

**does not thereby gain control of the time given to the minority.**

On May 14, 1975,<sup>(12)</sup> during consideration of the conference report on H.R. 4881<sup>(13)</sup> in the House, the following proceedings occurred:

THE SPEAKER:<sup>(14)</sup> The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 61: Page 41, line 9, insert:

“FEDERAL RAILROAD ADMINISTRATION  
“RAIL TRANSPORTATION IMPROVEMENT  
AND EMPLOYMENT

“For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, \$700,000,000 . . . .

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House insist on its disagreement to the amendment of the Senate numbered 61.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

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

The Clerk read as follows:

- 12. 121 CONG. REC. 14385, 14386, 94th Cong. 1st Sess.
- 13. The Emergency Employment Appropriations for fiscal year 1975.
- 14. Carl Albert (Okla.).

Mr. Conte moves that the House recede from its disagreement to Senate amendment Number 61 and concur therein with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

“CHAPTER VIII

“DEPARTMENT OF TRANSPORTATION

“FEDERAL RAILROAD ADMINISTRATION

“For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, \$200,000,000 . . . .

MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SHUSTER: Mr. Speaker, how is the time divided?

THE SPEAKER: The time is divided equally between the gentleman from Texas (Mr. Mahon), who has 30 minutes, and the gentleman from Illinois (Mr. Michel) who has 30 minutes or such small fraction thereof as he may decide to use.

**§ 26. Management by Reporting Committee; One-third of Debate Time on Certain Propositions Allotted to One Opposed**

Most business considered by the House is reported by standing committees of the House, and each measure is managed for con-

sideration by the relevant committee.<sup>(15)</sup> The chairman of a committee has the special responsibility, under the rules, to bring to the floor or to take measures to bring to the floor any measure approved by his committee.<sup>(16)</sup>

First the committee managers, and then the other members of the committee in order of seniority, have priority of recognition at all stages of consideration.<sup>(17)</sup> The member of a committee who calls up a committee-approved proposition for consideration must be so authorized by his committee.<sup>(18)</sup> The manager for the committee has prior rights to recognition in debate and prior rights to offer motions expediting the consideration and passage of the bill.<sup>(19)</sup>

**15.** Control may be taken away from the committee by a motion to discharge (see Ch. 18, *supra*) or by a special order (see § 2, *supra*).

If the committee manager loses control of the proposition on the floor, control usually passes to an opposing member of the committee, although it may pass to any Member of the House in opposition. For control passing to the opposition, see § 34, *infra*.

**16.** See §§ 26.8, 26.9, *infra*.

**17.** See §§ 26.1–26.5, *infra*, for recognition generally, and §§ 26.19–26.23, *infra*, for recognition under the five-minute rule.

**18.** See §§ 27.1, 27.2, *infra*.

**19.** For the role of the manager, see § 24, *supra*.

The manager may yield time which he controls as he sees fit,<sup>(20)</sup> and he may delegate his authority to another Member, such as the chairman of the subcommittee concerned with the legislation.<sup>(1)</sup>

Where a special order does not designate the managers on behalf of a committee, or where the designated manager is unavoidably absent, the Chair may recognize a committee member in his discretion.<sup>(2)</sup>

Committee management extends to the consideration of a conference report on the bill in question; the senior manager on the part of the House is often the chairman of the legislative committee (or subcommittee) with jurisdiction over the subject matter of the original bill.<sup>(3)</sup>

Recent changes in the rules provide for debate time for a Member opposed to certain propositions, where Members recognized on the majority and minority party sides both support the proposition. Rule XXVIII, clause 1(b) provides:<sup>(4)</sup>

**20.** See § 26.29, *infra*.

**1.** Any delegation must be communicated to the Chair; see § 26.32, *infra*.

**2.** See §§ 27.6, 27.7, 28.8, *infra*. As to power and discretion of Chair generally, see § 9, *supra*.

**3.** See §§ 26.10–26.12, *infra*.

**4.** *House Rules and Manual* § 909a (1995).

The time allotted for debate on any motion to instruct House conferees shall be equally divided between the majority and minority parties, except that if the proponent of the motion and the Member from the other party are both supporters of the motion, one-third of such debate time shall be allotted to a Member who is opposed to said motion.

Similarly, the time allotted for debate in the consideration of a conference report is equally divided between the majority party and the minority party, except that if the floor manager for the majority and the floor manager for the minority are both supporters of the conference report, one third of such debate time is allotted to a Member who is opposed to said conference report.<sup>(5)</sup> Recognition of a Member in opposition does not depend upon party affiliation and is within the discretion of the Speaker<sup>(6)</sup> who accords priority in recognition to a member of the conference committee.<sup>(7)</sup> Where the time is divided three ways, the right to close debate falls to the majority manager calling up the conference report, preceded by the minority manager, preceded in turn by the Member in opposition.<sup>(8)</sup>

5. Rule XXVIII, clause 2(a), *House Rules and Manual* §912a (1995).

6. See §§ 26.51, 26.52, 26.62, *infra*.

7. See § 26.54, *infra*.

8. See § 26.57, *infra*.

Rule XXVIII, clause 2(b)(1) provides:<sup>(9)</sup>

The time allotted for debate on [an amendment in disagreement] shall be equally divided between the majority party and the minority party, except that if the floor manager for the majority and the floor manager for the minority are both supporters of the original motion offered by the floor manager for the majority to dispose of the amendment, one third of such debate time shall be allotted to a Member who is opposed to said motion.<sup>(10)</sup>

#### Cross References

Committee powers and procedure as to management of bills, see Ch. 17, *supra*.

Effect of special orders on committee management, see § 28, *infra* and Ch. 21, *supra* (special orders generally).

Management where committee has been discharged from consideration of bill, see § 18, *supra*.

Prior rights to recognition of members of reporting committee, see § 13, *supra*.

9. See *House Rules and Manual* §912b (1995).

10. As noted above, recognition of a Member in opposition does not depend upon party affiliation and is within the discretion of the Speaker, who accords priority in recognition to a member of the conference committee. The right to close the debate where the time is divided three ways falls to the manager offering the motion. For further discussion of recognition under Rule XXVIII, clause 2, see §§ 26.51, 26.52, 26.54, and 26.62, *infra*.

***Prior Recognition of Committee Members***

**§ 26.1 As a practice of long standing and in the absence of any other considerations, members of a committee reporting a bill are entitled to prior recognition thereon.**

On Feb. 10, 1941,<sup>(11)</sup> Chairman Clarence Cannon, of Missouri, responded to a parliamentary inquiry on the nature of the practice of extending priority for recognition to members of the committee reporting a bill:

MR. [LYLE H.] BOREN [of Oklahoma]: Mr. Chairman, I rise to a parliamentary inquiry. I want it thoroughly understood that I recognize fully the custom of members of the committee being recognized ahead of any other Member on the floor, not a member of the committee. I am quite willing to withdraw my amendment for that purpose, but as I understood it the gentleman from Tennessee [Mr. Cooper] rose to make the point of order that my recognition at that time was not in order. I understood the Chair sustained the point of order and recognized the gentleman from New York [Mr. Crowther]. I should like to be enlightened as to under what rule of the House that point of order is sustained after the Chair had recognized me for the purpose of offering an amendment.

THE CHAIRMAN: The gentleman from New York [Mr. Crowther] is a member

of the committee reporting the bill and, therefore, entitled to prior recognition.

MR. [JACK] NICHOLS [of Oklahoma]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. NICHOLS: Is there a rule of the House that gives the members of the committee the right to recognition ahead of other Members of the House? Is that a rule of the House?

THE CHAIRMAN: It is a procedure of long standing.

MR. NICHOLS: It is not a rule of the House.

THE CHAIRMAN: In the absence of other considerations, members of the committee in charge of the bill are entitled to prior recognition. The rule is essential to expedition in legislation and its importance is too obvious to require justification.

**§ 26.2 Where more than one Member seeks recognition, the Speaker recognizes the Member in charge or a member of the reporting committee, if he seeks recognition.**

On Nov. 15, 1967,<sup>(12)</sup> the Committee of the Whole was considering under the five-minute rule a bill reported from the Committee on Education and Labor, chaired by Mr. Carl D. Perkins, of Kentucky. Mr. Edward J. Gurney, of Florida, sought recognition and

11. 87 CONG. REC. 875, 876, 77th Cong. 1st Sess.

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

when Chairman John J. Rooney, of New York, asked for what purpose, he (Mr. Gurney) stated he sought recognition to offer an amendment. The Chairman then recognized Mr. Perkins to submit a unanimous-consent request on closing debate before recognizing Mr. Gurney to offer his amendment.<sup>(13)</sup>

**§ 26.3 Although members of the committee reporting a bill under consideration usually have preference of recognition, the power of recognition remains in the discretion of the Chair.**

On July 19, 1967,<sup>(14)</sup> Chairman Joseph L. Evins, of Tennessee, recognized in the Committee of the Whole Mr. Edmond Edmondson, of Oklahoma, for a parliamentary inquiry and then recognized him to offer an amendment to the pending bill. Mr. William C. Cramer, of Florida, made the point of order that William M. McCulloch, of Ohio, the ranking

13. See Rule XIV clause 2, *House Rules and Manual* §753 (1995): "When two or more Members rise at once, the Speaker shall name the Member who is first to speak. . . ." See *id.* at §§754–757 for the usages and priorities which govern the Chair when two or more Members rise.

14. 113 CONG. REC. 19416, 19417, 90th Cong. 1st Sess.

minority member of the Committee on the Judiciary, which had reported the bill, had been on his feet seeking recognition to offer an amendment at the time and that members of the committee reporting the bill had the prior right to be recognized. The Chairman overruled the point of order and stated:

The Chair is trying to be fair and trying to recognize Members on both sides. The Chair will recognize the gentleman from Ohio (Mr. McCulloch).

**§ 26.4 Members of the committee reporting a bill are entitled to prior recognition over the Member who has introduced the bill.**

On July 8, 1937,<sup>(15)</sup> Chairman Marvin Jones, of Texas, answered a parliamentary inquiry on the order of recognition on the pending bill:

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, what is the order of priority on the bill? Does the author of the bill precede a member who is not a member of the committee?

THE CHAIRMAN: If the Chair understands the rule correctly, the members of the committee which report the bill have preference. After that all members of the Committee of the Whole are on equal standing.

**§ 26.5 In giving preference of recognition to members of a**

15. 81 CONG. REC. 6946, 75th Cong. 1st Sess.

**committee reporting a bill, the Chair does not usually distinguish between members of the full committee and members of the subcommittee.**

On Apr. 7, 1943,<sup>(16)</sup> Chairman Luther A. Johnson, of Texas, recognized Mr. Frank B. Keefe, of Wisconsin, in opposition to a pro forma amendment. Mr. Keefe was a member of the Committee on Appropriations, which had reported the pending bill. Mr. John H. Kerr, of North Carolina, objected that he asked to be recognized, as a member of the subcommittee which had handled the bill. The Chairman stated as follows on the priority of recognition:

As the Chair understands it, a member of the Committee on Appropriations has the same right as those who are members of that committee who happen to be members of a subcommittee. That is the parliamentary procedure, as the Chair understands it. The Chair has recognized the gentleman from Wisconsin. Had he not done so, he certainly would have recognized the gentleman from North Carolina.

### ***Control of Privileged Resolution***

#### **§ 26.6 Debate on a privileged resolution is under the hour**

16. 89 CONG. REC. 3067, 78th Cong. 1st Sess.

**rule and the committee member recognized to call it up has control of the time.**

On Feb. 27, 1963,<sup>(17)</sup> Mr. Samuel N. Friedel, of Maryland, called up by direction of the Committee on House Administration House Resolution 164, a privileged resolution providing funds for the Committee on Armed Services. Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry as to control of the time for debate:

MR. [CHARLES A.] HALLECK [of Indiana]: As I understand it, the gentleman from Maryland [Mr. Friedel] has said that he would yield time to Members on the minority side, and that is what we want. If there is another minority Member who wants to be recognized at this time, it would be in order under the rules for that Member to be granted time in order that he might make such statement as he might want to make.

THE SPEAKER: The Chair will state that under the rules of the House and pursuant to custom that has existed from time immemorial, on a resolution of this kind the Member in charge of the resolution has control of the time and he, in turn, yields time. The gentleman from Maryland [Mr. Friedel] in charge of the resolution has yielded 10 minutes to the gentleman from Ohio.

Carl Albert, of Oklahoma, the Majority Leader, then made the

17. 109 CONG. REC. 3051, 3052, 88th Cong. 1st Sess.

following statement on distribution of time to the minority:

Following the statement of the distinguished Speaker of the House, the gentleman from Ohio made the statement that he is in favor of the principle involved here. Of course, the principle is well established under the rules of the House and has been observed by both parties from time immemorial, that the Member recognized to call up the resolution has control of the time under the 1-hour rule. But, I would like to advise the gentleman, as the gentleman from Maryland has, I am sure the gentleman from Maryland will yield at least half of the time to the minority.

