Under his authority in clause 3 of rule I, the Speaker convened a classified briefing for Members on the House floor when the House was not in session (Mar. 18, 1999, p. ——).

RULE XVIII

THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Resolving into the Committee of the Whole

§970. Selection of Chairman of Committee of the Whole; and his power to preserve order.

1. Whenever the House resolves into the Committee of the Whole House on the state of the Union, the Speaker shall leave the chair after appointing a Chairman to preside. In case of disturbance or disorderly conduct in the galleries or lobby, the Chairman may cause the same to be cleared.

This provision (former clause 1(a) of rule XXIII), adopted in 1880, was made from two older rules dating from 1789 and modified in 1794 to provide for the appointment of the Chairman instead of the inconvenient method of election by the committee (IV, 4704). It was amended in the 103d Congress to permit Delegates and the Resident Commissioner to preside in the Committee of the Whole (H. Res. 5, Jan. 5, 1993, p. 49), but that authority was repealed in the 104th Congress (sec. 212(b), H. Res. 6, Jan. 4, 1995, p. 468). Delegates presided in two instances during the 103d Congress (Oct. 6, 1994, p. 28533; Oct. 7, 1994, p. 29167). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 1(a) of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——).

§971. Functions of the Chairman of the Committee of the Whole.

The Sergeant-at-Arms attends the sittings of the Committee of the Whole and, under direction of the Chairman, maintains order (I, 257). His decisions on questions of order may be appealed; and in stating the appeal, the question is put as in the House: "Shall the decision of the Chair stand as the judgment of the Committee?" and a majority vote sustains the ruling (Aug. 1, 1989, p. 17159). In rare cases wherein the Chairman has been defied or insulted he has directed the Committee to rise, left the chair and, on the chair being taken by the Speaker, has reported the facts to the House (II, 1350, 1651, 1653). While the Committee of the Whole does not control the Congressional Record, the Chairman may direct the exclusion of disorderly words spoken by a Member after he has been called to order (V, 6987), but may not determine the privileges

of a Member under general "leave to print" (V, 6988). The Chairman decides questions of order arising in the Committee independently of the Speaker (V, 6927, 6928), but has declined to consider a question that had arisen in the House just before the Committee began to sit (IV, 4725, 4726) or a question that may arise in the House in the future (June 21, 1995, p. 16682). He recognizes for debate (V, 5003); but like the Speaker is forbidden to recognize for requests to suspend the rule of admission to the floor (V, 7285). He may direct the Committee to rise when the hour previously fixed for adjournment of the House arrives, or when the hour previously fixed by the House for consideration of other business arrives, in which case he reports in the regular way (IV, 4785; VIII, 2376; Aug. 22, 1974, p. 30077); but if the Committee happens to be in session at the hour fixed for the meeting of the House on a new legislative day, it rests with the Committee and not with the Chairman to determine whether or not the Committee shall rise (V, 6736, 6737).

§ 972. Speaker's declaration into Committee of the Whole pursuant to special order.

2. (a) Except as provided in paragraph (b) and in clause 7 of rule XV, the House resolves into the Committee of the Whole House on the state of the Union by motion. When such a motion is entertained, the Speaker shall put the question without debate: "Shall the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of this matter?", naming it.

(b) After the House has adopted a resolution reported by the Committee on Rules providing a special order of business for the consideration of a measure in the Committee of the Whole House on the state of the Union, the Speaker may at any time, when no question is pending before the House, declare the House resolved into the Committee of the Whole for the consideration of that measure without intervening motion, unless the special order of business provides otherwise.

Paragraph (a) was adopted when the House recodified its rules in the 106th Congress to codify the form of the motion to resolve into the Com-

mittee of the Whole (H. Res. 5, Jan. 6, 1999, p. ——). Paragraph (b) was added in the 98th Congress (H. Res. 5, Jan. 3, 1983, p. 34). Before the House recodified its rules in the 106th Congress, paragraph (b) was found in former clause 1(b) of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——).

Measures requiring initial consideration in the Committee of the Whole

§ 973. Subjects requiring consideration in Committee of the Whole.

3. All bills, resolutions, or Senate amendments (as provided in clause 3 of rule XXII) involving a tax or charge on the people, raising revenue, directly or indirectly making appropriations of money or property or requiring such appropriations to be made, authorizing payments out of appropriations already made, releasing any liability to the United States for money or property, or referring a claim to the Court of Claims, shall be first considered in the Committee of the Whole House on the state of the Union. A bill, resolution, or Senate amendment that fails to comply with this clause is subject to a point of order against its consideration.

The first form of this rule was adopted in 1794, and it has been perfected by amendments in 1874 and 1896 (IV, 4792). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 3 of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——).

§ 974. Construction of the rule, requiring consideration in Committee of the Whole.

To require consideration in Committee of the Whole, a bill must show on its face that it falls within the requirements of the rule (IV, 4811–4817; VIII, 2391), but where the expenditure is a mere matter of speculation (IV, 4818–4821; VIII, 2388), or where the bill might involve a charge, but does not necessarily do so (IV, 4809, 4810), the rule does not apply. In passing upon the question as to whether a proposition involves a charge upon the Treasury, the Speaker is confined to the provisions of the text and may not take into consideration personal knowledge not directly deducible therefrom (VIII, 2386, 2391). Resolutions reported by the Committee on House Administration (now House Oversight) appropriating from the contingent fund (now referred to as "applicable accounts of the House described in clause 1(i)(1) of rule X") of the House are consid-

ered in the House (VIII, 2415, 2416). Authorizations of expenditures from the contingent fund, under the later ruling (IV, 4862–4867) do not fall within the specifications of the rule (IV, 4868). A bill providing for an expenditure which is to be borne otherwise than by the Government (IV, 4831; VIII, 2400), or relating to money in the Treasury in trust (IV, 4835, 4836, 4853; VIII, 2413), is not governed by the rule. But where a bill sets in motion a train of circumstances destined ultimately to involve certain expenditures, it must be considered in Committee of the Whole (IV, 4827; VIII, 2399), as well as bills ultimately authorizing officials in certain contingencies to part with property belonging to the United States (VIII, 2399). The requirements of the rule apply to amendments as well as to bills (IV, 4793, 4794; VIII, 2331), and also to any portion of a bill requiring an appropriation, even though it be merely incidental to the bill's main purpose (IV, 4825). Under the later practice general (as well as private and special) bills providing for the adjudication and payment of claims are held to be within the requirements of the rule (IV, 4856–4859).

§ 975. Subjects not requiring consideration in Committee of the Whole.

