MR. [TOBY] MOFFETT [of Connecticut]: I cannot yield, Mr. Speaker?

THE SPEAKER: The motion is pending. . . .

The Chair will put the question.

The question is on the motion offered by the gentleman from Michigan (Mr. Dingell) to limit the debate to 2 hours. . . .

[The motion was agreed to.]

THE SPEAKER: The question is on the motion offered by the gentleman from Michigan (Mr. Dingell) that the House resolve itself into the Committee of the Whole House.

The motion was agreed to.

Parliamentarian's Note: A motion to resolve into Committee of the Whole for consideration of a concurrent resolution disapproving an agency action is highly privileged and may be offered before the third day on which is report thereon is available since, Rule XI, the requirement of class 2(l)(6) of that rule that committee reports be available to Members for three days is not applicable to a measure disapproving a decision by a government.[9]

§ 76. —Closing General Debate

Rule XXIII provides that general debate in the Committee of the Whole is "closed by order of the House."[10] The motion in the House to close general debate is not in order until the Committee has risen after some debate has been had on the bill in the Committee of the Whole,[11] but the House may by unanimous consent close debate or fix debate in the Committee of the Whole before such debate has begun.[12]

Although it would not be in order by motion in the House to close the debate prior to the expiration of the time previously fixed by the House, a unanimous-consent agreement may so provide, either in the House or in the Committee itself.[13]

Where the managers of a bill agree between themselves to close general debate prior to the time fixed by the House, they may yield back their remaining time without obtaining unanimous consent.[14]

The motion that the Committee rise, if adopted, terminates general debate for that sitting of the Committee. The motion is non-

9. See § 244, supra.

10. Rule XXIII clause 5(a), *House Rules and Manual* § 870 (1995). For general principles as to closing general debate, see *House Rules and Manual* § 871 (1995).

11. See §§ 76.3–76.5, infra.

12. See §§ 76.6, 76.8, infra.

13. See §§ 76.7, 76.10, infra.

14. See §§ 76.1, 76.2, infra.

debatable and of high privilege. The motion is generally within the discretion of the Member in charge of general debate, and may not be moved by a Member yielded time for debate only.[15]

Cross References

Closing debate generally, see § 7, supra.
Closing debate in the House as distinguished from Committee of the Whole, see § 72, supra.
Closing five-minute debate in Committee of the Whole, see § 78, infra.
Closing general debate on appropriation bills, see Ch. 25, supra.
Control of time for debate, see §§ 24–26, supra.
Effect of special rules generally, see Ch. 21, supra.
Prior rights of committee members and Members in charge to close debate, see §§ 13, 14, supra.
Procedure in Committee of the Whole generally, see Ch. 19, supra.

Agreement of Managers To Terminate General Debate

§ 76.1 Where a bill is being considered in the Committee of the Whole under a rule specifying the time for general debate, the managers of the bill need not use all of the prescribed time but may agree among themselves to terminate further general debate and begin consideration of the bill under the five-minute rule; such an agreement is between the managers and is not an agreement of the Committee of the Whole.

On Sept. 26, 1966,[16] the Committee of the Whole was proceeding with general debate on H.R. 15111, Economic Opportunity Act Amendments, pursuant to House Resolution 923, providing eight hours of debate. The managers of the bill were Mr. Sam M. Gibbons, of Florida, and Mr. Albert H. Quie, of Minnesota. Chairman Jack B. Brooks, of Texas, indicated that the managers could agree between themselves not to use all of the allotted time and that such an agreement was not for the Committee of the Whole to decide but for the managers to decide:

> MR. GIBBONS: Mr. Chairman, do I understand we have reached an agreement now that on both sides we will yield back time to where we only have 2 hours of general debate tomorrow? That has been done, as I understand it. Is that correct?
>
> THE CHAIRMAN: In reply to the request of the gentleman from Florida, I think it would be fair to state the agreement as to yielding time is between you and the gentleman from Minnesota.