On Feb. 25, 1954,<sup>(18)</sup> Speaker Joseph W. Martin, Jr., of Massachusetts, answered parliamentary inquiries on the control of debate on a privileged resolution called up by the chairman of the Committee on House Administration:

MR. [KARL M.] LECOMPTE [of Iowa]: Under the rules the Chairman has control of the time.

THE SPEAKER: The gentleman has 1 hour to yield to whomsoever he desires.

MR. LECOMPTE: And he has control of the matter of offering amendments.

THE SPEAKER: A committee amendment is now pending. No other amendment can be offered unless the gentleman yields the floor for that purpose.

MR. LECOMPTE: A motion to recommit, of course, belongs to some member

of the minority opposed to the resolution. Would any motion except a motion to recommit be in order except by the gentleman in charge of the bill?

THE SPEAKER: Not unless the gentleman yields for that purpose.

The gentleman from Iowa is recognized for 1 hour.

### *Responsibility of the Committee Chairman*

**§ 26.7 On one occasion, the chairman of a committee, acting at the President's request, introduced a bill, presided over the hearings in committee, reported the bill, applied to the Committee on Rules for a special order, and moved that the House resolve itself into the Committee of the Whole; when recognized to control one-half of the debate in the committee, he then announced his opposition to the measure and turned over management of the bill to the ranking majority member of the committee.**

On June 14, 1967,<sup>(19)</sup> Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce, moved that the House resolve itself into the Committee of the

18. 100 CONG. REC. 2282, 83d Cong. 2d Sess.

19. 113 CONG. REC. 15822, 15823, 90th Cong. 1st Sess.

Whole for the consideration of House Joint Resolution 559, providing for the settlement of a railroad labor dispute. The House had adopted House Resolution 511, making in order the consideration of the bill and providing that general debate be controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce.

In the Committee of the Whole, Chairman Wilbur D. Mills, of Arkansas, recognized Mr. Staggers to control one-half the time on the bill. Mr. Staggers made the following statement:

Mr. Chairman, I am here today in a most unusual position. I was requested by the President to introduce the bill we have before us today, and because of my responsibilities as chairman of the committee, I introduced the bill. If the House was to be given an opportunity to work its will on this legislation, it was necessary that hearings begin promptly and continue as expeditiously as possible, and I think the record will bear me out, that the hearings before our committee have been prompt, they have not been delayed in any respect.

In fact we interrupted consideration of a very important piece of health legislation in order to take up this bill. We have heard every witness who wanted to be heard on the legislation. I did this because I felt it to be my responsibility to the House as chairman of the committee.

Following the conclusion of our hearings I promptly scheduled executive

sessions for consideration of the bill and we met as promptly as possible both morning and afternoon and the committee reported the bill to the House.

Yesterday I went before the Rules Committee as chairman of the committee to present the facts to the Rules Committee and attempt to obtain a rule so that the bill would be considered by the House. I have done these things because I felt it is my responsibility to do so as chairman of the committee.

Unfortunately, Mr. Chairman, I was opposed to this bill when I introduced it, and having heard all the witnesses and all the testimony, I am still opposed to it. For that reason I have asked the gentleman from Maryland [Mr. Friedel] to handle the bill in Committee of the Whole, so that I would be free to express my opposition to it. . . .

Mr. Chairman, this concludes the presentation I desire to make on the bill. At this time I request the gentleman from Maryland [Mr. Friedel], the ranking majority member on the Interstate and Foreign Commerce Committee, to take charge of managing the bill on the floor.

*Parliamentarian's Note:* The chairman of each committee has responsibility of reporting or causing to be reported any measure approved by his committee and taking or causing to be taken steps to have the matter considered and voted upon in the House, regardless of his personal opposition to the measure.<sup>(20)</sup>

20. See Rule XI clause 2(l)(1)(A), *House Rules and Manual* §713a (1995).

***Effect of Opposition of Committee Chairman***

**§ 26.8 The Committee of the Whole having adopted certain amendments to a bill, the chairman of the committee from which the measure was reported expressed his objections, relinquished control of the bill and subsequently offered a motion that the Committee rise with the recommendation to strike the enacting clause.**

On July 5, 1956,<sup>(1)</sup> the Committee of the Whole had adopted certain amendments to H.R. 7535, to authorize federal assistance to states and local communities in financing an expanded program of school construction. Graham A. Barden, of North Carolina, who was controlling consideration of the bill as the chairman of the reporting committee—the Committee on Education and Labor—made the following statement:

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

Mr. Chairman, I have a brief statement I should like to make to the House.

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For an occasion where the chairman of a committee, also the senior manager at conference, called up and managed the conference report, to which he was opposed, see §24.4, *supra*.

1. 102 CONG. REC. 11849, 84th Cong. 2d Sess.

For 22 years I have done my best to be sincere and frank with the membership of this House. I propose to continue that, both in attitude and in practice.

I have very definitely reached the conclusion that the American people do not want this legislation in its present form. Certain things have happened to the bill that made it very, very obnoxious and objectionable to the people I represent.

I never have claimed to be an expert when advocating something that I was sincerely and conscientiously for. I have always felt I would be a complete flop in trying to advocate something I did not believe in and did not advocate. This bill is objectionable to me. It has so many bad features and so many things have been given priority over the consideration of the objective that we set out to accomplish that I must say, in all frankness, to the House I cannot continue in the position here of directing this bill. I feel that someone who can be fairer to the bill in its present shape than I, should handle the bill. I would have to be a much better actor than I now am to proceed in the position of handling this piece of legislation which I cannot support and do not want to pass. For that reason, I want the House to understand my very definite position in the matter. So, with that, I think the House will understand my position and those in a position on the committee to handle the bill will have my cooperation to a certain extent, but no one need to expect any assistance from me or any encouragement for the bill.

Mr. Barden later offered a motion that the Committee of the

Whole rise and report the bill back to the House with the recommendation that the enacting clause be stricken, which was defeated (the bill itself was later defeated).<sup>(2)</sup>

***Duty of Committee Chairman To Report Bill***

**§ 26.9 The provision of the Legislative Reorganization Act of 1946 (later adopted as part of the rules of the House) providing that it shall be the duty of the chairman of each committee to report or cause to be reported promptly any measure approved by his committee or to take or cause to be taken necessary steps to bring a matter to a vote, is sufficient authority to call up a bill on Calendar Wednesday.**

On Feb. 22, 1950,<sup>(3)</sup> John Lesinski, of Michigan, Chairman of the Committee on Education and Labor, called up a bill under the Calendar Wednesday procedure. Mr. Tom Pickett, of Texas,

2. *Id.* at pp. 11868, 11869.

For an occasion where a senior conference manager, also chairman of a committee, managed a conference report to which he was opposed, see § 24.4, *supra*.

3. 96 CONG. REC. 2161, 2162, 81st Cong. 2d Sess.

made the point of order that Mr. Lesinski was not entitled to recognition for that purpose, not having been expressly authorized by the committee to call up the bill under that procedure.

Speaker Sam Rayburn, of Texas, overruled the point of order, saying:

The Chair is prepared to rule.

The gentleman from Michigan [Mr. Lesinski] has already stated that the committee did give him this authority. The present occupant of the chair has read the minutes of the committee and thinks the gentleman from Michigan is correct.

Also the latest rule on this matter is section 133, paragraph (c), of the Legislative Reorganization Act, and there is very good reason for this rule because in times past the chairmen of committees have been known to carry bills around in their pockets for quite a while and not present them.

The rule is as follows:

It shall be the duty of the chairman of each such committee to report or cause to be reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken steps to bring the matter to a vote.<sup>(4)</sup>

***Conference Reports***

**§ 26.10 Under a former practice, a conference report was**

4. The statute cited was later adopted as part of the standing rules; see Rule XI clause 2(l)(1)(A), *House Rules and Manual* § 713a (1995).

**called up by the chairman of one committee, who controlled one-half hour on one title of the bill, and then yielded to the chairman of another committee to control one-half hour on the other title and to move the previous question.**

On May 13, 1970,<sup>(5)</sup> Mr. Harley O. Staggers, of West Virginia, called up a conference report on H.R. 14465, the Airport and Airway Development and Revenue Acts of 1970. The managers on the part of the House had been appointed from two House committees, since title 1 of the bill dealt with airport authorizations, within the jurisdiction of the Committee on Interstate and Foreign Commerce, and title 2 dealt with raising revenue for airport construction, within the jurisdiction of the Committee on Ways and Means.

The Committee on Interstate and Foreign Commerce had reported the bill in the House, and Mr. Staggers, Chairman of that committee, therefore called up the conference report for consideration. He controlled one-half hour of debate on title 1, within the jurisdiction of his committee. He then yielded to Wilbur D. Mills, of

Arkansas, Chairman of the Committee on Ways and Means, to control one-half hour of debate on title 2 of the bill. Mr. Mills moved the previous question on the report.

*Parliamentarian's Note:* Under the present Rule XXVIII, clause 2(a), debate on a conference report is equally divided between the majority and the minority parties (see § 26.12, *infra*).

**§ 26.11 A conference report was filed and called up by a junior member of the conference committee, where the senior manager at the conference (who was also the chairman of the legislative committee involved) was temporarily absent and unable to be present on the floor.**

On Dec. 23, 1969,<sup>(6)</sup> Speaker John W. McCormack, of Massachusetts, recognized Mr. Thomas L. Ashley, of Ohio, a junior member of the conference committee on H.R. 4293, to provide for continuation of authority for regulation of exports, to file the conference report and to call it up. The senior member of the conference committee, Wright Patman, of Texas, also Chairman of

5. 116 CONG. REC. 15291-97, 91st Cong. 2d Sess.

6. 115 CONG. REC. 40982-84, 91st Cong. 1st Sess.

the Committee on Banking and Currency, which had jurisdiction over the subject matter of the bill, was unavoidably absent from the floor.

**§ 26.12 One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and where conferees have been appointed from two committees of the House, the Speaker recognizes one of the minority members (not necessarily a member of the same committee as the Member controlling the majority time) to control 30 minutes of debate.**

On Jan. 19, 1972,<sup>(7)</sup> Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, called up a conference report on S. 382, the Federal Election Campaign Act of 1972. Conferees on the part of the House had been appointed from two House committees with jurisdiction over the bill, the Committee on House Administration and the Committee on Interstate and Foreign Commerce.

Speaker Carl Albert, of Oklahoma, recognized Mr. Hays for 30 minutes of debate to control time

7. 118 CONG. REC. 319, 320, 92d Cong. 2d Sess.

for the majority. He recognized William L. Springer, of Illinois, ranking minority member of the Committee on Interstate and Foreign Commerce, to control 30 minutes of debate for the minority.

*Parliamentarian's Note:* Mr. Springer controlled the minority time although he had resigned as a conferee on the bill, and even though Mr. Samuel L. Devine, of Ohio, ranking minority member of the Committee on House Administration and a conferee on the bill was on the floor and participated in debate. Under normal practice, the Members controlling the time for debate on a conference report are among those who served as House managers in conference.<sup>(8)</sup>

#### ***District of Columbia Business***

**§ 26.13 During consideration of District of Columbia business in Committee of the Whole, the Chair alternates in recognizing between those for and against the pending legislation, giving preference to members of the Committee on the District of Columbia.**

On Apr. 11, 1932,<sup>(9)</sup> Chairman Thomas L. Blanton, of Texas, an-

8. For division of debate on a conference report, see Rule XXVIII clause 2(a), *House Rules and Manual* §912a (1995).

9. 75 CONG. REC. 7990, 72d Cong. 1st Sess.

swered a parliamentary inquiry on recognition in the Committee of the Whole during general debate on a District of Columbia bill:

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Chairman, when the Committee on the District of Columbia has the call and the Committee of the Whole House on the state of the Union is considering legislation, is it necessary, in gaining recognition, that a Member has to be in opposition to the bill or is any Member whatsoever entitled to one hour's time for general debate?

THE CHAIRMAN: From the Chair's experience, gained through having been a member of this committee for over 10 years, he will state that where a bill is called up for general debate on District day in the Committee of the Whole House on the state of the Union, and the chairman of the committee has yielded the floor, a member of the committee opposed to the bill is entitled to recognition over any other member opposed to the bill, and it was the duty of the Chair to ascertain whether there were any members of the committee opposed to the bill who would be entitled to prior recognition. The Chair, having ascertained there were no members of the committee opposed to the bill, took pleasure, under the direction of the gentleman from Wisconsin, in recognizing the gentleman from Mississippi.

### *Committee Amendments*

#### **§ 26.14 In recognizing members of the committee report-**

**ing a bill, the Chair generally recognizes a member in favor of a committee amendment prior to recognizing a member thereof who is opposed.**

On Jan. 30, 1957,<sup>(10)</sup> House Joint Resolution 1311, to authorize the President to cooperate with nations of the Middle East, was being considered in the Committee of the Whole pursuant to a resolution permitting only committee amendments (Committee on Foreign Affairs). A committee amendment was offered, and Mr. Wayne L. Hays, of Ohio, a member of the committee, rose to seek recognition for debate in opposition to the amendment. A point of order having been made against that procedure, Chairman Jere Cooper, of Tennessee, extended recognition to Mr. Frank M. Coffin, of Maine, a member of the committee who authorized and supported the amendment.

