

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

Cross References

- Discharge motion and extensions of time, see Ch. 18, *supra*.
- Effect of special rules on control and distribution of time, see § 28, *supra*.
- Effect of special rules and unanimous-consent agreements on duration of debate in the Committee of the Whole, see § 74, *infra*.
- Recognition for unanimous-consent requests, see § 10, *supra*.
- Special rules generally, see Ch. 21, *supra*.
- Special rules and their effect on consideration, see § 2, *supra*.
- Strict five-minute rule for Private Calendar, see Ch. 22, *supra*.
- Unanimous-consent agreements for control and distribution of time, see §§ 24–26, *supra*.
- Unanimous-consent consideration in the House as in the Committee of the Whole, see § 4, *supra*.

Privileged Resolutions

§ 71.1 A special rule may provide that a privileged resolution be considered in the House, with more than one hour of debate.

On May 2, 1933,⁽¹³⁾ the House adopted House Resolution 125, making in order the consideration in the House of House Resolution

some impeachment resolutions and articles have been considered, cited at § 71.13, *infra*.

13. 77 CONG. REC. 2693, 73d Cong. 1st Sess.

124, also reported by the Committee on Rules, and providing for the consideration of certain Senate amendments. House Resolution 125 read as follows:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of House Resolution 124, and all points of order against said resolution shall be waived. That after general debate, which shall be confined to the resolution and shall continue not to exceed 5 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the previous question shall be considered as ordered on the resolution to its adoption or rejection.

§ 71.2 A resolution amending the rules of the House, eligible for consideration in the House as privileged business and subject to one hour of debate was, pursuant to a special rule, considered in the Committee of the Whole and debated for two hours.

On Apr. 3, 1968,⁽¹⁴⁾ Mr. Richard Bolling, of Missouri, called up by direction of the Committee on Rules House Resolution 1119 providing for the consideration, in the Committee of the Whole, of another resolution reported from the Committee on Rules:

Resolved, That upon the adoption of this resolution it shall be in order to

14. 114 CONG. REC. 8776, 8777, 90th Cong. 2d Sess.

move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1099) amending H. Res. 418, Ninetieth Congress, to continue the Committee on Standards of Official Conduct as a permanent standing committee of the House of Representatives, and for other purposes. After general debate, which shall be confined to the resolution and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Standards of Official Conduct, the resolution shall be read for amendment under the five-minute rule.

Mr. H. Allen Smith, of California, explained the rationale for, and effect of, the resolution:

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

The parliamentary situation today is this: As I mentioned, the Rules Committee reported House Resolution 418 creating the committee. The Committee on Standards of Official Conduct reported to the Rules Committee, which retained original jurisdiction. The Committee on Standards of Official Conduct reported the resolution which is before us, H. Res. 1099, which will continue the committee and establish a code of ethics for the House. The resolution could have come to the floor of the House without a rule, which would have limited debate to 1 hour, 30 minutes on each side, and a vote would then be taken up or down on the resolution.

But the Rules Committee felt the members of the committee should have

an opportunity to be heard, with the result that we have reported a separate resolution providing for 2 hours of general debate, 1 hour on each side, and the resolution will be open for amendment. Had we just reported the resolution, it would be tantamount to a closed rule under which amendments could not be offered. The Rules Committee does not like to report closed rules as a general practice.

Parliamentarian's Note: Without the special rule, the resolution would have been privileged for consideration in the House, under Rule XI clause 22, and would have been considered under the general rules of the House, the Member in charge controlling an hour of debate, with the right to move the previous question.⁽¹⁵⁾ Although the Committee on Standards of Official Conduct had recommended that H. Res. 1099 be adopted, the Rules Committee reported the resolution to the House, not the Standards Committee as indicated by Mr. Smith.

§ 71.3 Debate under the hour rule in the House on a resolution reported from the

15. See also 119 CONG. REC. 39419, 93d Cong. 1st Sess., Dec. 4, 1973 (H. Res. 738, for the consideration in the Committee of the Whole, for six hours of general debate, of H. Res. 735, confirming the nomination of Gerald R. Ford as Vice President of the United States).

Committee on Rules may be extended by unanimous consent.

On June 21, 1972,⁽¹⁶⁾ 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:⁽¹⁷⁾ The gentleman from Massachusetts asked unanimous consent 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 asked 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).

§ 71.4 Debate on a privileged resolution in the House is under the hour rule and within the control of the

16. 118 CONG. REC. 21694, 92d Cong. 2d Sess.

17. Carl Albert (Okla.).

Member recognized to call it up, but such debate may be extended beyond one hour by unanimous consent; on one occasion, 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.

