§ 69. Ten-minute, Twenty-minute, and Forty-minute Debate

The House has provided in its rules for fixed periods of debate, equally divided between the proponents and opponents or between parties, on certain motions and questions considered in the House.[12]

Ten minutes of debate, five minutes on each side, is provided by Rule XVI for certain motions to recommit with instructions,[13] and by Rule XXIV for the motions to dispense with Calendar Wednesday business and to dispense with the call of the Private Calendar.[14]

Rule XXVII clause 3 provides for 20 minutes of debate on motions to discharge. The time is divided for and against the motion, and the previous question may not be moved to prevent the 20 minutes of debate. Speaker Garner, in 1932, refused to entertain a unanimous-consent request to extend the time.[15]

Rule XXVII also provides, in clause 2, for 40 minutes of debate on the motion to suspend the rules, such time to be equally divided between the proponents and opponents of the motion.[16]

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12. The other sections of this chapter, dealing with principles of recognition generally and on specific motions and questions, should be consulted, as should the other chapters of this work dealing with particular motions and questions.

13. Rule XVI clause 4, *House Rules and Manual* § 782 (1995). Prior to the change in that clause by H. Res. 5 in the 92d Congress, no debate was in order on a motion to recommit after the ordering of the previous question (see § 6, supra). See §§ 69.6, 69.7, infra, for application of the rule. For the motion to recommit generally, see Ch. 23, supra.

14. Rule XXIV clause 6, *House Rules and Manual* § 893 (1995) (to dispense with Private Calendar) and clause 7, *House Rules and Manual* § 897 (1995) (to dispense with Calendar Wednesday). On each motion, a two-thirds vote is required. See § 69.4, infra, for debate on the motions and Chs. 21 (Calendar Wednesday) and 22 (Private Calendar), supra, generally.

For consideration of Private Calendar bills in the House as in the Committee of the Whole, under a strict construction of the five-minute rule, see §§ 70.7, 70.10, infra.

15. See §§ 69.1, 69.2, infra, for the application of the rule, and *House Rules and Manual* § 908 (1995). For the discharge procedure generally, see Ch. 18, supra.

Statutes sometimes provide for the discharge of certain kinds of resolutions and that debate thereon is not to exceed one hour. See, for example, § 68.64, supra.

16. For the rule, see *House Rules and Manual* § 907 (1995). For the appli-

Rule XXVII clause 3 provides that 40 minutes of debate, equally divided between proponents and opponents, shall also be in order following the ordering of the previous question on a debatable proposition on which there has been no debate.[17]

Rule XXVIII provides for 40 minutes of debate, equally divided, on motions to reject certain portions of conference reports or motions to concur in Senate amendments or portions thereof in modified form containing nongermane matter (after the stage of disagreement has been reached).[18]

The House may by unanimous consent extend the time for debate after the ordering of the previous question or rescind the ordering of the previous question.[19]

Cross References

Forty minutes' debate after ordering of previous question where no debate has been had, see Ch. 23, supra.

Forty minutes after ordering of previous question not applicable prior to adoption of rules, see Ch. 1, supra.

Forty minutes of debate on Senate amendments and portions of conference reports ruled nongermane, see Ch. 28 (germaneness rule), supra, Ch. 32 (Senate amendments), infra, and Ch. 33 (conference reports), infra.

Motion to discharge and 20 minutes thereon, see Ch. 18, supra.

Motion to suspend rules and 40 minutes thereon, see Ch. 21, supra.

Special orders extending time on motions to suspend the rules, see § 71, infra.

Ten minutes of debate on certain motions to recommit, see Ch. 23, supra.

Unanimous-consent extension of time on motion to suspend the rules, see § 71, infra.

Motion To Discharge

§ 69.1 On a motion to discharge a committee, debate is limited to 20 minutes, 10 minutes under the control of the Member calling up the motion and 10 minutes under the control of a Member opposed (typically the chairman of the committee if he is opposed), and the Speaker does not recognize a Member to ask unanimous consent to extend the time.

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cation thereof, see §§ 69.13–69.15, infra. Suspension of the rules is discussed generally in Ch. 21, supra.

The time on the motion may be extended by unanimous consent (see § 71.14, infra) or by special order (see §§ 71.15, 71.16, infra).

17. *House Rules and Manual* § 907 (1995). For the application of the rule, see §§ 69.19–69.21, infra. For the previous question and its effect generally, see Ch. 23, supra.

18. See Rule XXVIII clause 4(b), *House Rules and Manual* § 913b (1995), and H. Res. 998 (93d Cong.). See Ch. 32, infra, for Senate amendments, and Ch. 33, infra, for conferences and conference reports.

19. See §§ 71.22–71.25, infra.

On Mar. 14, 1932,[20] Mr. J. Charles Linthicum, of Maryland, moved under Rule XXVII clause 4, that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 208, proposing an amendment to the 18th amendment to the U.S. Constitution. Speaker John N. Garner, of Texas, answered a parliamentary inquiry on the time for debate on the motion:

> MR. [BERTRAND H.] SNELL [of New York]: In regard to the division of time, I should expect the chairman of the Judiciary Committee to have the 10 minutes in opposition to the motion. I would like to ask him if he will yield five minutes to this side of the aisle?
>
> THE SPEAKER: The rule is specific. The gentleman making the motion is entitled to 10 minutes, and if the chairman of the Committee on the Judiciary is opposed to the motion, he would be entitled to 10 minutes. If he is of the same opinion as the gentleman from Maryland on this particular motion, the Chair would recognize someone on the committee who desired to oppose it. Whether the gentleman from Texas will yield is a question for the gentleman from Texas.

