

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*.

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*.

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

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

clause be stricken. Chairman Jack B. Brooks, of Texas, ruled that recognition for that purpose was not in order pending the motion to limit debate, which must be first disposed of.⁽⁸⁾

Where Committee of the Whole Fixes Debate Time, Time Extended by Unanimous Consent Only

§ 22.2 Where the Committee of the Whole has fixed the time

8. The rule governing the closing of debate under the five-minute rule in the Committee of the Whole is Rule XXIII clause 6, *House Rules and Manual* §874 (1995). The rule was amended by H. Res. 5 in the 92d Congress to allow five minutes' debate for and against an amendment, regardless of a time limitation, which has been printed in the *Congressional Record* at least one day prior to its floor consideration.

The language of the time limitation, whether to a time certain or for a total time for debate, determines whether time for reading amendments, for quorum calls, for points of order and for votes is to be taken out of the remaining time. See §79, *infra*.

Debate may also be closed instantly, precluding further recognition; see §22.51, *infra*.

For the priority of recognition of the bill manager to move to close debate, see, e.g., §21.30, *supra*, and §22.50, *infra*.

See generally §§78, 79, *infra*, for closing and limiting five-minute debate.

for debate on amendments, such time may be extended only by unanimous consent.

On Aug. 18, 1949,⁽⁹⁾ the Committee of the Whole agreed to a request that all debate on pending amendments close in one hour. Chairman Wilbur D. Mills, of Arkansas, then advised Members that since 30 Members wished to speak, each would be entitled to two minutes. Mr. Cecil F. White, of California, inquired whether it would be in order to move that the time be extended in view of the fact that so many Members had requested time. The Chairman responded that such an extension would require unanimous consent, debate already having been limited.

Proponent of Amendment Was Recognized for Five Minutes After Motion To Limit Debate Agreed to

§ 22.3 Where a motion to limit debate has been made and agreed to following the offering of an amendment but prior to recognition of its proponent, the Chair may nevertheless allocate five minutes to the proponent and in his discretion divide

9. 95 CONG. REC. 11760, 81st Cong. 1st Sess.

the remaining time among other Members.

A limitation on time for debate, in effect, abrogates the five-minute rule. On one occasion, a Member who had offered an amendment but had not been recognized to debate the amendment was recognized, in the exercise of discretion by the Chair, for five minutes. The proceedings of Oct. 9, 1975,⁽¹⁰⁾ in the Committee of the Whole, were as follows:

MRS. [LEONOR K.] SULLIVAN [of Missouri] (during the reading): Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN:⁽¹¹⁾ Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

MRS. SULLIVAN: Mr. Chairman, I move that all debate on the pending amendment to title IV and all amendments thereto be limited to 10 minutes.

THE CHAIRMAN: The Chair would prefer to wait until the amendment has been offered.

MR. [PAUL N.] McCLOSKEY [Jr., of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCloskey: On page 77 at line 18 add a new section as follows:

“Sec. 407. The United States hereby consents to the jurisdiction of the International Court of Justice with respect to any claim or controversy arising as a result of the enactment or the implementation of this Act.”

THE CHAIRMAN: Does the gentlewoman from Missouri (Mrs. Sullivan) move to limit debate on this title and all amendments thereto to 10 minutes?

MRS. SULLIVAN: I do, Mr. Chairman.

THE CHAIRMAN: The question is on the motion offered by the gentlewoman from Missouri (Mrs. Sullivan).

The motion was agreed to.

MR. McCLOSKEY: Mr. Chairman, may I ask if I will have 5 minutes to explain my amendment?

THE CHAIRMAN: The gentleman from California is correct, he will have 5 minutes.

Recognition of Members Not in Chamber When Limitation Is Agreed to

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

10. 121 CONG. REC. 32600, 94th Cong. 1st Sess.

11. Neal Smith (Iowa).

On Dec. 14, 1973,⁽¹²⁾ Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that where there was pending an amendment in the nature of a substitute for a bill, a motion to close all debate on the substitute and all amendments thereto at a time certain would be in order. He indicated the procedure to be followed in recognition by the Chair should five-minute debate be limited:

MR. [JAMES T.] BROYHILL of North Carolina: Mr. Chairman, my parliamentary inquiry is this: If the time is limited, would only those Members who are presently standing and would be listed—would they be the only Members who could be recognized either to propose an amendment or to oppose an amendment?

THE CHAIRMAN: The Chair will state any motion that the Chair can conceive of would involve enough time so that the Chair would feel that he could reserve that right to recognize Members under the 5-minute rule.

The Chair will explain that if needed.

The gentleman is talking about limiting debate on the amendment in the nature of a substitute, and all amendments thereto?

MR. BROYHILL of North Carolina: That is correct, Mr. Chairman.

THE CHAIRMAN: The Chairman would presume that there will be a substantial block of amendments, and

the Chair would feel that the Chair should not fail to protect the Members who are not in the Chamber at the moment who might have amendments that they sought to offer.

Members To Indicate Wish To Speak Under Limitation

§22.5 The Chairman of the Committee of the Whole, after a limitation of time for debate had been agreed to and the list of Members to be recognized had been fixed, requested the Members on the list who wished to speak to the pending amendment to so indicate.

On May 21, 1959,⁽¹³⁾ the Committee of the Whole agreed to a motion closing debate on a pending amendment at a time certain. Chairman Francis E. Walter, of Pennsylvania, indicated, in response to parliamentary inquiries, that those Members who were standing seeking recognition at the time the limitation was agreed to and who were noted by the Chair would be entitled to recognition under the limitation. The Chairman then requested Members so entitled and on the Clerk's list to indicate whether they wished to speak.

12. 119 CONG. REC. 41712, 93d Cong. 1st Sess.

13. 105 CONG. REC. 8828-31, 86th Cong. 1st Sess.

Chair's Discretion as to Recognition and Division of Time Under Limitation

§ 22.6 Where the Committee of the Whole agrees to terminate all debate on an amendment at a certain time, the Chair may divide the time remaining among those Members who indicate a desire to speak; and if free time remains after these Members have been recognized, the Chair may at his discretion recognize Members who have not spoken to the amendment or Members who were recognized for less than five minutes under the limitation of time.

On Mar. 17, 1960,⁽¹⁴⁾ the Committee of the Whole agreed to a request that all debate on the pending amendment close at 3:50 p.m. Chairman Francis E. Walter, of Pennsylvania, recognized then those Members who had indicated they wished to speak. When those Members had spoken, time still remained and the Chairman recognized for debate Members who were not standing seeking recognition when the limitation was

14. 106 CONG. REC. 5911, 5914, 86th Cong. 2d Sess.

agreed to. The Chair answered a parliamentary inquiry:

MR. [JAMES C.] DAVIS of Georgia: Was not the time fixed for this debate and was not the time limited to those who were standing on their feet seeking recognition?

THE CHAIRMAN: The time was fixed at 3:50. The Chair made a list of the names of those Members who indicated they desired to speak. However, the thing that governs is the time that was fixed in the unanimous consent request made by the gentleman from New York, but because the time has not arrived when debate will end, the Chair will recognize those Members who seek recognition.

MR. DAVIS of Georgia: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DAVIS of Georgia: Does that limitation then of 2 minutes apply to me, or could I have some of this additional time?

THE CHAIRMAN: Yes, the gentleman could be recognized again if he sought recognition.

§ 22.7 Where the Committee of the Whole has, by motion, agreed to limit all debate on a section and all amendments thereto, the Chair generally divides the time equally among those who indicate, by standing when the motion is made, that they desire recognition, or who have submitted their names to be listed among those wishing to

speak; but the matter of recognition is largely within the discretion of the Chair and he may simply recognize each Member who seeks recognition for five minutes until the time for debate has been exhausted.

On July 22, 1965,⁽¹⁵⁾ the Committee of the Whole agreed to a motion, offered by Mr. Sam M. Gibbons, of Florida, to close all debate on the pending section and all amendments thereto (H.R. 8283, Economic Opportunity Act Amendments of 1965). Chairman John J. Rooney, of New York, answered a parliamentary inquiry on recognition under the limitation:

MR. GERALD R. FORD [of Michigan]: Will the Chair announce who has time in the 10 minutes we have for the discussion of four or five or six amendments?

THE CHAIRMAN: The Chair has not the slightest idea who has amendments.

MR. GERALD R. FORD: Does not the Chair have a list of who has time?

THE CHAIRMAN: The Chair does not have a list.

MR. GERALD R. FORD: May I ask, is it not the usual procedure that such a list is available when time is limited?

THE CHAIRMAN: Not necessarily.

§ 22.8 Where the Committee of the Whole fixed debate at an

15. 111 CONG. REC. 17961, 89th Cong. 1st Sess.