On July 14, 1977,⁽¹⁸⁾ the following proceedings occurred when a resolution⁽¹⁹⁾ amending the rules was called up 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-

18. 123 CONG. REC. 22932, 22934, 22942, 95th Cong. 1st Sess.

19. H. Res. 658.

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

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:⁽²⁰⁾ 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.] MOTTLE [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.

§ 71.5 By unanimous consent the House extended for an additional 30 minutes the time for debate on a special order from the Committee on

20. B. F. Sisk (Calif.).

Rules (with the understanding that such time would be equally divided and controlled).

The proceedings of July 29, 1977,⁽¹⁾ relating to House consideration of House Resolution 727 (providing for consideration of H.R. 8444, the National Energy Act of 1977) were as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 727 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 727

Resolved, That upon the adoption of this resolution it shall be in order to move . . . that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8444) to establish a comprehensive national energy policy. . . .

THE SPEAKER:⁽²⁾ The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

MR. BOLLING: Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), and pending that, I yield myself such time as I may consume. . . .

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I ask unanimous consent at this time that in addition to the 1

hour of debate provided for in this resolution, House Resolution 727, the time for debate be extended for an additional 30 minutes.

Mr. Speaker, there is some precedent for this. Before the Chair puts the request, I would like to state very briefly that there is some precedent on very important resolutions for an extension of the normal amount of time that is used for debate. Just a couple of weeks ago the gentleman from New York (Mr. Weiss) made a similar request at the time we were considering a resolution for the Select Committee on Intelligence.

Very frankly, I have had more requests for time on this rule from my side of the aisle than I can accommodate within the 30 minutes that has been allotted to the minority. . . .

Mr. Speaker, I ask unanimous consent that the time for debate on this resolution be extended for 30 minutes.

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

There was no objection.

THE SPEAKER: The Chair will state that an additional 15 minutes will be allotted to each side.

§ 71.6 By unanimous consent, debate on a resolution of censure reported from the Committee on Standards of Official Conduct was extended to two hours (and the chairman of the committee then yielded one-half hour to the ranking minority member of the committee, and one hour to the Member proposed to be censured).

1. 123 CONG. REC. 25653-55, 95th Cong. 1st Sess.

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

During consideration of a privileged resolution reported from the Committee on Standards of Official Conduct (to censure Charles H. Wilson) on May 29, 1980,⁽³⁾ the following proceedings occurred in the House:

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

THE SPEAKER:⁽⁴⁾ . . . The gentleman from Florida (Mr. Bennett) is recognized for 1 hour.

MR. BENNETT: Mr. Speaker, in view of the complexities of these proceedings and the need for ample time for all parties, I ask unanimous consent that the ordinary hour that is allotted in these matters be extended for another hour. . . .

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

There was no objection.

THE SPEAKER: The gentleman from Florida is recognized for 2 hours. . . .

MR. BENNETT: . . . Mr. Speaker, for purposes of debate only, I yield one-

half hour to the gentleman from South Carolina (Mr. Spence), ranking minority member of the committee. For purposes of debate only I yield 1 hour to the gentleman from California (Mr. Charles H. Wilson), pending which I yield myself such time as I may consume.

Resolutions of Disapproval —Curtailing Debate

§ 71.7 By unanimous consent, debate on resolutions disapproving reorganization plans has been limited to less than the 10 hours which was allowed under the Reorganization Act of 1949, providing for consideration of such plans.

On July 1, 1959,⁽⁵⁾ the Committee of the Whole considered for two hours of general debate, as provided by a unanimous-consent agreement, Reorganization Plan No. 1 of 1959.

On July 19, 1961, the House agreed to a unanimous-consent request that general debate in the Committee of the Whole on House Resolution 328, disapproving Reorganization Plan No. 5 of 1961, be limited to five hours.⁽⁶⁾ After some debate had been had on the

3. 126 CONG. REC. 12649, 12656, 96th Cong. 2d Sess.

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

5. 105 CONG. REC. 12519, 86th Cong. 1st Sess.

6. 107 CONG. REC. 12905, 87th Cong. 1st Sess.

resolution, the House limited by unanimous consent further debate on the resolution to 30 minutes, to be equally divided by the Member moving the consideration of the resolution and the ranking minority member of the Committee on Government Operations.⁽⁷⁾

Parliamentarian's Note: The Reorganization Act of 1949, Public Law No. 81-109, provided that on a resolution disapproving a reorganization plan, there be debate "not to exceed ten hours," equally divided between those favoring and those opposing the resolution. The statute was enacted as an exercise of the rulemaking power of both Houses, with full recognition of either House to change such rules at any time.⁽⁸⁾

§ 71.8 The House agreed by unanimous consent that de-

7. *Id.* at p. 12932. See also 112 CONG. REC. 8498, 89th Cong. 2d Sess., Apr. 20, 1966; 108 CONG. REC. 8210, 87th Cong. 2d Sess., May 10, 1962; 107 CONG. REC. 10839, 87th Cong. 1st Sess., June 20, 1961; and 107 CONG. REC. 10448, 10471, 87th Cong. 1st Sess., June 15, 1961.

