subsection (d). . . .

MR. MCDADE (during the reading): Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

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

There was no objection.

THE CHAIRMAN: The Chair will advise the gentleman from Pennsylvania that the time has been set. The gentleman is not on the list.

MR. MCDADE: Mr. Chairman, may I say that I have this amendment printed in the Record. It has been printed for about 10 days.

THE CHAIRMAN: This is an amendment drafted as an amendment to the Ruppe substitute, whereas the amendment which the gentleman caused to be printed in the Record was drafted as an amendment to the committee amendment.

(By unanimous consent Mr. [Edwin D.] Eshleman [of Pennsylvania] yielded his time to the gentleman from Pennsylvania, Mr. McDade.)

§ 79.111 To be guaranteed five minutes of debate on an amendment printed in the Record under clause 6 of Rule XXIII notwithstanding a limitation of debate, the published amendment must indicate the portion of the bill or amendment (or both) to which it could be offered, and debate will not be permitted if the amendment is offered to a proposition not identified in the Record.

On Sept. 28, 1976,[20] during consideration of H.R. 15 (the Public Disclosure of Lobbying Act of 1976), the Chair responded to parliamentary inquiries regarding time for debate on amendments previously printed in the Record, notwithstanding a limitation of debate. The proceedings were as follows:

MR. [WALTER] FLOWERS [of Alabama]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute and all amendments thereto be limited to 30 minutes.

THE CHAIRMAN:[1] The question is on the motion offered by the gentleman from Alabama (Mr. Flowers). . . .

So the motion was agreed to. . . .

MR. [ABNER J.] MIKVA [of Illinois]: Mr. Chairman, if any Member has had an amendment to the amendment in the nature of a substitute printed in the Record, that Member, would, of course, be protected by the rule and

20. 122 CONG. REC. 33081, 33082, 94th Cong. 2d Sess.

1. Richard Bolling (Mo.).

would be allowed to speak for 5 minutes?

THE CHAIRMAN: If the amendment had been printed in the proper form, the gentleman is correct.

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KINDNESS: Mr. Chairman, to clarify the previous parliamentary inquiry, if an amendment was published in the Record as an amendment to be offered to H.R. 15 and not as an amendment to the substitute, I take it that the Member offering the amendment would not be protected at this stage of the proceedings?

THE CHAIRMAN: The gentleman is correct.

§ 79.112 The guarantee of 10 minutes of debate on amendments printed in the Record inures to an amendment offered as a substitute for another amendment, rather than as an original amendment as originally intended, if offered in the precise form printed; thus, although an amendment printed in the Record to assure debate time under clause 6 of Rule XXIII was not drafted as a substitute for another amendment, the Chair indicated that 10 minutes of debate would be permitted on the amendment if offered as a substitute at the precise point in the bill as previously stated in the Record.

During consideration of the Defense Production Act Amendments of 1979 (H.R. 3930) in the Committee of the Whole on June 26, 1979,[2] the following proceedings occurred relative to the offering of an amendment by Mr. Morris K. Udall, of Arizona:

Amendment offered by Mr. Udall: Page 8, after line 13 add the following new subsection and renumber the subsequent sections accordingly:

(g)(1) The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project. . . .

MR. [CLARENCE J.] BROWN of Ohio: . . . I wish to make a point of order, Mr. Chairman, the amendment which I had offered and had printed in the Record would be an appropriate substitute amendment for the amendment offered by the gentleman from Arizona (Mr. Udall). Under the time limitation, if I understand correctly, I have 5 minutes to offer that amendment.

THE CHAIRMAN:[3] That is correct if offered in the proper form.

MR. BROWN of Ohio: But if this amendment is not amended by my amendment and succeeds, then I may be precluded from offering that amendment; is that correct?

THE CHAIRMAN: It would be difficult for the Chair to rule on that without

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

3. Gerry E. Studds (Mass.).

having seen the gentleman's amendment.

MR. BROWN of Ohio: The question I would put to the Chair as a parliamentary inquiry is: Does, then, my amendment become appropriate to this amendment and give me the right to 5 minutes to discuss my amendment?

THE CHAIRMAN: If the gentleman were to offer his amendment as a substitute for this amendment in the form printed in the Record, he would, indeed, have the 5 minutes guaranteed to him under the rule.

§ 79.113 Where all time for debate on a bill and all amendments thereto has expired, only those amendments printed in the Record under the rule may be debated.

On Apr. 23, 1975,[4] during consideration of H.R. 6096[5] in the Committee of the Whole, the Chair made the following statement regarding debate on amendments:

THE CHAIRMAN:[6] The Chair would like to state the parliamentary situation as best he can as follows: There is no additional time for debate, except in the case of those amendments which have been printed in the Record as to which the proponents will have 5 minutes and the opponents will have 5 minutes.

Members seeking recognition for amendments which have not been printed in the Record will be recognized. Their amendments will be read and they will be voted on.

§ 79.114 A limitation of time for debate abrogates the five-minute rule and allocation of the time remaining to Members seeking recognition is within the discretion of the Chair, except that Members who had caused amendments to be printed in the Record under Rule XXIII clause 6 would receive the full five minutes.

On June 26, 1975,[7] an illustration of the proposition described above was demonstrated in the Committee of the Whole, as follows:

MR. [NEAL] SMITH of Iowa: Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto cease in 60 minutes.

THE CHAIRMAN:[8] Is there objection to the request of the gentleman from Iowa?

There was no objection. . . .

THE CHAIRMAN: The Chair will further add that all Members who were standing at the time the limitation of

4. 121 CONG. REC. 11544, 11545, 94th Cong. 1st Sess.
5. The Vietnam Humanitarian and Evacuation Assistance Act.
6. Otis G. Pike (N.Y.).
7. 121 CONG. REC. 20951, 20957, 94th Cong. 1st Sess. Under consideration was H.R. 8121, the Departments of State, Justice, and Commerce, the Judiciary and related agencies appropriation bill for fiscal year 1976.
8. Charles A. Vanik (Ohio).

debate was made will be recognized for approximately 2 minutes each. . . .

MR. [ROBERT F.] DRINAN [of Massachusetts]: Mr. Chairman, will the time be allotted according to the three amendments now pending at the desk?

THE CHAIRMAN: All Members who were listed, who were standing at the time the limitation of time was granted, will be accorded the same amount of time.

MR. DRINAN: Mr. Chairman, will the time be limited with regard to the amendments offered by the gentleman from Pennsylvania (Mr. Heinz) so that the other Members who have filed amendments will also have a certain amount of time?