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

On Feb. 22, 1950,⁽¹⁶⁾ Mr. John W. McCormack, of Massachusetts, moved that debate close on pending amendments at 2:30 a.m. and the Committee of the Whole agreed thereto. Chairman Francis E. Walter, of Pennsylvania, then answered a parliamentary inquiry on division of the time:

MR. [JACOB J.] JAVITS [of New York]: Mr. Chairman, is the Chair disposed to divide the time in view of the fact that it has been limited, and to announce the Members who will be recognized?

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

§ 22.9 Pending a unanimous-consent request that debate on pending amendments be limited to a time certain, the Chair indicated that all Members standing would be recognized under the limi-

16. 96 CONG. REC. 2240-46, 81st Cong. 2d Sess.

tation although they might already have debated the amendments.

On July 28, 1970,⁽¹⁷⁾ Mr. B. F. Sisk, of California, made a unanimous-consent request that all debate on pending amendments close at a time certain. Reserving the right to object, Mr. Alphonzo Bell, of California, asked whether a Member who had already spoken on the amendments could speak again under the time limitation. Chairman William H. Natcher, of Kentucky, responded as follows:

The Chair would like to inform the gentleman from California that all Members standing would be recognized.

Mr. Bell withdrew his reservation of objection.

§ 22.10 Where the Committee of the Whole has fixed the time for debate on pending amendments, the Chair may prepare a list of names of those Members seeking recognition at the time the limitation was agreed to and divide the time equally between them.

On Aug. 18, 1949,⁽¹⁸⁾ Mr. John Kee, of West Virginia, asked

17. 116 CONG. REC. 26032, 26033, 91st Cong. 2d Sess.

18. 95 CONG. REC. 11760, 81st Cong. 1st Sess.

unanimous consent that debate on pending amendments close in one hour. There was no objection. Chairman Wilbur D. Mills, of Arkansas, then responded to points of order and parliamentary inquiries on the procedure to be followed by the Chair in recognizing Members under the limitation:

MR. [EARL] WILSON of Indiana: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. WILSON of Indiana: There were a certain number of us on our feet when the unanimous-consent request was propounded. After the time was limited, about twice as many people got on their feet to be recognized.

THE CHAIRMAN: The Chair is endeavoring to ascertain those Members who desire to speak, and has no disposition to violate any rights of freedom of speech.

MR. WILSON of Indiana: Further pressing my point of order, is it in order after the time is limited for others to get the time that we have reserved for ourselves? I would like to object under the present situation.

THE CHAIRMAN: Permit the Chair to answer the gentleman. If the gentleman from Indiana will ascertain and indicate to the Chair the names of the Members who were not standing at the time the unanimous-consent request was agreed to, the gentleman will render a great service to the Chair in determining how to answer the gentleman.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RICH: That is not the duty of the gentleman from Indiana. That is the duty of the Clerk.

THE CHAIRMAN: The gentleman from Pennsylvania and the Chair both understand that, but apparently all Members do not. The Chair is endeavoring to do the best he can to ascertain those who desire to speak under this limitation of time. Now permit the Chair to ascertain that.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HOFFMAN of Michigan: Will the Chair, with the assistance of the Clerk, advise me how many Members have asked for time, and how much time each Member will be allotted?

THE CHAIRMAN: Each of the Members whose names appear on the list will be recognized for 2 minutes, there being 30 Members on their feet at the time and debate having been limited to 1 hour.

§ 22.11 Where the Committee of the Whole had separately limited debate on the remaining titles of a committee amendment in the nature of a substitute which was open to amendment at any point, the Chair indicated that he would give preference in recognition to all Members who had amendments to the title being debated, and that

Members who had printed amendments in the Record should offer them at the conclusion of debate under the limitation on that title.

When consideration of the Surface Mining Control and Reclamation Act of 1974⁽¹⁹⁾ resumed in the Committee of the Whole on July 24, 1974,⁽²⁰⁾ Chairman Neal Smith, of Iowa, made an explanatory statement of the pending situation as follows:

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11500, with Mr. Smith of Iowa in the chair.

The Clerk read the title of the bill.

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

Before the Committee rose on yesterday, it had agreed that the remainder of the substitute committee amendment titles II through VIII, inclusive, would be considered as read and open to amendment at any point.

The Committee further agreed that the time for debate under the 5-minute rule would be limited to not to exceed 3 hours and allocated time to titles II through VIII as follows: 50 minutes for title II, 20 minutes for title III, 50 minutes for title IV, 5 minutes for title V, 5 minutes for title VI, 40 minutes for title VII, and 10 minutes for title VIII.

In an attempt to be consistent with the unanimous-consent agreement en-

19. H.R. 11500.

20. 120 CONG. REC. 25009, 93d Cong. 2d Sess.

tered into on yesterday, the Chair will endeavor to recognize all Members who wish to offer or debate amendments to title II during the 50 minutes of time for debate on that title.

If Members who have printed their amendments to title II in the Record would agree to offer those amendments during the 50-minute period and to be recognized for the allotted time, the Chair will recognize both Committee and non-Committee members for that purpose.

Members who have caused amendments to title II to be printed in the Record, however, are protected under clause 6, rule XXIII, and will be permitted to debate for 5 minutes any such amendment which they might offer to title II at the conclusion of the 50 minutes of debate thereon.

The Chair will now compile a list of those Members seeking recognition to offer or debate amendments to title II and will allocate 50 minutes for debate accordingly.

The Chair will give preference where possible to those Members who have amendments to offer to title II.

Members who were standing at the time of the determination of the time allocation will be recognized for 1 minute and 20 seconds each.

—Guidelines Used in Recognition

§ 22.12 Where all debate on a bill and amendments thereto has been limited, the order in which the Chair recognizes Members desiring to speak is subject to his discre-

tion; and he may in determining the order of recognition use several guidelines, such as seniority, committee status, Members having amendments at the desk.

On Oct. 14, 1966,⁽¹⁾ the Committee of the Whole was considering under five-minute debate S. 3708, the Demonstration Cities Act of 1966. A motion offered by Mr. Wright Patman, of Texas, to close debate on the bill and all amendments thereto after a certain amount of time, was pending. Chairman Daniel Flood, of Pennsylvania, answered parliamentary inquiries on the order of recognition under the limitation if agreed to:

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. ASHLEY: Mr. Chairman, I was in the cloakroom at the time this request motion was made. I have an amendment. Am I counted among those who have amendments at the desk?

THE CHAIRMAN: We have not counted anyone. The Chair has just stated that there are so many amendments at the Clerk's desk. And if the gentleman has an amendment at the Clerk's desk it has been included in the number. . . .

The motion was agreed to.

1. 112 CONG. REC. 26976, 26977, 89th Cong. 2d Sess.

THE CHAIRMAN: I am sure that all Members who are standing are not seeking recognition. Will those seeking recognition remain standing so that the Clerk can note their names.

MR. [THOMAS P.] O'NEILL [Jr.], of Massachusetts: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. O'NEILL of Massachusetts: Mr. Chairman, in what order will the Chair recognize Members to offer their amendments?

THE CHAIRMAN: That is up to the Chairman. The Chair always recognizes Members in a difficult situation like this by seniority and, of course, going from one side to the other, naturally.

MR. [DONALD J.] IRWIN [of Connecticut]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. IRWIN: Mr. Chairman, will Members who have amendments at the desk be recognized before other Members?

THE CHAIRMAN: Oh, yes. As far as the Chair is concerned, any Member who has an amendment here—and, of course, this is not a necessary procedure—but the Chair assures you that the Chair will recognize Members who have an amendment at the desk before recognizing Members to strike out the last word. It is not necessary but I will so rule.

MR. DEL CLAWSON [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DEL CLAWSON: Will members of the committee be recognized before other Members?

THE CHAIRMAN: Members of the Committee on Banking and Currency under the rules, will be recognized before any other Member.

MR. DEL CLAWSON: I thank the Chair.

THE CHAIRMAN: If they have amendments at the desk.

§ 22.13 While a motion to limit debate on a portion of a bill and all amendments thereto was pending, the Chair advised that in the event the motion carried: (1) the Chair would first recognize those Members standing, each for five minutes, then any other Members seeking recognition, also for five minutes, until the time expired or there were no other requests for recognition; and (2) if requests for recognition did not consume the time set, the Chair would direct the Clerk to read.

On Aug. 1, 1966,⁽²⁾ while the Committee of the Whole was considering under the five-minute rule H.R. 14765, the Civil Rights Act of 1966, Mr. Emanuel Celler, of New York, moved that all debate on title I and amendments

2. 112 CONG. REC. 17759, 17760, 89th Cong. 2d Sess.

thereto close in one and one-half hours. Chairman Richard Bolling, of Missouri, then answered a parliamentary inquiry stated by Mr. Gerald R. Ford, of Michigan, on the order of recognition and time for debate should the motion be agreed to:

MR. GERALD R. FORD: Mr. Chairman, I notice that there are relatively only a few standing. How will the Chair determine under that process those who will be eligible to speak? The lack of those standing does not necessarily mean that Members will not wish to speak.