8. Pub. L. No. 81-109, 63 Stat. 207, §§ 201-206, June 20, 1946.

The statute also provided for not to exceed one hour on a motion to discharge a committee from further consideration of such a resolution, which time could be extended by unanimous consent (see § 68.64, *supra*).

bate on certain resolutions of disapproval be fixed at a lesser number of hours than the 10 hours permitted under the procedure outlined for considering such resolutions under a public law.

On Mar. 21, 1955,⁽⁹⁾ Mr. Carl Vinson, of Georgia, announced he would call up House Resolution 170, disapproving the disposal of certain rubber facilities. The House agreed to his unanimous-consent request on the duration of time for debate:

MR. VINSON: Mr. Speaker, I desire to announce to the House that tomorrow I will call up a privileged resolution (H. Res. 170) relating to the disposition of the synthetic rubber facilities.

Mr. Speaker, I ask unanimous consent that general debate on House Resolution 170 be fixed at 6 hours, 3 hours to be controlled by the author of the resolution, the gentleman from Texas [Mr. Patman], and 3 hours by myself as chairman of the Committee on Armed Services.

On the following day, Mar. 22, the House agreed to a unanimous-consent request for the duration of debate on House Resolution 171, a similar resolution:

MR. VINSON: Mr. Speaker, I ask unanimous consent that general debate on House Resolution 171 be fixed at 2 hours tomorrow, 1 hour to be con-

9. 101 CONG. REC. 3233, 84th Cong. 1st Sess.

trolled by the author of the resolution, the gentleman from California [Mr. Doyle], and 1 hour by myself, chairman of the Committee on the Armed Services.

THE SPEAKER:⁽¹⁰⁾ Is there objection to the request of the gentleman from Georgia?

There was no objection.⁽¹¹⁾

Parliamentarian's Note: Congress had provided, in Public Law No. 83-205, a procedure for considering resolutions disposing of synthetic rubber facilities. The law provided that on such a resolution being considered on the floor there be not to exceed 10 hours of debate, equally divided between those favoring and those opposing the resolution.⁽¹²⁾

Bills Considered "Under the General Rules of the House"

§ 71.9 Where consideration of a bill "under the general rules of the House" has been agreed to, the bill may be called up pursuant to the agreement and then by unanimous consent considered in the House as in the Committee of the Whole.

On Apr. 1, 1969,⁽¹³⁾ Mr. L. Mendel Rivers, of South Carolina,

10. Sam Rayburn (Tex.).

11. 101 CONG. REC. 3437, 84th Cong. 1st Sess.

12. Pub. L. 83-205, 67 Stat. 416.

13. 115 CONG. REC. 8136, 91st Cong. 1st Sess.

made a unanimous-consent request for the consideration of a bill on the Union Calendar:

Mr. Speaker, pursuant to the unanimous-consent agreement of March 27, 1969, I call up for immediate consideration the bill (H.R. 9329) [special pay for naval officers qualified for nuclear submarine duty] . . . and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

On Mar. 27, Mr. Rivers had asked unanimous consent that it be in order to consider "under the general rules of the House" on Tuesday or Wednesday of the following week the bill H.R. 9328.⁽¹⁴⁾

Parliamentarian's Note: The effect of considering a Union Calendar bill "under the general rules of the House" would have been to require general debate in Committee of the Whole with each Member seeking recognition entitled to one hour, followed by reading for amendment under the five-minute rule.

Union Calendar Bills

§ 71.10 A special rule may provide that a Union Calendar bill be considered in the

14. *Id.* at p. 7895. Time under the five-minute rule in the House as in the Committee of the Whole may be extended by unanimous consent (see § 70.6, *supra*).

House, with more than one hour of general debate.

On Mar. 21, 1933,⁽¹⁵⁾ the House adopted House Resolution 61, providing for the consideration of H.R. 3835, a bill on the Union Calendar providing agricultural relief, in the House:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of H.R. 3835, and any points of order against said bill or any provisions contained therein are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 4 hours, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Agriculture, the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

Similarly, the House adopted on Apr. 22, 1933, House Resolution 111, for the consideration in the House of H.R. 5081, a bill on the Union Calendar:

Resolved, That immediately upon adoption of this resolution the House shall proceed to the consideration of H.R. 5081, and all points of order against said bill shall be considered as waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 6 hours, to be equally divided and controlled by

the chairman and ranking minority member of the Committee on Military Affairs, it shall be in order for the chairman of the Committee on Military Affairs by direction of that committee to offer amendments to any part of the bill. If there be no such amendments offered by the chairman of the Committee on Military Affairs, then the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.⁽¹⁶⁾

§ 71.11 Bills requiring consideration in the Committee of the Whole are considered in the House as in the Committee of the Whole under the five-minute rule when unanimous consent is granted for their immediate consideration, but when consent is granted for their immediate consideration in the House, debate is under the hour rule and amendments are only in order if the Member controlling the time yields for that purpose.

