

MR. [JAMES R.] JONES of Oklahoma: Mr. Chairman, I yield 1 hour to the gentleman from Missouri (Mr. Gephardt).

### ***Extending Debate by Unanimous Consent***

#### **§ 67.17 By unanimous consent, further debate may be permitted on a motion to instruct conferees on which the previous question has been ordered.**

During consideration of a motion to instruct House conferees on the conference with the Senate on H.R. 3919 (crude oil windfall profits tax) on Feb. 20, 1980,<sup>(16)</sup> the following proceedings occurred:

MR. [NORMAN E.] D'AMOURS [of New Hampshire]: Mr. Speaker, I offer a motion.

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

Mr. D'Amours moves that, pursuant to the provisions of clause 1(b) of Rule XXVIII, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3919 be instructed to agree to the provisions contained in parts 1, 2 and 4 of title II of the Senate amendment to the text of the bill.

THE SPEAKER PRO TEMPORE:<sup>(17)</sup> The gentleman from New Hampshire (Mr.

16. 126 CONG. REC. 3322, 3337, 96th Cong. 2d Sess.

17. Benjamin S. Rosenthal (N.Y.).

D'Amours) is recognized for 1 hour. . . .

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, I have a parliamentary inquiry. . . . [T]here may have been some confusion on the last vote, given what appeared on the screens in Members' offices. . . .

This question . . . we will vote on now is a vote on the motion to instruct the conferees?

THE SPEAKER PRO TEMPORE: The question that will occur now is on the motion to instruct the conferees.

(By unanimous consent Mr. Gibbons was allowed to speak out of order.)

MR. [SAM M.] GIBBONS [of Florida]: Mr. Speaker, I cannot believe the last vote. It is absolutely astounding.

What my colleagues voted for was to instruct the conferees to throw away \$26 billion on some tax credits of doubtful value. . . .

But, please, do not instruct us. We are about to complete this conference. We are about to get things wound up and get it out here where we can either accept it or reject it.

### **§ 68. The Hour Rule**

Rule XIV clause 2 provides for a one-hour limitation on debate in the House and in Committee of the Whole:

. . . and no Member shall occupy more than one hour in debate on any

question in the House or in committee, except as further provided in this rule.<sup>(18)</sup>

Any Member who is recognized in the House is recognized for one hour, unless the matter under consideration—such as a suspension motion—has a special debate process stated in the rule permitting the matter to be called up, or debate is being conducted under the five-minute rule in the House as in the Committee of the Whole, or a special rule has provided otherwise.<sup>(19)</sup>

**18.** *House Rules and Manual* § 758 (1995). The clause dates from 1841 (see 5 Hinds' Precedents § 4978) and is unique to the House, the hour rule having no application to the proceedings of the Senate (see § 72, *infra*).

In the House of Commons of Great Britain, there is no limit on holding the floor for debate except by closure of debate, selection of amendments, or adoption of orders limiting debate. See Erskine May's *Parliamentary Practice* 472, Butterworth & Co. Ltd. (17th ed.) (London 1964).

**19.** The rules provide for 10-minute, 20-minute, and 40-minute debate on certain motions and questions (see § 69, *infra*). For special orders and unanimous-consent agreements altering the duration of debate in the House, see § 71, *infra*.

On Calendar Wednesday, debate on bills considered in the Committee of the Whole is limited to two hours, one hour controlled by the Member in charge of the bill and one hour by

An hour rule also applies to general debate in the Committee of the Whole where a Member in control of the time may not consume more than one hour except by unanimous consent of the House. Debate proceeds under the hour rule unless otherwise provided by the House.<sup>(20)</sup>

Unless the House provides by special rule or by unanimous-consent agreement for the control and distribution of time in the House, the proponent of a proposition in the House is recognized for one hour and typically moves the previous question at or before

the ranking minority member of the committee who is opposed to the bill. See 81 CONG. REC. 3456, 75th Cong. 1st Sess., Apr. 14, 1937, where the House resolved itself into the Committee of the Whole for the consideration of a bill called up under the Calendar Wednesday procedure (call of committees under Rule XXIV clause 7, *House Rules and Manual* § 897 [1995]). See also, for the two-hour limitation, 84 CONG. REC. 5654, 76th Cong. 1st Sess., May 17, 1939; and 72 CONG. REC. 8938, 8939, 71st Cong. 2d Sess., May 14, 1930 (the two hours may not be extended by unanimous consent).

For five-minute debate in the House as in the Committee of the Whole, conducted generally by unanimous consent but by rule for Private Calendar bills, see § 70, *infra*.

**20.** For general debate in the Committee of the Whole, see § 75, *infra*.

the expiration thereof.<sup>(1)</sup> Where a Member has spoken for an hour, his time cannot be extended, even by unanimous consent.<sup>(2)</sup> If he loses or surrenders the floor, such as by yielding for an amendment, or offering the previous question which is then rejected, or failing to move the previous question, another Member may be recognized under the hour rule, with the right to offer amendments, to move the previous question, or to offer appropriate motions.<sup>(3)</sup> In certain situations, where an essential motion (such as the previous question) is defeated, a Member of the opposition is entitled to recognition for an hour.<sup>(4)</sup>

#### Cross References

Closing debate under the hour rule (manager may move previous question at any time), see § 72, *infra*.

1. See § 71.21, *infra*. If the previous question is moved before any debate on a debatable question, the rules provide for 40 minutes of debate, equally divided (see § 69, *infra*), but any debate, however brief, precludes the operation of that rule. (See, generally, Ch. 23, *supra*, for the previous question and its application.)

The Member offering a proposition in the House under the hour rule customarily yields time for a full discussion of the question. See, for example, § 29.15, *supra* (yielding of time on Committee on Rules resolutions).

2. See §§ 68.3, 68.73, *infra*.
3. See § 68.8, *infra*. For the losing and surrendering of control, see §§ 33, 34, *supra*.
4. See § 68.42, *infra*.

Extension of the hour rule by special rule or unanimous-consent agreement, see § 73, *infra*.

Hour rule in the Committee of the Whole, if time for general debate not fixed, see § 75, *infra*.

Hour rule on resolutions and special rules, see § 18, *supra*.

Hour rule on Senate amendments, conference reports, and amendments in disagreement, see § 17, *supra*.

Manager calls up proposition under the hour rule, see § 24, *supra*.

Opening and closing debate under the hour rule, see § 7, *supra*.

Order of recognition under the hour rule, see §§ 12 et seq., *supra*.

Practice of Committee on Rules in distribution of the hour for debate on special rules, see § 26, *supra*.

Recognition of opposition under the hour rule after rejection of an essential motion, see § 15, *supra*.

Recognition under the hour rule where Member with the floor loses or surrenders control, see §§ 33, 34, *supra*.

Special-order speeches and the hour rule, see § 71, *infra*.

#### *Before Adoption of Rules*

**§ 68.1 Prior to the adoption of the rules, a Member offering a resolution on the seating of a Member-elect is entitled to one hour of debate.**

On Jan. 10, 1967, prior to the adoption of rules, Mr. Morris K. Udall, of Arizona, offered as privileged House Resolution 1, authorizing the Speaker to administer

the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Speaker John W. McCormack, of Massachusetts, ruled that Mr. Udall was entitled to recognition for one hour.<sup>(5)</sup>

**§ 68.2 Before the adoption of rules, if the previous question is voted down on a resolution and an amendment is offered, the proponent of the amendment is recognized under the hour rule.**

On Jan. 3, 1969, before the adoption of rules, the House was considering a privileged resolution related to the right of a Member-elect to his seat.<sup>(6)</sup> After the previous question was voted down on the resolution, Mr. Clark MacGregor, of Minnesota, offered an amendment in the nature of a substitute to the original resolution. Speaker John W. McCormack, of Massachusetts, recognized Mr. MacGregor for one hour of debate.

5. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess. For the privilege and disposition of resolutions before the adoption of rules, see Ch. 1, supra.

6. 115 CONG. REC. 27-29, 91st Cong. 1st Sess.

***Bills and Resolutions Generally***

**§ 68.3 While a Member may be given control of several hours of debate, he may not yield himself more than an hour or have his time extended, even by unanimous consent.**

On Mar. 9, 1976,<sup>(7)</sup> Speaker Pro Tempore Morgan F. Murphy, of Illinois, made a ruling relative to extension of debate time as follows:

THE SPEAKER: Under a previous order of the House, the gentleman from New York (Mr. Pike) is recognized for 60 minutes.

MR. [OTIS G.] PIKE [of New York]: Mr. Speaker, last Sunday while I was picking up oysters and eating up some chowder, I decided that perhaps the time had come for me to make a statement about the late House Select Committee on Intelligence. . . .

THE SPEAKER PRO TEMPORE: The time of the gentleman from New York has expired.

MR. [DALE] MILFORD [of Texas]: Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended 5 minutes.

THE SPEAKER PRO TEMPORE: The gentleman's request is out of order.

**§ 68.4 Where the House agrees to consider in the House a**

7. 122 CONG. REC. 5900, 5906, 94th Cong. 2d Sess.

**bill called up by unanimous consent from the Speaker's table, the Member calling up the bill is recognized for one hour.**

On Oct. 5, 1962,<sup>(8)</sup> Mr. Francis E. Walter, of Pennsylvania, called up S. 3361, relating to the entry of alien specialists, from the Speaker's table and asked unanimous consent for its immediate consideration in the House. When the request was granted, Mr. Walter was recognized for one hour. Speaker John W. McCormack, of Massachusetts, indicated that no amendments could be offered to the bill unless Mr. Walter yielded for that purpose.<sup>(9)</sup>

*Parliamentarian's Note:* The procedure is otherwise if the request is simply for the "immediate consideration" of a Union Calendar bill or of an unreported bill which would, if reported, be referred to the Union Calendar. In that event the measure is considered under the five-minute rule in the House as in the Committee of the Whole.

8. 108 CONG. REC. 22606-09, 87th Cong. 2d Sess.
9. For disposal of Senate bills on the Speaker's table, and the requirements such bills must meet before such disposition, see Rule XXIV clause 2, *House Rules and Manual* §882 (1995).

**§ 68.5 When a District of Columbia bill on the House Calendar is called up on District Day, under Rule XXV clause 8, the bill is considered in the House under the hour rule.<sup>(10)</sup>**

**—Use of Previous Question To Terminate Debate**

**§ 68.6 The Member recognized to control one hour of debate in the House may, by moving the previous question, terminate utilization of debate time he has previously yielded to the minority.**

On Mar. 9, 1977,<sup>(11)</sup> it was demonstrated that a Member calling up a privileged resolution in the House may move the previous question at any time, notwithstanding his prior allocation of debate time to another Member:

THE SPEAKER:<sup>(12)</sup> The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), for the minority, pending which I yield myself 5 minutes. . . .

Mr. Speaker, the other amendment that the gentleman offers proposes to

10. 107 CONG. REC. 10068, 10069, 87th Cong. 1st Sess., June 12, 1961.
11. 123 CONG. REC. 6816, 95th Cong. 1st Sess.
12. Thomas P. O'Neill, Jr. (Mass.).

give the House the opportunity to vote up or down in a certain period of time regulations proposed by the select committee. What that does, and it really demonstrates an almost total lack of understanding of the rules, is to upgrade regulations into rules. The Members of the House will have the opportunity to deal with all laws and rules. That is provided in the resolution. . . .

Mr. Speaker, I move the previous question on the resolution. . . .

MR. [JOHN B.] ANDERSON of Illinois: I have time remaining. Do I not have a right to respond to the gentleman from Missouri?

THE SPEAKER: Not if the previous question has been moved, and it has been moved.

MR. ANDERSON of Illinois: Even though the gentleman mentioned my name and made numerous references to me for the last 10 minutes?

THE SPEAKER: The Chair is aware of that.

The question is on ordering the previous question.

**—Member Yielded Time Cannot Reserve Time**

**§ 68.7 A Member to whom time was yielded under the hour rule in the House may not, except by unanimous consent, reserve a portion of that time to himself; the unused time reverts to the Member controlling the hour who may subsequently yield further time to that Member.**

The following proceedings occurred in the House on Feb. 8, 1972,<sup>(13)</sup> during consideration of House Resolution 164 (creating a Select Committee on Privacy, Human Values, and Democratic Institutions):

MR. [RAY J.] MADDEN [of Indiana]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 164 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 164 . . .

Whereas the full significance and the effects of technology on society and on the operations of industry and Government are largely unknown. . . .

*Resolved*, That there is hereby created a select committee to be known as the Select Committee on Privacy, Human Values, and Democratic Institutions. . . .

MR. MADDEN: Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey (Mr. Gallagher).