THE CHAIRMAN: The Chair will state that if the time is fixed at 1½ hours and there are no other gentlemen to be recognized or who desire to be heard, the Chair will proceed to ask the Clerk to read the next title.

If, however, there are 1½ hours, each Member standing now will be recognized for 5 minutes.

MR. GERALD R. FORD: A further parliamentary inquiry, Mr. Chairman. If there are not a sufficient number of Members standing at the present time, will the Chair proceed under the 5-minute rule during the 1½ hours?

THE CHAIRMAN: The Chair will see to it that each of those Members now standing will be recognized in an orderly fashion. If there are others desiring to speak within the time limitation, the Chair will then recognize them. Those now standing will receive a priority from the Chair.

**—Five-minute Rule Abrogated
Where Debate Limited**

**§ 22.14 Where the Committee
of the Whole has imposed a**

limitation of debate on an amendment, the five-minute rule is abrogated and the Chair may, in his discretion, either permit continued debate under the five-minute rule, divide the remaining time among those desiring to speak or divide the time between a proponent and opponent to be yielded by them.

On May 25, 1982,⁽³⁾ during consideration of House Concurrent Resolution 345 (the first concurrent resolution on the budget for fiscal year 1983) in the Committee of the Whole, the Chair responded to an inquiry regarding recognition for debate, as indicated below:

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, further reserving the right to object, as I understand it, the Chair's stated intention, in the event the unanimous-consent request is not agreed to, is to continue to go from one side to the other recognizing Members who have been on their feet. Is that the Chair's intention?

THE CHAIRMAN PRO TEMPORE:⁽⁴⁾ The Chair has the prerogative to do one of several things. He may continue the same process under the five-minute rule, or the Chair can apportion the remaining time based upon the number of people who are standing or to one

3. 128 CONG. REC. 11672, 97th Cong. 2d Sess.

4. David E. Bonior (Mich.).

proponent and opponent to be yielded by them.

§ 22.15 Where debate on a bill and all amendments thereto is limited to a time certain, the five-minute rule is abrogated, and the Chair may choose either to allocate the time among those Members standing and desiring to speak, or choose to recognize only Members wishing to offer amendments and to oppose amendments; the Chair may decline to recognize Members more than once under the limitation and may refuse to permit Members to divide their allotted time so as to speak to several of the amendments which are to be offered.

On May 6, 1970,⁽⁵⁾ the Committee of the Whole agreed to a motion, offered by Mr. L. Mendel Rivers, of South Carolina, that all debate on the pending bill and amendments thereto close at a certain hour. Chairman Daniel D. Rostenkowski, of Illinois, stated his intention to follow certain procedures in recognizing Members offering or opposing amendments.

MR. [SAMUEL S.] STRATTON [of New York]: Under the limitation of debate

5. 116 CONG. REC. 14466, 14467, 91st Cong. 2d Sess.

imposed by the House, a moment ago, is there any restriction on those Members who will be permitted to speak on amendments, either for or against, between now and 7 o'clock?

THE CHAIRMAN: The Chair will endeavor to divide the time equally among the proponents and the opponents of those who have amendments. . . .⁽⁶⁾

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

THE CHAIRMAN: The gentleman will state it.

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

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

MR. STRATTON: But not more than once?

THE CHAIRMAN: No; not more than once.

§ 22.16 Where the Committee of the Whole fixes the time for debate on amendments, the Chair may divide such time equally between Members seeking recognition without regard to the five-minute rule.

6. See also 118 CONG. REC. 16862, 92d Cong. 2d Sess., May 11, 1972 (under limitation on five-minute debate, Chair may give priority of recognition to those Members seeking to offer amendments).

On May 11, 1949,⁽⁷⁾ Mr. Brent Spence, of Kentucky, made a unanimous-consent request that all debate on a pending section of a bill, and amendments thereto, close in 30 minutes. Chairman Albert A. Gore, of Tennessee, then answered a parliamentary inquiry:

MR. [EARL C.] MICHENER [of Michigan]: Under the consent request of the gentleman from Kentucky, the time would be limited to 30 minutes. There is nothing in the request as to a division of that time. Under the rules, therefore, would not the first Member recognized be entitled to 5 minutes and each succeeding Member recognized be entitled to 5 minutes until the 30 minutes was used up? In other words, during the reading of a bill for amendment under the rules of the House, unless other arrangement is made by unanimous consent, each Member as recognized is entitled to 5 minutes.

THE CHAIRMAN: As a matter of parliamentary fact, while it might perhaps be within the discretion of the Chair, if the rules were insisted upon the Chair would have to recognize the first Member for 5 minutes, and other Members likewise. But it has long been the practice of the Committee of the Whole when a limitation of debate is imposed to divide the time equally between the Members seeking recognition.

§ 22.17 Where there was pending in Committee of the Whole an amendment and a

7. 95 CONG. REC. 6055, 6056, 81st Cong. 1st Sess.

substitute therefor, the Chair stated in response to a parliamentary inquiry that if debate on the pending amendments were limited, the five-minute rule would be abrogated, and Members who had already spoken on an amendment could be recognized again under the limitation.

On July 28, 1970,⁽⁸⁾ an amendment and a substitute therefor were pending to a bill being considered under the five-minute rule in the Committee of the Whole. Parliamentary inquiries were raised on the rights of Members to speak twice on the same amendment. Mr. Joe D. Waggoner, Jr., of Louisiana, then inquired whether a time limitation for debate on the pending amendment and substitute would abrogate the five-minute rule so that a Member who had already spoken to the amendments could speak again. Chairman William H. Natcher, of Kentucky, responded in the affirmative.

§ 22.18 A limitation of time for debate abrogates the five-minute rule and allocation of the time remaining to Members seeking recognition is within the discretion of the

8. 116 CONG. REC. 26027, 91st Cong. 2d Sess.

Chair, except that Members who had caused amendments to be printed in the Record under Rule XXIII clause 6 would receive the full five minutes.

On June 26, 1975,⁽⁹⁾ an illustration of the proposition described above was demonstrated in the Committee of the Whole, as follows:

MR. [NEAL] SMITH of Iowa: Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto cease in 60 minutes.

THE CHAIRMAN:⁽¹⁰⁾ Is there objection to the request of the gentleman from Iowa?

There was no objection. . . .

THE CHAIRMAN: The Chair will further add that all Members who were standing at the time the limitation of debate was made will be recognized for approximately 2 minutes each. . . .

MR. [ROBERT F.] DRINAN [of Massachusetts]: Mr. Chairman, will the time be allotted according to the three amendments now pending at the desk?

THE CHAIRMAN: All Members who were listed, who were standing at the time the limitation of time was granted, will be accorded the same amount of time.

9. 121 CONG. REC. 20951, 20957, 94th Cong. 1st Sess. Under consideration was H.R. 8121, the Departments of State, Justice, and Commerce, the Judiciary and related agencies appropriation bill for fiscal year 1976.

10. Charles A. Vanik (Ohio).

MR. DRINAN: Mr. Chairman, will the time be limited with regard to the amendments offered by the gentleman from Pennsylvania (Mr. Heinz) so that the other Members who have filed amendments will also have a certain amount of time?

THE CHAIRMAN: The Chair will state that the gentleman from Pennsylvania (Mr. Heinz) will be recognized, and then all other Members will be allotted 2 minutes, except for such amendments as were printed in the Congressional Record. Every Member who has an amendment that was printed in the Congressional Record will be guaranteed a full 5 minutes.

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

The following proceedings occurred in the Committee of the Whole on June 4, 1975,⁽¹¹⁾ during

11. 121 CONG. REC. 16899, 16901, 94th Cong. 1st Sess.

consideration of the Voting Rights Act Extension (H.R. 6219):

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

THE CHAIRMAN:⁽¹²⁾ The question is on the motion offered by the gentleman from California.

The motion was agreed to. . . .

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

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

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

—Chair May Continue Under Five-minute Rule

§ 22.20 Where debate under the five-minute rule on a bill and all amendments thereto has been limited by motion to a time certain (with approximately 90 minutes remaining) the Chair may in his discretion continue to recognize Members under the five-minute rule, according priority to members of the committee reporting the bill, instead of allocating

12. Richard Bolling (Mo.).

time between proponents and opponents or among all Members standing, where it cannot be determined what amendments will be offered.

On July 29, 1983,⁽¹³⁾ during consideration of the International Monetary Fund authorization (H.R. 2957) in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding recognition following agreement to a motion to limit debate to a time certain:

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

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

There was no objection.

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

TITLE IV—INTERNATIONAL LENDING SUPERVISION

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

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

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

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, a parliamentary inquiry. . . .