The Speaker then refused to entertain a unanimous-consent request that the time for debate on the motion be extended:

> MR. [FIORELLO H.] LAGUARDIA [of New York]: The Speaker announced that he would recognize no Member for any purpose. Does that preclude a Member from asking unanimous consent to extend the time for debate under the rule?
>
> THE SPEAKER: The rule limits the time and provides that there shall be 10 minutes on each side.
>
> MR. LAGUARDIA: I ask unanimous consent that the time be extended 10 minutes on each side.
>
> MR. [CHARLES R.] CRISP [of Georgia]: Mr. Speaker, I object.
>
> THE SPEAKER: It seems to the Chair that it is his duty to protect the rule. Being a Member of the House, he will say himself that he would object to any additional debate, taking as much responsibility as he can in the premises.[1]

§ 69.2 The previous question may not be moved on a motion to discharge a committee in order to prevent the 20 minutes of debate permitted by Rule XXVII.

On Jan. 13, 1936,[2] Mr. Wright Patman, of Texas, moved to dis-

20. 75 CONG. REC. 6000–03, 72d Cong. 1st Sess.

1. See also, for the strict 20-minute debate on the motion, 82 CONG. REC. 1385, 1386, 75th Cong. 2d Sess., Dec. 13, 1937; and 80 CONG. REC. 336, 337, 74th Cong. 2d Sess., Jan. 13, 1936.

   For another occasion where the Speaker refused to entertain a request that the time for debate on the motion to discharge be increased, see § 71.17, infra.

2. 80 CONG. REC. 336, 337, 74th Cong. 2d Sess.

charge the Committee on Ways and Means from further consideration of H.R. 1, for the immediate cash payment of adjusted service certificates. In response to a parliamentary inquiry, Speaker Joseph W. Byrns, of Tennessee, stated that the motion was debatable for 20 minutes under the rules with 10 minutes for each side of the question and that it was not in order to move the previous question on the motion to prevent such debate.

§ 69.3 Twenty minutes of debate are allowed on a motion to discharge a committee from consideration of a joint resolution; and the chairman of that committee may be recognized for ten minutes if opposed to the motion.

On Aug. 10, 1970,[3] the House had under consideration a motion to discharge House Joint Resolution 264 (amending the Constitution relative to equal rights for men and women) from the Committee on the Judiciary. During the proceedings a parliamentary inquiry was propounded as to division of the 20 minutes of debate time. The proceedings were as follows:

MRS. [MARTHA W.] GRIFFITHS [of Michigan]: Mr. Speaker, pursuant to clause 4, rule XXVII, I call up motion No. 5, to discharge the Committee on the Judiciary from the further consideration of House Joint Resolution 264, proposing an amendment to the Constitution of the United States relative to equal rights for men and women. . . .

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, a parliamentary inquiry. . . .

I understand the rule provides for 20 minutes of debate, 10 minutes on either side. Is it correct that the chairman of the Judiciary Committee, being opposed to the discharge petition, will be allocated 10 minutes?

THE SPEAKER:[4] The gentleman's statement is correct that the rule provides for 20 minutes of debate, 10 minutes on each side. If the gentleman from New York (Mr. Celler) is opposed to the [motion], the Chair will recognize him for 10 minutes.

Is the gentleman opposed to the [motion]?

MR. CELLER: I am opposed to the [motion], Mr. Speaker.

THE SPEAKER: Under the rule, the gentlewoman from Michigan (Mrs. Griffiths) will be recognized for 10 minutes, and the gentleman from New York (Mr. Celler) will be recognized for 10 minutes.

Motion To Dispense With Calendar Wednesday Business

§ 69.4 On a motion to dispense with business under the Calendar Wednesday rule, there is five minutes debate for

3. 116 CONG. REC. 27999, 91st Cong. 2d Sess.

4. John W. McCormack (Mass.).

and five minutes against the motion, and such motion may not be laid on the table.

On Feb. 22, 1950,[5] Mr. Dwight L. Rogers, of Florida, moved to dispense for the day with the operation of Rule XXIV clause 7, providing for the call of committees on Calendar Wednesday. In response to parliamentary inquiries, Speaker Sam Rayburn, of Texas, stated that the motion was debatable for five minutes for and five minutes against the motion, and that the motion was not subject to a motion to table.[6]

§ 69.5 Pursuant to clause 7 of Rule XXIV, the motion to dispense with the call of committees on Calendar Wednesday is debatable for 10 minutes, five minutes on each side, and requires a two-thirds vote for adoption.

On Jan. 24, 1984,[7] Speaker Pro Tempore Gillis W. Long, of Louisiana, responded to a parliamentary inquiry regarding debate, as indicated below:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I move that business in order on January 25, 1984, under clause 7, rule XXIV, the Calendar Wednesday rule, may be dispensed with on that day.

THE SPEAKER PRO TEMPORE: The gentleman from Texas (Mr. Wright) is recognized for 5 minutes.

MR. [DANIEL E.] LUNGREN [of California]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. LUNGREN: Mr. Speaker, is there also 5 minutes given to someone in opposition?