MR. [CORNELIUS E.] GALLAGHER [of New Jersey]: Mr. Speaker, may I take 5 minutes now and reserve 5 minutes to the end of the debate since it is my bill?

THE SPEAKER:<sup>(14)</sup> The gentleman may do that. Without objection, it is so ordered.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, reserving the right to object . . . is it in order to have a

13. 118 CONG. REC. 3181–84, 92d Cong. 2d Sess.

14. Carl Albert (Okla.).

unanimous-consent request at a time like this when the time is controlled by the members of the Committee on Rules . . . ?

MR. GALLAGHER: . . . It was my understanding that I would have the time at the conclusion of debate.

MR. HALL: Mr. Speaker, I submit this is between the gentleman and the man handling the rule, and therefore I must object.

THE SPEAKER: The Chair will notify the gentleman when 5 minutes are up. . . .

The gentleman from New Jersey has consumed 5 minutes.

MR. GALLAGHER: Mr. Speaker, I reserve the balance of my time.

THE SPEAKER: . . . The gentleman from Indiana has control of the time. . . .

If the gentleman from Indiana desires to yield further time at this time he can do so.

### *—Yielding Floor for Amendments*

**§ 68.8 Where the Member in charge of a measure under the hour rule in the House yields to another for the purpose of offering an amendment, he loses control of the floor and the sponsor of the amendment is given control for an hour.**<sup>(15)</sup>

15. 91 CONG. REC. 2861, 2862, 79th Cong. 1st Sess., Mar. 27, 1945.

See also 102 CONG. REC. 12922, 12923, 84th Cong. 2d Sess., July 16, 1956; and 100 CONG. REC. 2282, 83d Cong. 2d Sess., Feb. 25, 1954.

### *Consideration of Measures in House*

#### *—Private Bill By Unanimous Consent*

**§ 68.9 When a private bill on the calendar of the Committee of the Whole is called up by unanimous consent for consideration in the House, the Member making the request is recognized for one hour.**

On Mar. 12, 1963,<sup>(16)</sup> Mr. Emanuel Celler, of New York, asked unanimous consent for the immediate consideration in the House of private bill H.R. 4374, to proclaim Sir Winston Churchill an honorary citizen of the United States. Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the control and time for debate:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, under what circumstances will this resolution be considered? Will there be any time for discussion of the resolution, if unanimous consent is given?

Where the Member with the floor under the hour rule surrenders the floor without moving the previous question, any Member of the House securing recognition in opposition to the pending proposal is recognized for one hour (see § 34, supra).

16. 109 CONG. REC. 3993, 88th Cong. 1st Sess.

THE SPEAKER: In response to the parliamentary inquiry of the gentleman from Iowa, if consent is granted for the present consideration of the bill, the gentleman from New York [Mr. Celler] will be recognized for 1 hour and the gentleman from New York may yield to such Members as he desires to yield to before moving the previous question.

MR. GROSS: Mr. Speaker, further reserving the right to object, is sometime to be allocated to this side of the aisle?

MR. CELLER: I intend to allocate half of the time to the other side.

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

**—Consideration of Senate Bill in House Pursuant to Special Rule**

**§ 68.10 Following the adoption of a resolution making in order the consideration of a Senate bill in the House the Member calling up the Senate bill is recognized for one hour.**

The proceedings relative to consideration of S. 2667 (Emergency Petroleum Allocation Act Extensions) in the House on Nov. 14, 1975,<sup>(17)</sup> were as follows:

Mr. [Richard] Bolling [of Missouri] from the Committee on Rules, reported the following privileged resolution (H. Res. 866, Rept. No. 94-666), which was referred to the House Calendar and ordered to be printed.

17. 121 CONG. REC. 36638, 36641, 94th Cong. 1st Sess.

H. RES. 866

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill S. 2667, to extend the Emergency Petroleum Allocation Act of 1973, and to consider said bill in the House.

MR. BOLLING: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 866 and ask for its immediate consideration.

THE SPEAKER:<sup>(18)</sup> The Clerk will report the resolution.

The Clerk read the resolution.

THE SPEAKER: The question is, Will the House now consider House Resolution 866?

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: . . . Two hundred and forty-one Members are present, a quorum.

MR. ROUSSELOT: Mr. Speaker, I demand a division.

On a division (demanded by Mr. Roussetot) there were—yeas 171, noes 14.

So (two-thirds having voted in favor thereof), the House agreed to consider House Resolution 866.

THE SPEAKER: The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

18. Carl Albert (Okla.).

THE SPEAKER: The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, pursuant to House Resolution 866, I call up the Senate bill (S. 2667) and ask for its immediate consideration in the House.

—*House Bill*

**§ 68.11 A Member calling up a bill or joint resolution in the House pursuant to a special order controls one hour of debate thereon and may offer an amendment thereto and move the previous question on the amendment and on the bill or joint resolution.**

On Nov. 3, 1977,<sup>(19)</sup> the proceedings relating to consideration of House Joint Resolution 643 (continuing appropriations) in the House were as follows:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 643) making further continuing appropriations for the fiscal year 1978, and for other purposes. . . .

The Clerk read the joint resolution, as follows:

H.J. RES. 643

*Resolved by the Senate and House of Representatives of the United*

19. 123 CONG. REC. 36970, 36971, 95th Cong. 1st Sess.

*States of America in Congress assembled*, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1978, namely:

Sec. 101. Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1977, and for which appropriations, funds, or other authority would be available in the District of Columbia Appropriations Act, 1978 (H.R. 9005) as passed the House of Representatives or the Senate. . . .

THE SPEAKER:<sup>(20)</sup> The gentleman from Texas (Mr. Mahon) is recognized for 1 hour.

MR. MAHON: Mr. Speaker, Members need to understand what our problem is at the moment. In view of the fact that final action has not been taken on the District of Columbia appropriation bill and on the Labor-Health, Education, and Welfare bill, we have to have a continuing resolution. . . .

Mr. Speaker, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Mahon: On page 2, line 6, strike the period and insert the following: “: *Provided further*, That the rate of operations for the Disaster Loan Fund of the Small Business Administration contained in said Act shall be the rate as passed the Senate. . . .

MR. MAHON: It is absolutely urgent that we find a way to get this continuing resolution acted upon by the Congress tomorrow, since we cannot do it tonight. It is imperative that we get

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

through the Congress a continuing resolution on tomorrow and send it to the President. Otherwise, there will be some very serious problems.

Mr. Speaker, I move the previous question on the amendment and the joint resolution to final passage.

The previous question was ordered.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### *Senate Amendments*

**§ 68.12 Senate amendments which do not require consideration in Committee of the Whole are debatable under the hour rule when considered in the House.<sup>(1)</sup>**

#### *—Senate Amendments in Disagreement*

**§ 68.13 Prior to the amendment to Rule XXVIII, clause 2(b) in the 92d and 99th Congresses (providing that the hour debate on an amendment in disagreement be divided), debate on an amendment reported from conference in disagreement was under the hour rule and the**

1. 106 CONG. REC. 18357, 18358, 86th Cong. 2d Sess., Aug. 30, 1960; and 81 CONG. REC. 644, 645, 75th Cong. 1st Sess., Feb. 1, 1937.

**Member calling up the conference report was in control of the debate thereon.<sup>(2)</sup>**

*Parliamentarian's Note:* House Resolution 1153, which was adopted on Oct. 13, 1972, 92d Cong. 2d Sess., to become effective at the end of the 92d Congress, amended Rule XXVIII by requiring that debate on amendments reported from conference in disagreement be equally divided and controlled by the majority and minority parties. Thus the hour of debate on a motion offered to dispose of an amendment in disagreement is equally controlled by the Member offering the initial motion and a Member of the minority, typically the senior conferee of that party.

The debate may be divided three ways if both the manager and the ranking minority Member agree. See Rule XXVIII clause 2(b)(1), *House Rules and Manual* §912b (1995), as amended in the 99th Congress by H. Res. 7, Jan. 3, 1985.

**§ 68.14 Debate on a Senate amendment reported in disagreement by managers on the part of the House is**

2. See 108 CONG. REC. 23423-43, 87th Cong. 2d Sess., Oct. 12, 1962; 108 CONG. REC. 15294, 87th Cong. 2d Sess., Aug. 1, 1962; and 88 CONG. REC. 2508, 2512, 2513, 77th Cong. 2d Sess., Mar. 16, 1942.

**under the hour rule, and the Member calling up the conference report is in control of the time (subject to the division of time required by clause 2(b) of Rule XXVIII).**

On Aug. 1, 1962,<sup>(3)</sup> Mr. John E. Fogarty, of Rhode Island, had called up a conference report on H.R. 10904, the labor, health, education, and welfare appropriations for fiscal 1963. Certain Senate amendments had been reported in disagreement. When Senate amendment No. 3 was read, Mr. Fogarty offered a motion that the House recede from disagreement and concur with an amendment. Speaker Pro Tempore Carl Albert, of Oklahoma, then answered a parliamentary inquiry on control of the time:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. GROSS: Is the gentleman from Rhode Island going to explain any of these amendments?

THE SPEAKER PRO TEMPORE: That is within the discretion of the gentleman.

MR. GROSS: A further parliamentary inquiry. Does not the gentleman have an hour on each of these amendments?

THE SPEAKER PRO TEMPORE: The gentleman has if he desires to use it.<sup>(4)</sup>

3. 108 CONG. REC. 15294, 87th Cong. 2d Sess.

4. See also 108 CONG. REC. 23423-43, 87th Cong. 2d Sess., Oct. 12, 1962.

**§ 68.15 A motion in the House to concur in a Senate amendment, the stage of disagreement having been reached, is debatable under the hour rule.<sup>(5)</sup>**

**§ 68.16 Debate on a motion to concur in a Senate amendment with an amendment, the stage of disagreement having been reached, is under the hour rule.<sup>(6)</sup>**

**§ 68.17 Debate on a motion that the House recede from its disagreement to a Senate amendment and concur therewith is under the hour rule, and if the question is divided, the hour rule applies to each motion separately.<sup>(7)</sup>**

**§ 68.18 Debate on a motion to dispose of a Senate amend-**

For consideration of amendments in disagreement, see Rule XXVIII, clause 2(b)(1) *House Rules and Manual* §§ 912b et seq. (1995).

5. See 113 CONG. REC. 19003, 90th Cong. 1st Sess., July 17, 1967; and 81 CONG. REC. 7197, 7198, 75th Cong. 1st Sess., July 15, 1937.

6. See 108 CONG. REC. 23423-43, 87th Cong. 2d Sess., Oct. 12, 1962; 108 CONG. REC. 15294, 87th Cong. 2d Sess., Aug. 1, 1962; and 89 CONG. REC. 5899, 5900, 78th Cong. 1st Sess., June 15, 1943.

7. 86 CONG. REC. 5889, 76th Cong. 3d Sess., May 9, 1940.

**ment to a House amendment to a Senate amendment to a House bill, the stage of disagreement having been reached, is under the hour rule.<sup>(8)</sup>**

***—Following Rejection of First Motion***

**§ 68.19 Under clause 2(b) of Rule XXVIII, the time allotted for debate on an original motion to dispose of disagreement on a Senate amendment is divided equally between majority and minority parties (except that if both floor managers support the motion then one-third of the time may be claimed by an opponent); and where the original motion to dispose of the Senate amendment in disagreement is rejected, the time for debate on a successor motion is also governed by clause 2(b) of Rule XXVIII and may be equally divided.**

On Aug. 6, 1993,<sup>(9)</sup> the House had under consideration Senate amendments in disagreement to

**8.** 116 CONG. REC. 750, 91st Cong. 2d Sess., Jan. 22, 1970.

**9.** 139 CONG. REC. p. \_\_\_\_\_, 103d Cong. 1st Sess.

H.R. 2493 (Agriculture appropriations for 1994):

THE SPEAKER PRO TEMPORE:<sup>(10)</sup> The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 164: Page 81, after line 12, insert:

Sec. 730. (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide a total amount of payments to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of \$50,000 in the 1994 crop year.

MOTION OFFERED BY MR. SKEEN

MR. [JOE] SKEEN [of New Mexico]: Mr. Speaker, I offer a motion.

THE SPEAKER PRO TEMPORE: The Clerk will report the motion.

The Clerk read as follows:

Motion offered by Mr. Skeen:

Mr. Skeen moves that the House recede and concur in the amendment of the Senate numbered 164 with an amendment as follows: In the matter proposed to be inserted by the amendment, add the following: "The GAO shall conduct a study and report to Congress on the effectiveness of the program."

THE SPEAKER PRO TEMPORE: The gentleman from New Mexico [Mr. Skeen] is recognized for 30 minutes.

