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on the floor. I have the time, and I reserve the right to object.

THE CHAIRMAN: When regular order is demanded, the Chair is required to put the request to the body.

MR. DINGELL: Mr. Chairman, I will not demand regular order.

THE CHAIRMAN: The gentleman from Michigan withdraws his demand for regular order, and the gentleman from California (Mr. Phillip Burton) is recognized.

Where Member Recognized for One Hour Makes Unanimous-consent Request, Time Under Reservation of Objection Not Charged to Member

§ 20.44 Where a Member has been recognized for one hour of debate but has not begun his remarks, and makes a unanimous-consent request, time consumed by a Member who reserves the right to object to that request is not charged to the Member who has been recognized for an hour.

On Apr. 15, 1970, Mr. Louis C. Wyman, of New Hampshire, was recognized for one hour of debate (on a "special-order" speech). Before he commenced to address the House, Mr. Wyman asked unanimous consent to revise and extend his remarks; Mr. Phillip Burton, of California, reserved the right to object and made several remarks on the pending resolution. In response to a parliamentary inquiry, Speaker John W. McCormack, of Massachusetts, ruled that Mr. Wyman still had one hour of debate time available, and that the time consumed by Mr. Burton would not be charged to Mr. Wyman's hour.[9]

§ 21. Under the Five-minute Rule

Recognition for amendments and debate under the five-minute rule is subject to the discretion of the Chair, who may adhere to any one of several recognized principles to avoid being perceived as "arbitrary." Seniority, committee membership, alternation between parties—all are established as techniques or tests for bestowing recognition. (All of these "criteria" for recognition are within the discretion of the Chair. So all these principles should be considered as alternatives.)

Cross References

Closing and limiting five-minute debate, see § 78, infra.

Duration of five-minute debate, see § 77, infra.

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

9. 116 CONG. REC. 11917, 11918, 91st Cong. 2d Sess.

Effect of special orders and unanimous-consent agreements on five-minute debate, see § 80, infra.

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

Recognition for amendments generally, see § 19, supra.

Recognition and debate for motion that the Committee rise and report back the bill with the recommendation that the enacting clause be stricken, see §§ 77, 79, infra.

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

Relevancy in five-minute debate, see § 38, infra.

Yielding for debate under five-minute rule, see §§ 29–31, infra.

Principles of Recognition: Prior Recognition of Committee Members

§ 21.1 The matter of recognition of Members in the Committee of the Whole to offer amendments under the five-minute rule is within the discretion of the Chair, and he may extend preference to members of the committee which reported the bill according to seniority.

On July 21, 1949,[10] the Committee of the Whole was reading for amendment under the five-minute rule H.R. 5345, the Agriculture Adjustment Act of 1949. Chairman Eugene J. Keogh, of New York, recognized Mr. James P. Sutton, of Tennessee, to offer an amendment. The Chairman then responded to a parliamentary inquiry on the order of recognition for amendments under the five-minute rule:

> MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, is it not the custom during debate under the 5-minute rule for the Chair in recognizing Members to alternate from side to side? At least I suggest to the Chair that that would be the fair procedure. The Chair has recognized three Democrats in a row.
>
> THE CHAIRMAN: The Chair will say to the gentleman that the matter of recognition of members of the committee is within the discretion of the Chair. The Chair has undertaken to follow as closely as possible the seniority of those Members.
>
> MR. [CLIFFORD R.] HOPE [of Kansas]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. HOPE: For the information of the Chair, the gentleman from Wisconsin, who has been seeking recognition, has been a Member of the House for 10 years, and the gentleman from Tennessee is a Member whose service began only this year.
>
> THE CHAIRMAN: The Chair would refer the gentleman to the official list of the members of the committee, which the Chair has before him.

10. 95 CONG. REC. 9936, 81st Cong. 1st Sess.

The Clerk will report the amendment offered by the gentleman from Tennessee.[11]

Chairman of Committee

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

On Nov. 15, 1967,[12] the Committee of the Whole was considering under the five-minute rule a bill reported from the Committee on Education and Labor, chaired by Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition and when Chairman John J. Rooney, of New York, asked for what purpose, he stated that his purpose was to offer an amendment. The Chairman then recognized Mr. Perkins to submit a unanimous-consent request on closing debate before recognizing Mr. Gurney to offer his amendment.

Chair as Protecting Members' Rights to Recognition

§ 21.3 The Chairman of the Committee of the Whole does not anticipate the order in which amendments may be offered under the five-minute rule nor does he declare in advance the order of recognition, but where he knows a Member desires recognition to offer an amendment, he may indicate that he will protect the Member's rights.

