conference reports for the remainder of that week.

On Aug. 16, 1972,[17] the following occurred in the House:

> MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1094 and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:
>
> H. RES. 1094
>
> *Resolved,* That during the remainder of this week it shall be in order to consider conference reports the same day reported, notwithstanding the provisions of clause 2, rule XXVIII.[18] . . .
>
> The previous question was ordered.
>
> THE SPEAKER:[19] The question is on the resolution. . . .
>
> The question was taken; and there were—yeas 159, nays 223, not voting 50. . . .
>
> So the resolution was rejected.

§ 28. Debating Reports

Time for debate on a conference report is under the hour rule[20] and since 1971 has been divided between the majority and minority parties.[1] An additional 40 minutes of debate has been allowed on each of several specified sections of a conference report which contained Senate amendments which were alleged to be nongermane to the House bill,[2] and this time was divided in each instance between a Member supporting the section at issue and a Member opposed thereto.[3] This procedure was expanded and included in the standing rules of the House pursuant to House Resolution 1153, 92d Cong. 2d Sess. (Oct. 13, 1972) and became effective immediately before noon on Jan. 3, 1973.[4] The hour of debate on a conference report may be divided three ways, with 20 minutes allotted to a Member opposed, if both managers support the report.[5] The standing rules governing debate time can be abrogated or altered by special order.[6]

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17. 118 CONG. REC. 28351–57, 92d Cong. 2d Sess.
18. See *House Rules and Manual* § 912a (1997).
19. Carl Albert (Okla.).
20. §§ 28.1, 28.2, infra.

1. § 28.6, infra, especially footnote, and § 28.8, infra.
2. §§ 28.11–28.13, infra.
3. §§ 28.11–28.13, infra, and Rule XXVIII clause 4(b), *House Rules and Manual* § 913(b) (1997).
4. See Rule XXVIII clause 4, *House Rules and Manual* § 913(b) (1997).
5. See §§ 28.7, 29.24, infra.
6. See §§ 28.3, 28.13, infra.

Hour Rule

§ 28.1 Debate on conference reports and amendments in disagreement is under the hour rule.[7]

On Mar. 16, 1942,[8] Speaker Sam Rayburn, of Texas, recognized Mr. Hatton W. Sumners, of Texas, to call up the conference report on S. 2208, the Second War Powers Bill of 1942. After the statement of the managers was read in lieu of the report, the following occurred:

MR. SUMNERS of Texas: Mr. Speaker, let me inquire in regard to the time. How much time is allowed for the entire disposition of the conference report, including amendment No. 32?

THE SPEAKER: The gentleman is entitled to 1 hour on the conference report. He can yield such time as he desires. Then, if he desires, an hour may be taken on each amendment in disagreement.

Extending Hour-rule Debate Time

§ 28.2 Debate on a conference report is under the hour rule, and the Speaker has indicated, in response to a parliamentary inquiry, that such time could be extended by unanimous consent.[9]

On June 8, 1972,[10] Mr. Carl D. Perkins, of Kentucky, called up the conference report on S. 659, the Higher Education Amendments of 1972. Before the Clerk began reading the report, the following occurred:

MR. PERKINS: Mr. Speaker, I ask unanimous consent that 1 additional hour of debate on the conference report be provided and that the time be equally divided between the gentleman from Minnesota (Mr. Quie), the ranking minority member, and me.

THE SPEAKER:[11] Is there objection to the request of the gentleman from Kentucky? . . .

MR. [WILLIAM L.] CLAY [of Missouri]: I object, Mr. Speaker.

THE SPEAKER: Objection is heard.

MR. [ROMAN C.] PUCINSKI [of Illinois]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. PUCINSKI: Mr. Speaker, is it in order under the rules of the House to

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7. Rule XIV clause 2, *House Rules and Manual* § 758 (1997) states, *inter alia*, that ". . . no Member shall occupy more than one hour in debate on any question in the House. . . ."
8. 88 CONG. REC. 2502–04, 77th Cong. 2d Sess.
9. But see §§ 28.12, 28.14, infra.
10. 118 CONG. REC. 20278–80, 92d Cong. 2d Sess.
11. Carl Albert (Okla.).

move that an additional hour be afforded for this discussion?