THE CHAIRMAN: The Chair will state that the gentleman from Pennsylvania (Mr. Heinz) will be recognized, and then all other Members will be allotted 2 minutes, except for such amendments as were printed in the Congressional Record. Every Member who has an amendment that was printed in the Congressional Record will be guaranteed a full 5 minutes.

§ 79.115 An amendment printed in the Record at least one day prior to its consideration in Committee of the Whole may be debated five minutes for and five minutes against, regardless of a limitation imposed on five-minute debate by the Committee.

In the Committee of the Whole on Feb. 1, 1978,[9] during consideration of H.R. 1614 (the Outer Continental Shelf Lands Act Amendments), the following exchange occurred:

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I will revise the unanimous-consent request.

Mr. Chairman, I ask unanimous consent that when we convene tomorrow, all debate on H.R. 1614 and all amendments and substitutes thereto end after 3 hours of debate. . . .

MR. [DAVID C.] TREEN [of Louisiana]: Mr. Chairman, if the unanimous-consent request is granted, will all amendments that are in the Record as of tonight have the protection of the 5-minute rule, including any amendments that are put in the Record tonight?

THE CHAIRMAN:[10] The Chair would like to advise the gentleman that his inquiry is correct. They would be protected; all amendments placed in the Record tonight would be protected.

MR. TREEN: And each would have 5 minutes for presentation; is that correct?

THE CHAIRMAN: The Chair will state that the gentleman is correct; 5 minutes would be allotted to each side.

§ 79.116 Amendments printed in the Record at least one day prior to their consideration, including those printed after the debate time has expired under a limitation but before the Committee of the Whole resumes consider-

9. 124 CONG. REC. 1827, 1828, 95th Cong. 2d Sess.

10. William H. Natcher (Ky.).

ation of that portion of the bill to which the limitation applies, are nevertheless debatable for 10 minutes when consideration resumes on the following day.

On Mar. 15, 1978,[11] during consideration of H.R. 50 (the Full Employment and Balanced Growth Act of 1978) in the Committee of the Whole, Chairman William H. Natcher, of Kentucky, responded to parliamentary inquiries as to the effect a limitation on debate would have to amendments printed in the Record. The proceedings were as follows:

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I move that all debate on title I and all amendments thereto terminate at 5:45 p.m. . . .

So the motion was agreed to. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. BAUMAN: Mr. Chairman, am I correct in my understanding that at the conclusion of the 45 minutes of debate that is remaining any amendments that have been printed in the Record prior to this date allow the Member to have 5 minutes of discussion today and 5 minutes for the opposition?

THE CHAIRMAN PRO TEMPORE: The gentleman from Maryland is correct.

MR. BAUMAN: Further, Mr. Chairman, if a motion were made for the Committee to rise at that time, those amendments would still be under the limitation tomorrow?

THE CHAIRMAN: The gentleman is correct.

MR. BAUMAN: Further, Mr. Chairman, would amendments printed in the Record tonight to title I also be in order tomorrow?

THE CHAIRMAN: The gentleman is again correct.

Pro Forma Amendments Printed in Record

§ 79.117 A Member who has printed a "pro forma" amendment (to strike the last three words) in the Record is entitled to five minutes on the amendment despite the expiration of a limitation on debate; and the amendment must be voted on unless withdrawn by unanimous consent.

On Oct. 24, 1979,[12] during consideration of H.R. 3000 (the Department of Energy authorization

11. 124 CONG. REC. 7044, 95th Cong. 2d Sess.

12. 125 CONG. REC. 29389, 29391, 96th Cong. 1st Sess.

In recent years, special rules from the Committee on Rules permitting "pro forma amendments for the purpose of debate" have been interpreted as contemplating automatic withdrawal after debate, thereby avoiding the need to put the question.

bill) in the Committee of the Whole, the following occurred:

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Courter: On page 79 at the end of title VIII: Strike out the last three words.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise in opposition to the amendment.

(Mr. Dingell asked and was given permission to revise and extend his remarks.)

THE CHAIRMAN PRO TEMPORE:[13] Without objection, the pro forma amendment of the gentleman from New Jersey (Mr. Courter) is withdrawn.

There was no objection.

Five Minutes in Support Inures Only to Member Placing Amendment in Record

§ 79.118 Pursuant to clause 6 of Rule XXIII, only the Member causing an amendment to be printed in the *Congressional Record* is entitled to five minutes upon offering the amendment in Committee of the Whole notwithstanding a limitation on time for debate under the five-minute rule.

On Nov. 12, 1980,[14] during consideration of the Pacific Northwest Electric Power Planning and Conservation Act (S. 885), the Committee of the Whole having limited time for debate under the five-minute rule on the bill and all amendments thereto to a time certain, the Chairman stated that he would first recognize Members who did not have amendments printed in the Record for three minutes each, and would then recognize Members with amendments printed in the Record for five minutes (to which they were entitled under clause 6 of Rule XXIII). The proceedings were as follows:

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Chairman, I move that all debate on the bill and the amendment in the nature of a substitute and all amendments thereto cease at 5:30....

The motion was agreed to. . . .

THE CHAIRMAN:[15] Members standing at the time the unanimous-consent request was agreed to will be recognized for 3 minutes each, unless the Member has an amendment printed in the Record, in which case he or she is protected. . . .

MR. [EDWARD J.] MARKEY [of Massachusetts]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Markey: Page 27, line 10, strike "may" and insert therefor "shall".

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13. Gerry E. Studds (Mass.).

14. 126 CONG. REC. 29255–58, 96th Cong. 2d Sess.

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

The Chair then initially recognized Mr. Markey for five minutes, but subsequently stated, having noted that the amendment was printed in the Record under the name of Mr. James Weaver, of Oregon:

THE CHAIRMAN: Will the gentleman suspend for just a moment, please?

The Chair would like to advise the gentleman that the Chair was incorrect originally, and the gentleman from Massachusetts (Mr. Markey) has 3 minutes under the rule in support of his amendment.

Form of Amendment Offered Must Conform to That Printed

§ 79.119 To be guaranteed the right to five minutes on an amendment printed in the Record notwithstanding a limitation on debate under the five-minute rule in Committee of the Whole, the Member causing the amendment to be printed must offer the amendment exactly as it was printed in the Record.