13. 129 CONG. REC. 21649, 21650, 21659, 21660, 98th Cong. 1st Sess.

Mr. Chairman, the parliamentary inquiry is for the Chair to please state the process by which we will do our business from now until the time is cut off. . . .

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, would it not be in order at this time to ask that the time be divided between the proponents and the opponents of this measure, since there is a limitation on the time?

THE CHAIRMAN:⁽¹⁴⁾ The Chair believes not, because the time has been limited on the entire bill. It would be very difficult to allocate time to any one particular party or two parties when the Chair has no knowledge of the amendments that will be offered.

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

THE CHAIRMAN: The gentleman will state it.

MR. NEAL: Mr. Chairman, is it not true that members of the committee should be given preference in terms of recognition?

THE CHAIRMAN: That is true. At the time the gentleman from Pennsylvania was recognized, he was the only one seeking recognition.

—Effect on Recognition of Extension of Time

§ 22.21 A limitation on time for debate on a pending amendment and all amendments thereto in effect abrogates the five-minute rule and the Chair, at his discretion, may

14. Donald J. Pease (Ohio).

allocate time to all Members desiring to speak, whether or not they have previously spoken on the amendment; and where time for debate has been limited and the time remaining allocated to those Members wishing to speak, an extension of time for debate by unanimous consent would increase the time allotted to individual Members but would not allow additional Members to seek recognition.

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

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

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

THE CHAIRMAN:⁽¹⁶⁾ Is there objection to the request of the gentleman from Texas?

There was no objection. . . .

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

16. Dan Rostenkowski (Ill.).

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

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

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

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

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

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

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

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

—Recognition of Member To Speak a Second Time

§ 22.22 An agreement to limit debate on a pending amendment has the effect of abrogating the five-minute rule and a Member previously recognized to speak on the amendment may be recognized again under the limitation.

On Nov. 14, 1967,⁽¹⁷⁾ the Committee of the Whole agreed to a

17. 113 CONG. REC. 32343, 32344, 90th Cong. 1st Sess.

request that all debate on a pending amendment close at a certain hour. Chairman John J. Rooney, of New York, answered a parliamentary inquiry on the rights of Members who had already spoken to the amendment to speak again under the time limitation:

MR. [JOHN N.] ERLNBORN [of Illinois]: I have noticed in the past, and again at this time, that when a unanimous-consent request to limit debate has been made, Members who have already been recognized to debate the issue are again recognized under the unanimous-consent limitation. I wonder if this is in order. . . .

. . . The Chairman just announced that the gentleman from Kentucky, the chairman of the committee, would be recognized again, though he has already debated on this amendment. I wonder if Members can be recognized for a second time to debate the same amendment merely because a unanimous-consent request is made to limit time.

THE CHAIRMAN: The Chair must say to the gentleman that when the unanimous-consent request was made and agreed to it abrogated the 5-minute rule.⁽¹⁸⁾

§ 22.23 A limitation to a time certain on debate on an

18. For the prohibition against speaking twice on the same question, see Rule XIV clause 6, *House Rules and Manual* §762 (1995). The use of pro forma amendments under the five-minute rule allows Members to speak twice; see §§21.15, 21.16, 21.18, *supra*.

amendment in Committee of the Whole in effect abrogates the five-minute rule; recognition is in the discretion of the Chair under such limitation and the Chair may recognize under the limitation a Member who has already spoken on the amendment.

On Aug. 4, 1977,⁽¹⁹⁾ during consideration of the National Energy Act (H.R. 8444) in the Committee of the Whole, a motion was made to limit debate on a pending amendment and the following proceedings occurred:

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, I move that debate on this amendment conclude at 2 o'clock.

THE CHAIRMAN PRO TEMPORE: The question is on the motion offered by the gentleman from Ohio (Mr. Ashley).

The question was taken; and on a division (demanded by Mr. Ashbrook) there were—ayes 37, noes 20.

So the motion was agreed to. . . .

THE CHAIRMAN:⁽²⁰⁾ . . . The Chair recognizes the gentleman from New Jersey (Mr. Howard).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, a point of order. . . .

Under the rules of the House, are not Members who have already spoken to wait until all other Members are recognized until they speak again on a pending amendment?

19. 123 CONG. REC. 27006, 27007, 95th Cong. 1st Sess.

20. Richard Bolling (Mo.).

THE CHAIRMAN: No one was up at the time the Chair rapped the gavel, and the gentleman from New Jersey was standing at the time the Chair recognized him. We will be going back and forth, but of course, the limitation abrogates the 5-minute rule.

§ 22.24 In the Committee of the Whole the Member in charge of the bill having spoken on an amendment may speak again on the amendment after debate thereon under the five-minute rule has been limited.

On June 25, 1952,⁽¹⁾ during consideration of amendments to a bill in the Committee of the Whole, a motion was adopted to close debate on a pending amendment and all amendments thereto at a certain time. Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry as to the right, under the limitation, of the Member in charge of the bill to be recognized a second time:

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.

MR. HOFFMAN of Michigan: Under the limitation?

1. 98 CONG. REC. 8028, 82d Cong. 2d Sess.

THE CHAIRMAN: Yes; under the limitation.

—Same Committee Member Recognized in Opposition to Each Amendment

§ 22.25 The time for debate having been fixed on amendments to a committee amendment in the nature of a substitute, the Chair may without objection recognize the same committee member in opposition to each amendment offered where no other member of the committee seeks such recognition.

On Feb. 8, 1950,⁽²⁾ Chairman Chet Holifield, of California, answered a parliamentary inquiry after the Committee of the Whole had agreed to a motion limiting debate on amendments to a committee amendment in the nature of a substitute:

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

THE CHAIRMAN: The Chair is trying to be fair in the conduct of the committee, and the only gentleman that

has arisen on the opposite side has been the gentleman from Tennessee [Mr. Murray]. There was no point of order raised at the time that I announced that I would recognize the committee for 1 minute in rebuttal to each amendment.

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

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

MR. CASE of South Dakota: That, of course, is true, the Chair could do that. But, ordinarily, under the precedents always followed in the House, when time is closed on amendments, the

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

time is divided among those who are seeking to offer amendments, and unless the motion specifically reserves time to the committee, it has been the precedent to divide the time among those who are seeking to offer amendments.

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

—Proponent of Amendment Recognized Before Committee Chairman in Opposition

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

On July 9, 1965,⁽³⁾ the unfinished business in the Committee of the Whole was H.R. 6400, the Voting Rights Act of 1965. Chairman Richard Bolling, of Missouri, made the following statement on the order of recognition, the Committee having limited, on the

3. 111 CONG. REC. 16207, 89th Cong. 1st Sess.

prior day, time for debate on a pending amendment:

When the Committee rose on yesterday, there was pending the amendment offered by the gentleman from Ohio [Mr. McCulloch] as a substitute for the committee amendment.

It was agreed that all time for debate on the so-called McCulloch substitute and all amendments thereto would be limited to 2 hours, such time to be equally divided and controlled by the gentleman from New York [Mr. Celler] and the gentleman from Ohio [Mr. McCulloch]. Under the unanimous-consent agreement, the Chair recognizes the gentleman from Ohio [Mr. McCulloch] in support of his amendment.

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

—Chair May Permit Reservation of Time Where Debate Limited to Specific Number of Minutes

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

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

On Oct. 3, 1975,⁽⁴⁾ the proposition described above was demonstrated in the Committee of the Whole, as follows:

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

THE CHAIRMAN:⁽⁵⁾ Is there objection to the request of the gentleman from Washington?

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

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

THE CHAIRMAN: Is there objection to the request of the gentleman from Washington that all debate will end on the Brown amendment in the nature of

a substitute and the Symms amendment and all amendments thereto in 20 minutes?

There was no objection. . . .

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

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

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

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

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

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

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

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

4. 121 CONG. REC. 31602-04, 94th Cong. 1st Sess.

5. William L. Hungate (Mo.).

—Remaining Time Allocated Equally Among Three Members

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

The following proceedings occurred in the Committee of the Whole on Apr. 13, 1983,⁽⁶⁾ during consideration of House Joint Resolution 13 (nuclear weapons freeze):

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

THE CHAIRMAN:⁽⁷⁾ Is there objection to the request of the gentleman from Wisconsin?

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

THE CHAIRMAN: Objection is heard.

MR. ZABLOCKI: 6:15?

6. 129 CONG. REC. 8425, 8426, 98th Cong. 1st Sess.

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

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

There was no objection.

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

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

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

THE CHAIRMAN: The gentleman will state it.

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

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

—Equal Allocation Between Two Members on Opposing Sides of Question

§ 22.29 Where the Committee of the Whole has limited debate under the five-minute rule to a time certain and an

equal division of the remaining time among all the Members seeking recognition would severely restrict each Member in his presentation, the Chair may in his discretion equally allocate the time between two Members on opposing sides of the question to be yielded by them.