THE SPEAKER: It requires unanimous consent.[12]

Debate on Conference Report Under Special Order

§ 28.3 Where a special order providing for consideration of a conference report allocates the debate time thereon, the provisions of Rule XXVIII, concerning the allocation of debate time to a Member opposed, no longer apply to the debate on that report.

Where the House had adopted a special order providing for the consideration of the conference report on a concurrent resolution on the budget, which provided for two hours of debate "equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget," the normal allocation of time and the opportunity to gain one-third of the time for a Member opposed to the report, are abrogated.

The rule and the ensuing debate and inquiries related thereto, as excerpted from the proceedings of Oct. 4, 1990,[13] are carried here.

SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEARS 1991, 1992, 1993, 1994, AND 1995

MR. [BUTLER] DERRICK [of South Carolina]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 488 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 488

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report on the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the United States Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, and all points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration. Debate on the conference report shall be limited to not more than 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

SEC. 2. Following disposition of the conference report, on motion with respect to disposition of H. Con. Res. 310 shall be in order except pursuant to a subsequent order of the House.

SEC. 3. The allocations of spending and credit responsibility to the com-

12. See also 115 CONG. REC. 40217, 91st Cong. 1st Sess., Dec. 19, 1969 and 88 CONG. REC. 2502–04, 77th Cong. 2d Sess., Mar. 16, 1942.

13. 136 CONG. REC. 27590, 27599, 27600, 101st Cong. 2d Sess.

mittees of the House, to be printed in the *Congressional Record* by the chairman of the Committee on the Budget as soon as practicable, shall be considered to be the allocations required to be printed in the joint statement of managers on H. Con. Res. 310 pursuant to section 302(a) of the Congressional Budget Act of 1974.

SEC. 4. Rule XLIX shall not apply with respect to the adoption by the Congress of the conference report on the concurrent resolution (H. Con. Res. 310). . . .

PARLIAMENTARY INQUIRY

MR. [BUD] SHUSTER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[14] The gentleman will state it.

MR. SHUSTER: Mr. Speaker, rule XXVIII provides that the time shall be divided between the proponents and the opponents of a report; however, it is my understanding that that rule has been waived.

Does that mean, therefore, that even though a large number, if not possible a majority of the Members of this House oppose this legislation, those in opposition will not be permitted to control any of the time?

THE SPEAKER PRO TEMPORE: Under the rule, if adopted, the debate on the conference report will be controlled by the chairman representing the majority, and the ranking minority member of the Committee on the Budget. They will be able to yield time to whomever they see fit.

MR. SHUSTER: So that means, Mr. Speaker, that those in opposition will not be able to control any of the time, is that my understanding?

THE SPEAKER PRO TEMPORE: That is correct. They would not be able to control the time, but certainly could get time from either of the two gentlemen. . . .

PARLIAMENTARY INQUIRY

MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentlewoman will state it.

MS. OAKAR: Mr. Speaker, could I inquire as to the manner in which the time is allocated? Is there any allocation? Is the time equally divided for those who are for the budget resolution and those who are opposed?

THE SPEAKER PRO TEMPORE: The Chair will announce that under House Resolution 488 the time is controlled, 1 hour by the gentleman from California [Mr. Panetta], and 1 hour for the gentleman from Minnesota [Mr. Frenzel].

MS. OAKAR: Mr. Speaker, that did not answer my question, though.

I merely want to inquire whether there is an equal division of time for those who are for the budget resolution and those who have a different opinion of it.

THE SPEAKER PRO TEMPORE: The rule provides that one-half of the time will be allocated to the gentleman from California [Mr. Panetta], and one-half will be allocated to the gentleman from Minnesota [Mr. Frenzel]. They will be able to yield time.

Following Adoption of Conference Report

14. John P. Murtha (Pa.).

§ 28.4 The House granted unanimous consent to permit 40 minutes of debate on a conference report which had just been adopted without debate, and to include the debate in the Record preceding the adoption of the report.