THE SPEAKER PRO TEMPORE: The Chair will advise that the opposition is also entitled to 5 minutes and will be recognized following the gentleman from Texas (Mr. Wright). . . .

The question is on the motion offered by the gentleman from Texas (Mr. Wright).

So (two-thirds not having voted in favor thereof) the motion was rejected.

Motion To Recommit With Instructions

§ 69.6 Under Rule XVI clause 4, a Member offering a motion to recommit with instructions (after the previous question has been ordered) and a Member opposing the motion to recommit are each recognized for five minutes of debate.

On June 2, 1971,[8] a bill was reported back to the House with

5. 96 CONG. REC. 2157, 2158, 81st Cong. 2d Sess.
6. Rule XXIV clause 7, *House Rules and Manual* § 897 (1995) provides that on the motion there may be debate "not to exceed five minutes for and against."
7. 130 CONG. REC. 294–96, 98th Cong. 2d Sess.
8. 117 CONG. REC. 17491–95, 92d Cong. 1st Sess.

an amendment agreed to in the Committee of the Whole. Speaker Carl Albert, of Oklahoma, stated that under the rule the previous question was ordered, and the bill was read the third time. Mr. Marvin L. Esch, of Michigan, offered a motion to recommit the bill with instructions. The Speaker recognized him for five minutes' debate in favor of his motion and Mr. Carl D. Perkins, of Kentucky, for five minutes' debate in opposition to the motion.[9]

On July 19, 1973,[10] Mr. Charles M. Teague, of California, who was opposed to the pending bill, offered a motion to recommit with instructions after the previous question had been ordered on the bill. Speaker Carl Albert, of Oklahoma, recognized him under the rule for five minutes and then recognized Mr. William R. Poage, of Texas, for five minutes in opposition to the motion.

At the conclusion of Mr. Poage's time, the Speaker held that Mr. Teague still retained control of the motion and could yield to another Member to offer an amendment to the motion to recommit.

9. For prior practice, precluding debate on such a motion, see § 6, supra; 5 Hinds' Precedents §§ 5561, 5582–5584; and 8 Cannon's Precedents § 2471.

10. 119 CONG. REC. 24966, 24967, 93d Cong. 1st Sess.

§ 69.7 The 10 minutes of debate on certain motions to recommit with instructions permitted by Rule XVI clause 4, are not in order on a motion to recommit a simple resolution (or a conference report) with instructions.

On Nov. 15, 1973,[11] Mr. Wayne L. Hays, of Ohio, offered House Resolution 702, providing additional funds for investigations by the Committee on the Judiciary. Mr. Hays moved the previous question on the report and the previous question was ordered. Mr. William L. Dickinson, of Alabama, then moved to recommit the resolution with instructions. Speaker Carl Albert, of Oklahoma, informed him, in response to his parliamentary inquiry, that no debate was in order on the motion, the pending proposition not being a bill or joint resolution but a simple resolution:

> MR. DICKINSON: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. DICKINSON: Mr. Speaker, am I not entitled to 5 minutes as the Member offering this motion to recommit?
>
> THE SPEAKER: The Chair will advise the gentleman that that procedure is not applicable on a motion to recommit a simple resolution.

11. 119 CONG. REC. 37141, 37142, 37150, 93d Cong. 1st Sess.

MR. DICKINSON: Mr. Speaker, is that also true when there are instructions in the motion to recommit?

THE SPEAKER: The Chair will advise the gentleman that the procedure permitting 10 minutes of debate on a motion to recommit with instructions only applies to bills and joint resolutions.

The question is on the motion to recommit offered by the gentleman from Alabama (Mr. Dickinson).[12]

§ 69.8 Under Rule XVI clause 4, after the previous question is ordered on passage of a bill or joint resolution, 10 minutes are provided for debate on a motion to recommit with instructions; but such provision for debate applies only to bills and joint resolutions, and is not in order on a motion to recommit a concurrent resolution with instructions.

The proceedings described above occurred on May 7, 1975,[13] during consideration of Senate Concurrent Resolution 23 (authorizing printing of additional copies of "The Congressional Program of Economic Recovery and Energy Sufficiency") in the House.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a motion to recommit with instructions.

The Clerk read as follows:

Mr. Bauman moves to recommit Senate Concurrent Resolution 23 to the Committee on House Administration with instructions to report the resolution back forthwith with the following amendment: Page 1, line 3 and 4 strike the word "Congressional" and insert in lieu thereof the word "Democrat".

THE SPEAKER PRO TEMPORE:[14] Is the gentleman opposed to the Senate concurrent resolution?

MR. BAUMAN: I am, Mr. Speaker, in its present form or in any other form.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BAUMAN: Am I not permitted time to discuss the motion?

THE SPEAKER PRO TEMPORE: I would inform the gentleman from Maryland that it is not a debatable motion on a concurrent resolution.

§ 69.9 Under Rule XVI clause 4, after the previous question is ordered on passage of a bill or joint resolution 10 minutes are provided for debate on a motion to recommit with instructions; the 10 minutes of debate on a motion to recommit with instructions applies only to bills and joint resolutions and is not in

12. Rule XVI clause 4, limits its application as to motions to recommit to bills and joint resolutions. See *House Rules and Manual* § 782 (1995).

13. 121 CONG. REC. 13366, 13367, 94th Cong. 1st Sess.