During consideration of S. 885 (Pacific Northwest Electric Power Planning and Conservation Act of 1980) in the Committee of the Whole on Nov. 14, 1980,[16] an amendment was offered by Mr. James Weaver, of Oregon, as follows:

Amendment offered by Mr. Weaver: Page 11, lines 24–25, strike "appointed" and insert "elected";

Page 12, line 2, after "Council.", insert "All references in this Act to the appointment of the members of such Council shall be deemed to mean the election of the members of such Council under applicable state law.".

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[17] The gentleman will state his parliamentary inquiry.

MR. DINGELL: Mr. Chairman, the rule provides that the gentleman from Oregon (Mr. Weaver) is recognized for 5 minutes if his amendment has been printed in the Record. Is that correct?

THE CHAIRMAN: That is correct.

MR. DINGELL: That rule requires, as I understand it, that the amendment printed in the Record and the amendment which is offered be identical in every word and particular. Is that correct?

THE CHAIRMAN: That is correct.

Upon assurance by Mr. Weaver that the amendment was identical to that appearing in the Record, the Chair recognized Mr. Weaver for five minutes.

Points of Order After Expiration of Limitation

§ 79.120 The Chair may hear argument on a point of or-

16. 126 CONG. REC. 29613, 96th Cong. 2d Sess.

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

der against an amendment although all debate under the five-minute rule on the pending paragraph and all amendments thereto has been closed.

On Mar. 29, 1966,[18] Mr. Elford A. Cederberg, of Michigan, offered an amendment to a paragraph, after all time for debate on the paragraph and amendments thereto had expired under a unanimous-consent limitation of time. Mr. Joseph L. Evins, of Tennessee, made a point of order against the amendment on the ground that it constituted legislation in an appropriation bill. Chairman James G. O'Hara, of Michigan, allowed Mr. Cederberg to be heard briefly on the point of order despite the expiration of the limitation.[19]

Reallocation of Time

§ 79.121 Where time for debate under the five-minute rule was, by unanimous consent, extended beyond that previously fixed, the Chair reallocated the additional time among those Members who had requested time under the original limitation but had not been reached.

On Nov. 15, 1967,[20] the Committee of the Whole agreed to a motion to close debate under the five-minute rule at 8:05 p.m. When the time under the limitation was largely consumed by teller votes and preferential motions, the Committee agreed by unanimous consent to extend the time to 8:45 p.m. Chairman John J. Rooney, of New York, stated in response to parliamentary inquiries that he would reallocate the extended time only among those Members originally on the list to be recognized under the limitation:

> MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman will state his point of order.
>
> MR. ASHBROOK: Under the unanimous-consent request of the gentleman from Oklahoma, the previous order was vacated. Does that mean the allocation of time under that was also vacated?
>
> THE CHAIRMAN: Yes. The Chair then allocated the additional 30 minutes among the Members on the list he had before him.
>
> MR. ASHBROOK: What about Members who were not in that previous listing?
>
> THE CHAIRMAN: They may not be recognized. The Chair is attempting to

18. 112 CONG. REC. 7118, 89th Cong. 2d Sess.

19. Debate on a point of order is always in the Chair's discretion (see § 67.3, supra).

20. 113 CONG. REC. 32691–94, 90th Cong. 1st Sess.

do what he has been trying to do since the first limitation of time was proposed, and that is to dispose of the amendments at the desk.

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. QUIE: If a Member has an amendment at the desk but his name is not on the list, he will not be precluded from offering his amendment; is that correct?

THE CHAIRMAN: No. There is no question about that. If a Member's name is not on the list, he will not have any time, but his amendment will be voted on.[1]

Parliamentarian's Note: The Chair in his discretion could have allocated time under the new limitation to Members who were not listed under the original allocation.

§ 79.122 Where debate under the five-minute rule has been limited to a time certain and remaining time has been reduced by a rollcall, the Chair may reallocate the remaining time among the remaining Members to whom time had been initially allocated and may first recognize Members on that list who desire to offer amendments.

On Apr. 26, 1978,[2] during consideration of H.R. 8494, the Public Disclosure of Lobbying Act of 1978, a motion to limit debate to a time certain was agreed to:

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I move that all debate on this bill and all amendments thereto be terminated at the hour of 7:30 o'clock p.m. tonight.

[The motion was agreed to.]

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kindness: On page 32, line 5, strike "or". On page 32, line 16, insert "or" after the semicolon. . . .

THE CHAIRMAN:[3] The question is on the amendment offered by the gentleman from Ohio (Mr. Kindness).

The question was taken; and on a division (demanded by Mr. Kindness) there were—ayes 16, noes 22. . . .

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 188, not voting 39, as follows: . . .

So the amendment was agreed to. . . .

1. Where a limitation is vacated, after the Chair has noted the Members wishing to speak under that first limitation, Members must again indicate their desire to be heard under a second limitation in order to be recognized (see § 22, supra).

2. 124 CONG. REC. 11641, 11646, 11648, 11649, 95th Cong. 2d Sess.

3. Lloyd Meeds (Wash.).

THE CHAIRMAN: The Chair will state that under the motion setting a limitation of time previously entered into, all debate will terminate in 10 minutes.

The parliamentary situation is that there are nine Members remaining to be recognized, and there are approximately 9 minutes left. Each Member listed will be recognized for approximately 1 minute.

The Chair will first ask if there are Members on the list who have amendments to be offered.

If not, the Chair will first recognize the gentleman from Illinois (Mr. McClory).

§ 79.123 When no Members stand to indicate their desire to be recognized under a limitation on five-minute debate when the limitation is agreed to, the Chair allows debate to proceed under the five-minute rule; but the Committee of the Whole may subsequently by unanimous consent allow the time remaining under the limitation to be divided among Members indicating a desire to speak.

On May 19, 1978,[4] during consideration of the Alaska National Interest Conservation Lands Act of 1978 (H.R. 39) in the Committee of the Whole, the following exchange occurred:

MR. [MORRIS K.] UDALL [of Arizona]: . . . Mr. Chairman, I ask unanimous consent that all debate on the pending Udall substitute and all amendments thereto end at 11:15 a.m. . . .

Mr. Chairman, I change my unanimous-consent request to 12 o'clock noon.

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

There was no objection. . . .

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, at the time the debate was limited, there was no assigning of time to individuals. Is that procedure in accordance with normal practice?

THE CHAIRMAN: The Chair will state that at the time the debate was limited, no one was standing. Therefore, we proceeded under the regular 5-minute rule.