**§ 26.15 Where a privileged resolution is reported by the Committee on Rules, with committee amendments, the amendments are reported and may be acted upon before the Member managing the resolution is recognized for debate thereon.**

10. 103 CONG. REC. 1311, 85th Cong. 1st Sess.

On Aug. 19, 1964,<sup>(11)</sup> the Committee on Rules reported House Resolution 845, providing for the consideration of H.R. 11926, limiting the jurisdiction of federal courts in apportionment cases, which bill had not been reported by the committee to which referred. Speaker John W. McCormack, of Massachusetts, directed the Clerk, after the reading of the resolution, to read the committee amendments. The amendments were then agreed to and the Speaker recognized Mr. Howard W. Smith, of Virginia, the manager of the resolution, for one hour of debate.

*Parliamentarian's Note:* This is the normal procedure in the case of technical or perfecting amendments to a resolution considered under the hour rule. Alternatively, the proponent of the resolution may proceed in debate while an amendment thereto is pending. This procedure is followed where the amendment is controversial or is in the nature of a substitute.

**§ 26.16 When a bill is being considered under a closed rule permitting only committee amendments, only two five-minute speeches are in**

11. 110 CONG. REC. 20213, 88th Cong. 2d Sess.

**order, one in support of the committee amendment and one in opposition, and the Chair gives preference in recognition to members of the committee reporting the bill.**

On May 18, 1960,<sup>(12)</sup> the Committee of the Whole was considering H.R. 5, the Foreign Investment Tax Act of 1960, reported by the Committee on Ways and Means, pursuant to the provisions of House Resolution 468, permitting only amendments offered at the direction of said committee. Chairman William H. Natcher, of Kentucky, stated in response to a parliamentary inquiry that only five minutes for and five minutes against the bill were in order, and that committee members had prior rights to debate:

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

Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

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

THE CHAIRMAN: The Chair recognized the gentleman from Louisiana [Mr. Boggs] for 5 minutes in support of

12. 106 CONG. REC. 10576, 86th Cong. 2d Sess.

the committee amendment, so the gentleman from Louisiana would have to yield to the distinguished gentleman from West Virginia.

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

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

**§ 26.17 The time for debate having been fixed by motion on amendments to a committee amendment in the nature of a substitute, the Chair may by unanimous consent 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,<sup>(13)</sup> 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

13. 96 CONG. REC. 1691, 81st Cong. 2d Sess.

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 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.

### ***Priorities Under the Five-minute Rule***

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

On July 21, 1949,<sup>(14)</sup> Chairman Eugene J. Keogh, of New York, answered a parliamentary inquiry on the order of recognition for

14. 95 CONG. REC. 9936, 81st Cong. 1st Sess.

amendments under the five-minute rule:

MR. [JAMES P.] SUTTON [of Tennessee]: Mr. Chairman, I offer an amendment.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. H. CARL ANDERSEN: Mr. Chairman, is it not the custom during debate under the 5-minute rule for the Chair in recognizing Members to alternate from side to side? At least I suggest to the Chair that that would be the fair procedure. The Chair has recognized three Democrats in a row.

THE CHAIRMAN: The Chair will say to the gentleman that the matter of recognition of members of the committee is within the discretion of the Chair. The Chair has undertaken to follow as closely as possible the seniority of those Members.

MR. [CLIFFORD R.] HOPE [of Kansas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HOPE: For the information of the Chair, the gentleman from Wisconsin, who has been seeking recognition, has been a Member of the House for 10 years, and the gentleman from Tennessee is a Member whose service began only this year.

THE CHAIRMAN: The Chair would refer the gentleman to the official list of the members of the committee, which the Chair has before him.

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

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

On Oct. 2, 1969,<sup>(15)</sup> the Committee of the Whole was considering under the five-minute rule H.R. 14000, military procurement authorization. Chairman Daniel D. Rostenkowski, of Illinois, recognized Mr. Charles H. Wilson, of California, a member of the Committee on Armed Services which had reported the bill, to offer an amendment. Mr. Lucien N. Nedzi, of Michigan, inquired whether members of the committee were not supposed to be recognized in the order of their seniority. The Chairman responded "That is a matter for the Chair's discretion" and proceeded to recognize Mr. Wilson for his amendment.

**§ 26.20 During amendment of a bill in Committee of the Whole, the Chairman first recognizes members of the committee reporting the bill, if on their feet seeking recognition.**

15. 115 CONG. REC. 28101, 28102, 91st Cong. 1st Sess.

On June 29, 1939,<sup>(16)</sup> Chairman Jere Cooper, of Tennessee, ruled that although a Member had been recognized to offer an amendment, the Chairman would in his discretion first recognize members of the committee reporting the bill, if on their feet seeking recognition:

MR. [HAROLD] KNUTSON [of Minnesota]: Mr. Chairman, I have an amendment at the Clerk's desk which I would like to offer at this time.

The Clerk read as follows:

Amendment offered by Mr. Knutson: Strike out all of section 1 and insert the following—

MR. [HAMILTON] FISH [Jr., of New York] (interrupting the reading of the amendment): Mr. Chairman, would it be in order for the committee members to be recognized first to offer amendments?

MR. KNUTSON: I have already been recognized.

THE CHAIRMAN: If there is any member of the committee seeking recognition, he is entitled to recognition.

MR. FISH: Mr. Chairman, I would like to be recognized.

MR. KNUTSON: I already have the floor, and have been recognized.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, the gentleman from Minnesota [Mr. Knutson] has already been recognized.

THE CHAIRMAN: Recognition is in the discretion of the Chair, and the Chair will recognize members of the committee first. Does the acting chairman of the committee seek recognition?

16. 84 CONG. REC. 8311, 76th Cong. 1st Sess.

MR. [SOL] BLOOM [of New York]: Mr. Chairman, I would like to ask whether the committee amendments to section 1 have been agreed to?

THE CHAIRMAN: The only one the Chair knows about is the one appearing in the print of the bill, and that has been agreed to.

MR. BLOOM: In line 16, there is a committee amendment.

MR. KNUTSON: Mr. Chairman, I was recognized by the Chair.

THE CHAIRMAN: The Chair feels that inasmuch as members of the committee were not on their feet and the gentleman from Minnesota had been recognized, the gentleman is entitled to recognition.

**§ 26.21 In recognizing members of the committee reporting a bill to offer amendments in the Committee of the Whole, the Chairman has discretion whether to first recognize a minority or majority member.**

On June 4, 1948,<sup>(17)</sup> while the Committee of the Whole was considering H.R. 6801, the foreign aid appropriation bill, for amendment, Chairman W. Sterling Cole, of New York, recognized Everett M. Dirksen, of Illinois (a majority member) to offer an amendment. Mr. Clarence Cannon, of Missouri, objected that the minority was entitled to recognition to move to

17. 94 CONG. REC. 7189, 80th Cong. 2d Sess.

amend the bill. The Chairman responded:

Under the rules of the House, any member of the committee may offer an amendment, and it is in the discretion of the Chair as to which member shall be recognized.

**§ 26.22 A member of the committee in charge of a bill is entitled to close debate on an amendment under consideration in the Committee of the Whole where the debate has been limited and equally divided among that Member and other Members.**

On May 22, 1956,<sup>(18)</sup> Chairman Jere Cooper, of Tennessee, ruled that the chairman of the Committee on Appropriations, manager of the pending bill, H.R. 11319, was entitled to close debate on a pending amendment (where a request had been agreed to to limit debate on the amendment to 20 minutes, divided and controlled by that Member and three others):

THE CHAIRMAN: Under the unanimous-consent agreement, the Chair recognizes the gentleman from New York [Mr. Cole].

MR. [W. STERLING] COLE: Mr. Chairman, I understood that I was to have 5 minutes to close the debate on this amendment.

18. 102 CONG. REC. 8741, 84th Cong. 2d Sess.

THE CHAIRMAN: The Chair was not of that understanding. It is the understanding of the Chair that the gentleman from New York [Mr. Taber] would have 5 minutes to close the debate.

MR. COLE: The request was that the gentleman from New York will close the debate. I also qualify under that characterization, being in support of the amendment; and, under the rules of the House, it is my understanding that I would be recognized to close the debate.

THE CHAIRMAN: The Chair will advise the gentleman from New York that a member of the committee is entitled to close the debate if he so desires.

Does the gentleman from New York [Mr. Taber] desire to be recognized to close the debate?

MR. [JOHN] TABER: I desire to close.

THE CHAIRMAN: The Chair recognizes the gentleman from New York [Mr. Cole].

### ***Reservation of Time for Committee***

**§ 26.23 Where the Committee of the Whole fixes the time for debate on all amendments to a pending amendment in the nature of a substitute, the Chair in counting those seeking recognition may without objection allot a portion of the time on each amendment to the committee reporting the bill.**

On Feb. 8, 1950,<sup>(19)</sup> the Committee of the Whole fixed time for debate on amendments to a committee amendment in the nature of a substitute. Chairman Chet Holifield, of California, then indicated, in response to a parliamentary inquiry, that the Chair would recognize a committee member in opposition to each amendment offered.

### ***Control of Time by Unanimous Consent***

**§ 26.24 Under the five-minute rule, control of the time for debate may be allotted by unanimous consent but not by motion.**

On May 11, 1949,<sup>(20)</sup> during five-minute debate in the Committee of the Whole, Mr. Brent Spence, of Kentucky, moved to limit five-minute debate on a pending section and amendments thereto, and to allocate the remaining time. Chairman Albert A. Gore, of Tennessee, sustained a point of order against the motion, as follows:

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

19. 96 CONG. REC. 1691, 81st Cong. 2d Sess.

20. 95 CONG. REC. 6055, 6056, 81st Cong. 1st Sess.

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 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.

**§ 26.25 By unanimous consent, the Committee of the Whole provided for two hours of debate on a pending amendment (thereby abrogating the five-minute rule) and vested control of such time in the chairman and ranking minority member of the committee that had reported the bill.**

On July 8, 1965,<sup>(1)</sup> the Committee of the Whole was considering the Civil Rights Act of 1965, H.R. 6400. Mr. William M. McCulloch, of Ohio, offered an amendment, and the Committee agreed to the following unanimous-consent request allocating the time for debate on the amendment:

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I ask unanimous consent that all debate on the so-called

1. 111 CONG. REC. 16036-38, 89th Cong. 1st Sess.

McCulloch substitute and all amendments thereto be limited to 2 hours, and that such time be equally divided and controlled by myself and the gentleman from Ohio [Mr. McCulloch].

*Parliamentarian's Note:* Where a unanimous-consent agreement for control of time for debate on an amendment has been fixed, the proponent is first recognized for debate.<sup>(2)</sup>

**§ 26.26 The Committee of the Whole, by unanimous consent, limited debate to 30 minutes on a pending motion to strike and provided that the time should be divided equally between the managers of the bill, who would in turn yield time to both**

2. Where the time for and control of debate on an amendment has been fixed by unanimous consent, the motion that the Committee rise with the recommendation that the enacting clause be stricken is in order and privileged, and the Member so moving and the Members rising in opposition are entitled to recognition for five minutes. Time on the motion is not taken from the time remaining under the unanimous-consent limitation unless the limitation is to a time certain or unless the limitation has the effect of closing further debate on the bill (as with an amendment in the nature of a substitute being considered as an original bill). See 111 CONG. REC. 16227, 16228, 89th Cong. 1st Sess., July 9, 1965.

**proponents and opponents of the motion.**

On Aug. 4, 1966,<sup>(3)</sup> while the Committee of the Whole was considering H.R. 14765, the Civil Rights Act of 1966, the Committee agreed to a unanimous-consent request on the time and control of debate on motion to strike:

MR. [CARL] ALBERT [of Oklahoma]: The unanimous-consent request is that when the Committee resumes consideration of the bill, H.R. 14765, after the recess tonight the first order of business shall be after 30 minutes of debate a vote on the Moore amendment to strike out title IV and, in the event that amendment is defeated, the Committee shall then continue the consideration of title IV.

MR. [JOHN BELL] WILLIAMS [of Mississippi]: Do I understand that the gentleman dropped that portion in which he provided for a division of time equally between the proponents and opponents?

MR. ALBERT: No. That is included. Fifteen minutes shall be under the control of the gentleman from New Jersey [Mr. Rodino] and 15 minutes under the control of the gentleman from Ohio [Mr. McCulloch]. I think it is well understood that they will yield the time to both proponents and opponents of the Moore amendment.

MR. WILLIAMS: By gentleman's agreement?

MR. ALBERT: Yes.

MR. WILLIAMS: Mr. Chairman, I withdraw my reservation.

3. 112 CONG. REC. 18207, 18208, 89th Cong. 2d Sess.