The House may consider in Committee of the Whole subjects not specified in the rule (IV, 4822); for example, major amendments to the Rules of House have been considered in Committee of the Whole pursuant to special orders (H. Res. 988, Committee Reform Amendments of 1974, considered in Committee of the Whole pursuant to H. Res. 1395, Sept. 30, 1974, p. 32953; H.R. 17654, Legislative Reorganization Act of 1970, considered in Committee of the Whole pursuant to H. Res. 1093, July 13, 1970, p. 23901). While conference reports were formerly considered in Committee of the Whole, they may not be sent there on the suggestion of the point of order that they contain matter ordinarily requiring consideration therein (V, 6559–6561). When a bill is made a special order (IV, 3216–3224), or when unanimous consent is given for its consideration (IV, 4823; VIII, 2393), the effect is to discharge the Committee of the Whole and bring the bill before the House itself for its consideration (IV, 3216; VII, 788), and in such event the bill is considered either in the House pursuant to a special order or "in the House as in the Committee of the Whole" (VIII, 2393). When a bill once considered in Committee of the Whole is recommitted, it is not, when again reported, necessarily subject to the point of order that it must be considered in Committee of the Whole (IV, 4828, 4829; V, 5545, 5546, 5591).

§ 976. General practice as to consideration in Committee of the Whole.

Provisions placing liability jointly on the United States and the District of Columbia (IV, 4833), granting an easement on public lands or in streets belonging to the United States (IV, 4840–4842), dedicating public land to be forever used as a public park (IV, 4837, 4838), providing site for statue (VIII, 2405), confirming grants of public lands (IV, 4843) and creating new offices (IV, 4824, 4846), have been held to require consideration in Committee of the Whole. Indian lands have not been considered property of the Government within the meaning of the rule (IV,

4844, 4845; VIII, 2413). And while a bill removing the rate of postage has been held to be within the rule as involving a tax or charge (IV, 4861), taxes on bank circulation have not been so considered (IV, 4854, 4855).

The mere making of a unanimous-consent request to dispense with the reading of an amendment and to revise and extend remarks thereon is not such intervening business as would render a point of order untimely under this clause, where the Member making the point of order is on his feet seeking recognition (July 16, 1991, p. 18391; see Procedure, ch. 31, sec. 5.7).

Order of business

§977. Order of business in Committee of the Whole.

4. (a) Subject to subparagraph (b) business on the calendar of the Committee of the Whole House on the state of the Union may be taken up in regular order, or in such order as the Committee may determine, unless the measure to be considered was determined by the House at the time of resolving into the Committee of the Whole.

(b) Motions to resolve into the Committee of the Whole for consideration of bills and joint resolutions making general appropriations have precedence under this clause.

The early practice left the order of taking up bills to be determined entirely by the Committee, but in 1844 the House began by rule to regulate the order, and in 1880 adopted the present rule (IV, 4729). When the House recodified its rules in the 106th Congress, this provision was transferred from former clause 4 of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——). At that time references in this provision to revenue bills and rivers and harbors bills were deleted to conform it to changes made to the Rules of House by the Committee Reform Amendments of 1974 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), which revoked the privilege to report such bills at any time.

The power of the Committee to determine the order of considering bills on its calendar is construed to authorize a motion to establish an order (IV, 4730) or a motion to take up a specified bill out of its order (IV, 4731, 4732; VIII, 2333). Except in cases wherein the rules make specific provisions therefor a motion is not in order in the House to fix the order in which business on the calendars of the Committee of the Whole shall be taken up (IV, 4733). The Committee of the Whole having voted to consider a particular bill, and consideration having begun, a motion to reconsider

or change that vote is not in order (IV, 4765). When there is unfinished business in Committee of the Whole, it is usually first in order (IV, 4735; VIII, 2334).

Reading for amendment

§ 978. General debate and amendment under the five-minute rule in Committee of the Whole.

5. (a) Before general debate commences on a measure in the Committee of the Whole House on the state of the Union, it shall be read in full. When general debate is concluded or closed by order of the House, the measure under consideration shall be read for amendment. A Member, Delegate, or Resident Commissioner who offers an amendment shall be allowed five minutes to explain it, after which the Member, Delegate, or Resident Commissioner who shall first obtain the floor shall be allowed five minutes to speak in opposition to it. There shall be no further debate thereon, but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment. An amendment, or an amendment to an amendment, may be withdrawn by its proponent only by the unanimous consent of the Committee of the Whole.

(b) When a Member, Delegate, or Resident Commissioner offers an amendment in the Committee of the Whole House on the state of the Union, the Clerk shall promptly transmit five copies of the amendment to the majority committee table and five copies to the minority committee table. The Clerk also shall deliver at least one copy of the amendment to the majority

cloakroom and at least one copy to the minority cloakroom.

A rule of 1789 provided that bills should be read and debated in Committee of the Whole and in the House by clauses. Although that rule has disappeared, the practice continues in Committee of the Whole, although not in the House. Originally there was unlimited debate in Committee of the Whole both as to the bill generally and also as to any amendment; but in 1841 the rule that no Member should speak more than an hour was applied both to the Committee of the Whole and the House. At the same time another rule was adopted to prevent indefinite prolongation of debate in Committee of the Whole by permitting the House by majority vote to order the discharge of the Committee of the Whole from the consideration of a bill after acting, without debate, on pending amendments and any other amendments that might be offered. The effect of this was to empower the House to close general debate at any time after it had actually begun in the Committee; and thereby to require amendments to be voted on without debate. In 1847 a rule provided that any Member proposing an amendment should have five minutes in which to explain it, and in 1850 an amendment to the rule also permitted five minutes in opposition and guarded against abuse by forbidding the withdrawal of an amendment when once offered (V, 5221). In the 104th Congress the Speaker announced his intention to strictly enforce time limitations on debate (Jan. 4, 1995, p. 457). Paragraph (b), placing upon the Clerk the responsibility for providing copies of amendments, was part of the Legislative Reorganization Act of 1970 (sec. 124; 84 Stat. 1140) and was added to the rule in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 5(a) of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——). The recodification also conformed paragraph (a) to the recodified clause 8 of rule XVI to reflect the modern practice of first and second readings (H. Res. 5, Jan. 6, 1999, p. ——). The fact that copies of an amendment have not been made available as required in this clause is not grounds for a point of order against the amendment (June 21, 1974, p. 20609; Mar. 25, 1976, p. 7997).

§ 979. Motion to close general debate in Committee of the Whole.