14. John J. McFall (Calif.).

order on a motion to recommit a concurrent resolution with instructions.

On May 7, 1975,[15] during consideration of Senate Concurrent Resolution 23[16] in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding debate on a motion. The proceedings were as follows:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a motion to recommit with instructions.

The Clerk read as follows:

> Mr. Bauman moves to recommit Senate Concurrent Resolution 23 to the Committee on House Administration with instructions to report the resolution back forthwith with the following amendment: Page 1, line 3 and 4 strike the word "Congressional" and insert in lieu thereof the word "Democrat".

THE SPEAKER PRO TEMPORE:[17] Is the gentleman opposed to the Senate concurrent resolution?

MR. BAUMAN: I am, Mr. Speaker, in its present form or in any other form.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BAUMAN: Am I not permitted time to discuss the motion?

THE SPEAKER PRO TEMPORE: I would inform the gentleman from Maryland that it is not a debatable motion on a concurrent resolution.

§ 69.10 After the previous question has been ordered, a motion to recommit a bill or joint resolution with any proper instructions is debatable for 10 minutes under Rule XVI clause 4.

The following proceedings occurred in the House on Oct. 30, 1975,[18] during consideration of the Postal Reorganization Amendments of 1975 (H.R. 8603):

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[19] Is the gentleman opposed to the bill?

MR. DERWINSKI: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Derwinski moves to recommit the bill, H.R. 8603, to the Committee on Post Office and Civil Service with instructions that said committee shall promptly hold appropriate hearings thereon.

THE SPEAKER: Does the gentleman from Illinois (Mr. Derwinski) desire to be heard on his motion?

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15. 121 CONG. REC. 1366, 1367, 94th Cong. 1st Sess.

16. Authorizing printing of additional copies of "The Congressional Program of Economic Recovery and Energy Sufficiency."

17. John J. McFall (Calif.).

18. 121 CONG. REC. 34448, 94th Cong. 1st Sess.

19. Carl Albert (Okla.).

MR. DERWINSKI: Yes, Mr. Speaker.

The motion to recommit is normal except that it does require that the committee hold appropriate hearings.

THE SPEAKER: Does the gentleman from New York (Mr. Hanley) desire to be heard on the motion to recommit?

MR. [JAMES M.] HANLEY [of New York]: I do, Mr. Speaker. I wish to be heard in opposition to the recommittal motion.

Parliamentarian's Note: Debate is permitted on any motion to recommit with instructions, and not merely a motion with instructions to report the bill back forthwith with an amendment.

§ 69.11 The 10 minutes of debate permitted on a motion to recommit with instructions by clause 4 of Rule XVI applies only to a bill or joint resolution and not to a simple resolution.

During consideration of House Resolution 1097 (relating to investigative funds for the Committee on the Judiciary) in the House on Mar. 29, 1976,[20] a motion to recommit was offered, as follows:

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[1] Is the gentleman opposed to the resolution?

MR. ASHBROOK: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ashbrook moves that House Resolution 1097 be recommitted to the Committee on House Administration with instructions that said committee forthwith report back to the House said resolution with the following amendment, to wit: on page 2, line 11 of the resolution add the following new sentence: "Not to exceed $300,000 of the total amount provided by this resolution shall be used to carry out activities within the jurisdiction of the Committee on the Judiciary under the provisions of rule X, clause (M) (19) of the Rules of the House of Representatives.

MR. ASHBROOK: Mr. Speaker, may I be recognized for 5 minutes?

THE SPEAKER: The rule regarding debate does not apply to a motion to recommit a resolution.

The question is on the motion to recommit.

Motions Relating to Nongermane Senate Amendments

§ 69.12 Where a Member opposed to a section of a conference report demanded a separate vote on the section pursuant to a special order permitting such procedure, that Member and the Member calling up the conference report were each recognized for 20 minutes of debate as required by Rule XX clause 1.

20. 122 CONG. REC. 8444, 94th Cong. 2d Sess.

1. Carl Albert (Okla.).

On Nov. 10, 1971,[2] Mr. F. Edward Hébert, of Louisiana, called up a conference report. Speaker Carl Albert, of Oklahoma, stated that the special order under which the report was being considered, House Resolution 696, provided that a separate vote could be demanded on certain sections of the conference report. Mr. Donald M. Fraser, of Minnesota, demanded a separate vote on section 503 of the report pursuant to the special order and pursuant to Rule XX clause 1 of the House rules.

The Speaker then stated the order of recognition pending the separate vote:

> Under clause 1 of rule XX, 40 minutes of debate are permitted before a separate vote is taken on a nongermane Senate amendment, one-half of such time in favor of, and one-half in opposition to the amendment.
>
> Pursuant to that rule, the gentleman from Louisiana (Mr. Hébert) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. Fraser) will be recognized for 20 minutes.

Parliamentarian's Note: The provisions of clause 1, Rule XX with respect to debate on a motion to reject a nongermane portion of a conference report were transferred to clause 4, Rule XXVIII in the 92d Congress on Oct. 13, 1972.[3]

2. 117 CONG. REC. 40483, 92d Cong. 1st Sess.

3. H. Res. 1153, 118 CONG. REC. 36023, 92d Cong. 2d Sess.

Motions To Suspend Rules

§ 69.13 Debate on a motion to suspend the rules is limited to 40 minutes, 20 minutes controlled by the mover and 20 minutes controlled by the Member demanding a second.

