lution 63, providing for an adjournment to a day certain. In response to a parliamentary inquiry, the Presiding Officer stated that the resolution was not debatable.

—*Concurrent Resolution Providing for Three-week Adjournment of House*

§ 6.64 A resolution providing for a three-week adjournment of the House is not debatable in the Senate, nor is an appeal from the Vice President's decision to that effect debatable.

On Aug. 24, 1949,[4] House Concurrent Resolution 129 was laid before the Senate. The resolution provided for a three-week adjournment of the House. In response to parliamentary inquiries, Vice President Alben W. Barkley, of Kentucky, stated that the resolution was not debatable except by unanimous consent, and that such a unanimous-consent request would not be debatable. He also stated that an appeal from the Chair's decision on that point would not be debatable. The Senate adopted the resolution (and rejected an amendment thereto).

Debate Not in Order in Senate in Absence of Quorum

§ 6.65 No debate is in order in the Senate in the absence of a quorum.

On July 28, 1962,[5] the Senate met at 10 o'clock a.m., after having recessed the prior evening without a quorum. Vice President Lyndon B. Johnson, of Texas, stated that no business could be transacted without a quorum present. Following a roll call disclosing the lack of a quorum, a motion was agreed to directing the Sergeant at Arms to request the attendance of absent Senators.

Senator Hubert H. Humphrey, of Minnesota, attempted to debate a proposed motion to invoke the rule of arrest, and the Vice President advised him that no debate was in order.

§ 7. Opening and Closing Debate; Right To Close

Rule XIV clause 3 of the House rules provides:

> The Member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall

4. 95 Cong. Rec. 12137–39, 81st Cong. 1st Sess.

5. 108 Cong. Rec. 14952, 87th Cong. 2d Sess.

be entitled to one hour to close, notwithstanding he may have used an hour in opening.[6]

The opening and closing of debate on any proposition depends on the procedure under which the proposition was brought to the floor and who was recognized to move or offer the proposition. For example, a Member bringing a matter before the House, and recognized for that purpose, is entitled to control one hour of debate under the rules of the House, and to close debate on his proposition.[7] Generally, the proponent of a bill (the Member who calls it up) or the mover of a motion have the right to open and close debate thereon.[8]

Where the Committee of the Whole considers a bill or resolution pursuant to a resolution from the Committee on Rules, the manager designated in the resolution opens and closes general debate.[9] In one instance pursuant to a special rule reported from the Committee on Rules providing for immediate consideration of an unreported measure in Committee of the Whole and dividing control of general debate between a Member supporting and a Member opposing the measure, the Chair recognized the opponent (the chairman of the discharged committee) to close general debate, reasoning that the proponent had no responsibility as "manager" of the bill.[10] The better practice is to permit the proponent of the bill, rather than the chairman of the discharged committee, to close debate. It would seem proper that the proponent of the measure be permitted to close general debate, and not an opponent, since the House by discharging the com-

6. *House Rules and Manual* § 759 (1995). See also Rule XIV clause 6, *House Rules and Manual* § 762 (1995) (mover, proposer, or introducer entitled to speak in reply to pending matter).

In some instances, one-third of the debate time on a proposition may be allotted to a Member opposed to the proposition if the majority and minority party Members who would ordinarily divide the time are both supporters of the proposition. The right to close debate where the time has been divided three ways is discussed in § 26, infra.

7. See § 68, infra, for the hour rule in House debate. See also, e.g., §§ 8 et seq., infra, discussing recognition, and §§ 24 et seq., infra, discussing control and distribution of time.

8. See § 7.1, infra. The right to close twenty-minute debate on a motion to discharge a committee is reserved to the proponents of the motion. See 7 Cannon's Precedents § 1010a.

9. See § 7.2, infra. The proponent of the question, the first Member named in the Committee on Rules resolution, opens and closes debate (see § 7.3, infra).

10. See 128 CONG. REC. 27202, 97th Cong. 2d Sess., Oct. 1, 1982.

mittee has agreed to permit consideration of the measure, even though the proponent has no "management" responsibility to make any motions.

The proponent of a proposition may cut off debate, even before the expiration of allotted time, by moving the previous question in the House[11] and in the House as in the Committee of the Whole,[12] or by moving that the Committee rise or to limit five-minute debate in the Committee of the Whole.[13]

Resolutions from the Committee on Rules providing for the consideration of a bill in the Committee of the Whole commonly provide that when the Committee rises the previous question shall be ordered, thereby precluding further debate in the House.[14]

Where the pending text includes a provision recommended by a committee of sequential referral, a member of that committee is entitled to close debate against an amendment thereto.[15]

By recommending an amendment in the nature of a substitute, a reporting committee implicitly opposes a further amendment that could have been included therein, such that a committee representative who controls time in opposition may close debate thereon.[16]

Under certain circumstances, however, the proponent of the amendment may close debate, as where he represents the reporting committee position;[17] where no committee representative opposes the amendment;[18] where no representative from the reporting committee opposes an amendment to a multi-jurisdictional bill;[19] or where an unreported measure is being considered and there is no "manager" under the terms of a special rule.[20]

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11. See § 7.8, infra. See, generally, § 72, infra, discussing the closing of debate in the House.

12. See § 7.6, infra.

13. See § 7.12, infra. See, generally, § 78, infra, for discussion of closing or limiting debate in Committee of the Whole.

Under the five-minute rule in the Committee of the Whole (or in the House as in the Committee of the Whole), recognition for debate is within the discretion of the Chair. A Member recognized to offer an amendment controls five minutes of debate thereon, and then another Member in opposition thereto is recognized.

14. See § 7.9, infra.

15. 135 CONG. REC. 12084–87, 101st Cong. 1st Sess., June 15, 1989.

16. 138 CONG. REC. p. ____, 102d Cong. 2d Sess., June 4, 1992; 141 CONG. REC. p. ____, 104th Cong. 1st Sess., June 13, 1995.

17. 132 CONG. REC. 21718, 99th Cong. 2d Sess., Aug. 14, 1986.

18. 132 CONG. REC. 22057, 99th Cong. 2d Sess., Aug. 15, 1986.

19. See § 7.39, infra.

20. 131 CONG. REC. 9206, 99th Cong. 1st Sess., Apr. 24, 1985.

Forms

Form of resolution providing for control of time for general debate in the Committee of the Whole, providing that the Committee rise (closing debate) after the consideration of amendments and providing that the previous question be ordered (closing further debate in the House).

> *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. 10710) . . . . After general debate, which shall be confined to the bill and shall continue not to exceed seven hours, six hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and one hour to be controlled by Representative John H. Dent, of Pennsylvania, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments . . . . 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.[1]

Form of unanimous-consent request to close House debate.

> Mr. Speaker, I ask unanimous consent that debate on the bill be limited to two hours, one-half to be controlled by the gentleman from ——— and one-half by the gentleman from ———, and at the end of that time [the gentleman from ——— shall have leave to offer a substitute for ———] [it shall be in order to ———] [and the] previous question shall be considered as ordered on the bill [and the substitute] to final passage.[2]

Form of motion to close general debate in Committee of the Whole.

> Mr. Speaker, pending the motion to go into the Committee of the Whole for further consideration of . . . I move that general debate in the Committee of the Whole House [on the State of the Union] be now closed.

Note: The motion is not in order in the House until some debate has been had in the Committee and the Committee has risen.[3] Prior to some general debate on a measure in Committee of the Whole, the House may limit that debate by unanimous consent only.

Cross References

Control passing to opposition where manager fails to close debate, see § 34, infra.

Effect of special orders on opening and closing debate, see § 28, infra.

Management by reporting committee and opening and closing debate, see § 26, infra.

Role of manager as to opening and closing debate, see § 24, infra.

Member Making Motion Opens

§ 7.1 Where a question is called up for consideration or a mo-

1. 119 CONG. REC. 40489, 93d Cong. 1st Sess., Dec. 10, 1973.

2. Cannon's Procedure in the House of Representatives 161, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

3. For general discussion of closing debate in the House, see § 72, infra.

tion is made, and the motion or question is in order and is debatable, the Member so moving or proposing is recognized to open debate.[4]

Special Rule Designating Member To Control General Debate

§ 7.2 Where the House resolves into the Committee of the Whole to consider a bill pursuant to a resolution designating who shall control general debate, the designated Member, committee chairman, or ranking committee member is recognized to open general debate in the Committee of the Whole.

On Apr. 26, 1955,[5] the House adopted House Resolution 214 for the consideration of a bill in the Committee of the Whole:

> *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. 5645) to authorize the Atomic Energy Commission to construct a modern office building in or near the District of Columbia to serve as its principal office, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the vice chairman and ranking House minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the 5-minute rule. . . .

Carl T. Durham, of North Carolina, the committee Vice Chairman designated in the resolution, moved that the House resolve itself into the Committee of the Whole to consider the bill. When the Committee of the Whole commenced sitting, Mr. Durham was immediately recognized to open debate.