The motion to close general debate in Committee of the Whole, successor in the practice to the motion to discharge provided by the rule of 1841, is made in the House pending the motion that the House resolve itself into Committee, and not after the House has voted to go into Committee (V, 5208); and though not debatable, the previous question is sometimes ordered on it to prevent amendment (V, 5203); and in case the previous question is ordered, the 40 minutes debate under clause 1(a) of rule XIX (former clause 2 of rule XXVII) is not allowed (VIII, 2555, 2690). General debate must have already begun in Committee of the Whole before the motion to limit it is in order in the House (V, 5204–5206). The motion may not apply to a series of bills (V, 5209) and the motion in the

House to limit debate on a bill in the Committee of the Whole must apply to the whole and not to a part of a bill (V, 5207). A proposition for a division of time may not be made as a part of it (V, 5210, 5211). The motion may not be made in Committee of the Whole (V, 5217; VIII, 2548); but, in absence of an order by the House, the Committee of the Whole may by unanimous consent determine as to general debate (V, 5232; VIII, 2553). Where the House has fixed the time the Committee may not, even by unanimous consent, extend it (V, 5212–5216; VIII, 2321, 2550; Mar. 27, 1984, p. 6599). The general debate must close before amendments may be offered (IV, 4744; V, 5221); and it is closed by the fact that no Member desires to participate further (IV, 4745). Where no member of a committee designated to control time is present at the appropriate time during general debate in Committee of the Whole, the Chair may presume the time to have been yielded back (June 11, 1984, p. 15744). Motions for disposition of the bill are not in order before general debate is closed (IV, 4778); nor may a Member, in time yielded to him for general debate, move that the Committee rise (May 25, 1967, p. 14121) or yield to another for such motion (Feb. 22, 1950, p. 2178).

§ 980. Reading and amendment under the five-minute rule.

The reading of the bill for amendment is not specifically required by the present form of the rule; but is done under a practice which was originally instituted by the rule of 1789 and has continued, although the rule was eliminated, undoubtedly by inadvertence, in the codification of 1880 (V, 5221). Revenue, general appropriation, lighthouse, and river and harbor bills are generally read by paragraphs; other bills by sections (IV, 4738, 4740); and while the matter is very largely in the discretion of the Chair (VIII, 2341, 2344, 2346), the Committee of the Whole has overruled his decision (VIII, 2347). A bill (or the remainder of a bill) may be considered as having been read and open to amendment by unanimous consent but not by motion (June 18, 1976, p. 19296). A Senate amendment, however, is read in entirety, and not by either paragraphs or sections (V, 6194) and an amendment in the nature of a substitute offered from the floor must also be read in its entirety and is then open to amendment at any point, and a unanimous-consent request in Committee of the Whole that it be read by sections for amendment is not in order (Mar. 25, 1975, p. 8490). To a bill read by paragraph, a motion to strike an entire title, encompassing multiple paragraphs, is not in order (Aug. 5, 1998, p. ——). The Committee of the Whole may not, even by unanimous consent, prohibit the offering of an amendment otherwise in order under the five-minute rule (July 31, 1984, p. 21701; Mar. 7, 1995, p. 11931). When a paragraph or section has been passed it is not in order to return thereto (IV, 4742, 4743) except by unanimous consent (IV, 4746, 4747; Deschler's Precedents, vol. 8, ch. 26, sec. 2.26) or when, the reading of the bill being concluded and a motion to rise being decided in the negative, the Committee on motion votes to return (IV, 4748). Where a bill is considered as read and open to amendment at any point, adoption of an amendment adding a

new section at the end of the bill does not preclude subsequent amendments to previous sections of the bill (Apr. 17, 1986, p. 7861). But the chairman may direct a return to a section whereon, by error, no action was had on a pending amendment (IV, 4750). Points of order against a paragraph should be made before the next paragraph is read (V, 6931; VIII, 2351). The paragraph or section having been read, and an amendment offered, the right to explain or oppose that amendment has precedence of a motion to amend it (IV, 4751). In this debate recognitions are governed by the conditions of the pending question rather than by the general relations of majority and minority (V, 5223). The Member recognized may not yield time (V, 5035–5037; May 8, 1987, p. 11832; Dec. 10, 1987, p. 34686) unless he remains on his feet (June 10, 1998, p. ——); and he must confine himself to the subject (V, 5240–5256; VIII, 2591). Where debate on an amendment is limited or allocated by special order to a proponent and an opponent, the five-minute rule is abrogated and the Members controlling the debate may yield and reserve time; whereas debate time on amendments under the five-minute rule cannot be reserved (Aug. 1, 1990, p. 21425). A Member recognized under the five-minute rule may not yield to another Member to offer an amendment (Dec. 12, 14, 1973, pp. 41171, 41716; Sept. 8, 1976, p. 29243; Mar. 7, 1995, p. ——).

Where the Chair recognizes the proponent of an amendment to propound a unanimous-consent request to modify the text of the amendment before commencing debate thereon, the Chair does not charge time consumed under a reservation of objection against the proponent's time for debate on the amendment (Feb. 3, 1993, p. 1978; May 27, 1993, p. 11931).

§ 981. Pro forma amendments under the five-minute rule.

The pro forma amendment to "strike out the last word" has long been used for purposes of debate or explanation where an actual amendment is not contemplated (V, 5778; VIII, 2591); but a pro forma amendment must be voted on unless withdrawn (VIII, 2874). A Member who has occupied five minutes on a pro forma amendment to debate a pending substantive amendment may not lengthen this time by making another pro forma amendment (V, 5222; VIII, 2560), may not offer another pro forma amendment after intervening debate on a pending amendment, even on a subsequent day (July 14, 1998, p. ——), and may not extend debate time by offering a substantive amendment while other Members are seeking recognition (July 28, 1965, p. 18631). A Member recognized to offer a pro forma amendment under the five-minute rule may not during that time offer a substantive amendment but must be separately recognized for that purpose by the Chair (Nov. 19, 1987, p. 32880). A Member may speak in opposition to a pending amendment and subsequently offer a pro forma amendment and debate that (June 30, 1955, p. 9614); a Member may offer a second degree amendment and then offer a pro forma amendment to debate the underlying first degree amendment (June 28, 1995, p. 17633); and a Member who has debated a substantive amendment may thereafter rise in opposition to a pro forma amendment thereto (July 20,

1951, p. 8566). A Member who has offered a substantive amendment and then debated it for five minutes may not extend his time by offering a pro forma amendment, as it is not in order for the offeror of an amendment to amend his own amendment except by unanimous consent (Oct. 14, 1987, p. 27898). A pro forma amendment may be offered after a substitute has been adopted and before the vote on the amendment, as amended, by unanimous consent only, since the amendment has been amended in its entirety and no further amendments, including pro forma amendments, are in order (Oct. 18, 1983, p. 28185; June 28, 1995, p. 17633). A Member recognized on a pro forma amendment may not allocate or reserve time, though he may in yielding indicate to the Chair when he intends to reclaim his time (May 19, 1987, p. 12811; July 13, 1994, p. 16438). The Chair endeavors to alternate recognition to offer pro forma amendments between majority and minority Members (giving priority to committee members) rather than between sides of the question (Mar. 21, 1994, p. 5730).

Quorum and voting

§ 982. Failure of a quorum in Committee of the Whole.

6. (a) A quorum of a Committee of the Whole House on the state of the Union is 100 Members. The first time that a Committee of the Whole finds itself without a quorum during a day, the Chairman shall invoke the procedure for a quorum call set forth in clause 2 of rule XX, unless he elects to invoke an alternate procedure set forth in clause 3 or clause 4(a) of rule XX. If a quorum appears, the Committee of the Whole shall continue its business. If a quorum does not appear, the Committee of the Whole shall rise, and the Chairman shall report the names of absentees to the House.