15. See §§ 76.12, 76.13, infra.

16. 112 CONG. REC. 23785, 89th Cong. 2d Sess.

MR. GIBBONS: Then, of course, the only other question is to get unanimous consent to come in at 11 o'clock tomorrow.

THE CHAIRMAN: As to any agreement as to when the House comes back tomorrow, that will be settled, of course, when the Committee rises.

MR. GIBBONS: Mr. Chairman, I move that the Committee do now rise.

§ 76.2 Where managers of a bill being considered in the Committee of the Whole agree not to use all the time for general debate permitted under the rule, the Chair takes cognizance of the agreement and may announce it to the Committee.

On Sept. 27, 1966,[17] the House resolved itself into the Committee of the Whole for the further consideration of H.R. 15111, Economic Opportunity Act Amendments, whose consideration had been discontinued on the prior day. Prior to the Committee's rising on the prior day, the managers of the bill, Mr. Sam M. Gibbons, of Florida, and Mr. Albert H. Quie, of Minnesota, had indicated they would not use all of the eight hours of debate allotted to them under the special order, but would yield back some of their time (see § 76.1, supra). Accordingly, Chairman Jack B. Brooks, of Texas, made the following announcement:

When the Committee rose on yesterday, the gentleman from New York [Mr. Powell] had 3 hours and 12 minutes remaining, and the gentleman from Ohio [Mr. Ayres] had 2 hours and 29 minutes remaining.

Before the Committee rose, the gentleman from Florida [Mr. Gibbons] and the gentleman from Minnesota [Mr. Quie] had agreed to limit further general debate to 4 hours, to be equally divided and controlled by the majority and the minority.

Accordingly, the Chair will recognize the gentleman from New York [Mr. Powell] for 2 hours, and the gentleman from Minnesota [Mr. Quie] for 2 hours.

The Chair recognizes the gentleman from New York.

Closing General Debate by Motion in the House

§ 76.3 In the House, a motion to fix general debate on an appropriation bill prior to resolving into the Committee of the Whole is not in order, but after there has been debate in the Committee of the Whole and the Committee rises, the motion is in order.

On Feb. 18, 1947,[18] Speaker Joseph W. Martin, Jr., of Massachusetts, answered a parliamen-

17. 112 CONG. REC. 23946, 89th Cong. 2d Sess.

18. 93 CONG. REC. 1138, 80th Cong. 1st Sess.

tary inquiry on the motion in the House to fix debate in the Committee of the Whole:

MR. [JOHN] TABER [of New York]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1968) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, to be equally divided and controlled by the gentleman from Missouri [Mr. Cannon] and myself.

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

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, reserving the right to object, is this the bill that contains the cuts of appropriations for OPA?

MR. TABER: Yes.

MR. MARCANTONIO: Then I object, Mr. Speaker.

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

THE SPEAKER: The gentleman will state it.

MR. TABER: The House may go into the Committee of the Whole and later, after debate has occurred, rise, and then a motion would be in order to close debate; but otherwise a motion would not be in order at this time to close?

THE SPEAKER: The gentleman from New York states the situation accurately. The House must first go into Committee and have general debate, and then rise and fix the time of debate by vote.

§ 76.4 The House can close debate on a bill by motion at any time after debate has been had in the Committee of the Whole even though the effect of adopting the motion to close debate would be to deprive Members of the time allotted to them.

On May 17, 1934,[19] general debate had been had in the Committee of the Whole on a bill and the Committee rose. Mr. Vincent L. Palmisano, of Maryland, moved that the House resolve again into the Committee and moved that debate on the bill close instanter. Speaker Henry T. Rainey, of Illinois, overruled a point of order against the motion:

MR. PALMISANO: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4548) to provide old-age securities for persons over 60 years of age residing in the District of Columbia, and for other purposes, and pending that motion I move that debate upon the bill do now close, and on that I demand the previous question.

