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Parliamentarian's Note: When the House has vested control of general debate in the Committee of the Whole in the chairman and ranking minority member of the committee reporting a bill, their control of general debate may not be abrogated by another Member moving that the Committee rise—unless they yield for that purpose.

§ 77. Five-minute Debate

Debate under the five-minute rule in the Committee of the Whole is provided for by Rule XXIII clause 5:

> When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon, but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.(13)

A special rule adopted by the House for the consideration of a bill may alter the normal effect of the five-minute rule. For example, a special rule permitting only committee or designated amendments to be offered requires that there be only two five-minute speeches on each such amendment without extension of time or pro forma amendments.(14)

The pro forma amendment, such as moving to "strike the last word" or to strike "the requisite number of words," although technically an amendment, is used for purposes of debate or explanation under the five-minute rule where it is not intended by the mover to offer a substantive amendment. A Member who has debated an amendment may offer or speak in opposition to a pro forma amendment, and a Member who has offered an amendment may speak in opposition to a pro forma amendment thereto, without violating the prohibition against speaking twice on the same amendment.(15) But a Member may not twice offer pro forma amendments to gain extensions of time on the same amendment.(16)

Another method of gaining time for debate under the five-minute

24, 1956; and 91 CONG. REC. 7221–25, 79th Cong. 1st Sess., Oct. 18, 1945.

13. *House Rules and Manual* § 870 (1995). See also *id.* at §§ 872, 873 for the five-minute rule and pro forma amendments.

14. See §§ 77.19–77.22, infra.

15. See §§ 19.27, 19.28, supra.

16. See §§ 77.9, 77.10, infra.

rule is the motion to rise and report back to the House with the recommendation that the enacting clause be stricken, which motion is accorded preference under Rule XXIII clause 7:

> A motion to strike out the enacting clause of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.[17]

This motion is not in order until the first section of the bill has been read.[18] It has precedence over a pending amendment and may be offered again after substantive amendment of the bill; but if challenged, the Member making the motion must qualify as being opposed to the bill.[19] Only two five-minute speeches are permitted by way of debate.[20] The motion is not in order after debate on a bill has expired under a limitation.[1]

17. See *House Rules and Manual* §§ 875, 876 (1995).

For the relative precedence of the motion to strike the enacting clause and the motion to limit or close debate under the five-minute rule, see § 78, infra.

18. See 5 Hinds' Precedents § 5327; 8 Cannon's Precedents § 2619.

19. See 88 Cong. Rec. 2439, 77th Cong. 2d Sess., Mar. 13, 1942; 96 Cong. Rec. 6571, 81st Cong. 2d Sess., May 6, 1950.

20. See §§ 77.14–77.17, infra.

1. See § 79, infra.

Cross References

Consideration of and debate on amendments generally, see Ch. 27, supra.

Consideration under five-minute rule of Senate amendments to appropriation bills, see Ch. 25, supra.

Distribution and alternation of time under the five-minute rule, see § 25, supra.

Effect of special orders on debate under five-minute rule, see Ch. 21, supra.

Five-minute debate in House as in Committee of the Whole, see §§ 70, 72, supra.

Five-minute rule on appropriation bills, see Ch. 25, supra.

Recognition generally under the five-minute rule, see §§ 12, 14, 21, 22, supra.

Relevancy of debate under the five-minute rule, see §§ 37, 38, supra.

Yielding time under the five-minute rule, see §§ 29–31, supra.

In General

§ 77.1 When an amendment is offered in the Committee of the Whole, there may be five minutes of debate in favor of such amendment and five minutes in opposition thereto, but if no Member rises to oppose the amendment, the Chair may recognize Members under the five-minute rule to offer perfecting amendments to the pending amendment.

On Mar. 9, 1935,[2] an amendment had been offered and debated for five minutes by the offeror. When no Member rose to seek recognition for five minutes in opposition to the amendment, Chairman Emanuel Celler, of New York, recognized Mr. Jesse P. Wolcott, of Michigan, to offer a perfecting amendment. Mr. T. Alan Goldsborough, of Maryland, interrupted the reading of the amendment and stated that he wanted to be recognized on the original amendment. Mr. Wolcott objected to the interruption, and the Chair ruled that Mr. Wolcott was entitled to be heard on his amendment without interruption.

§ 77.2 A Member who has offered an amendment and spoken thereon is not precluded from recognition to speak to a proposed amendment to his amendment.

On Nov. 15, 1967,[3] Chairman John J. Rooney, of New York, ruled as to whether a Member, Augustus F. Hawkins, of California, who had offered an amendment and spoken thereon, was precluded from speaking on an amendment to his amendment:

> MR. [HUGH L.] CAREY [of New York]: A point of order, Mr. Chairman.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. CAREY: Mr. Chairman, I have no wish to foreclose the right of my colleague from California to be heard, but I believe he has already spoken on the floor for 10 minutes in support of his amendment.
>
> THE CHAIRMAN: Since the time the gentleman from California addressed the Committee with regard to the Hawkins amendment, another amendment has been offered, which is an amendment to the Hawkins amendment, and the gentleman from California has not yet spoken on that.
>
> MR. CAREY: Mr. Chairman, I withdraw my point of order.

§ 77.3 A Member recognized under the five-minute rule may extend his debate time only by unanimous consent, and a motion to that effect is not in order.

On Apr. 28, 1976,[4] the following proceedings occurred in the Committee of the Whole during consideration of House Concurrent Resolution 611, the first concurrent resolution on the budget for fiscal year 1977:

> THE CHAIRMAN PRO TEMPORE:[5] The time of the gentleman from California (Mr. Leggett) has expired.
>
> MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 3 additional minutes.

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2. 79 CONG. REC. 3312, 74th Cong. 1st Sess.

3. 113 CONG. REC. 32644, 90th Cong. 1st Sess.

4. 122 CONG. REC. 11622, 94th Cong. 2d Sess.

5. Gillis W. Long (La.).

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

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I object.

THE CHAIRMAN PRO TEMPORE: Objection is heard.

MR. LEGGETT: Mr. Chairman, I move that I be given 2 additional minutes.

THE CHAIRMAN PRO TEMPORE: That motion is not in order. The time of the gentleman from California (Mr. Leggett) has expired.

Pro Forma Amendments

§ 77.4 While a Member may not speak twice on the same amendment, he may speak in opposition to a pending amendment and subsequently offer a pro forma amendment and debate the latter.