MR. [HARRIS W.] FAWELL [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

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

**10.** Romano L. Mazzoli (Ky.).

MR. FAWELL: First of all, the motion that the gentleman from New Mexico offered was read so fast I did not understand just what it was. But I rise in opposition.

THE SPEAKER PRO TEMPORE: If the gentleman is opposed to the motion offered by the gentleman from New Mexico, the gentleman [Mr. Fawell] is entitled to 20 minutes to debate the issue. . . .

MR. FAWELL: . . . Assuming that this particular motion fails, can the Chair advise me where we will be then?

THE SPEAKER PRO TEMPORE: Another Member will be recognized for another motion on this amendment in disagreement. . . .

The question is on the amendment offered by the gentleman from New Mexico [Mr. Skeen]. . . .

The vote was taken by electronic device, and there were yeas 140, nays 274, not voting 19, as follows: . . .

So the House refused to recede and concur in the amendment of the Senate numbered 164 with an amendment. . . .

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

The Clerk read as follows:

Mr. Fawell moves that the House recede and concur in the amendment of the Senate numbered 164 with an amendment as follows: In the matter proposed to be inserted by the amendment, strike "\$50,000" and insert "\$0".

THE SPEAKER PRO TEMPORE: The gentleman from Illinois [Mr. Fawell] will be recognized for 30 minutes in support of his motion, and the gentleman from Illinois [Mr. Durbin] will

be recognized for 30 minutes in opposition.

Under a former practice, if the initial motion to dispose of the amendment in disagreement was rejected, the time for debate on a subsequent motion was under the hour rule and entirely within the control of the Member of the opposition recognized to make the motion. Thus, on July 19, 1977,<sup>(11)</sup> during consideration of the conference report on H.R. 7554 (Housing and Urban Development and independent agencies appropriation bill for fiscal 1978) in the House, it was demonstrated that, where a motion to dispose of an amendment reported from conference in disagreement, offered by the manager of the conference report, is rejected, the Speaker recognizes a Member leading the opposition to offer another motion to dispose of the amendment.

THE SPEAKER PRO TEMPORE:<sup>(12)</sup> The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: Page 17, line 11, strike out "\$2,943,600,000" and insert "\$3,013,000,000".

MR. [EDWARD P.] BOLAND [of Massachusetts] [manager of the conference report]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

11. 123 CONG. REC. 23668, 23669, 23678, 95th Cong. 1st Sess.

12. Norman Y. Mineta (Calif.).

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$2,995,300,000".

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Boland) is recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Coughlin) is recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

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

MR. [DON] FUQUA [of Florida]: Mr. Speaker, I rise in opposition to amendment No. 24. . . .

[After debate, the motion was rejected.]

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

The Clerk read as follows:

Mr. Fuqua moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

THE SPEAKER PRO TEMPORE: The gentleman from Florida (Mr. Fuqua) is recognized for 60 minutes. . . .

MR. FUQUA: Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

### ***—Intervention of Preferential Motion***

#### **§ 68.20 The time for debate on an amendment reported from conference in disagreement**

**is equally divided between the majority and minority parties under Rule XXVIII clause 2(b), and a Member offering a preferential motion does not thereby gain control of time for debate; nor can the Member who has offered the preferential motion move the previous question during time yielded to him for debate, since that would deprive the Members in charge of control of the time for debate.**

On Dec. 4, 1975,<sup>(13)</sup> an example of the proposition described above occurred in the House during consideration of the conference report on H.R. 8069 (the Department of Health, Education, and Welfare and related agencies appropriation bill):

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"Sec. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest or next nearest the student's home. . . .

13. 121 CONG. REC. 38714, 38716, 38717, 94th Cong. 1st Sess.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Bauman moves that the House recede from its disagreement to Senate amendment No. 72 and concur therein.

THE SPEAKER:<sup>(14)</sup> The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

MR. BAUMAN: Mr. Speaker, may I inquire, who has the right to the time under the motion?

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) has 30 minutes, and the gentleman from Illinois (Mr. Michel) has 30 minutes. The time is controlled by the committee leadership on each side, and they are not taken from the floor by a preferential motion. . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. Bauman).

MR. BAUMAN: The gentleman from Maryland has made his case and if the gentleman would like to concur in the stand taken by the majority party in favor of busing he can do that. I do not concur.

Mr. Speaker, I move the previous question on the motion.

MR. FLOOD: Mr. Speaker, I demand the question be divided.

MR. BAUMAN: Mr. Speaker, I move the previous question.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Flood) has the floor and the Chair is trying to let the gentleman be heard.

MR. FLOOD: Mr. Speaker, I demand a division.

MR. BAUMAN: Mr. Speaker, I have not yielded. My time has not expired.

THE SPEAKER: The gentleman has time for debate only.

MR. BAUMAN: No; Mr. Speaker, it was not yielded for debate only.

THE SPEAKER: The gentleman from Maryland has 15 seconds.

MR. BAUMAN: Mr. Speaker, I move the previous question.

THE SPEAKER: The gentleman was yielded to for debate only. The gentleman from Illinois had no authority under clause 2, rule XXVIII to yield for any other purpose but debate.

*Parliamentarian's Note:* Debate on a motion that the House recede from its disagreement to a Senate amendment and concur is under the hour rule. In the above instance, the motion to recede and concur was divided.<sup>(15)</sup> If the motion is so divided, the hour rule applies to each motion separately.<sup>(16)</sup> Thus, technically, the Bauman motion to concur could have been debated under the hour rule, since the request for division of the question was made prior to the ordering of the previous question. Control of the time, however, would have remained with the majority and minority under the rule.

Whether or not the division demand was made before or after

15. 121 CONG. REC. 38717, 94th Cong. 1st Sess.

16. See 86 CONG. REC. 5889, 76th Cong. 3d Sess., May 9, 1940.

14. Carl Albert (Okla.).

the ordering of the previous question on the motion to recede and concur, the preferential motion offered by Mr. Flood to concur with an amendment could have been debated under the hour rule equally divided, since it was a separate motion not affected by ordering the previous question on the motion to recede and concur.

Had the Bauman motion to concur been rejected, the motion to concur with another amendment would have been in order, and preferential to a motion to insist on disagreement.

**§ 68.21 Time for debate on motions to dispose of amendments in disagreement is equally divided, under Rule XXVIII clause 2(b), between the majority and minority party; and if a minority Member has been designated by his party to control time, another minority Member who offers a preferential motion does not thereby gain control of the time given to the minority.**

On May 14, 1975,<sup>(17)</sup> during consideration of the conference report on H.R. 4881<sup>(18)</sup> in the House, the following proceedings occurred:

17. 121 CONG. REC. 14385, 14386, 94th Cong. 1st Sess.

18. The Emergency Employment Appropriations for fiscal year 1975.

THE SPEAKER:<sup>(19)</sup> The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

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

“FEDERAL RAILROAD ADMINISTRATION

“RAIL TRANSPORTATION IMPROVEMENT  
AND EMPLOYMENT

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

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

The Clerk read as follows:

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

PREFERENTIAL MOTION OFFERED BY MR.  
CONTE

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

The Clerk read as follows:

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

“CHAPTER VIII

“DEPARTMENT OF TRANSPORTATION

“FEDERAL RAILROAD ADMINISTRATION

“For payment of financial assistance to assist railroads by providing

19. Carl Albert (Okla.).

funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, \$200,000,000. . . .

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

THE SPEAKER: The gentleman will state it.

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

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

### *Conference Reports*

**§ 68.22 One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and the Speaker recognizes the Member calling up the report to control 30 minutes and a Member from the other party (preferably the senior conferee from that party) to control 30 minutes.**

On Jan. 19, 1972,<sup>(20)</sup> Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, called up the conference report on S. 382, the Federal Election Campaign Act of 1972.

20. 118 CONG. REC. 319, 320, 92d Cong. 2d Sess.

Speaker Carl Albert, of Oklahoma, recognized Mr. Hays to control 30 minutes of debate on the report and Mr. William L. Springer, of Illinois (ranking minority member of the Committee on Interstate and Foreign Commerce and a conferee), to handle the other 30 minutes.

Conferees had been appointed from both the Committees on House Administration and Interstate and Foreign Commerce, since the bill was the work product of both committees.

*Parliamentarian's Note:* Rule XXVIII, clause 2(a), was amended in the 92d Congress, 1st session (H. Res. 5) to require a division of the hour for debate on a conference report. Prior to that time, debate on a conference report was under the hour rule, with the Member recognized to call up the report in control of the time. Clause 2(a) was again amended in 1985 to permit a three-way division of the hour if both the majority and minority floor managers support the report.<sup>(1)</sup>

### *—Motion To Reject Nongermane Provision in*

**§ 68.23 Pursuant to a special rule and to clause 1 of Rule**

1. See, for example, 115 CONG. REC. 40451, 91st Cong. 1st Sess., Dec. 20, 1969; 108 CONG. REC. 4247-51, 87th Cong. 2d Sess., Mar. 15, 1962. See also 99th Cong. 1st Sess., H. Res. 7, Jan. 3, 1985, p. 393.

**XX (now clause 4(a), Rule XXVIII), the House agreed to a section of a conference report (containing non-germane Senate matter) on a separate vote after 40 minutes' debate thereon, equally divided between the Member moving to reject the section and a Member opposed to that motion. The House then considered the entire conference report, the Member calling it up and a Member of the minority party each being recognized for 30 minutes under clause 2(a) of Rule XXVIII.**

On Nov. 10, 1971,<sup>(2)</sup> Mr. F. Edward Hébert, of Louisiana, called up the conference report on H.R. 8687, military procurement authorization. Speaker Carl Albert, of Oklahoma, stated the special order governing the consideration of the report (H. Res. 696), provided that a separate vote could be demanded on certain sections of the conference report (containing non-germane portions of the Senate amendment). Mr. Donald 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. The Speaker

recognized Mr. Hébert and Mr. Fraser for 20 minutes each and the House then agreed to retain section 503 within the conference report.

The House then proceeded to the consideration of the entire conference report. The Speaker stated that one hour of debate would be had thereon, Mr. Hébert to be recognized for 30 minutes and a member of the minority party, Mr. Leslie C. Arends, of Illinois, to be recognized for 30 minutes.

***After Rejection of Nongermane Portion of Conference Report—Debate on Motion To Recede and Concur in Senate Amendment With Amendment Consisting of Remainder of Conference Report***

**§ 68.24** Where the House agrees to a motion to reject a nongermane portion of a conference report pursuant to Rule XXVIII clause 4, the pending 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 sepa-

2. 117 CONG. REC. 40489, 40490, 92d Cong. 1st Sess.

**rate vote, and one hour of debate, equally divided between the majority and minority parties, is permitted on that pending question.**

The proceedings of Dec. 12, 1979,<sup>(3)</sup> during consideration of H.R. 595<sup>(4)</sup> in the House, were as follows:

MR. [ROBERT H.] MOLLOHAN [of West Virginia]: Mr. Speaker, I call up the conference report on the bill (H.R. 595) to authorize the Administrator of General Services to dispose of 35,000 long tons of tin in the national and supplemental stockpiles, to provide for the deposit of moneys received from the sale of such tin, and for other purposes.

The Clerk read the title of the bill.

MR. [LARRY] McDONALD [of Georgia]: Mr. Speaker, I have a point of order.

THE SPEAKER:<sup>(5)</sup> The gentleman will state it.

MR. McDONALD: Mr. Speaker, I make the point of order that the matter contained in clause 3 of section 3 of the substitute for the text of the bill recommended in the conference report would not be germane to H.R. 595 under clause 7 of rule XVI if offered in the House and is therefore subject to a point of order under clause 4(a) of rule XXVIII. . . .

MR. MOLLOHAN: . . . I concede the point of order.

3. 125 CONG. REC. 35522, 35527, 35528, 96th Cong. 1st Sess.
4. A bill authorizing the General Services Administration to dispose of tin from the national stockpile.
5. Thomas P. O'Neill, Jr. (Mass.).

THE SPEAKER: The point of order is sustained.

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

The Clerk read as follows:

Mr. McDonald moves, pursuant to the provisions of clause 4(b) of rule XXVIII, that the House reject clause 3 of section 3 of the substitute for the text of the bill recommended in the conference report.

THE SPEAKER: The gentleman from Georgia (Mr. McDonald) will be recognized for 20 minutes, and the gentleman from West Virginia (Mr. Mollohan) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. McDonald). . . .

THE SPEAKER PRO TEMPORE:<sup>(6)</sup> The question is on the motion offered by the gentleman from Georgia (Mr. McDonald).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 122, not voting 39, as follows: . . .