(b)(1) The Chairman may refuse to entertain a point of order that a quorum is not present during general debate.

(2) After a quorum has once been established on a day, the Chairman may entertain a point of order that a quorum is not present only when the Committee of the Whole House on the state

of the Union is operating under the five-minute rule and the Chairman has put the pending proposition to a vote.

(3) Upon sustaining a point of order that a quorum is not present, the Chairman may announce that, following a regular quorum call under paragraph (a), the minimum time for electronic voting on the pending question shall be five minutes.

(c) When ordering a quorum call in the Committee of the Whole House on the state of the Union, the Chairman may announce an intention to declare that a quorum is constituted at any time during the quorum call when he determines that a quorum has appeared. If the Chairman interrupts the quorum call by declaring that a quorum is constituted, proceedings under the quorum call shall be considered as vacated, and the Committee of the Whole shall continue its sitting and resume its business.

(d) A quorum is not required in the Committee of the Whole House on the state of the Union for adoption of a motion that the Committee rise.

It was the early practice for the Committee of the Whole to rise on finding itself without a quorum (IV, 2977), and it was not until 1847 that a rule (former clause 2(a) of rule XXIII) was adopted. The rule was amended in 1880, again in 1890 (which included the concept that a quorum in the Committee should be one hundred rather than a quorum of the House (IV, 2966)), and in 1971 (Jan. 22, 1971, p. 144). On October 13, 1972 (H. Res. 1123, p. 36012) the rule was amended to reflect the installation of the electronic voting system in the House Chamber, and on January 4, 1977 (H. Res. 5, 95th Cong., pp. 53–70) it was substantially changed to allow quorum calls only under the five-minute rule where the Chairman has put the question on a pending proposition, after a quorum of the Committee of the Whole has been once established on that day. The Chairman of the Committee of the Whole must entertain a point of order of no quorum during the five-minute rule if a quorum has not yet been established in

the Committee on the bill then pending (and the fact that a quorum of the Committee has previously been established on another bill on that day is irrelevant during consideration (Sept. 19, 1984, p. 26082)). Where a recorded vote on a prior amendment or motion during the five-minute rule on that bill on that day has established a quorum, a subsequent point of no quorum during debate is precluded (June 3, 1992, p. 13336), although a subsequent call of the Committee may be ordered by unanimous consent (May 10, 1984, p. 11869; Dec. 17, 1985, p. 37469; June 25, 1986, p. 15551).

The clause was amended again in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7–16) to permit the Committee to continue its business following the appearance of a quorum so that the Speaker need not take the chair to receive the Committee's report of absentees as in previous practice, and to enable the Chairman to reduce to five minutes the period for a recorded vote immediately following a regular quorum call. A vote by division is not such intervening business as would preclude a five-minute vote under this clause (July 22, 1994, p. 17609). In the 97th Congress (H. Res. 5, Jan. 5, 1981, p. 98) the rule was amended to allow the Chairman the discretion whether or not to entertain a point of order of no quorum during general debate only.

The provision permitting the Chair to vacate proceedings under the call in his discretion when a quorum appears, were added in the 93d Congress (H. Res. 998, Apr. 9, 1974, pp. 10195–99). The Speaker interpreted that provision to permit the Chairman of the Committee of the Whole to announce in advance, at the time that the absence of a quorum is ascertained, that he will vacate proceedings when a quorum appears, and to convert to a regular quorum call if a quorum does not appear at any time during the call (May 13, 1974, p. 14148).

The Chair need not convert to a regular quorum call precisely at the expiration of 15 minutes if 100 Members have not responded on a "notice" quorum call but may continue to exercise his discretion to vacate proceedings at any time during the entire period permitted for the conduct of the call by clause 2 of rule XX (July 17, 1974, p. 23673).

Under the modern practice, when a Committee of the Whole finds itself without a quorum, the Chairman normally directs that Members record their presence by electronic device. The Chair may however, in his discretion, order that Members respond by the alternative procedures in clause 3 of rule XX (alphabetical call of the roll) or clause 4(a) of rule XX (clerk tellers) (for the use of clerk tellers for a "notice" quorum call in Committee of the Whole, see July 13, 1983, p. 18858).

Before the installation of the electronic system, a quorum in the Committee was established by a call of the roll. At one time the roll was called but once (IV, 2967); but in the later practice it was called twice as on other roll calls (VI, 668). Where the Committee has risen to report the absence of a quorum, it resumes its session by direction of the Speaker on the appearance of a quorum (IV, 2968; VI, 674). The quorum which must appear to permit the Committee to continue its business is a quorum

of the Committee and not of the House (IV, 2970, 2971) but if such quorum fails to appear, a quorum of the House is required (VI, 674). It was formerly held that after the Committee has risen and reported its roll call, a motion to adjourn is in order before direction as to resumption of the session (IV, 2969), but under the later practice the Committee immediately resumed its session without intervening motion or unanimous-consent requests (VI, 672, 673; VIII, 2377, 2379, 2436). The failure of a quorum of the House to answer on this roll call does not interfere with the authority of the Speaker to direct the Committee to resume its session (IV, 2969). The Chairman's count of a quorum is not subject to verification by tellers (VIII, 2369, 2436), may not be challenged by an appeal (July 24, 1974, p. 25012), and he may count those present and not voting in determining whether a quorum is present (VI, 641). On a division vote totaling less than 100, the Chair has relied on his immediately prior count on a point of no quorum and on his observation of several Members present but not voting on the division vote in finding the presence of a quorum of the Committee of the Whole (June 29, 1988, p. 16504). No quorum being present when a vote is taken in Committee of the Whole, and the Committee having risen before a quorum appeared, such vote is invalid, and the question is put de novo when the Committee resumes its business (VI, 676, 677). While an "automatic" roll call (under clause 6(a) of rule XX) is not in order in Committee of the Whole, a point of order of no quorum may intervene between the announcement of a division vote result and prior to transaction of further business, and a demand for a recorded vote following the quorum call is not thereby precluded (Oct. 9, 1975, p. 32598). Where a recorded vote is refused but the Chair has not announced the result of a voice vote on an amendment, and the demand for a division vote remains possible, the question remains pending and the Chair is obligated to entertain a point of order of no quorum under this provision (June 6, 1979, p. 13648).

§ 983. Rising and reports of Committee of the Whole.