On June 30, 1955,[6] Mr. James P. Richards, of South Carolina, was managing a bill under consideration in the Committee of the Whole. He had spoken in opposition to a pending amendment and had then gained the floor by offering a pro forma amendment. Mr. H. R. Gross, of Iowa, objected that Mr. Richards could not speak twice on the same amendment. Chairman Jere Cooper, of Tennessee, ruled that Mr. Richards properly had the floor and could offer a pro forma amendment, gaining time for debate, where he had already spoken in opposition to the pending amendment.

§ 77.5 While a Member may not be recognized to speak twice on the same amendment, he may rise in opposition to a pro forma amendment and accomplish that result.

On July 20, 1951,[7] Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry on recognition to debate amendments in the Committee of the Whole:

MR. [JESSE P.] WOLCOTT [of Michigan]: Mr. Chairman, is it in order for a Member to talk twice on the same amendment?

THE CHAIRMAN: A Member may rise in opposition to a pro forma amendment and accomplish that result, if he desires to do so.

§ 77.6 While the rules forbid a Member speaking twice on an amendment offered under the five-minute rule, he may speak on the amendment and later in opposition to a pro forma amendment offered during the pendency of the original amendment.

On Mar. 13, 1942,[8] Chairman Robert Ramspeck, of Georgia, rec-

6. 101 CONG. REC. 9614, 84th Cong. 1st Sess.

7. 97 CONG. REC. 8566, 82d Cong. 1st Sess.

8. 88 CONG. REC. 2425, 77th Cong. 2d Sess. See also 103 CONG. REC. 9033, 85th Cong. 1st Sess., June 13, 1957.

ognized, during five-minute debate in the Committee of the Whole, Mr. Everett M. Dirksen, of Illinois, to speak in opposition to a pro forma amendment. Mr. Frank E. Hook, of Michigan, objected that a Member could not speak twice on the same amendment and that Mr. Dirksen had already spoken on the pending amendment. The Chairman ruled that Mr. Dirksen could speak on the pro forma amendment although he had already spoken to the pending substantive amendment.[9]

§ 77.7 Where there was pending in the Committee of the Whole an amendment and a substitute therefor, the Chair stated, in response to parliamentary inquiries: (1) that the Member offering the substitute could debate it for five minutes and could subsequently be recognized to speak for or against the original amendment; and (2) that a Member recognized to speak on a pending amendment later might offer a pro forma amendment and thereby be entitled to a second five minutes of debate.

On July 28, 1970,[10] an amendment and a substitute therefor were pending to a bill being considered under the five-minute rule in the Committee of the Whole. Chairman William H. Natcher, of Kentucky, responded to parliamentary inquiries on recognition of Members for amendments and substitute amendments:

> MR. [WILLIAM H.] HARSHA [of Ohio]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state his parliamentary inquiry.
>
> MR. HARSHA: How many times is a Member permitted to speak on his own amendment?
>
> THE CHAIRMAN: The gentleman from Ohio inquires as to how many times a Member may speak on his own amendment. The answer to that is he may speak one time to his amendment.
>
> MR. HARSHA: The author of the amendment is asking for additional time, and some of the rest of us have not had any time.
>
> MR. [B. F.] SISK [of California]: Mr. Chairman, I withdraw my request and yield back the remainder of my time.
>
> MR. [HAROLD R.] COLLIER [of Illinois]: Mr. Chairman, a parliamentary inquiry.

9. For the prohibition against one Member speaking twice to the same question, see Rule XIV clause 6, *House Rules and Manual* § 762 (1995). For amendment under the five-minute rule, permitting a Member to speak only once on an amendment, see Rule XXIII clause 5(a), *House Rules and Manual* § 870 (1995). Pro forma amendments are discussed *id.* at § 873.

10. 116 CONG. REC. 26027, 91st Cong. 2d Sess.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. COLLIER: Is that rule not also applicable to any other Member of the House, once he has spoken on an amendment?

THE CHAIRMAN: The gentleman is correct.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. CLEVELAND: Am I not correct in stating that when the gentleman from Iowa (Mr. Schwengel) offered his amendment, he spoke on it; and am I not correct that when the gentleman from Wisconsin (Mr. Reuss) offered an amendment the gentleman from Iowa (Mr. Schwengel) offered a substitute. Would not the gentleman from Iowa (Mr. Schwengel) be allowed to speak for 5 minutes for or against the Reuss amendment, as well as in support of his own substitute?

THE CHAIRMAN: The gentleman is correct.

MR. CLEVELAND: I thank the Chairman.

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

THE CHAIRMAN: The gentleman will state it.

MR. WAGGONNER: Under the rules of the House cannot a Member move to strike the last word and be considered on the same amendment?

THE CHAIRMAN: The gentleman is correct.

MR. WAGGONNER: And under those conditions a man could speak twice, could he not?

THE CHAIRMAN: Possibly. If a Member were to speak one time in opposition to an amendment subsequently he could move to strike the last word and he would be entitled to be recognized.

Restrictions on Pro Forma Amendments

§ 77.8 During debate on an amendment under the five-minute rule, a Member who has been recognized for five minutes on a pro forma amendment cannot thereafter gain additional time by offering a second pro forma amendment.

On Mar. 25, 1965,[11] an amendment was under discussion under the five-minute rule in the Committee of the Whole. Chairman Richard Bolling, of Missouri, sustained a point of order against a Member's offering a second pro forma amendment on the same amendment:

MR. [CHARLES E.] GOODELL [of New York]: Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in the process of hearings one of the things which became apparent to many of us on the subcommittee considering this legislation was that the allocation formula, although superficially attractive, was extremely discriminatory as to certain parts of the country. . . .

11. 111 CONG. REC. 6002, 6003, 89th Cong. 1st Sess.

Mr. Chairman, I move to strike out the requisite number of words.

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

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. POWELL: Did not the gentleman from New York get permission just a few minutes ago to speak for 5 minutes?

THE CHAIRMAN: The gentleman is correct.

MR. POWELL: I make the point of order, then, that he is out of order.

THE CHAIRMAN: The point of order is sustained.

§ 77.9 A Member, having been recognized under the five-minute rule to debate his amendment and then having secured an extra five minutes by unanimous consent, may not further extend his time by moving to strike out the last word.