MR. GARY A. MYERS: . . . Mr. Chairman, I ask unanimous consent that the remaining time be divided by those who are presently standing and make a request for time to speak during the remaining period.

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

There was no objection.

§ 79.124 Where time has been limited for debate under the five-minute rule in Committee of the Whole, the Chair may continue to recognize Members under the five-minute rule and then as the expiration time approaches

4. 124 CONG. REC. 14661, 14670, 95th Cong. 2d Sess.

5. Paul M. Simon (Ill.).

allocate the remaining time among Members seeking to offer amendments not printed in the *Congressional Record*, and Members opposing such amendments.

On June 27, 1979,[6] it was demonstrated that where a limitation on debate abrogated the five-minute rule and the ordinary criteria for priority of recognition, the Chair could extend priority of recognition under a limitation to Members seeking to offer amendments not printed in the Record, before recognizing members of the reporting committee. The proceedings during consideration of H.R. 4389 (the Departments of Labor and Health, Education, and Welfare appropriations) in the Committee of the Whole were as follows:

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

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

There was no objection. . . .

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

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

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

THE CHAIRMAN: The gentleman will state it.

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

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

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

THE CHAIRMAN: The gentleman will state it.

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

THE CHAIRMAN: Certainly.

§ 79.125 Where debate has been limited to a time certain on an amendment and all amendments thereto, the Chairman may utilize his dis-

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

7. Don Fuqua (Fla.).

cretion in allocating debate time and continue to recognize Members under the five-minute rule; but he may choose at a later time to divide any remaining debate time among those Members standing and reserve some time for the committee to conclude debate.

The following proceedings occurred in the Committee of the Whole on Nov. 2, 1983,[8] during consideration of the Department of Defense appropriations for fiscal year 1984 (H.R. 4185):

> MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 2 o'clock. . . .
>
> THE CHAIRMAN PRO TEMPORE:[9] Is there objection to the unanimous-consent request of the gentleman from New York (Mr. Addabbo) . . . ?
>
> There was no objection.
>
> MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I have a parliamentary inquiry. . . .
>
> Under the unanimous-consent agreement, does that mean only those who were standing at the time the agreement was entered into may enter into the debate?
>
> THE CHAIRMAN PRO TEMPORE: The Chair will continue to allow time under the 5-minute rule.[10]

With about 30 minutes remaining under the limitation, the Chair[11] stated:[12]

> The Chair recognizes that there are more Members rising that wish to participate in the debate than time will permit.
>
> The Chair has the discretion of dividing the time among Members who wish to participate in the debate, and the Chair would also make a request that those who have already entered into the debate not seek further time.
>
> Those Members who wish to participate in the debate will please rise.
>
> The Chair will reserve 2 minutes for the gentleman from Alabama (Mr. Edwards) to conclude the debate.
>
> Members standing will be recognized for 1½ minutes each.

Reallocating Controlled Time by Unanimous Consent

§ 79.126 Where the House has adopted a special rule limiting debate on an amendment in Committee of the Whole and equally dividing the time between the proponent and an opponent, the Committee of the Whole may, by unanimous consent, allocate some of the opposition time to the proponent where no Member has claimed time in opposition.

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8. 129 CONG. REC. 30504, 98th Cong. 1st Sess.

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

10. Approximately 90 minutes of time for debate remained at this point.

11. Dan Rostenkowski (Ill.).

12. 129 CONG. REC. 30512, 98th Cong. 1st Sess., Nov. 2, 1983.

The following proceedings occurred in the Committee of the Whole on Mar. 3, 1983,[13] during consideration of H.R. 1718 (emergency appropriations for fiscal 1983):

THE CHAIRMAN:[14] Pursuant to House Resolution 113, the gentleman from New Jersey (Mr. Howard) will be recognized for 15 minutes, and a Member opposed to the amendment will be recognized for the other 15 minutes.

Is there a Member opposed who wishes to control that time?

No Member has responded, and the Chair recognizes the gentleman from New Jersey (Mr. Howard) for 15 minutes.

MR. [M. G. (GENE)] SNYDER [of Kentucky]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. SNYDER: The Chairman, since no one has risen in opposition, would it be permissible to ask unanimous consent to transfer 5 minutes of the opposition time to the gentleman from New Jersey?

THE CHAIRMAN: Under unanimous consent, yes.

MR. SNYDER: Mr. Chairman, I make that request.

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

There was no objection.

Parliamentarian's Note: The Committee of the Whole may not by unanimous consent extend time for debate set by the House, but may reallocate time where there is no opposition.

Effect of Limitation Where Committee Rises for the Day

§ 79.127 The Chair stated in response to a parliamentary inquiry that where all debate on an amendment and all amendments thereto has been limited to a time certain (i.e., 5 p.m.) and the Committee of the Whole rises before that time without having completed action on the amendment, no time would be considered as remaining when the Committee, on a later day, again resumed consideration of the amendment.

On May 6, 1970,[15] Chairman Daniel D. Rostenkowski, of Illinois, answered parliamentary inquiries on the effect of a limitation of debate under the five-minute rule:

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LEGGETT: Mr. Chairman, considering the fact that a time limitation

13. 129 CONG. REC. 3939, 3943, 98th Cong. 1st Sess.

14. David E. Bonior (Mich.).

15. 116 CONG. REC. 14452, 91st Cong. 2d Sess.

has now been set in relation to today at 5 o'clock, does the time of the debate on the motion that we have already heard, come out of the time on the amendments?

THE CHAIRMAN: The time will come out of the time of those who are participating in debate.

MR. LEGGETT: Mr. Chairman, a further parliamentary inquiry. If we choose to rise right now and come back tomorrow, then would there be any time limitation on debate?

THE CHAIRMAN: There would be no further debate.

The time was set at 5 o'clock.

§ 79.128 Where the Committee of the Whole has agreed by unanimous consent that all debate under the five-minute rule on a bill and amendments thereto close at 4:15 p.m., and the Committee rises before that time without having completed action on all amendments, no time is considered as remaining when the House resolves back into the Committee of the Whole for the further consideration of the bill on the following day.

On May 10, 1961,[16] the Committee of the Whole had agreed to a unanimous-consent request that all debate on the pending bill and amendments thereto close at 4:15 p.m. The Committee rose before consideration of all amendments to the bill had been completed, and before 4:15. In the House, Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry on the effect of the limitation:

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

THE SPEAKER: The gentleman will state it.