The presence of a quorum is not necessary for adoption of a motion that the Committee of the Whole rise (IV, 2975, 2976, 4914; clause 6(d) of rule XVIII; Mar. 5, 1980, p. 4801; Oct. 3, 1985, p. 26096; May 21, 1992, p. 12394); but when the Committee rises without a quorum, it may not report the bills it has acted on (IV, 2972, 2973), and such bills as have been laid aside to be reported remain in the Committee until the next occasion, when the Committee rises without question as to a quorum (IV, 4913). A simple motion that the Committee of the Whole rise is privileged (VIII, 2369) and takes precedence over a motion to amend (May 21, 1992, p. 12394); however the motion cannot interrupt a Member who has the floor (VIII, 2370, 2371) and may be ruled out when dilatory (VIII, 2800). For a further discussion of the motion to rise, see § 334, *supra*.

Under clause 6 of rule XVIII (former clause 6 of rule XV), as added in the 93d Congress (H. Res. 998, Apr. 9, 1974, p. 10199), a point of order of no quorum may not be entertained, on a day on which a quorum has been established, during the period after the Committee of the Whole has

risen after completing its consideration of a bill or resolution and before the Chairman of the Committee has reported the bill or resolution back to the House. The fact that the vote whereby the Committee rises does not show a quorum (IV, 4914) or that a point of no quorum has been made without an ascertainment thereof (IV, 2974), does not prevent a report of the bills already acted on. The Chairman having announced the absence of a quorum in Committee of the Whole, a motion to rise is in order and if a quorum develops on the vote by which the motion is rejected the roll is not called and the Committee proceeds with its business (VIII, 2369). The passage of a bill by the House is not invalidated by the fact that the Committee of the Whole reported it on an erroneous supposition that a record vote had disclosed a quorum (IV, 2972).

(e) In the Committee of the Whole House on the state of the Union, the Chairman shall order a recorded vote on a request supported by at least 25 Members.

This provision was adopted in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7–16). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 2(b) of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——).

§ 984. Five-minute votes on amendments in sequence.

(f) In the Committee of the Whole House on the state of the Union, the Chairman may reduce to five minutes the minimum time for electronic voting without any intervening business or debate on any or all pending amendments after a record vote has been taken on the first pending amendment.

This paragraph was added in the 102d Congress (H. Res. 5, Jan. 3, 1991, p. 39). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 2(c) of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——). A vote by division is not such intervening business as would preclude a five-minute vote under this clause (July 22, 1994, p. 17609).

Other than the authority granted under this clause, the Chairman of the Committee of the Whole may not entertain a unanimous-consent request to reduce below 15 minutes the minimum time for recorded votes in the Committee of the Whole (June 18, 1987, p. 16764) or to postpone and cluster votes on amendments (July 13, 1995, p. ——; Sept. 27, 1995, p. ——; July 14, 1998, p. ——). In recent years, however, special rules

adopted by the House have routinely provided the Chairman of the Committee of the Whole authority to postpone and cluster requests for recorded votes. Where a special rule provides such authority, use of that authority, and the order of clustering, is entirely within the discretion of the Chair (Aug. 5, 1998, p. ——).

§ 985. Former provision for de novo vote where Delegates decisive.

When the 103d Congress enabled voting by the Delegates and the Resident Commissioner in the Committee of the Whole, it also added a paragraph (d) to former clause 2 of rule XXIII to provide for immediate reconsideration in the House of questions resolved in the Committee of the Whole House on the state of the Union by a margin within which the votes of Delegates and the Resident Commissioner have been decisive (H. Res. 5, Jan. 5, 1993, p. 49). When the 104th Congress repealed the authority for the Delegates and the Resident Commissioner to vote in the Committee of the Whole, it also repealed former clause 2(d) (sec. 212(c), H. Res. 6, Jan. 4, 1995, p. 468).

Under the former paragraph (d), whether the votes cast by the delegates were decisive was determined by a "but for" test, the question being whether the result would have been different if their votes were not counted (May 19, 1993, p. 10409). An amendment adopted by immediate proceedings de novo in the House under the former paragraph (d) did not disturb the sequence of a "king-of-the-hill" procedure established by a special rule waiving all points of order against subsequent amendments (Mar. 17, 1994, p. 5388).

Dispensing with the reading of an amendment

§ 986. Motion to dispense with reading.

7. It shall be in order in the Committee of the Whole House on the state of the Union to move that the Committee of the Whole dispense with the reading of an amendment that has been printed in the bill or resolution as reported by a committee, or an amendment that a Member, Delegate, or Resident Commissioner has caused to be printed in the Congressional Record. Such a motion shall be decided without debate.

This provision was added in the 97th Congress (H. Res. 5, Jan. 5, 1981, pp. 98–113) to permit a motion to dispense with the reading of certain amendments in the Committee of the Whole. Before the House recodified

its rules in the 106th Congress, this provision was found in former clause 5(b) of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——).

Closing debate

§ 987. Closing the five-minute debate in Committee of the Whole.

8. (a) Subject to paragraph (b) at any time after the Committee of the Whole House on the state of the Union has begun five-minute debate on amendments to any portion of a bill or resolution, it shall be in order to move that the Committee of the Whole close all debate on that portion of the bill or resolution or on the pending amendments only. Such a motion shall be decided without debate. The adoption of such a motion does not preclude further amendment, to be decided without debate.

(b) If the Committee of the Whole House on the state of the Union closes debate on any portion of a bill or resolution before there has been debate on an amendment that a Member, Delegate, or Resident Commissioner has caused to be printed in the Congressional Record at least one day before its consideration, the Member, Delegate, or Resident Commissioner who caused the amendment to be printed in the Record shall be allowed five minutes to explain it, after which the Member, Delegate, or Resident Commissioner who shall first obtain the floor shall be allowed five minutes to speak in opposition to it. There shall be no further debate thereon.

(c) Material submitted for printing in the Congressional Record under this rule shall indicate the full text of the proposed amendment, the name of the Member, Delegate, or Resident

Commissioner proposing it, the number of the bill or resolution to which it will be offered, and the point in the bill or resolution or amendment thereto where the amendment is intended to be offered. The amendment shall appear in a portion of the Record designated for that purpose. Amendments to a specified measure submitted for printing in that portion of the Record shall be numbered in the order printed.

This clause (former clause 6 of rule XXIII) was adopted in 1860, with amendments in 1880 and 1885 (V, 5221, 5224). Paragraph (b), permitting 10 minutes for debate on an amendment that has been printed in the Record even after the Committee of the Whole closes debate, was inserted in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144) following the enactment of an identical provision in section 119 of the Legislative Reorganization Act of 1970 (84 Stat. 1140). In the 105th Congress that provision was amended to accommodate the printing of amendments to measures not yet reported (H. Res. 5, Jan. 7, 1997, p. ——). The third sentence, relating to the procedure for submitting and the printing of amendments, was added in the 93d Congress (H. Res. 1387, Nov. 25, 1974, p. 37270). The last sentence, relating to the numbering of printed amendments, was added in the 104th Congress (sec. 217, H. Res. 6, Jan. 4, 1995, p. 468). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 6 of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——).