On May 22, 1968,[15] Mr. Wright Patman, of Texas, called up the conference report on S. 5, the Consumer Credit Protection Act, and Speaker John W. McCormack, of Massachusetts, immediately put the question thereon. The report was agreed to, and a motion to reconsider laid on the table. Mr. Patman then obtained unanimous consent that all Members might have five legislative days in which to extend their remarks regarding the conference report. After a call of the House and the granting of a unanimous-consent request concerning another matter, the following occurred:

MR. [WILLIAM T.] CAHILL [of New Jersey]: Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

MR. CAHILL: Mr. Speaker, it may come to you as it did to me as a great surprise to learn that the conference report on the very important truth-in-lending bill has passed the House. . . .

MR. GERALD R. FORD [of Michigan]: . . . It is my understanding from what I have heard from others that the chairman of the committee, the gentleman from Texas, did not ask for time at the time he brought the matter to the floor of the House, and it is our feeling that by his failure to ask for time—and he is the only one who can officially ask for such time—that Members on our side, and I suspect others, were deprived of an opportunity to discuss in person the very important legislation which went through the House in a matter of seconds. I regret that this unfortunately took place. . . .

I think it would be helpful if the record were full and complete for the benefit of those individuals who have to interpret what the Congress intended in some of these very difficult areas. . . .

THE SPEAKER: . . . [T]he gentleman from Texas called up the conference report and had asked that the statement of the managers on the part of the House be read and after the Clerk had proceeded to read the statement, the gentleman from Texas asked unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with and that it be placed in the Record.

The gentleman from Texas was standing and the Chair rose and said—

15. 114 CONG. REC. 14375–98, 14402–05, 90th Cong. 2d Sess.

"The question is on agreeing to the conference report." The Chair did it deliberately—and the report was agreed to. The Chair acted most deliberately. . . .

After objection was heard to a unanimous-consent request to vacate the proceedings by which the conference report was adopted, the Speaker recognized Mr. Carl Albert, of Oklahoma:

Mr. Speaker, I ask unanimous consent that 40 minutes of debate may be had on this matter, to be equally divided between the gentleman from Texas and the gentleman from New Jersey, and that it appear in the Record prior to the adoption of the conference report.

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

There was no objection.

THE SPEAKER: The gentleman from Texas [Mr. Patman] is recognized for 20 minutes and the gentleman from New Jersey [Mr. Widnall] will be recognized for 20 minutes.

§ 28.5 An agreement to permit discussion of a conference report, even though the report had already been agreed to, and to insert the debate in the Record preceding that point where the conference report was agreed to, does not reopen the report to permit the making of any motions, such as the motion to recommit, the adoption of which would alter the prior action of the House in agreeing to the report.

On May 22, 1968,[16] after a controversy arose concerning the adoption without debate of the conference report on S. 5, the Consumer Credit Protection Act, Majority Leader Carl Albert, of Oklahoma, made the following request:

Mr. Speaker, I ask unanimous consent that 40 minutes of debate may be had on this matter, to be equally divided between the gentleman from Texas and the gentleman from New Jersey, and that it appear in the Record prior to the adoption of the conference report.

THE SPEAKER:[17] Is there objection to the request of the gentleman from Oklahoma? . . .

MR. [RICHARD H.] POFF [of Virginia]: Mr. Speaker, I reserve the right to object.

THE SPEAKER: The gentleman from Virginia reserves the right to object.

MR. POFF: Mr. Speaker, I reserve the right to object in order to propound a question to the distinguished majority leader. In the event the House agrees to the request of the gentleman, would the minority maintain the right under the rules of the House to offer motions to recommit if it were so disposed?

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16. 114 CONG. REC. 14398–14405, 90th Cong. 2d Sess.
17. John W. McCormack (Mass.).

THE SPEAKER: The gentleman ought to address his question to the Chair. That question should be addressed to the Chair, and, assuming that the gentleman did address the Chair, the Chair will state that point has gone by, and a motion to recommit under those circumstances would not be in order.

MR. POFF: . . . Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Division of Time

§ 28.6 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.[18]

On Jan. 19, 1972,[19] the following occurred in the House:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I call up the conference report on the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report. . . .

Mr. Speaker, I yield myself such time as I may consume. . . .