MR. HALLECK: While the Committee of the Whole was considering the bill H.R. 2010, a unanimous consent request was granted to limit all debate on the bill and all amendments thereto to 4:15 this afternoon. In the meantime, the Committee has risen. My parliamentary inquiry is, in view of the fact the time limit was set at 4:15, which is some 25 minutes from now, does not that mean that debate tomorrow will be limited to 25 minutes?

THE SPEAKER: It means, unless there is another consent agreement, that there will not be any more debate.

MR. HALLECK: There will be no more debate?

THE SPEAKER: Not unless there is an agreement to extend the time.

Parliamentarian's Note: If the limitation had provided for a fixed period, such as a certain number of minutes of debate, the number of minutes not consumed would have remained on the following day. On the day following the precedent discussed above, the House agreed by unanimous consent, before resolving itself into

16. 107 CONG. REC. 7725, 7727, 7728, 87th Cong. 1st Sess.

the Committee of the Whole, to allow two minutes in favor of each amendment to be offered and two minutes in opposition.[17]

§ 79.129 The House agreed to a unanimous-consent request that further debate on a bill and amendments thereto close in one hour, half to be consumed on the present day and half when the Committee resumed its sitting on the following day.

On June 22, 1960,[18] the Committee of the Whole agreed to a unanimous-consent request propounded by Mr. Harold D. Cooley, of North Carolina, to close debate on a bill and amendments thereto:

> . . . The unanimous consent request was that debate be fixed at 1 hour on the bill, and all amendments thereto, and that we consume 30 minutes of that hour this afternoon and reserve 30 minutes to be used tomorrow. That means the Committee will rise at approximately 5 minutes after 6.

§ 79.130 Prior to rising for the day, the Committee of the Whole limited debate on a title of a bill and all amendments thereto to one hour of debate, and the Chair advised that upon again resolving into the Committee, Members would be recognized within the time limit under the five-minute rule.

On Aug. 2, 1966,[19] the Committee of the Whole was considering for amendment title III of H.R. 14765, the Civil Rights Act of 1966. Prior to rising for the day, the Committee agreed to a request by Mr. Peter W. Rodino, Jr., of New Jersey, that all debate on the title and amendments thereto terminate in one hour. Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that when the Committee again took up the bill on a following day, Members would be recognized subject to the limitation under the five-minute rule.

§ 79.131 Where the Committee of the Whole rises prior to completion of debate which has been limited to a designated number of minutes rather than by the clock, time for debate remains under the limitation when the Committee resumes consideration at a subsequent time.

When consideration of the Surface Mining Control and Reclama-

17. 107 Cong. Rec. 7869, 87th Cong. 1st Sess., May 11, 1961.

18. 106 Cong. Rec. 13874, 86th Cong. 2d Sess.

19. 112 Cong. Rec. 17856, 89th Cong. 2d Sess.

tion Act of 1974[20] resumed in the Committee of the Whole on July 24, 1974,[1] Chairman Neal Smith, of Iowa, made an explanatory statement of the pending situation as follows:

> Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11500, with Mr. Smith of Iowa in the chair.
>
> The Clerk read the title of the bill.
>
> THE CHAIRMAN: The Chair will attempt to explain the situation.
>
> Before the Committee rose on yesterday, it had agreed that the remainder of the substitute committee amendment titles II through VIII, inclusive, would be considered as read and open to amendment at any point.
>
> The Committee further agreed that the time for debate under the 5-minute rule would be limited to not to exceed 3 hours and allocated time to titles II through VIII as follows: 50 minutes for title II, 20 minutes for title III, 50 minutes for title IV, 5 minutes for title V, 5 minutes for title VI, 40 minutes for title VII, and 10 minutes for title VIII.
>
> In an attempt to be consistent with the unanimous-consent agreement entered into on yesterday, the Chair will endeavor to recognize all Members who wish to offer or debate amendments to title II during the 50 minutes of time for debate on that title.
>
> If Members who have printed their amendments to title II in the Record would agree to offer those amendments during the 50-minute period and to be recognized for the allotted time, the Chair will recognize both Committee and non-Committee members for that purpose.
>
> Members who have caused amendments to title II to be printed in the Record, however, are protected under clause 6, rule XXIII, and will be permitted to debate for 5 minutes any such amendment which they might offer to title II at the conclusion of the 50 minutes of debate thereon.
>
> The Chair will now compile a list of those Members seeking recognition to offer or debate amendments to title II and will allocate 50 minutes for debate accordingly.
>
> The Chair will give preference where possible to those Members who have amendments to offer to title II.
>
> Members who were standing at the time of the determination of the time allocation will be recognized for 1 minute and 20 seconds each.

Transferring Allocated Time

§ 79.132 Where time for debate on an amendment and all amendments thereto has been limited and the time remaining has been allocated by the Chairman to Members seeking recognition, a Member may, by unanimous consent yield his time to another Member but a motion to that effect is not in order.

On June 25, 1975,[2] during consideration of the Departments of

20. H.R. 11500.

1. 120 CONG. REC. 25009, 93d Cong. 2d Sess.

2. 121 CONG. REC. 20839, 94th Cong. 1st Sess.

Labor and Health, Education, and Welfare appropriations for fiscal year 1976 (H.R. 8069) in the Committee of the Whole, Mr. Daniel J. Flood, of Pennsylvania, made a motion as follows:

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

THE CHAIRMAN:[3] The gentleman from Pennsylvania moves that all debate on this amendment and all amendments thereto close in 10 minutes.

The question is on the motion offered by the gentleman from Pennsylvania. . . .

So the motion was agreed to.

THE CHAIRMAN: Members standing at the time the motion was made will be recognized for approximately one-half minute each.

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

MR. [THOMAS J.] DOWNEY of New York: Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Wisconsin (Mr. Obey). . . .

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

THE CHAIRMAN: Objection is heard.

The gentleman from New York will be given the opportunity to speak for 30 seconds.

MR. DOWNEY of New York: Mr. Chairman, I move that my time be given to the gentleman from Wisconsin (Mr. Obey).

THE CHAIRMAN: That is an improper motion. The Chair would suggest that the gentleman from New York might yield for a question to the gentleman from Wisconsin.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, will the gentleman yield?

MR. DOWNEY of New York: I yield to the gentleman from Wisconsin.

Transferring Unused Debate Time to Another Amendment

§ 79.133 By unanimous consent, remaining debate fixed at a time certain on an amendment in the nature of a substitute may be converted to minutes of debate and reserved to follow disposition of a pending perfecting amendment not covered by the limitation.

