

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

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

The Clerk read as follows:

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

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

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

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

When a proposition is considered in the House as in the Committee of the Whole by unanimous consent,⁽⁶⁾ Members may gain five

5. See § 70.1, *infra*.

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

6. See §§ 70.3–70.6, *infra*.

minutes of debate not only by offering substantive amendments but also by offering pro forma amendments and motions to strike the enacting clause.⁽⁷⁾

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

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

Cross References

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

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

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

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

7. See §§ 70.2, 70.10, *infra*.

8. See §§ 70.7–70.9, *infra*.

9. See § 72.7, *infra*.

10. See § 72.8, *infra*.

Procedure in the House as in Committee of the Whole

§ 70.1 Where a bill is considered in the House as in the Committee of the Whole, there is no general debate but the bill is debatable under the five-minute rule.

On Sept. 27, 1967,⁽¹¹⁾ Mr. George H. Mahon, of Texas, called up House Joint Resolution 849, making continuing appropriations for fiscal 1968, and the House agreed to his unanimous-consent request that the bill be considered in the House as in the Committee of the Whole. Mr. Frank T. Bow, of Ohio, then propounded a parliamentary inquiry whether and when it would be in order to offer amendments. Speaker John W. McCormack, of Massachusetts, responded that amendments would be in order under the five-minute rule and further stated that the five-minute rule was in effect.⁽¹²⁾

§ 70.2 Debate on a bill being considered in the House as

11. 113 CONG. REC. 26956-60, 90th Cong. 1st Sess.

12. See also 116 CONG. REC. 28050, 91st Cong. 2d Sess., Aug. 10, 1970; and 113 CONG. REC. 17183-86, 90th Cong. 1st Sess., June 26, 1967 (bill is considered as read and open for amendment at any point, contrary to former practice to read bill for amendment by sections).

in the Committee of the Whole is under the five-minute rule, and a Member who has spoken for five minutes on the bill may be recognized on another pro forma amendment to the bill by unanimous consent.

On Sept. 11, 1972,⁽¹³⁾ Mr. William S. Stuckey, Jr., of Georgia, called up H.R. 15550, to convey to Alexandria, Virginia, certain lands of the United States, and the House agreed to his request that the bill be considered in the House as in the Committee of the Whole. Mr. Stuckey moved to strike out the last word and discussed the bill for five minutes. After intervening debate, Mr. Stuckey again arose to strike out the last word. Speaker Pro Tempore Richard Bolling, of Missouri, stated that without objection, Mr. Stuckey was recognized for five minutes. There was no objection.

—Union Calendar Bills

§ 70.3 Where unanimous consent is granted for the consideration of a Union Calendar bill, such bill is considered in the House as in the Committee of the Whole and debate may be had only under the five-minute rule.

13. 118 CONG. REC. 29951-56, 92d Cong. 2d Sess.

On June 28, 1966,⁽¹⁴⁾ Mr. Wilbur D. Mills, of Arkansas, asked unanimous consent for the consideration of H.R. 14224, the Social Security Act amendments of 1966, pending on the Union Calendar. Mr. John W. Byrnes, of Wisconsin, inquired of Speaker John W. McCormack, of Massachusetts, whether Members would have an opportunity to be heard on the bill and to offer pro forma amendments. The Speaker responded that the unanimous-consent request carried with it the stipulation that if consent were granted, the bill would be considered in the House as in the Committee of the Whole, under the five-minute rule, with the opportunity to offer pro forma amendments.⁽¹⁵⁾

Parliamentarian's Note: A Union Calendar bill may be con-

14. 112 CONG. REC. 7749, 89th Cong. 2d Sess.

15. See also 114 CONG. REC. 28374, 90th Cong. 2d Sess., Sept. 26, 1968; 112 CONG. REC. 24080, 89th Cong. 2d Sess., Sept. 28, 1966; 112 CONG. REC. 7749, 89th Cong. 2d Sess., Apr. 6, 1966; 95 CONG. REC. 14462, 81st Cong. 1st Sess., Oct. 13, 1949; and 79 CONG. REC. 14331, 74th Cong. 1st Sess., Aug. 23, 1935. For further examples of unanimous-consent agreements for the consideration of Union Calendar bills under the five-minute rule in the House as in the Committee of the Whole, see §§4.2 et seq., supra.

sidered under the hour rule if unanimous consent is requested for its immediate consideration "in the House."

§ 70.4 Under the former practice, debate on an amendment to a Union Calendar bill being considered on the Consent Calendar is under the five-minute rule, in the House as in the Committee of the Whole.