On Sept. 8, 1966,[13] Chairman Edward P. Boland, of Massachusetts, answered a parliamentary inquiry as to the order of recognition for offering amendments under the five-minute rule:

MR. [ROBERT G.] STEPHENS [Jr., of Georgia]: It is my understanding that the procedures will be for the Minish amendment to be considered and after the Minish amendment is disposed of then I will offer a substitute and it is my understanding I will be recognized immediately after the amendment for the purpose of submitting that substitute. Is that the correct parliamentary situation?

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11. See Rule XXIII clause 5(a), *House Rules and Manual* § 870 (1995) for amendment under the five-minute rule in the Committee of the Whole.

See also 117 CONG. REC. 34287, 92d Cong. 1st Sess., Sept. 30, 1971 (recognition under five-minute rule is first accorded to members of the reporting committee, and the Chair endeavors to alternate between majority and minority members of the committee).

12. 113 CONG. REC. 32655, 90th Cong. 1st Sess.

13. 112 CONG. REC. 22020, 89th Cong. 2d Sess.

THE CHAIRMAN: Recognition, of course, is within the discretion of the Chair, but the Chair will protect the gentleman's rights.[14]

Member Must Seek Recognition From Chair

§ 21.4 A Member desiring to offer an amendment under the five-minute rule must seek recognition from the Chair, and may not be yielded the floor for that purpose by another Member.

On Dec. 12, 1973,[15] Mr. Robert C. Eckhardt, of Texas, sought recognition, under the five-minute rule in the Committee of the Whole, in order to yield to Mr. Peter W. Rodino, Jr., of New Jersey, for the latter to offer an amendment. Chairman Richard Bolling, of Missouri, ruled that Mr. Eckhardt could not be recognized for that purpose.[16]

Member May Not Yield for Amendment

§ 21.5 A Member recognized under the five-minute rule may not yield to another Member to offer an amendment (thereby depriving the Chair of his power of recognition), but he may by unanimous consent yield the balance of his time to another Member who may thereafter offer an amendment.

The proposition described above was demonstrated in the Committee of the Whole on Oct. 30, 1975,[17] during consideration of H.R. 8603, the Postal Reorganization Act Amendments of 1975:

(Mr. Cohen asked and was given permission to revise and extend his remarks.)

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, will the gentleman yield?

MR. [WILLIAM S.] COHEN [of Maine]: I yield to the gentleman from Delaware.

MR. DU PONT: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[18] The Chair will state that the gentleman from Maine cannot yield for the purpose of the gentleman from Delaware offering an amendment.

MR. COHEN: Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Delaware (Mr. du Pont).

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

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14. For protection of Members seeking recognition where five-minute debate has been limited, see § 22, infra.

15. 119 CONG. REC. 41171, 93d Cong. 1st Sess.

16. See also 119 CONG. REC. 41716, 93d Cong. 1st Sess., Dec. 14, 1973 and 119 CONG. REC. 13233, 13235, 93d Cong. 1st Sess., Apr. 19, 1973.

17. 121 CONG. REC. 34442, 94th Cong. 1st Sess.

18. Walter Flowers (Ala.).

There was no objection.

THE CHAIRMAN: The gentleman from Delaware is recognized for 2 minutes.

AMENDMENT OFFERED BY MR. DU PONT

MR. DU PONT: Mr. Chairman, I offer an amendment.

The Clerk read the amendment as follows:

Amendment offered by Mr. du Pont: Page 32, immediately after line 26, add the following new section:

Sec. 16. (a) Chapter 6 of title 39, United States Code, is amended by adding at the end thereof the following new section: . . .

Power of Recognition Is With the Chair—Manager of Bill May Not Yield to Himself

§ 21.6 Under the five-minute rule the Member managing the bill has preference in recognition for debate, but the power of recognition is with the Chair and the Member cannot "yield" himself time for debate.

On Mar. 26, 1965,[19] the Committee of the Whole was considering for amendment H.R. 2362, the Elementary and Secondary Education Act of 1965, reported by the Committee on Education and Labor, chaired by Adam C. Powell, of New York. The committee agreed to a motion to close debate on the pending section and on amendments thereto in five minutes. Mr. Powell then stated as follows:

Mr. Chairman, I yield myself 5 minutes.

Chairman Richard Bolling, of Missouri, stated in response to a point of order and to a parliamentary inquiry that although Mr. Powell could not "yield" himself time for debate under the five-minute rule, he could gain five minutes by offering a pro forma amendment or speaking in opposition to the pending amendment.