On June 14, 1977,⁽⁸⁾ it was demonstrated that a limitation of debate on amendments in the Committee of the Whole to a time certain in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition are largely within the discretion of the Chair.

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I move that all debate on these amendments and all amendments thereto, cease at 4 o'clock and 45 minutes p.m.

THE CHAIRMAN:⁽⁹⁾ The question is on the motion offered by the gentleman from Alabama (Mr. Bevill).

The motion was agreed to. . . .

THE CHAIRMAN: The Chair has before him a list of more than 25 Members to occupy the next 10 minutes. It has been suggested that it would be possible for the Chair to recognize the gentleman from Alabama (Mr. Bevill) and the gentleman from Massachusetts

(Mr. Conte) to allocate those 10 minutes.

Accordingly, the Chair will recognize the gentleman from Massachusetts (Mr. Conte) for 5 minutes, and the gentleman from Alabama (Mr. Bevill) for 5 minutes.

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

THE CHAIRMAN: The gentleman will state it.

MR. JOHN T. MYERS: How did the Chair make that decision?

THE CHAIRMAN: The Chair has the authority to allocate time under a limitation, and it is obvious to the Chair that this is the most rational way to handle the 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Conte).

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

8. 123 CONG. REC. 18826, 18833, 95th Cong. 1st Sess.

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

On June 22, 1977,⁽¹⁰⁾ during consideration of H.R. 7797 (the foreign assistance and related agencies appropriation bill for fiscal 1978) in the Committee of the Whole, the Chair made an announcement regarding debate under the five-minute rule. The proceedings were as follows:

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I move that all debate on this amendment and any amendments thereto close in 5 minutes.

The motion was agreed to.

THE CHAIRMAN:⁽¹¹⁾ Let the Chair make this announcement. There is no way that the Chair can divide 5 minutes among all who wish to speak. Therefore, under the prerogative of the Chair, the Chair will recognize one proponent and one opponent each for 2½ minutes.

The Chair at this time recognizes the proponent, the gentleman from New York (Mr. Wolff). . . .

THE CHAIRMAN: Is there any member of the committee who wishes to be recognized in opposition to the amendment?

If not, the Chair recognizes the gentleman from New York (Mr. Weiss) as an opponent of the amendment.

—Chair May Reallocate Time

§ 22.31 Where the Committee of the Whole has agreed that

10. 123 CONG. REC. 20291, 20292, 95th Cong. 1st Sess.

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

debate under the five-minute rule close at a certain time on an amendment and all amendments thereto, the Chair attempts to divide the time equally among the Members desiring recognition; but where part of the fixed time is consumed by voting, it may not be possible for the Chair to reach each Member on his list before the time expires, and no point of order lies against the inability of the Chair to recognize each Member on the list.

On June 27, 1977,⁽¹²⁾ the situation described above occurred in the Committee of the Whole, as follows:

MR. [ROBERT W.] KASTENMEIER [of Wisconsin]: Mr. Chairman, I move that all debate on this amendment and all other amendments to the bill close at 5:40 p.m.

THE CHAIRMAN:⁽¹³⁾ The question is on the motion offered by the gentleman from Wisconsin (Mr. Kastenmeier).

The question was taken; and on a division (demanded by Mr. Ashbrook) there were—ayes 46, noes 20. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from Wisconsin (Mr. Kastenmeier) to close debate.

MR. KASTENMEIER: Mr. Chairman, this is, of course, the Legal Services

12. 123 CONG. REC. 20916, 20918, 95th Cong. 1st Sess.

13. Bill D. Burlison (Mo.).

Liquidation Act of 1977, as proposed by the gentleman from Ohio (Mr. Ashbrook). It must be rejected. . . .

THE CHAIRMAN: All time has expired.

MR. [ROBERT] MCCLORY [of Illinois]: Mr. Chairman, the Chair has not recognized me yet. The Chair read my name, but the Chair has not recognized me yet.

THE CHAIRMAN: The Chair would advise the gentleman from Illinois that we have run out of time.

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

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

MR. MCCLORY: Mr. Chairman, when there is a time limitation and Members are standing, it is my understanding that the Chair must divide the time equally among the Members standing.

Mr. Chairman, I was standing and my name was read.

THE CHAIRMAN: The Chair will advise the gentleman that according to the motion, which limited all debate to 5:40 p.m., we are bound by the clock. Time consumed by voting has required the Chair to reallocate time. Therefore, the Chair overrules the point of order.

Protection of Right To Debate Amendment Which Has Been Printed in Record

§ 22.32 Notwithstanding a limitation of debate to a time certain and the allocation of the remaining time by the Chair, a Member who has inserted the text of his amendment in the Record is entitled, under Rule XXIII clause

6, to be recognized for five minutes upon offering that amendment during the limitation.

On Apr. 19, 1973,⁽¹⁴⁾ the Committee of the Whole agreed to a unanimous-consent request, offered by Mr. James C. Wright, Jr., of Texas, that all debate on the pending title and amendments, being considered under the five-minute rule, close at a certain time. Chairman Morris K. Udall, of Arizona, allotted the remaining time to Members seeking recognition, each Member being entitled to 45 seconds.

Mr. Thomas F. Railsback, of Illinois, was recognized and offered an amendment. At the conclusion of 45 seconds the Chairman stated that his time had expired. Mr. Railsback objected that he had printed his amendment in the *Congressional Record* prior to floor consideration thereof, and was therefore entitled to debate his amendment for five minutes pursuant to Rule XXIII clause 6. The Chairman, who had not been aware the amendment was printed in the Record, ruled that Mr. Railsback was entitled to five minutes.⁽¹⁵⁾

14. 119 CONG. REC. 13253, 13254, 93d Cong. 1st Sess.

15. Rule XXIII clause 6 was amended in the 92d Congress to allow the pro-

§ 22.33 Where all debate in the Committee of the Whole on a bill and on amendments thereto has been terminated, a Member offering an amendment which has been printed in the Record on a preceding day may nevertheless, pursuant to Rule XXIII clause 6, debate that amendment for five minutes, and another Member opposing the amendment may then speak for five minutes.

On Aug. 2, 1973,⁽¹⁶⁾ Chairman William H. Natcher, of Kentucky, answered a parliamentary inquiry on the right of Members with amendments printed in the Record to debate them for five minutes, after the Committee had agreed to a unanimous-consent agreement closing all debate on the pending bill and amendments thereto at a time certain:

MR. [JOHN] DELLENBACK [of Oregon]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DELLENBACK: May I ask whether under the rules of the House for

ponent of the amendment five minutes of debate, regardless of a limitation, on an amendment printed in the Record. See *House Rules and Manual* §874 (1995).

16. 119 CONG. REC. 27712, 27715, 93d Cong. 1st Sess.

every amendment that has been published in the Record is it not true the sponsor has 5 minutes?

THE CHAIRMAN: The gentleman is correct. . . .

MR. DELLENBACK: Do I understand that those 5 minutes as accumulated will come out of the deadline time rather than be subsequent time?

THE CHAIRMAN: The Chair would like to advise the gentleman all debate on the bill and all amendments thereto is limited to 9:30.

MR. DELLENBACK: I thank the Chairman.

At the expiration of the time agreed to, the following ensued:

THE CHAIRMAN: The Chair desires to announce at this time that all time under the limitation has expired. This does not apply to those Members who had their amendments previously printed in the Record. Those Members whom the Chair observed standing who have amendments, those amendments will be reported and voted upon.

Are there amendments from the members of the committee who were standing at the time the limitation was set? If not, the Chair recognizes the Members who have had their amendments printed in the Record.

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows: . . .

MR. [SAM] STEIGER of Arizona: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. STEIGER of Arizona: Mr. Chairman, it is my understanding that the proponent of the amendment is entitled to be recognized for 5 minutes.

THE CHAIRMAN: The gentleman is correct.

MR. STEIGER of Arizona: And also any Member opposing the amendment is entitled to 5 minutes?

THE CHAIRMAN: The gentleman is correct.

—Chair May Recognize Member With Amendment Printed in Record After Member's Recognition Under Limitation

§ 22.34 The Committee of the Whole having agreed to a limitation on debate under the five-minute rule on a section of a bill and all amendments thereto, distribution of the time under the limitation is within the discretion of the Chair, who may recognize under the limitation first those Members offering amendments which have not been printed in the *Congressional Record*, and Members speaking in opposition to such amendments, and recognize after the limitation has expired those Members with amendments printed in the Record, since printed amendments are debatable for 10 minutes, 5 for and 5 against, notwithstanding the expiration of the limitation.

On June 26, 1979,⁽¹⁷⁾ during consideration of the Defense Production Act Amendments of 1979 (H.R. 3930) in the Committee of the Whole, it was demonstrated that priority of recognition under a limitation of time for debate under the five-minute rule is in the complete discretion of the Chair. The proceedings were as follows:

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

A recorded vote was ordered.