On Apr. 11, 1974,⁽¹⁷⁾ Speaker Carl Albert, of Oklahoma, responded to an inquiry regarding the consideration of amendments in the House as in Committee of the Whole:

MR. [JOHN A.] BLATNIK [of Minnesota]: Mr. Speaker, I ask unanimous

15. 77 CONG. REC. 665, 73d Cong. 1st Sess.

16. *Id.* at p. 2076.

17. 120 CONG. REC. 10769, 10770, 10771, 93d Cong. 2d Sess.

consent for the immediate consideration in the House of the Senate bill (S. 3062) the Disaster Relief Act Amendments of 1974.

The Clerk read the title of the Senate bill.

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

MR. [RICHARD W.] MALLARY [of Vermont]: Mr. Speaker, if a bill is brought up under a unanimous-consent request and considered in the House at this time, would any amendment be in order?

THE SPEAKER: The Chair will state that since the gentleman is asking that it be considered in the House, the gentleman will then have control of the time.

Omnibus Private Bills

§ 71.12 During the consideration of an omnibus private bill the Chair refused to recognize Members for unanimous-consent requests to extend the time for debate.

On July 20, 1937,⁽¹⁸⁾ the House was considering bills on the Omnibus Private Calendar. Mr. Alfred F. Beiter, of New York, was speaking for five minutes in opposition to an amendment which had been offered and asked unanimous consent to address the House for an additional minute when his time expired. Speaker

18. 81 CONG. REC. 7293-95, 75th Cong. 1st Sess.

William B. Bankhead, of Alabama, ruled that such a request could not be made, the rule limiting each side to five minutes' debate.⁽¹⁹⁾

Impeachment Proposals

§ 71.13 The House may consider impeachment resolutions and articles of impeachment under unanimous-consent agreements fixing time for debate at a certain number of hours, to be equally divided and controlled.

On Feb. 24, 1933, Mr. Thomas D. McKeown, of Oklahoma, reported from the Committee on the Judiciary a report recommending against the impeachment of Judge Louderback (the minority of the committee were prepared to offer a substitute for the resolution in order to impeach and adopt articles). The House agreed to consider the resolution pursuant to the following unanimous-consent request:

Debate to be limited to two hours, to be controlled by the gentleman from Oklahoma [Mr. McKeown], that at the end of that time the previous question shall be considered as ordered, with

19. For the rule on consideration of omnibus private bills, see Rule XXIV clause 6 and comments thereto, *House Rules and Manual* §§ 893-895 (1995).

the privilege, however, of a substitute resolution being offered⁽²⁰⁾

On Mar. 2, 1936, Mr. Hatton W. Sumners, of Texas, called up at the direction of the Committee on the Judiciary a resolution and articles of impeachment against Judge Ritter. The House agreed to the following unanimous-consent request for debate thereon:

The gentleman from Texas [Mr. Sumners] asks unanimous consent that debate on this resolution be continued for 4½ hours, 2½ hours to be controlled by himself and 2 hours by the gentleman from New York [Mr. Hancock]; and at the expiration of the time the previous question shall be considered as ordered. . . .⁽¹⁾

Motions To Suspend Rules

§ 71.14 Although the 20 minutes of debate allowed on each side of a motion to suspend the rules may be extended by unanimous consent, the Chair does not normally entertain such a request.⁽²⁾

20. 76 CONG. REC. 4913–25, 72d Cong. 2d Sess. The House adopted the substitute, offered by Mr. Fiorello H. LaGuardia (N.Y.), and impeached Judge Louderback.

1. 80 CONG. REC. 3069, 74th Cong. 2d Sess.

2. 75 CONG. REC. 3949, 72d Cong. 1st Sess., Feb. 15, 1932; and 72 CONG. REC. 765, 71st Cong. 2d Sess., Dec. 16, 1929.

On Mar. 3, 1960,⁽³⁾ the House agreed to a unanimous-consent request to extend debate on a motion to suspend the rules to one hour and 20 minutes.