Senior Member of Committee Could Offer Amendment at Any Point of Paragraph of Appropriation Bill

§ 21.7 The pending paragraph of an appropriation bill being read under the five-minute rule is open to amendment at any point, and a senior member of the committee reporting the bill may be first recognized to offer an amendment notwithstanding the fact that it would insert matter on a line in the paragraph following the line sought to be amended by another Member.

On July 23, 1970,[20] Chairman Chet Holifield, of California, rec-

19. 111 CONG. REC. 6113, 89th Cong. 1st Sess.

20. 116 CONG. REC. 25635, 91st Cong. 2d Sess.

ognized George H. Mahon, of Texas, a member of the Committee on Appropriations which had reported the pending bill, to offer an amendment to the pending paragraph. Chairman Holifield then answered a series of parliamentary inquiries on the priority of ranking members of the reporting committee to recognition to offer amendments, where a paragraph is open to amendment at any point:

MR. [CHARLES R.] JONAS [of North Carolina]: May I respectfully remind the Chair that I was recognized, and that the Chair allowed a point of order to intervene only, and I had been recognized. The Chair ruled that since a point of order had been made, the Chair would dispose of the point of order first.

THE CHAIRMAN: The Chair respectfully states that the point of order did intervene following the gentleman's recognition. The Chair intends to recognize members of the committee in the order of their seniority. The Chair, therefore, recognized the gentleman from Texas. The Chair will later recognize the gentleman from North Carolina.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MICHEL: Did the Clerk read through the section concluding with line 3, page 39?

THE CHAIRMAN: It is the understanding of the Chair that he did.

MR. JONAS: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JONAS: I respectfully ask the Chair to rule that my amendment does precede the amendment that will be offered by the gentleman from Texas. My amendment goes to line 5, page 38, and my information is that the amendment to be offered by the gentleman from Texas comes at a later point in the paragraph.

THE CHAIRMAN: A whole paragraph is open to amendment at the same time. Therefore, the line does not determine the order of the amendment.

Recognition in Order of Seniority Is Within Discretion of Chair

§ 21.8 Recognition under the five-minute rule in the Committee of the Whole is within the discretion of the Chair, and the Chair is not required in every instance to recognize members of the legislative committee reporting the bill in order of their seniority.

On Oct. 2, 1969,[1] the Committee of the Whole was considering under the five-minute rule H.R. 14000, military procurement authorization. Chairman Daniel D. Rostenkowski, of Illinois, recog-

1. 115 CONG. REC. 28101, 28102, 91st Cong. 1st Sess.

nized Mr. Charles H. Wilson, of California, a member of the Committee on Armed Services which had reported the bill, to offer an amendment. Mr. Lucien N. Nedzi, of Michigan, inquired whether members of the committee were supposed to be recognized in the order of their seniority. The Chairman responded "That is a matter for the Chair's discretion" and proceeded to recognize Mr. Wilson for his amendment.

Chair Alternates Between Majority and Minority, Not Necessarily Members Supporting and Opposing Proposition

§ 21.9 In recognizing Members to move to strike the last word under the five-minute rule, the Chair attempts to alternate between majority and minority Members; but the Chair has no knowledge as to whether specific Members oppose or support the pending proposition and therefore cannot strictly alternate between both sides of the question.

On June 7, 1984,[2] during consideration of H.R. 5504 (Surface Transportation and Uniform Relocation Assistance Act of 1984) in the Committee of the Whole, the following exchange occurred:

> THE CHAIRMAN:[3] The Chair recognizes the gentleman from Massachusetts (Mr. Shannon).
>
> MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. FRENZEL: Mr. Chairman, is it not customary to choose Members opposed and supporting the amendment in some kind of rough order?
>
> THE CHAIRMAN: The Chair is attempting to be fair. What the Chair is doing is alternating between the two sides.
>
> MR. FRENZEL: I thank the Chair.

Member Recognized in Support of Amendment Prior to Recognition of Another To Offer Substitute

§ 21.10 Under the five-minute rule, a Member is entitled to recognition in support of his amendment prior to recognition of another Member to offer, and debate, a substitute therefor.

On July 17, 1962,[4] Mr. Wayne N. Aspinall, of Colorado, offered an amendment to the pending bill, being considered under the five-minute rule in the Committee of

2. 130 CONG. REC. 15423, 98th Cong. 2d Sess.