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4. See, for example, 114 CONG. REC. 30217, 90th Cong. 2d Sess., Oct. 8, 1968 (special order from Committee on Rules); 113 CONG. REC. 14, 90th Cong. 1st Sess., Jan. 10, 1967 (prior to adoption of rules); 111 CONG. REC. 23608, 89th Cong. 1st Sess., Sept. 13, 1965 (motion to reconsider); 105 CONG. REC. 11599, 86th Cong. 1st Sess., June 23, 1959 (conference report); 96 CONG. REC. 1514, 81st Cong. 2d Sess., Feb. 6, 1950 (question of privilege); 89 CONG. REC. 7051, 78th Cong. 1st Sess., July 2, 1943 (override of veto); 87 CONG. REC. 3917, 77th Cong. 1st Sess., May 12, 1941 (District of Columbia bills); 80 CONG. REC. 7025–27, 74th Cong. 2d Sess., May 11, 1936 (motion to discharge a committee); 78 CONG. REC. 4931, 73d Cong. 2d Sess., Mar. 20, 1934 (unanimous-consent consideration of bill); and § 18.9, infra (motion to discharge committee from further consideration of resolution disapproving a reorganization plan).

5. 101 CONG. REC. 5119, 84th Cong. 1st Sess.

On July 23, 1942,[6] the House adopted House Resolution 528, providing for the consideration of a bill in the Committee of the Whole and dividing control of debate between the chairman and ranking minority member of the Committee on Election of the President, Vice President, and Representatives in Congress.

Mr. John E. Rankin, of Mississippi, raised a parliamentary inquiry as to recognition to open and control debate, since the chairman and ranking minority member so designated were absent. Speaker Sam Rayburn, of Texas, stated as follows:

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

Manager of Bill May Close General Debate

§ 7.3 The majority floor manager can always close general debate in the Committee of the Whole.

During debate on the Department of Defense authorization for fiscal 1989 (H.R. 4264) in the Committee of the Whole on May 5, 1988,[7] the Chair responded to a parliamentary inquiry, as indicated below:

> MR. [JON] KYL [of Arizona]: . . . First of all, who has the opportunity to close debate? . . .
>
> THE CHAIRMAN PRO TEMPORE:[8] . . . Under the rule, the gentleman from South Carolina (Mr. Spratt) upholding the [majority] committee position will have the right to close.

§ 7.4 The chairman of the committee reporting and calling up a measure has the right to close general debate thereon.

On Mar. 26, 1985,[9] the following exchange occurred in the Committee of the Whole during consideration of House Joint Reso-

6. 88 CONG. REC. 6542–46, 77th Cong. 2d Sess. In current practice, the chairman and ranking minority member indicated in the resolution may designate other Members—typically the chairman and ranking minority member of the relevant subcommittee—to control debate.

7. 134 CONG. REC. 9948, 9949, 100th Cong. 2d Sess.

8. Kenneth J. Gray (Ill.).

9. 131 CONG. REC. 6283, 99th Cong. 1st Sess. See Rule XIV, clause 3, *House Rules and Manual* § 759 (1995).

lution 180 (authorizing release of funds for MX missile):

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[10] The gentleman will state his parliamentary inquiry.

MR. DICKINSON: Just for clarification purposes, if I might, Mr. Chairman, am I correct in my belief that the proponents will have the closing debate on this matter?

THE CHAIRMAN: The Chair would like to advise the gentleman from Alabama (Mr. Dickinson) that the gentleman from Wisconsin (Mr. Aspin) will close debate.

MR. DICKINSON: He is controlling the time and if he has yielded part of that time to me, he would still determine who would close the debate?

THE CHAIRMAN: The gentleman is correct.

Proponents of Bill Close Debate

§ 7.5 The proponents of a bill before the House have the right to close debate thereon and opponents have no right to be recognized immediately prior to the Member closing debate.

On Nov. 13, 1941,[11] the House discussed division of time for debate on a bill and Speaker Pro Tempore Jere Cooper, of Tennessee, stated in response to a parliamentary inquiry that the proponents of a bill in the House had the right to close debate:

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, we have two speakers on our side in opposition to this important measure. I am informed there are two speakers on the other side. I recognize, of course, that the chairman of the Committee on Foreign Affairs has the right to close the debate, but I insist on the right of the minority that the opposition should be given the next to the last speech on this important measure.

My inquiry is, if I have not correctly stated the situation?

THE SPEAKER PRO TEMPORE: The Chair will state in response to the parliamentary inquiry that under the rules of the House the gentleman from New York [Mr. Bloom], chairman of the committee in charge of the bill, is entitled to close the debate. With reference to recognition of Members prior to close of debate, of course, that is under the control of the gentleman in charge of the time.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MICHENER: With all due respect to the Speaker pro tempore, may I call his attention to the fact that if his ruling is construed literally it will permit the chairman of the committee controlling the time——

MR. [SOL] BLOOM [of New York]: Mr. Speaker, I shall yield to the gentleman

10. William H. Natcher (Ky.).

11. 87 CONG. REC. 8880, 8881, 77th Cong. 1st Sess.

from New York, and will put on a speaker, then he can put on a speaker.

MR. MICHENER: May I finish my parliamentary inquiry?

THE SPEAKER PRO TEMPORE: The gentleman is entitled to complete his parliamentary inquiry.

MR. MICHENER: Reverting to my question before I was interrupted by the gentleman from New York: If the chairman of the committee controlling the time is permitted to close the debate and is not limited to one speaker in closing the debate, would it not be possible for such a chairman to open the debate, for instance, and then compel the opposition to use all of its time before the proponent used any more time?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. MICHENER: That right to close debate means one speech. If it meant two, it might mean three, and if it meant three it might mean four. It might be within the power of the proponents of any bill to compel the other side to put on all their speakers, then wind up with only the speeches of the proponents. Such a precedent should not be set. Am I correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct in the statement that the proponents of the bill have the right to close debate. That has been the holding of the Chair and it is in line with an unbroken line of precedents of the House. The Chair has no way of knowing how many different Members the gentlemen in charge of the time on the two sides may desire to yield time to. The Chair holds that the proponents of the bill are entitled to close debate.[12]

Previous Question as Closing Debate

§ 7.6 Debate in the House as in the Committee of the Whole may be closed by ordering the previous question.

On July 28, 1969,[13] a bill (H.R. 9553) amending the District of Columbia Minimum Wage Act was being considered in the House as in the Committee of the Whole. Mr. John Dowdy, of Texas, moved the previous question on the bill and Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the effect of ordering the previous question:

MR. [PHILLIP] BURTON of California: Mr. Speaker, is the motion before us to close debate or will there be a vote subsequent to the pending motion so that those of us who want a rollcall on this matter can obtain a rollcall vote.

THE SPEAKER: The pending question is on ordering the previous question.

MR. BURTON of California: This is to close debate and not on the passage of the matter? Will this be our last opportunity to receive a rollcall on this matter?

THE SPEAKER: The Chair will state that the question on the passage of the

12. See also § 18.9, infra (discharge motion on resolution disapproving reorganization plan). See generally, for the right of the manager to close debate, § 24, infra (role of manager) and § 26, infra (management by reporting committee).

13. 115 CONG. REC. 20855, 91st Cong. 1st Sess.

bill will come later, if the previous question is ordered.

The question is on ordering the previous question.

Member Controlling Debate May Move Previous Question

§ 7.7 The Member controlling debate on a proposition in the House may move the previous question and cut off further debate.

On Mar. 11, 1941,[14] the House was considering House Resolution 131 under the terms of a unanimous-consent request providing two hours of debate and dividing control of debate between Mr. Sol Bloom, of New York, and Mr. Hamilton Fish, Jr., of New York. Mr. Bloom moved the previous question prior to the expiration of the two hours' time. Mr. Martin J. Kennedy, of New York, then objected on the ground that the unanimous-consent agreement was not being complied with in that the previous question had been demanded prematurely. Speaker Sam Rayburn, of Texas, ruled that the previous question could be moved at any time in the discretion of the Members controlling debate on the resolution.

§ 7.8 The Member controlling debate on a proposition in the House may close debate by moving the previous question.

On Jan. 4, 1965,[15] at the convening of the 89th Congress and before the adoption of rules, Mr. Carl Albert, of Oklahoma, offered a resolution and after some debate moved the previous question to close debate:

MR. ALBERT: Mr. Speaker, I offer a resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 2

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from New York, Mr. Richard L. Ottinger.

MR. ALBERT: Mr. Speaker, again this is a resolution involving a Member whose certificate of election in due form is on file in the Office of the Clerk. I ask for the adoption of the resolution.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. ALBERT: I yield for a parliamentary inquiry.

MR. CLEVELAND: If this resolution is adopted, will it be impossible for me to offer my own resolution pertaining to the same subject matter, either as an amendment or a substitute?