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, I make the point of order that the motion is out of order

19. 78 CONG. REC. 9066, 73d Cong. 2d Sess.

because time has already been allotted in the committee to certain gentlemen whose full time has not expired.

THE SPEAKER: The House can close debate at any time after debate has been had in the Committee of the Whole.

§ 76.5 After two hours of general debate in the Committee of the Whole, the Committee rose; pending a motion to resolve again into the Committee of the Whole, the House adopted a motion that general debate close instanter.

On July 27, 1937,[20] the Committee of the Whole was conducting general debate, under the hour rule, on H.R. 7730, to authorize the President to appoint six administrative assistants. No time had been fixed for general debate. The Committee rose after two hours of such debate. Mr. J. W. Robinson, of Utah, then moved that the House resolve itself again into the Committee and also moved, pending that motion, that all debate on the bill close, on which motion he moved the previous question. The House adopted the motion:

MR. ROBINSON of Utah: Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 7730) to authorize the President to appoint not to exceed six administrative assistants; and pending that motion, I move that all debate on the bill do now close, and on that I move the previous question.

THE SPEAKER:[1] The gentleman from Utah moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H.R. 7730; and pending that motion, the gentleman from Utah moves that all debate on the bill do now close. Upon that he moves the previous question.

The question is, Shall the previous question be ordered?

The previous question was ordered.

THE SPEAKER: The question is on the motion of the gentleman from Utah that all debate on the bill H.R. 7730 do now close.

MR. [JOHN] TABER [of New York]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 255, nays 79, answered "present" 1, not voting 96. . . .

Closing General Debate by Unanimous Consent

§ 76.6 The House agreed by unanimous consent to dispense with general debate on an appropriation bill in the Committee of the Whole.

20. 81 CONG. REC. 7680–97, 75th Cong. 1st Sess.

1. William B. Bankhead (Ala.).

On July 5, 1945,[2] the House agreed to a unanimous-consent request by Mr. Clarence Cannon, of Missouri, dispensing with general debate on a bill in the Committee of the Whole:

> Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3649), making appropriations for war agencies for the fiscal year ending June 30, 1946, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent to dispense with general debate in the Committee of the Whole.

In response to parliamentary inquiries, Speaker Sam Rayburn, of Texas, stated that under a procedure allowing no general debate, points of order against paragraphs in the bill should be made when the relevant paragraph was read for amendment in the Committee of the Whole.

Parliamentarian's Note: A motion to dispense with general debate would not have been in order, since a motion to limit debate may not be made in the House until general debate has commenced in the Committee of the Whole.

§ 76.7 Where the Committee of the Whole rose, after consuming a portion of the time prescribed by the House for general debate, the House agreed by unanimous consent that when the Committee should resume consideration of the bill, the debate be further limited.

On June 27, 1968,[3] the Committee of the Whole had risen after consuming a portion of the three hours of general debate on S. 1166 (Gas Pipeline Safety Act), which time was provided for in House Resolution 1215. The House agreed to a unanimous-consent request further limiting debate in the Committee of the Whole on the bill:

> MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I ask unanimous consent that when the Committee of the Whole continues the consideration of the bill (S. 1166) to authorize the Secretary of Transportation to prescribe safety standards for the transportation of natural and other gas by pipeline, and for other purposes, that the time for general debate be limited to 30 minutes with 15 minutes for the minority and 15 minutes for the majority side.
>
> THE SPEAKER:[4] Without objection, it is so ordered.
>
> There was no objection.

§ 76.8 Prior to resolving into the Committee of the Whole

2. 91 CONG. REC. 7226, 79th Cong. 1st Sess.

3. 114 CONG. REC. 19105, 90th Cong. 2d Sess.

4. John W. McCormack (Mass.).

on a privileged appropriation bill, the House, by unanimous consent, agreed that general debate close at a time certain and that at the conclusion of general debate the Committee rise.