Mr. Speaker, I hope that the gentleman on the other side, the gentleman from Illinois (Mr. Springer) and the gentleman from Ohio (Mr. Devine) will use some time. . . .

MR. [WILLIAM L.] SPRINGER: Mr. Speaker, I yield myself such time as I may consume. . . .

MR. [SAMUEL L.] DEVINE: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:[20] The gentleman will state it.

MR. DEVINE: Mr. Speaker, how is the time allocated, and how much time is left?

THE SPEAKER: The Chair assumes the gentleman was using time from the 30 minutes allocated to his side.

MR. DEVINE: Does the 30 minutes represent the time of both committees, the Committee on House Administra-

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18. Prior to 1971 all debate on conference reports was controlled by the Member calling up the report. However, the Legislative Reorganization Act of 1970, 84 Stat. 1140, Pub. L. No. 91–510, § 125(b)(2) (Oct. 26, 1970), amended Rule XXVIII clause 2(a), *House Rules and Manual* § 912a (1997), to provide that the time for debate on conference reports be equally divided between the majority and minority parties.

19. 118 CONG. REC. 319, 320, 324, 92d Cong. 2d Sess.

20. Carl Albert (Okla.).

tion and the Committee on Interstate and Foreign Commerce?

THE SPEAKER: The total time allowable is 1 hour, 30 minutes to each side.

Parliamentarian's Note: Mr. Springer, the ranking minority member of the Committee on Interstate and Foreign Commerce, who had resigned as a conferee, nevertheless controlled 30 minutes for the minority party, although Mr. Devine, the ranking minority member of the Committee on House Administration was on the floor and participated in the debate.

Member Signing Conference Report Presumed To Be in Favor

§ 28.7 Where the Chair is dividing the hour's debate on a conference report among three Members, one third of the time having been claimed by a Member opposed under Rule XXVIII clause 2(a), the Chair may assume that one of the party managers who is temporarily not on the floor would want time in favor of the report if his signature appears thereon.

On Oct. 12, 1995,[1] the conference report on H.R. 1976, the Agriculture appropriations bill for fiscal year 1996, was called up for consideration. One Member demanded time in opposition and the Chair proceeded to allot the time in 20-minute segments as provided in the cited rule.[2]

The proceedings were as indicated below.

MR. [JOSEPH R.] SKEEN [of New Mexico]: Mr. Speaker, pursuant to the rule just adopted, I call up the conference report on the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

GENERAL LEAVE

MR. SKEEN: Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and that I be permitted to include tables, charts, and other extraneous material.

THE SPEAKER PRO TEMPORE:[3] Is there objection to the request of the gentleman from New Mexico?

There was no objection.

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1. 141 CONG. REC. 27795, 104th Cong. 1st Sess.
2. *House Rules and Manual* § 912a (1997).
3. Steven C. LaTourette (Ohio).

THE SPEAKER PRO TEMPORE: Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 28, 1995, at page H9628.)

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Speaker, it is my understanding that since the gentleman from New Mexico [Mr. Skeen] is in support of the conference report as it now stands, as is the gentleman from Illinois [Mr. Durbin], the ranking Democratic member on the subcommittee, that the rule provides that the time be allocated with at least one-third being given to a Member who is at this point opposed to the proposal. Given that rule, I would ask that one-third of the time be assigned to me.

THE SPEAKER PRO TEMPORE: Since the gentleman from Illinois [Mr. Durbin] does not appear to be present, the Chair is going to assume that the gentleman from Illinois [Mr. Durbin] is in favor of the conference report because he signed it. Therefore, pursuant to the rule, the time will be allocated 20 minutes to the gentleman from New Mexico [Mr. Skeen], 20 minutes to the gentleman from Illinois [Mr. Durbin], and 20 minutes to the gentleman from Wisconsin [Mr. Obey].

Who May Control

§ 28.8 Debate on a conference report is equally divided between the majority and minority parties; and while the Members controlling the time for such debate on the floor are normally among those who served as House managers at the conference, this is not invariably the case.

On Jan. 19, 1972,[4] Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, called up the conference report on S. 382:

> Mr. Speaker, I call up the conference report on the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report. . . .
>
> Mr. Speaker, I yield myself such time as I may consume. . . .
>
> Mr. Speaker, I hope that the gentleman from Illinois (Mr. Springer) and the gentleman from Ohio (Mr. Devine) will use some time. . . .