THE SPEAKER:[16] If the resolution is agreed to, it will not be in order for the

14. 87 CONG. REC. 2177, 2178, 77th Cong. 1st Sess.

See also § 7.8, infra.

15. 111 CONG. REC. 20, 89th Cong. 1st Sess.

16. John W. McCormack (Mass.).

gentleman to offer a substitute resolution or an amendment, particularly if the previous question is ordered.

MR. CLEVELAND: Is it now in order, Mr. Speaker?

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

MR. CLEVELAND: Mr. Speaker, will the gentleman yield?

MR. ALBERT: The gentleman from Oklahoma does not yield for that purpose.

MR. CLEVELAND: Mr. Speaker, a parliamentary inquiry. Will there be any opportunity to discuss the merits of this case prior to a vote on the resolution offered by the gentleman from Oklahoma?

THE SPEAKER: The gentleman from Oklahoma has control over the time. Not unless the gentleman from Oklahoma yields for that purpose.

MR. CLEVELAND: Will the gentleman from Oklahoma yield for that purpose?

MR. ALBERT: Mr. Speaker, I yield for a question and a very brief statement. I do not yield for a speech.

MR. CLEVELAND: May I inquire if the gentleman will yield so that I may ask for unanimous consent that certain remarks of mine pertaining to this matter be incorporated in the Record?

MR. ALBERT: No. Mr. Speaker, I move the previous question.

MR. [THOMAS G.] ABERNETHY [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: Does the gentleman from Oklahoma yield to the gentleman from Mississippi for the purpose of submitting a parliamentary inquiry?

MR. ALBERT: Mr. Speaker, I move the previous question on the resolution.

THE SPEAKER: The question is on the motion.

The previous question was ordered.

The resolution was agreed to.

Previous Question Considered as Ordered

§ 7.9 When the Chairman of the Committee of the Whole reports a bill to the House pursuant to a resolution providing that the previous question shall be considered as ordered, further debate or amendments in the House are thereby precluded.

On Aug. 31, 1960,[17] there being no amendments offered to S. 2917 under consideration in the Committee of the Whole, the Committee rose and the bill was reported back to the House. Pursuant to the resolution under which the bill was being considered, Speaker Sam Rayburn, of Texas, stated that the previous question was ordered. In response to a parliamentary inquiry by Mr. H. Carl Andersen, of Minnesota, the Speaker stated that the previous question having been ordered by the resolution, no further debate or amendments were in order.

Previous Question Vacated

§ 7.10 The House by unanimous consent vacated the or-

17. 106 CONG. REC. 18748, 86th Cong. 2d Sess.

dering of the previous question in order to permit further debate.

On Aug. 26, 1960,[18] the House was considering Senate amendments to H.R. 12619, making appropriations for the mutual security program. Mr. Silvio O. Conte, of Massachusetts, arose to discuss a Senate amendment, but Mr. Otto E. Passman, of Louisiana, moved the previous question, and Speaker Sam Rayburn, of Texas, advised Mr. Conte that no further debate was in order. The House then agreed to a unanimous-consent request by Mr. Passman that "the action of the House by which the previous question was ordered be vacated." Mr. Passman then yielded two minutes of debate to Mr. Conte.

Motion To Table as Closing Debate

§ 7.11 In response to a parliamentary inquiry, the Speaker indicated that adoption of the nondebatable motion to lay a resolution on the table would result in the final adverse disposition of the resolution (and close further debate).

On Dec. 14, 1970,[19] the previous question was demanded on House Resolution 1306, asserting the privileges of the House in printing and publishing a report of the Committee on Internal Security. Mr. Louis Stokes, of Ohio, then offered the preferential motion to lay on the table. Speaker John W. McCormack, of Massachusetts, responded as follows to a parliamentary inquiry:

> MR. [ALBERT W.] WATSON [of South Carolina]: Mr. Speaker, if the motion to table prevails, there can be no further consideration at all of this matter. Is that not correct? Does it not apply the clincher?
>
> THE SPEAKER: If the motion to table is agreed to, then the resolution is tabled.
>
> MR. WATSON: Then that ends it.

Parliamentarian's Note: The motion to lay on the table takes precedence over the previous question and may be used to close all debate and adversely dispose of a proposition.[20]

Motion To Rise as Interrupting Five-minute Debate

§ 7.12 The motion that the Committee of the Whole rise is not debatable and may

18. 106 CONG. REC. 17869, 17870, 86th Cong. 2d Sess.

19. 116 CONG. REC. 41372, 91st Cong. 2d Sess.

20. See Rule XVI clause 4, *House Rules and Manual* § 782 (1995).

have the effect of interrupting debate until the Committee meets again.

On June 16, 1948,[1] Mr. George W. Andrews, of Alabama, was handling the consideration of H.R. 6401 in the Committee of the Whole under the five-minute rule. He moved that the Committee rise, and Chairman Francis H. Case, of South Dakota, ruled that the motion, which was within Mr. Andrews' discretion to offer, would, if adopted, effectively terminate further debate at that time, although Members scheduled to be recognized would be recognized when the Committee meets again.

Motion To Suspend Rules

§ 7.13 The Member recognized to offer a motion to suspend the rules has the right to close debate thereon.

The following exchange occurred in the House on Sept. 21, 1981,[2] during consideration of House Concurrent Resolution 183 (expressing the sense of Congress that the national rugby team of South Africa should not play in the United States):

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Speaker, I have only one remaining speaker.

THE SPEAKER PRO TEMPORE:[3] The gentleman from Michigan (Mr. Broomfield) has 1 minute remaining, and the gentleman from Wisconsin (Mr. Zablocki) has 2 minutes remaining.

The gentleman from Wisconsin has declared that he has only one remaining speaker to close debate.

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Speaker, I desire to reserve that one until debate has concluded.

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin has the right to close debate.

MR. BROOMFIELD: Mr. Speaker, in view of that, I yield back the balance of my time.

MR. ZABLOCKI: Mr. Speaker, I yield the remaining 2 minutes to the gentleman from Iowa (Mr. Bedell).

§ 7.14 While the Member who (under a former rule) demanded a second on a motion to suspend the rules was recognized for 20 minutes of debate, it was still customary for the Speaker to recognize the Member making the motion to conclude the debate.

On Dec. 30, 1970,[4] Mr. Wright Patman, of Texas, moved to suspend the rules and pass S. 4268, to amend the Export-Import Bank Act of 1945. Speaker John W. McCormack, of Massachusetts, recognized Mr. H. R. Gross, of

1. 94 CONG. REC. 8521, 80th Cong. 2d Sess.
2. 127 CONG. REC. 21420, 97th Cong. 1st Sess.
3. James C. Wright, Jr. (Tex.).
4. 116 CONG. REC. 44170, 44176, 91st Cong. 2d Sess.

Iowa, to demand a second and thereby to gain recognition for the 20 minutes of debate in opposition to the motion. At the conclusion of Mr. Gross' remarks, the Speaker recognized Mr. Patman to conclude the debate.

Parliamentarian's Note: Prior to the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from the rule in the 102d Congress. (See H. Res. 5, Jan. 3, 1991, 102d Cong. 1st Sess.)

§ 7.15 While the manager of a motion to suspend the rules has the right to close debate thereon, the Chair attempts to evenly alternate recognition between the majority and minority in order that a comparable amount of time remains for closing speakers on both sides.

On Oct. 2, 1984,[5] during consideration of the balanced budget bill (H.R. 6300) in the House, the following proceedings occurred:

> MR. [JUDD] GREGG [of New Hampshire]: Mr. Speaker, I have a parliamentary inquiry.
>
> I have 9 minutes remaining. The chairman of the Committee on the Budget has 13 more minutes remaining. After I yield this next point, I will have 7 minutes remaining.
>
> I would request the Chair, in fairness, to proceed with the other side until the time is in more balance as we get closer to the closing of debate.
>
> THE SPEAKER PRO TEMPORE:[6] The Chair would announce that the Chair is not trying to have this debate conducted in an unfair manner. The Chair will allow the gentleman from Oklahoma to have the chance to yield to a speaker to close debate and, therefore, the Chair will try to keep the division of time as near even as possible, given the consideration that the gentleman from Oklahoma have the opportunity to end the debate.

House Conferee in Opposition to Motion To Reject Portion of Conference Report

§ 7.16 The House conferee who has been recognized for 20 minutes in opposition to a motion to reject a nongermane portion of a conference report is entitled to close debate on the motion to reject.

On Jan. 29, 1976,[7] the House had under consideration the conference report on H.R. 5247, the Local Public Works Capital Development and Investment Act of 1975. Mr. James C. Wright, Jr., of

5. 130 CONG. REC. 28517, 98th Cong. 2d Sess.

6. Richard A. Gephardt (Mo.).

7. 122 CONG. REC. 1582, 1584, 1594, 94th Cong. 2d Sess.