3. Dan Daniel (Va.).

4. 108 CONG. REC. 13795, 87th Cong. 2d Sess.

the Whole. Chairman B. F. Sisk, of California, recognized Mr. Aspinall to debate his amendment for five minutes. Mr. James E. Van Zandt, of Pennsylvania, inquired whether it was in order at that time for him to offer a substitute amendment. The Chairman responded that it was not in order "until the gentleman from Colorado has had an opportunity to be heard on his amendment."

Priority of Recognition to Those Supporting Committee Amendment

§ 21.11 In recognizing, under the five-minute rule, members of the committee reporting a bill, the Chair recognizes a member in favor of a committee amendment prior to recognizing a member thereof who is opposed.

On Jan. 30, 1957,[5] Chairman Jere Cooper, of Tennessee, ruled, sustaining a point of order, that where a bill was being amended under the five-minute rule, a member of the reporting committee seeking recognition to speak in support of a committee amendment was entitled to prior recognition over a committee member seeking recognition to speak against the committee amendment.

Extending Five-minute Debate by Unanimous Consent

§ 21.12 Debate in the House as in the Committee of the Whole proceeds under the five-minute rule, but a Member who has already been recognized for five minutes may be recognized again by unanimous consent only.

Although a joint resolution called up under the Alaska Natural Gas Transportation Act was not subject to substantive amendment under section 8(d)(5)(B) of that Act, pro forma amendments for the purpose of debate under the five-minute rule were permitted where the resolution, on Nov. 2, 1977,[6] was being considered in the House as in Committee of the Whole by unanimous consent.

> THE SPEAKER PRO TEMPORE:[7] The unfinished business of the House is the further consideration of the joint resolution (H.J. Res. 621) approving the Presidential decision on an Alaska natural gas transportation system, and for other purposes, in the House as in the Committee of the Whole.
>
> Without objection, the Clerk will again report the joint resolution.

5. 103 CONG. REC. 1311, 85th Cong. 1st Sess.

6. 123 CONG. REC. 36613, 95th Cong. 1st Sess.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 621

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the House of Representatives and Senate approve the Presidential decision on an Alaska natural gas transportation system submitted to the Congress on September 22, 1977, and find that any environmental impact statements prepared relative to such system and submitted with the President's decision are in compliance with the Natural Environmental Policy Act of 1969.

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. UDALL: Mr. Speaker, am I correct in assuming that the joint resolution before us has been laid before the House, but is not amendable?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. UDALL: Am I further correct, Mr. Speaker, in assuming that under the procedure by which we are operating, the only way for a Member to gain time is to make a pro forma motion to strike the necessary number of words?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

It is the Chair's understanding that those who have already offered pro forma amendments on the joint resolution may do so again only by unanimous consent.

§ 21.13 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,[8] 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:[9] 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.

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.

§ 21.14 Under the five-minute rule, the proponent of a pending amendment may offer a pro forma amendment thereto (for additional de-

8. 122 CONG. REC. 11622, 94th Cong. 2d Sess.

9. Gillis W. Long (La.).

bate time) only by unanimous consent.

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

> MR. [ELLIOTT C.] LEVITAS [of Georgia]: Mr. Chairman, I move to strike the requisite number of words.
>
> THE CHAIRMAN:[11] Without objection, the gentleman from Georgia (Mr. Levitas) is recognized for 5 minutes. . . .
>
> MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, does the gentleman from Georgia (Mr. Levitas) have an amendment pending?
>
> THE CHAIRMAN: The gentleman from New York is correct. The gentleman from Georgia has an amendment in the nature of a substitute to the text pending.
>
> MR. STRATTON: Well, is it proper to strike the last word on one's own amendment?
>
> THE CHAIRMAN: The gentleman asked for recognition, and without objection, he was recognized for 5 minutes.

Parliamentarian's Note: Technically, the proponent may rise in opposition to a pro forma amendment offered by another Member in order to secure an additional five minutes.

10. 129 CONG. REC. 8382, 98th Cong. 1st Sess.

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

Member Speaking on Amendment Could Speak on Amendment Thereto

§ 21.15 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,[12] Chairman Robert Ramspeck, of Georgia, recognized, 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.[13]

12. 88 CONG. REC. 2425, 77th Cong. 2d Sess.

13. 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 Mem-

§ 21.16 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,[14] Chairman John J. Rooney, of New York, ruled that a Member who had offered an amendment and spoken thereon was not precluded from speaking on an amendment to his amendment:

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I move to strike the requisite number of words.

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.

ber to speak only once on an amendment, see Rule XXIII clause 5(a), *House Rules and Manual* § 870 (1995).

14. 113 CONG. REC. 32644, 90th Cong. 1st Sess.

