

108TH CONGRESS
2D SESSION

H. RES. 572

Providing for the consideration of the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2004

Mr. BAIRD submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Providing for the consideration of the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives.

1 *Resolved*, That on the next legislative day after the
2 adoption of this resolution, immediately after the third
3 daily order of business under clause 1 of rule XIV, the
4 House shall resolve into the Committee of the Whole
5 House on the state of the Union for consideration of the
6 joint resolution (H.J. Res. 83) proposing an amendment
7 to the Constitution of the United States regarding the ap-
8 pointment of individuals to fill vacancies in the House of

1 Representatives. The first reading of the joint resolution
2 shall be dispensed with. All points of order against consid-
3 eration of the joint resolution are waived. General debate
4 shall be confined to the joint resolution and shall not ex-
5 ceed one hour equally divided and controlled by Represent-
6 ative Baird of Washington and the chairman of the Com-
7 mittee on the Judiciary. After general debate the joint res-
8 olution shall be considered for amendment under the five-
9 minute rule in accordance with sections 2 and 3. The joint
10 resolution shall be considered as read. No amendment to
11 the joint resolution, or to the joint resolution as perfected
12 by an amendment in the nature of a substitute finally
13 adopted, shall be in order except as specified in this resolu-
14 tion. Clause 6(g) of rule XVIII shall not apply with respect
15 to a request for a recorded vote on any amendment.

16 SEC. 2. (a) Before consideration of any other amend-
17 ment, it shall be in order to consider the amendments in
18 the nature of a substitute specified in subsection (b). Each
19 such amendment may be offered only if the Member has
20 caused the amendment to be printed in the portion of the
21 Congressional Record designated for that purpose in
22 clause 8 of rule XVIII, may be offered only in the order
23 specified, may be offered only by the Member designated
24 or a designee of such Member, shall be considered as read,
25 shall be debatable for one hour equally divided and con-

1 trolled by the proponent and an opponent, and shall not
2 be subject to amendment except as specified in section 3.
3 All points of order against such amendments are waived
4 (except those arising under clause 7 of rule XVI). If more
5 than one amendment in the nature of a substitute speci-
6 fied in subsection (b) is adopted, then only the one receiv-
7 ing the greater number of affirmative votes shall be con-
8 sidered as finally adopted in the House and in the Com-
9 mittee of the Whole. In the case of a tie for the greater
10 number of affirmative votes, then only the last amendment
11 to receive that number of affirmative votes shall be consid-
12 ered as finally adopted in the House and in the Committee
13 of the Whole.

14 (b) The amendments in the nature of a substitute re-
15 ferred to in subsection (a) are as follows:

16 (1) Any amendment offered by any member
17 (other than any amendment described in paragraph
18 (2), (3), or (4)).

19 (2) An amendment offered by the ranking mi-
20 nority member of the Committee on the Judiciary.

21 (3) An amendment offered by the chairman of
22 the Committee on the Judiciary.

23 (4) An amendment offered by Representative
24 Baird of Washington.

1 SEC. 3. (a) After disposition of the amendments in
2 the nature of a substitute specified in section 2(b), the
3 Committee of the Whole shall rise. On the fourth legisla-
4 tive day which follows the legislative day on which the
5 Committee rises under this section, immediately after the
6 third daily order of business under clause 1 of rule XIV,
7 the House shall resolve into the Committee of the Whole
8 for further consideration of the joint resolution. After an
9 additional period of general debate, which shall be con-
10 fined to the joint resolution and shall not exceed one hour
11 equally divided and controlled by Representative Baird of
12 Washington and the chairman of the Committee on the
13 Judiciary, the provisions of the joint resolution, or the pro-
14 visions of the joint resolution as perfected by an amend-
15 ment in the nature of a substitute finally adopted, shall
16 be considered as an original joint resolution for the pur-
17 pose of further amendment under the five-minute rule,
18 subject to subsection (b). Each such further amendment
19 shall be considered as read, shall be debatable for 20 min-
20 utes equally divided and controlled by the proponent and
21 an opponent (except as provided in subsection (c)), shall
22 not be subject to amendment, and shall not be subject to
23 a demand for division of the question in the House or in
24 the Committee of the Whole.

1 (b) No further amendment may be offered pursuant
2 to this section except for the following, each of which
3 (other than the amendment described in paragraph (7))
4 may be offered only if the Member has caused the amend-
5 ment to be printed in the portion of the Congressional
6 Record designated for that purpose in clause 8 of rule
7 XVIII:

8 (1) If an amendment in the nature of a sub-
9 stitute to the joint resolution is finally adopted (in
10 accordance with section 2), two amendments offered
11 by the sponsor thereof.

12 (2) One amendment offered by the chairman of
13 the Committee on the Judiciary.

14 (3) One amendment offered by the ranking mi-
15 nority member of the Committee on the Judiciary.

16 (4) Two amendments offered by the majority
17 leader.

18 (5) Two amendments offered by the minority
19 leader.

20 (6) Two amendments offered by Representative
21 Baird of Washington.

22 (7) The amendment referred to in subsection
23 (c).

24 (c) After disposition of the amendments described in
25 paragraphs (1) through (6) of subsection (b), it shall be

1 in order to consider an amendment offered by the sponsor
2 of the amendment in the nature of a substitute to the joint
3 resolution finally adopted (in accordance with section 2)
4 or his designee, or if no such amendment in the nature
5 of a substitute is so adopted, an amendment offered by
6 Representative Baird of Washington or his designee. All
7 points of order against such amendment are waived (ex-
8 cept those arising under clause 7 of rule XVI). The
9 amendment shall be debatable for one hour equally divided
10 and controlled by the proponent and an opponent.

11 SEC. 4. If at any time during the consideration of
12 the joint resolution the Committee of the Whole rises and
13 reports that it has come to no resolution on the joint reso-
14 lution, then on the next legislative day (except as provided
15 in section 3), immediately after the third daily order of
16 business under clause 1 of rule XIV, the House shall re-
17 solve into the Committee of the Whole for further consid-
18 eration of the joint resolution.

19 SEC. 5. At the conclusion of consideration of the joint
20 resolution for amendment the Committee shall rise and
21 report the joint resolution, or the joint resolution as per-
22 fected by an amendment in the nature of a substitute fi-
23 nally adopted, to the House with such further amendments
24 as may have been adopted. Any Member may demand a
25 separate vote in the House on any further amendment

1 adopted in the Committee of the Whole to the joint resolu-
2 tion as perfected by an amendment in the nature of a sub-
3 stitute finally adopted. The previous question shall be con-
4 sidered as ordered on the joint resolution and amendments
5 thereto to final passage without intervening motion except
6 one motion to recommit with or without instructions.

7 SEC. 6. It shall be in order to take from the Speaker's
8 table H.J. Res. 83, with any Senate amendment thereto,
9 and to consider in the House, without intervention of any
10 point of order (except those arising under clause 7 of rule
11 XVI), a motion offered by the sponsor of the amendment
12 in the nature of a substitute to the joint resolution finally
13 adopted (in accordance with section 2) or his designee, or
14 if no such amendment in the nature of a substitute is so
15 adopted, offered by Representative Baird of Washington
16 or his designee, to dispose of any such Senate amendment.
17 The Senate amendment and the motion shall be consid-
18 ered as read. The motion shall be debatable for one hour
19 equally divided and controlled by the proponent and an
20 opponent. The previous question shall be considered as or-
21 dered on the motion to final adoption without intervening
22 motion or demand for division of the question.

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