Texas, was the chairman of the conference committee that had brought the bill to the floor. Mr. Jack Brooks, of Texas, made the point of order that title II of the conference report constituted a nongermane Senate amendment to the bill in violation of Rule XXVIII clause 4. The Chair sustained the point of order, whereupon Mr. Brooks offered the motion that the House reject title II. Time for debate on the motion was divided as prescribed in the rule, the Chair stating in response to a parliamentary inquiry that the "division of time is between those in favor and those opposed to the motion." Mr. Wright, in opposition to the motion, made the following inquiry:

MR. WRIGHT: Mr. Speaker, I have one other speaker, the majority leader. I do not know what the courtesy is, or the appropriate protocol, in a matter of this kind.

THE SPEAKER PRO TEMPORE:[8] The Chair will rule that the gentleman from Texas [Mr. Wright] may close debate.

Proponent of Motion To Instruct Conferees

§ 7.17 The proponent of a motion to instruct conferees has the right to close debate thereon.

On July 28, 1994,[9] the Speaker Pro Tempore addressed the issue of the right to close debate on a motion to instruct conferees.

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4619) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate. . . .

There was no objection. . . .

MR. [JAMES T.] WALSH [of New York]: Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Walsh of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 4619, be instructed to insist on the House position on amendment numbered 16, reducing the D.C. budget by $150 million.

THE SPEAKER PRO TEMPORE:[10] The gentleman from New York (Mr. Walsh) will be recognized for 30 minutes, and the gentleman from California (Mr. Dixon) will be recognized for 30 minutes.

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

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

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8. Carl Albert (Okla.).

9. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.

10. Ted Strickland (Ohio).

Mr. Speaker, do we have the right to close debate?

THE SPEAKER PRO TEMPORE: The proponents of the motion will have the right to close the debate.

Debate on Amendments—Manager of Bill May Close

§ 7.18 The manager of a bill in Committee of the Whole, or another Member, who is controlling time in opposition to an amendment, and not the proponent of an amendment, has the right to close debate on the amendment, whether debate is proceeding under the five-minute rule or under a special procedure whereby debate has been limited and equally divided between the proponent of the amendment and a Member opposed thereto (the Chair indicating further that he could not anticipate who would obtain recognition to control the time in opposition to every amendment).

On Apr. 4, 1984,[11] the following proceedings occurred in the Committee of the Whole during consideration of the first budget resolution for fiscal year 1985 and revising the budget resolution for fiscal year 1984 (H. Con. Res. 280):

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute.

THE CHAIRMAN:[12] The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

> Amendment in the nature of a substitute offered by Mr. Dannemeyer: Strike everything after the resolving clause and insert in lieu thereof the following:
>
> (a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985 and October 1, 1986:
>
> (1) The recommended levels of Federal revenues are as follows: . . .

THE CHAIRMAN: Pursuant to House Resolution 476, the amendment is considered as having been read.

The gentleman from California (Mr. Dannemeyer) will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

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

MR. [JAMES R.] JONES of Oklahoma: Mr. Chairman, I rise in opposition to the Dannemeyer amendment, and I yield myself such time as I may consume. . . .

MR. DANNEMEYER: Mr. Chairman, I reserve the balance of my time. Do I have the privilege of closing, since it is my budget alternative?

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11. 130 CONG. REC. 7829, 7834, 7837, 7840, 7841, 98th Cong. 2d Sess.

12. John Joseph Moakley (Mass.).

THE CHAIRMAN: No, the gentleman from Oklahoma (Mr. Jones) has the privilege of closing debate. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, does that mean we are going to operate from here on with the idea that on all budgets that the opposition to them are going to have the right to close?

THE CHAIRMAN: Under the rule, these are amendments made in order by the Rules Committee. As under the 5-minute rule, the opponents have the right to close debate.

MR. WALKER: Further parliamentary inquiry. So I understand then, that on all the budget presentations that will be out here, that the opposition to those budgets will have the opportunity to close debate?

THE CHAIRMAN: The gentleman is correct. . . .

MR. DANNEMEYER: Mr. Chairman, are we operating under the 5-minute rule right now?

THE CHAIRMAN: We are operating under a special procedure, but it is under the principle of the 5-minute rule. . . .

MR. DANNEMEYER: Under that procedure, I, as the proponent of this measure, with the burden of going forward, am not entitled to close? Is that what is being disclosed?

THE CHAIRMAN: The gentleman is correct. As the gentleman may remember, the gentleman from Illinois (Mr. Michel) was opposed to the last amendment and he closed debate. . . .

MR. WALKER: Then I understand that under the process, because the gentleman from Oklahoma (Mr. Jones) will be opposing most of the amendments that come out here other than the committee amendment, the gentleman from Oklahoma (Mr. Jones), the committee chairman, is going to be virtually given the chance to close all debate on all amendments out here?

THE CHAIRMAN: The Chair is not aware of who is going to rise in opposition to all the amendments. Those who rise in opposition to the amendments will be the persons who will be entitled to close the debates. . . .

MR. WALKER: On the minority side, if we are in opposition to some of the budgets that are going to come out, and the gentleman from Oklahoma (Mr. Jones) is in opposition to the budgets that come out, which side will be given the opportunity to close at that point?

THE CHAIRMAN: It all depends upon who is controlling the time, like all the other amendments. The rule specifically states that it is a person opposed who is controlling the time. . . .

MR. WALKER: When the minority side has a half hour of time, as I assume we will have on some of these amendments, then we will get a chance to close the debate, rather than the gentleman from Oklahoma (Mr. Jones)?

THE CHAIRMAN: If the gentleman from Oklahoma (Mr. Jones) offers an amendment, then the minority has the right to close the debate.

§ 7.19 The manager of a bill in the Committee of the Whole, and not the proponent of the pending amendment, is entitled to close debate on an amendment on which debate (by unanimous consent) has

been equally divided and controlled.

On July 9, 1965,[13] the Committee of the Whole was considering H.R. 6400, the Voting Rights Act of 1965, under the terms of a unanimous-consent agreement providing two hours' debate on an amendment, to be divided and controlled by the chairman, Emanuel Celler, of New York, and the ranking minority member, William M. McCulloch, of Ohio, of the Committee on the Judiciary, which had reported the bill. Chairman Richard Bolling, of Missouri, ruled that Mr. Celler, as manager of the bill, and not Mr. McCulloch, the proponent of the pending amendment, had the right to close debate on the amendment:

MR. CELLER: Mr. Chairman, may I ask how much time remains on this side?

THE CHAIRMAN: The gentleman from New York has 4 minutes remaining and the gentleman from Ohio 1 minute.

MR. CELLER: Mr. Chairman, will the gentleman from Ohio yield the 1 minute he has remaining so that we can close debate on this side?

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

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. MCCULLOCH: Mr. Chairman, since the debate at this time is on the substitute amendment, pursuant to the rule, would not the privilege of closing debate come to this side of the aisle?

THE CHAIRMAN: The closing of debate, the Chair will inform the gentleman from Ohio, would be in the hands of the manager of the bill.

§ 7.20 The right to recognition to close debate under a limitation of debate on an amendment in Committee of the Whole belongs to the manager of the bill and not to the proponent of the amendment.

The following proceedings occurred in the Committee of the Whole on July 21, 1982,[14] during consideration of H.R. 6030 (the military procurement authorization for fiscal year 1983):

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, may I ask, how many minutes do we have remaining?

THE CHAIRMAN PRO TEMPORE:[15] The gentleman from New York (Mr. Stratton) has 7 minutes remaining, and the gentleman from Washington (Mr. Dicks) has 9½ minutes remaining.

MR. STRATTON: Mr. Chairman, I suggest that the gentleman from Washington consume his time because the Committee wants to reserve the final 7 minutes for a windup, as is the proper procedure.

13. 111 CONG. REC. 16228, 89th Cong. 1st Sess.

14. 128 CONG. REC. 17363, 97th Cong. 2d Sess.

15. Les AuCoin (Oreg.).

THE CHAIRMAN PRO TEMPORE: Does the gentleman from Washington (Mr. Dicks) wish to use or yield additional time?

MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, is it not the proper procedure that the Member who offers the amendment gets the last portion of time to close debate?

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman that the usual and customary procedure, and the procedure we are following, is for the Committee to have the prerogative and the right to close.

§ 7.21 The manager from the committee reporting a bill has the right to close debate on an amendment under the five-minute rule, and not the sponsor of the amendment.

On July 29, 1982,[16] during consideration of H.R. 6030 (military procurement authorization for fiscal year 1983) in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding the conclusion of debate, as follows:

MR. [EDWARD J.] MARKEY [of Massachusetts]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[17] The gentleman will state it.

MR. MARKEY: Mr. Chairman, is it not my right as the maker of the amendment to make the concluding statement on the pending amendment?

THE CHAIRMAN: The Committee has the right to close.

§ 7.22 The member of the committee managing a bill, and not the proponent of a pending amendment, has the right to close the debate thereon.