After Mr. Hays used his allotted time, Speaker Carl Albert, of Oklahoma, recognized William L. Springer, ranking minority member of the Committee on Interstate and Foreign Commerce, to control 30 minutes of debate.

> MR. SPRINGER: Mr. Speaker, I yield myself such time as I may consume.

4. 118 CONG. REC. 319, 320, 324, 92d Cong. 2d Sess.

Parliamentarian's Note: Mr. Springer had resigned as a conferee.

Recognition To Control Debate in Opposition to Conference Report

§ 28.9 It is within the discretion of the Speaker as to whom he will recognize to control 20 minutes in opposition to a conference report, where both the managers are in favor thereof, and such recognition does not depend on party affiliation.

On Dec. 16, 1985,(5) the chairman of the Committee on Appropriations, Jamie L. Whitten, of Mississippi, called up the conference report on the continuing appropriation bill for fiscal year 1986, House Joint Resolution 465. Inquiries followed about which Member would be entitled to control one-third of the time in opposition.

MR. WHITTEN: Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the joint resolution (H.J. Res. 465) making further continuing appropriations for the fiscal year 1986, and for other purposes, and ask for its immediate consideration.

PARLIAMENTARY INQUIRY

MR. [JAMES M.] JEFFORDS [of Montana]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:(6) The gentleman will state his parliamentary inquiry.

MR. JEFFORDS: Mr. Speaker, I would ask the Chair as to whether or not there is a rule on this particular resolution.

THE SPEAKER PRO TEMPORE: 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 465 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.

MR. JEFFORDS: Mr. Speaker, I have a further parliamentary inquiry.

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

6. Dale E. Kildee (Mich.).

If I had a point of order, in that a legislative matter was contained herein that would make permanent the temporary law denying States their highway funds if they refused to raise their drinking age to 21, under this rule is that point of order now waived?

THE SPEAKER PRO TEMPORE: All points of order were waived, pursuant to the unanimous-consent request.

MR. JEFFORDS: I thank the Chair.

Mr. Speaker, I think this is a terrible process and a terrible thing for the young people of this country to be treated in this manner.

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.

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.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask for 20 minutes, under the rule.

THE SPEAKER PRO TEMPORE: The Chair can hear only one Member at a time. Members will speak in order after they are recognized.

MR. FRANK: 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.

PARLIAMENTARY INQUIRY

MR. WALKER: 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.

MR. WALKER: Mr. Speaker, I have a further parliamentary inquiry.

Under the procedure, we now have a bill that has been brought to us in this form, and the minority has been totally denied any time under this procedure

to debate this particular resolution because the Chair recognized two Members on the other side of the aisle to control all of the time. . . .

THE SPEAKER PRO TEMPORE: . . . The gentleman from Massachusetts [Mr. Conte], on 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.

The Chair recognizes the gentleman from Mississippi [Mr. Whitten].

Subsequent Yielding of Time

§ 28.10 It is contrary to the usual practice for a Member in charge of a conference report to yield time to other Members to be in turn yielded by them.

On July 27, 1939,[7] the House was considering the conference report on H.R. 6984, relating to construction charges on federal reclamation projects. The following occurred:

MR. [COMPTON I.] WHITE of Idaho: Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. Hawks] 5 minutes.

MR. [CHARLES] HAWKS [Jr.]: I would like to have 20 minutes for the rest of the committee.

MR. WHITE of Idaho: I will give the gentleman 20 minutes if he will allocate it on his side.

THE SPEAKER:[8] It is contrary to the usual practice for the chairman of a conference to yield time to other Members to be in turn yielded by them. The gentleman may yield such times as he desires to individual Members.

MR. WHITE of Idaho: Then I withdraw that, Mr. Speaker, and I yield 5 minutes to the gentleman from Wisconsin [Mr. Hawks].

Debate After Demand for Separate Vote on Specified Section

§ 28.11 Where a Member demanded a separate vote on a section of a conference report pursuant to a special rule permitting such procedure, that Member (who was opposed to the section) and the Member calling up the conference report were each recognized for 20 minutes of debate.