The Speaker announced that amendments to be printed in the Record pursuant to this clause must be deposited in a separate box at the Rostrum or with the Official Reporters of Debates within 15 minutes following adjournment, and must bear the Member's original signature (Nov. 25, 1974, p. 37270). Although ordinarily the expiration of time for debate on a bill and all amendments thereto precludes debate on amendments offered thereafter (July 18, 1968, p. 22110), debate on an amendment printed in the Record may nevertheless proceed for 10 minutes under this clause (Aug. 2, 1973, p. 27715). Printing an amendment in the Record under this clause permits debate notwithstanding a limitation of debate only if the amendment has been properly offered, and does not permit the offering of an amendment not otherwise in order under the rules (Apr. 23, 1975, p. 11491); and the guaranteed five minutes may be claimed only if the offeror of the amendment is the Member who caused it to be printed under the rule (June 1, 1976, p. 16044; June 29, 1989, p. 13928; June 19, 1991, p. ——). The guaranteed time applies to an amendment offered as a substitute for another amendment, rather than as a primary amendment, if

offered in the precise form printed (June 26, 1979, p. 16682), but where such a substitute amendment has not been printed in the Record it may not be debated unless time is yielded within the original 10 minutes (Dec. 10, 1987, p. 34710). Where a special order requires amendments to be printed in the Record to qualify during the consideration of a bill under the five-minute rule, but makes no designation concerning offerors, any printed amendment may be offered by any Member (Mar. 22, 1990, p. 5017); but only the Member causing the amendment to be printed is entitled to the time for debate guaranteed by this clause.

The motion to close five-minute debate is not in order until such debate has begun (V, 5225; VIII, 2567), which means after one five-minute speech (V, 5226; VIII, 2573). The motion to strike the enacting clause under clause 9 (former clause 7) of this rule is preferential to the motion to close debate (June 28, 1995, p. 17647; July 13, 1995, p. 18872). Although any Member may move, or request unanimous consent, to limit debate under the five-minute rule, the manager of the bill has priority in recognition for such purpose (June 19, 1984, p. 17055). The House, as well as the Committee of the Whole, may close five-minute debate after it has begun (V, 5229, 5231), but rarely exercises this right. The motion to close debate, while not debatable (Apr. 23, 1975, p. 11534; June 5, 1975, p. 17187, July 14, 1998, p. ——), may be amended (V, 5227; VIII, 2578). A time limitation imposed by the Committee of the Whole under this clause may be rescinded or modified only by unanimous consent (Sept. 17, 1975, p. 28904). While the Committee of the Whole may limit debate on amendments, it may not restrict the offering of amendments in contravention of a special order adopted by the House (June 25, 1985, p. 17201). The Committee of the Whole by unanimous consent may limit and allocate control of time for debate on amendments not yet offered (May 6, 1998, p. ——). The motion may be ruled out when dilatory (V, 5734).

The closing of debate on the last section of a bill does not preclude debate on a substitute for the whole text (V, 5228). Where there is a time limitation on debate on a pending amendment in the nature of a substitute and all amendments thereto, but not on the underlying original text, debate on perfecting amendments to the original text proceeds under the five-minute rule absent another time limitation (Apr. 13, 1983, p. 8402). Where the time for debate on a pending amendment in the form of a motion to strike and all amendments thereto has been limited, a subsequently offered perfecting amendment considered as preferential to (rather than as an amendment to) the motion to strike remains separately debatable outside the limitation (July 20, 1995, p. ——). Where five-minute debate has been limited to a certain number of minutes without reference to a time certain, the time consumed by reading of amendments, quorum calls, points of order and votes does not reduce the amount of time remaining for debate (Oct. 3, 1969, p. 28459; Nov. 9, 1971, p. 40060); but where debate has been limited to a time certain, such activities as reading and voting obviously consume time otherwise allocable to Members wishing to speak (May

6, 1970, p. 14452; Oct. 7, 1976, p. 26305). Unlike time placed under a Member's control, five-minute debate (or time derived therefrom under a limitation) may not be reserved or yielded in blocks except by unanimous consent (Mar. 2, 1976, p. 4992; May 11, 1976, p. 13416; June 14, 1977, p. 18833). A motion to limit debate on a pending amendment may neither allocate the time proposed to remain nor vary the order of recognition to close debate, though the Committee of the Whole may do either separately by unanimous consent (July 12, 1988, p. 17767). The Committee of the Whole may: (1) by motion, limit debate on a pending committee amendment in the nature of a substitute (considered as read) and on all amendments thereto to a time certain; and then (2) by unanimous-consent request or motion, separately limit debate on each perfecting amendment as it is offered (Mar. 16, 1983, p. 5794).

Under a limitation on debate the Chair may, in his discretion, either: (1) permit continued debate under the five-minute rule; (2) divide the remaining time among those desiring to speak; or (3) divide the remaining time between a proponent and an opponent to be yielded by them to other Members (May 25, 1982, p. 11672). The Chair also may, in his discretion, give priority in recognition under a limitation to those Members seeking to offer amendments, over other Members standing at the time the limitation was agreed to (May 26, 1977, pp. 16950–52). Where the Committee of the Whole has limited time for debate on a bill and all amendments thereto to a time certain several hours away, the Chair may, in his discretion, continue to proceed under the five-minute rule until he desires to allocate remaining time on possible amendments, and may then divide that time among proponents of anticipated amendments and committee members opposing those amendments (July 16, 1981, p. 16044). The Chair has discretion to reallocate time to conform to the limit set by unanimous consent of the Committee of the Whole (Mar. 16, 1995, p. 8115).

As codified in clause 3(c) of rule XVII (and except as indicated in § 959, *supra*) the manager of the bill, and not the proponent of the pending amendment, has the right to close controlled debate on an amendment (July 16, 1981, p. 16043), even where he is also the proponent of a pending amendment to the amendment (Mar. 16, 1983, p. 5792).

Striking the enacting clause

§ 988. The motion to strike out the enacting words of a bill.

9. A motion that the Committee of the Whole House on the state of the Union rise and report a bill or resolution to the House with the recommendation that the enacting or resolving clause be stricken shall have precedence of a motion to amend, and, if carried in the House, shall con-

stitute a rejection of the bill or resolution. Whenever a bill or resolution is reported from the Committee of the Whole with such adverse recommendation and the recommendation is rejected by the House, the bill or resolution shall stand recommitted to the Committee of the Whole without further action by the House. Before the question of concurrence is submitted, it shall be in order to move that the House refer the bill or resolution to a committee, with or without instructions. If a bill or resolution is so referred, then when it is again reported to the House it shall be referred to the Committee of the Whole without debate.

The practice of rejecting a bill by striking out the enacting words dates from a time as early as 1812, but the first rule on the subject was not adopted until 1822. By amendments in 1860, 1870, and 1880 the rule has been brought into its present form (V, 5326). The rule before 1880 applied in the House as well as in Committee of the Whole. In the revision of 1880 for the first time it was classified among the rules relating to the Committee of the Whole, but there is nothing to indicate that this change was intended to limit the scope of the motion. It was probably a recognition merely of the fact that the motion was used most frequently in Committee of the Whole (V, 5326, 5332). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 7 of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——). The motion must be in writing and in the proper form (July 24, 1986, p. 17641; Aug. 15, 1986, p. 22071; Sept. 12, 1986, p. 23178).