On July 23, 1956,⁽⁴⁾ the House was conducting debate on a motion to suspend the rules and pass a bill. When time had expired, Speaker Sam Rayburn, of Texas, stated that he would object to a unanimous-consent request that time on the motion be extended:

MR. [WILLIAM M.] MCCULLOCH [of Ohio]: Mr. Speaker, I should like to renew the request of the gentleman from New York previously made to extend time of debate on this important matter for 20 minutes, 10 minutes on each side. I think it is very important that we have that additional time for debate.

I ask unanimous consent that time be extended to 20 minutes for debate on this bill.

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, I join in that request.

THE SPEAKER: The Chair does not join in that request, because the gentleman from Texas [Mr. Rayburn] is going to object, if nobody else does.

MR. [USHER L.] BURDICK [of North Dakota]: I object, Mr. Speaker.

THE SPEAKER: According to the rules of the House, 20 minutes of debate are permitted on each side.

3. 106 CONG. REC. 4388, 4389, 86th Cong. 2d Sess.

4. 102 CONG. REC. 14075, 84th Cong. 2d Sess.

§ 71.15 The House, under a motion to suspend the rules, passed a resolution extending the time for debate to four hours on a motion to suspend the rules and fixing control of debate on such motion.

On Sept. 20, 1943,⁽⁵⁾ Mr. John W. McCormack, of Massachusetts, moved to suspend the rules and pass House Resolution 302, which was agreed to by the House:

Resolved, That the time for debate on a motion to suspend the rules and pass House Concurrent Resolution 25 shall be extended to 4 hours, such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs; and said motion to suspend the rules shall be the continuing order of business of the House until finally disposed of.

Parliamentarian's Note: House Concurrent Resolution 25, reported by the Committee on Foreign Affairs, related to participation in world peace.

§ 71.16 A demand for a second on a motion to suspend the rules (under the rule in effect before 1991) was inapplicable where the House had previously adopted a resolution fixing control of debate

5. 89 CONG. REC. 7646, 78th Cong. 1st Sess.

on such motion and requiring uninterrupted consideration of such motion.

On Sept. 20, 1943,⁽⁶⁾ the House passed a motion to suspend the rules and pass House Resolution 302, which provided four hours of debate, to be equally divided and controlled by two Members, on a motion to suspend the rules and pass a concurrent resolution and which provided that said motion to suspend the rules "shall be the continuing order of business of the House until finally disposed of."

Following the adoption of the motion, Speaker Sam Rayburn, of Texas, recognized Mr. Sol Bloom, of New York, to move to suspend the rules and pass the concurrent resolution. Mr. Charles A. Eaton, of New Jersey, demanded a second on the motion and the Speaker indicated that the procedure under which the motion to suspend was being considered did not contemplate the demanding of a second:

MR. EATON: Mr. Speaker, I demand a second.

MR. BLOOM: Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.

6. 89 CONG. REC. 5655, 78th Cong. 1st Sess.

THE SPEAKER: The gentleman will state it.

MR. HOFFMAN: May a second be demanded by one who is not opposed to the resolution?

THE SPEAKER: That was practically cured by the resolution just passed, which provides that the time shall be in control of the gentleman from New York [Mr. Bloom] and the gentleman from New Jersey [Mr. Eaton]. The formality was gone through.

Parliamentarian's Note: Normally the Member demanding a second on a motion to suspend the rules was entitled to recognition for the 20 minutes of debate in opposition to the motion. Here, the time for debate on the motion had been extended and placed in the control of two specified Members. Furthermore, H. Res. 302 made the question of consideration (by way of a second) inapplicable, by making the motion to suspend the rules a "continuing order of business until finally disposed of."

Motions To Discharge Committee

§ 71.17 On a motion to discharge a committee, debate is limited to 20 minutes, and the Speaker does not recognize unanimous-consent requests to extend the time.

On Aug. 14, 1950,⁽⁷⁾ Mr. George P. Miller, of California, called up

7. 96 CONG. REC. 12441, 12442, 81st Cong. 2d Sess.

a petition to discharge the Committee on Rules from further consideration of House Resolution 667, providing for the consideration of H.R. 8195, a bill to rescind an order of the Postmaster General. Speaker Sam Rayburn, of Texas, stated that he would recognize Mr. Miller for 10 minutes on the motion and Edward E. Cox, of Georgia, the Chairman of the Committee on Rules, for 10 minutes in opposition to the motion. Mr. Joseph W. Martin, Jr., of Massachusetts, inquired how the minority could gain some time for debate on the motion, and the Speaker stated that allocation of the 20 minutes was in the discretion of Mr. Miller and Mr. Cox.

Mr. Martin then asked unanimous consent that the minority be given one hour on the motion. The Speaker stated that under the rules he could not entertain the request.

Conference Reports

§ 71.18 A special rule may provide that there be more than one hour of debate, in the House, on a conference report.