THE CHAIRMAN:<sup>(4)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

***Hour Rule Limitations***

**§ 26.27 Although the chairman and ranking minority member of a committee or subcommittee may be given control of more than one hour of the time for general debate, they are still limited in their own presentations by the hour rule and may proceed for a longer time only by unanimous consent.**

On July 29, 1969,<sup>(5)</sup> the House agreed to a unanimous-consent request by Mr. Daniel J. Flood, of Pennsylvania, that the House resolve itself into the Committee of the Whole for the consideration of H.R. 13111, Labor and HEW appropriations, and that general debate be limited to three hours, to be equally divided and controlled by Mr. Flood, Chairman of the Subcommittee on HEW of the Committee on Appropriations and by Mr. Robert H. Michel, of Illinois, the ranking minority member of that subcommittee.

Mr. Flood commenced debate, and Chairman Chet Holifield, of

4. Richard Bolling (Mo.).

5. 115 CONG. REC. 21174-78, 91st Cong. 1st Sess.

California, later advised him that he himself had consumed one hour.

By unanimous consent, at the request of Mr. William H. Natcher, of Kentucky, Mr. Flood was allowed to continue for 10 additional minutes.

***Yielding Time by Committee Managers***

**§ 26.28** Where debate on a bill is under control of the chairman and ranking minority member of a committee, they may yield as many times as they desire to whomever they desire.

On July 11, 1946,<sup>(6)</sup> Chairman William M. Whittington, of Mississippi, answered a parliamentary inquiry:

MISS [JESSIE] SUMNER of Illinois: Mr. Chairman, a parliamentary inquiry?

THE CHAIRMAN: The gentlewoman will state it.

MISS SUMNER of Illinois: The gentleman from Arkansas [Mr. Hays] and the gentleman from Texas [Mr. Patman] have spoken two or three times on this bill during general debate. Is that permissible under the rules of the House?

THE CHAIRMAN: The time is within the control of the chairman and the ranking minority member of the committee.

6. 92 CONG. REC. 8694, 79th Cong. 2d Sess.

MISS SUMNER of Illinois: May the same person speak two or three times in general debate on the same bill?

THE CHAIRMAN: General debate on this bill has been fixed at 16 hours, the time equally divided between the chairman and the ranking minority member of the committee. They may yield once, twice, or as many times as they desire to whom they desire.

***General Debate Time***

**§ 26.29** The chairman of the Committee on the Judiciary, in control of one-half the time for general debate on a civil rights bill, yielded one-half of that time to another majority member of his committee.

On Jan. 21, 1964,<sup>(7)</sup> the House adopted House Resolution 616, providing for consideration of H.R. 7152, the Civil Rights Act of 1963, and providing that 10 hours of general debate thereon be divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. When the House resolved itself into the Committee of the Whole for the consideration of the bill, Emanuel Celler, of New York, the Chairman of the Committee on the Judiciary, made the following statement:

Mr. Chairman, at the outset may I say that I shall yield one-half of my

7. 110 CONG. REC. 1516, 88th Cong. 2d Sess.

time, namely, 2½ hours, to the distinguished gentleman from Louisiana [Mr. Willis].

**§ 26.30 Where a bill is considered pursuant to a resolution which gives control of part of the general debate to the chairman of the committee reporting the bill, he may delegate control of that time to another; but such delegation is not effective unless communicated to the Chairman of the Committee of the Whole.**

On Jan. 31, 1964,<sup>(8)</sup> the Committee of the Whole was conducting general debate on H.R. 7152, the Civil Rights Act of 1963. The resolution providing for the consideration of the bill provided that general debate be divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Emanuel Celler, of New York, the Chairman of the committee, was absent, and the following colloquy and point of order transpired:

MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Chairman, will the gentleman yield?

MR. [BASIL L.] WHITENER [of North Carolina]: If the gentleman will get me more time, I will be glad to yield to the gentleman.

MR. RODINO: I will give the gentleman 1 extra minute.

MR. WHITENER: I yield to the gentleman, but please do not take more than 1 minute.

THE CHAIRMAN:<sup>(9)</sup> The Chair has to inform the gentleman from North Carolina that the gentleman from New Jersey does not have control of the time.

MR. WHITENER: Then, Mr. Chairman, I must respectfully decline to yield to the gentleman. . . .

MR. [BYRON G.] ROGERS of Colorado: Mr. Chairman, a point of order.

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

MR. ROGERS of Colorado: Mr. Chairman, the gentleman from New Jersey is now in charge of the time in the absence of the chairman, the gentleman from New York [Mr. Celler].

THE CHAIRMAN: The Chair was not informed that the gentleman from New York is absent nor is the Chair informed that the gentleman from New Jersey is now in charge of the time.

The gentleman from North Carolina is recognized.

MR. WHITENER: I thank the Chairman. . . .

THE CHAIRMAN: The time of the gentleman has expired.

MR. RODINO: Mr. Chairman, I yield myself 10 minutes, and I wish to state I am acting for the chairman of the Committee on the Judiciary who asked me to take charge of the time for him in his absence.

THE CHAIRMAN: The gentleman from New Jersey is recognized.

**§ 26.31 During general debate in Committee of the Whole of**

8. 110 CONG. REC. 1538, 88th Cong. 2d Sess.

9. Eugene J. Keogh (N.Y.).

**a bill being considered under a special rule providing that the time be controlled by the chairman and ranking minority member of the committee reporting the bill, additional time must be yielded by the members controlling the time and may not be obtained by unanimous consent.**

On June 2, 1975,<sup>(10)</sup> during consideration of the Voting Rights Act extension (H.R. 6219) in the Committee of the Whole, the following proceedings occurred:

THE CHAIRMAN PRO TEMPORE: The time of the gentleman has expired.

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I would ask unanimous consent to continue for an additional 5 minutes.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the gentleman from California (Mr. Edwards) has control of the time. Does the gentleman from California wish to yield additional time to the gentleman from Texas? . . .

THE CHAIRMAN PRO TEMPORE: The time of the gentleman has expired.

MR. GONZALEZ: Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 1 additional minute.

THE CHAIRMAN PRO TEMPORE: The gentleman will suspend. The Chair must advise the gentleman that under the rule that request is not in order.

10. 121 CONG. REC. 16285, 16286, 94th Cong. 1st Sess.

**—Reserving Time To Close**

**§ 26.32** Where, under a special rule, general debate is divided and controlled by two committees, the Chair may permit the chairman of the primary committee involved to reserve a portion of his allotted time to close general debate, while recognizing the chairman of the other committee to utilize his time.

During consideration of the Intergovernmental Emergency Assistance Act (H.R. 10481) in the Committee of the Whole on Dec. 2, 1975,<sup>(11)</sup> the proceedings described above occurred as follows:

THE CHAIRMAN:<sup>(12)</sup> Pursuant to the rule, general debate will continue for not to exceed 3 hours, 2 hours to be equally divided and controlled between the chairman and ranking minority member of the Committee on Banking, Currency and Housing, and 1 hour to be equally divided and controlled between the chairman and ranking minority member of the Committee on Ways and Means.

Under the rule, the gentleman from Ohio [Mr. Ashley, chairman of the Committee on Banking, Currency, and Housing] will be recognized for 1 hour; the gentleman from Connecticut (Mr. McKinney) will be recognized for 1 hour; the gentleman from Oregon (Mr.

11. 121 CONG. REC. 38141, 38166, 38174, 94th Cong. 1st Sess.

12. James G. O'Hara (Mich.).

Ullman) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Schneebeli) will be recognized for 30 minutes. . . .

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, I have no further requests for time and I reserve the balance of my time.

THE CHAIRMAN: Under the rule, the gentleman from Oregon (Mr. Ullman) is recognized for 30 minutes, and the gentleman from New York (Mr. Conable) is recognized for 30 minutes.

[Mr. [Al] Ullman [of Oregon] addressed the Committee.]

MR. ASHLEY: Mr. Chairman, I yield myself 2 minutes to close debate.

### ***Disciplinary Resolution***

**§ 26.33 After the chairman of a special committee to investigate the right of a Member-elect to be sworn was recognized for one hour on a resolution relating thereto, he obtained an additional hour by unanimous consent, and then yielded one-half of his time, for debate only, to the ranking minority member of the special committee; the Speaker declared that both the chairman and the ranking minority member controlled the further allocation of time.**

On Mar. 1, 1967,<sup>(13)</sup> Emanuel Celler, of New York, Chairman of

13. 113 CONG. REC. 4997, 90th Cong. 1st Sess.

the select committee, appointed pursuant to House Resolution 1 of the 90th Congress to investigate the right of Member-elect Adam C. Powell, of New York, to be sworn, called up House Resolution 278 relating thereto. Mr. Celler, after being recognized by Speaker John W. McCormack, of Massachusetts, for one hour, requested that the time be extended for one additional hour, which was agreed to.

Mr. Celler then yielded one-half of his time, for debate only, to Mr. Arch A. Moore, Jr., of West Virginia, the ranking minority member of the special committee. Both were declared by the Speaker to be in control of the allocation of time.

### ***Under Suspension—Management of House Bill With Senate Amendments***

**§ 26.34 The Speaker normally recognizes the chairman of the committee or subcommittee with jurisdiction over the subject matter of a House bill to move to suspend the rules and agree to a resolution taking the bill with Senate amendments from the Speaker's table and agreeing to the Senate amendments.**

On Aug. 27, 1962,<sup>(14)</sup> Speaker John W. McCormack, of Massachusetts, recognized Oren Harris, of Arkansas, Chairman of the Committee on Interstate and Foreign Commerce, to move to suspend the rules and agree to House Resolution 769:

*Resolved*, That immediately upon the adoption of this resolution the bill H.R. 11040, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table, to the end that the Senate amendment be, and the same is hereby, agreed to.

*Parliamentarian's Note:* H.R. 11040, the Communications Satellite Act of 1962, was within the jurisdiction of the Committee on Interstate and Foreign Commerce.

**§ 26.35 The Speaker normally recognizes the chairman of the committee or subcommittee with jurisdiction to move to suspend the rules and agree to a resolution taking a House bill with Senate amendments from the Speaker's table, disagreeing to Senate amendments, and requesting a conference.**

On Oct. 1, 1962,<sup>(15)</sup> Speaker John W. McCormack, of Massa-

14. 108 CONG. REC. 17671, 87th Cong. 2d Sess.

15. 108 CONG. REC. 21528, 87th Cong. 2d Sess.

chusetts, recognized Thomas J. Murray, of Tennessee, Chairman of the Committee on Post Office and Civil Service, to suspend the rules and agree to House Resolution 818:

*Resolved*, That immediately upon the adoption of this resolution the bill H.R. 7927, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same hereby is, disagreed to and a conference is requested with the Senate upon the disagreeing votes of the two Houses thereon.

*Parliamentarian's Note:* H.R. 7927, the Postal Rate and Postal Pay Act of 1962, was within the jurisdiction of the Committee on Post Office and Civil Service.

—*Member Opposed to Motion*

**§ 26.36 Under clause 2 of Rule XXVII,<sup>(16)</sup> a Member opposed to a motion to suspend the rules is entitled to control 20 minutes of debate in opposi-**

16. *House Rules and Manual* §907 (1995). The provision providing for forty minutes of debate on a motion to suspend the rules was formerly contained in clause 3. Former clause 2 of Rule XXVII, requiring certain motions to suspend the rules to be seconded by a majority of tellers if demand was made, was repealed by H. Res. 5, 102d Cong. 1st Sess., Jan. 3, 1991.

**tion to the motion; ordinarily, the ranking minority member of the reporting committee controls the 20 minutes of debate unless he is challenged at the time the allocation is made and does not qualify as being opposed to the motion.**

During consideration of the Equal Access Act (H.R. 5345) in the House on May 15, 1984,<sup>(17)</sup> the following proceedings occurred:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5345) to provide that no Federal educational funds may be obligated or expended to any State or local educational agency which discriminates against any meetings of students in public secondary schools who wish to meet voluntarily for religious purposes.

The Clerk read as follows:

H.R. 5345

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Access Act". . . .*

THE SPEAKER PRO TEMPORE:<sup>(18)</sup> . . . The gentleman from Kentucky (Mr. Perkins) will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. William F. Goodling, ranking minority member of Committee on Education and Labor] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

17. 130 CONG. REC. 12214, 12215, 98th Cong. 2d Sess.

18. Wyche Fowler, Jr. (Ga.).

MR. PERKINS: Mr. Speaker, I yield myself 4 minutes. . . .

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FISH: Mr. Speaker, I am opposed to this bill. Do I have a right to the full 20 minutes on our side?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman from New York that his objection is not timely. The gentleman is too late. The gentleman from Pennsylvania (Mr. Goodling) controls the time.

MR. [GARY L.] ACKERMAN [of New York]: Mr. Speaker, does the gentleman from Pennsylvania oppose this bill? . . .

THE SPEAKER PRO TEMPORE: The Chair will state that any gentleman had the opportunity at the appropriate time to make the appropriate challenge. The Chair has ruled that the gentleman from Pennsylvania (Mr. Goodling) controls the time and is recognized for 20 minutes.