On June 30, 1959,[4] Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry on the time and distribution of time for debate on a motion to suspend the rules:

> THE SPEAKER: The Chair recognizes the gentleman from Missouri.
>
> MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. CANNON: Mr. Speaker, I am advised that the gentleman from New York [Mr. Taber] will demand a second on the motion to suspend the rules on the Temporary Appropriations Act of 1960. How will the time for debate be distributed under the circumstances?
>
> THE SPEAKER: Twenty minutes on a side.

Parliamentarian's Note: The demand for a second on a motion to suspend the rules is no longer used.

§ 69.14 On a motion to suspend the rules and pass a bill with

4. 105 CONG. REC. 12306, 86th Cong. 1st Sess.

amendments there is 40 minutes of debate, 20 minutes on each side; the five-minute rule does not apply to such amendments, and amendments other than those included in the motion are not in order.

On June 19, 1948,[5] Mr. Harold Knutson, of Minnesota, moved to suspend the rules and pass a bill with committee amendments. Speaker Joseph W. Martin, Jr., of Massachusetts, answered a parliamentary inquiry on the time for debate on the motion:

MR. [HERMAN P.] EBERHARTER [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. EBERHARTER: I notice the motion stated "permission to offer amendments." Am I correct?

THE SPEAKER: The gentleman misheard the request. The request was to suspend the rules and pass the bill with committee amendments.

MR. EBERHARTER: Does that allow those who oppose the amendments 5 minutes on each amendment?

THE SPEAKER: The rule provides for 20 minutes on each side. That is, the Republican side will have 20 minutes and the gentleman from North Carolina [Mr. Doughton], who will demand a second, will have 20 minutes.

MR. EBERHARTER: Mr. Speaker, the only amendments that may be considered then are those that the committee acted upon?

THE SPEAKER: The gentleman is correct. The Clerk will report the bill.

§ 69.15 Where a Member moving to suspend the rules uses a portion of the 20 minutes available to him for debate, and then yields the "balance of his time" to another who does not, in fact, consume all the remaining time, the unused time reverts to the mover who may continue debate.

On Sept. 19, 1966,[6] Mr. Adam C. Powell, of New York, moved to suspend the rules and pass a bill. He used part of the 20 minutes available to him under the rules and then yielded the "balance" of his time to Mr. James G. O'Hara, of Michigan. Mr. O'Hara delivered a short address, and Mr. Powell then yielded time to Mr. John H. Dent, of Pennsylvania. Mr. H. R. Gross, of Iowa, made a point of order that Mr. Powell had lost control of the floor, and Speaker John W. McCormack, of Massachusetts, overruled the point of order:

MR. GROSS: Mr. Speaker, I make the point of order that the gentleman from New York [Mr. Powell] yielded his remaining time to the gentleman from

5. 94 CONG. REC. 9185, 80th Cong. 2d Sess.

6. 112 CONG. REC. 22933, 22934, 89th Cong. 2d Sess.

Michigan [Mr. O'Hara] and that he therefore cannot yield time.

THE SPEAKER: The gentleman from Michigan consumed 3 minutes.

MR. GROSS: Mr. Speaker, the gentleman from New York yielded the remainder of his time to the gentleman from Michigan [Mr. O'Hara].

MR. POWELL: Mr. Speaker, may I be heard?

THE SPEAKER: The Chair will state, when that is done on either side, when a Member does not consume the remainder of the time, control of the remaining time reverts to the Member who has charge of the time.

MR. GROSS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GROSS: When the Member in charge of time yields the remainder of his time to another Member, Mr. Speaker, I would not know how he would then be able to yield time to any other Member.

THE SPEAKER: The Chair will rule that when the gentleman in control of time yields the remainder of his time to another Member, and the other Member does not use up all the time, then the remainder of the time comes back under the control of the Member who originally had control of the time.

MR. GROSS: Mr. Speaker, a further parliamentary inquiry.

How may a Member yield the remainder of his time and still control that time?

THE SPEAKER: Well, that is not a parliamentary inquiry, but the Chair will assume, just making an observation, that every Member in the House is aware that happens, and has happened frequently.

MR. GROSS: Mr. Speaker, a further parliamentary inquiry. Would that be in violation of the rules of the House?

THE SPEAKER: The Chair sees no violation of the rules under those circumstances, but a protection of the right for full debate.

§ 69.16 Debate on a motion to suspend the rules is limited to 20 minutes on a side so that if a portion of the time is used and the House then adjourns, the time begins to run on the next day the motion is in order at that point where it was terminated.

On Feb. 28, 1931,[7] Mr. Thomas A. Jenkins, of Ohio, moved to suspend the rules and pass House Joint Resolution 500, further restricting immigration into the United States. Mr. Samuel Dickstein, of New York, demanded a second, the vote on the second was taken by tellers, and Mr. Fiorello H. LaGuardia, of New York, made a point of order that a quorum was not present. Speaker Nicholas Longworth, of Ohio, counted and stated that a quorum was present. The Speaker then answered parliamentary inquiries on the resumption of the consideration of the motion to suspend the rules should the House adjourn:

THE SPEAKER: The gentleman from New York [Mr. Snell] asked if, when a

7. 74 CONG. REC. 6575–77, 71st Cong. 3d Sess.

second is ordered or a quorum is present, this matter would be unfinished business at the next meeting of the House. The Chair replies, "Yes." The Chair holds it would be unfinished business at the next meeting of the House, inasmuch as a second has been ordered, a quorum being present.