On Aug. 17, 1966,[12] the House was considering under the five-minute rule H.R. 13228, the National Traffic and Motor Vehicle Safety Act. Mr. Thomas P. O'Neill, Jr., of Massachusetts, offered an amendment and debated it for five minutes. At the expiration of his five minutes, Chairman Emilio Q. Daddario, of Connecticut, advised him of that fact, and Mr. O'Neill gained unanimous consent to further proceed for five minutes. At the expiration of that time, Mr. O'Neill offered a pro forma amendment and the Chair ruled that he was not entitled to further recognition to gain debate time by amending his own amendment.

§ 77.10 A Member recognized for five minutes on a pro forma amendment may not extend his time by offering a substantive amendment without being recognized by the Chair for that purpose.

On July 28, 1965,[13] Chairman Leo W. O'Brien, of New York, recognized Mr. William H. Ayres, of Ohio, the ranking minority member of the Committee on Education and Labor which had reported the bill under discussion, on a pro forma amendment. The Chair ruled that Mr. Ayres was not then recognized to offer a substantive amendment:

MR. AYRES: Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes. . . .

Mr. Chairman, I am most gratified at the assurance of Chairman Powell

12. 112 CONG. REC. 19662–64, 89th Cong. 2d Sess.

13. 111 CONG. REC. 18631, 89th Cong. 1st Sess.

that a complete committee investigation of National Labor Relations Board election procedures will be held. Mr. Powell's House floor statement to me, just prior to a vote on the repeal of section 14(b) of the Taft-Hartley Act, means that we can now delve into a part of labor relations that could have great impact on the establishment of a good climate for labor-industry relations. . . .

In order to have a cooling-off period, Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The Chair has not recognized the gentleman for that purpose.

Does any other Member offer an amendment at this time?

Motion To Strike Enacting Clause

§ 77.11 In the Committee of the Whole, on a motion to rise and report a recommendation to strike out the enacting clause, only two five-minute speeches are permitted, and the Chair declines to recognize for a pro forma amendment.

On Aug. 1, 1957,[14] after Mr. Earl Wilson, of Indiana, offered a motion that the Committee of the Whole rise and report back the pending bill with the recommendation the enacting clause be stricken, Mr. Leon H. Gavin, of Pennsylvania, sought to gain recognition on a motion to strike out the last word. Chairman Richard W. Bolling, of Missouri, declined to recognize him for that purpose. After two five-minute speeches had been had on the motion, Mr. Gavin again sought recognition to debate the motion, and the Chairman ruled that no further debate could be had.

§ 77.12 On a motion to strike out the enacting clause in the Committee of the Whole, only two five-minute speeches are permitted, notwithstanding the fact that the second Member, recognized in opposition to the motion, actually spoke in favor thereof.

On Mar. 18, 1960,[15] Mr. Paul C. Jones, of Missouri, offered a motion that the Committee of the Whole rise and report the pending bill back to the House with the recommendation that the enacting clause be stricken. Mr. Jones was recognized for five minutes' debate in support of the motion. Mr. William M. Colmer, of Mississippi, rose in opposition to the motion and consumed his five minutes, actually speaking in favor of the motion. Mr. Clare E. Hoffman, of Michigan, then made a point of

14. 103 CONG. REC. 13385, 13386, 85th Cong. 1st Sess.

15. 106 CONG. REC. 6026, 6027, 86th Cong. 2d Sess.

order, which was overruled by Chairman Francis E. Walter, of Pennsylvania:

> Mr. Chairman, a point of order. I seek recognition in opposition to the amendment on the ground that the gentleman from Mississippi [Mr. Colmer] did not talk against the motion.
>
> THE CHAIRMAN: The 5 minutes for the preferential motion and the 5 minutes against the motion have expired.

§ 77.13 On a motion to strike out the enacting clause offered in the Committee of the Whole, only two five-minute speeches are permitted and the Chair declines to recognize a request for an extension of that time.

On July 18, 1951,[16] Mr. Clare E. Hoffman, of Michigan, offered a motion that the Committee of the Whole rise and report back the pending bill with the recommendation that the enacting clause be stricken. He then asked unanimous consent to revise and extend his remarks and to proceed for five additional minutes. Mr. Brent Spence, of Kentucky, objected to the request. Chairman Wilbur D. Mills, of Arkansas, ruled as follows on the request:

> The gentleman may revise and extend his remarks, without objection, but he may not proceed for an additional 5 minutes on a motion to strike out the enacting clause.[17]

§ 77.14 A motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken takes precedence over a pending amendment to the bill which has not been debated; such motion is debatable for 10 minutes (five on each side), and following disposition of such motion 10 minutes of debate (five on each side) is permitted on the pending amendment.

On Oct. 17, 1945,[18] the Committee of the Whole was considering under the five-minute rule an amendment (not yet debated) to a bill when a motion to rise with the recommendation that the enacting clause be stricken was made. Chairman Graham A. Barden, of North Carolina, answered a parliamentary inquiry on the precedence and effect of the mo-

16. 97 CONG. REC. 8371, 8372, 82d Cong. 1st Sess.

17. See also 111 CONG. REC. 6098, 6099, 89th Cong. 1st Sess., Mar. 26, 1965; and 98 CONG. REC. 1829, 1830, 82d Cong. 2d Sess., Mar. 4, 1952 (debate on the motion is limited to two five-minute speeches).

18. 91 CONG. REC. 9751, 79th Cong. 1st Sess.

tion when an amendment was pending:

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

The Clerk read as follows:

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

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: My understanding is that on the motion offered by the gentleman from Michigan there may be 10 minutes of debate, 5 minutes for and 5 minutes against, and that if the motion is defeated the 10 minutes of debate on the amendment still remain to be used. Is that correct?

THE CHAIRMAN: The gentleman is correct.

§ 77.15 A Member offering a motion in the Committee of the Whole to strike out the enacting clause of a bill may yield part of the five minutes available to him to another to make a comment while he has the floor and remains on his feet.

On Sept. 27, 1945,[19] Chairman Aime J. Forand, of Rhode Island, ruled as follows on the yielding of time under the five-minute rule:

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. May moves that the Committee do now rise and report the bill, H.R. 2948, back forthwith to the House with the recommendation that the enacting clause be stricken out.

MR. MAY: Mr. Chairman, I yield my 5 minutes to the gentleman from North Carolina, if I may.

MR. [ROBERT] RAMSPECK [of Georgia]: The gentleman cannot do that, Mr. Chairman.