The following exchange occurred in the Committee of the Whole on Sept. 16, 1982,[18] during consideration of House Joint Resolution 562 (urgent supplemental appropriation for the Department of Labor for fiscal year 1982):

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, we only have one speaker on this side who will close debate. The balance of the time will be yielded to the majority leader.

MRS. [LYNN] MARTIN of Illinois: May I ask a question of the Chair? As the sponsor of the amendment, I reserved time so that I could close the debate on this side of the aisle. Certainly if it is the wish of the majority leader to close, I wish to do what is appropriate, however, and I bow to the wishes of the Chair.

THE CHAIRMAN:[19] The Committee has the right to close, and so the gentlewoman will proceed.

§ 7.23 The manager of a bill has the right to close debate on an amendment and amendments thereto in Committee of the Whole under a

16. 128 CONG. REC. 18582, 97th Cong. 2d Sess.
17. Les AuCoin (Oreg.).
18. 128 CONG. REC. 23975, 97th Cong. 2d Sess.
19. Norman Y. Mineta (Calif.).

time limitation, although he may also be the proponent of a pending amendment to the amendment.

The following proceedings occurred in the Committee of the Whole on Mar. 16, 1983,[20] during consideration of House Joint Resolution 13 (nuclear freeze resolution):

> MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendment and amendment thereto end at 9:15 p.m.[1]
>
> THE CHAIRMAN:[2] The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki). . . .
>
> So the motion was agreed to. . . .
>
> THE CHAIRMAN: Under the motion just agreed to, debate has been limited to 9:15. The Chair will exercise discretion and apportion the remaining time.
>
> The Chair will recognize the gentleman from Wisconsin (Mr. Zablocki) for 3 minutes, and the gentleman from New York (Mr. Stratton) for 3 minutes. Each of those gentlemen may apportion their 3 minutes as they wish. . . .
>
> The Chair will inquire, does the gentleman from Wisconsin (Mr. Zablocki) wish to exercise his right to allot time?
>
> MR. ZABLOCKI: The gentleman from Wisconsin reserves his time. I reserve the balance of my time.
>
> THE CHAIRMAN: The gentleman from Wisconsin has the right to terminate debate.

20. 129 CONG. REC. 5792, 5793, 98th Cong. 1st Sess.

1. Mr. Zablocki was the manager of the bill and the proponent of the amendment to the amendment.

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

§ 7.24 Where a special rule equally divides debate on an amendment between the proponent and an opponent, and the manager of the bill (the chairman of the committee reporting the bill) has been recognized to control debate in opposition, he has the right to close debate on the amendment.

On Oct. 24, 1985,[3] during consideration of H.R. 3500 (Omnibus Budget Reconciliation Act of 1985) in the Committee of the Whole, the following exchange occurred:

> THE CHAIRMAN:[4] The gentleman from Pennsylvania has requested to utilize the balance of his time in closing, which under the precedents he would have the right to do.
>
> MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I have the right under the procedures of the House, since it is my amendment, to close the debate.
>
> THE CHAIRMAN: The Chair will state to the gentleman that the manager of the bill, under the precedents, has that right, and the Chair so rules.

—*Representative of Committee Position*

§ 7.25 The manager of the bill or other representative of the committee position and not the proponent of the

3. 131 CONG. REC. 28824, 99th Cong. 1st Sess.

4. E de la Garza (Tex.).

amendment has the right to close debate on an amendment on which debate has been limited and allocated in the Committee of the Whole.

On May 2, 1988,[5] the following proceedings occurred in the Committee of the Whole during debate on the Department of Defense authorization for fiscal year 1989 (H.R. 4264):

THE CHAIRMAN:[6] . . . It is now in order to consider the amendments relating to Central America printed in section 1 of the House Report 100–590, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) By Representative Foley, which is not subject to amendment except for an amendment offered by Representative Hunter;

(B) By Representative Lowry of Washington; and

(C) By Representative Markey.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Foley: At the end of title IX of division A (page 163, after line 6), insert the following new section: . . .

MR. [MIKE] LOWRY of Washington: Mr. Chairman, pursuant to the rule, I offer an amendment.

THE CHAIRMAN: The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Lowry of Washington: Page 167, strike out lines 6 and 7.

Page 170, line 20, insert ", minus $3,050,000" before "as follows". . . .

THE CHAIRMAN PRO TEMPORE:[7] Pursuant to the rule, the gentleman from Washington (Mr. Lowry) will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

MR. [G. V.] MONTGOMERY [of Mississippi]: Mr. Chairman, I oppose the amendment.

THE CHAIRMAN PRO TEMPORE: The gentleman from Mississippi (Mr. Montgomery) will be recognized for 5 minutes. . . .

The gentleman from Mississippi (Mr. Montgomery) has 2 minutes remaining and the gentleman from Washington (Mr. Lowry) has 30 seconds remaining.

MR. MONTGOMERY: Mr. Chairman, is it not appropriate that a member of the committee, and I being a representative of the committee, would have the opportunity to close debate?

THE CHAIRMAN PRO TEMPORE: The gentleman is correct.

§ 7.26 The minority manager of a bill representing the committee position on an amendment has the right to close debate in lieu of the proponent of the amendment.

On May 5, 1988,[8] during consideration of the Department of

5. 134 CONG. REC. 9633, 9637, 9638, 100th Cong. 2d Sess.

6. Dan Rostenkowski (Ill.).

7. Thomas J. Downey (N.Y.).

8. 134 CONG. REC. 9962, 100th Cong. 2d Sess.

Defense authorization for fiscal 1989 (H.R. 4264) in the Committee of the Whole, the following proceedings occurred:

MR. [NICHOLAS] MAVROULES [of Massachusetts]: Mr. Chairman, pursuant to the rule, I offer an amendment.

THE CHAIRMAN PRO TEMPORE:[9] The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Mavroules: Page 19, after line 11, insert the following new section: . . .

THE CHAIRMAN PRO TEMPORE: Under the rule, the gentleman from Massachusetts (Mr. Mavroules) will be recognized for 5 minutes and a member in opposition will be recognized for 5 minutes. . . .

Does the gentleman from Alabama (Mr. Dickinson) desire to speak in opposition?

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, it is my understanding I have the right to close.

THE CHAIRMAN PRO TEMPORE: Is the gentleman upholding the committee position?

MR. DICKINSON: I am opposing the amendment of the gentleman from Massachusetts which would, I assume, make me in the position of upholding it.

THE CHAIRMAN PRO TEMPORE: The question of who has the right to close would depend on who is espousing the cause of the committee.

MR. DICKINSON: I would assume that the Chair would rule the same on this issue as it did the last time I asked the question and that would mean I have the right to close.

THE CHAIRMAN PRO TEMPORE: The manager of the bill always has the right to close. In this case, since the gentleman is upholding the committee position, he would be entitled to close.

MR. DICKINSON: I am in the same position as the chairman was on the last amendment. I am opposing the amendment to the committee bill.

THE CHAIRMAN PRO TEMPORE: The Chair will assume the gentleman is representing the committee position. He is recognized for 5 minutes.

—Position of Sequential Committee That Reported Text Being Amended

§ 7.27 Where the Member controlling time in opposition to an amendment on which debate is limited represents the position of the sequential committee that reported the original text being amended, that Member qualifies as the manager of the pending portion of the bill and is entitled to close debate on the amendment, even over the proponent of the amendment representing the primary committee whose reported version had been replaced in the original text by the sequential committee's version.

9. Kenneth J. Gray (Ill.).

On June 15, 1989,[10] the Committee of the Whole had under consideration H.R. 1278, the Financial Institutions Reform, Recovery and Enforcement Act of 1989. The pending text had been reported as a Judiciary Committee amendment on sequential referral and by special rule was made original text. Thus, members of the Judiciary Committee defending the pending text, rather than members of the Banking Committee seeking by amendments to return to the pre-sequential text, were managers entitled to close controlled debate at this point.

MR. [DOUG] BARNARD [Jr., of Georgia] [of the Committee on Banking, Finance and Urban Affairs]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[11] The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Barnard:

Page 655, before line 21, insert the following new section (and redesignate subsequent sections and amend the table of contents accordingly):

SEC. 965. CRIMINAL DIVISION FRAUD SECTION REGIONAL OFFICES. . . .

THE CHAIRMAN: Under the rule, the gentleman from Georgia (Mr. Barnard) will be recognized for 20 minutes in support of his amendment, and the gentleman from Wisconsin (Mr. Kastenmeier [of the Committee on the Judiciary] will be recognized for 20 minutes in opposition to the amendment. . . .

Subsequently the Chair stated:

THE CHAIRMAN PRO TEMPORE: The gentleman from Georgia (Mr. Barnard) has 4 minutes remaining. The gentleman from Wisconsin (Mr. Kastenmeier) has 9 minutes remaining.