Offering Pro Forma Amendment After Recognition on Previous Amendment

§ 21.17 A Member who has spoken in debate on a second degree amendment may offer a further pro forma amendment to debate the underlying first degree amendment.

On June 28, 1995,[15] during consideration of a bill[16] making appropriations for foreign operations, export financing, and related programs, Mrs. Carrie P. Meek, of Florida, was debating an amendment in time yielded by Mrs. Corrine Brown, of Florida:

MS. BROWN of Florida: I yield to the gentlewoman from Florida.

MRS. MEEK of Florida: Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, there are a lot of things that have been said today, but there are still a lot of questions existing. No. 1, there is no one in this Congress, all 435 of them, that know doodley-squat about the Haitian Constitution. They know absolutely nothing about it.

THE CHAIRMAN:[17] The time of the gentlewoman from Florida [Ms. Brown] has expired.

(On request of Mr. Bonior and by unanimous consent, Ms. Brown of Flor-

15. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

16. H.R. 1868.

17. James V. Hansen (Utah).

ida was allowed to proceed for 2 additional minutes.)

MRS. MEEK of Florida: Mr. Chairman, will the gentlewoman yield?

MS. BROWN of Florida: I yield to the gentlewoman from Florida. . . .

MRS. MEEK of Florida: I have a parliamentary inquiry, Mr. Chairman. Mr. Chairman, I am trying to get recognized so I can move to strike the last word on the underlying amendment.

THE CHAIRMAN: The gentlewoman from Florida [Ms. Brown] requested 2 additional minutes. The time is hers now. That was granted without objection. She has now yielded to the gentlewoman from Florida [Mrs. Meek] in the well, so the Chair would say to the gentlewoman from Florida [Mrs. Meek] the time is hers as long as the gentlewoman yields to her.

MRS. MEEK of Florida: I have a further parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentlewoman will state her inquiry.

MRS. MEEK of Florida: Mr. Chairman, after I have expended the 2 minutes that she gives me, may I request 5 minutes.

THE CHAIRMAN: The gentlewoman may, under that circumstance. . . .

The time of the gentlewoman from Florida [Ms. Brown] has again expired.

In the following exchange, the Chair indicated that one who has offered a pro forma amendment on a second-degree amendment may offer another pro forma amendment on the first degree amendment:

MR. [THOMAS M.] FOGLIETTA [of Pennsylvania]: I have a parliamentary inquiry, Mr. Chairman. . . .

I believe I heard the gentlewoman from Florida [Mrs. Meek] say that she moved to strike the requisite number of words on the underlying amendment. She has spoken on her own amendment. Now she has asked for 5 minutes on the underlying amendment. I think she is entitled to that 5 minutes.

THE CHAIRMAN: That is correct, and the Chair would recognize the gentlewoman for 5 minutes to strike the last word on the Goss amendment.

MRS. MEEK of Florida: Mr. Chairman, I move to strike the requisite number of words. . . .

When the Goss amendment says "None of the funds appropriated in this act may be made available to the Government of Haiti when it is made known to the President that such Government is controlled by a regime holding power through means other than the democratic elections scheduled for calendar year 1995 and held in substantial compliance with requirements of the Constitution," I repeat again to the gentleman, what does the gentleman mean by "substantial," rhetorical statement, "compliance?" What does the gentleman mean by saying that the people in Haiti are not ready? That is the inference the gentleman is making, that they are not ready for a free election.

§ 21.18 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 might offer a pro forma amendment and thereby be entitled to a second five minutes of debate.

On July 28, 1970,[18] 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.

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?

18. 116 CONG. REC. 26027, 91st Cong. 2d Sess.

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.

Recognition Limited to Five Minutes

§ 21.19 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,[19] 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 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, under Rule XXX of the rules of the House. 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.[20]

19. 98 CONG. REC. 8175, 8176, 82d Cong. 2d Sess.

20. See Rule XXX *House Rules and Manual* § 915 (1995) and annotation

Recognition on Reintroduced Amendment

§ 21.20 Upon the re-offering of an amendment which has, by unanimous consent, been withdrawn in the Committee of the Whole, the proponent is entitled to debate the amendment for a second five-minute period.

On May 3, 1956,[1] Chairman J. Percy Priest, of Tennessee, stated, in response to a parliamentary inquiry, that a Member who again offers an amendment he has withdrawn in the Committee of the Whole is entitled to debate the amendment for five minutes regardless of previous debate thereon:

> 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.

thereto for the former prohibition against reading papers, over objection, without the consent of the House.