On July 30, 1955,⁽¹⁶⁾ the Clerk called a bill on the Consent Calendar which was pending on the Union Calendar. Mr. Clare E. Hoffman, of Michigan, offered an amendment and discussed it for five minutes. When Mr. Hoffman sought additional time, Speaker Sam Rayburn, of Texas, advised him that amendments were being considered under the five-minute rule.⁽¹⁷⁾

§ 70.5 A motion that a Union Calendar bill be considered

16. 101 CONG. REC. 12408, 84th Cong. 1st Sess.

17. See Rule XIII clause 4, *House Rules and Manual* §§745a and 746 (1995) and comments thereto for consideration of Consent Calendar bills under the five-minute rule prior to the 104th Congress. H. Res. 168, adopted on June 20, 1995, abolished the Consent Calendar and established in its place a Corrections Calendar.

under the five-minute rule in the House as in the Committee of the Whole is not in order (unanimous consent being required).

On July 12, 1939,⁽¹⁸⁾ Mr. Andrew J. May, of Kentucky, called up H.R. 985, on the Union Calendar, and asked unanimous consent that it be considered in the House as in the Committee of the Whole. Mr. Sam Hobbs, of Alabama, objected to the consideration of the bill and Mr. May then attempted to make a motion for consideration in the House as in the Committee of the Whole:

Then I move, Mr. Speaker, that the bill be considered in the House as in the Committee of the Whole.

Speaker William B. Bankhead, of Alabama, ruled:

The Chair is of the opinion that could not be permitted under the rules of the House. The gentleman may submit a unanimous-consent request, but not a motion.⁽¹⁹⁾

18. 84 CONG. REC. 8945, 76th Cong. 1st Sess.

19. Procedure in the House as in the Committee of the Whole is by unanimous consent only, as the order of business gives no place for a motion that business be considered in that manner. 4 Hinds' Precedents §4923 (cited in Jefferson's Manual, *House Rules and Manual* §424 [1995]).

Provision is made in the rules for the consideration of Private Cal-

§ 70.6 When a bill on the Union Calendar is considered in the House as in the Committee of the Whole, debate is under the five-minute rule, and extensions of time for debate are permitted only by unanimous consent.

On July 28, 1969,⁽²⁰⁾ Mr. John Dowdy, of Texas, called up H.R. 9553, amending the District of Columbia Minimum Wage Act, and asked unanimous consent for its consideration in the House as in the Committee of the Whole. Mr. Brock Adams, of Washington, reserved the right to object and made inquiries as to the time for debate under the proposed procedure. Speaker John W. McCormack, of Massachusetts, stated that debate would be conducted under the five-minute rule but that any Member seeking additional time to the five minutes allowed could ask unanimous consent for an extension of time.

—Private Calendar Measures

§ 70.7 Private Calendar debate, under the five-minute rule, is

endar bills under the five-minute rule in the House as in the Committee of the Whole. See Rule XXIV clause 6, *House Rules and Manual* §893 (1995).

20. 115 CONG. REC. 20850, 20851, 91st Cong. 1st Sess.

strictly limited to five minutes in favor of and five in opposition to an amendment; and extensions of time under the five-minute rule are not permitted.

On Dec. 14, 1967,⁽¹⁾ the House as in the Committee of the Whole was considering for amendment, under the five-minute rule, House Resolution 981, a private resolution opposing the granting of permanent residence to certain aliens. Since private bills or resolutions are considered strictly under the five-minute rule, pursuant to Rule XXIV clause 6, Speaker John W. McCormack, of Massachusetts, ruled that extensions of time or pro forma amendments were not in order.

THE SPEAKER: For what purpose does the gentleman from Iowa rise?

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I rise in opposition to the amendment.

THE SPEAKER: The Chair recognizes the gentleman from Iowa for 5 minutes.

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

THE SPEAKER: The time of the gentleman from Iowa has expired.

MR. GROSS: Mr. Speaker, under the parliamentary situation, is it permissible to ask for 2 additional minutes?

1. 113 CONG. REC. 36535-37, 90th Cong. 1st Sess.

THE SPEAKER: Under the parliamentary situation, in relation to the pending resolution, it is not in order.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I move to strike out the requisite number of words.

THE SPEAKER: The Chair advises the gentleman that that motion is not in order.

MR. HALL: Mr. Speaker, may I be heard in opposition to the amendment?

MR. [MICHAEL A.] FEIGHAN [of Ohio]: Mr. Speaker—

THE SPEAKER: A member of the committee is entitled to recognition. The gentleman from Ohio [Mr. Feighan] is recognized.