The Chair will rule that because this section of the bill did come from the Judiciary Committee that the gentleman from Wisconsin (Mr. Kastenmeier) in effect is managing this part of the legislation, so the gentleman from Wisconsin will be allowed to close debate. . . .

The question is on the amendment offered by the gentleman from Georgia (Mr. Barnard).

The amendment was agreed to.

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN PRO TEMPORE: The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Annunzio: Page 637, strike out line 22 and all that follows through page 638, line 9, and insert in lieu thereof the following (and redesignate the subsequent paragraph accordingly):

(b) Amount of Penalty.—

(1) Generally.—The amount of the civil penalty shall not exceed $1,000,000. . . .

MR. ANNUNZIO: . . . The Subcommittee on Financial Institutions, which I Chair, did everything in its

10. 135 CONG. REC. 12080, 12081, 12084, 12085, 12087, 101st Cong. 1st Sess.

11. G. V. (Sonny) Montgomery (Miss.).

power to ensure that such crooks got their due—we imposed long prison terms and large penalties for taking advantage of the American taxpayer. The Full Banking Committee, by a 49-to-2 vote, strongly endorsed these provisions. However, the Judiciary Committee has decided to lessen some of these penalties. . . .

THE CHAIRMAN PRO TEMPORE: The gentleman from Illinois (Mr. Annunzio) has 7 minutes remaining and the gentleman from New Jersey (Mr. Hughes) [from the Committee on the Judiciary] has 13 minutes remaining.

The Chair will inform the two managers of the time that under a ruling of the Chair, because this section was handled by the Committee on the Judiciary, the gentleman from New Jersey will have the privilege of closing the debate.

—*Member Controlling Time in Opposition*

§ 7.28 Where debate time has been limited on an amendment and all amendments thereto and equally divided between proponents and opponents, the manager of the bill if he controls time in opposition to the amendments has the right to close debate.

During consideration of the Legal Services Corporation Act Amendments of 1981 (H.R. 3480) in the Committee of the Whole on June 18, 1981,[12] an amendment was offered to the bill, as follows:

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kazen: Page 12, strike out lines 10 through 16 and insert in lieu thereof the following:

"(11) to provide legal assistance for or on behalf of any alien who has not been lawfully admitted for permanent residence in the United States unless the residence of the alien in the United States is authorized by the Attorney General; or . . .

THE CHAIRMAN:[13] Under the prior agreement, by unanimous consent, the Chair allocates 15 minutes to the gentleman from New Jersey (Mr. Rodino) in opposition to this amendment. . . .

The Chair will advise that the gentleman from Texas (Mr. Kazen) has 2 minutes remaining. . . .

The gentleman from New Jersey (Mr. Rodino) has 1 minute remaining.

The gentleman from New Jersey (Mr. Rodino) has the right to conclude debate.

§ 7.29 The Member controlling the time in opposition to an amendment, and not the proponent thereof, is entitled to close debate on the amendment in the Committee of the Whole, under a special rule allocating control of time.

During consideration of House Concurrent Resolution 280 (the first budget resolution for fiscal year 1985 and revising the budget

12. 127 CONG. REC. 12969, 12970, 12976, 12977, 97th Cong. 1st Sess.

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

resolution for 1984) in the Committee of the Whole on Apr. 5, 1984,[14] the following exchange occurred:

MR. [JULIAN C.] DIXON [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute, designated No. 4, consisting of the text of House Concurrent Resolution 281.

THE CHAIRMAN:[15] The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. Dixon: Strike out all after the resolving clause and insert in lieu thereof the following: . . .

THE CHAIRMAN: Pursuant to House Resolution 476, the amendment is considered as having been read.

The gentleman from California (Mr. Dixon) will be recognized for 1 hour and a Member opposed will be recognized for 1 hour.

The Chair now recognizes the gentleman from California (Mr. Dixon) for 1 hour. . . .

MR. DIXON: Mr. Chairman, I inquire of the Chair as to what time is left on both sides.

THE CHAIRMAN: The gentleman from California (Mr. Dixon) has 14 minutes remaining; the gentlewoman from California (Ms. Fiedler) has 21 minutes remaining.

MR. DIXON: Mr. Chairman, I believe I am entitled to close. I do not know if the other side intends to use all of their time.

THE CHAIRMAN: The gentleman is incorrect. The opposition is entitled to close.

§ 7.30 The minority manager of a bill recognized to control the time on behalf of the committee in opposition to an amendment (where debate has been limited and divided) has the right to close the debate on the amendment.

On June 29, 1984,[16] during consideration of H.R. 3678 (Water Resources, Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983) in the Committee of the Whole, Chairman Sam B. Hall, of Texas, responded to a parliamentary inquiry regarding closing debate. The proceedings were as follows:

MR. [BOB] EDGAR [of Pennsylvania]: Mr. Chairman, if the gentleman would yield, I would suggest that we could probably do it in 30 minutes equally divided, 15 minutes for the gentleman from Kentucky (Mr. Hopkins) and 15 minutes for the gentleman from Kentucky (Mr. Snyder) by dividing up the time I think we could probably cover the speakers who wish to speak.

MR. [ROBERT A.] ROE [of New Jersey]: I would have no objection to that.

14. 130 CONG. REC. 7908, 7911, 7913, 98th Cong. 2d Sess.

15. John J. Moakley (Mass.).

16. 130 CONG. REC. 20250, 20253, 98th Cong. 2d Sess.

Mr. Chairman, I ask unanimous consent that the debate conclude at 5:30 and the time be equally divided between Mr. Snyder and Mr. Hopkins.

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

There was no objection.

MR. [LARRY J.] HOPKINS [of Kentucky]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. HOPKINS: Mr. Chairman, since it is my amendment, would it be improper for me to close out the debate on this issue?

THE CHAIRMAN: The gentleman from Kentucky (Mr. Snyder), closes on behalf of the committee.

§ 7.31 Where debate under the five-minute rule in Committee of the Whole has been limited, and controlled by the proponent and an opponent, the opponent of an amendment has the right to close debate if he represents the committee managing the bill.

During consideration of H.R. 1460 (expressing United States opposition to the system of apartheid in South Africa) in the Committee of the Whole on June 5, 1985,[17] the following proceedings occurred:

THE CHAIRMAN:[18] Under the rule, the gentleman from California (Mr. Dellums) will be recognized for 30 minutes and a Member opposed to the amendment will be recognized for 30 minutes.

Is the gentleman from Michigan (Mr. Siljander) opposed to the amendment?

MR. [MARK] SILJANDER [of Michigan]: I am, Mr. Chairman.

THE CHAIRMAN: The gentleman from Michigan (Mr. Siljander) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Dellums). . . .

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, is it customary that the offeror of the amendment close the debate?

THE CHAIRMAN: The Chair would advise the gentleman that the gentleman from Michigan (Mr. Siljander) is in fact representing the committee which opposes the gentleman's amendment, so, therefore, he would have a procedural right to close debate on the amendment.

§ 7.32 Where debate has been limited on an amendment in Committee of the Whole and control allocated between a proponent and an opponent who represents the committee majority reporting the bill, the Member controlling the time in opposition has the right to close debate.

On July 10, 1985,[1] during consideration of H.R. 1555 (International Security and Develop-

17. 131 CONG. REC. 14293, 14302, 99th Cong. 1st Sess.

18. E de la Garza (Tex.).

1. 131 CONG. REC. 18496, 99th Cong. 1st Sess.

ment Cooperation Act of 1985) in the Committee of the Whole, the following exchange occurred:

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Chairman, if I may pose a parliamentary inquiry. I thought I had the right to close the debate on this side; is that not right?

THE CHAIRMAN:[2] The Chair will state that the gentleman from Michigan (Mr. Wolpe) has the right to close debate.

MR. BROOMFIELD: It is our amendment, Mr. Chairman.

THE CHAIRMAN: It may be the gentleman's amendment, but the committee that is managing the bill has the right to close debate.

—*Member of Committee*

§ 7.33 A member of the committee in charge of a bill is entitled to close debate on an amendment under consideration in the Committee of the Whole.

On May 22, 1956,[3] Chairman Jere Cooper, of Tennessee, ruled that a member of the Committee on Appropriations, which reported and was in charge of the pending bill, H.R. 11319, was entitled to close debate on a pending amendment:

THE CHAIRMAN: Under the unanimous-consent agreement, the Chair recognizes the gentleman from New York (Mr. Cole) [to open debate].

MR. [W. STERLING] COLE: Mr. Chairman, I understood that I was to have 5 minutes to close the debate on this amendment.

THE CHAIRMAN: The Chair was not of that understanding. It is the understanding of the Chair that the gentleman from New York (Mr. Taber) would have 5 minutes to close the debate.

MR. COLE: The request was that the gentleman from New York will close the debate. I also qualify under that characterization, being in support of the amendment; and, under the rules of the House, it is my understanding that I would be recognized to close the debate.

THE CHAIRMAN: The Chair will advise the gentleman from New York that a member of the committee is entitled to close the debate if he so desires.