On Nov. 10, 1971,[9] the House adopted House Resolution 696, which provided for the considera-

7. 84 CONG. REC. 10220, 76th Cong. 1st Sess.

8. William B. Bankhead (Ala.).

9. 117 CONG. REC. 40479, 40483, 40489, 92d Cong. 1st Sess.

tion of the conference report on H.R. 8687, military procurement authorizations, fiscal 1972. F. Edward Hébert, of Louisiana, Chairman of the Committee on Armed Services, called up the report and obtained consent of the House that the statement of the managers be read in lieu of the report. In response to another request by Mr. Hébert, the House dispensed with the further reading of the statement, and the following occurred:

THE SPEAKER:[10] House Resolution 696 provides that a separate vote may be demanded on those individual parts of the conference report numbered as sections 503, 505, and 601.

Is a separate vote demanded on any of these sections?

MR. [DONALD M.] FRASER [of Minnesota]: Mr. Speaker, pursuant to the rule adopted, and pursuant to clause 1, rule XX, I demand a separate vote on section 503.

THE SPEAKER: Is a separate vote demanded on any other amendment? The Chair hears none.

Under clause 1 of rule XX[11] 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.

Additional Debate on Specified Section

§ 28.12 When a pending resolution made in order demands for separate votes on three designated sections of a Senate amendment in the nature of a substitute which were not germane to the House bill and had been included in a conference report, the Speaker indicated that the 40 minutes of debate allowable on each nongermane Senate amendment could be further limited only by the two Members controlling the time.

On Nov. 10, 1971,[12] Mr. Richard Bolling, of Missouri, called up House Resolution 696, providing for the consideration of the conference report on H.R. 8687, military

10. Carl Albert (Okla.).
11. The provisions of Rule XX clause 1, upon which Mr. Fraser relied in the 92d Congress were contained in the *House Rules and Manual* § 827 (1971). The comparable provisions were transferred in the 93d Congress to Rule XXVIII clause 4, *House Rules and Manual* § 913(b) (1997).
12. 117 CONG. REC. 40479–82, 92d Cong. 1st Sess.

procurement authorizations, fiscal 1972. The resolution provided, *inter alia*, that

> It shall also be in order, pursuant to clause 1 of rule XX,[13] for a separate vote to be had upon demand on those individual parts of the Senate amendment now contained in the conference report and numbered as sections 503, 505, and 601. . . .

During debate on the resolution, Mr. Charles M. Teague, of California, posed two parliamentary inquiries.

> MR. TEAGUE of California: As I understand, the rule[14] would make three nongermane amendments in order for debate with 40 minutes of time given to each. I address this question to the Chair: Under the rule could the time be shortened by unanimous consent or by motion?
>
> THE SPEAKER:[15] The Members in charge of debate could use or not use the time as they see fit.
>
> MR. TEAGUE of California: Mr. Speaker, a further parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. TEAGUE of California: Since the rule provides 40 minutes on each of the nongermane amendments, under the circumstances of each amendment, would the amendment be subject to a limitation of debate?
>
> THE SPEAKER: No, except by those Members who have charge of the time.

§ 28.13 The House agreed to the language of a section of a conference report under a special rule permitting such procedure following 40 minutes of debate, and then considered the entire conference report, the Member calling up the report and a member of the minority party each being recognized for 30 minutes under Rule XXVIII clause 2.[16]

13. The provisions of Rule XX clause 1 referred to in the resolution provided that, on demand of any Member, 40 minutes of debate and a separate vote were in order on any Senate amendment which would have been nongermane if offered in the House as an amendment to the House bill. In the 92d Congress these provisions were contained in the *House Rules and Manual* § 827 (1971). The comparable provisions were transferred in the 93d Congress to Rule XXVIII clause 4, *House Rules and Manual* § 913(b) (1997).
14. The "rule" referred to here was H. Res. 696, the "special rule" for the consideration of H.R. 8687. The procedure set out in this special rule was in accordance with the purpose of House Rule XX clause 1.
15. Carl Albert (Okla.).
16. See *House Rules and Manual* § 912a (1997).