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

THE CHAIRMAN:⁽¹⁸⁾ The Chair will attempt to explain the situation.

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

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, did I understand the Chair correctly that Members who are

17. 125 CONG. REC. 16677, 16678, 96th Cong. 1st Sess.

18. Gerry E. Studds (Mass.).

protected by having their amendments printed in the Record will not be recognized until the time has run so that those Members will only have 5 minutes to present their amendments, but that other Members will be recognized first for the amendments which are not printed in the Record?

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

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

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

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

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

***—Priority in Recognition for
Opposition to Amendment
Printed in Record***

**§ 22.35 The Chairman of the
Committee of the Whole
gives priority in recognition,
in opposition to an amend-**

ment printed in the Record and offered after debate is limited, to senior members of the committee reporting the bill regardless of party affiliation.

On June 7, 1977,⁽¹⁹⁾ during consideration of the Federal Employees' Political Activities Act of 1977 (H.R. 10) in the Committee of the Whole, Chairman James R. Mann, of South Carolina, responded to a parliamentary inquiry, as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: The Chairman just referred to the situation whereby debate was limited, which is under clause 6, rule XXIII, and under that procedure any Member who has filed and published an amendment is protected in his right to call up the amendment and is entitled to 5 minutes to explain the amendment.

My parliamentary inquiry is: How will the Chair determine the appropriate Member to speak in opposition to the amendment? In other words, what will qualify a Member to speak in opposition to these pending amendments?

THE CHAIRMAN: The Chair will endeavor to recognize committee members who are opposed, and if there is more than one committee member desiring to speak in opposition to the amendment, the Chair will seek to recognize the most senior of the committee members. The matter of party affiliation will not be controlling.

19. 123 CONG. REC. 17700, 95th Cong. 1st Sess.

—Member Permitted To Debate in Opposition Notwithstanding Prior Allocation of Time Under Limitation

§ 22.36 Pursuant to Rule XXIII clause 6, a Member may be recognized for five minutes in opposition to an amendment which had been printed in the Record and debated by its proponent for five minutes, notwithstanding a prior allocation of time to that Member under a limitation on the pending proposition and all amendments thereto.

On July 25, 1974,⁽²⁰⁾ during consideration of the Surface Mining Control and Reclamation Act of 1974 (H.R. 11500) in the Committee of the Whole, the Chair overruled a point of order, as follows:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I have a point of order.

THE CHAIRMAN:⁽¹⁾ The gentleman will state his point of order.

MR. HOSMER: Mr. Chairman, the gentleman from Arizona has spoken for a minute and 20 seconds already.

THE CHAIRMAN: The Chair will state that under the rule, when the amend-

ment has been printed in the Record, the author of the amendment gets 5 minutes in support of his amendment and an opponent gets 5 minutes in opposition to the amendment, regardless of a time limitation.

The Chair overrules the point of order.

—Recognition in Opposition Both to Amendment and to Substitute Printed in Record

§ 22.37 Where under a time limitation only five minutes of debate is available in opposition both to an amendment and to a substitute therefor printed in the Record, one Member cannot simultaneously be recognized for 10 minutes in opposition to both amendments, but must be separately recognized on each amendment, with preference of recognition being accorded to members of the committee reporting the bill.

The following proceedings occurred in the Committee of the Whole on June 27, 1985,⁽²⁾ during consideration of H.R. 1872 (Department of Defense authorization for fiscal 1986):

Amendment offered by Mr. Markey: Insert the following new section at the

20. 120 CONG. REC. 25221, 25222, 93d Cong. 2d Sess.

1. Neal Smith (Iowa).

2. 131 CONG. REC. 17799–802, 99th Cong. 1st Sess.

end of title X (page 200, after line 4): . . .

(a) Limitation of Funds Authorized for Fiscal Year 1986.—None of the funds appropriated pursuant to the authorizations of appropriations in this or any other Act may be used for the production of the 155-millimeter artillery-fired, atomic projectile. . . .

MR. [VIC] FAZIO [of California]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Fazio as a substitute for the amendment offered by Mr. Markey: Insert the following new section at the end of title X (page 200, after line 4): . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and the amendment to the amendment.

MR. [ROBERT E.] BADHAM [of California]: Mr. Chairman, at this time, I would ask a parliamentary inquiry of the Chair. . . .

My inquiry is that since there were two offerings, an amendment and an amendment to the amendment in the form of a substitute, would the opposition now be exercising its prerogative in using 10 minutes in opposition to both?

THE CHAIRMAN PRO TEMPORE:⁽³⁾ That is correct, except that the gentleman from New York rose in opposition to the Markey amendment. There would be 5 minutes of debate left in opposition to the Fazio substitute. . . .

MR. STRATTON: Mr. Chairman, I rose in opposition to both amendments,

both the Markey amendment and the Fazio amendment.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the gentleman can only rise in opposition to one amendment at a time, and when he rose, the Chair understood him to rise first in opposition to the Markey amendment. That leaves only 5 minutes in opposition to the Fazio substitute amendment.

Any Member wishing to rise in opposition to the Fazio substitute amendment may, and a member of the committee is recognized before other Members.

—Where Proponent of Amendment Did Not Claim Time Under Rule XXIII

§ 22.38 While under clause 6 of Rule XXIII, five minutes of debate in favor of an amendment and five minutes in opposition is permitted notwithstanding a limitation on debate where the amendment has been printed in the Record, if the proponent of the amendment offers it during his allocated time under the limitation and does not claim a separate five-minute recognition under the rule, then a Member opposing the amendment to whom time has been allocated under the limitation must consume that time and cannot claim a separate five minutes under the rule.

3. Marty Russo (Ill.).

On Mar. 2, 1976,⁽⁴⁾ the Chair ruled that, pursuant to Rule XXIII, clause 6, a separate ten minutes of debate on an amendment printed in the Record is in order only where the proponent of the amendment claims that time notwithstanding an imposed limitation; and where the amendment is offered and debated within the time allocated under the limitation, a separate five minutes in opposition is not available:

MR. [PHILIP H.] HAYES of Indiana: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Hayes of Indiana: Page 39, immediately after line 12, insert the following new subsection:

“(c) Section 402(d) of the Act (30 U.S.C. 902(d)) is amended by inserting immediately before the period at the end thereof the following: ‘, including any individual who is or was employed in any aboveground mining operation.’ . . .

MR. [JOHN N.] ERLBORN [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:⁽⁵⁾ The gentleman will state it.

MR. ERLBORN: Mr. Chairman, since this amendment was one of the published amendments, 5 minutes in opposition to the amendment is available not counting against the limit?

THE CHAIRMAN: The gentleman would be correct if debate on the

amendment were outside of the limitation. . . .

MR. ERLBORN: Mr. Chairman, may I have the 5 minutes, under the rule?

THE CHAIRMAN: It will be counted against the gentleman's time if the gentleman takes it at this time.

MR. ERLBORN: Mr. Chairman, I understand there are 5 minutes in opposition that are available, under the rule; and I claim those 5 minutes.

THE CHAIRMAN: It is the Chair's understanding that at this point debate on the amendment is under the limitation. The gentleman could claim his 5 minutes under the rule if the amendment were offered, notwithstanding the limitation, but not at this time. . . .

MR. ERLBORN: Mr. Chairman, I have 5 minutes, under the time limitation?

THE CHAIRMAN: That is correct.

MR. ERLBORN: Without using that, am I not entitled to 5 minutes to oppose a published or printed amendment?

THE CHAIRMAN: No, because the proponent of the amendment did not take his time under the rule. The gentleman from Indiana (Mr. Hayes) had 5 minutes reserved under the limitation of time. The Chair understands the gentleman from Indiana took his time under the limitation and not under the rule.

May Not Reserve or Allocate Time by Motion

§ 22.39 Under the five-minute rule, the time for debate may be fixed, but control of the

4. 122 CONG. REC. 4994, 4995, 94th Cong. 2d Sess.

5. Sam Gibbons (Fla.).

time may not be allotted to certain Members by motion if a point of order is made.

On May 11, 1949,⁽⁶⁾ Chairman Albert A. Gore, of Tennessee, stated in response to a parliamentary inquiry that where the Committee of the Whole fixes by consent the time for debate, the Chairman divides such time equally between Members seeking recognition. Mr. Brent Spence, of Kentucky, therefore made the following motion, which the Chairman ruled out of order:

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

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

THE CHAIRMAN: The point of order is sustained.

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

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

The motion was agreed to.

6. 95 CONG. REC. 6055, 6056, 81st Cong. 1st Sess.

§ 22.40 Where there was pending an amendment in the nature of a substitute for a bill, the Chair indicated in response to a parliamentary inquiry that debate on all amendments to said amendment could be limited and allocated only by unanimous consent.