On Apr. 13, 1983,[4] during consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee of the Whole, the following exchange occurred:

MR. [HENRY J.] HYDE [of Illinois]: Mr. Chairman, would a unanimous-consent request be in order that the gentleman from Georgia (Mr. Levitas) move his perfecting amendment and a unanimous-consent request that the same limitation on debate that prevailed before his motion obtain following it? Could that be done by unanimous consent?

THE CHAIRMAN:[5] The Chair is unclear as to the nature of the gentleman's inquiry.

3. James C. Wright, Jr. (Tex.).

4. 129 CONG. REC. 8402–04, 98th Cong. 1st Sess.

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

MR. HYDE: I think what the chairman has said is that if the gentleman from Georgia's motion is granted or his request is granted, the limitation that has been set on debate would no longer prevail; is that correct?

THE CHAIRMAN: The Chair will advise the gentleman that the limitation of debate applies only to debate on the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. Levitas) which is now pending.

MR. HYDE: I am asking the Chair if he made another motion asking unanimous consent that the same limitation on debate that has previously been entered apply, would that be in order?

THE CHAIRMAN: The gentleman could ask unanimous consent for a limitation on the perfecting amendment. . . .

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I offer a perfecting amendment. . . .

Mr. Chairman, I will seek recognition for debate on the amendment if I may ask a parliamentary inquiry before I do.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. LEVITAS: My parliamentary inquiry is this. The perfecting amendment which I have just offered is now available for debate under the 5-minute rule without any time constraints?

THE CHAIRMAN: The gentleman is correct.

MR. LEVITAS: The time limitation that was originally agreed to for termination of debate on the pending substitute to end at 3 o'clock, that was the focus of the time limitation.

THE CHAIRMAN: The gentleman is correct.

MR. LEVITAS: My parliamentary inquiry is this: Would it be in order to request unanimous consent to preserve the time of those Members who had time allocated to them under the original limitation so that their time would be preserved at the conclusion of the disposition of the pending amendment?

THE CHAIRMAN: The gentleman or any other Member could request unanimous consent for that purpose.

MR. LEVITAS: A further parliamentary inquiry: Would it be in order after this amendment is explained to seek a time limitation on debate of the pending amendment?

THE CHAIRMAN: That would be in order.

MR. LEVITAS: Well, under the circumstances, Mr. Chairman, I will make a unanimous-consent request that after the question is put on the pending amendment, that the time remaining under the original time limitation on the substitute will be made available to the Members who have such time allocated to them.

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

MR. [C. W. BILL] YOUNG of Florida: I make a parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. YOUNG of Florida: Those of us who had time under the original reservation no longer have that time, and would be precluded by this unanimous-consent request from debating the perfecting amendment, which is an entirely different issue than the substitute was. . . .

THE CHAIRMAN: The Chair would ask the gentleman from Georgia

whether it is his intent under the unanimous-consent request that the time allocated to those who have not yet been recognized under the limitation of time be the time originally allocated to them by other Members or a pro rata reduction of the time that is now remaining before 3 o'clock, the time originally set?

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I would hope that since the substitute and the so-called perfecting amendment to House Joint Resolution 13 are practically identical, certainly in substance, that we could limit the time to 15 minutes after the gentleman from Georgia's 5-minute allocated time for explaining his amendment.

Mr. Chairman, I ask unanimous consent that——

THE CHAIRMAN: The Chair will advise the gentleman that there is now pending a unanimous-consent request by the gentleman from Georgia to permit the Members who have not spoken under the limitation of time their allocated time as originally allocated on the amendment in the nature of a substitute. . . .

Is there objection to the request of the gentleman from Georgia?

There was no objection.

Effect of Debate on Amendment Pending When Limitation Imposed

§ 79.134 Where a motion to limit debate has been made and agreed to following the offering of an amendment but prior to recognition of its proponent, the Chair may nevertheless allocate five minutes to the proponent and in his discretion divide the remaining time among other Members.

A limitation on time for debate, in effect, abrogates the five-minute rule. On one occasion, a Member who had offered an amendment but had not been recognized to debate the amendment was recognized, in the exercise of discretion by the Chair, for five minutes. The proceedings of Oct. 9, 1975,[6] in the Committee of the Whole, were as follows:

MRS. [LEONOR K.] SULLIVAN [of Missouri] (during the reading): Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN:[7] Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

MRS. SULLIVAN: Mr. Chairman, I move that all debate on the pending amendment to title IV and all amendments thereto be limited to 10 minutes.

THE CHAIRMAN: The Chair would prefer to wait until the amendment has been offered.

MR. [PAUL N.] MCCLOSKEY [Jr., of California]: Mr. Chairman, I offer an amendment.

6. 121 CONG. REC. 32600, 94th Cong. 1st Sess.

7. Neal Smith (Iowa).

The Clerk read as follows:

Amendment offered by Mr. McCloskey: On page 77 at line 18 add a new section as follows:

"Sec. 407. The United States hereby consents to the jurisdiction of the International Court of Justice with respect to any claim or controversy arising as a result of the enactment or the implementation of this Act.

THE CHAIRMAN: Does the gentlewoman from Missouri (Mrs. Sullivan) move to limit debate on this title and all amendments thereto to 10 minutes?

MRS. SULLIVAN: I do, Mr. Chairman.

THE CHAIRMAN: The question is on the motion offered by the gentlewoman from Missouri (Mrs. Sullivan).

The motion was agreed to.

MR. MCCLOSKEY: Mr. Chairman, may I ask if I will have 5 minutes to explain my amendment?

THE CHAIRMAN: The gentleman from California is correct, he will have 5 minutes.

Ordering of Amendments Under Limitation

§ 79.135 Where the Committee of the Whole had limited debate to a time certain on a motion to strike a portion of pending text, the Chair requested a Member to withhold offering a perfecting amendment to the text until the expiration of the limitation since the limitation did not apply to perfecting amendments which could be offered, debated, and voted upon prior to the vote on the motion to strike and since debate on the perfecting amendment, if offered during the limitation, would reduce time remaining under the limitation.

On May 24, 1977,[8] during consideration of the International Security Assistance Act of 1977 (H.R. 6884) in the Committee of the Whole, the following proceedings occurred:

THE CHAIRMAN:[9] When the Committee of the Whole House rose on Monday, May 2, 1977, the bill had been considered as having been read and open to amendment at any point, and pending was an amendment offered by the gentleman from Missouri (Mr. Ichord).

Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Ichord: Page 8, line 17, strike out "$2,214,700,000" and insert in lieu thereof "$12,114,700,000". . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: . . . I ask unanimous consent that all debate on this amendment and all amendments thereto end at 1:15 p.m. . . .

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

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8. 123 CONG. REC. 16172, 16175, 16176, 95th Cong. 1st Sess.

9. Don Fuqua (Fla.).

There was no objection. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have an amendment at the desk which has been printed in the Record.

THE CHAIRMAN: Would the gentleman withhold his amendment until the limitation of time expires.

MR. BAUMAN: Mr. Chairman, will the amendment then be in order and may it be offered prior to the vote on the Ichord amendment?

THE CHAIRMAN: The Chair will advise the gentleman that the amendment will be in order as a perfecting amendment prior to the vote on the Ichord amendment.

MR. BAUMAN: Mr. Chairman, in that case, I will withhold the amendment at this time.

§ 79.136 Where there was pending an amendment in the nature of a substitute, a substitute therefor and an amendment to the substitute, and debate had been limited on the substitute and all amendments thereto but not on the original amendment or amendments thereto, the Chair indicated that: (1) further amendments to the substitute or modifications of the substitute by unanimous consent must await disposition of the pending amendment to the substitute; (2) amendments to the original amendment could be offered and debated under the five-minute rule and would be voted on before amendments to the substitute; (3) amendments to the substitute could be offered and voted upon without debate unless printed in the Record pursuant to clause 6 of Rule XXIII; and (4) the question would not be put on the substitute until all perfecting amendments to it and to the original amendment were disposed of.

During consideration of the Natural Gas Emergency Act of 1976 (H.R. 9464) in the Committee of the Whole on Feb. 5, 1976,[10] the following proceedings occurred:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent that all debate on the Smith amendment and all amendments thereto terminate immediately upon the conclusion of consideration of the amendment offered by the gentleman from Texas (Mr. Eckhardt).

THE CHAIRMAN:[11] Is there objection to the request of the gentleman from Michigan?

There was no objection. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, as I understood it, the unanimous-consent request of the gentleman from Michigan (Mr. Dingell)

10. 122 CONG. REC. 2646–48, 94th Cong. 2d Sess.

11. Richard Bolling (Mo.).

was that all debate on the Smith substitute amendment cease after the disposition of the Eckhardt amendment. The Eckhardt amendment would be the pending business then, and immediately after the determination of the Eckhardt amendment, we would vote on the Smith amendment. Is that not correct? . . .

THE CHAIRMAN: Let the Chair add this: the Chair has said it once, and would like to say it again. Before we vote on the Smith substitute, amendments to the Krueger amendment are debatable if offered.

MR. BROWN of Ohio: I understand that, Mr. Chairman. My questions were with reference only to how we get to the Smith amendment.

THE CHAIRMAN: The point that the Chair is trying to make, regardless of what agreements are reached, is that until the Krueger amendment is finally perfected to the satisfaction of the Committee, the Chair cannot put the question on the Smith substitute. . . .

There has been no limitation of debate on the Krueger amendment or amendments thereto. The basic parliamentary situation is that we have a substitute amendment for the amendment in the nature of a substitute, the Krueger amendment. Both of those are subject to amendment, but both must be perfected before the Chair can put the question on the substitute for the amendment in the nature of a substitute.

MR. BROWN of Ohio: With respect to the unanimous-consent request of the gentleman from Michigan (Mr. Dingell), the Eckhardt amendment is still to be voted upon, and then there are to be no other amendments to the Smith amendment?

THE CHAIRMAN: There is to be no further debate on such amendments. . . .

MR. BROWN of Ohio: Mr. Chairman, if my time still applies, I would like to ask the Chair to state the circumstances. If I may, before the Chair does that, I would like to ask the question this way: As the situation stands at this moment, the Krueger amendment is still perfectable by amendments under the normal course of time, and there is no limitation on the Krueger amendment.

The Smith amendment, however, can be perfected only by the vote on the Eckhardt amendment, and then if there are other amendments to the Smith amendment there is no debate time remaining on those amendments.

Is that correct?

THE CHAIRMAN: Unless they are printed in the Record.

MR. BROWN of Ohio: And if they are printed in the Record, the debate time is 5 minutes per side pro and con. Is that correct?

THE CHAIRMAN: That is correct.

MR. BROWN of Ohio: And they must be printed as amendments to the Smith amendment. Is that correct?

THE CHAIRMAN: That is correct. . . .

MR. [ROBERT] KRUEGER [of Texas]: . . . Mr. Chairman, my question is this: We will vote first on the Eckhardt amendment to the Smith substitute?

THE CHAIRMAN: That is right.

MR. KRUEGER: Following that, there will then be a vote without further debate on the Smith substitute, or no?

THE CHAIRMAN: The Chair cannot say, because if there were amendments printed in the Record, there can be both an amendment offered and debate

on the amendment. If there were no amendments that were qualified for debate by being printed in the Record, they could not be offered and voted on without debate.

But if they are offered to the Krueger amendment in the nature of a substitute, they would both be considered and would be debatable under the 5-minute rule.

MR. KRUEGER: Mr. Chairman, does the 5-minute rule apply also to any possible amendments to the Smith substitute?

THE CHAIRMAN: The 5-minute rule applies only to amendments to the Smith amendment which has been printed in the Record. Other amendments to the Smith amendment do not have debate time; they are just voted on.

§ 79.137 Where debate has been limited on a pending section and all amendments thereto and time allocated among those Members desiring to offer amendments to that section, the Chair may decline to recognize a Member to offer an amendment adding a new section and therefore not covered by the limitation, until perfecting amendments to the pending section have been disposed of under the limitation.

On June 26, 1979,[12] during consideration of H.R. 3930, the Defense Production Act Amendments of 1979, the Committee of the Whole was proceeding under a limitation on debate on section 3 and amendments thereto, when an amendment was offered by Mr. Morris K. Udall, of Arizona:

Amendment offered by Mr. Udall: Page 8, after line 13 add the following new section and renumber the subsequent sections accordingly.

Sec. 4. The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, is this amendment to section 3 or section 4? . . .

The copy I have indicates that it is to section 4, Mr. Chairman. Is that correct?

MR. UDALL: I had modified it to apply to section 3.

THE CHAIRMAN:[13] The Clerk will cease reading the amendment.