On Nov. 10, 1971,[17] the House adopted House Resolution 696, providing for the consideration of the conference report on H.R. 8687, Military Procurement Authorizations, fiscal 1972. After F. Edward Hébert, of Louisiana, the Chairman of the Committee on Armed Services, called up the conference report, and after the House dispensed with the reading of the statement of the managers, Mr. Donald M. Fraser, of Minnesota, pursuant to House Resolution 696 and Rule XX clause 1,[18] demanded a separate vote on § 503 of the report. After 40 minutes of debate on this section, with the time divided between Mr. Hébert and Mr. Fraser, the following occurred:

MR. HÉBERT: Mr. Speaker, I move the previous question.[19]

The previous question was ordered.

THE SPEAKER:[20] The question is, Will the House agree to the language contained in section 503 of the conference report? . . .

The House divided, and the tellers reported that there were—ayes 251, noes 100, not voting 80. . . .

So the House agreed to the language contained in section 503 of the conference report.

THE SPEAKER: The gentleman from Louisiana (Mr. Hébert) will be recognized for 30 minutes and the gentleman from Illinois (Mr. Arends) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana.

Length of Debate on Budget Resolution Reported in Disagreement From Conference

§ 28.14 Where conferees on a concurrent resolution on the budget report in total disagreement, the five hour statutory period for debate specified in the Congressional Budget Act does not apply; and a motion to concur in a Senate amendment to a House amendment is debated under the hour rule.

17. 117 CONG. REC. 40483, 40489, 92d Cong. 1st Sess.

18. The provisions of Rule XX clause 1, upon which Mr. Fraser relied in the 92d Congress were contained in the *House Rules and Manual* § 827 (1971). The comparable provisions were transferred in the 93d Congress to Rule XXVIII clause 4, *House Rules and Manual* § 913(b) (1997).

19. *Parliamentarian's Note:* The motion for the previous question was technically not in order at this point, since 20 minutes of debate were permitted to each side under Rule XX clause 1, and because nothing could have been accomplished by voting down the previous question (amendments and further debate would not be in order).

20. Carl Albert (Okla.).

Section 305(a)(4) of the Congressional Budget Act provides for not more than five hours of debate in the House on a conference report on a concurrent resolution on the budget; but since under House rules, a report in total disagreement is called up and read but not acted on, the statutory time does not apply, and an amendment in disagreement is debated under the general rules of the House.

The conferees on S. Con. Res. 80, the First Concurrent Resolution on the Budget for fiscal year 1979, was reported in technical but complete disagreement because the compromise reached by the managers included aggregate figures beyond those proposed in the Senate resolution or the House amendment.

The conference report, filed in the House on May 15, 1978,[1] is carried, in part, below:

CONFERENCE REPORT ON SENATE CONCURRENT RESOLUTION 80

Mr. Giaimo submitted the following conference report and statement on the concurrent resolution (S. Con. Res. 80) setting forth the congressional budget for the U.S. Government for the fiscal year 1979:

CONFERENCE REPORT (H. REPT. NO. 95–1173)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 80) setting forth the congressional budget for the United States Government for the fiscal year 1979, having met, after full and free conference have been unable to agree on a conference report because the conference decisions have reduced certain budget figures, including the deficit and the public debt, below the provisions enacted by either House. As set forth in the accompanying Joint Explanatory Statement, the conferees do propose a congressional budget, containing the lower figures, incorporated in a further amendment for the consideration of the two Houses.

ROBERT N. GIAIMO,
ELIZABETH HOLTZMAN,
BUTLER DERRICK,
WILLIAM LEHMAN,
PAUL SIMON,
JOSEPH L. FISHER,
JIM MATTOX. . . .

The House proceedings of May 17, 1978,[2] when the report was called up, are carried here.

CONFERENCE REPORT ON SENATE CONCURRENT RESOLUTION 80, FIRST CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1979

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I call up the conference report on the Senate concurrent resolution (S. Con. Res. 80)

1. 124 CONG. REC. 13615, 95th Cong. 2d Sess.

2. 124 CONG. REC. 14116, 14117, 95th Cong. 2d Sess.

setting forth the congressional budget for the U.S. Government for the fiscal year 1979, and ask for its immediate consideration.