Parliamentarian's Note: Rule XIV clause 6, relating to the consideration of private bills, was amended on Mar. 27, 1935, to preclude reservations of objection and therefore to require consideration under a strict application of the five-minute rule.⁽²⁾

2. For obsolete precedents permitting reservations of objection on private bills, see 78 CONG. REC. 2364, 73d Cong. 2d Sess., Feb. 10, 1934; 75 CONG. REC. 10827, 72d Cong. 1st Sess., May 20, 1932; and 75 CONG. REC. 10822, 72d Cong. 1st Sess., May 20, 1932.

For other occasions where extensions of time for debate on private bills have been ruled out of order, see 81 CONG. REC. 7293-95, 75th Cong. 1st Sess., July 20, 1937; 80 CONG. REC. 5900, 74th Cong. 2d Sess., Apr. 22, 1936; and 80 CONG. REC. 3800, 74th Cong. 2d Sess., Mar. 17, 1936.

§ 70.8 During the consideration of the Private Calendar no reservation of objection is in order and the Chair does not recognize Members for requests to make statements.

On May 5, 1936,⁽³⁾ the Clerk called a bill on the Private Calendar. Speaker Joseph W. Byrns, of Tennessee, inquired whether there was objection to consideration thereof, two Members objected, and the bill was recommitted to the Committee on Military Affairs. Mr. Theodore Christianson, of Minnesota, requested the Members objecting to withhold their objection and asked unanimous consent to make a statement regarding the bill.

The Speaker ruled that he could not recognize the gentleman for that purpose under the "express provisions of the rule."⁽⁴⁾

For other occasions where pro forma amendments have been ruled out of order during consideration of private bills, see 81 CONG. REC. 7299, 7300, 75th Cong. 1st Sess., July 20, 1937; 81 CONG. REC. 7293-95, 75th Cong. 1st Sess., July 20, 1937; and 80 CONG. REC. 3894, 3895, 74th Cong. 2d Sess., Mar. 17, 1936.

3. 80 CONG. REC. 6691, 74th Cong. 2d Sess.
4. See also 80 CONG. REC. 3158, 74th Cong. 2d Sess., Mar. 3, 1936, for the prohibition against reservations of objection; and 79 CONG. REC. 7100,

§ 70.9 On one occasion, a Member was allowed by unanimous consent to speak out of order during the call of the Private Calendar.

On Aug. 30, 1960,⁽⁵⁾ during the call of the Private Calendar, S. 3429, to award a gold medal to Robert Frost, was called up and Mr. Clare E. Hoffman, of Michigan, moved to strike out the last word. Speaker Pro Tempore Wilbur D. Mills, of Arkansas, ruled that he could not be recognized for that purpose. Mr. Hoffman then asked unanimous consent to speak out of order. There was no objection, and Mr. Hoffman was recognized to deliver some remarks on the bill.

§ 70.10 Omnibus private bills are considered under the five-minute rule in the House as in the Committee of the Whole, and the Chair does not recognize for extensions of time.

On Mar. 17, 1936,⁽⁶⁾ the House as in the Committee of the Whole was considering for amendment

74th Cong. 1st Sess., May 7, 1935, for the prohibition against unanimous-consent requests to make statements.

5. 106 CONG. REC. 18389, 86th Cong. 2d Sess.
6. 80 CONG. REC. 3890, 74th Cong. 2d Sess.

omnibus private bills under the five-minute rule. Speaker Joseph W. Byrns, of Tennessee, refused to recognize a Member for an extension of time:

The time of the gentleman from Minnesota has expired.

MR. [THEODORE] CHRISTIANSON [of Minnesota]: Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

THE SPEAKER: On the previous section of this bill the Chair put a unanimous-consent request for an extension of time. The attention of the Chair has since been called to a ruling by the author of the present Private Calendar rule, who was presiding at the last session on this calendar. This rule was proposed for the purpose of expediting business. Upon reflection, the Chair does not think he should recognize Members for the purpose of requesting an extension of time.

—*Motion To Strike Enacting Clause*

§ 70.11 A motion to strike out the enacting clause is in order during the consideration of omnibus private bills and is debatable under the five-minute rule, for two five-minute speeches.

On Mar. 17, 1936,⁽⁷⁾ during the consideration of an omnibus private bill in the House as in the

7. 80 CONG. REC. 3894, 3895, 74th Cong. 2d Sess.

Committee of the Whole, Mr. Thomas L. Blanton, of Texas, moved to strike out the enacting clause. Mr. Fred Biermann, of Iowa, made a point of order against the offering of the motion, on the ground that only certain amendments and no pro forma amendments could be offered to omnibus private bills (under Rule XXIV clause 6). Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

The motion to strike out the enacting clause is not an amendment in the sense contemplated by the rule. The Chair is of the opinion that the motion is in order and the gentleman from Texas is recognized for 5 minutes.