### ***Unanimous-consent Requests To Dispose of Senate Amendments***

**§ 26.37 The Speaker, in response to a parliamentary inquiry, indicated that only the chairman of the committee having jurisdiction of the subject matter of a bill, amended by the Senate and on the Speaker's table, would be recognized to ask unani-**

**mous consent to take it from the table, disagree to the amendment and ask for a conference.**

On Sept. 1, 1960,<sup>(19)</sup> Mr. Charles A. Halleck, of Indiana, raised a parliamentary inquiry on the disposition of a House bill with a Senate amendment which had been returned to the House and was on the Speaker's table. Mr. Halleck inquired whether it would be in order to submit a unanimous-consent request to take the bill from the table, disagree to the Senate amendment, and send the bill to conference. Speaker Sam Rayburn, of Texas, responded that such a request could only be made by the chairman of the committee with jurisdiction over the bill [Harold D. Cooley, of North Carolina].

**§ 26.38 The Speaker may decline to recognize a Member for a unanimous-consent request to take a bill from the Speaker's table and concur in certain Senate amendments, where such a request is made without the authorization of the chairman of the reporting committee.**

On July 31, 1969,<sup>(20)</sup> Mr. Hale Boggs, of Louisiana, asked unani-

19. 106 CONG. REC. 18920, 86th Cong. 2d Sess.

20. 115 CONG. REC. 21691, 91st Cong. 1st Sess.

mous consent to take the bill H.R. 9951 from the Speaker's table and to concur in the Senate amendments thereto. Speaker John W. McCormack, of Massachusetts, refused recognition for that purpose:

THE SPEAKER: The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

The chairman of the Committee on Ways and Means is at present appearing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.

The Chair does not want to enter into an argument with any Member, particularly the distinguished gentleman from Louisiana whom I admire very much. But the Chair has stated that the Chair does not recognize the gentleman for that purpose.

### *Calendar Wednesday*

**§ 26.39 A Member managing a bill on Calendar Wednesday must be authorized and directed to call it up by the committee with jurisdiction.**

On Feb. 24, 1937,<sup>(1)</sup> Speaker Pro Tempore William J. Driver, of Arkansas, responded to a parliamentary inquiry during the Calendar Wednesday call of committees:

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, where a bill has

1. 81 CONG. REC. 1562, 1563, 75th Cong. 1st Sess.

been reported favorably by a committee, and the chairman of the committee is authorized to call the bill up on Calendar Wednesday, when the chairman absents himself from the floor, and when other members of the committee are present, is it proper for one of the other members to call up the bill?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that under the rules only the chairman or the member designated by the committee is authorized to call up a bill.<sup>(2)</sup>

**§ 26.40 On Calendar Wednesday, debate on bills considered in the Committee of the Whole is limited to two hours, one hour controlled by the Member in charge of the bill and one hour by the ranking minority member of the committee who is opposed to the bill.**

On Apr. 14, 1937,<sup>(3)</sup> Chairman J. Mark Wilcox, of Florida, stated in response to a parliamentary inquiry that debate on a bill (called up under the Calendar Wednesday procedure) in the Committee of the Whole would be limited to two hours, one hour to be controlled by the chairman of the

2. See also 92 CONG. REC. 8590, 79th Cong. 2d Sess., July 10, 1946; and 87 CONG. REC. 5047, 77th Cong. 1st Sess., June 11, 1941.
3. 81 CONG. REC. 3456, 75th Cong. 1st Sess.

Committee on Interstate and Foreign Commerce, and one hour to be controlled by the ranking minority committee member opposed to the bill. The Chairman indicated he would recognize in opposition Mr. Pehr G. Holmes, of Massachusetts, who assured the Chairman that he was the most senior minority member of the Committee on Interstate and Foreign Commerce who was opposed to the bill.<sup>(4)</sup>

**Veto**

**§ 26.41 Debate on the question of overriding a Presidential veto is normally controlled by the chairman of the committee which had reported the bill to the House.**

On Sept. 7, 1978,<sup>(5)</sup> the Speaker announced the unfinished business of the House, as follows:

THE SPEAKER:<sup>(6)</sup> The unfinished business is the further consideration of the veto message of the President on the bill H.R. 10929, to authorize appro-

4. See also 92 CONG. REC. 8590, 79th Cong. 2d Sess., July 10, 1946.  
Rule XXIV clause 7, *House Rules and Manual* § 897 (1995) governs the consideration of bills called up by committees under the Calendar Wednesday procedure.
5. 124 CONG. REC. 28343, 95th Cong. 2d Sess.
6. Thomas P. O'Neill, Jr. (Mass.).

priations for fiscal year 1979 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for civil defense, and for other purposes.

The question is: Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Illinois (Mr. Price) is recognized for 1 hour.

MR. [MELVIN] PRICE [of Illinois]: Mr. Speaker, I yield myself such time as I may require.

*Parliamentarian's Note:* Although the Speaker and Majority Leader supported the veto, Chairman Price who opposed the veto was recognized to control the debate, as is the normal practice. For an instance where the Majority Leader was recognized to control the debate on overriding the President's veto of an appropriations bill, see § 26.42, *infra*.

**§ 26.42 While the Speaker normally recognizes the chairman of the committee or subcommittee which reported the bill to control the debate on a veto message on that**

**bill, the Speaker on one occasion recognized the Majority Leader to control debate on the question of overriding the President's veto of an appropriation bill.**

On Aug. 16, 1972,<sup>(7)</sup> the Speaker brought up for consideration a veto message from the President, as follows:

The Speaker laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

Today, I must return without my approval H.R. 15417, the appropriations bill for the Department of Labor, the Department of Health, Education and Welfare and certain related agencies. . . .

THE SPEAKER:<sup>(8)</sup> The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Louisiana [the majority leader].

MR. [HALE] BOGGS [of Louisiana]: Mr. Speaker, I shall say only a few words and then move the previous question.

### ***Amendments***

**§ 26.43 The proponent of an amendment may be recognized to control the time in opposition to a substitute**

7. 118 CONG. REC. 28415, 92d Cong. 2d Sess.

8. Carl Albert (Okla.).

**offered therefor, but a member of the committee reporting the bill has priority of recognition to control such time.**

On May 4, 1983,<sup>(9)</sup> during consideration of House Joint Resolution 13 (nuclear weapons freeze) in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding priority of recognition for debate:

MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Dicks as a substitute for the amendment offered by Mr. Levitas: In view of the matter proposed to be inserted, insert the following: "with negotiators proceeding immediately to pursuing reductions." . . .

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

My parliamentary inquiry is twofold, Mr. Chairman.

The first is that under the rule if I am opposed to the amendment being offered as a substitute for my amendment, can I be recognized in opposition thereto?

My second inquiry is: Is the substitute open for amendment?

THE CHAIRMAN:<sup>(10)</sup> The answer to the second question is the substitute is open for amendment.

9. 129 CONG. REC. 11074, 98th Cong. 1st Sess.  
10. Matthew F. McHugh (N.Y.).

It is appropriate under the rules to offer an amendment. In terms of whom the Chair recognizes in opposition, the Chair would be inclined to recognize a member of the committee, if a member of the committee seeks recognition in opposition to the amendment.

If a committee member does not seek recognition for that purpose the Chair would be inclined to recognize the gentleman.

**§ 26.44 Where a special rule governing consideration of a bill in Committee of the Whole provides that debate on each amendment be equally divided between the proponent and a Member opposed thereto, the Chairman of the Committee of the Whole will recognize the chairman of the committee managing the bill to control the time in opposition if he states he is opposed, and the Chair cannot at a later time question his qualifications to speak in opposition.**

On May 4, 1983,<sup>(11)</sup> the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons, pursuant to a special rule agreed to on Mar. 16<sup>(12)</sup> and a special rule

11. 129 CONG. REC. 11066, 98th Cong. 1st Sess.  
12. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.

providing for additional procedures for consideration (including the equal division of debate time) agreed to on May 4.<sup>(13)</sup> Mr. Clement J. Zablocki, of Wisconsin, Chairman of the Committee on Foreign Affairs, was recognized in opposition to an amendment. Mr. Zablocki discussed the amendment as it had been modified by unanimous consent:

MR. ZABLOCKI: Mr. Chairman, in order that we can continue the debate in proper order, and with an understanding of the amendment, as modified by unanimous consent, I ask that the Clerk re-read the amendment to the amendment.

THE CHAIRMAN: The clerk will report the amendment, as modified.

The Clerk read as follows:

Page 5, line 8, immediately before the period, insert “, with such reductions to be achieved within a reasonable period of time as determined by negotiations.”

MR. ZABLOCKI: . . . I must say at the very outset, as the amendment has been offered, I have no problems with the amendment. But I am concerned [that] in the explanation of your amendment you go further and it does cause some concern whether you intend your amendment to be so interpreted.

So, Mr. Chairman, I would hope that in the remaining 13 minutes of my time in opposition, technically in opposition, to the amendment we could

13. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.

have a clarifying dialog with the gentleman from Georgia.

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE:<sup>(14)</sup> The gentleman from Wisconsin (Mr. Zablocki) has the time.

MR. COURTER: Mr. Chairman, will the gentleman yield to me for the purpose of making a parliamentary inquiry?

MR. ZABLOCKI: I yield to the gentleman from New Jersey for the purpose of making a parliamentary inquiry.

MR. COURTER: My parliamentary inquiry, Mr. Chairman, is as follows:

It is my understanding that the proponent of the amendment, the gentleman from Georgia (Mr. Levitas) is recognized for 15 minutes, and then someone could be recognized if they, in fact, oppose it.

The gentleman from Wisconsin (Mr. Zablocki) rose initially indicating that he was against the amendment, was recognized for 15 minutes, and during his monolog has indicated that, in fact, he is not opposed to it. Should he be recognized for the balance of his time?

THE CHAIRMAN PRO TEMPORE: The Chair cannot question the gentleman's qualifications. The Chair did ask the question if he rose in opposition to the amendment, and the Chairman so stated. Therefore, he controls the time.

### *Unreported Joint Resolution*

#### **§ 26.45 Where an unreported joint resolution was being**

14. Leon E. Panetta (Calif.).

**considered under a special “modified closed” rule in Committee of the Whole permitting no general debate and the consideration of only two amendments in the nature of a substitute with debate thereon divided between a proponent and an opponent, the proponents (or the designee of a proponent) of the amendments were permitted to open and close debate pursuant to clause 6 of Rule XIV, since there was no “manager” of the joint resolution.**

The following proceedings occurred in the Committee of the Whole on Apr. 24, 1985,<sup>(15)</sup> during consideration of House Joint Resolution 247 (to promote U.S. assistance in Central America):

THE CHAIRMAN:<sup>(16)</sup> No amendments are in order except the following amendments, which shall be considered as having been read, shall be considered only in the following order, and shall not be subject to amendment: First, the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Hamilton of Indiana; and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by

15. 131 CONG. REC. 9206, 9231, 9232, 9253, 9254, 99th Cong. 1st Sess.

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

Representative Hamilton and a member opposed thereto; and second, the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Michel or his designee, and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by Representative Michel or his designee and a Member opposed thereto. . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute. . . .

THE CHAIRMAN: Pursuant to House Resolution 136, the amendment is considered as having been read.

The gentleman from Illinois (Mr. Michel) will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour. . . .

MR. MICHEL: Mr. Chairman, I should like to designate the gentleman from Michigan (Mr. Broomfield) to make the allocation of time on our side of the aisle.

THE CHAIRMAN: The gentleman from Michigan (Mr. Broomfield) is designated to control the time for the gentleman from Illinois (Mr. Michel). . . .

The gentleman from Michigan (Mr. Broomfield) has 7 minutes remaining, and the gentleman from Maryland (Mr. Barnes) has 6¼ minutes remaining.

MR. [MICHAEL D.] BARNES [of Maryland]: Mr. Chairman, we have three very brief speakers.

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: If the gentleman would go ahead with those, we will wind up with one, our final speaker, the gentleman from Illinois (Mr. Michel). . . .

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

MR. BROOMFIELD: Mr. Chairman, I would like at this time now to yield the balance of our time to the minority leader, the gentleman from Illinois (Mr. Michel).

*Parliamentarian's Note:* Ordinarily in Committee of the Whole under the five-minute rule notwithstanding clause 6 of Rule XIV (which permits the proposer of a proposition to close debate), the manager of the bill under the precedents is given the right to close debate on an amendment. But in the above instance, there was no manager of the bill under the special rule.

**§ 26.46 Where a special rule adopted by the House limits debate on an amendment to be controlled by the proponent and an opponent, and prohibits amendments thereto, the Chair may in his discretion recognize the manager of the bill if opposed and there is no requirement for recognition of the minority party.**

The following proceedings occurred in the Committee of the Whole on June 18, 1986,<sup>(17)</sup> during consideration of H.R. 4868 (Anti-Apartheid Act of 1986):

THE CHAIRMAN:<sup>(18)</sup> Under the rule, the gentleman from California (Mr.

17. 132 CONG. REC. 14275, 14276, 99th Cong. 2d Sess.

18. Bob Traxler (Mich.).

Dellums) will be recognized for 30 minutes, and a Member opposed to the amendment will be recognized for 30 minutes.