So the motion was agreed to. . . .

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

The Clerk read as follows:

6. Al Swift (Wash.).

Mr. Mollohan moves pursuant to clause 4 of Rule XXVIII and the actions of the House, that the House recede from its disagreement to the amendment of the Senate to the text of the bill and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill insert the following:

That this Act may be cited as the "Strategic and Critical Materials Transaction Authorization Act of 1979".

Sec. 2. There is authorized to be appropriated the sum of \$237,000,000 for the acquisition of strategic and critical material under section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e). . . .

THE SPEAKER PRO TEMPORE: The gentleman from West Virginia (Mr. Mollohan) will be recognized for 30 minutes, and the gentleman from Maine (Mr. Emery) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. Mollohan).

***—Where Motion To Reject Is Defeated***

**§ 68.25 Upon defeat of a motion to reject a nongermane portion of a motion to recede and concur in a Senate amendment with a further amendment, the Member who had moved to recede and concur with an amendment and a minority Member are each recognized for 30**

**minutes of debate on that motion.**

On July 31, 1974,<sup>(7)</sup> Speaker Carl Albert, of Oklahoma, recognized Wilbur Mills, of Arkansas, to call up the conference report on H.R. 8217 (exemption from tariff duty of equipment on United States vessels) in the House:

MR. MILLS: Mr. Speaker, I call up the conference report on the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States, and ask unanimous consent that the statement of the managers be read in lieu of the report. . . .

There was no objection.

The Clerk read the statement. . . .

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

The Clerk read as follows:

Mr. Mills moves that the House recede from its disagreement to the Senate amendment to the text of the bill, H.R. 8217, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill (page 2, after line 6), insert the following:

Sec. 3. The last sentence of section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (as added by section 20 of Public Law 93-233 and amended by section 2 of Public Law 93-256 and by section 2 of Public Law 93-329) is amended by striking out "August 1, 1974" and inserting in lieu thereof "April 30, 1975". . . .

7. 120 CONG. REC. 26082, 26083, 26088, 26089, 93d Cong. 2d Sess.

MR. [J. J.] PICKLE [of Texas]: Mr. Speaker, I make a point of order on section 3 of this bill because it does not conform to the House germaneness rule, rule 28, clause 5(b)(1). . . .

Section 3 deals with the unemployment compensation program as it relates to extended benefits. This has nothing to do with the "repair of vessels." . . .

MR. MILLS: Mr. Speaker, I must admit that the point of order is well taken. I cannot resist the point of order.

THE SPEAKER: The point of order is sustained.

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

The Clerk read as follows:

Mr. Pickle moves that the House reject section 3 of the proposed amendment to the Senate amendment to the text of the bill H.R. 8217.

THE SPEAKER: The gentleman from Texas (Mr. Pickle) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. Mills) will be recognized for 20 minutes. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from Texas (Mr. Pickle).

The question was taken, and the Speaker announced that the noes appeared to have it.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I object to the vote on the ground that a quorum is not present. . . .

THE SPEAKER: . . . [T]he Chair does recognize the gentleman from Iowa who objects to the vote on the ground that a quorum is not present and makes the point of order that a quo-

rum is not present, and evidently a quorum is not present. . . .

The vote was taken by electronic device, and there were—yeas 63, nays 336, not voting 35, as follows: . . .

So the motion was rejected. . . .

THE SPEAKER: The Chair desires to state that under the rule the gentleman from Arkansas (Mr. Mills) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Schneebeli) will be recognized for 30 minutes.

#### *—Motion Sending Bill to Conference*

**§ 68.26 A Member making a motion to send a bill to conference pursuant to authorization by his committee under Rule XX clause 1, is recognized for one hour.<sup>(8)</sup>**

#### *—Motion To Close Conference Meeting*

**§ 68.27 The motion to close conference committee meetings is debatable under the hour rule.**

During consideration of H.R. 5970 (Department of Defense authorization for fiscal year 1978) in the House on May 23, 1977,<sup>(9)</sup> the following proceedings occurred:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I ask unanimous

8. See 116 CONG. REC. 5722, 5723, 91st Cong. 2d Sess., Mar. 3, 1970.

9. 123 CONG. REC. 15880, 15881, 95th Cong. 1st Sess.

consent to take from the Speaker's table the bill (H.R. 5970) to authorize appropriations during the fiscal year 1978, for procurement of aircraft . . . and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER:<sup>(10)</sup> Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: . . .

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

The Clerk read as follows:

Mr. Bennett moves, pursuant to rule XXVIII 6(a) of the House rules that the conference committee meetings between the House and the Senate on H.R. 5970 the fiscal year 1978 military authorization bill be closed to the public at such times as classified national security information is under consideration.

THE SPEAKER: The gentleman from Florida (Mr. Bennett) is recognized for 1 hour.

MR. BENNETT: Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Bob Wilson), the ranking minority member on the committee, pending which I yield myself such time as I may consume; at the conclusion of which I will be happy to yield to any Member who wishes to be heard.

*Parliamentarian's Note:* This was the first occasion on which the House considered a motion, pursuant to Rule XXVIII, clause 6(a), that a conference committee meeting be closed to the public.

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

Pending the motion to close the conference committee meeting to the public, with the exception of any sitting Member of Congress, the Speaker stated in response to a parliamentary inquiry that the motion was not binding on the Senate conferees, and that each House would have one vote in conference on whether to close the meeting to the public.<sup>(11)</sup>

—*Motion To Instruct House Managers*

**§ 68.28 The Member moving to instruct House managers appointed to a conference committee has 30 minutes of debate at his disposal (whether the motion is made before the conferees have been appointed or at least 20 days after they have been appointed, pursuant to clause 1(b) of Rule XXVIII) and 30 minutes is controlled by the minority party.<sup>(12)</sup>**

**§ 68.29 A Member offering a motion to instruct conferees is entitled to one hour of debate unless a motion to lay that motion on the table is adopted prior to debate.**

11. 123 CONG. REC. 15884, 95th Cong. 1st Sess.

12. See Rule XXVIII, clause 1(a) *House Rules and Manual* § 909 (1995).

On Aug. 26, 1976,<sup>(13)</sup> the House had under consideration a motion to agree to a conference on H.R. 8603 (the Postal Reorganization Act Amendments of 1976), when the following exchange occurred:

MR. [DAVID N.] HENDERSON [of North Carolina]: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8603) to amend title 39, United States Code, with respect to the organizational and financial matters of the U.S. Postal Service and the Postal Rate Commission, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate. . . .

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, if an objection is heard, is it not so that the procedure that would be followed is for the chairman of the committee to go to the committee, convene the committee, and get a motion to come back to the floor asking for a conference, and that that then would be subject to 1 hour of general debate? Is that not so? . . .

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

The Clerk read as follows:

Mr. Alexander moves that the Managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 8603, be instructed to insist upon (1) section 2(a) and section 2(c) of such bill as passed the House; (2) section 2401(b)(1) of title 39, U.S. Code, as added by section 2(b) of

such bill as passed the House; and (3) section 16 of such bill as passed the House.

MR. HENDERSON: Mr. Speaker, I move that the motion offered by the gentleman from Arkansas (Mr. Alexander) be laid on the table. . . .

MR. ALEXANDER: Mr. Speaker, is it not so that the parliamentary situation is that my motion is entitled to 1 hour of general debate on that motion, the time to be controlled by me as the person who is offering the motion; but in view of the fact that the gentleman from North Carolina (Mr. Henderson) has offered a motion to table, a vote for that motion would preclude any debate and preclude any consideration of the motion to instruct? Is that correct, Mr. Speaker?

THE SPEAKER:<sup>(14)</sup> The Chair will state that if the motion to table is voted upon and rejected, 1 hour will be allotted to the gentleman from Arkansas (Mr. Alexander).

*Parliamentarian's Note:* Upon an objection to a unanimous-consent request to take a House bill with Senate amendments from the Speaker's table and agree to a conference, a motion to that effect is privileged if made by direction of the committee having jurisdiction over the bill under clause 1 of Rule XX, and that motion is debatable for one hour.

**—Motion To Instruct House Managers, Amendment to**

**§ 68.30 The division of time, under Rule XXVIII, clause**

13. 122 CONG. REC. 27828, 27831, 27832, 94th Cong. 2d Sess.

14. Carl Albert (Okla.).

**1(b), for debate on a motion to instruct conferees does not extend to separate debate on an amendment to such a motion, which is governed by Rule XIV, clause 2, the general hour rule in the House.**

On Oct. 3, 1989,<sup>(15)</sup> during consideration of H.R. 3026 (the District of Columbia appropriation bill for fiscal year 1990), it was demonstrated that, where the previous question is rejected on a motion to instruct conferees, a separate hour of debate on any amendment to the motion is fully controlled by the proponent of the amendment, as the manager of the original motion loses the floor. The proceedings were as follows:

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3026) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER PRO TEMPORE:<sup>(16)</sup> Is there objection to the request of the gentleman from California?

15. 135 CONG. REC. 22859, 22862, 22863, 101st Cong. 1st Sess.

16. William J. Hughes (N.J.).

There was no objection.

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

The Clerk read as follows:

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

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

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

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

[The previous question was rejected.]

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

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

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

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

The Clerk read as follows:

Amendment offered by Mr. Danne-meyer to the motion to instruct: At the end of the pending motion, strike

the period, insert a semicolon, and add the following language: “; *Provided further*, That the conferees be instructed to agree to the provisions contained in Senate amendment numbered 22.”

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

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

*Parliamentarian's Note:* The control of debate in the above instance is to be distinguished from debate on motions in the House to dispose of amendments in disagreement. In the latter case, although the manager of the original motion might lose the floor upon defeat of his motion, debate on a subsequent motion is nevertheless divided under Rule XXVIII, clause 2(b). It is only debate on amendments to such motions, when pending, that is not divided. Rule XXVIII is discussed in § 26, *supra*.

### ***Privileged Resolutions***

#### **§ 68.31 Debate on privileged resolutions is under the hour rule.<sup>(17)</sup>**

17. 111 CONG. REC. 13799, 89th Cong. 1st Sess., June 16, 1965; and 109 CONG. REC. 3051, 3052, 88th Cong. 1st Sess., Feb. 27, 1963.

#### ***—Committee Funding Resolution***

#### **§ 68.32 Debate on a privileged resolution from the Committee on House Administration is under the hour rule, and the Member recognized to call it up has control of the time.**

On Feb. 27, 1963,<sup>(18)</sup> Mr. Samuel N. Friedel, of Maryland, called up by direction of the Committee on House Administration House Resolution 164, a privileged resolution providing funds for the Committee on Armed Services. Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry as to control of the time for debate:

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

THE SPEAKER: The Chair will state that under the rules of the House and pursuant to custom that has existed from time immemorial, on a resolution of this kind the Member in charge of

18. 109 CONG. REC. 3051, 3052, 88th Cong. 1st Sess.

the resolution has control of the time and he, in turn, yields time.

Majority Leader Carl Albert, of Oklahoma, then made the following statement on distribution of time to the minority:

Following the statement of the distinguished Speaker of the House, the gentleman from Ohio made the statement that he is in favor of the principle involved here. Of course, the principle is well established under the rules of the House and has been observed by both parties from time immemorial, that the Member recognized to call up the resolution has control of the time under the 1-hour rule.

On Feb. 25, 1954,<sup>(19)</sup> Speaker Joseph W. Martin, Jr., of Massachusetts, answered parliamentary inquiries on the control of debate on a privileged resolution called up by the chairman of the Committee on House Administration:

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

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

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

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

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

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

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

The gentleman from Iowa is recognized for 1 hour.<sup>(20)</sup>

### —*Resolution of Inquiry*

**§ 68.33 Resolutions of inquiry are debatable under the hour rule.<sup>(1)</sup>**

**§ 68.34 If a motion to discharge a committee from the further consideration of a privileged resolution is agreed to, the resolution is debatable under the hour rule, and the proponent of the resolution is entitled to prior recognition.**

The principle described above was illustrated on Sept. 29, 1975,<sup>(2)</sup> during proceedings in the

20. For an occasion where the Member in charge of a privileged resolution from the Committee on House Administration yielded to the Majority Leader to offer an amendment and thereby lost control of the hour, see 111 CONG. REC. 24290, 24291, 89th Cong. 1st Sess., Sept. 17, 1965.

1. See 111 CONG. REC. 24030, 24033, 24034, 89th Cong. 1st Sess., Sept. 16, 1965; and 98 CONG. REC. 1205-07, 1215, 1216, 82d Cong. 2d Sess., Feb. 20, 1952.