Does the gentleman from New York (Mr. Taber) desire to be recognized to close the debate?

MR. [JOHN] TABER: I desire to close.

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

§ 7.34 A member of the committee reporting a bill who supports the committee position and has been recognized to control the time in opposition to an amendment has the right to close the debate thereon.

On Aug. 14, 1986,[4] during consideration of the Department of

2. Les AuCoin (Oreg.).
3. 102 CONG. REC. 8741, 84th Cong. 2d Sess.
4. 132 CONG. REC. 21714, 21718, 99th Cong. 2d Sess.

Defense authorization for fiscal 1987 (H.R. 4428) in the Committee of the Whole, Chairman Pro Tempore Marty Russo, of Illinois, responded to a parliamentary inquiry, as indicated below:

THE CHAIRMAN PRO TEMPORE: Under the rule, the gentleman from Illinois (Mr. Savage) will be recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes.

The Chair will recognize the distinguished gentleman from Alabama (Mr. Dickinson) for 20 minutes.

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

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. DICKINSON: Mr. Chairman, does not the gentleman have the right to close, as the proponent?

THE CHAIRMAN PRO TEMPORE: The Chair will state that under the rules, a member of the committee supporting the committee's position has the right to close. The gentleman from Alabama (Mr. Dickinson) has the right to close.

§ 7.35 The chairman of the committee managing the bill representing the committee position has the right to close debate on an amendment in the Committee of the Whole.

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

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I have the right to close debate, it is my understanding, since this is my amendment and it is not against the committee position.

THE CHAIRMAN PRO TEMPORE:[6] The gentleman from Wisconsin (Mr. Aspin) has the right to close debate on behalf of the committee.

MR. DICKINSON: He is not representing the committee position, Mr. Chairman.

MR. [LES] ASPIN [of Wisconsin]: On this amendment, the gentleman from Wisconsin is representing the committee position, which is to be against the Dickinson amendment.

THE CHAIRMAN PRO TEMPORE: The gentleman from Wisconsin (Mr. Aspin), chairman of the committee, does have the right to close debate.

—Member of Committee Offering Amendment Representing Committee Position

§ 7.36 Under Rule XIV, clause 6, a member of the committee reporting a bill offering an amendment thereto which represents the committee position, and not another member of the committee recognized in opposition thereto, is entitled to close debate thereon.

During consideration of the Department of Defense authorization

5. 134 CONG. REC. 9961, 100th Cong. 2d Sess.

6. Kenneth J. Gray (Ill.).

for fiscal year 1987 (H.R. 4428) in the Committee of the Whole on Aug. 14, 1986,[7] the following proceedings occurred:

MR. [G. V.] MONTGOMERY [of Mississippi]: Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment offered by Mr. Montgomery: At the end of title V of division A (page 103, after line 6), add the following new section: . . .

THE CHAIRMAN PRO TEMPORE: Under the rule, the gentleman from Mississippi (Mr. Montgomery) will be recognized for 5 minutes, and a Member of the Committee opposed to the amendment will be recognized for 5 minutes.

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Chairman, I am opposed to the amendment.

THE CHAIRMAN PRO TEMPORE: The gentlewoman from Colorado (Mrs. Schroeder) will be recognized for 5 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. Montgomery).

MR. MONTGOMERY: Mr. Chairman, I yield myself 2 minutes, and I would like to reserve the last minute of the debate for my closing argument.

THE CHAIRMAN PRO TEMPORE: The Chair will state to the gentleman from Mississippi that under the procedure adopted by the Committee, a Member of the committee who is in opposition to the amendment has been recognized to close the debate. . . .

MR. MONTGOMERY: Mr. Chairman, I have a point of order.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. MONTGOMERY: Mr. Chairman, the Member that is opposing this amendment is not reflecting the committee's position. That is not the will of the committee. I am on the committee myself, and I think it is my amendment and I have the right to close the debate. This is not the committee's position at all.

THE CHAIRMAN PRO TEMPORE: The Chair will inform the gentleman from Mississippi that the Member who is entitled to close the debate would be a member of the committee who supports the committee's position. Is the gentleman in support of the committee's position?

MR. MONTGOMERY: Yes, Mr. Chairman; I support the committee position. I am for the amendment, so, therefore, I think I have the right to close debate.

THE CHAIRMAN PRO TEMPORE: If there is no committee position on the amendment, then the gentleman is entitled to close debate.

MR. MONTGOMERY: . . . Mr. Chairman, I yield myself 2 minutes and 30 seconds, and I reserve the balance of my time.

THE CHAIRMAN PRO TEMPORE: The gentleman from Mississippi (Mr. Montgomery) is recognized for 2½ minutes.

—Proponent of Amendment Where There Is No Manager

§ 7.37 Where an unreported joint resolution was being

7. 132 CONG. REC. 21660, 99th Cong. 2d Sess.

8. Marty Russo (Ill.).

considered under a special "modified closed" rule in Committee of the Whole permitting no general debate and the consideration of only two amendments in the nature of a substitute with debate thereon divided between a proponent and an opponent, the proponents of the amendments were permitted to open and close debate pursuant to clause 6 of Rule XIV, since there was no "manager" of the joint resolution.

The following proceedings occurred in the Committee of the Whole on Apr. 24, 1985,[9] during consideration of House Joint Resolution 247 (to promote United States assistance in Central America):

THE CHAIRMAN:[10] No amendments are in order except the following amendments, which shall be considered as having been read, shall be considered only in the following order, and shall not be subject to amendment: First, the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Hamilton of Indiana; and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by Representative Hamilton and a member opposed thereto; and second, the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Michel or his designee, and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by Representative Michel or his designee and a Member opposed thereto.

For what purpose does the gentleman from Indiana (Mr. Hamilton) rise?

MR. [LEE H.] HAMILTON [of Indiana]: Mr. Chairman, pursuant to the rules, I offer an amendment in the nature of a substitute.

THE CHAIRMAN: The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

> Amendment in the nature of a substitute offered by Mr. Hamilton: Strike out all after the resolving clause and insert in lieu thereof the following: . . .

THE CHAIRMAN: The gentleman from Michigan (Mr. Broomfield) has 6 minutes remaining, and the gentleman from Indiana (Mr. Hamilton) has 6 minutes remaining.

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: . . . I yield my remaining time to the gentleman from Mississippi (Mr. Lott). . . .

MR. HAMILTON: Mr. Chairman, I yield the remaining time, 6 minutes, to the chairman of the Subcommittee on Central America and Latin America, the gentleman from Maryland (Mr. Barnes). . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, pursuant to the rule, I

9. 131 CONG. REC. 9206, 9228, 9230–32, 9253, 9255, 99th Cong. 1st Sess.

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

offer an amendment in the nature of a substitute.

THE CHAIRMAN: The Clerk will designate the amendment in the nature of a substitute. . . .

Pursuant to House Resolution 136, the amendment is considered as having been read.

The gentleman from Illinois (Mr. Michel) will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour. . . .

MR. MICHEL: Mr. Chairman, I should like to designate the gentleman from Michigan (Mr. Broomfield) to make the allocation of time on our side of the aisle.

THE CHAIRMAN: The gentleman from Michigan (Mr. Broomfield) is designated to control the time for the gentleman from Illinois (Mr. Michel). . . .

The gentleman from Michigan (Mr. Broomfield) has 7 minutes remaining, and the gentleman from Maryland (Mr. Barnes) has 6¼ minutes remaining.

MR. [MICHAEL D.] BARNES [of Maryland]: Mr. Chairman, we have three very brief speakers. . . .

MR. BROOMFIELD: Mr. Chairman, I would like at this time now to yield the balance of our time to the minority leader, the gentleman from Illinois (Mr. Michel). . . .

THE CHAIRMAN: The time of the gentleman from Illinois (Mr. Michel) has expired. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. Michel).

Parliamentarian's Note: Ordinarily in Committee of the Whole under the five-minute rule, notwithstanding clause 6 of Rule XIV which permits the proponent of a proposition to close debate, the manager of the bill under the precedents is given the right to close debate on an amendment and clause 6 applies only to debate in the House. But in the above instance, there was no manager of the bill under the special rule.

—*No Committee Position in Opposition to Amendment*

§ 7.38 Where no representative from the reporting committee opposes an amendment to a multi-jurisdictional bill, the proponent of the amendment may close debate.

On Mar. 9, 1995,[11] the Committee of the Whole had under consideration H.R. 956, the Common Sense Legal Standards Reform Act of 1995. A parliamentary inquiry arose concerning the right to close debate on an amendment:

THE CHAIRMAN:[12] The Chair will inform the committee that the gentleman from Ohio (Mr. Oxley) is entitled to close debate.

MR. [MELVIN L.] WATT of North Carolina: Mr. Chairman, I have a parliamentary inquiry.

11. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

12. David Dreier (Calif.).

THE CHAIRMAN: The gentleman will state his inquiry.