Will those gentlemen who are opposed to the Dellums amendment kindly stand so the Chair can designate?

Is the gentleman from Washington (Mr. Bonker) opposed to the amendment?

MR. [DON] BONKER [of Washington]: I advise the Chair that I oppose the amendment.

THE CHAIRMAN: Then the Chair will recognize the gentleman from Washington (Mr. Bonker) for 30 minutes in opposition to the Dellums amendment.

Does the gentleman from Washington wish to yield any of his time or share any of his time?

MR. BONKER: Mr. Chairman, I would yield half the allotted time, 15 minutes, to the gentleman from Michigan (Mr. Siljander).

THE CHAIRMAN: The time in opposition will be equally divided between the gentleman from Washington (Mr. Bonker) and the gentleman from Michigan (Mr. Siljander). . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, do I understand that the process that has just taken place has given the minority side one-quarter of the time.

THE CHAIRMAN: The Chair would counsel the gentleman from Pennsylvania in regard to his inquiry that the rule provides that a Member will be recognized in opposition. The gentleman from Washington (Mr. Bonker) was recognized in opposition, and he shared his time with your side.

MR. WALKER: In other words, the minority, though, was not recognized for

the purposes of opposition. Is that correct?

THE CHAIRMAN: The Chair would state that the procedures of the House are governed by its rules, but more importantly in this instance, by the rule adopted by the House as reported from the Committee.

### *Motions To Instruct*

**§ 26.47 Under Rule XXVIII, clause 1(b), debate on any motion to instruct conferees is equally divided between majority and minority parties or among them and an opponent; but where the previous question is rejected on a motion to instruct, a separate hour of debate on any amendment to the motion is fully controlled by the proponent of the amendment under the hour rule (Rule XIV, clause 2), as the manager of the original motion loses the floor.**

The following proceedings occurred in the House on Oct. 3, 1989,<sup>(19)</sup> during consideration of H.R. 3026 (District of Columbia appropriations for fiscal year 1990):

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I ask unanimous consent to take from the Speaker's

19. 135 CONG. REC. 22859, 22862, 22863, 101st Cong. 1st Sess.

table the bill (H.R. 3026) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER PRO TEMPORE:<sup>(20)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

MR. [BILL] GREEN [of New York]: Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. Green moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 3026, be instructed to agree to the amendment of the Senate numbered 3.

THE SPEAKER PRO TEMPORE: The gentleman from New York [Mr. Green] is recognized for 30 minutes in support his motion. . . .

MR. GREEN: Mr. Speaker, I move the previous question on the motion to instruct. . . .

THE SPEAKER PRO TEMPORE: The question is on ordering the previous question.

[The previous question was rejected.]

MR. DIXON: Mr. Speaker, I have a parliamentary inquiry. . . .

I understand now that the gentleman from California [Mr. Danne-meyer] intends to offer an amendment to the motion offered by the gentleman from New York [Mr. Green].

20. William J. Hughes (N.J.).

My question is: Under the offering will I receive part of the time?

THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman from California [Mr. Dixon] that 1 hour would be allotted to the gentleman from California [Mr. Danne-meyer]. He would have to yield time to the gentleman from California [Mr. Dixon]. . . .

The Clerk read as follows:

Amendment offered by Mr. Danne-meyer to the motion to instruct: At the end of the pending motion, strike the period, insert a semicolon, and add the following language: “; *Pro-vided further* that the conferees be instructed to agree to the provisions contained in Senate amendment numbered 22.”

THE SPEAKER PRO TEMPORE: The gentleman from California [Mr. Danne-meyer] is recognized for 1 hour.

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I yield one-half of the time to the gentleman from California [Mr. Dixon], for purposes of debate only.

*Parliamentarian's Note:* The control of debate in the above instance is to be distinguished from debate on motions in the House to dispose of amendments in disagreement. In the latter case, although the manager of the original motion might lose the floor upon defeat of his motion, debate on a subsequent motion is nevertheless divided under Rule XXVIII, clause 2(b). It is only debate on amendments to such motions, when pending, that is not divided.

### *Time Divided Three Ways*

**§ 26.48 Pursuant to clause 2(b) of Rule XXVIII, debate on a motion to dispose of an amendment reported from conference in disagreement is equally divided between the majority and minority parties, unless the minority Member favors the motion, in which event one third of the time is allocated to a Member opposed.**

The following exchange occurred in the House on Aug. 1, 1985,<sup>(1)</sup> during consideration of the conference report on Senate Concurrent Resolution 32 (the first concurrent resolution on the budget for fiscal year 1986):

THE SPEAKER:<sup>(2)</sup> Under the rules, the gentleman from Pennsylvania (Mr. Gray) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. FRANK: Mr. Speaker, is the gentleman from Ohio (Mr. Latta) opposed to the bill?

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I am not opposed to the bill.

1. 131 CONG. REC. 22638, 99th Cong. 1st Sess.
2. Thomas P. O'Neill, Jr. (Mass.).

MR. FRANK: Mr. Speaker, I believe then that under rule XXVIII, a Member in opposition to the bill is entitled to 20 minutes.

THE SPEAKER: The gentleman is correct. Under the rule, the gentleman is entitled to one-third of the time.

The gentleman from Pennsylvania (Mr. Gray) will be recognized for 20 minutes, the gentleman from Ohio (Mr. Latta) will be recognized for 20 minutes, and the gentleman from Massachusetts (Mr. Frank) will be recognized for 20 minutes.

**§ 26.49 Pursuant to clause 2(a) of Rule XXVIII, where the floor managers for the majority and minority parties on a conference report are both supporters thereof, a Member opposed may be recognized for one third of the debate time and it is within the discretion of the Chair as to which Member is recognized in opposition; such recognition does not depend upon party affiliation, and the time in opposition may be divided by unanimous consent or yielded by the Member recognized.**

The following proceedings occurred in the House on Dec. 11, 1985,<sup>(3)</sup> during consideration of the conference report on House

3. 131 CONG. REC. 36069, 99th Cong. 1st Sess.

**Joint Resolution 372 (the public debt limit increase):**

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, pursuant to the order of the House of Tuesday, December 10, 1985, I call up the conference report on the joint resolution (H.J. Res. 372), increasing the statutory limit on the public debt.

The Clerk read the title of the joint resolution.

THE SPEAKER PRO TEMPORE:<sup>(4)</sup> Pursuant to the order of the House of Tuesday, December 10, 1985, the conference report is considered as having been read. . . .

The gentleman from Illinois (Mr. Rostenkowski) will be recognized for 30 minutes and the gentleman from Tennessee (Mr. Duncan) will be recognized for 30 minutes.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. OBEY: Mr. Speaker, did I hear the Speaker say that the time would be divided between the gentleman from Illinois (Mr. Rostenkowski) and the gentleman from Tennessee (Mr. Duncan)?

THE SPEAKER PRO TEMPORE: The gentleman heard correctly.

MR. OBEY: Mr. Speaker, [is the gentleman] from Tennessee opposed to the legislation?

MR. [JOHN J.] DUNCAN [of Tennessee]: Mr. Speaker, I am not opposed to the legislation.

4. Lawrence J. Smith (Fla.).

MR. OBEY: Mr. Speaker, that being the case, I ask under rule XXVIII, since the rules provide that those in opposition be entitled to 20 minutes, I would ask that I be assigned that 20-minute time block.

THE SPEAKER PRO TEMPORE: The Chair advises that the gentleman is correct, and the gentleman from Illinois (Mr. Rostenkowski) will be recognized for 20 minutes, the gentleman from Tennessee (Mr. Duncan) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. Obey) will be recognized for 20 minutes.

MR. DUNCAN: I have a parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman will state his inquiry.

MR. DUNCAN: Mr. Speaker, did I understand there is to be additional time assigned to those who oppose the conference report? If I understand correctly, we have some people on our side.

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin (Mr. Obey) is opposed, and he will control the 20 minutes time.

MR. DUNCAN: Mr. Speaker, Mr. Crane is also opposed. We would expect equal time, Mr. Speaker. Mr. Crane is on the committee, and he would expect equal time.

THE SPEAKER PRO TEMPORE: The Chair would advise that the gentleman from Wisconsin is also on the conference committee.

MR. DUNCAN: No, Mr. Speaker, he is not on the Committee on Ways and Means. Mr. Crane is.

We would expect, and I am for the proposal, and he is in opposition.

THE SPEAKER PRO TEMPORE: Under the rule, 60 minutes is allotted: 20

minutes to the gentleman from Illinois, 20 minutes to the gentleman from Tennessee (Mr. Duncan), and 20 minutes to one Member opposed, in this case the gentleman from Wisconsin (Mr. Obey).

MR. [PHILIP M.] CRANE [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. CRANE: Mr. Speaker, I am on the committee; I rose, registered my objection, and I do not know whether that was heard in the din of the crowd here tonight, but I would at least ask the Speaker to permit a division of that time. I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The Chair will advise that the gentleman from Wisconsin was on his feet and was recognized, in the Chair's discretion and was granted the 20 minutes of the 60.

MR. DUNCAN: Mr. Speaker, under the rules of the House, I think that the gentleman would be entitled to half of that; otherwise, I think everyone wants to be fair; that I would ask unanimous consent that he be granted that.

THE SPEAKER PRO TEMPORE: The Chair would advise that the gentleman from Wisconsin (Mr. Obey) can yield whatever time that he may desire.

MR. DUNCAN: Would Mr. Obey yield half of that to our side?

THE SPEAKER PRO TEMPORE: The gentleman from Tennessee poses a question to the gentleman from Wisconsin.

The gentleman from Wisconsin has the 20 minutes; the gentleman from Tennessee wishes to know if he would grant half of that to the minority.

MR. OBEY: Mr. Speaker, I do not think the rule requires that those who are opposed grant the time to the opposition party. I will certainly make certain that people are recognized, but I would appreciate it if they could come to me and let me know that they want to speak.

MR. DUNCAN: Mr. Speaker, I ask unanimous consent that Mr. Crane have the same amount of time that the majority has and that he may control that time.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Tennessee?

MR. OBEY: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Objection is heard.

The Chair recognizes the gentleman from Illinois (Mr. Rostenkowski).

**§ 26.50 Pursuant to clause 2(a) of Rule XXVIII, it is within the discretion of the Speaker as to which Member is recognized to control 20 minutes of debate in opposition to a conference report (where the minority manager is not opposed), and such recognition does not depend on party affiliation.**

On Dec. 16, 1985,<sup>(5)</sup> after the conference report on House Joint Resolution 456 (making further continuing appropriations for fiscal 1986) was called up in the House, the Speaker Pro Tempore

5. 131 CONG. REC. 36716, 36717, 99th Cong. 1st Sess.

allocated time for debate in support and in opposition, as indicated below:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the joint resolution (H.J. Res. 456) making further continuing appropriations for the fiscal year 1986, and for other purposes, and ask for its immediate consideration. . . .

THE SPEAKER PRO TEMPORE:<sup>(6)</sup> This conference report is being considered pursuant to the unanimous consent request granted earlier today, which the Clerk will read.

The Clerk read as follows:

Mr. Whitten asked unanimous consent that it shall be in order, any rule of the House to the contrary notwithstanding, at any time on Monday, December 16, or any day thereafter, to consider the conference report and amendments in disagreement and motions to dispose of said amendments on House Joint Resolution 456 subject to the availability of said conference report and motions to dispose of amendments in disagreement for at least 1 hour, that all points of order be waived against the conference report and amendments in disagreement and motions to dispose of said amendments, and that said conference report and amendments in disagreement be considered as having been read when called up for consideration. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Mississippi (Mr. Whitten) will be recognized for 30 minutes and the gentleman from Massachusetts (Mr. Conte) will be recognized for 30 minutes.

6. Dale E. Kildee (Mich.).

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I ask for 20 minutes recognition in opposition because the gentleman from Massachusetts (Mr. Conte) is for the bill. . . .

Mr. Speaker, since the gentleman from Massachusetts is for the bill, under the rule I ask for the 20 minutes to be allotted to a Member in opposition, when both the chairman and the ranking minority Member are in support of the bill.

THE SPEAKER PRO TEMPORE: The gentleman has that right.

The time will be divided in this fashion: The gentleman from Mississippi (Mr. Whitten) will be recognized for 20 minutes; the gentleman from Massachusetts (Mr. Conte) will be recognized for 20 minutes; and the gentleman from Massachusetts (Mr. Frank) will be recognized for 20 minutes.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, the minority has just been effectively frozen out of controlling any of the time, when I was seeking recognition to take the 20 minutes. The Chair has denied, then, the minority the opportunity to control our portion of the time.

Can the Chair explain why Members on this side were not recognized? I, too, am opposed to the bill and should have been entitled to the 20 minutes.

THE SPEAKER PRO TEMPORE: The Chair will state that recognition of one Member who is opposed is in the Speaker's discretion, and the Speaker tries always to be fair.

The gentleman from Massachusetts (Mr. Frank) may yield time as he wishes. . . .