The Chair also read Rule XXIII clause 7, describing the motion to strike the enacting clause, as support for his ruling.

Nonamendable Proposition Being Considered in the House as in Committee of the Whole by Unanimous Consent

§ 70.12 While a joint resolution called up under the Alaska Natural Gas Transportation Act is not subject to substantive amendment under section 8(d)(5)(B) of that Act, pro forma amendments for the purpose of debate under the five-minute rule are permitted where the resolution

is being considered in the House as in Committee of the Whole by unanimous consent.

During proceedings on Nov. 2, 1977,⁽⁸⁾ the Speaker Pro Tempore⁽⁹⁾ responded to inquiries concerning conditions under which Members would be recognized during consideration of House Joint Resolution 621, approving a presidential decision with regard to an Alaska natural gas transportation system. The Chair noted, in the course of responding to inquiries, that, while debate in the House as in the Committee of the Whole proceeds under the five-minute rule, a Member who has already been recognized for five minutes may be recognized again by unanimous consent only.

THE SPEAKER PRO TEMPORE: The unfinished business of the House is the further consideration of the joint resolution (H.J. Res. 621) approving the Presidential decision on an Alaska natural gas transportation system, and for other purposes, in the House as in the Committee of the Whole.

Without objection, the Clerk will again report the joint resolution.

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 621

Resolved by the Senate and House of Representatives of the United

8. 123 CONG. REC. 36613, 95th Cong. 1st Sess.

9. Otis G. Pike (N.Y.).

States of America in Congress assembled, That the House of Representatives and Senate approve the Presidential decision on an Alaska natural gas transportation system submitted to the Congress on September 22, 1977, and find that any environmental impact statements prepared relative to such system and submitted with the President's decision are in compliance with the Natural Environmental Policy Act of 1969.

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. UDALL: Mr. Speaker, am I correct in assuming that the joint resolution before us has been laid before the House, but is not amendable?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. UDALL: Am I further correct, Mr. Speaker, in assuming that under the procedure by which we are operating, the only way for a Member to gain time is to make a pro forma motion to strike the necessary number of words?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

It is the Chair's understanding that those who have already offered pro forma amendments on the joint resolution may do so again only by unanimous consent.

§ 70.13 Rejection of the motion for the previous question on a measure being considered in the House which is not subject to amendment (under the rules of the House or under statutory provisions enacted under the rule-

making power of the House) does not open the measure to amendment but only extends the time for debate thereon.

On Nov. 2, 1977,⁽¹⁰⁾ the House as in the Committee of the Whole had under consideration a joint resolution, called up under the Alaska Natural Gas Transportation Act, which was not subject to substantive amendment under section 8(d)(5)(B) of that Act. The proceedings were as follows:

THE SPEAKER PRO TEMPORE:⁽¹¹⁾ The unfinished business of the House is the further consideration of the joint resolution (H.J. Res. 621) approving the Presidential decision on an Alaska natural gas transportation system, and for other purposes, in the House as in the Committee of the Whole. . . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, am I correct in assuming that the joint resolution before us has been laid before the House, but is not amendable?

THE SPEAKER PRO TEMPORE: The gentleman is correct. . . .

MR. [JOHN P.] MURTHA [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MURTHA: Would an amendment be in order if the previous question were not ordered?

THE SPEAKER PRO TEMPORE: The Chair will have to state that an

amendment would not be in order. Under the statute, the joint resolution is not amendable. The only effect would be to extend debate.

§ 71. Effect of Special Rules and Unanimous-consent Agreements

The House may vary the period for debate in an infinite variety of ways. By unanimous consent or special rule, the House can lengthen debate, abbreviate it, divide its control between “proponents and opponents,” Members representing committees, or named individuals.

Speakers have declined to recognize requests to extend time on special-order speeches (beyond one hour) or one-minute speeches. There is also a reluctance to recognize for extensions of time under rules—such as the discharge rule—which have carefully structured debate steps.

Special rules and unanimous-consent agreements may also provide that a certain period of debate in the House be controlled by the proponents and opponents of a measure. When time in the House is thus distributed and controlled, the Members in charge may yield time to other Members, who are not entitled to be recognized for a full hour.⁽¹²⁾

10. 123 CONG. REC. 36613, 95th Cong. 1st Sess.

11. Otis G. Pike (N.Y.).

12. See, for example, the unanimous-consent agreements under which