MR. [HENRY W.] TEMPLE [of Pennsylvania]: Mr. Speaker, if the House adjourns now, will the 20 minutes debate on each side begin where we left off tonight?

THE SPEAKER: It would. It would be in exactly the same position we are now.

Parliamentarian's Note: Ordinarily, a motion to suspend the rules pending at adjournment could not be resumed until the next regular day on which the motion was in order under Rule XXVII clause 1. However, the motion is in order at any time during the last six days of a session.

§ 69.17 Under a former practice, a member of the minority who was opposed to a bill considered under suspension of the rules had the right to recognition, over a majority Member opposed to the bill, to demand a second thereon and to control the 20 minutes of debate in opposition thereto.

On Nov. 17, 1980,[8] the House had under consideration S. 885 (Pacific Northwest Electric Power Planning and Conservation Act of 1980) when the following proceedings occurred:

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 885) to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes, as amended.

The Clerk read as follows:

Strike out all after the enacting clause of S. 885 and insert the text of H.R. 8157 as amended.

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act, together with the following table of contents, may be cited as the "Pacific Northwest Electric Power Planning and Conservation Act". . . .

THE SPEAKER:[9] Is a second demanded?

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I demand a second.

MR. [JAMES] WEAVER [of Oregon]: Mr. Speaker, I demand a second.

THE SPEAKER: The gentleman from Wisconsin from the minority is entitled to the second.

MR. WEAVER: Mr. Speaker, is the gentleman opposed to the bill? I am opposed to the bill.

8. 126 CONG. REC. 29788–801, 96th Cong. 2d Sess.

9. Thomas P. O'Neill, Jr. (Mass.).

THE SPEAKER: Is the gentleman from Wisconsin opposed to the bill?

MR. SENSENBRENNER: I am opposed to the bill.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection.

THE SPEAKER: The gentleman from Texas (Mr. Kazen) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. Sensenbrenner) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. Kazen).

Parliamentarian's Note: The demand for a second on a motion to suspend the rules is no longer used.

§ 69.18 By unanimous consent, debate was extended to one hour, to be equally divided by those controlling the time, on a motion to suspend the rules and agree to a conference report.

During consideration of the Economic Recovery Tax Act of 1981 (H.R. 4242) in the House on Aug. 4, 1981,[10] the following proceedings occurred:

MR. [DAN] ROSTENKOWSKI [of Illinois]: Madam Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 4242) to amend the Internal Revenue Code of 1954 to encourage economic growth through reductions in individual income tax rates, the expensing of depreciable property, incentives for small businesses, and incentives for savings, and for other purposes.

The Clerk read the title of the conference report. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Illinois (Mr. Rostenkowski) will be recognized for 20 minutes, and the gentleman from Massachusetts (Mr. Shannon) will be recognized for 20 minutes.

MR. ROSTENKOWSKI: Madam Speaker, I ask unanimous consent that time for this debate be extended from 40 minutes to 1 hour, to be equally divided by those controlling the time.

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

There was no objection.

Previous Question Ordered on Proposition Not Debated

§ 69.19 Forty minutes of debate is allowed wherever the previous question is ordered on a debatable proposition on which there has been no debate.

On June 8, 1943,[11] the House was considering Senate amendments reported from conference in disagreement on H.R. 2714, urgent deficiency appropriations. Mr. Clarence Cannon, of Missouri, offered a motion to concur in a Senate amendment with an

10. 127 CONG. REC. 19520, 97th Cong. 1st Sess.

11. 89 CONG. REC. 5506, 5507, 5509, 5510, 78th Cong. 1st Sess.

amendment and moved the previous question on his motion. Mr. John Taber, of New York, attempted to demand a second on the motion for the previous question and Mr. Cannon stated:

> Mr. Speaker, we have 20 minutes on a side. I have moved the previous question. Therefore, when the gentleman demands a second, we have 20 minutes on a side.

Speaker Sam Rayburn, of Texas, responded:

> The previous question must be ordered before any time at all is fixed.
>
> The question is on the motion for the previous question.

The House then rejected the previous question on Mr. Cannon's motion to concur with an amendment, and Mr. Taber offered an amendment to Mr. Cannon's motion. The previous question was immediately ordered on Mr. Taber's amendment and the Speaker recognized Mr. Taber for 20 minutes and Mr. Cannon for 20 minutes on the amendment to the motion, pursuant to Rule XXVII clause 3.[12]

§ 69.20 Where the previous question is ordered on a debatable motion without debate, a Member may demand the right to debate; and the 40 minutes permitted under the rule is divided between the person demanding the time and some Member who represents the opposing view of the question.

On Sept. 13, 1965,[13] the previous question was ordered, without debate, on the motion to approve the Journal, as read. Speaker John W. McCormack, of Massachusetts, stated, in response to a parliamentary inquiry by Mr. Durward G. Hall, of Missouri, that pursuant to Rule XXVII clause 3, any Member could demand the right to debate the motion since it was debatable and since the previous question had been ordered without debate. The Speaker recognized Mr. Hall for 20 minutes and then recognized a Member in opposition, Carl Albert, of Oklahoma, for 20 minutes.