On Feb. 8, 1938,⁽⁸⁾ the House adopted House Resolution 416,

8. 83 CONG. REC. 1645, 75th Cong. 3d Sess.

providing for four hours of debate on a conference report (normally considered under the hour rule):

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of the conference report on the bill H.R. 8505, an act to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, and for other purposes; that all points of order against said conference report are hereby waived; and that after debate on said conference report, which may continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the previous question shall be considered as ordered on agreeing to the conference report.

§ 71.19 Debate on a conference report was, by unanimous consent, extended to two hours.

On Dec. 19, 1969,⁽⁹⁾ Mr. Wilbur D. Mills, of Arkansas, asked unanimous consent that when the conference report on H.R. 13270, the Tax Reform Act of 1969, was called up, there be an additional hour—a total of two hours—to consider the conference report. There was no objection to the request.⁽¹⁰⁾

9. 115 CONG. REC. 40217, 91st Cong. 1st Sess.

10. See also 102 CONG. REC. 5970, 84th Cong. 2d Sess., Apr. 9, 1956.

Special-order Speeches

§ 71.20 Where a Member has used an hour for a special-order speech, he is not permitted, even by unanimous consent, to secure additional time.

On June 11, 1969,⁽¹¹⁾ Mrs. Edith S. Green, of Oregon, had consumed an hour for a special-order speech. She requested additional time and Speaker Pro Tempore Ken Hechler, of West Virginia, declined to recognize her for that purpose:

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

MRS. GREEN of Oregon: Mr. Speaker is it in order for me to ask unanimous consent that I may continue for an additional 10 minutes?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentlewoman that under clause 2, rule 14, such a request cannot be entertained. However, the Chair can recognize other Members who wish to request a special order.⁽¹²⁾

Termination of Debate Prior to Fixed Time

§ 71.21 Where the House by unanimous consent fixed the

11. 115 CONG. REC. 15440, 91st Cong. 1st Sess.

12. The Speaker also declines to recognize for unanimous-consent requests for additional time on one-minute speeches (see § 73.10, *infra*).

time and control of debate and ordered the previous question at the conclusion of said debate, the Speaker ruled that it was not necessary for the Members in charge to use or yield the full time agreed upon.

On Mar. 11, 1941,⁽¹³⁾ the House was considering House Resolution 131 under the terms of a unanimous-consent request providing two hours of debate and dividing control of debate between Mr. Sol Bloom, of New York, and Mr. Hamilton Fish, Jr., of New York, and providing that at the conclusion of said debate the previous question be considered as ordered. Mr. Bloom asked for a vote on the resolution when he and Mr. Fish had used or yielded all the time they desired, and Mr. Martin J. Kennedy, of New York, objected on the ground that the unanimous-consent agreement was not being complied with since all the time provided had not been consumed. Speaker Sam Rayburn, of Texas, ruled as follows:

THE SPEAKER: The unanimous-consent request agreed to yesterday left control of the time in the hands of the gentleman from New York [Mr. Bloom] and the gentleman from New York [Mr. Fish]. At any time those gentle-

men do not desire to yield further time, compliance with the request has been had.

Effect of Ordering of Previous Question

§ 71.22 The House by unanimous consent vacated the ordering of the previous question in order to permit further debate.

On Aug. 26, 1960,⁽¹⁴⁾ the House was considering Senate amendments reported from conference in disagreement on H.R. 12619, making appropriations for the mutual security program. Mr. Silvio O. Conte, of Massachusetts, arose to object to a motion to concur with an amendment to a Senate amendment, but Mr. Otto E. Passman, of Louisiana, moved the previous question on the motion (without debate), which was ordered without objection. Speaker Sam Rayburn, of Texas, advised Mr. Conte that no further debate was in order.

A call of the House was ordered, and the House then agreed to a unanimous-consent request by Mr. Passman that "the action of the House by which the previous question was ordered be vacated," in order to permit debate on the motion.

13. 87 CONG. REC. 2177, 2178, 77th Cong. 1st Sess.

14. 106 CONG. REC. 17869, 17870, 86th Cong. 2d Sess.

§ 71.23 The previous question having been ordered on a motion to send a bill to conference under Rule XX clause 1, further debate may be had on the motion only by unanimous consent.

On July 9, 1970,⁽¹⁵⁾ Mr. Thomas E. Morgan, of Pennsylvania, moved to take H.R. 15628 from the Speaker's table with the Senate amendments thereto, disagree to the Senate amendments, and agree to a conference. Speaker John W. McCormack, of Massachusetts, recognized Mr. Morgan for one hour and Mr. Morgan immediately moved the previous question, which was ordered by the House on a recorded vote.