On Apr. 9, 1963,[5] Mr. Albert Thomas, of Texas, moved that the House resolve itself into the Committee of the Whole and made a unanimous-consent request on the time for general debate, which request was agreed to by the House:

> Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5517, making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes; and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be concluded not later than 5 p.m. today, one-half of the time to be controlled by the gentleman from Ohio [Mr. Bow], and one-half by myself, and that at the conclusion of general debate today the Committee will rise. . . .
>
> THE SPEAKER:[6] Is there objection to the request of the gentleman from Texas?
>
> There was no objection.
>
> THE SPEAKER: The question is on the motion offered by the gentleman from Texas [Mr. Thomas].
>
> The motion was agreed to.

Effect of Special Rule

§ 76.9 Where the Committee of the Whole is proceeding in general debate on a bill pursuant to a special rule adopted by the House, a motion in the Committee that such debate be closed instantly is not in order.

On Sept. 25, 1951,[7] the Committee of the Whole was conducting general debate on H.R. 39, the Marketing Facilities Act. Chairman Lindley Beckworth, of Texas, stated that under the special rule adopted by the House for consideration of the bill, Mr. Harold D. Cooley, of North Carolina, had 30 minutes of debate and Mr. Clifford R. Hope, of Kansas, 30 minutes. Mr. Paul W. Shafer, of Michigan, made a point of order and then withdrew it, but also moved that debate be closed "now" and that "we vote on the bill." The Chairman ruled that the motion was not in order.

Unanimous Consent in Committee To Truncate Debate

§ 76.10 The House having fixed time for debate on a bill in the Committee of the Whole,

5. 109 CONG. REC. 6044, 6045, 88th Cong. 1st Sess.
6. John W. McCormack (Mass.).
7. 97 CONG. REC. 12084, 12089, 82d Cong. 1st Sess.

it was held that the Committee of the Whole could by unanimous consent further limit such debate as it desired.

On July 5, 1939,[8] the Committee of the Whole was conducting general debate on a bill, the House having fixed time for debate at two hours, to be divided by two Members. Chairman Lawrence Lewis, of Colorado, stated that the Committee of the Whole could by unanimous consent further limit the time for general debate:

THE CHAIRMAN: The gentleman is entitled to an hour and the gentleman from New York [Mr. Bloom] is entitled to an hour.

MR. [SOL] BLOOM: I understand that. The gentleman is entitled to an hour and I am entitled to an hour, but I am asking the gentleman if we cannot agree on less time so we can get through with this bill. If the gentleman desires to use his full hour, then he does not want to agree on time. That is up to him.

MR. [ANDREW C.] SCHIFFLER [of West Virginia]: But we cannot agree at this time.

MR. [CASSIUS C.] DOWELL [of Iowa]: Mr. Chairman, that agreement should have been made in the House instead of in Committee of the Whole. We are now under the rule. That is a rule of the House and the time should have been fixed in the House before the House went into Committee.

THE CHAIRMAN: The Committee can limit time by unanimous consent if it so desires.

Is there objection to the request of the gentleman from New York?

MR. [FRANK E.] HOOK [of Michigan]: Mr. Chairman, I object.

Motion That the Committee Rise

§ 76.11 When the House has limited general debate to a time certain and provided for the Committee of the Whole to rise at the expiration of that time, the Chairman of the Committee announces the arrival of the time and the Committee rises without a motion being made.

On Apr. 9, 1963,[9] the House agreed to a motion by Mr. Albert Thomas, of Texas, that the House resolve itself into the Committee of the Whole for the consideration of a bill and agreed to his unanimous-consent request that debate conclude at a time certain, at which time the Committee would rise. When the appointed time arrived in the Committee, Chairman Richard Bolling, of Missouri, announced that the Committee rise

8. 84 CONG. REC. 8625, 76th Cong. 1st Sess.

9. 109 CONG. REC. 6073, 88th Cong. 1st Sess.

under the previous order, and the Committee rose accordingly, without a motion being made to that effect.