THE CHAIRMAN: He can yield time while he is holding the floor.

MR. MAY: I yield part of my time, then, to the gentleman from North Carolina.

§ 77.16 Where a bill has been amended subsequent to the rejection of a motion to strike out the enacting clause, a second such motion is in order and is debatable under the five-minute rule notwithstanding a limitation of remaining 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

19. 91 CONG. REC. 9095, 79th Cong. 1st Sess.

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

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.

§ 77.17 The preferential motion to strike the enacting clause may be offered, debated for five minutes, and then, by unanimous consent, withdrawn.

On Oct. 7, 1965,[1] Mr. Thomas M. Pelly, of Washington, offered a motion in the Committee of the Whole to strike the enacting clause and gained five minutes' time for debate thereon, although a limitation on debate had been previously agreed to. After debate on the motion, Mr. Pelly withdrew the motion by unanimous consent.

§ 77.18 The Chair recognizes only two Members to speak on the preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken.

On Dec. 18, 1975,[2] during consideration of the Airport and Airway Development Act Amendments of 1975 (H.R. 9771) in the Committee of the Whole, the proceedings described above were as follows:

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Conte moves that the Committee do now rise and report the

1. 111 CONG. REC. 26306, 89th Cong. 1st Sess.
2. 121 CONG. REC. 41799, 41800, 94th Cong. 1st Sess.

bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN:[3] The gentleman from Massachusetts (Mr. Conte) is recognized for 5 minutes in support of his amendment. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from California (Mr. Anderson).

MR. [GLENN M.] ANDERSON of California: Mr. Chairman, I rise in opposition to the gentleman's motion and yield back the balance of my time.

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

The preferential motion was rejected.

Parliamentarian's Note: Since Mr. Anderson utilized only a small fraction of his time to speak against the preferential motion, Mr. Garry Brown, of Michigan, sought recognition to speak against the motion. The Chair declined to recognize him, since only two Members may be recognized to speak on the motion.

Effect of Special Rule Limiting Amendments

§ 77.19 When a bill is being considered under a closed rule permitting only committee amendments and no amendments thereto, only two five-minute speeches on an amendment are in order, one in support and one in opposition.

On May 18, 1960,[4] the Committee of the Whole was considering H.R. 5, the Foreign Investment Tax Act of 1960, reported by the Committee on Ways and Means, pursuant to the provisions of House Resolution 468, permitting only amendments offered at the direction of that committee. Chairman William H. Natcher, of Kentucky, indicated in response to a parliamentary inquiry that only five minutes for and five minutes against an amendment were in order.

§ 77.20 When a committee amendment is being considered under a closed rule prohibiting amendments thereto, only two five-minute speeches are in order, pro forma amendments are not permitted and a third Member may be recognized only by unanimous consent.

An illustration of the proposition described above occurred in the Committee of the Whole on Mar. 8, 1977,[5] during consider-

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

4. 106 CONG. REC. 10576, 86th Cong. 2d Sess.

5. 123 CONG. REC. 6632, 95th Cong. 1st Sess.

ation of the Tax Reduction and Simplification Act of 1977 (H.R. 3477). The proceedings were as follows:

> MR. [WILLIAM M.] KETCHUM [of California]: Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the committee amendment.
>
> THE CHAIRMAN:[6] The Chair will state that only two 5-minute speeches are in order under the rule absent unanimous consent.
>
> MR. KETCHUM: Mr. Chairman, I ask unanimous consent that I may be permitted to speak in favor of the amendment.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from California?
>
> There was no objection.

§ 77.21 Where a bill is being considered under a special rule permitting only committee amendments and prohibiting amendments thereto, a second Member rising to support the committee amendment cannot be recognized.

On Sept. 3, 1959,[7] Chairman William Pat Jennings, of Virginia, stated that to the pending bill, H.R. 9035, no amendments were in order under the special rule adopted by the House except amendments offered by the Committee on Public Works. Mr. Frank J. Becker, of New York, was recognized for five minutes to support the second committee amendment offered. At the conclusion of his remarks, Mr. Toby Morris, of Oklahoma, sought recognition in support of the amendment. Chairman Jennings declined to recognize Mr. Morris for that purpose:

> The Chair will state to the gentleman that only 5 minutes is permitted in support of the amendment and 5 minutes in opposition. Five minutes has been consumed in support of the amendment. Therefore, the Chair cannot recognize the gentleman at this time.[8]

§ 77.22 Where a bill is being considered under a special rule which permits only committee amendments to title I, only the text of a designated concurrent resolution as an amendment to title II, and one motion to strike out title III, and prohibits amend-

6. Tom Bevill (Ala.).

7. 105 CONG. REC. 17987–89, 86th Cong. 1st Sess.

8. See also 106 CONG. REC. 10579, 86th Cong. 2d Sess., May 18, 1960 (third Member not entitled to recognition notwithstanding the fact that the second Member, recognized in opposition, spoke in favor of the amendment); and 101 CONG. REC. 4829–34, 84th Cong. 1st Sess., Apr. 20, 1955 (no pro forma amendments permitted).

ments to said amendments, five minutes of debate in support of and five minutes in opposition to each amendment are in order.

On Oct. 10, 1972,[9] the House adopted House Resolution 1149, called up by Mr. John A. Young, of Texas, from the Committee on Rules, which provided for the consideration of a bill and limited the amendments that could be offered thereto:

> *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. 16810) to provide for a temporary increase in the public debt limit. . . . [T]he bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except (1) amendments offered by direction of the Committee on Ways and Means to title I of the bill; (2) an amendment containing the text or a portion of the text of H. Con. Res. 713 if offered as an amendment in the nature of a substitute to title II of the bill H.R. 16810; and (3) an amendment proposing to strike out title III of the bill; and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. . . .

After general debate on the bill in the Committee of the Whole, Chairman Thomas G. Abernethy, of Mississippi, inquired whether any of the permitted amendments would be offered. Mr. George H. Mahon, of Texas, offered the designated amendment to title II of the bill and was recognized for five minutes in favor of it. The Chair then recognized Mr. Wilbur D. Mills, of Arkansas, for five minutes in opposition to the amendment. The amendment was rejected, no further amendments were offered, and the Committee rose.[10]

Debate on Two or More Amendments Considered En Bloc

§ 77.23 A Member offering two amendments may, with the consent of the Committee of the Whole, have them considered together, but such consent does not permit the Member to debate the measure for two five-minute periods.