On Dec. 14, 1973,⁽⁷⁾ there was pending an amendment in the nature of a substitute for a bill in the Committee of the Whole. Mr. Harley O. Staggers, of West Virginia, made the following unanimous-consent request:

Mr. Chairman, I ask unanimous consent that each amendment to the amendment in the nature of a substitute offered be considered for not more than 5 minutes on each side. . . .

The request was objected to by Mr. Robert D. Price, of Texas, and Chairman Richard Bolling, of Missouri, then answered a parliamentary inquiry as to whether he could entertain a motion on the matter.

MR. [LAWRENCE G.] WILLIAMS [of Pennsylvania]: Mr. Chairman, a parliamentary inquiry.

Why cannot the Chair accept a motion from the chairman of the committee to limit debate on each amendment to 10 minutes?

7. 119 CONG. REC. 41711, 41712, 93d Cong. 1st Sess.

THE CHAIRMAN: A motion to control debate can neither divide the time nor allocate or reserve the time. A unanimous-consent request, if agreed to, can do that, but a motion to allocate and break up time is not entertainable.

Reserving or Yielding Time

§ 22.41 The Chair stated that he would not recognize Members for requests that time, allotted them under a limitation for debate on an amendment, be given to other Members; and that under such a limitation for debate, those who actually desired to utilize the time should have it equally divided among them.

On July 19, 1951,⁽⁸⁾ the Committee of the Whole agreed to a motion limiting debate on pending amendments to a time certain. Mr. Noah M. Mason, of Illinois, then inquired of Chairman Wilbur D. Mills, of Arkansas, whether a Member who had reserved time, by indicating he wished to be recognized, could award or yield his time to another Member. The Chairman responded:

The Chair stated a few days ago he would not recognize anyone for the purpose of asking unanimous consent that his time be given to another Member. The Chair may say that it was the

thought of the Chair that when Members are seeking to be recognized under a limitation of time those who actually desire to utilize the time should have the time equally divided among them.

Parliamentarian's Note: Under recent precedents, where time under a limitation is equally divided, a Member allocated time may reserve a portion or yield his time to another Member only by unanimous consent.

Use of Time Reserved Under Limitation

§ 22.42 When debate on a bill and all amendments thereto had been limited, a Member allotted time pursuant to the limitation was permitted by the Chair to use whatever part thereof he desired in support of each of the various amendments he might offer.

On July 22, 1958,⁽⁹⁾ the Committee of the Whole agreed to a request that debate close in 30 minutes on a pending bill and amendments thereto, the last five minutes to be reserved to the reporting committee. Chairman James J. Delaney, of New York, answered a parliamentary inquiry by Mr. H. R. Gross, of Iowa:

Mr. Chairman, I have three amendments and under the limitation of time

8. 97 CONG. REC. 8479, 82d Cong. 1st Sess.

9. 104 CONG. REC. 14659-64, 85th Cong. 2d Sess.

I have 4 minutes. Is it possible to offer an amendment and reserve time following each amendment pending the disposition of the amendment?

THE CHAIRMAN: The gentleman may take whatever time he desires on each amendment.

Unused Time Under an Allocation

§ 22.43 Where the Committee of the Whole has limited debate on an amendment to a time certain and the time allocated by the Chair among those initially desiring to speak is not totally consumed, the Chair may either reallocate the remaining time among other Members in his discretion or may proceed again under the five-minute rule.

On Aug. 4, 1977,⁽¹⁰⁾ the Committee of the Whole had under consideration the National Energy Act (H.R. 8444) and had limited debate on an amendment when the following proceedings occurred:

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry. . . .

The parliamentary inquiry is, Mr. Chairman, did the House not limit itself to debate until 2 o'clock?

10. 123 CONG. REC. 27021, 95th Cong. 1st Sess.

THE CHAIRMAN:⁽¹¹⁾ The gentleman is correct.

MR. GARY A. MYERS: Under that limitation, I would like to ask unanimous consent to speak on the unclaimed time of the gentleman from Ohio (Mr. Whalen).

THE CHAIRMAN: The Chair will state that the gentleman from Pennsylvania may claim his own time. . . .

Does the gentleman from Pennsylvania desire to strike the requisite number of words and be recognized?

MR. GARY A. MYERS: Mr. Chairman, I move to strike the requisite number of words.

THE CHAIRMAN: The Chair recognizes the gentleman from Pennsylvania.

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

THE CHAIRMAN: The gentleman will state it.

MR. KAZEN: Supposing there are 20 of us who want to do the same thing.

THE CHAIRMAN: If there are 20 who want to do the same thing, and they can all do it before 2 o'clock, they will all be recognized, or if feasible, the Chair could divide the remaining time among other Members seeking recognition who were not included in the original limitation.

The gentleman from Pennsylvania (Mr. Gary A. Myers) has now been recognized.

Procedure Where Limitation Vacated; Recognition Under Subsequent Limitation

§ 22.44 Where a Member has been allotted time under a

11. Edward P. Boland (Mass.).

limitation on five-minute debate, and that limitation is vacated, he must reindicate his desire to speak in order to be recognized under any subsequent limitation which is imposed.

On Sept. 30, 1971,⁽¹²⁾ the Committee of the Whole agreed to a unanimous-consent request that debate under the five-minute rule close at 2:30 p.m. Chairman John J. Rooney, of New York, noted the Members standing and desiring to be heard under the limitation. Before the limitation had expired, Mr. Carl D. Perkins, of Kentucky, stated that the limitation, requested by him, had been misstated, and he asked unanimous consent to vacate the limitation, which was agreed to. He then requested a new limitation, which was agreed to, to close debate only on his amendment and not on others.

When the time under the limitation expired, the Chairman answered an inquiry:

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Kentucky (Mr. Perkins) to the amendment offered by the gentleman from Indiana (Mr. Brademas).

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

whether all time has expired. I thought the distinguished Chairman read my name as one standing when time was limited.

THE CHAIRMAN: The Chair read the name of the gentleman from Missouri with regard to the first request. However, he was not standing at the time of the second request, which is the one under which we are now operating. However, there is still time if the gentleman wishes to be recognized. The Chair recognizes the gentleman from Missouri.

Where Committee Rises and Resumes Sitting

§ 22.45 Prior to rising for the day, the Committee of the Whole limited debate on a title of a bill and all amendments thereto to one hour and the Chair advised that upon again resolving into the Committee, Members would be recognized during the time limit under the five-minute rule.

On Aug. 2, 1966,⁽¹³⁾ the Committee of the Whole was considering for amendment title III of H.R. 14765, the Civil Rights Act of 1966. Prior to rising for the day, the Committee agreed to a request by Mr. Peter W. Rodino, Jr., of New Jersey, that all debate on the title and amendments

12. 117 CONG. REC. 34289, 34290, 92d Cong. 1st Sess.

13. 112 CONG. REC. 17856, 89th Cong. 2d Sess.

thereto terminate in one hour. Chairman Richard Bolling, of Missouri, stated in response to a parliamentary inquiry that under the limitation, when the Committee again took up the bill on a following day, Members would be recognized under the five-minute rule.

Debate Limited on Motion To Strike—Perfecting Amendment Offered After Expiration of Limitation

§ 22.46 Where the Committee of the Whole had limited debate to a time certain on a motion to strike a portion of pending text, the Chair requested a Member to withhold offering a perfecting amendment to the text until the expiration of the limitation since the limitation did not apply to perfecting amendments which could be offered, debated, and voted upon prior to the vote on the motion to strike and since debate on the perfecting amendment, if offered during the limitation, would reduce time remaining under the limitation.

On May 24, 1977,⁽¹⁴⁾ the Committee of the Whole having under

14. 123 CONG. REC. 16172, 16175, 16176, 95th Cong. 1st Sess.

consideration the International Security Assistance Act of 1977 (H.R. 6884), the following proceedings occurred:

THE CHAIRMAN:⁽¹⁵⁾ When the Committee of the Whole rose on Monday, May 2, 1977, the bill had been considered as having been read and open to amendment at any point, and pending was an amendment offered by the gentleman from Missouri (Mr. Ichord).

Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Ichord: Page 8, line 17, strike out "\$2,214,700,000" and insert in lieu thereof "\$12,114,700,000"; on page 9, line 17, strike out "sections" and insert in lieu thereof "section"; strike out line 18 on page 9 and all that follows through line 2 on page 11; and in line 3 on page 11, strike out "534" and insert in lieu thereof "533". . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I wonder if we could determine how many more speakers we have.

I ask unanimous consent that all debate on this amendment and all amendments thereto end at 1:15 p.m. . . .

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

There was no objection. . . .

THE CHAIRMAN: The time of the gentleman from Maryland (Mr. Bauman) has expired.