2. 121 CONG. REC. 30748, 94th Cong. 1st Sess.

19. 100 CONG. REC. 2282, 83d Cong. 2d Sess.

House relating to House Resolution 718 (a resolution of inquiry, directing the Secretary of the Department of Health, Education, and Welfare to furnish documents relating to public school systems to the House):

MR. [JAMES M.] COLLINS of Texas: Mr. Speaker, I offer a privileged motion to discharge the Committee on Education and Labor from consideration of the resolution (H. Res. 718).

THE SPEAKER:<sup>(3)</sup> The Clerk will report the motion.

The Clerk read the motion as follows:

Mr. Collins of Texas moves to discharge the Committee on Education and Labor from consideration of House Resolution 718.

THE SPEAKER: The Clerk will report the resolution.

The Clerk read the resolution, as follows:

#### H. RES. 718

*Resolved*, That the Secretary of Health, Education, and Welfare, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than sixty days following the adoption of this resolution, any documents containing a list of the public school systems in the United States which, during the period beginning on August 1, 1975, and ending on June 30, 1976, will be receiving Federal funds and will be engaging in the busing of schoolchildren to achieve racial balance, and any documents respecting the rules and regulations of the Department of Health,

Education, and Welfare with respect to the use of any Federal funds administered by the Department for the busing of schoolchildren to achieve racial balance.

THE SPEAKER: The question is on the privileged motion to discharge.

The motion was agreed to.

MR. COLLINS of Texas: Mr. Speaker, basically, what I am concerned with here is full documentation from the Secretary of HEW.

I filed this in the Congressional Record and have met the necessary requirements for a resolution of inquiry. . . .

The other body at this time is discussing the appropriation bill on HEW and has raised the subject over and over again regarding transportation of students to achieve racial balance and how that is affecting the budget. Therefore, it is absolutely essential to us, in our deliberations here in this House, that we have a concise, clear, complete, and factual statement from the Secretary of HEW as defined in my House Resolution 718.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

**§ 68.35 The Member calling up for consideration a privileged resolution of inquiry reported adversely from committee is recognized for one hour and may move to lay the resolution on the table at any time; and where the Member calling up the resolution uses part of his**

3. Carl Albert (Okla.).

**hour of debate and then offers a motion to table the resolution which is defeated, the Chair will normally recognize another Member for an hour of debate but may recognize the Member who called up the resolution to control the remainder of his hour of debate, if no other Member seeks recognition.**

On June 15, 1979,<sup>(4)</sup> during consideration of House Resolution 291 (a resolution of inquiry directing the President to provide Members of the House with certain information) the following proceedings occurred in the House:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I call up the resolution (H. Res. 291), a resolution of inquiry directing the President to provide Members of the House with information on the energy situation, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

*Resolved*, That the President, to the extent possible, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, full and complete information on the following:

(1) the existence and percentage of shortages of crude oil and refined petroleum products within the

4. 125 CONG. REC. 15027, 15029, 15030, 96th Cong. 1st Sess.

United States and administrative regions; . . .

THE SPEAKER PRO TEMPORE:<sup>(5)</sup> The gentleman from Michigan (Mr. Dingell) is recognized for 1 hour.

Subsequently in the proceedings, Mr. Dingell made a motion to table the resolution:

MR. DINGELL: Mr. Speaker, at this time I move to table the resolution of inquiry now before the House.

THE SPEAKER PRO TEMPORE: The question is on the motion to table offered by the gentleman from Michigan (Mr. Dingell). . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 4, nays 338, not voting 92, as follows: . . .

So the motion to table was rejected. . . .

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Michigan (Mr. Dingell).

MR. DINGELL: Mr. Speaker, may I inquire as to how much time remains?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that he has 48 minutes remaining.

MR. DINGELL: Mr. Speaker, I will, then, at this time yield 24 minutes to my distinguished friend, the gentleman from Ohio (Mr. Devine), for purposes of debate only.

—*Rules Committee Reports*

**§ 68.36 A Member calling up a privileged report from the**

5. John Brademas (Ind.).

**Committee on Rules has one hour at his command and other Members may be recognized only if yielded time.**<sup>(6)</sup>

**§ 68.37 Debate in the House on a resolution reported from the Committee on Rules is under the hour rule, and that time may be extended only by unanimous consent.**

On June 21, 1972,<sup>(7)</sup> Mr. Thomas P. O'Neill, Jr., of Massachusetts, had offered House Resolution 996, from the Committee on Rules, providing for the consideration of H.R. 14370, the State and Local Assistance Act of 1972. He asked unanimous consent for extension of the one hour of debate permitted on the resolution, and the request was objected to:

MR. O'NEILL: Mr. Speaker, in view of the fact that I have so many requests for time, I ask unanimous consent that discussion on the rule be extended 30 minutes, with 15 minutes given to the gentleman from California (Mr. Smith) and 15 minutes to myself.

THE SPEAKER:<sup>(8)</sup> The gentleman from Massachusetts asked unanimous con-

6. See 118 CONG. REC. 21694, 92d Cong. 2d Sess., June 21, 1972; and 114 CONG. REC. 30217, 90th Cong. 2d Sess., Oct. 9, 1968.
7. 118 CONG. REC. 21694, 92d Cong. 2d Sess.
8. Carl Albert (Okla.).

sent that time for debate on the rule be extended an additional 30 minutes, the time to be equally divided between the gentleman from Massachusetts and the gentleman from California.

Is there objection to the request of the gentleman from Massachusetts?

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, reserving the right to object, my attention was elsewhere when the request was made. Do I correctly understand that the request is to extend the time on the rule?

THE SPEAKER: The gentleman is correct.

MR. COLMER: For how long?

THE SPEAKER: For an additional 30 minutes for debate on the rule.

MR. COLMER: Equally divided, Mr. Speaker, between whom?

MR. O'NEILL: The reason why I am asking this is that the gentleman would like to have 10 minutes.

MR. COLMER: I understand the reason why the gentleman is doing it.

Mr. Speaker, under my reservation, if I am in order, between whom is the gentleman going to divide the time?

MR. O'NEILL: I ask unanimous consent for 30 minutes, with 15 minutes to the gentleman from California (Mr. Smith) and 15 minutes to myself.

The reason I asked for this is that the gentleman, as chairman of the committee, asked for 10 minutes. I allotted five members opposed to the bill 3 minutes apiece. The gentleman was not satisfied with 3 minutes and is insisting upon 10. In order to satisfy him, as chairman of the Rules Committee, I have made this request.

MR. COLMER: Mr. Speaker, on the basis of the statement of the gentleman from Massachusetts (Mr. O'Neill)

I am unwilling to set a precedent here in order that I may be heard for additional time. Therefore, I object.

THE SPEAKER: Objection is heard.

MR. O'NEILL: Mr. Speaker, under the circumstances, since there is an objection, I yield 3 minutes to the gentleman from Mississippi (Mr. Colmer).

**§ 68.38 On resolutions taken away from the Committee on Rules by operation of the former 21-day rule, there was one hour of debate.<sup>(9)</sup>**

**§ 68.39 Debate on resolutions reported by the Committee on Rules providing for investigations is under the hour rule.<sup>(10)</sup>**

***—Debate When Withdrawn Resolution Is Called Up Anew***

**§ 68.40 A Member calling up a privileged resolution from the Committee on Rules is recognized for a full hour notwithstanding the fact that he had previously called up the resolution and withdrawn it after debate.**

On Apr. 8, 1964,<sup>(11)</sup> Mr. Richard Bolling, of Missouri, called up at

9. See 111 CONG. REC. 18076, 89th Cong. 1st Sess., July 26, 1965; and 95 CONG. REC. 14161, 14169, 81st Cong. 1st Sess., Oct. 10, 1949.

10. See 81 CONG. REC. 3283-90, 75th Cong. 1st Sess., Apr. 8, 1937.

11. 110 CONG. REC. 7303-08, 88th Cong. 2d Sess.

the direction of the Committee on Rules House Resolution 665, making in order the consideration of a bill. While the resolution was pending, Speaker John W. McCormack, of Massachusetts, declared a recess to await the receipt of the engrossed copy of a bill.

Following the recess, Mr. Bolling withdrew House Resolution 665 in order that the engrossed copy of the bill could be taken up as unfinished business. In response to a parliamentary inquiry, the Speaker stated that when the Committee on Rules resolution was again brought up by the Member calling it up, he would be recognized for a full hour despite the fact he had already brought it up, debated it, and withdrawn it:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, in view of the withdrawal of the resolution by the gentleman from Missouri [Mr. Bolling] do I understand that we start all over again on the consideration of the rule for the wheat-cotton bill?

THE SPEAKER: When the gentleman calls it up, the understanding of the gentleman is correct.

MR. HALLECK: We will start all over again with 30 minutes on a side?

THE SPEAKER: That is correct.

***—Where Previous Question Is Defeated***

**§ 68.41 If the previous question on a privileged resolution re-**

**ported by the Committee on Rules is voted down, the resolution is open to further consideration, a motion to table is in order and is preferential; if that motion is rejected, the Chair, under the hour rule, recognizes the Member who appears to be leading the opposition.**

On Oct. 19, 1966,<sup>(12)</sup> Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour and offered a committee amendment to the resolution, which amendment was agreed to. Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries on the order of recognition should Mr. Pepper move the previous question and should the motion be defeated:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. WAGGONNER: Mr. Speaker, under the rules of the House, is it not equally so that a motion to table would then be in order?

THE SPEAKER: At that particular point, that would be a preferential motion. . . .

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Speaker, if the previous question is refused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?

THE SPEAKER: The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.

MR. FULTON of Pennsylvania: What would be the time for debate?

THE SPEAKER: Under those circumstances the Member recognized in opposition would have 1 hour at his disposal, or such portion of it as he might desire to exercise.

MR. [CORNELIUS E.] GALLAGHER [of New Jersey]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GALLAGHER: If the previous question is voted down we will have the option to reopen debate, the resolution will be open for amendment, or it can be tabled. Is that the situation as the Chair understands it?

THE SPEAKER: If the previous question is voted down on the resolution, the time will be in control of some Member in opposition to it, and it would be open to amendment or to a motion to table.

12. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

**§ 68.42 Where the motion for the previous question on a resolution (reported from the Rules Committee) is rejected, the Chair recognizes the Member who led the opposition to the previous question, who may offer an amendment and is recognized for one hour.**

During consideration of House Resolution 312, waiving points of order and providing special procedures during consideration of H.R. 4390 (the legislative branch appropriations for fiscal year 1980) on June 13, 1979,<sup>(13)</sup> the following proceedings occurred:

THE SPEAKER:<sup>(14)</sup> The question is on ordering the previous question. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 292, not voting 16, as follows: . . .

[Mr. Delbert L. Latta, of Ohio, who had led the opposition to the previous question was recognized.]

MR. LATTA: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Latta:

13. 125 CONG. REC. 14650, 96th Cong. 1st Sess.

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

Strike all after the resolving clause and insert in lieu thereof the following: . . .

THE SPEAKER: The gentleman from Ohio (Mr. Latta) is recognized for 1 hour.

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

### —*Changing Rules*

**§ 68.43 A resolution amending the rules of the House to create a permanent select committee is privileged when reported from the Committee on Rules and is debatable for one hour under the control of the Member calling it up.**

On July 14, 1977,<sup>(15)</sup> the following proceedings occurred in the House:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 658 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 658

*Resolved*, That it is the purpose of this resolution to establish a new permanent select committee of the House, to be known as the Permanent Select Committee on Intelligence. . . .

MR. BOLLING: Mr. Speaker, I yield 30 minutes for debate to the gen-

15. 123 CONG. REC. 22932, 22942, 95th Cong. 1st Sess.

tleman from Mississippi (Mr. Lott), pending which I yield myself such time as I may consume. . . .

In this instance, the House agreed to a unanimous-consent request to extend for 30 minutes the debate on a privileged resolution reported from the Rules Committee in the House, to be controlled by the Member who had called it up, with the assurance that one-half the additional time would be yielded to the minority:

MR. [TED] WEISS [of New York]: . . . Mr. Speaker, at this time I ask unanimous consent that the time for debate on this matter be extended for an additional 1 hour, the time to be controlled by the gentleman from Missouri (Mr. Bolling).

THE SPEAKER PRO TEMPORE:<sup>(16)</sup> Is there objection to the request of the gentleman from New York?

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, reserving the right to object, I would assume the usual delegation of one-half the time to the minority?

MR. WEISS: Of course. That is intended. . . .

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

MR. [RONALD M.] MOTTL [of Ohio]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. WEISS: Mr. Speaker, I ask unanimous consent that time for debate be extended for an additional half hour,

the time to be divided 15 minutes on each side.