§ 69.21 The right to recognition for 20 minutes of debate under Rule XXVII clause 3, does not apply unless the

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12. Rule XXVII clause 2, *House Rules and Manual* § 907 (1995) provides that "whenever the previous question has been ordered on any proposition on which there has been no debate," it shall be in order "to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of and one-half to debate in opposition to, such proposition."

13. 111 CONG. REC. 23602, 23604–06, 89th Cong. 1st Sess.

previous question has been ordered on a proposition on which there has been no debate.

On May 14, 1963,[14] the House was considering Senate amendments reported from conference in disagreement. Mr. Albert Thomas, of Texas, moved that the House concur with an amendment to a certain Senate amendment and moved the previous question on that motion. Before the previous question was ordered, Speaker John W. McCormack, of Massachusetts, indicated that the right to debate the motion for 40 minutes, 20 for and 20 against, only applied after the previous question was ordered.

—*Before Adoption of Rules*

§ 69.22 Prior to adoption of the rules, when the motion for the previous question is moved without debate, the 40 minutes' debate prescribed by House rules during the previous Congress does not apply.

On Jan. 7, 1959,[15] at the convening of the 86th Congress and before the adoption of rules, Mr. John W. McCormack, of Massachusetts, offered House Resolution 1, a privileged resolution authorizing the Speaker to administer the oath of office to a challenged Member-elect and providing that the question of final right of the Member-elect to his seat be referred to the Committee on House Administration. Mr. McCormack moved the previous question on the resolution without any debate, and Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry on the effect of the previous question before the adoption of rules:

> MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, may I make an inquiry on a point of parliamentary procedure.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. O'NEILL: Mr. Speaker, when the previous order has been moved and there is no debate, under the rules of the House are we not entitled to 40 minutes debate?
>
> THE SPEAKER: Under the precedents, the 40-minute rule does not apply before the adoption of the rules.[16]

Nongermane Provision in Conference Report

§ 69.23 A motion to reject a portion of a conference report is in order immediately

14. 109 CONG. REC. 8508–11, 88th Cong. 1st Sess.

15. 105 CONG. REC. 14, 86th Cong. 1st Sess.

16. See also 107 CONG. REC. 23–25, 87th Cong. 1st Sess., Jan. 3, 1961.

after the Speaker sustains a point of order that it would not have been germane if offered to the House bill, and is debatable for 40 minutes, 20 minutes for and 20 minutes against the motion.

On Sept. 11, 1973,[17] Mr. Wayne L. Hays, of Ohio, called up the conference report on H.R. 7645, to authorize appropriations for the Department of State, and for other purposes. Before the statement of the managers was read, Mr. Gerald R. Ford, of Michigan, made a point of order against section 13 of the report on the ground that the section would not have been germane if offered in the House to the bill and was therefore subject to a point of order under Rule XXVIII clause 4.

Mr. Ford and Mr. Hays delivered arguments on the point of order, and Speaker Carl Albert, of Oklahoma, then ruled that the language objected to would not have been germane if offered to the House bill and sustained the point of order.

Mr. William S. Mailliard, of California, then offered, pursuant to Rule XXVIII clause 4, a motion to reject section 13 of the conference report. The Speaker recognized, under the rule, Mr. Mailliard for 20 minutes in favor of the motion and Mr. Hays for 20 minutes in opposition to the motion.

§ 69.24 Pursuant to Rule XXVIII clause 4, where the Speaker sustains a point of order that a portion of a conference report containing a Senate amendment is not germane to the House bill, a motion to reject that portion of the conference report is in order and is subject to 40 minutes of debate.

For example, see the proceedings of Jan. 29, 1976, discussed in § 69.25, infra.

§ 69.25 Pursuant to Rule XXVIII clause 4, 40 minutes for debate on a motion to reject a nongermane portion of a conference report is equally divided between the proponent and an opponent of the motion to reject, and recognition is not based upon party affiliation; and the House conferee who has been recognized for 20 minutes in opposition to a motion to reject a nongermane portion of a conference report is entitled to close debate on the motion to reject.

H.R. 5247, a bill reported from the Committee on Public Works

17. 119 CONG. REC. 29235–37, 93d Cong. 1st Sess.

and Transportation, consisted of one title relating to grants to state and local governments for local public works construction projects. A new title added by the Senate and contained in a conference report provided grants to state and local governments to assist them in providing public services. On Jan. 29, 1976,[18] a point of order was made in the House, pursuant to Rule XXVIII clause 4, against the title added by the Senate. The title was held to be not germane, because it proposed a revenue-sharing program within the jurisdiction of the Committee on Government Operations, and because the approach taken in the Senate version was not closely related to the methods used to combat unemployment as delineated in the House bill.[19] After the Speaker had ruled on the point of order, a motion was made:

> MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I offer a motion.
>
> The Clerk read as follows:
>
> > Mr. Brooks moves that the House reject title II of H.R. 5247, as reported by the committee of conference.
>
> THE SPEAKER:[20] The gentleman from Alabama (Mr. Jones) will be recognized for 20 minutes, and the gentleman from Texas (Mr. Brooks) will be recognized for 20 minutes.
>
> MR. BROOKS: Mr. Speaker, I yield myself such time as I may consume.
>
> MR. [FRANK] HORTON [of New York]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. HORTON: Mr. Speaker, my parliamentary inquiry is this: Do we have 20 minutes on the minority side?
>
> THE SPEAKER: The Chair will state that the division of time is between those in favor and those opposed to the motion to reject title II. The gentleman from Alabama (Mr. Jones) has 20 minutes and the gentleman from Texas (Mr. Brooks) has 20 minutes.
>
> MR. [JAMES C.] WRIGHT [Jr., of Texas, on behalf of Mr. Jones]: Mr. Speaker, I have one other speaker, the majority leader. I do not know what the courtesy is, or the appropriate protocol, in a matter of this kind.
>
> THE SPEAKER PRO TEMPORE: The Chair will rule that the gentleman from Texas [Mr. Wright] may close debate.[1]

Parliamentarian's Note: Where the House agrees to a motion to reject a nongermane portion of a conference report pursuant to Rule XXVIII clause 4, the pending

18. 122 CONG. REC. 1582, 94th Cong. 2d Sess.

19. For further discussion of the ruling on the issue of germaneness, see Ch. 28, § 4.99, supra.

20. Carl Albert (Okla.).

1. For another instance in which the Speaker acknowledged that the House conferee who has been recognized for 20 minutes in opposition to a motion to reject a nongermane portion of a conference report is entitled to close debate on the motion to reject, see Ch. 28, § 26.23, supra.

question, in the form of a motion offered by the manager of the conference report, is to recede from disagreement to the Senate amendment and concur with an amendment consisting of the remaining portions of the conference report not rejected on the separate vote, and one hour of debate, equally divided between the majority and minority parties, is permitted on that pending question.[2]

§ 69.26 Where the Chair sustains a point of order pursuant to clause 4 of Rule XXVIII, that a conference report contains a Senate provision which would not have been germane if offered in the House, it is in order to offer a motion to reject the matter covered by the point of order, which motion is debatable for 40 minutes, equally divided and controlled by those in favor of, and those opposed to, the motion.

On Sept. 25, 1980,[3] during consideration of the conference report on H.R. 4310 (Recreational Boating Safety and Facilities Improvement Act of 1980) in the House, the following proceedings occurred:

MR. [MARIO] BIAGGI [of New York]: Mr. Speaker, I call up the conference report on the bill (H.R. 4310) to amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE:[4] Under the rule, the conference report is considered as read.

MR. [BILL] FRENZEL [of Minnesota]: Mr. Speaker, I make a point of order under clause 4 of rule XXVIII that title III of the conference report accompanying H.R. 4310 is a nongermane amendment.

Mr. Speaker, H.R. 4310, as it passed the House, related to boating safety. It did not amend the Internal Revenue Code. Title III now in the conference report relates to a trust fund for reforestation and contains a significant amendment to the Internal Revenue Code. It would have been nongermane to H.R. 4310 when that bill was originally considered by the House. . . . I contend, Mr. Speaker, that title III should be ruled nongermane and considered in violation of clause 7 of rule XVI.

Mr. Speaker, I understand the point of order will not be contested.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from New York (Mr. Biaggi).

MR. BIAGGI: Mr. Speaker, we concede the point of order.

2. See § 68.24, supra.

3. 126 CONG. REC. 27410, 96th Cong. 2d Sess.

4. Thomas S. Foley (Wash.).

THE SPEAKER PRO TEMPORE: The point of order is sustained.

MR. FRENZEL: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Frenzel moves that the House reject title III of the conference report accompanying H.R. 4310.

THE SPEAKER PRO TEMPORE: The gentleman from Minnesota (Mr. Frenzel) will be recognized for 20 minutes, and the gentleman from New York (Mr. Biaggi) will be recognized for 20 minutes.

§ 70. Five-minute Debate in the House as in Committee of the Whole

In the House as in the Committee of the Whole, or the "quasi-committee" as it is sometimes termed, debate proceeds under the five-minute rule for amendment of the measure under consideration, without general debate.[5]

When a proposition is considered in the House as in the Committee of the Whole by unanimous consent,[6] Members may gain five minutes of debate not only by offering substantive amendments but also by offering pro forma amendments and motions to strike the enacting clause.[7]

Where a private bill is considered in the House as in the Committee of the Whole, Rule XXIV clause 6 requires that debate be strictly limited to the five-minute rule, without pro forma amendments, extensions of time, or reservations of objection.[8]

Debate in the House as in the Committee of the Whole may be closed by ordering the previous question,[9] and it has been held in order in the House as in the Committee of the Whole to move to close debate on a pending section or amendment.[10]

Cross References

Five-minute debate in the Committee of the Whole, see § 77, infra.

Member may yield for debate but not for amendment under the five-minute rule, see §§ 29–31, supra.

Previous question applicable in House as in the Committee of the Whole, see § 72, infra.

Private Calendar considered in House as in Committee of the Whole, see Ch. 22, supra.

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5. See § 70.1, infra.

The procedure is discussed in Jefferson's Manual, *House Rules and Manual* §§ 424–427 (1995) and is provided for in only one House rule—that providing for the consideration of omnibus private bills (see Rule XXIV clause 6, *House Rules and Manual* § 893 [1995]).

6. See §§ 70.3–70.6, infra.

7. See §§ 70.2, 70.10, infra.

8. See §§ 70.7–70.9, infra.

9. See § 72.7, infra.

10. See § 72.8, infra.