On Mar. 5, 1937,[11] while the Committee of the Whole was considering for amendment under the five-minute rule an appropriation bill, Mr. Everett M. Dirksen, of Illinois, asked unanimous consent that two amendments he was

9. 118 CONG. REC. 34583, 34584, 92d Cong. 2d Sess.

10. *Id.* at pp. 34633–36.

11. 81 CONG. REC. 1919, 75th Cong. 1st Sess.

offering, both applicable to the same page, be considered together. There was no objection to the request.

Mr. Dirksen then stated he assumed that he was entitled to proceed for 10 minutes, having two amendments. Chairman Schuyler Otis Bland, of Virginia, stated that Mr. Dirksen was entitled to only five minutes.

§ 77.24 Where amending language is offered to several paragraphs of a bill as one amendment, only five minutes of debate is permitted for the amendment and five minutes against.

On July 20, 1942,[12] Chairman Fritz G. Lanham, of Texas, answered a parliamentary inquiry on the time for debate on an amendment:

> THE CHAIRMAN: All debate on the bill has been concluded. Are there any committee amendments to be offered to the bill?
>
> MR. [ROBERT L.] DOUGHTON [of North Carolina]: Mr. Chairman, I offer a committee amendment which I send to the desk.
>
> The Clerk read as follows:
>
> > Committee amendment offered by Mr. Doughton: Page 14, line 6, strike out "32 percent" and insert in lieu thereof "22 percent."
> >
> > Page 14, lines 9 and 10, strike out "21 percent" and insert in lieu thereof "16 percent."
> >
> > Page 15, line 13, strike out "87½ percent" and insert in lieu thereof "90 percent."
> >
> > Page 18, line 13, strike out "37 percent" and insert in lieu thereof "36 percent."
> >
> > Page 18, line 18, strike out "$22,900" and insert in lieu thereof "$22,800."
> >
> > Page 18, line 20, strike out "$22,900" and insert in lieu thereof "$22,800."
> >
> > Page 18, line 24, strike out "$22,900" and insert in lieu thereof "$22,800."
>
> MR. [JERE] COOPER [of Tennessee]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. COOPER: It is correct, is it not, that as this is offered as one amendment under the rule, under which the bill is being considered only 5 minutes' debate is allowed for the amendment and 5 minutes against?
>
> THE CHAIRMAN: The gentleman is correct.

§ 77.25 Where consideration en bloc is granted, by unanimous consent, of several amendments which had been printed in the Record, the proponent is entitled only to a total of five minutes of debate on the amendments.

On July 25, 1974,[13] during consideration of the Surface Mining

12. 88 CONG. REC. 6385, 77th Cong. 2d Sess.

13. 120 CONG. REC. 25224, 93d Cong. 2d Sess.

Control and Reclamation Act of 1974[14] in the Committee of the Whole, the proposition stated above was demonstrated. The proceedings were as follows:

> MR. [CRAIG] HOSMER [of California]: . . . I offer . . . my amendments Nos. 121, 127, 118, and 142 to the committee amendment in the nature of a substitute, and I ask unanimous consent that all of these amendments be considered en bloc and considered as read and printed in the Record.
>
> THE CHAIRMAN:[15] Is there objection to the request of the gentleman from California?
>
> There was no objection.
>
> MR. HOSMER: Mr. Chairman, I make the additional unanimous-consent request that instead of the 25 minutes to which I might be entitled because of the application of rule XXIII, consisting of 5 minutes for each one of these amendments, notwithstanding that rule, I be recognized only for 5 minutes in toto.
>
> THE CHAIRMAN: The Chair will advise the gentleman that 5 minutes on his amendments considered en bloc is all the time the gentleman is entitled to in any event.

Reintroduced Amendments

§ 77.26 Upon reintroduction of an amendment which has, by unanimous consent, been withdrawn in the Committee of the Whole, the Member is entitled to debate his amendment for a second five-minute period.

On May 3, 1956,[16] Chairman J. Percy Priest, of Tennessee, stated, in response to a parliamentary inquiry, that a Member who reoffers an amendment he has withdrawn in the Committee of the Whole by unanimous consent is again entitled to debate the amendment for five minutes:

> MR. [NOAH M.] MASON [of Illinois]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. MASON: Under the rules of the House does a man get two 5-minute discussions on the same amendment?
>
> THE CHAIRMAN: The gentleman withdrew his amendment, and it has been offered again. The gentleman from Maine is recognized for 5 minutes in support of his amendment.

Yielding Under Five-minute Rule

§ 77.27 A Member recognized in the Committee of the Whole to debate an amendment may yield to another for debate if he so desires.

On June 22, 1945,[17] the Committee of the Whole was consid-

14. H.R. 11500.
15. Neal Smith (Iowa).
16. 102 CONG. REC. 7439, 84th Cong. 2d Sess.
17. 91 CONG. REC. 6548, 79th Cong. 1st Sess.

ering a House joint resolution under the five-minute rule. Chairman Jere Cooper, of Tennessee, recognized for five minutes Mr. Forest A. Harness, of Indiana, who then yielded to Mr. Fred L. Crawford, of Michigan, who had just consumed five minutes in debate. Mr. Wright Patman, of Texas, made a point of order and inquired whether one Member could yield another Member his time under the five-minute rule. The Chairman overruled the point of order and stated:

> Any Member can yield to another Member, or decline to yield, as he desires.

Parliamentarian's Note: A Member who offers the preferential motion to strike the enacting clause may yield to another, but may not yield his full five minutes (see § 77.15, supra); in this instance, Mr. Crawford had just consumed five minutes and Mr. Harness yielded to him to complete his remarks. Mr. Harness remained standing while Mr. Crawford completed his speech.

§ 77.28 A Member recognized to strike out the last word under the five-minute rule may yield to another Member, even if the latter has just spoken.