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

There was no objection.

### ***Resolution Creating Select Committee***

**§ 68.44 Where the Majority Leader was recognized for one hour of debate on a privileged resolution creating an ad hoc legislative committee pursuant to Rule X, clause 5(c), he yielded one-half of the time to the Minority Leader.**

Proceedings in the House relating to consideration of House Resolution 508 (creating an Ad Hoc Committee on Energy) on Apr. 21, 1977,<sup>(17)</sup> were as follows:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, pursuant to clause 5 of rule X, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 508

*Resolved*, (a) that pursuant to rule X, clause 5, the Speaker is authorized to establish an Ad Hoc Committee on Energy to consider and report to the House on the message of the President dated April 20, 1977. . . .

17. 123 CONG. REC. 11550, 95th Cong. 1st Sess.

16. B. F. Sisk (Calif.).

THE SPEAKER:<sup>(18)</sup> The Chair recognizes the gentleman from Texas (Mr. Wright).

(Mr. Wright asked and was given permission to revise and extend his remarks.)

MR. WRIGHT: Mr. Speaker, I yield myself such time as I may consume. This resolution authorizes the Speaker to appoint an ad hoc committee to receive the messages and the recommendations of the President of the United States with respect to the energy problems of this country. . . .

Mr. Speaker, I now yield 30 minutes to the distinguished minority leader, or such part of that time as he may consume, and reserve to myself the remainder of the time. I yield to the gentleman from Arizona for purposes of debate only.

### ***Time on Reported Committee Amendments***

#### **§ 68.45 There is one hour of debate in the House on a resolution reported from the Committee on Rules, and time consumed on a reported committee amendment runs concurrently with debate on the resolution.**

On Jan. 29, 1976,<sup>(19)</sup> during consideration in the House of House Resolution 982 (authorizing the Select Committee on Intelligence to file its final report by Jan. 31,

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

19. 122 CONG. REC. 1632, 1641, 94th Cong. 2d Sess.

1976), the following proceedings occurred:

H. RES. 982

*Resolved*, That the Select Committee on Intelligence have until midnight Friday, January 30, 1976, to file its report pursuant to section 8 of House Resolution 591, and that the Select Committee on Intelligence have until midnight, Wednesday, February 11, 1976, to file a supplemental report containing the select committee's recommendations.

With the following committee amendment:

Committee amendment: On page 1, after the first sentence, add the following:

*Resolved further*, That the Select Committee on Intelligence shall not release any report containing materials, information, data, or subjects that presently bear security classification, unless and until such reports are published with appropriate security markings and distributed only to persons authorized to receive such classified information. . . .

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:<sup>(20)</sup> The gentleman will state it.

MR. BOLLING: Mr. Speaker, my parliamentary inquiry is to determine the procedure in the process of considering the resolution just read.

The resolution is a resolution with an amendment. On the resolution with the amendment, if the previous question were ordered on the resolution and the amendment, would the next step after the previous question were agreed to be a vote on the amendment?

20. Carl Albert (Okla.).

THE SPEAKER: The Chair will state that the gentleman is correct.

MR. BOLLING: I thank the Speaker.

THE SPEAKER: The gentleman from Texas (Mr. Young) is recognized for 1 hour.

MR. [JOHN] YOUNG of Texas: Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. Quillen)—and might I say, Mr. Speaker, at this point, that all time I yield will be for the purposes of debate only—pending which I yield myself such time as I may consume. . . .

[After one hour of debate:]

Mr. Speaker, I move the previous question on the amendment and on the resolution.

The previous question was ordered on the amendment and on the resolution.

THE SPEAKER: The question is on the committee amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

MR. YOUNG of Texas: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 246, nays 124, not voting 62.

### ***Privilege of House or Constitutional Privilege***

**§ 68.46 A Member in rising to a question of privilege of the House must offer a resolution, and on such resolution there is one hour of debate equally divided between the proponent and the Majority**

**Leader, the Minority Leader, or a designee.<sup>(1)</sup>**

**§ 68.47 A Member recognized on a question of privilege to present impeachment charges against an officer of the government is entitled to an hour for debate.<sup>(2)</sup>**

**§ 68.48 Before the 103d Congress, a Member offering a resolution presenting a question of the privilege of the House was recognized to control one hour of debate on the resolution.**

On Feb. 19, 1976,<sup>(3)</sup> Mr. Samuel S. Stratton, of New York, offered a privileged resolution as follows:

MR. STRATTON: I rise to a question involving the privileges of the House, and I offer a privileged resolution.

The Clerk read the resolution as follows:

1. Under Rule IX, clause 2, the debate time on a question of privilege of the House is—since the 103d Congress—divided as indicated. Before 1993, the proponent of such a resolution controlled the hour. See 115 CONG. REC. 17948, 91st Cong. 1st Sess., July 1, 1969; 113 CONG. REC. 6035–42, 90th Cong. 1st Sess., Mar. 9, 1967; and 96 CONG. REC. 1514, 81st Cong. 2d Sess., Feb. 6, 1950.
2. See 80 CONG. REC. 404, 406, 74th Cong. 2d Sess., Jan. 14, 1936.
3. 122 CONG. REC. 3914, 94th Cong. 2d Sess.

## H. RES. 1042

Resolution requiring that the Committee on Standards of Official Conduct inquire into the circumstances leading to the public publication of a report containing classified material prepared by the House Select Committee on Intelligence

Whereas the February 16, 1976, issue of the Village Voice, a New York City newspaper, contains the partial text of a report or a preliminary report prepared by the Select Committee on Intelligence of the House, pursuant to H. Res. 591, which relates to the foreign activities of the intelligence agencies of the United States and which contains sensitive classified information . . . Now, therefore, be it

*Resolved*, That the Committee on Standards of Official Conduct be and it is hereby authorized and directed to inquire into the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence, and to report back to the House in a timely fashion its findings and recommendations thereon.

THE SPEAKER:<sup>(4)</sup> The gentleman from New York (Mr. Stratton) is recognized for 1 hour.

**§ 68.49 A Member recognized to debate a resolution raising a question of the privileges of the House controls one hour of debate, and the resolution is not amendable unless he yields for that purpose or unless the previous question is voted down.**

4. Carl Albert (Okla.).

On Feb. 13, 1980,<sup>(5)</sup> during consideration of House Resolution 578 (directing the Committee on Rules to make certain inquiries), the following proceedings occurred in the House:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I send to the desk a privileged resolution (H. Res. 578) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 578

*Resolved*, Whereas it was reported in the public press on February 9, 1980, that, "The House of Representatives this week lost a secret effort in court to obtain a ruling that congressmen do not have to respond to federal grand jury subpoenas for House records;" and . . .

Whereas such alleged House action involves the conduct of officers and employees of the House, newspaper charges affecting the honor and dignity of the House, and the protection of the constitutional prerogatives of the House when directly questioned in the courts. . . .

*Therefore be it resolved*, That the Committee on Rules be instructed to inquire into the truth or falsity of the newspaper account and promptly report back to the House its findings and any recommendations thereon. . . .

THE SPEAKER:<sup>(6)</sup> The Chair has examined the resolution and finds that under rule IX and the precedents of the House, the resolution presents the question of the privilege of the House.

The gentleman from Missouri (Mr. Bolling) will be recognized for 1 hour.

5. 126 CONG. REC. 2768, 2769, 96th Cong. 2d Sess.

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

The Chair recognizes the gentleman from Missouri (Mr. Bolling). . . .

MR. BOLLING: Mr. Speaker, I am happy to yield to my distinguished friend from Arizona 5 minutes for debate only. . . .

THE SPEAKER: . . . The Chair recognizes the gentleman from Arizona (Mr. Rhodes).

### —*Motion To Refer*

**§ 68.50 A motion to refer (where the previous question has not been ordered on the pending proposition) is debatable for one hour, controlled by the Member offering the motion.**

During consideration of House Resolution 142 (to expel Charles C. Diggs, Jr.) in the House on Mar. 1, 1979,<sup>(7)</sup> the following exchange occurred:

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 142) and ask for its immediate consideration.

The Clerk read the resolution as follows:

#### H. RES. 142

*Resolved*, That Charles C. Diggs, Jr., a Representative from the Thirteenth District of Michigan, is hereby expelled from the House of Representatives.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I offer a motion.

7. 125 CONG. REC. 3746, 96th Cong. 1st Sess.

The Clerk read as follows:

Mr. Wright moves to refer House Resolution 142 to the Committee on Standards of Official Conduct.

THE SPEAKER:<sup>(8)</sup> The gentleman from Texas (Mr. Wright) is recognized for 1 hour.

**§ 68.51 When a resolution is offered as a question of privilege and is debatable under the hour rule, a motion to refer is in order before debate begins and is debatable for one hour under the control of the offeror of the motion.**

On Mar. 4, 1985,<sup>(9)</sup> during consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana) in the House, the following proceedings occurred:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

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

9. 131 CONG. REC. 4277, 99th Cong. 1st Sess.

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

*Resolved*, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

*Resolved*, That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE:<sup>(10)</sup> The gentleman states a valid question of privilege.

The Chair recognizes the gentleman from Arkansas (Mr. Alexander).

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE: The gentleman is recognized.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. ALEXANDER: Mr. Speaker, for what period of time am I recognized?

THE SPEAKER PRO TEMPORE: The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time.

MR. ALEXANDER: Mr. Speaker, does the minority wish time on the motion?

MR. MICHEL: Yes.

MR. ALEXANDER: Mr. Speaker, I would yield 30 minutes for purposes of debate only, to the gentleman from Illinois (Mr. Michel).

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

### —Disciplinary Resolutions

**§ 68.52 A Member calling up a privileged resolution reported from the Committee on Standards of Official Conduct to censure and punish a Member was recognized for one hour, and he yielded a portion of that time to the Member who was the subject of the resolution, who declined to speak but who, in turn, yielded all his time to another Member.**

During consideration of House Resolution 378 (censuring and punishing a Member) in the House on July 31, 1979,<sup>(11)</sup> the following proceedings occurred:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I call up a privileged resolution (H. Res. 378) in the matter of Representative Charles C. Diggs, Jr., and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 378

*Resolved*,

(1) that Representative Charles C. Diggs, Junior, be censured. . . .

THE SPEAKER:<sup>(12)</sup> . . . While a wide range of discussion relating to conduct of the Member in question will be permitted, it is the duty of the Chair to

11. 125 CONG. REC. 21584-86, 96th Cong. 1st Sess.

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

maintain proper decorum in debate. It is the intention of the Chair to enforce the rules.

The gentleman from Florida (Mr. Bennett) is recognized for 1 hour. . . .

MR. BENNETT: Mr. Speaker, for the purposes of debate only I yield 20 minutes to the gentleman from South Carolina (Mr. Spence); and for the purposes of debate only I yield 20 minutes to the gentleman from Michigan (Mr. Diggs), pending which I yield myself such time as I may consume.

After some debate, Mr. Diggs yielded his time:

MR. [CHARLES C.] DIGGS [Jr., of Michigan]: Mr. Speaker, I yield my time to the gentleman from Ohio (Mr. Stokes).

THE SPEAKER: The Chair recognizes the gentleman from Ohio (Mr. Stokes).

MR. [LOUIS] STOKES [of Ohio]: Mr. Speaker, I reserve my time.

MR. BENNETT: Mr. Speaker, I have found no further requests for time.

**§ 68.53 A motion to postpone, pursuant to clause 4 of Rule XIV, may be offered to a privileged resolution (of expulsion) before debate thereon, and the motion to postpone is debatable for one hour, controlled by the proponent thereof.**

On Oct. 2, 1980,<sup>(13)</sup> during consideration of House Resolution 794 (in the matter of Representa-

13. 126 CONG. REC. 28953, 96th Cong. 2d Sess.

tive Michael J. Myers) in the House, the following proceedings occurred:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I call up the privileged resolution, House Resolution 794, in the Matter of Representative Michael J. Myers, and ask for its immediate consideration.

THE SPEAKER:<sup>(14)</sup> The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 794

*Resolved*, That, pursuant to article I, section 5, clause 2 of the United States Constitution, Representative Michael J. Myers be, and he hereby is, expelled from the House of Representatives.

MR. [LOUIS] STOKES [of Ohio]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Stokes moves to postpone further consideration of House Resolution 794 until November 13, 1980.

THE SPEAKER: The gentleman from Ohio (Mr. Stokes) will be recognized for 1 hour. . . .

MR. STOKES: Mr. Speaker, I yield to my distinguished chairman of the Ethics Committee, the gentleman from Florida (Mr. Bennett).