1. 102 CONG. REC. 7439, 84th Cong. 2d Sess.

Recognition for En Bloc Amendments

§ 21.21 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 amendments for two five-minute periods.

On Mar. 5, 1937,[2] 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 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.

Recognition for Debate Does Not Preclude Timely Point of Order Against Amendment

§ 21.22 Mere recognition for debate on an amendment

2. 81 CONG. REC. 1919, 75th Cong. 1st Sess.

under the five-minute rule does not preclude a point of order against the amendment before the Member recognized has begun his remarks.

On July 30, 1955,[3] Mr. Clare E. Hoffman, of Michigan, offered an amendment to a Union Calendar bill on the Consent Calendar, being considered under the five-minute rule. Mr. Hoffman was recognized by Speaker Sam Rayburn, of Texas, to debate his amendment for five minutes. Before Mr. Hoffman had begun his remarks, Mr. H. R. Gross, of Iowa, made a point of order against the amendment on the ground that it was not germane. Mr. Hoffman objected that Mr. Gross could not be recognized for the point of order, since Mr. Hoffman had already been recognized to debate the amendment.

The Speaker overruled the point of order, stating that Mr. Hoffman had not yet begun his remarks.

Closed Rules and Pro Forma Amendments

§ 21.23 When an amendment, offered by direction of a committee, is being considered under a closed rule, only two five-minute speeches are in order and a third Member is not entitled to recognition notwithstanding the fact that the second Member, recognized in opposition, spoke in favor of the amendment.

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 said committee and amendments thereto. Mr. George Meader, of Michigan, was recognized by Chairman William H. Natcher, of Kentucky, for five minutes' debate in opposition to the pending committee amendment. The Chairman then answered a parliamentary inquiry:

> MR. [JOHN H.] DENT [of Pennsylvania]: Did the gentleman from Michigan [Mr. Meader] get up and ask for time to speak in opposition and would that include any of us who are opposed to the bill, since he is speaking in favor of the bill?
>
> THE CHAIRMAN: Under the rule, no one else can be recognized.
>
> MR. MEADER: Mr. Chairman, if the gentleman from Pennsylvania wants me to yield to him to make a statement, I will be glad to do so.

3. 101 CONG. REC. 12408, 84th Cong. 1st Sess.

4. 106 CONG. REC. 10579, 86th Cong. 2d Sess.

MR. DENT: I do not think that is it. I just want to know if the rules of the House allow the time to be usurped by those in favor of the bill when some time is supposed, under the rules of the House, to be allocated to those who are opposed to the bill.

THE CHAIRMAN: The Chair wishes to inform the gentleman from Pennsylvania that the gentleman from Michigan stated that he rose in opposition to the amendment, and the Chair recognized the gentleman from Michigan.

§ 21.24 When a bill is being considered under a closed rule permitting only committee amendments, only two five-minute speeches are in order, one in support of the committee amendment and one in opposition, and the Chair gives preference in recognition to members of the committee reporting the bill.

On May 18, 1960,[5] 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 said committee. A member of the Committee on Ways and Means (Mr. Hale Boggs, of Louisiana) offered an amendment and was recognized for five minutes. Chairman William H. Natcher, of Kentucky, stated in response to a parliamentary inquiry that only five minutes for and five minutes against the amendment were in order, and that committee members had prior rights to debate:

MR. [CLEVELAND M.] BAILEY [of West Virginia]: I rise in opposition to the amendment and I oppose the legislation in general.

Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. BAILEY: On what ground may I get recognition for the purpose of opposing the legislation?

THE CHAIRMAN: The Chair recognized the gentleman from Louisiana [Mr. Boggs] for 5 minutes in support of the committee amendment, so the gentleman from Louisiana would have to yield to the distinguished gentleman from West Virginia.

MR. BAILEY: At the expiration of the 5 minutes allowed the gentleman from Louisiana, may I be recognized to discuss the amendment?

THE CHAIRMAN: If no other member of the committee rises in opposition to the amendment, the Chair will recognize the gentleman.

§ 21.25 Where a bill is being considered under a special order permitting only committee amendments and prohibiting amendments thereto, a second Member rising

5. 106 CONG. REC. 10576, 86th Cong. 2d Sess.

to support the committee amendment cannot be recognized, since he would necessarily be speaking to a pro forma amendment.

On Sept. 3, 1959,[6] 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.

§ 21.26 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,[7] during consideration 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:[8] 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.

Special Rule Permitting Pro Forma Amendments

§ 21.27 Where a special rule permits both the offering of specified perfecting amend-

6. 105 CONG. REC. 17987–89, 86th Cong. 1st Sess.