Mr. Morgan then propounded a unanimous-consent request for debate on the motion notwithstanding the fact that the previous question had been ordered, but the request was objected to:

MR. MORGAN: Mr. Speaker, notwithstanding the fact that the previous question has been ordered on my motion to go to conference, I ask unanimous consent that there now be 1 hour of debate, one-half to be controlled by myself and one-half by the gentleman from Michigan (Mr. Riegle) who has announced that he will propose a motion to instruct the conferees.

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

15. 116 CONG. REC. 23524, 91st Cong. 2d Sess.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object.

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

The motion was agreed to.

§ 71.24 Further debate on a measure on which the previous question has been ordered and the yeas and nays ordered on final passage may be had only by unanimous consent.

During consideration of House Joint Resolution 341 (waiver of law pursuant to Alaska Natural Gas Transportation Act) in the House on Dec. 8, 1981,⁽¹⁶⁾ the following proceedings occurred:

Accordingly the Committee rose; and the Speaker, having resumed the Chair, Mr. Fuqua, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 341) providing for a waiver of law pursuant to the Alaskan Natural Gas Transportation Act, had directed him to report the joint resolution back to the House, with the recommendation that the joint resolution do pass.

THE SPEAKER:⁽¹⁷⁾ Without objection, the previous question is ordered.

There was no objection.

THE SPEAKER: The question is on the engrossment and third reading of the joint resolution.

16. 127 CONG. REC. 30003, 97th Cong. 1st Sess.

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

The joint resolution was ordered to be engrossed and read a third time, and was read a third time.

THE SPEAKER: The question is on the passage of the joint resolution. . . .

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

MR. [TOM] CORCORAN [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

THE SPEAKER: Pursuant to clause 5 of rule I, further proceedings on this question will be postponed.

The vote will be taken tomorrow, Wednesday, December 9, 1981.

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Speaker, I ask unanimous consent that when this is considered tomorrow, there be 10 minutes allotted for debate immediately prior to the vote, 5 minutes to be allotted to the proponents and 5 minutes allotted to the opponents.

My reason for doing this is that there was no opportunity for Members who may be voting tomorrow, who are not here, to hear the principal arguments, and I think, in fairness, at least 5 minutes on each side ought to be allotted.

MR. [EUGENE] JOHNSTON [of North Carolina]: Mr. Chairman, I object.

THE SPEAKER: Objection is heard.

§ 71.25 The House having voted to reconsider a motion on which the previous question had been ordered when first voted upon, debate on the motion is in order by unanimous consent only.

During consideration of House Resolution 660 (in the matter of Representative Charles H. Wilson) in the House on May 29, 1980,⁽¹⁸⁾ the following proceedings occurred:

MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Speaker, I was in the House when the previous speaker . . . evidently brought in material which was not in the record before the committee, which in my judgment means there has been surprise to the defense in this case in the fact that the gentleman brought up evidence, which is a document from the State of California. . . .

I would ask the Chair, is there any procedure where I can make a motion, so that we can handle this in a fair and expeditious manner and give him the opportunity to respond to that and to get the evidence from California? . . .

THE SPEAKER:⁽¹⁹⁾ The only motion available that the Chair would know of, unless the gentleman from Florida would yield, would be the motion for reconsideration, if the gentleman voted on the prevailing side of the motion of the gentleman from California (Mr. Rousselot). That was a motion to postpone to a day certain, which was defeated.

MR. ERTEL: . . . Mr. Speaker, I move to reconsider the vote to postpone. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry. . . .

18. 126 CONG. REC. 12663-65, 96th Cong. 2d Sess.

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

Mr. Speaker, does a motion to reconsider admit of debate?

THE SPEAKER: There is no debate on this reconsideration motion, since the previous question was ordered on the motion to postpone. . . .

The Clerk read as follows:

Mr. Ertel moves that the House reconsider the vote on the motion to postpone to a day certain. . . .

THE SPEAKER: The question is on the motion offered by Mr. Ertel to reconsider the vote on the motion offered by Mr. Rousselot to postpone consideration. . . .

So the motion to reconsider the vote on the motion to postpone was agreed to. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from California (Mr. Rousselot) to postpone to June 10.

MR. [WYCHE] FOWLER [Jr., of Georgia]: Mr. Speaker, I would like to ask unanimous consent from this body for 10 minutes, to be equally divided between the opposition and the majority party, to debate the motion now before us by the gentleman from California (Mr. Rousselot). . . .

THE SPEAKER: Is there objection to the 10 minutes' debate?

The Chair hears none.

The gentleman from California (Mr. Rousselot) is recognized for 5 minutes, and the gentleman from Georgia (Mr. Fowler) is recognized for 5 minutes.