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

15. Don Fuqua (Fla.).

amendment at the desk which has been printed in the Record.

THE CHAIRMAN: Would the gentleman withhold his amendment until the limitation of time expires.

MR. BAUMAN: Mr. Chairman, will the amendment then be in order and may it be offered prior to the vote on the Ichord amendment?

THE CHAIRMAN: The Chair will advise the gentleman that the amendment will be in order as a perfecting amendment prior to the vote on the Ichord amendment.

MR. BAUMAN: Mr. Chairman, in that case, I will withhold the amendment at this time.

Amendment Adding New Section Not Covered by Limitation on Pending Section

§ 22.47 Where debate has been limited on a pending section and all amendments thereto and time allocated among those Members desiring to offer amendments to that section, the Chair may decline to recognize a Member to offer an amendment adding a new section and therefore not covered by the limitation, until perfecting amendments to the pending section have been disposed of under the limitation.

On June 26, 1979,⁽¹⁶⁾ during consideration of H.R. 3930, the

16. 125 CONG. REC. 16679, 16680, 96th Cong. 1st Sess.

Defense Production Act Amendments of 1979, the Committee of the Whole was proceeding under a limitation on debate on section 3 and amendments thereto, when an amendment was offered by Mr. Morris K. Udall, of Arizona:

Amendment offered by Mr. Udall: Page 8, after line 13 add the following new section and renumber the subsequent sections accordingly.

Sec. 4. The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, is this amendment to section 3 or section 4?

The copy I have indicates that it is to section 4, Mr. Chairman. Is that correct?

MR. UDALL: I had modified it to apply to section 3.

THE CHAIRMAN:⁽¹⁷⁾ The Clerk will cease reading the amendment.

The Chair will advise the gentleman from Arizona that this amendment currently being read adds a new section 4, and is not covered by the limitation on time, and should not be offered at this time. . . .

MR. UDALL: I had intended—I had so instructed the Clerk to change this to an amendment to section 3, not section 4. . . .

THE CHAIRMAN: . . . The Chair will advise the gentleman from Arizona that he is within his rights to redraft the amendment as an amendment to section 3, but the Chair understood that is not the amendment currently being read.

17. Gerry E. Studds (Mass.).

MR. UDALL: I so offer it as an amendment to section 3.

THE CHAIRMAN: The Clerk will report the amendment.

Motion To Strike Enacting Clause Offered During Time Limitation

§ 22.48 Where debate under the five-minute rule has been limited to terminate at a time certain, time consumed on a preferential motion, that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, comes out of the limitation and may prevent recognition of Members initially allotted time under the limitation.

On Sept. 18, 1979,⁽¹⁸⁾ during consideration of the Department of Transportation appropriations for fiscal year 1980 (H.R. 4440) in the Committee of the Whole, Chairman Gerry E. Studds, of Massachusetts, responded to a parliamentary inquiry concerning time for debate. The proceedings were as follows:

MR. [ROBERT] DUNCAN of Oregon: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end at 1:55 p.m.

18. 125 CONG. REC. 25078, 25084, 25091, 96th Cong. 1st Sess.

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

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous consent request was granted will be recognized for approximately 2 minutes. . . .

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 out.

THE CHAIRMAN: The gentleman from Massachusetts is recognized for five minutes in support of his motion. . . .

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

The preferential motion was rejected.

THE CHAIRMAN: All debate on the amendment offered by the gentleman from Michigan (Mr. Dingell) and all amendments thereto has expired.

MR. JOHN L. BURTON [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JOHN L. BURTON: Mr. Chairman, I believe my name was on the list and I was not recognized.

THE CHAIRMAN: All time has expired.

MR. JOHN L. BURTON: How did my time get eaten up, if I may ask?

THE CHAIRMAN: I will inform the gentleman that his time and that of several other Members on the list was consumed by the offering of the pref-

erential motion by the gentleman from Massachusetts (Mr. Conte).

Debate and Vote on Motion To Strike Enacting Clause Take Precedence

§ 22.49 Debate on a preferential motion in Committee of the Whole to strike the enacting clause, and a vote on that motion, takes precedence over remaining debate on a pending amendment on which time has been limited and allocated; thus, where a Member offers a preferential motion to strike the enacting clause in order to obtain five minutes of debate on the pending amendment on which debate has been limited and allocated, the Chair must put the question on the preferential motion immediately after debate thereon, unless unanimous consent is given to combine that debate with time remaining under the allocation on the amendment.

The following proceedings occurred in the Committee of the Whole on June 25, 1986,⁽¹⁹⁾ during consideration of H.R. 5052 (mili-

^{19.} 132 CONG. REC. 15500-502, 99th Cong. 2d Sess.

tary construction appropriations for fiscal 1987):

MR. [W. G.] HEFNER [of North Carolina]: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments hereto end in 20 minutes.

THE CHAIRMAN:⁽²⁰⁾ Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous-consent request was agreed to will be recognized for 2 minutes each. . . .

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN: The gentleman from California (Mr. Dellums) is recognized for 5 minutes in support of his preferential motion.

MR. DELLUMS: Mr. Chairman, I will not insist upon my motion that the Committee do now rise. I simply use this extraordinary tactic in order to gain some opportunity to speak on this terribly important matter. I think that we ought to limit debate only on issues that are noncontroversial

THE CHAIRMAN: The time of the gentleman from California (Mr. Dellums) has expired.

MR. DELLUMS: Mr. Chairman, I still have 1 minute on the earlier request.

THE CHAIRMAN: The preferential motion takes preference over the 1 minute.

^{20.} William J. Hughes (N.J.).

MR. DELLUMS: Mr. Chairman, I still have 1 minute after the preferential motion is voted up or down; is that not correct, Mr. Chairman.

THE CHAIRMAN: The gentleman is correct. Does the gentleman desire to take that now?

MR. DELLUMS: That is my request, and then I would logically conclude my discussion, Mr. Chairman, if I may.

THE CHAIRMAN: Without objection, the gentleman may proceed for 1 additional minute, on the preferential motion, in lieu of his 1 minute allocated on the pending amendment.

There was no objection.

Recognition To Close Debate Under Limitation

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

The following proceedings occurred in the Committee of the Whole on July 21, 1982,⁽¹⁾ during consideration of H.R. 6030 (the military procurement authorization for fiscal year 1983):

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

THE CHAIRMAN PRO TEMPORE:⁽²⁾ The gentleman from New York (Mr. Strat-

ton) has 7 minutes remaining, and the gentleman from Washington (Mr. Dicks) has 9½ minutes remaining.

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

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

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

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

Chair Puts Question on Amendment After Debate Closed

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

On Nov. 25, 1970,⁽³⁾ Mr. John C. Kluczynski, of Illinois, the man-

1. 128 CONG. REC. 17363, 97th Cong. 2d Sess.

2. Les AuCoin (Oreg.).

3. 116 CONG. REC. 38990, 91st Cong. 2d Sess.

ager of the pending bill in the Committee of the Whole, moved that all debate on the pending amendment close instantly. The Committee agreed to the motion by division vote. Mr. Andrew Jacobs, Jr., of Indiana, and Mr. Jonathan B. Bingham, of New York, then sought recognition to debate the amendment. Chairman Chet Holifield, of California, ruled that no further debate was in order:

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

THE CHAIRMAN: There was no count made of Members standing for time, and the motion of the gentleman from Illinois was to close debate, and that motion was agreed to.⁽⁴⁾

§ 23. Recognition for Particular Motions and Debate Thereon

This section discusses illustrative principles of recognition for various types of motions. The general subject of motions is treated comprehensively in Chapter 23, *supra*, and particular motions are discussed in detail in that chapter.

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

As a general matter where a Member is recognized to offer a resolution, after the resolution is read, that Member must again be recognized for debate; and between the two recognitions, a proper motion may intervene after presentation of the resolution.⁽⁵⁾

Where two or more Members rise at the same time seeking recognition to offer motions or for debate, the Speaker inquires into their purpose in seeking recognition, and then under Rule XIV, clause 2, names the Member to speak first.⁽⁶⁾ The fact that the Chair asks a Member, “for what purpose does the gentleman rise” does not confer recognition on the Member to offer a motion.⁽⁷⁾

Dilatory motions are not entertained by the Chair, and the determination of whether a motion is dilatory is within the Chair’s discretion.⁽⁸⁾ The Chair has on occasion indicated a reluctance to hold motions to be dilatory,⁽⁹⁾ unless it was obvious that dilatory tactics were being used.⁽¹⁰⁾

Several motions discussed in this section are used in the Committee of the Whole. (Proceedings

5. See 6 Cannon’s Precedents § 65.

6. See § 23.4, *infra*.

7. See § 23.1, *infra*.

8. See § 23.7, *infra*.

9. See § 23.8, *infra*.

10. See § 23.12, *infra*.