**§ 68.54 The chairman of the Committee on Standards of Official Conduct, recognized for one hour of debate on a resolution to expel a Member, Mr. Michael J. Myers, of**

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

**Pennsylvania, yielded one half the time to Mr. Myers to speak in his own defense; during debate on the resolution, the Member in question and another Member were permitted by unanimous consent to proceed for additional time beyond that yielded by the manager under the hour rule.**

During consideration of House Resolution 794 (in the matter of Representative Michael J. Myers) in the House on Oct. 2, 1980,<sup>(15)</sup> the following proceedings occurred:

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I call up the privileged resolution, House Resolution 794, in the Matter of Representative Michael J. Myers, and ask for its immediate consideration.

THE SPEAKER:<sup>(16)</sup> The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 794

*Resolved*, That, pursuant to article I, section 5, clause 2 of the United States Constitution, Representative Michael J. Myers be, and he hereby is, expelled from the House of Representatives. . . .

THE SPEAKER: Pursuant to the unanimous-consent request made by the

15. 126 CONG. REC. 28953-78, 96th Cong. 2d Sess.

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

gentleman from Florida (Mr. Bennett) which was agreed to, the Chair will remind Members that any revisions of remarks actually made on the floor during the consideration of House Resolution 794 should be confined to grammatical corrections, and extensions of remarks will be placed in the extensions portion of the Record.

The gentleman from Florida (Mr. Bennett) is recognized for 1 hour.

MR. BENNETT: Mr. Speaker, although technically speaking I could control all of the time, in all fairness I think I should yield half of the time to the gentleman from Pennsylvania (Mr. Myers). I plan to do that at the conclusion of my remarks and the remarks of those people on the Democratic side who wish to be heard. . . .

MR. MYERS of Pennsylvania: Mr. Speaker, I would like to take the well for a minute.

THE SPEAKER: Does the gentleman from Florida (Mr. Bennett) yield time to the gentleman from Pennsylvania? . . .

MR. BENNETT: Mr. Speaker, I will give the gentleman half my time now, which is 30 minutes. I will give all of that time to the gentleman now.

MR. MYERS of Pennsylvania: Mr. Speaker, I certainly thank the committee chairman.

THE SPEAKER: The gentleman from Pennsylvania (Mr. Myers) is recognized for 30 minutes.

MR. MYERS of Pennsylvania: Mr. Speaker, the last vote was this: I only received 75 votes, and I certainly want to thank the Members who had courage enough to stand up and vote. . . .

THE SPEAKER: The time of the gentleman has expired.

(By unanimous consent, Mr. Myers of Pennsylvania was allowed to proceed for 2 additional minutes.)

MR. MYERS of Pennsylvania: I yield to the gentleman from Pennsylvania (Mr. Murphy). . . .

THE SPEAKER: The time of the gentleman has expired.

(By unanimous consent, Mr. Fowler was allowed to proceed for 1 additional minute.)

—*Vetoed Bills*

**§ 68.55 Debate on the question of passage of a bill over Presidential veto is under the hour rule.**<sup>(17)</sup>

—*Where Motion To Reject Is Defeated*

**§ 68.56 Debate on a motion to postpone or refer a vetoed bill is under the hour rule.**<sup>(18)</sup>

17. 116 CONG. REC. 21532–53, 91st Cong. 2d Sess., June 25, 1970; 116 CONG. REC. 750, 91st Cong. 2d Sess., Jan. 22, 1970; 97 CONG. REC. 5435, 5444, 5445, 82d Cong. 1st Sess., May 17, 1951; and 89 CONG. REC. 7051–55, 78th Cong. 1st Sess., July 2, 1943.

18. 86 CONG. REC. 13522–24, 76th Cong. 3d Sess., Oct. 10, 1940 (refer); 116 CONG. REC. 1365, 91st Cong. 2d Sess., Jan. 27, 1970 (postpone). A motion to lay on the table a vetoed bill is not debatable.

***Particular Motions, Debate on —Motion To Recommit After Previous Question***

**§ 68.57 Under clause 4 of Rule XVI, a motion to recommit with instructions after the previous question is ordered on passage of a bill or joint resolution is debatable for 1 hour (rather than the normal 10 minutes) if the floor manager for the majority so demands.**

During consideration of the Omnibus Trade and Competitiveness Act (H.R. 4848) in the House on July 13, 1988,<sup>(19)</sup> the following proceedings occurred:

THE SPEAKER PRO TEMPORE:<sup>(20)</sup> Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I offer a motion to recommit.

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

MR. MICHEL: I am, in its present form, Mr. Speaker.

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

19. 134 CONG. REC. 18054, 100th Cong. 2d Sess.

20. Kenneth J. Gray (Ill.).

The Clerk read as follows:

Mr. Michel moves to recommit the bill, H.R. 4848, to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

“Strike out section 1910 (entitled Ethyl Alcohol and Mixtures for Fuel Use);

“And redesignate succeeding sections accordingly.”

MR. [SAM] GIBBONS [of Florida]: Mr. Speaker, pursuant to clause 4 of rule XVI, I demand an hour of debate, equally divided, on the motion to recommit.

THE SPEAKER PRO TEMPORE: The gentleman from Illinois (Mr. Michel) will be recognized for 30 minutes, and the gentleman from Florida (Mr. Gibbons) will be recognized for 30 minutes.

The Chair recognizes the minority leader, the distinguished gentleman from Illinois (Mr. Michel).

### —*Motion To Postpone*

**§ 68.58 A motion to postpone further consideration of a privileged resolution (to censure a Member) may be offered before the manager of the resolution has been recognized for debate, and is debatable for one hour controlled by the Member offering the motion.**

On May 29, 1980,<sup>(1)</sup> the following proceedings occurred in the House:

1. 126 CONG. REC. 12649, 12650, 96th Cong. 2d Sess.

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, by direction of the Committee on Standards of Official Conduct, I call up a privileged resolution (H. Res. 660) in the matter of Representative Charles H. Wilson, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 660

*Resolved,*

(1) That Representative Charles H. Wilson be censured; . . .

(4) That the House of Representatives adopt the report of the Committee on Standards of Official Conduct dated May 8, 1980, in the matter of Representative Charles H. Wilson.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rousselot moves to postpone further consideration of House Resolution 660 until June 10, 1980.

THE SPEAKER:<sup>(2)</sup> The Chair recognizes the gentleman from California (Mr. Rousselot) for 1 hour.

### —*Motion To Reconsider*

**§ 68.59 When the motion to reconsider is debatable, the Member making the motion has control of the one hour allowed for debate.**

On Sept. 13, 1965,<sup>(3)</sup> the House adopted, without debate, House

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

3. 111 CONG. REC. 23608, 89th Cong. 1st Sess.

Resolution 506, brought up by a motion to discharge, providing for the consideration of a bill (H.R. 10065), the Equal Opportunity Act of 1965. Mr. William M. McCulloch, of Ohio, who had voted in the affirmative on the resolution, moved that the vote on adoption of the resolution be reconsidered. Mr. Carl Albert, of Oklahoma, moved to lay that motion on the table.

In response to parliamentary inquiries by Mr. Melvin R. Laird, of Wisconsin, and Mr. McCulloch, Speaker John W. McCormack, of Massachusetts, advised: (1) that the motion to reconsider would be debatable if the pending motion to table was defeated (the resolution itself being debatable and the previous question not having been ordered thereon); and (2) that in such event the Member moving reconsideration, Mr. McCulloch, would be recognized to control the one hour of debate.

*Parliamentarian's Note:* A motion to reconsider is debatable only if the measure proposed to be reconsidered is debatable.<sup>(4)</sup>

**—Motion To Correct Record or To Expunge**

**§ 68.60 Debate on a motion or resolution to correct the**

4. See *House Rules and Manual* §819 (1995).

**Record is under the hour rule.**<sup>(5)</sup>

**§ 68.61 Debate on a motion to expunge from the Record certain remarks used in debate and ruled out of order is under the hour rule.**<sup>(6)</sup>

**—Accepting Resignation From Committee**

**§ 68.62 When a letter of resignation is laid before the House, the pending question is whether the resignation shall be accepted, and the Speaker recognizes for one hour the Member in effect moving the acceptance of the resignation.**

Proceedings relating to acceptance of the resignation of the chairman of a House committee on Mar. 8, 1977,<sup>(7)</sup> were as follows:

The Speaker laid before the House the following resignation as chairman and member of the Select Committee on Assassinations: . . .

5. 91 CONG. REC. 7220–25, 79th Cong. 1st Sess., July 5, 1945 (motion); 92 CONG. REC. 1274, 1275, 79th Cong. 2d Sess., Feb. 13, 1946 (resolution).
6. See 93 CONG. REC. 6895, 6896, 80th Cong. 1st Sess., June 12, 1947; and 87 CONG. REC. 894, 895, 899, 77th Cong. 1st Sess., Feb. 11, 1941.
7. 123 CONG. REC. 6580, 6581, 95th Cong. 1st Sess.

Dear Mr. Speaker: I feel keenly the responsibilities placed on me as Chairman of the House Select Committee on Assassinations. . . .

Under the circumstances that now exist, I have no alternative but to resign from the Select Committee on Assassinations herewith.

With warmest personal regards.

— Sincerely yours,

HENRY B. GONZALEZ

*Member of Congress, Chairman*

THE SPEAKER:<sup>(8)</sup> Is there objection to the acceptance of the resignation?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

The question is, Shall the resignation be accepted?

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

MR. [JAMES C.] WRIGHT [Jr., of Texas]: . . . I should like to make it clear that if ever it came to a choice between the gentleman from Texas (Mr. Gonzalez) and any member of that staff, I would come down on the side of the gentleman from Texas (Mr. Gonzalez) because he is my friend and because I admire him and respect him.

However, for those very reasons I am asking the House to accept the resignation of the gentleman from Texas (Mr. Gonzalez). . . . He asked me on last Saturday evening personally to prevail upon the Speaker and upon his friends to accept his resignation. . . .

For that reason I ask the Members of the House to vote to accept the resignation of the gentleman from Texas (Mr. Gonzalez) and to understand that in so doing they are not expressing any disagreement with him. . . .

Mr. Speaker, I move the previous question.

The previous question was ordered.

THE SPEAKER: The question is, Shall the resignation be accepted?

The question was taken; and the Speaker announced that the ayes appeared to have it. . . .

So the resignation was accepted.

### **—Electing Members to Committee**

#### **§ 68.63 A privileged resolution offered by direction of the Democratic Caucus or Republican Conference, electing a Member to a committee, is debatable for one hour (if debate time is desired by the proponent thereof).**

On May 15, 1980,<sup>(9)</sup> during consideration of a privileged resolution electing a Member to the Committee on Education and Labor, the following exchange occurred:

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, as chairman of the Democratic Caucus, and by the authority and direction of the Democratic Caucus, I send to the desk a privileged resolution (H. Res. 669) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### HOUSE RESOLUTION 669

*Resolved*, That the following-named Member be, and he is hereby,

9. 126 CONG. REC. 11441, 96th Cong. 2d Sess.

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

elected to the following standing committee of the House of Representatives:

Committee on Education and Labor: Raphael Musto of Pennsylvania.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Chairman, a parliamentary inquiry. Is the gentleman from Washington entitled to any time on this resolution?

THE SPEAKER PRO TEMPORE:<sup>(10)</sup> The Chair would respond to the distinguished minority leader that this would be a debatable resolution if debate were desired.

MR. RHODES: Mr. Speaker, might I ask the gentleman from Washington to take his time for the purpose of answering a question which has absolutely nothing to do with the main part of the resolution?

MR. FOLEY: Mr. Speaker, I yield myself 5 minutes and I yield to the distinguished minority leader.

**—Motion To Discharge; Discharged Measures**

**§ 68.64 Debate on a motion to discharge a committee from further consideration of a resolution disapproving a reorganization plan (under the Reorganization Act of 1949) was limited to one hour and was equally divided between the Member making the motion and a Member opposed thereto.**

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

On Aug. 3, 1961,<sup>(11)</sup> Mr. H. R. Gross, of Iowa, moved to discharge the Committee on Government Operations from the further consideration of House Resolution 335, introduced by Mr. John S. Monagan, of Connecticut, disapproving Reorganization Plan No. 6, transmitted to Congress by the President on June 12, 1961. Speaker Sam Rayburn, of Texas, recognized, under the hour provided for in the Reorganization Act of 1949, Mr. Gross for 30 minutes in favor of the resolution and a Member opposed for 30 minutes in opposition to the resolution.