On Mar. 21, 1960,[18] Chairman Francis E. Walter, of Pennsylvania, ruled that a Member recognized on a pro forma amendment under the five-minute rule could yield to another Member:

> THE CHAIRMAN: The time of the gentleman from New York has expired.
>
> MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.
>
> MR. [CLARE E.] HOFFMAN of Michigan: I object, Mr. Chairman.
>
> MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I move to strike out the last word.
>
> Mr. Chairman, I yield to the gentleman from New York [Mr. Celler].
>
> MR. CELLER: I thank the gentleman.
>
> MR. HOFFMAN of Michigan: Just a minute. I make a point of order on this.
>
> MR. CELLER: Mr. Chairman, deprivation of the State's ballot is wrong.
>
> MR. YATES: Mr. Chairman, I am entitled to yield to the gentleman from New York.
>
> THE CHAIRMAN: The gentleman from Illinois was recognized, and he yielded to the gentleman from New York. The gentleman from New York is continuing in order.

§ 77.29 A Member recognized under the five-minute rule may not yield to another Member to offer an amendment, as it is within the power of the Chair to recognize each Member to offer amendments.

On Apr. 19, 1973,[19] the Committee of the Whole was consid-

18. 106 CONG. REC. 6162, 86th Cong. 2d Sess.

19. 119 CONG. REC. 13240, 93d Cong. 1st Sess.

ering a bill for amendment under the five-minute rule. Chairman Morris K. Udall, of Arizona, refused to allow a Member with the floor to yield to another to offer an amendment:

> MR. DON H. CLAUSEN [of California]: Mr. Chairman, I have an amendment at the desk. However, at this time I want to yield to the gentleman from New York (Mr. Bingham) who has another appointment, so that he may offer his amendment at this time.
>
> THE CHAIRMAN: The Chair will advise the gentleman from California (Mr. Don H. Clausen) he cannot yield for that purpose. If the gentleman from New York (Mr. Bingham) were here, the Chair would recognize him.

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

On Mar. 26, 1965,[20] Adam C. Powell, of New York, was the Member in charge of debate on H.R. 2362, the Elementary and Secondary Education Act of 1965, which was being considered for amendment under the five-minute rule in the Committee of the Whole. Mr. Powell arose and stated "I yield myself 5 minutes." Chairman Richard Bolling, of Missouri, stated as follows:

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

Mr. Melvin R. Laird, of Wisconsin, objected that Mr. Powell had not moved to strike out the last word, and so moved himself. The Chairman first recognized Mr. Powell for the motion, as manager of the bill and Chairman on the Committee on Education and Labor.

Reading Papers

§ 77.31 A decision of the Committee of the Whole to permit a Member to read a letter means that the Member may read the letter within the five minutes allotted to him, and does not necessarily permit him to read the entire letter.

On June 26, 1952,[1] while the Committee of the Whole was considering under the five-minute rule H.R. 8210, the Defense Production Act Amendments of 1952, Mr. Clinton D. McKinnon, of California, was recognized on a pro

20. 111 CONG. REC. 6113, 89th Cong. 1st Sess.

1. 98 CONG. REC. 8175, 8176, 82d Cong. 2d Sess.

forma amendment and began reading a statement by Governor Arnall on a previously adopted amendment to the bill. Mr. Jesse P. Wolcott, of Michigan, objected to the reading. Chairman Wilbur D. Mills, of Arkansas, put the question to the Committee, which voted to permit Mr. McKinnon to read the letter.

While Mr. McKinnon was reading the letter, Chairman Mills interrupted him and stated that his five minutes had expired. Mr. Herman P. Eberharter, of Pennsylvania, made the point of order that the vote by the Committee permitted Mr. McKinnon to read the entire letter; the Chairman overruled the point of order:

> MR. EBERHARTER: Mr. Chairman, the House decided by a teller vote to permit the reading of this letter. I submit that the letter should be read in its entirety; that is the point of order I make.
>
> THE CHAIRMAN: That is not the decision made by the Committee. The Committee made the decision that the gentleman could read the letter within the time allotted to the gentleman of 5 minutes.
>
> MR. EBERHARTER: I did not hear it so stated when the motion was put, Mr. Chairman.
>
> THE CHAIRMAN: The question put to the Committee had nothing whatsoever to do with the time to be consumed by the gentleman from California. The Chair recognized the gentleman from California for 5 minutes; the question arose as to whether or not he could within that 5 minutes time read extraneous papers.
>
> The point of order is overruled.[2]

Debate on Appeals

§ 77.32 An appeal in the Committee of the Whole is debatable under the five-minute rule and such debate is confined to the appeal.

On Feb. 22, 1950,[3] the Committee of the Whole was considering under the five-minute rule H.R. 4453, the Federal Fair Employment Practice Act. Mr. Adam C. Powell, Jr., of New York, who had the floor, yielded one minute of debate to Mr. Howard W. Smith, of Virginia. Mr. Smith delivered some remarks on the lateness of the session and then moved that the Committee rise. Chairman Francis E. Walter, of Pennsylvania, ruled that Mr. Smith could not so move, having been recognized for debate only. Mr. Smith appealed the Chair's ruling.

In response to a parliamentary inquiry by Mr. John E. Rankin, of

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2. See Rule XXX, *House Rules and Manual* §§ 915–917 (1995), for the former rule prohibiting the reading of papers, over objection, without the consent of the House. For discussion of Rule XXX, see §§ 80 et seq., infra.

3. 96 CONG. REC. 2178, 81st Cong. 2d Sess.

Mississippi, the Chairman stated that debate on the appeal was under the five-minute rule. Mr. Rankin debated the appeal, and Mr. Vito Marcantonio, of New York, made a point of order against Mr. Rankin's remarks on the ground he was not confining himself to the subject of the appeal. The Chairman sustained the point of order.

Vacating Proceedings To Permit Debate

§ 77.33 By unanimous consent, the proceedings in the Committee of the Whole by which an amendment was adopted were vacated and the Chair asked a second time if any Member desired to debate it.

On Mar. 27, 1947,[4] a committee amendment was offered in the Committee of the Whole. Chairman Francis H. Case, of South Dakota, inquired whether any Member desired to debate the amendment, and when no Member so indicated, the Chair put the question on the amendment. The Committee of the Whole then vacated the proceedings by unanimous consent in order to permit further debate:

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: My point of order is that the amendment has apparently been adopted and, as I see it, there has to be unanimous consent to have the action vacated in order that further proceedings may be had.

THE CHAIRMAN: The gentleman is correct. The amendment was agreed to.

MR. MCCORMACK: Mr. Chairman, I ask unanimous consent that the proceedings by which the amendment was adopted be vacated so that we can go along in an orderly way.

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

There was no objection.

THE CHAIRMAN: The Chair will again invite anyone who desires to do so to speak on the committee amendment.