The gentleman from Massachusetts (Mr. Conte), the minority side, will be recognized for 20 minutes; the gentleman from Massachusetts (Mr. Frank), who is opposed, will be recognized for 20 minutes; and the gentleman from Mississippi (Mr. Whitten) will be recognized for 20 minutes.

The procedure under which we are proceeding was agreed upon earlier today, and the Chair will be guided by the will of the House, which was stated earlier today.

**§ 26.51 Recognition of one Member to control twenty minutes of debate in opposition to a conference report under Rule XXVIII, clause 2(a), does not depend upon party affiliation and is within the discretion of the Chair, and the time in opposition may be divided by unanimous consent or yielded by the Member recognized.**

On Dec. 11, 1985,<sup>(7)</sup> it was demonstrated that, where the floor managers for the majority and minority parties on a conference report are both supporters thereof, a Member opposed may be recognized for one third of the debate time, and it is within the discretion of the Chair as to which Member is recognized in opposi-

7. 131 CONG. REC. 36069, 99th Cong. 1st Sess.

tion. The proceedings were as follows:

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, pursuant to the order of the House of Tuesday, December 10, 1985, I call up the conference report on the joint resolution (H.J. Res. 372), increasing the statutory limit on the public debt.

The Clerk read the title of the joint resolution.

THE SPEAKER PRO TEMPORE:<sup>(8)</sup> Pursuant to the order of the House of Tuesday, December 10, 1985, the conference report is considered as having been read. . . .

The gentleman from Illinois [Mr. Rostenkowski] will be recognized for 30 minutes and the gentleman from Tennessee [Mr. Duncan] will be recognized for 30 minutes.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, is the gentleman from Tennessee opposed to the legislation?

MR. [JOHN J.] DUNCAN [of Tennessee]: Mr. Speaker, I am not opposed to the legislation.

MR. OBEY: Mr. Speaker, that being the case, I ask under rule XXVIII, since the rules provide that those in opposition be entitled to 20 minutes, I would ask that I be assigned that 20-minute time block.

THE SPEAKER PRO TEMPORE: The Chair advises that the gentleman is correct, and the gentleman from Illinois [Mr. Rostenkowski] will be recognized for 20 minutes, the gentleman from Tennessee [Mr. Duncan] will be

recognized for 20 minutes, and the gentleman from Wisconsin [Mr. Obey] will be recognized for 20 minutes. . . .

MR. DUNCAN: Mr. Speaker, did I understand there is to be additional time assigned to those who oppose the conference report? If I understand correctly, we have some people on our side.

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin [Mr. Obey] is opposed, and he will control the 20 minutes time.

MR. DUNCAN: Mr. Speaker, Mr. Crane is also opposed. We would expect equal time, Mr. Speaker. Mr. Crane is on the [Committee on Ways and Means] and he would expect equal time. . . .

THE SPEAKER PRO TEMPORE: Under the rule, 60 minutes is allotted: 20 minutes to the gentleman from Illinois, 20 minutes to the gentleman from Tennessee [Mr. Duncan], and 20 minutes to one Member opposed, in this case the gentleman from Wisconsin [Mr. Obey]. . . .

MR. [PHILIP M.] CRANE [of Illinois]: Mr. Speaker, I am on the committee . . . I would at least ask the Speaker to permit a division of that time. I am opposed to the bill.

THE SPEAKER PRO TEMPORE: The Chair will advise that the gentleman from Wisconsin was on his feet and was recognized, in the Chair's discretion and was granted the 20 minutes of the 60.

MR. DUNCAN: Mr. Speaker, under the rules of the House, I think that the gentleman would be entitled to half of that; otherwise, I think everyone wants to be fair; that I would ask unanimous consent that he be granted that.

8. Lawrence J. Smith (Fla.).

THE SPEAKER PRO TEMPORE: The Chair would advise that the gentleman from Wisconsin [Mr. Obey] can yield whatever time that he may desire.

MR. DUNCAN: Would Mr. Obey yield half of that to our side?

THE SPEAKER PRO TEMPORE: . . . The gentleman from Wisconsin has the 20 minutes; the gentleman from Tennessee wishes to know if he would grant half of that to the minority.

MR. OBEY: Mr. Speaker, I do not think the rule requires that those who are opposed grant the time to the opposition party. I will certainly make certain that people are recognized, but I would appreciate it if they could come to me and let me know that they want to speak.

MR. DUNCAN: Mr. Speaker, I ask unanimous consent that Mr. Crane have the same amount of time that the majority has and that he may control that time.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Tennessee?

MR. OBEY: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Objection is heard.

The Chair recognizes the gentleman from Illinois [Mr. Rostenkowski].

**§ 26.52 Pursuant to Rule XXVIII, clause 2(a), it is within the discretion of the Speaker as to which Member is recognized to control 20 minutes of debate in opposition to a conference report (where the minority manager is not opposed to the report), and such recognition does**

**not depend on party affiliation.**

On Dec. 16, 1985,<sup>(9)</sup> after the conference report on House Joint Resolution 456 (continuing appropriations for fiscal year 1986) was called up for consideration in the House, the Chair exercised his discretion in announcing the Members to be recognized to control debate:

MR. [JAMIE] L. WHITTEN [of Mississippi]: Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the joint resolution (H.J. Res. 456) making further continuing appropriations for the fiscal year 1986, and for other purposes, and ask for its immediate consideration. . . .

THE SPEAKER PRO TEMPORE:<sup>(10)</sup> The gentleman from Mississippi [Mr. Whitten] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. Conte] will be recognized for 30 minutes.

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, is the gentleman from Massachusetts [Mr. Conte] opposed to the bill?

MR. [SILVIO O.] CONTE [of Massachusetts]: No. I signed the conference report.

MR. FRANK: Mr. Speaker, I ask for 20 minutes recognition in opposition because the gentleman from Massachusetts [Mr. Conte] is for the bill. . . .

9. 131 CONG. REC. 26716, 36717, 99th Cong. 1st Sess.

10. Dale E. Kildee (Mich.).

THE SPEAKER PRO TEMPORE: The gentleman has that right.

The time will be divided in this fashion: The gentleman from Mississippi [Mr. Whitten] will be recognized for 20 minutes; the gentleman from Massachusetts [Mr. Conte] will be recognized for 20 minutes; and the gentleman from Massachusetts [Mr. Frank] will be recognized for 20 minutes. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . Can the Chair explain why Members on this side were not recognized? I, too, am opposed to the bill and should have been entitled to the 20 minutes.

THE SPEAKER PRO TEMPORE: The Chair will state that recognition of one Member who is opposed is in the Speaker's discretion, and the Speaker tries always to be fair.

The gentleman from Massachusetts [Mr. Frank] may yield time as he wishes.

**§ 26.53 Pursuant to Rule XXVIII, clause 2(a), a Member who is opposed to a conference report may obtain one-third of the debate thereon if both the majority and minority managers oppose the conference report, but not if the minority manager states he or she is opposed to the conference report.**

On Oct. 15, 1986,<sup>(11)</sup> preceding consideration of the conference report on S. 2638 (Department of

11. 132 CONG. REC. 31515, 31516, 99th Cong. 2d Sess.

Defense authorization for fiscal 1987) in the House, the Chair announced the division of time for debate thereon:

THE SPEAKER PRO TEMPORE:<sup>(12)</sup> Pursuant to House Resolution 591, the conference report is considered as having been read. . . .

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Speaker, I rise to make a point of order.

THE SPEAKER PRO TEMPORE: The gentlewoman from Colorado will state her point of order.

MRS. SCHROEDER: Mr. Speaker, under the rule my understanding is that if neither of the gentlemen are opposed to the bill, and as I am opposed to the bill, I am entitled to one-third of the time.

Mr. Speaker, I would like to demand 20 minutes of the time.

THE SPEAKER PRO TEMPORE: Is the gentleman from Alabama opposed to the bill?

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Speaker, I reluctantly oppose it. I do oppose it.

THE SPEAKER PRO TEMPORE: The gentleman opposes the bill; therefore the gentleman is entitled to the time.

The gentleman from Wisconsin [Mr. Aspin] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. Dickinson] will be recognized for 30 minutes.

**§ 26.54 While recognition of one Member to control one-third of the debate time in opposition to a conference**

12. Kenneth J. Gray (Ill.).

**report pursuant to Rule XXVIII, clause 2(a), does not depend on party affiliation and is within the discretion of the Speaker, the Speaker will give priority in recognition to a conferee seeking to control that time.**

On Dec. 21, 1987,<sup>(13)</sup> prior to the filing of the conference report on House Joint Resolution 395 (making continuing appropriations) in the House, the Speaker responded to a parliamentary inquiry regarding division of debate time on the report:

MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I have a parliamentary inquiry. . . .

[D]oes the rule provide that 20 minutes will be allotted to an opponent to the conference report?

THE SPEAKER:<sup>(14)</sup> If someone is opposed, and the managers are not opposed, then that member could be entitled to 20 minutes.

MR. FRENZEL: Mr. Speaker, I am opposed and I make such a demand. . . .

MR. [MIKE] LOWRY of Washington: On that right under the House rules for a third of the time, a member of the committee, the gentleman from New York [Mr. Mrazek] was going to request the opposition time, [while] the distinguished gentleman from Minnesota [Mr. Frenzel] is not a member of the committee. We would hope that

the gentleman from New York [Mr. Mrazek], a member of the committee, would be awarded under the rules of the House that right for a third of the time. . . .

After the conference report was called up for consideration, the following exchange occurred:

MR. FRENZEL: Mr. Speaker, I renew my previous request.

MR. [ROBERT J.] MRAZEK [of New York]: Mr. Speaker, I am in opposition to the resolution, and I would also request 20 minutes of time in opposition to the resolution. . . .

THE SPEAKER: Then the two gentlemen seeking recognition, the gentleman from New York [Mr. Mrazek] and the gentleman from Minnesota [Mr. Frenzel], both are opposed to the conference report?

MR. MRAZEK: That is correct.

MR. FRENZEL: I am opposed.

THE SPEAKER: The gentleman from New York [Mr. Mrazek] as a conferee on the conference report would have priority and the Chair will declare that the gentleman from Mississippi [Mr. Whitten] will be recognized for 20 minutes, the gentleman from Massachusetts [Mr. Conte] will be recognized for 20 minutes, and the gentleman from New York [Mr. Mrazek] will be recognized for 20 minutes.

**§ 26.55 The Chair will not allocate control of debate time on a conference report until the report has been, first, filed and called up for consideration.**

Prior to the filing of the conference report on House Joint Res-

13. 133 CONG. REC. 37093, 37516, 100th Cong. 1st Sess.

14. James C. Wright, Jr. (Tex.).

olution 395 (continuing appropriations for fiscal year 1988) in the House on Dec. 21, 1987,<sup>(15)</sup> the Speaker responded to a parliamentary inquiry regarding division of debate time thereon:

MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I have a parliamentary inquiry. . . .

[D]oes the rule provide that 20 minutes will be allotted to an opponent to the conference report?

THE SPEAKER:<sup>(16)</sup> If someone is opposed, and the managers are not opposed, then that Member could be entitled to 20 minutes.

MR. FRENZEL: Mr. Speaker, I am opposed and I make such a demand.

THE SPEAKER: The conference report, the Chair would advise the gentleman, has not yet been filed. If the gentleman will withhold his request, the conference report will be filed and called up first and the gentleman's rights will be protected.

**§ 26.56 Control of debate time on a conference report can be re-allocated by unanimous consent.**

The following proceedings occurred in the House on Dec. 21, 1987,<sup>(17)</sup> subsequent to the filing of the conference report on House Joint Resolution 395 (continuing

15. 133 CONG. REC. 37095, 100th Cong. 1st Sess.

16. James C. Wright, Jr. (Tex.).

17. 133 CONG. REC. 37094, 37516, 100th Cong. 1st Sess.

appropriations for fiscal year 1988):

Mr. [Jamie L.] Whitten [of Mississippi] submitted the . . . conference report on the joint resolution (H.J. Res. 395) making further continuing appropriations for the fiscal year ending September 30, 1988, and for other purposes. . . .

MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I renew my previous request [for 20 minutes of time].

MR. [ROBERT J.] MRAZEK [of New York]: Mr. Speaker, I am in opposition to the resolution, and I would also request 20 minutes of time in opposition to the resolution. . . .

THE SPEAKER:<sup>(18)</sup> The gentleman from New York [Mr. Mrazek] as a conferee on the conference report would have priority and the Chair will declare that the gentleman from Mississippi [Mr. Whitten] will be recognized for 20 minutes, the gentleman from Massachusetts [Mr. Conte] will be recognized for 20 minutes, and the gentleman from New York [Mr. Mrazek] will be recognized for 20 minutes. . . .

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, there are two sides, one for, and one against. Under the ruling of the Chair, those who are for it have 30 minutes and those opposed have 20 minutes.

My question is, Is that fair?

THE SPEAKER: The Chair will respond that this is what the rule provides. . . .

There will be 20 minutes on the part of the majority, 20 minutes on the part of the minority, and 20 minutes on the

18. James C. Wright, Jr. (Tex.).

part of the designated individual Member who has qualified on the ground that he opposes the conference report.