MR. WATT of North Carolina: My inquiry has to do with why the gentleman on that side has the right to close debate. We are defending the committee position on this side this time.

THE CHAIRMAN: If the Chair might respond to the inquiry, the gentleman from Ohio is the author of the amendment and there is no official committee position that is being represented here by opposition to the amendment. So the gentleman from Ohio is entitled to close debate on the amendment.

—Proponent of Amendment Where Manager Does Not Oppose Amendment

§ 7.39 While the member of the managing committee controlling debate in opposition to an amendment and substitute therefor, if opposed by the committee, has the right to close debate thereon, the proponent of an amendment (consistent with clause 6, Rule XIV) has the right to close debate if the committee manager does not oppose the amendment or substitute.

The following proceedings occurred in the Committee of the Whole on Aug. 15, 1986,[13] during consideration of the Department of Defense authorization for fiscal 1987 (H.R. 4428):

THE CHAIRMAN PRO TEMPORE:[14] The gentleman from Vermont (Mr. Jeffords) has 4 minutes remaining, the gentleman from Alabama (Mr. Dickinson) has 5 minutes remaining, and the gentleman from California (Mr. Hawkins) has 10½ minutes remaining. . . .

Because there is no committee position on this amendment, under the rules of the House, the proponent of the amendment has the right to close debate.

So, on this amendment, the gentleman from California (Mr. Hawkins), will have the right to close debate.

When we get to the Dickinson substitute, again, there is no committee position, and the gentleman from Alabama (Mr. Dickinson), would have the right to close debate.

So, in fairness to both sides, the gentleman from California (Mr. Hawkins) will have the right to close on this amendment, and the gentleman from Alabama (Mr. Dickinson) will have the right to close on his amendment.

§ 7.40 While ordinarily the manager of a bill and not the proponent of an amendment has the right to close debate on an amendment on which debate time has been limited and allocated under the five-minute rule in the Committee of the Whole, the proponent of an amendment

13. 132 CONG. REC. 22056, 22057, 99th Cong. 2d Sess.

14. Marty Russo (Ill.).

may close, pursuant to clause 6 of Rule XIV, where the manager of the bill or his designee is not controlling time in opposition.

On June 12, 1985, the Committee of the Whole had under consideration H.R. 2577, supplemental appropriations for fiscal 1986, pursuant to a "modified closed" rule which limited and divided debate on a specified amendment and two amendments thereto. Mr. Joseph M. McDade, of Pennsylvania, offered an amendment[15] under the rule, to which Mr. Edward P. Boland, of Massachusetts, rose in opposition.[16] Subsequently, in response to Mr. McDade's inquiry, the Chair[17] indicated that Mr. McDade would be allowed to close debate.[18]

Mr. Boland could not be identified as the "manager" of the bill in this context since he had been the proponent of an unsuccessful amendment[19] to the McDade amendment under the rule, and had not been designated by the chairman of the Committee on Appropriations, Mr. Jamie L. Whitten, of Mississippi, as the manager of the bill during debate on the McDade amendment, but was merely an opponent of the amendment. The proceedings were as follows:

> MR. WHITTEN: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes. . . .
>
> The motion was agreed to. . . .
>
> THE CHAIRMAN: . . . Pursuant to House Resolution 186 and today's unanimous-consent agreement, no amendments are in order except the following amendments which shall be considered in the following order only, shall be considered as having been read, shall not be subject to amendment except as specified, and shall be in order even if amending a portion of the bill already passed in the reading of the bill for amendment:
>
> First. The amendment printed in the Congressional Record of June 5, 1985, by Representative Michel, if offered by Representative Michel or Representative McDade, which shall be debatable for 2 hours and 20 minutes, to be equally divided and controlled by the proponent and a Member opposed thereto, and after 2 hours of debate shall be subject to the following two amendments:
>
> Second. The amendment printed in the Congressional Record of June 5, 1985, by, and if offered by, Representative Boland, which shall be debatable

15. 131 CONG. REC. 15380, 99th Cong. 1st Sess.

16. *Id.* at p. 15383.

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

18. 131 CONG. REC. 15432, 99th Cong. 1st Sess.

19. *Id.* at pp. 15408, 15420.

for 1 hour, to be equally divided and controlled by Representative Boland and a Member opposed thereto; . . .

MR. MCDADE: Mr. Chairman, I offer an amendment. . . .

> Amendment offered by Mr. McDade: Page 44, after line 23, insert the following:
>
> For an additional amount for humanitarian assistance . . . to the Nicaraguan democratic resistance, $27,000,000. . . .

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

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

THE CHAIRMAN: Under the rule, the gentleman from Massachusetts (Mr. Boland) is recognized for 1 hour. . . .

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. MCDADE: Mr. Chairman, I believe that I have the right to close debate. May I say to the Chair that it is my amendment, and I believe as author of the amendment, I have the right to close debate.

THE CHAIRMAN: Under the present circumstances, the Chair agrees with the gentleman that he should be allowed to close.

§ 7.41 Normally the manager of the bill, and not the proponent of an amendment under the five-minute rule, has the right to close debate on the amendment; but where a special rule adopted by the House permits the manager of the bill or his designee to offer an amendment consisting of the text of another bill reported from the reporting committee, and that amendment is not opposed by the manager, the proponent has the right to close debate.

On Aug. 5, 1986,[20] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 4428 (Department of Defense authorization for fiscal 1987):

> THE CHAIRMAN:[1] . . . Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Armed Services . . . is considered by titles as an original bill for the purpose of amendment under the 5-minute rule.
>
> Before the consideration of any other amendments, it shall be in order to consider the amendments designated in section 2 of House Resolution 523. . . .
>
> First, an amendment inserting a new Division D in the committee substitute, as modified, containing the text of the committee amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in H.R. 4370 if offered by the chairman of the Committee on Armed Services or his designee. . . .
>
> MR. [WILLIAM] NICHOLS [of Alabama]: Mr. Chairman, I have been des-

20. 132 CONG. REC. 19031, 19039, 19053, 99th Cong. 2d Sess.

1. Kenneth J. Gray (Ill.).

ignated by the chairman of the Committee on Armed Services to offer an amendment made in order under the rule.

THE CHAIRMAN: The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. Nichols: Page 353, after line 10, insert the following new division (and redesignate division D as division E):
>
> DIVISION D—DEPARTMENT OF DEFENSE REORGANIZATION. . . .

THE CHAIRMAN: Pursuant to House Resolution 523, the gentleman from Alabama (Mr. Nichols) will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I am opposed to the legislation.

THE CHAIRMAN: The Chair will then recognize the gentleman from New York (Mr. Stratton) for 1 hour. . . .

MR. NICHOLS: Mr. Chairman, I would request that 30 minutes of my time be yielded to the ranking minority member of my subcommittee, the gentleman from Kentucky (Mr. Hopkins). . . .

THE CHAIRMAN PRO TEMPORE: The Chair wishes to state that the gentleman from Kentucky (Mr. Hopkins) has 4 minutes remaining; the gentleman from Alabama (Mr. Nichols) has 6½ minutes remaining; and the gentleman from Alabama (Mr. Nichols) is entitled to close the debate. The gentleman from New York (Mr. Stratton) has 36½ minutes remaining.

—Unanimous Consent To Vary Regular Order

§ 7.42 By unanimous consent the Committee of the Whole may vary the regular order of recognition to close debate on an amendment; thus, although the manager of a bill has the right to close controlled debate on an amendment thereto, the Committee of the Whole has by unanimous consent varied that practice.

During consideration of the Defense Savings Act of 1988 (H.R. 4481) in the Committee of the Whole on July 12, 1988,[2] the following proceedings 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. . . .

2. 134 CONG. REC. 17767, 100th Cong. 2d Sess.

THE CHAIRMAN:[3] 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.

MR. MONTGOMERY: Mr. Chairman, I will not object. I withdraw my reservation of objection. The chairman has no problem with it.

THE CHAIRMAN: Then without objection the unanimous-consent request is granted. All time on the amendment of the gentleman from Texas (Mr. Armey) and all amendments thereto will expire 30 minutes from now; that under the unanimous-consent request the gentleman from Michigan (Mr. Hertel) will be recognized to control time for 15 minutes as an opponent of the amendment and the gentleman from Texas (Mr. Armey) will be recognized for 15 minutes as the proponent of the amendment.

3. Harold L. Volkmer (Mo.).

§ 8. In General; Seeking Recognition

In order to address the House or speak in relation to any matter, or to make a motion or objection, a Member must first secure recognition from the Speaker in the House or from the Chairman in the Committee of the Whole. Rule XIV clause 1 provides the proper method of seeking recognition:

> When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.[4]

4. *House Rules and Manual* § 749 (1995). For parliamentary law on seeking recognition, see Jefferson's Manual, *House Rules and Manual* § 354 (1995). Proper forms of address are discussed in § 42, infra.