The Chair will advise the gentleman from Arizona that this amendment currently being read adds a new section 4, and is not covered by the limitation on time, and should not be offered at this time. . . .

MR. UDALL: I had intended—I had so instructed the Clerk to change this to an amendment to section 3, not section 4. . . .

THE CHAIRMAN: . . . The Chair will advise the gentleman from Arizona that he is within his rights to redraft the amendment as an amendment to section 3, but the Chair understood that is not the amendment currently being read.

12. 125 CONG. REC. 16679, 16680, 96th Cong. 1st Sess.

13. Gerry E. Studds (Mass.).

MR. UDALL: I so offer it as an amendment to section 3.

THE CHAIRMAN: The Clerk will report the amendment.

Where Debate Limitation Is on Motion To Strike

§ 79.138 Where the Committee of the Whole had limited debate to a time certain on a motion to strike a portion of pending text, the Chair requested a Member to withhold offering a perfecting amendment to the text until the expiration of the limitation since the limitation did not apply to perfecting amendments which could be offered, debated, and voted upon prior to the vote on the motion to strike and since debate on the perfecting amendment, if offered during the limitation, would reduce time remaining under the limitation.

On May 24, 1977,[14] the Committee of the Whole having under consideration the International Security Assistance Act of 1977 (H.R. 6884), the following proceedings occurred:

THE CHAIRMAN:[15] When the Committee of the Whole House rose on Monday, May 2, 1977, the bill had been considered as having been read and open to amendment at any point, and pending was an amendment offered by the gentleman from Missouri (Mr. Ichord).

Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. Ichord: Page 8, line 17, strike out "$2,214,700,000" and insert in lieu thereof "$12,114,700,000"; on page 9, line 17, strike out "sections" and insert in lieu thereof "section"; strike out line 18 on page 9 and all that follows through line 2 on page 11; and in line 3 on page 11, strike out "534" and insert in lieu thereof "533". . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I wonder if we could determine how many more speakers we have.

I ask unanimous consent that all debate on this amendment and all amendments thereto end at 1:15 p.m. . . .

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

There was no objection. . . .

THE CHAIRMAN: The time of the gentleman from Maryland (Mr. Bauman) has expired.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have an amendment at the desk which has been printed in the Record.

THE CHAIRMAN: Would the gentleman withhold his amendment until the limitation of time expires.

MR. BAUMAN: Mr. Chairman, will the amendment then be in order and may it be offered prior to the vote on the Ichord amendment?

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14. 123 CONG. REC. 16172, 16175, 16176, 95th Cong. 1st Sess.

15. Don Fuqua (Fla.).

THE CHAIRMAN: The Chair will advise the gentleman that the amendment will be in order as a perfecting amendment prior to the vote on the Ichord amendment.

MR. BAUMAN: Mr. Chairman, in that case, I will withhold the amendment at this time.

Protected Amendment Offered During Allocated Time

§ 79.139 While under clause 6 of Rule XXIII, five minutes of debate in favor of an amendment and five minutes in opposition is permitted notwithstanding a limitation on debate where the amendment has been printed in the Record, if the proponent of the amendment offers it during his allocated time under the limitation and does not claim a separate five-minute recognition under the rule, then a Member opposing the amendment to whom time has been allocated under the limitation must consume that time and cannot claim a separate five minutes under the rule.

On Mar. 2, 1976,[16] the Chair ruled that, pursuant to Rule XXIII, clause 6, a separate ten minutes of debate on an amendment printed in the Record is in order only where the proponent of the amendment claims that time notwithstanding an imposed limitation; and where the amendment is offered and debated within the time allocated under the limitation, a separate five minutes in opposition is not available:

MR. [PHILIP H.] HAYES of Indiana: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hayes of Indiana: Page 39, immediately after line 12, insert the following new subsection:

"(c) Section 402(d) of the Act (30 U.S.C. 902(d)) is amended by inserting immediately before the period at the end thereof the following: ', including any individual who is or was employed in any aboveground mining operation'." . . .

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

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

MR. ERLENBORN: Mr. Chairman, since this amendment was one of the published amendments, 5 minutes in opposition to the amendment is available not counting against the limit?

THE CHAIRMAN: The gentleman would be correct if debate on the amendment were outside of the limitation. . . .

MR. ERLENBORN: Mr. Chairman, may I have the 5 minutes, under the rule?

THE CHAIRMAN: It will be counted against the gentleman's time if the gentleman takes it at this time.

16. 122 CONG. REC. 4994, 4995, 94th Cong. 2d Sess.

17. Sam Gibbons (Fla.).

MR. ERLENBORN: Mr. Chairman, I understand there are 5 minutes in opposition that are available, under the rule; and I claim those 5 minutes.

THE CHAIRMAN: It is the Chair's understanding that at this point debate on the amendment is under the limitation. The gentleman could claim his 5 minutes under the rule if the amendment were offered, notwithstanding the limitation, but not at this time. . . .

MR. ERLENBORN: Mr. Chairman, I have 5 minutes, under the time limitation?

THE CHAIRMAN: That is correct.

MR. ERLENBORN: Without using that, am I not entitled to 5 minutes to oppose a published or printed amendment?

THE CHAIRMAN: No, because the proponent of the amendment did not take his time under the rule. The gentleman from Indiana (Mr. Hayes) had 5 minutes reserved under the limitation of time. The Chair understands the gentleman from Indiana took his time under the limitation and not under the rule.

J. READING PAPERS AND DISPLAYING EXHIBITS

§ 80. In General

Until it was rewritten in the 103d Congress,[18] Rule XXX required the consent of the House or the Committee of the Whole for the reading of papers if objection was made:

> When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.[19]

Rule XXX now states:[20]

> When the use of any exhibit in debate is objected to by any Member, it shall be determined without debate by a vote of the House.

Under the former rule, the consent of the House was only required for the reading of papers on which a Member was not called to vote. The reading of messages, and bills and resolutions which had been called up for consideration, were governed by other rules and practices which are not discussed in this division. Committee reports which were not to be voted upon could be read in debate, but the consent of the House was required if objection was made.[1] If a report presented facts

18. See H. Res. 5, 103d Cong. 1st Sess., Jan. 5, 1993.

19. *House Rules and Manual* § 915 (1991). For parliamentary law on reading papers, see Jefferson's Manual, *House Rules and Manual* §§ 432–436 (1995).

20. *House Rules and Manual* § 915 (1995).

1. See 5 Hinds' Precedents §§ 5292, 5293. Similarly, the statement accompanying a report may be read