7. 123 CONG. REC. 6632, 95th Cong. 1st Sess.

8. Tom Bevill (Ala.).

ments in a certain order and pro forma amendments, the Chair has discretion to recognize Members to offer pro forma amendments to debate the underlying text between consideration of perfecting amendments.

The following proceedings occurred in the Committee of the Whole on May 26, 1982,[9] during consideration of House Concurrent Resolution 345 (the first concurrent resolution on the budget for fiscal year 1983):

MR. [HENRY A.] WAXMAN [of California]: At the appropriate time after we have completed this amendment, I will seek to strike the last word to make other comments that may be of interest to Members.

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[10] The gentleman will state it.

MR. MADIGAN: Is the procedure that has just been suggested by the gentleman from California one that would be in order?

THE CHAIRMAN: The Chair will entertain pro forma amendments between amendments.

MR. MADIGAN: Further pursuing my parliamentary inquiry, Mr. Chairman, how would the gentleman from California be able to be recognized to speak in behalf of something that he says he is not going to offer?

THE CHAIRMAN: Between amendments, no amendment is pending. That is why a pro forma amendment presumably to one of the substitutes will be allowed. It provides an opportunity for discussion between amendments.

Amendments Printed in Record

§ 21.28 Where a special rule adopted by the House only requires that all amendments offered to a bill in Committee of the Whole be printed in the Record, any Member may offer any germane amendment printed in the Record, and there is no requirement that only the Member causing the amendment to be printed may offer it, unless the special rule so specifies.

On Oct. 31, 1979,[11] during consideration of the Priority Energy Projects Act of 1979 (H.R. 4985) in the Committee of the Whole, the Chair responded to a parliamentary inquiry as follows:

MR. [NICK J.] RAHALL [II, of West Virginia]: Mr. Chairman, I have an amendment that was printed in the Record.

I also have an amendment by the gentleman from Michigan (Mr. Dingell) that was printed in the Record and through negotiations between the two

9. 128 CONG. REC. 12141, 97th Cong. 2d Sess.

10. Richard Bolling (Mo.).

11. 125 CONG. REC. 30441, 96th Cong. 1st Sess.

of us, I am offering the amendment of the gentleman from Michigan (Mr. Dingell) at this point. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE:[12] The gentleman will state the parliamentary inquiry.

MR. BAUMAN: Mr. Chairman, do I understand that under this rule that governs the consideration of this bill that any Member can offer any amendment that was printed in the Record, no matter who the author of the amendment was?

THE CHAIRMAN PRO TEMPORE: The gentleman is correct. That is the correct interpretation.

Parliamentarian's Note: The question as to who may offer a printed amendment under such a rule must be distinguished from that of who may offer a printed amendment under Rule XXIII, clause 6, which specifically applies to the Member who caused the amendment to be printed.

Limiting Debate

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

During consideration of the foreign assistance and related agencies appropriation bill for fiscal year 1978 (H.R. 7797) in the Committee of the Whole on June 22, 1977,[13] the following proceedings occurred:

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

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

THE CHAIRMAN:[14] For what purpose does the gentleman from Maryland rise?

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

THE CHAIRMAN: Will the gentleman make his request.

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

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

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

THE CHAIRMAN: Objection is heard.

MR. LONG of Maryland: Mr. Chairman, I move that all debate on

12. Norman D. Dicks (Wash.).

13. 123 CONG. REC. 20288, 95th Cong. 1st Sess.

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

this amendment and all amendments thereto cease in 10 minutes.

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

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

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

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

The motion was agreed to.

Member Managing Bill Entitled to Prior Recognition To Move To Close Debate on Amendment

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

On Nov. 25, 1970,[15] the Committee of the Whole was considering under the five-minute rule H.R. 19504, the Federal-aid Highway Act, being managed by Mr. John C. Kluczynski, of Illinois. Mr. Kluczynski moved that all debate on the pending amendment close instantly, and the motion was agreed to. Chairman Chet Holifield, of California, then indicated in response to parliamentary inquiries that Mr. Kluczynski had the prior right to recognition to move to limit debate over other Members seeking recognition, and that further debate was not in order (although non-debatable amendments could still be offered):

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

MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Chairman, I offer an amendment.

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Chairman, after all, I was recognized before the Chair recognized the gentleman from New York.

Mr. Chairman, a parliamentary inquiry. Are men on their feet going to be permitted to speak for their 3 seconds?

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

15. 116 CONG. REC. 38990, 91st Cong. 2d Sess.