MR. DANNEMEYER: Mr. Speaker, may I make a unanimous-consent request?

THE SPEAKER: The gentleman may state it.

MR. DANNEMEYER: Mr. Speaker, I make a unanimous-consent request that the gentleman from Mississippi [Mr. Whitten] be given 15 minutes, the gentleman from Massachusetts [Mr. Conte] be given 15 minutes, the gentleman from Minnesota [Mr. Frenzel] be given 15 minutes, and the gentleman from New York [Mr. Mrazek] be given 15 minutes.

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

MR. [SAM M.] GIBBONS [of Florida]: I object, Mr. Speaker.

THE SPEAKER: Objection is heard.

**§ 26.57 Where debate on a conference report is controlled by three Members pursuant to Rule XXVIII, clause 2(a), the right to close debate belongs to the majority manager calling up the conference report, preceded by the minority manager; thus, under Rule XXVIII, clause 2, the right to close debate is accorded in the reverse order of recognition for opening that debate, and does not depend upon the amount of time reserved by any of those Members for their concluding remarks.**

On Aug. 4, 1989,<sup>(19)</sup> during consideration of the conference report on H.R. 1278 (Financial Institutions Reform Act of 1989) in the House, the Speaker announced the remaining time for debate on the report and also stated the order of recognition to close debate:

THE SPEAKER:<sup>(20)</sup> The gentleman from Texas [Mr. Gonzalez] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. Wylie] will be recognized for 30 minutes.

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Speaker, I rise in opposition to the report and seek time, pursuant to House rule XXVIII.

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Speaker, I am not opposed to the conference report.

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Speaker, I do not oppose the conference report.

THE SPEAKER: Neither manager is opposed to the conference report. Therefore, the gentleman from Texas [Mr. Gonzalez] will be recognized for 20 minutes, the gentleman from Ohio [Mr. Wylie] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. Rostenkowski] will be recognized for 20 minutes. . . .

The gentleman from Texas [Mr. Gonzalez] has 10½ minutes remaining, the gentleman from Ohio [Mr. Wylie] has 9½ minutes remaining, and the gentleman from Illinois [Mr. Rostenkowski] has 13 minutes remaining.

19. 135 CONG. REC. 19294, 19295, 19301, 101st Cong. 1st Sess.

20. Thomas S. Foley (Wash.).

MR. ROSTENKOWSKI: Mr. Speaker, if my arithmetic is correct, the opponents have as much time as we do.

I reserve the balance of my time.

THE SPEAKER: The order in which the Members may close will be the gentleman from Illinois first, the gentleman from Ohio second, and the gentleman from Texas last. . . .

The Chair will inform the Members and the managers that each has the right to reserve one speech each for the closing.

The gentleman from Texas, if he wishes, can reserve all that time at this time and make one speech of 10½ minutes, or he can reserve any part of it until the end of the debate.

If the gentleman from Ohio wishes to do that, he may reserve all of his time to immediately precede the gentleman from Texas. At that point, the gentleman from Illinois would have to expend all of his time in one statement.

The right of the gentleman from Texas will be preserved to end the debate with any amount of time the gentleman wishes.

**§ 26.58 Where pursuant to Rule XXVIII, clause 2(b), time for debate on a motion to dispose of an amendment in disagreement is divided equally among the majority and minority managers (both of whom favor its adoption) and a Member opposed, the manager of the motion may not move the previous question until the other Members**

**have consumed or yielded back all of their time.**

On Oct. 3, 1989,<sup>(1)</sup> the House had under consideration a motion to dispose of an amendment in disagreement. Time for debate on the motion was divided equally among the majority and minority managers, and a Member opposed.

MR. [SIDNEY R.] YATES [of Illinois]: Madam Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 153 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: “: *Provided*, That—

A. None of the funds authorized to be appropriated for the National Endowment for the Arts or the National Endowment for the Humanities may be used to promote . . . materials which in the judgment of the National Endowment for the Arts or the National Endowment for the Humanities may be considered obscene . . . .”

MR. [DANA] ROHRABACHER [of California]: Madam Speaker, I would ask to be recognized in opposition to the motion for 20 minutes.

THE SPEAKER PRO TEMPORE:<sup>(2)</sup> The Chair will inquire is the gentleman from Ohio [Mr. Regula] opposed to the motion?

MR. [RALPH] REGULA [of Ohio]: No, I am not, Madam Speaker.

1. 135 CONG. REC. 22835, 22836, 22842, 101st Cong. 1st Sess. (Proceedings relating to H.R. 2788, Interior and Related Agencies Appropriations for 1990.)
2. Patricia Schroeder (Colo.).

THE SPEAKER PRO TEMPORE: Then the gentleman from California [Mr. Rohrabacher], who is opposed to the motion, would be entitled to 20 minutes.

The gentleman from Ohio [Mr. Regula], then, would have 20 minutes, the gentleman from California [Mr. Rohrabacher] would have 20 minutes, and the gentleman from Illinois [Mr. Yates] would have 20 minutes on the motion offered by the gentleman from Illinois [Mr. Yates]. . . .

MR. YATES: . . . Madam Speaker, I move the previous question.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois moves the previous question on this motion. Without objection, the previous question is ordered.

All those in favor of the gentleman's motion will say "aye," those opposed say "no." The gentleman's amendment is hereby agreed to.

The Clerk will designate the next amendment in disagreement. . . .

MR. ROHRABACHER: Madam Speaker, I have a parliamentary inquiry. . . .

Did I not have 1 minute of debate left?

THE SPEAKER PRO TEMPORE: The gentleman's motion for the previous question was not in order unless the gentleman from California yielded back his time.

[The Chair vacated the order for the previous question and the adoption of the motion.]

**§ 26.59 Pursuant to Rule XXVIII, clause 2, a Member opposed to a conference report may control one-third of the debate time thereon**

**where both the majority and minority party managers are in favor of the conference report, but a Member opposed may control one-half the time only by unanimous consent.**

On Sept. 25, 1986,<sup>(3)</sup> during consideration of the conference report on H.R. 3838 (the Tax Reform Act of 1986), the following proceedings occurred:

MR. [DAN] ROSTENKOWSKI [of Illinois]: Madam Speaker, pursuant to the order of the House of September 9, 1986, I call up the conference report on the bill (H.R. 3838), to reform the Internal Revenue laws of the United States. . . .

MR. [WILLIAM R.] ARCHER [Jr., of Texas]: Madam Speaker, under clause 2, rule XXVIII, I demand one-third of the debate time as the leader of the opposition to the bill.

THE SPEAKER PRO TEMPORE:<sup>(4)</sup> The gentleman from Texas [Mr. Archer] will be recognized for 1 hour, the gentleman from Tennessee [Mr. Duncan] will be recognized for 1 hour and the gentleman from Illinois [Mr. Rostenkowski] will be recognized for 1 hour.

MR. ARCHER: Madam Speaker, I have a unanimous-consent request. Inasmuch as I understand all of the time that is going to be used by both the majority and minority, their 2 hours, will be assigned only to those Members who are for the bill, and inasmuch as

3. 132 CONG. REC. 26202, 26203, 99th Cong. 1st Sess.

4. Cathy Long (La.).

it is a far simpler task timewise to make the arguments for the bill than to make the arguments against the bill, I ask unanimous consent that the opposition be granted an additional hour so as to equalize the time for and against the bill, in the name of fairness.

MR. [GERALD D.] KLECZKA [of Wisconsin]: Madam Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. ARCHER: Madam Speaker, I have another unanimous-consent request. That request is that if the time allotted today on the agenda is not extended, both the majority and the minority code 15 minutes to the opposition of their time so that once again the time would be equalized within the 3-hour period.

MR. KLECZKA: Madam Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

**§ 26.60 Where control of time for debate on a motion to dispose of disagreement on a Senate amendment is allotted among more than two Members, the Chair recognizes each to close his time in the reverse order of the original allocation.**

See the proceedings of Nov. 21, 1989,<sup>(5)</sup> relating to a motion to dispose of disagreement on a Senate amendment to the Medicare

5. See 135 CONG. REC. 30809, 30814, 101st Cong. 1st Sess.

Catastrophic Coverage Repeal Act of 1989.

**§ 26.61 While a Member by offering a preferential motion to dispose of a Senate amendment in disagreement cannot thereby gain separate debate time thereon, he may by rising in opposition to the original motion control one-third of the debate thereon under Rule XXVIII, clause 2(b), where both the majority and minority party floor managers are in favor of the original motion.**

During consideration of the conference report on House Joint Resolution 738 (continuing appropriations) in the House on Oct. 15, 1986,<sup>(6)</sup> the following proceedings occurred:

THE SPEAKER PRO TEMPORE:<sup>(7)</sup> The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 60: Page 61, line 19, strike the following language:

Sec. 143. None of the funds appropriated by this Act or any other Act shall be used for the processing of any application for a certificate of label approval for imported distilled spirits, malt beverages, or wine

6. 132 CONG. REC. 32116, 32117, 99th Cong. 2d Sess.

7. Marty Russo (Ill.).

under section 205(e) of the Federal Alcohol Administration Act, unless each application is accompanied by appropriate documentation.

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. Whitten moves that the House insist on its disagreement to the amendment of the Senate numbered 60.

MR. [MIKE] LOWRY of Washington: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Lowry of Washington moves that the House recede from its disagreement to Senate amendment No. 60 and concur therein.

THE SPEAKER PRO TEMPORE: The gentleman from Mississippi [Mr. Whitten] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. Regula] will be recognized for 30 minutes.

MR. LOWRY of Washington. Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. LOWRY of Washington: Mr. Speaker, my point of parliamentary inquiry would be on the division of time, on which point I would request the customary one-third if both managers of the bill are of the opposite position from mine.

THE SPEAKER PRO TEMPORE: Is the gentleman from Ohio [Mr. Regula] in favor of the motion?

MR. [RALPH] REGULA [of Ohio]: Yes, I am, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman from Washington [Mr.

Lowry] qualifies and is entitled to 20 minutes.

The gentleman from Mississippi [Mr. Whitten] will be recognized for 20 minutes; the gentleman from Ohio [Mr. Regula] will be recognized for 20 minutes; and the gentleman from Washington [Mr. Lowry] will be recognized for 20 minutes.

**§ 26.62 Pursuant to Rule XXVIII, clause 2, recognition to control one-third of debate time in opposition to a conference report where both the majority and minority managers are in favor of the report does not depend upon party affiliation, but is accorded to the senior member of the reporting committee in opposition regardless of party affiliation.**

On Oct. 15, 1986,<sup>(8)</sup> after the conference report on S. 1200 (Immigration Reform and Control Act) was called up for consideration in the House, the following exchange occurred regarding division of the time for debate:

MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Speaker, I call up the conference report on the Senate bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States and for other purposes. . . .

**8.** 132 CONG. REC. 31630, 31631, 99th Cong. 2d Sess.

THE SPEAKER PRO TEMPORE:<sup>(9)</sup> The gentleman from New Jersey [Mr. Rodino] will be recognized for 30 minutes, the gentleman from California [Mr. Lungren] will be recognized for 30 minutes.

MR. [DON] EDWARDS of California: Mr. Speaker, I rise in opposition to the bill.

THE SPEAKER PRO TEMPORE: Is the gentleman from California [Mr. Edwards] opposed to the conference report?

MR. EDWARDS of California: I am opposed to the conference report, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is the gentleman from New Jersey [Mr. Rodino] opposed to the conference report?

MR. RODINO: No, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Under the rules, the gentleman from California [Mr. Edwards], the senior member of the originally reporting committee, is entitled to 20 minutes.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I rise to a point of order. I believe that the member of the minority would have preference to control the 20 minutes in opposition to the conference report under the precedents of the House and rule XXVIII, clause 2(b).

I am opposed to the conference report, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Chair would state to the distinguished gentleman from Wisconsin under a ruling this year recognition goes to the opposition on the issue but not necessarily the minority party in the House; and under the rules the Chair

is constrained to recognize the senior member of the Judiciary Committee.

## § 27. Designation of Managers

The Members designated to control debate on a bill are normally chosen (formally or informally) by the committee reporting it.<sup>(10)</sup> However, managers are sometimes designated by special rule from the Committee on Rules,<sup>(11)</sup> or by the Chair if the proposition is not being considered pursuant to special rule, although the Chair seeks assurance that the matter has been cleared with the committee.<sup>(12)</sup> If the special rule does not specifically designate the Members in control, or if the designated managers are absent and have not designated other Members to manage the measure, the Chair may in his discretion recognize a committee member to control debate.<sup>(13)</sup> Management of a

**10.** See §§ 27.1, 27.2, *infra*.

**11.** See § 28, *infra*. The reporting committee, in applying to the Committee on Rules for a special order, will often indicate the managers of general debate.

**12.** See §§ 24.35–24.39, *supra*, for the Chair's designation of Members to control debate on an appropriation bill.

**13.** See §§ 27.6, 27.7, *infra*.

**9.** Kenneth J. Gray (Ill.).