§ 76.12 The motion that the Committee of the Whole rise (thereby cutting off debate) is not debatable and is always within the discretion of the Member handling the bill before the Committee.

On June 16, 1948,[10] Mr. Walter G. Andrews, of New York, was handling the consideration of H.R. 6401 in the Committee of the Whole. He moved that the Committee rise, and Chairman Francis H. Case, of South Dakota, ruled that the motion was within Mr. Andrews' discretion:

> MR. ANDREWS of New York: Mr. Chairman, in view of the fact that two or three Members who have time are not here, I move that the Committee do now rise.
>
> THE CHAIRMAN: The question is on the motion offered by the gentleman from New York [Mr. Andrews].
>
> MR. [GEORGE A.] SMATHERS [of Florida]: Mr. Chairman, I would like to be heard on that.
>
> THE CHAIRMAN: That is not a debatable motion. It is always within the discretion of the gentleman handling the bill to move that the Committee rise.

§ 76.13 A Member may not in time yielded him for general debate move that the Committee of the Whole rise, nor may he yield to another for such motion.

On Feb. 22, 1950,[11] Mr. Howard W. Smith, of Virginia, moved, in time yielded him in the Committee of the Whole by Mr. Adam C. Powell, Jr., of New York, for general debate, that the Committee rise. Chairman Francis E. Walter, of Pennsylvania, ruled that the motion was not in order, since Mr. Powell had control of the time and since he had not yielded time to Mr. Smith for the making of the motion. Mr. Hugo S. Sims, Jr., of South Carolina, was then yielded time for debate by Mr. Powell and yielded to Mr. Smith who again moved that the Committee rise, stating he had "some time of my own." The Chairman ruled that the motion was not in order, since Mr. Sims was yielded time for general debate and could not yield to Mr. Smith for the making of the motion.

On appeal, the Chairman's ruling was sustained.[12]

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10. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

11. 96 CONG. REC. 2178, 81st Cong. 2d Sess.

12. See also 113 CONG. REC. 14121, 90th Cong. 1st Sess., May 25, 1967; 109 CONG. REC. 10151–65, 88th Cong. 1st Sess., June 4, 1963; 102 CONG. REC. 6891, 84th Cong. 2d Sess., Apr.

Parliamentarian's Note: When the House has vested control of general debate in the Committee of the Whole in the chairman and ranking minority member of the committee reporting a bill, their control of general debate may not be abrogated by another Member moving that the Committee rise—unless they yield for that purpose.

§ 77. Five-minute Debate

Debate under the five-minute rule in the Committee of the Whole is provided for by Rule XXIII clause 5:

> When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon, but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.[13]

A special rule adopted by the House for the consideration of a bill may alter the normal effect of the five-minute rule. For example, a special rule permitting only committee or designated amendments to be offered requires that there be only two five-minute speeches on each such amendment without extension of time or pro forma amendments.[14]

The pro forma amendment, such as moving to "strike the last word" or to strike "the requisite number of words," although technically an amendment, is used for purposes of debate or explanation under the five-minute rule where it is not intended by the mover to offer a substantive amendment. A Member who has debated an amendment may offer or speak in opposition to a pro forma amendment, and a Member who has offered an amendment may speak in opposition to a pro forma amendment thereto, without violating the prohibition against speaking twice on the same amendment.[15] But a Member may not twice offer pro forma amendments to gain extensions of time on the same amendment.[16]

Another method of gaining time for debate under the five-minute

24, 1956; and 91 CONG. REC. 7221–25, 79th Cong. 1st Sess., Oct. 18, 1945.

13. *House Rules and Manual* § 870 (1995). See also *id.* at §§ 872, 873 for the five-minute rule and pro forma amendments.

14. See §§ 77.19–77.22, infra.

15. See §§ 19.27, 19.28, supra.

16. See §§ 77.9, 77.10, infra.