*Parliamentarian's Note:* The Reorganization Act of 1949, Public Law No. 81-109, provided for a motion to discharge such a resolution disapproving a reorganization plan from a committee which had not reported such a resolution after 10 days following its introduction. On such a motion, the statute provided "not to exceed one hour" of debate, to be equally divided and controlled between those favoring and those opposing the resolution.<sup>(12)</sup>

On several occasions, the one-hour debate provided for on the motion to discharge such a resolu-

11. 107 CONG. REC. 14548, 87th Cong. 1st Sess.

12. Pub. L. No. 81-109, 63 Stat. 207, § 204, June 20, 1949.

tion was extended by unanimous consent.<sup>(13)</sup>

On motions to discharge which are made privileged by statute, the relevant law should be consulted for the time and control of debate.

**§ 68.65 Where a joint resolution not requiring consideration in Committee of the Whole is before the House pursuant to a motion to discharge, the Member who made the motion for its immediate consideration is recognized in the House under the hour rule.**<sup>(14)</sup>

**§ 68.66 Where a joint resolution not requiring consideration in Committee of the Whole is before the House pursuant to a motion to discharge, the Member who made the motion for its immediate consideration is recognized in the House under the hour rule.**

On Aug. 10, 1970,<sup>(15)</sup> following agreement to the motion to dis-

13. See, for example, 107 CONG. REC. 13084, 13095, 87th Cong. 1st Sess., July 20, 1961; and 107 CONG. REC. 12774, 87th Cong. 1st Sess., July 18, 1961.

14. 116 CONG. REC. 28004, 91st Cong. 2d Sess., Aug. 10, 1970.

15. 116 CONG. REC. 27999, 28004, 91st Cong. 2d Sess.

charge the Judiciary Committee from further consideration of House Joint Resolution 264 (amending the Constitution relative to equal rights for men and women) in the House, the proponent of the motion for immediate consideration of the resolution was recognized for one hour. 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. . . .

THE SPEAKER:<sup>(16)</sup> The question is on the motion offered by the gentlewoman from Michigan (Mrs. Griffiths) to discharge the Committee on the Judiciary from further consideration of House Joint Resolution 264. . . .

So the motion to discharge was agreed to. . . .

MRS. GRIFFITHS: . . . I move that the House proceed to the immediate consideration of House Joint Resolution 264. . . .

The motion was agreed to.

THE SPEAKER: The Clerk will report the joint resolution. . . .

The gentlewoman from Michigan is recognized for 1 hour.

### ***Budget Act***

**§ 68.67 While under section 305(a)(4) of the Congress-**

16. John W. McCormack (Mass.).

**sional Budget Act there can be up to five hours of debate on a conference report on a concurrent resolution on the budget equally divided between the majority and minority parties, where the conferees have reported in total disagreement, debate on the motion to dispose of the amendment in disagreement is not covered by the statute and is therefore under the general "hour" rule in the House.**

During consideration of the first concurrent resolution on the budget for fiscal year 1978 (S. Con. Res. 19) in the House on May 17, 1977,<sup>(17)</sup> the following exchange occurred:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I call up the conference report on the Senate concurrent resolution (S. Con. Res. 19) setting forth the congressional budget for the U.S. Government for the fiscal year 1978 (and revising the congressional budget for fiscal year 1977), and ask for its immediate consideration.

THE SPEAKER PRO TEMPORE:<sup>(18)</sup> 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.

17. 123 CONG. REC. 15126, 15127, 95th Cong. 1st Sess.

18. William H. Natcher (Ky.).

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: . . .

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

The Clerk read as follows:

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

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Connecticut (Mr. Giaimo) for 1 hour.

*Parliamentarian's Note:* Since the Senate amendment to the House amendment had not been reported from conference in disagreement, but had been subsequently added by the Senate after consideration of the conference report in that body, the requirement for equal division of time on a motion to dispose of a Senate amendment reported from conference in disagreement was not applicable.

**§ 68.68 When a conference report in disagreement is called up for consideration, the Chair recognizes the manager for a motion to dispose of the amendment(s) reported in disagreement, which is debatable for one hour, equally divided between the manager and a Member of the minority.**

On May 23, 1979,<sup>(19)</sup> during consideration in the House of the conference report on the first concurrent resolution on the budget for fiscal year 1980 (H. Con. Res. 107), reported in disagreement,<sup>(20)</sup> the following proceedings occurred:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, pursuant to the order of the House of May 22, 1979, I call up the conference report on the concurrent resolution (H. Con. Res. 107) setting forth the Congressional Budget for the U.S. Government for the fiscal year 1980 and revising the Congressional Budget for the U.S. Government for the fiscal year 1979. . . .

THE SPEAKER PRO TEMPORE:<sup>(21)</sup> The Clerk will read the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

That the Congress hereby determines and declares [that]

(a) In order to achieve a balanced budget in fiscal year 1981, the following budgetary levels are appropriate for the fiscal years beginning on October 1, 1979, October 1, 1980, and October 1, 1981— . . .

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

The Clerk read as follows:

Mr. Giaimo moves that the House recede from its disagreement to the

Senate amendment and to concur therein with an amendment, as follows: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Connecticut (Mr. Giaimo) will be recognized for 30 minutes [and] the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

### —*Statutory Allocation of Time*

**§ 68.69 While normally the “hour” rule (clause 2 of Rule XIV) prohibits a Member controlling the floor from yielding more than one hour to another Member, a statutory provision constituting a House rule which specifically allocates larger amounts of time may permit more than one hour to be yielded.**

Pursuant to section 305(a)(3) of the Congressional Budget Act of 1974 (Public Law 93-344, as amended by Public Law 95-523), a period of up to four hours for debate on economic goals and policies follows the presentation of opening statements on the first concurrent resolution on the budget by the chairman and ranking minority member of the Committee on the Budget. Thus, the chairman of the Committee on the Budget (or his designee managing the resolution) may yield for more

19. 125 CONG. REC. 12469, 12471, 12472, 96th Cong. 1st Sess.

20. 125 CONG. REC. 11987-95, 96th Cong. 1st Sess., May 21, 1979.

21. John Brademas (Ind.).

than one hour to another Member to control a portion of the time for such debate, which is equally divided and controlled by the majority and minority. The following exchange occurred on Apr. 30, 1981:<sup>(1)</sup>

THE CHAIRMAN:<sup>(2)</sup> The Chair recognizes the gentleman from Missouri (Mr. Gephardt).

MR. [RICHARD A.] GEPHARDT [of Missouri]: It is my wish now to yield to the gentleman from California (Mr. Hawkins) for a discussion of the provisions of Humphrey-Hawkins which relate to this entire debate.

THE CHAIRMAN: How much time does the gentleman from Missouri wish to yield?

MR. GEPHARDT: It is my understanding under the previously arranged rule that I yield 4 hours; is that correct?

THE CHAIRMAN: Two hours, under the statute. Two on each side.

MR. GEPHARDT: I yield 2 hours to the gentleman from California (Mr. Hawkins).

*Parliamentarian's Note:* Although section 305(a)(3) does not specify that the four hours of debate is equally divided and controlled by the majority and minority, such has been the practice, which is consistent with the management of other general debate on the resolution.

1. 127 CONG. REC. 8016, 97th Cong. 1st Sess.
2. Martin Frost (Tex.).

**§ 68.70 While normally the "hour" rule (clause 2 of Rule XIV) prohibits a Member controlling the floor in general debate from consuming more than one hour himself, a statutory provision constituting a House rule which specifically allocates larger amounts of time may permit the Member in charge to consume more than one hour, but not to yield himself more than one hour at a time.**

The following proceedings occurred in the Committee of the Whole on Apr. 30, 1981,<sup>(3)</sup> during consideration of House Concurrent Resolution 134 (revising the congressional budget for fiscal year 1981, and setting forth the congressional budget for fiscal years 1982, 1983, and 1984):

THE CHAIRMAN:<sup>(4)</sup> The time of the gentleman from Oklahoma has expired.

MR. [JAMES R.] JONES of Oklahoma: Mr. Chairman, I yield myself 1 additional minute.

THE CHAIRMAN: The Chair will state that the gentleman from Oklahoma (Mr. Jones) has used 1 hour in his opening statement. How much time does the gentleman yield at this moment?

MR. JONES of Oklahoma: Mr. Chairman, I yield myself 1 minute.

3. 127 CONG. REC. 8012, 97th Cong. 1st Sess.
4. Martin Frost (Tex.).

THE CHAIRMAN: The gentleman from Oklahoma (Mr. Jones) is recognized for 1 minute.

### *Debate on Appeal*

#### **§ 68.71 In the House, an appeal from the Chair's ruling is debatable under the hour rule unless a motion to lay the appeal on the table is made prior to debate on the appeal.**

On Mar. 16, 1988,<sup>(5)</sup> the following proceedings occurred in the House:

MR. [ROBERT K.] DORNAN of California: . . . Panama is in chaos and Communists in Nicaragua, thanks to the liberal and radical left leadership in this House are winning a major victory, right now.

THE SPEAKER PRO TEMPORE:<sup>(6)</sup> The time of the gentleman from California [Mr. Dornan] has expired.

MR. DORNAN of California: Wait a minute. On Honduran soil and on Nicaraguan soil.

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

MR. DORNAN of California: And it was set up in this House as you set up the betrayal of the Bay of Pigs.

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

MR. DORNAN of California: I ask—wait a minute—I ask unanimous consent for 30 seconds. People are dying.

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

MR. DORNAN of California: People are dying.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, regular order, regular order.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired. Will the Sergeant at Arms please turn off the microphone?

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a question of privilege before the House under rule IX.

THE SPEAKER PRO TEMPORE: The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas, the Speaker pro tempore ordered the microphone cut off as a duly-elected Member of the House was speaking: Be it therefore

*Resolved*, That the Speaker, Speaker pro tempore, or any Member of the House as the Presiding Officer of the House of Representatives may not order the microphone to be cut off while any Member is speaking on the floor of the House of Representatives. . . .

THE SPEAKER PRO TEMPORE: The resolution does not allege an abuse of the House rules, and is not a question of privilege.

The House will proceed to the unfinished business. . . .

MR. WALKER: Mr. Speaker, I am appealing the ruling of the Chair.

It is my understanding, Mr. Speaker, that I am given a chance to debate that issue.

MR. [BRIAN J.] DONNELLY [of Massachusetts]: Mr. Speaker, the vote is automatic.

5. 134 CONG. REC. 4085, 4086, 100th Cong. 2d Sess.

6. Gary L. Ackerman (N.Y.).

MR. WALKER: I have 1 hour, I believe.

THE SPEAKER PRO TEMPORE: The appeal is debatable unless there is a motion to table.

### *Special-order Speeches*

**§ 68.72 Special orders to address the House at the conclusion of the business of the day are limited to one hour per Member; and when a Member has used one hour, the Chair declines to recognize him for extensions of time or for an additional special order.**

On Feb. 9, 1966,<sup>(7)</sup> Mr. Joseph Y. Resnick, of New York, who already had scheduled a special order for the day, asked unanimous consent that he have an additional special order to address the House for 15 minutes at the close of legislative business. Speaker Pro Tempore Carl Albert, of Oklahoma, declined to recognize him for that purpose, stating as follows:

The Chair would advise the gentleman that pursuant to the practice of the House, Members are limited to a 1-hour special order per day. The Chair would be glad to entertain a request for a special order for a later day.<sup>(8)</sup>

7. 112 CONG. REC. 2794, 89th Cong. 2d Sess.

8. See also 115 CONG. REC. 15440, 91st Cong. 1st Sess., June 11, 1969; and

**§ 68.73 A Member may not control more than one hour of debate in the House (on a special order), even by unanimous consent.**

On Oct. 16, 1979,<sup>(9)</sup> the following proceedings occurred in the House:

THE SPEAKER:<sup>(10)</sup> Under a previous order of the House, the gentleman from Arizona (Mr. Rhodes) is recognized for 60 minutes.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, the purpose of this special order is to outline what Congress should be doing to help our Nation turn back inflation. It has been said that inflation is the neutron bomb of our economy. . . .

THE SPEAKER PRO TEMPORE:<sup>(11)</sup> The time of the gentleman from Arizona (Mr. Rhodes) has expired.

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I ask unanimous consent that the gentleman proceed for 5 additional minutes.

THE SPEAKER PRO TEMPORE: That request is not in order.

115 CONG. REC. 2835, 91st Cong. 1st Sess., Feb. 5, 1969.

For an occasion where a Member had used an hour for a special order and was then yielded time by the next Member with a special order, see 114 CONG. REC. 14265-71, 90th Cong. 2d Sess., May 21, 1968.

9. 125 CONG. REC. 28508, 28515, 96th Cong. 1st Sess.

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

11. John G. Fary (Ill.).