Parliamentarian's Note: The above precedent represents the modern practice. Earlier precedents⁽²⁰⁾ supported the view that

20. See 5 Hinds' Precedents §§5491, 5492.

“when a vote taken under the operation of the previous question is reconsidered, the main question stands divested of the previous question, and may be debated and amended without reconsideration of the motion for the previous question.” In current practice, separate reconsideration of the motion for the previous question would be required for debate and amendment.

Conference Reports

§ 71.26 Following the adoption of a conference report without debate, the House agreed, by unanimous consent, to permit 40 minutes' debate to appear in the Record preceding the adoption of the report.

On May 22, 1968,⁽¹⁾ Mr. Wright Patman, of Texas, called up the conference report on S. 5, the Consumer Credit Protection Act, and asked unanimous-consent that the statement of the managers be read in lieu of the report and that reading of the statement be dispensed with. There being no objection, and Mr. Patman not seeking recognition for debate, Speaker John W. McCormack, of Massachusetts, stated that the question

1. 114 CONG. REC. 14405, 90th Cong. 2d Sess.

was on the conference report, and the report was agreed to without debate.

Mr. Patman thereafter asked unanimous consent to vacate the proceedings by which the report was adopted, there having been no debate; the request was objected to. The House then agreed to a unanimous-consent request by Mr. Carl Albert, of Oklahoma:

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

The Speaker then stated, in response to parliamentary inquiries, that the agreement to permit discussion, the conference report having been agreed to, did not reopen the report to permit the making of motions thereon, such as the motion to recommit, the adoption of which would alter the prior action of the House in agreeing to the report.

§ 71.27 While debate on a conference report is limited to one hour⁽²⁾ to be equally divided between majority and minority parties,⁽³⁾ the House

2. See Rule XIV clause 2, *House Rules and Manual* § 758 (1995).

3. See Rule XXVIII clause 2, *House Rules and Manual* § 912a (1995).

may, by unanimous consent, either extend that time or permit debate by “special order” on the conference report prior to actual consideration thereof; thus, on one occasion, by unanimous consent, two Members, the chairman and ranking minority member of the House conferees, were permitted “special orders” of one hour each to debate a conference report following adoption of a resolution making in order the consideration of the report but prior to actual consideration of the report.

On Mar. 26, 1975,⁽⁴⁾ the following proceedings occurred in the House relative to consideration of the conference report on H.R. 2166, the Tax Reduction Act of 1975:

MR. [SPARK M.] MATSUNAGA [of Hawaii]: Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. Ullman).

CONFERENCE REPORT ON H.R. 2166, TAX
REDUCTION ACT OF 1975

Mr. [Al] Ullman [of Oregon] submitted the following conference report and statement on the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 . . . to increase the investment credit and the surtax exemption, and for other purposes:

4. 121 CONG. REC. 8899, 8900, 8916, 94th Cong. 1st Sess.

CONFERENCE REPORT (H. REPT. 94-120)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 . . . having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Tax Reduction Act of 1975”. . . .

MR. ULLMAN: Mr. Speaker, I ask unanimous consent that upon the adoption of the rule I be granted a 60-minute special order.

THE SPEAKER:⁽⁵⁾ Is there objection to the request of the gentleman from Oregon?

MR. [ROBERT E.] BAUMAN [of Maryland]: Reserving the right to object, Mr. Speaker, we have in the rules of the House an adequate rule for the consideration of conference reports I have no way of knowing, nor does any Member in this Chamber know, who will control the time during a special order, except the gentleman from Oregon, whether questions, once raised, will be answered, or whether or not debate will deteriorate into partisan debate.

THE SPEAKER: The gentleman is very effectively but improperly stating the

5. Carl Albert (Okla.).

rules. The minority has 30 minutes and the majority has 30 minutes on the conference report.

MR. BAUMAN: I am talking about the lack of protection contained in the request for the 1-hour special order that was just made by the gentleman from Oregon.

THE SPEAKER: Any Member of the House may make a request for a special order.

MR. BAUMAN: I withdraw my reservation of objection.

MR. [HERMAN T.] SCHNEEBELI [of Pennsylvania]: Mr. Speaker, further reserving the right to object, I also ask for a 60-minute special order following that of the gentleman from Oregon (Mr. Ullman).

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

There was no objection.

§ 72. Closing Debate; Senate Cloture

In the House, secondary motions—to lay on the table or for the previous question—can be used to cut off debate.⁽⁶⁾ Debate can, of course, be limited or closed by unanimous consent. When the House is operating “as in the Committee of the Whole,” both the motion for the previous question and the motion to limit debate can be utilized.

In contrast to the House, where the hour rule limits debate, Mem-

6. See §§ 72.1 et seq., *infra*, for the previous question and its effect.