THE SPEAKER PRO TEMPORE:[3] The Clerk will read the conference report.

The Clerk read the conference report.

THE SPEAKER PRO TEMPORE: The Clerk will report the Senate amendment to the House amendment.

The Clerk read the Senate amendment to the House amendment, as follows:

> In lieu of the matter proposed to be inserted by the House engrossed amendment, insert:
>
> That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1978 . . . .

MR. GIAIMO (during the reading): Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment be considered as read and printed in the Record.

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

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, reserving the right to object, could the gentleman tell us in what parliamentary form this budget comes before us? Are we dealing with a conference report or a motion to agree to the Senate amendment with an amendment?

MR. GIAIMO: We are in technical disagreement on the conference report, because of the questions of scope, both as to the aggregates and as to the functional categories.

We have before us an amendment to the House amendment to the original Senate resolution. The amendment to the House amendment is the substitute amendment which was agreed upon in conference by the conferees.

It is our intention to move to concur in the Senate amendment to the House amendment. . . .

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Speaker, does this result in us not having the statutory period of time to debate the conference report?

MR. BAUMAN: The full 5 hours the Budget Act allows.

MR. GIAIMO: Mr. Speaker, if the gentleman will yield, not 5 hours, we have 1 hour, as I understand the parliamentary situation.

MR. CONABLE: Why is it brought up in this way, Mr. Chairman?

MR. GIAIMO: As I understand the rules, this is the only way it can be brought up and it has been done in this way in the past.

MR. CONABLE: Why do we have the 5-hour rule statutorily, if it has been brought up under a 1-hour rule in the past?

MR. GIAIMO: The 5-hour rule provides where the conference report is not in technical disagreement, because of questions of scope. . . .

MOTION OFFERED BY MR. GIAIMO

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

The Clerk read as follows:

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3. Dan Rostenkowski (Ill.).

Mr. Giaimo moves that the House concur in the Senate amendment to the House amendment.

THE SPEAKER PRO TEMPORE: The gentleman from Connecticut (Mr. Giaimo) is recognized for 1 hour.

MR. GIAIMO: Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta), for the purposes of debate only, pending which I yield myself such time as I may consume.

§ 29. Disposition of Reports and Amendments in Disagreement

A conference report may reflect an agreement to all amendments submitted to conference, some of the amendments (a partial conference report or partial agreement), or none of the amendments (a report of total disagreement). When the conferees report a partial agreement, the amendments remaining in disagreement are considered after the consideration of the report itself.[4] However, in unusual circumstances, these amendments have been considered before the vote on the conference reports.[5] Since the 93d Congress, the "three-day rule"[6] has applied to reports of total disagreement as well as amendments in disagreement accompanying a partial conference report. This includes a disagreement reported by the conferees to an amendment in the nature of a substitute.[7] A two-hour availability requirement was added to Rule XXVIII in the 94th Congress.[8] The older practice was to consider amendments in disagreement the same day a report was submitted.[9]

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4. § 29.3, infra.
5. § 29.4, infra.
6. Rule XXVIII clause 2(a), *House Rules and Manual* § 912a (1997). This rule delays the consideration of a conference report until the third day after the report and statement of the managers have been filed in the House, and requires that the report and statement be printed in the daily edition of the *Congressional Record* for the day on which they are filed (except during the last six days of a session). See generally § 27, supra.
7. Rule XXVIII clause 2(b)(1), *House Rules and Manual* § 912b (1997), as amended pursuant to H. Res. 1153, § 2(b)(2), 92d Cong. 2d Sess. (Oct. 13, 1972). The provisions of this clause became effective immediately prior to the beginning of the 93d Congress. See § 29.1, infra.
8. 122 CONG. REC. 4625, 94th Cong. 2d Sess., Feb. 26, 1976 (H. Res. 868). Rule XXVIII clause 2(a), *House Rules and Manual* § 912a (1997); Rule XXVIII clause 2(b)(1), *House Rules and Manual* § 912b (1997).
9. See § 29.12, infra, and 107 CONG. REC. 8892–94, 87th Cong. 1st Sess., May 25, 1961, for examples of the old