§ 989. Practice as to use of the motion to strike out the enacting clause.

The motion may not be made until the first section of the bill has been read (V, 5327; VIII, 2619). Having precedence of a motion to amend, it may be offered while an amendment is pending (V, 5328–5331; VIII, 2622, 2624, 2627). The motion takes precedence over the motion to amend and therefore over the motion to rise and report at the end of the reading of a general appropriation bill for amendment under clause 2(d) of rule XXI (July 24, 1986, p. 17641). The motion also takes precedence over a motion to limit debate on pending amendments (June 28, 1995, p. 17647; July 13, 1995, p. 18874). Where a special order provides that a bill shall be open to amendment in Committee of the Whole, a motion to strike out the enacting words is in order (VII, 787); contra (IV, 3215),

but after the stage of amendment has been passed the motion to strike out the enacting words is not in order (IV, 4782; VIII, 2368). Where a bill is being considered under a special order which permits only committee amendments and no amendments thereto, a motion that the Committee rise and report with the recommendation that the enacting clause be stricken is not in order where no committee amendments are in fact offered (Apr. 16, 1970, p. 12092).

The motion is debatable as to the merits of the bill, but may not go beyond its provisions (V, 5336). The debate on the motion is, in Committee of the Whole, governed by the five-minute rule (V, 5333–5335; VIII, 2618, 2628–2631); only two five-minute speeches are in order (V, 5335; VIII, 2629), and time may not be reserved (May 22, 1991, p. 11830); thus where a Member recognized for five minutes in opposition to the motion yields back his time another Member may not claim the unused portion thereof (Mar. 3, 1988, p. 3241). Members of the committee managing the bill have priority in recognition for debate in opposition to the motion (May 5, 1988, p. 9955; June 26, 1991, p. 16436). The Chair will not announce in advance the Member to be recognized in opposition to the motion (July 17, 1996, p. 17543). The motion is not debatable after the expiration of time for debate on the pending bill and all amendments thereto (July 9, 1965, p. 16280; July 19, 1973, p. 24961; June 19, 1975, p. 19785), but it is debatable where the limitation is only on an amendment in the nature of a substitute being read as an original bill for the purpose of amendment under a special order (June 20, 1975, p. 19966). For more concerning debate on the motion, see Deschler's Precedents, vol. 5, ch. 19, sec. 12.

A second motion on the same legislative day to strike out the enacting clause is not entertained in the absence of any material modification of the bill (VIII, 2636), but the motion may be repeated on a subsequent legislative day without change in the bill (May 6, 1950, p. 6571). The rejection of a proposed amendment to the bill does not qualify as a modification of the bill (June 21, 1962, p. 11369), nor does the adoption of an amendment to a proposed amendment to the bill. However, adoption of an amendment to an amendment in the nature of a substitute read as an original bill pursuant to a special order does qualify as a modification of the bill (June 20, 1975, p. 19970). A motion that is withdrawn by unanimous consent rather than voted on by the Committee does not preclude the offering of another motion on the same day without a material modification of the bill (May 9, 1996, p. 10758).

A point of order against the motion should be made before debate thereon has begun (V, 6902; VIII, 3442; May 6, 1950, p. 6571), and when challenged the Member offering the motion must qualify as being opposed to the bill (Mar. 13, 1942, p. 2439; May 6, 1950, p. 6571; June 14, 1979, p. 14995; Jan. 26, 1995, p. 2521). When a bill is reported from the Committee of the Whole with the recommendation that the enacting words be stricken out, the motion to strike out is debatable (V, 5337–5340), but a motion to lay on the table is not in order (V, 5337). The previous question may

be moved on the motion to concur without applying to further action on the bill (V, 5342). When the House disagrees to the action of the Committee in striking out the enacting words and does not refer it under the provisions of the rule, it goes back to the Committee of the Whole, where it becomes unfinished business (V, 5326, 5345, 5346; VIII, 2633). Notwithstanding that consideration of the pending bill was governed by a "modified-closed" rule permitting only specified amendments, pending the concurrence of the House with a recommendation of the Committee of the Whole that the enacting clause be stricken, the House could by instructions in a motion to refer under this clause direct the Committee of the Whole to consider additional germane amendments (Apr. 14, 1994, p. 7452). When the enacting words of a bill are stricken out the bill is rejected (V, 5326); and when the enacting clause of a Senate measure is stricken, the bill is rejected (V, 5326), and the Senate is so informed (IV, 3423; VIII, 2638; June 20, 1946, p. 7211; Oct. 4, 1972, p. 33787).

When, on Calendar Wednesday, the House disagrees to the recommendation of the Committee of the Whole that the enacting words be stricken out, the House automatically resolves itself into Committee of the Whole for its further consideration (VII, 943). When the bill is thus again taken up in Committee of the Whole it is taken up as unfinished business and is open to amendment, and the motion to strike out the enacting words may be again offered (VIII, 2633).

Concurrent resolution on the budget

§ 990. Reading concurrent resolution on budget for amendment.

10. (a) At the conclusion of general debate in the Committee of the Whole House on the state of the Union on a concurrent resolution on the budget under section 305(a) of the Congressional Budget Act of 1974, the concurrent resolution shall be considered as read for amendment.

(b) It shall not be in order in the House or in the Committee of the Whole House on the state of the Union to consider an amendment to a concurrent resolution on the budget, or an amendment thereto, unless the concurrent resolution, as amended by such amendment or amendments—

(1) would be mathematically consistent except as limited by paragraph (c); and

(2) would contain all the matter set forth in paragraphs (1) through (5) of section 301(a) of the Congressional Budget Act of 1974.

(c)(1) Except as specified in subparagraph (2), it shall not be in order in the House or in the Committee of the Whole House on the state of the Union to consider an amendment to a concurrent resolution on the budget, or an amendment thereto, that proposes to change the amount of the appropriate level of the public debt set forth in the concurrent resolution, as reported.

(2) Amendments to achieve mathematical consistency under section 305(a)(5) of the Congressional Budget Act of 1974, if offered by direction of the Committee on the Budget, may propose to adjust the amount of the appropriate level of the public debt set forth in the concurrent resolution, as reported, to reflect changes made in other figures contained in the concurrent resolution.