Debate on Points of Order

§ 77.34 Debate on points of order against an amendment is within the discretion of the Chair and does not come out of debate time on the merits of the amendment under the five-minute rule; thus, the proponent of an amendment against which a point of order has been reserved does not reserve a portion of his time under the five-minute rule to oppose any points of order if made, as separate debate time is permitted on points of order at the discretion of the Chair.

4. 93 CONG. REC. 2773, 80th Cong. 1st Sess.

During consideration of H.R. 7014, the Energy Conservation and Oil Policy Act of 1975, on Aug. 1, 1975,[5] the proposition described above was demonstrated in the Committee of the Whole.

THE CHAIRMAN:[6] Are there further amendments to title III?

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Brown of Ohio: Strike out Title III, as amended, and reinsert all except for Section 301, as amended.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I reserve a point of order against the amendment.

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I also reserve a point of order.

MR. BROWN of Ohio: Mr. Chairman, the thrust of this amendment is to strike from the bill the provisions of the Staggers pricing amendment, section 301, by revising title III to strike the whole title and to reinsert all in the title, except section 301.

Mr. Chairman, may I speak on the amendment?

THE CHAIRMAN: The gentleman has been recognized for 5 minutes, so the gentleman may proceed.

MR. BROWN of Ohio: Mr. Chairman, may I reserve 2 minutes of my time to speak on the points of order?

THE CHAIRMAN: The Chair will recognize the gentleman to speak on the points of order at the appropriate time.

MR. DINGELL: Mr. Chairman, I have not yet made the point of order. I reserved it.

THE CHAIRMAN: The Chair has recognized the gentleman from Ohio to speak on the gentleman's amendment for 5 minutes. Then the gentlemen who reserved the points of order may press them or they may not.

Where Pro Forma Amendment Is in Third Degree

§ 77.35 Where a "modified closed rule" provides that a designated amendment may be offered as a new title to a bill and, with the exception of committee amendments thereto, only one designated amendment to that amendment may be offered, only two five-minute speeches are permitted on that amendment to the amendment since a pro forma amendment thereto would be in the third degree (and a pro forma amendment to the original amendment inserting a new title is specifically prohibited by the rule), and further debate may be had only by unanimous consent.

On Dec. 18, 1975,[7] the following proceedings occurred in the Committee of the Whole during

5. 121 CONG. REC. 26945, 94th Cong. 1st Sess.

6. Richard Bolling (Mo.).

7. 121 CONG. REC. 41788–90, 94th Cong. 1st Sess.

consideration of H.R. 9771, the Airport and Airway Development Act of 1975:

MR. [GLENN M.] ANDERSON of California: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Anderson of California to the amendment offered by Mr. Ullman: In proposed section 301, strike out subsections (b) and (c) and insert in lieu thereof the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations incurred on or after the date of the enactment of this Act. . . .

MR. [SAM] GIBBONS [of Florida]: Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will be brief. I have made my talk already. . . .

MR. [ALPHONZO] BELL [of California]: Mr. Chairman, I rise in support of the amendment offered by the gentleman from California.

MR. [JAMES C.] CORMAN [of California]: Mr. Chairman, I reserve a point of order.

I will not make the objection, but I only reserve a point of order to get a ruling from the Chair, because I want some time also.

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

THE CHAIRMAN:[8] The gentleman will state it.

MR. GIBBONS: Mr. Chairman, as I understood the rule granted by the Ways and Means Committee, there was only one amendment, and the time under the rule was limited to 5 minutes on each side, and that pro forma amendments or any other amendments are out of order. That is the way I understand the rule.

THE CHAIRMAN: The rule is a rather complex rule, and if the gentleman will permit the Chair to review this matter, the Chair will respond.

Without objection, the gentleman from California (Mr. Bell) is recognized for 5 minutes.

There was no objection. . . .

MR. GIBBONS: Mr. Chairman, I insist on regular order.

THE CHAIRMAN: Regular order is demanded.

The question is on the amendment offered by the gentleman from California (Mr. Anderson) to the amendment offered by the gentleman from Oregon (Mr. Ullman).

Debate Under Reservation of Objection

§ 77.36 On one occasion, where a Member reserved the right to object to another Member's unanimous-consent request to revise and extend his remarks in the Record, debate proceeded under the reservation of objection rather than under the five-minute rule; the Chairman of the Committee of the Whole suggested that extensions of time for debate under the five-minute rule be accomplished by unanimous consent rather than by reserva-

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

tion of objection to the unanimous-consent request.

On June 4, 1975,[9] the following proceedings occurred in the Committee of the Whole during consideration of the Voting Rights Act extension (H.R. 6219):

MR. [DON] EDWARDS of California: Mr. Chairman, I yield to the gentleman from Hawaii (Mr. Matsunaga).

MR. [SPARK M.] MATSUNAGA [of Hawaii]: Mr. Chairman, I rise in support of H.R. 6219; however, there are certain questions which I would like to have answered relative to title II, as well as title III.

I would like for the purpose of establishing legislative history to engage in colloquy with the gentleman from California, the distinguished chairman of the subcommittee, Mr. Edwards.

To begin with, in both titles II and III of H.R. 6219 coverage depends on their servicing the voting age population who are members of single language minority groups. Although the bill defines minority, the term "single language minority" is not defined.

What is the meaning of "single language minority"? Does it mean, for instance, that the minority must have a common single language?

(Mr. Edwards of California asked and was given permission to revise and extend his remarks.)

MR. MATSUNAGA: Mr. Chairman, I ask unanimous consent that I may revise and extend my remarks.

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

MR. [ROBERT] MCCLORY [of Illinois]: Mr. Chairman, reserving the right to object to the unanimous-consent request, I think that it is appropriate that the committee hear the debate on this subject. If we are making legislative history with respect to some matter that is not actually orally debated on the floor of the House, it seems to me that it is not going to be worth much to the Supreme Court or any other body that is going to interpret what we are doing here today.

I do not want any secret, unwritten history with regard to the extension of the Voting Rights Act. I want to know what we are doing.

THE CHAIRMAN: The gentleman from Illinois reserves the right to object to the unanimous-consent request of the gentleman from Hawaii to revise and extend his remarks, and makes the point that there should be debate on that subject rather than extension to achieve a legislative history.

MR. MATSUNAGA: Mr. Chairman, I ask unanimous consent that I may proceed for 3 additional minutes.