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. JACOBS: What about those of us who were on our feet when debate was choked off? Will we be recognized?

THE CHAIRMAN: There was no count made of Members standing for time, and the motion of the gentleman from Illinois was to close debate, and that motion was agreed to.

Debate on Motion To Strike Enacting Clause

§ 21.31 On a motion to strike out the enacting clause in the Committee of the Whole, only two five-minute speeches are permitted and the Chair declines to recognize for a pro forma amendment.

On Aug. 1, 1957,[16] 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 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.

§ 21.32 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 generally declines to recognize a request for an extension of that time.

On July 18, 1951,[17] 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.[18]

§ 21.33 On a motion to strike out the enacting clause in the Committee of the Whole,

16. 103 CONG. REC. 13385, 13386, 85th Cong. 1st Sess.

17. 97 CONG. REC. 8371, 8372, 82d Cong. 1st Sess.

18. See also 98 CONG. REC. 1829, 1830, 82d Cong. 2d Sess., Mar. 4, 1952.

only two five-minute speeches are permitted, notwithstanding the fact that the second Member, recognized in opposition to the motion, spoke in favor thereof.

On Mar. 18, 1960,[19] 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 order, which was overruled by Chairman Francis E. Walter, of Pennsylvania:

> MR. HOFFMAN: 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.

§ 21.34 A Member offering a motion in the Committee of the Whole to strike out the enacting clause of a bill may yield to another while he has the floor but he may not yield his five minutes of debate to another Member to discuss the motion.

On Sept. 27, 1945,[20] Mr. Andrew J. May, of Kentucky, 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. Mr. May then stated he yielded his five minutes' time on the motion to another Member. Mr. Robert Ramspeck, of Georgia, objected that Mr. May could not so yield all his time and Mr. May then remained on his feet and yielded part of his time to the other Member to debate the motion.

§ 21.35 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,[1] during consideration of the Airport and Airway Development Act Amendments of 1975 (H.R. 9771) in the

19. 106 CONG. REC. 6026, 6027, 86th Cong. 2d Sess.

20. 91 CONG. REC. 9095, 79th Cong. 1st Sess.

1. 121 CONG. REC. 41799, 41800, 94th Cong. 1st Sess.

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 bill back to the House with the recommendation that the enacting clause be stricken.
>
> THE CHAIRMAN:[2] 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.

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

Debate on Appeal of Ruling

§ 21.36 An appeal in the Committee of the Whole is debatable under the five-minute rule, whether the Committee is conducting general debate or proceeding under the five-minute rule, and such debate is confined to the appeal.

On Feb. 22, 1950,[3] the Committee of the Whole was conducting general debate on 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 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

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

the ground he was not confining himself to the subject of the appeal. The Chairman sustained the point of order.

§ 22. Where Five-minute Debate Has Been Limited

A limitation of debate on a bill and all amendments thereto in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition of those Members desiring to speak are largely within the discretion of the Chair.[4]

Notwithstanding a limitation on debate and the allocation of the remaining time by the Chair, ten minutes of debate is permitted on an amendment which has been printed in the Record, under Rule XXIII, clause 6.[5] The Chair in his discretion may defer recognition of listed Members whose amendments have been printed in the Record until after others have been recognized in the division of time.[6]

Cross References

Closing and limiting five-minute debate, see § 78, infra.

Effect of limitation on five-minute debate (obtaining and using time) and distribution of remaining time following limitation, see § 79, infra.

Recognition under the five-minute rule, see § 21, supra.

Rights of committee manager of bill to move to close five-minute debate, see § 7, supra.

Use of motion to strike enacting clause under limitation on five-minute debate, see § 79, infra.

Yielding time under limitation on five-minute debate, see § 31, infra.

Motion To Limit Debate Disposed of Before Further Recognition

§ 22.1 When the motion to limit debate on an amendment is pending, that motion must be disposed of prior to further recognition by the Chair.

On June 5, 1962,[7] Mr. Adam C. Powell, of New York, asked unanimous consent that debate on a pending amendment close. Mr. H. R. Gross, of Iowa, interrupted Mr. Powell to object to the request. Mr. Powell then moved that debate close at 2 o'clock. Mr. Gross then sought recognition to offer the preferential motion that the Committee rise and report back the bill with the recommendation that the enacting

4. See, e.g., §§ 22.7, 22.12, and 22.19, infra.

5. See, e.g., §§ 22.32, 22.36, and 22.38, infra.

6. See § 22.19, infra.

7. 108 CONG. REC. 9713, 87th Cong. 2d Sess.