Paragraph (a) (first sentence of former clause 8 of rule XXIII) was added to the rules on January 4, 1977 (H. Res. 5, 95th Cong., pp. 53–70). Paragraph (b) (second sentence of former clause 8 of rule XXIII) was adopted in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7–16). In the 96th Congress paragraph (b) was amended further and paragraph (c) (third sentence of former clause 8 of rule XXIII) was added by Public Law 96–78 (93 Stat. 589) and was originally intended to apply to concurrent resolutions on the budget for fiscal years beginning on or after October 1, 1980 (fiscal 1980). However, in the 96th Congress the provisions of that public law amending the Rules of House were made applicable to the third concurrent resolution on the budget for fiscal year 1980 as well as the first concurrent resolution on the budget for fiscal year 1981 (H. Res. 642, Apr. 23, 1980, p. 8789). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 8 of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——).

Unfunded mandates

§ 991. Unfunded mandates.

11. (a) In the Committee of the Whole House on the state of the Union, an amendment proposing only to strike an unfunded mandate from the portion of the bill then open to amendment, if otherwise in order, may be precluded from consideration only by specific terms of a special order of the House.

(b) In this clause the term "unfunded mandate" means a Federal intergovernmental mandate the direct costs of which exceed the threshold otherwise specified for a reported bill or joint resolution in section 424(a)(1) of the Congressional Budget Act of 1974.

This provision (former clause 5(c) of rule XXIII) was added by the Unfunded Mandates Reform Act of 1995 (sec. 107(a), P.L. 104–4; 109 Stat. 63). It was amended later in the 104th Congress to effect a technical correction (H. Res. 254, Nov. 30, 1995, p. ——), and in the 105th Congress to clarify that it applies to intergovernmental mandates (H. Res. 5, Jan. 7, 1997, p. ——). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 5(c) of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——).

Applicability of Rules of the House

§ 992. Application of Rules of House to the Committee of the Whole.

12. The Rules of the House are the rules of the Committee of the Whole House on the state of the Union so far as applicable.

This clause was adopted in 1789 (IV, 4737). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 9 of rule XXIII (H. Res. 5, Jan. 6, 1999, p. ——).

§ 993. Modification of special orders.

Unanimous-consent requests may not be entertained in the Committee of the Whole by the Chair if their effect is to materially modify procedures required by a special rule or order adopted by the House. For example, the following unanimous-consent requests may not be entertained in the Committee of the Whole: (1) to permit a perfecting amendment to be offered to the underlying bill where a special rule permitted its consideration only as a perfecting

amendment to a committee amendment (Aug. 2, 1977, p. 26161); (2) to permit a substitute to be read by sections for amendment where the special rule did not so provide (Dec. 12, 1973, p. 41153); (3) to extend the time limitation for consideration of amendments beyond that set by a special order requiring the Chair to put the question on the pending amendments at the expiration of certain hours of consideration (Apr. 10, 1986, p. 7079; Oct. 30, 1991, p. 29213; Aug. 3, 1999, p. ——); (4) to restrict "en blocking" authority granted in a special order (Sept. 11, 1986, p. 22871; June 21, 1989, p. 12744); (5) to change the scheme for control (Oct. 9, 1986, p. 29984) or duration (Aug. 1, 1989, p. 17143; Mar. 12, 1991, p. 5799; Mar. 17, 1993, p. 5385; June 17, 1999, p. —— (Chair corrected himself)) of general debate specified by the House; (6) to reduce below 15 minutes the minimum time for recorded votes in the Committee of the Whole (June 18, 1987, p. 16764); (7) to postpone and cluster votes on amendments (July 13, 1995, p. 18872; Sept. 27, 1995, p. ——; July 14, 1998, p. ——); (8) to preempt the Chair's discretion (granted by a special order) to postpone and cluster votes or to schedule further consideration of a pending measure to a subsequent day (June 4, 1992, p. 13625; July 13, 1995, p. 18872; Aug. 2, 1999, p. ——); (9) to permit an amendment offered by another Member to an amendment rendered unamendable by a special order or to permit a subsequent amendment changing such unamendable amendment already adopted (Nov. 18, 1987, p. 32643; July 26, 1989, p. 16411; July 24, 1996, p. 18907); (10) to permit consideration of an amendment out of the order specified in a special rule (May 25, 1988, p. 12275; Oct. 3, 1990, p. 27354; Oct. 31, 1991, p. 29359; Nov. 19, 1993, p. 30472; June 10, 1998, p. ——); (11) to permit consideration of an additional amendment or to authorize a supplemental report from the Committee on Rules in lieu of the original report referred to in the special order (July 28, 1988, p. 19491; Speaker Wright, Aug. 11, 1988, p. 22105; June 10, 1998, p. ——; July 29, 1999, p. ——); (12) to permit another to offer an amendment vested in a specified Member (May 1, 1990, p. 9030); or (13) to permit a division of the question on an amendment rendered indivisible by a special order (July 16, 1996, p. 17318).

Unanimous-consent requests have been entertained in Committee of the Whole: (1) to permit the modification of a designated amendment made in order by a special rule, once offered (Sept. 1, 1976, p. 28877; Nov. 19, 1993, p. 30472; July 24, 1996, p. 18906); (2) to permit a page reference to be included in a designated amendment made in order as printed where the printed amendment did not include that reference (Apr. 1, 1976, p. 9091); (3) to permit a supporter of an amendment to claim debate time allocated by special order to an opponent, where no opponent seeks recognition (May 23, 1990, p. 11988); (4) to shorten the time set by special order for debate on a particular amendment (Aug. 1, 1990, p. 21510; Mar. 29, 1995, p. 9742); (5) to lengthen the time set by special order for debate on a particular amendment under terms of control congruent with those set by the order of the House (May 11, 1988, p. 10495; May 21, 1991,

p. 11646; Mar. 22, 1995, p. 8769; June 27, 1995, p. 17329; Nov. 2, 1995, p. ——); (6) to permit en bloc consideration of several amendments under a "modified-closed" special order providing for the sequential consideration of designated separate amendments (Aug. 10, 1994, p. 20768); (7) to permit one of two committees controlling time for general debate pursuant to a special order to yield control of its time to the other (Aug. 18, 1994, p. 23118); and (8) to permit the offering of pro forma amendments for the purpose of debate under a "modified-closed" special order limiting both amendments and debate thereon (July 17, 1996, p. 17563; July 24, 1996, p. 18896).

By unanimous consent the House may delegate to the Committee of the Whole authority to entertain unanimous-consent requests to change procedures contained in an adopted special order (Aug. 11, 1986, p. 20633). The Member offering an amendment in the Committee of the Whole pursuant to a special order of the House has the burden of proving that it meets the description of the amendment made in order (July 17, 1996, p. 17553).

RULE XIX

MOTIONS FOLLOWING THE AMENDMENT STAGE

Previous question

§ 994. The previous question.

1. (a) There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the immediate question or questions on which it has been ordered. Whenever the previous question has been ordered on an otherwise debatable question on which there has been no debate, it shall be in order to debate that question for 40 minutes, equally divided and controlled by a proponent of the question and an opponent. The previous question may be moved and ordered on a single question, on a series of questions allowable under the rules, or on an amendment or amendments, or may embrace all authorized motions or amendments and include