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

There was no objection. . . .

MR. MCCLORY: Mr. Chairman, will the gentleman yield to me on that point?

MR. MATSUNAGA: I will yield to the gentleman as soon as the gentleman has finished.

THE CHAIRMAN: The Chair will state that the committee is now operating under the prior reservation of objection of the gentleman from Illinois. The time of the gentleman from Hawaii has expired.

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9. 121 CONG. REC. 16887–89, 94th Cong. 1st Sess.

10. Richard Bolling (Mo.).

MR. MCCLORY: Mr. Chairman, further reserving the right to object, I would like to ask the gentleman where in the legislation is there provision for this bailout with regard to the subgroups of a single-language minority group such as Asian Americans? Will the gentleman point that out in the bill? . . .

THE CHAIRMAN: The Chair desires to state that this is an unusual procedure to continue with colloquy under the reservation of objection during the 5-minute rule. The gentleman who last had the floor in his own right was the chairman of the subcommittee, the gentleman from California (Mr. Edwards).

If the chairman of the subcommittee desires to continue this discussion, the Chair would recommend that the gentleman ask unanimous consent to proceed for some additional time.

MR. EDWARDS of California: Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for an additional 30 seconds so that we may finish this discussion.

Parliamentarian's Note: An attempt to develop a legislative history by inserting an apparent colloquy in the Record by unanimous consent is improper, since the purpose of the request is to permit a Member to insert only such materials as do not affect the statement of another Member; a colloquy during proceedings under the five-minute rule must be presented to all Members of the Committee of the Whole.

Effect of Adoption of Amendment in Nature of Substitute

§ 77.37 Where an amendment in the nature of a substitute for a bill has been adopted in Committee of the Whole, the stage of amendments is passed and further amendments, including pro forma amendments for debate, are not in order; but on one occasion, when the Committee of the Whole had adopted an amendment in the nature of a substitute, the Chair, by unanimous consent, vacated that action to allow a Member to offer a pro forma amendment.

On May 13, 1977,[11] during consideration of the Intergovernmental Antirecession Assistance Act of 1977 (H.R. 6810) in the Committee of the Whole, the following proceedings occurred:

THE CHAIRMAN:[12] Are there further amendments?

Hearing none, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

THE CHAIRMAN: Under the rule, the committee rises.

11. 123 CONG. REC. 14622, 14625, 95th Cong. 1st Sess.

12. Elizabeth Holtzman (N.Y.).

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Madam Chairman, I was seeking recognition by the Chair.

THE CHAIRMAN: The Chair will advise the gentleman that the Chair had put the question on the committee amendment in the nature of a substitute. There were no further amendments and, under the rule, the committee rises.

MR. [L. H.] FOUNTAIN [of North Carolina]: Madam Chairman, I would like to say that I was standing and was prepared to make a statement about an amendment which I was going to offer but can no longer offer because I was not recognized.

THE CHAIRMAN: Without objection, the Chair will vacate the proceedings so as to permit the gentleman from North Carolina (Mr. Fountain) to make a statement.

There was no objection.

THE CHAIRMAN: The gentleman from North Carolina (Mr. Fountain) is recognized for 5 minutes. . . .

THE CHAIRMAN: Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

THE CHAIRMAN: Under the rule, the Committee rises.

Debate on Divisible Amendment

§ 77.38 Where the question has been put on the first portion of a divisible amendment, further debate on the remaining portion may be had under the five-minute rule before the Chair puts the question thereon.

On Aug. 4, 1983,[13] the following proceedings occurred in the Committee of the Whole during consideration of H.R. 2230 (Civil Rights Commission Act of 1983):

MR. [DON] EDWARDS of California: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edwards of California: Page 2, line 2, insert "(a)" after "Sec. 2".

Page 2, line 4, strike out "1998" and insert "1988" in lieu thereof.

Page 2, after line 4, insert the following:

(b) Section 104(c) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(c)) is amended . . . .

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Chairman, pursuant to the rule, I demand a division of the question. . . .

THE CHAIRMAN:[14] . . . The Chair would propose to put the question first only on the date change, and then on the remainder of the amendment which constitutes in effect one proposition.

MR. SENSENBRENNER: That is fine, Mr. Chairman.

THE CHAIRMAN: The question now is on that portion of the amendment offered by the gentleman from California (Mr. Edwards) dealing with the date change from "1998" to "1988." . . .

13. 129 CONG. REC. 23134, 23142, 23143, 98th Cong. 1st Sess.

14. Morris K. Udall (Ariz.).

So that portion of the amendment dealing with the date change from "1998" to "1988" was agreed to. . . .

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

I understand the vote that was just taken was on the first part of a divided question. My inquiry is: Is it in order at this time for there to be any further debate on the second portion of the question that has been divided?

THE CHAIRMAN: The Chair will advise the gentleman that further debate would be in order under the 5-minute rule until the Chair puts the question.

Debate After Adoption of Substitute

§ 77.39 Under the five-minute rule, no debate may intervene after a substitute for an amendment has been adopted and before the vote on the amendment, as amended, except by unanimous consent (since the amendment has been amended in its entirety and no further amendments including pro forma amendments are in order).

The following proceedings occurred in the Committee of the Whole on Oct. 18, 1983,[15] during consideration of H.R. 3231, the Export Administration Amendments:

THE CHAIRMAN PRO TEMPORE:[16] The question is on the amendment offered by the gentleman from Washington (Mr. Bonker), as amended, as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. Roth), as amended. . . .

So the amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to. . . .

MR. [EDWIN V. W.] ZSCHAU [of California]: Mr. Chairman, I move to strike the last word.

THE CHAIRMAN PRO TEMPORE: Without objection, the gentleman from California (Mr. Zschau) is recognized for 5 minutes.

There was no objection.

Effect of Time Limitation on Right to Recognition

§ 77.40 In the Committee of the Whole the Member in charge of the bill having spoken on an amendment may speak again on the amendment following adoption of a motion to limit debate under the five-minute rule, where time is allocated by the Chair and the five-minute rule is abrogated.

On June 25, 1952,[17] Mr. Brent Spence, of Kentucky, manager of a

15. 129 CONG. REC. 28185, 98th Cong. 1st Sess.

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

17. 98 CONG. REC. 8028, 82d Cong. 2d Sess.

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

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

§ 78. —Closing and Limiting Debate

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

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

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

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

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