

**cur in a Senate amendment failed to seek recognition to debate the motion, the Chair recognized the Member handling the conference report (no other motion being pending).**

On May 14, 1963,<sup>(13)</sup> the House was considering a conference report and Senate amendments in disagreement, called up and managed by Mr. Albert Thomas, of Texas. Mr. Robert R. Barry, of New York, offered a preferential motion that the House recede and concur in a certain amendment in disagreement. A division of the question was demanded and Speaker John W. McCormack, of Massachusetts, stated that the question was on receding from disagreement.

Mr. Thomas then raised a parliamentary inquiry:

Mr. Speaker, is it in order for the chairman of the House conferees to make a short statement at this time on it?

The Speaker answered that the motion was debatable, and since Mr. Barry did not seek recognition, the Speaker recognized Mr. Thomas on the motion. In answer to a parliamentary inquiry by Mr. Barry, the proponent of the motion, the Speaker stated that Mr.

Thomas had control of time on the motion since he had been recognized.

*Parliamentarian's Note:* In this case, Mr. Thomas had offered an initial motion (to recede and concur with an amendment) which was ruled out of order. Usually, the manager will offer an initial motion which remains pending if a preferential motion is offered, and the manager controls the majority time on the preferential motion.

## § 25. Distribution and Alternation

The distribution and alternation of time for debate, where time is equally divided or where consideration is proceeding under the five-minute rule, is governed not only by certain rules but by the principles of comity and courtesy between the majority and minority.<sup>(14)</sup>

The Chair may alternate recognition between those favoring and opposing the pending proposition where sides are ascertainable;<sup>(15)</sup> similarly, where a propo-

14. See §§ 25.26 et seq., *infra*, for cases where the rules require the division of time.

15. See §§ 25.4, 25.7, 25.21, 25.22, *infra*. For the principle of alternation, see *House Rules and Manual* § 756 (1995).

13. 109 CONG. REC. 8506, 88th Cong. 1st Sess.

sition is considered pursuant to the terms of a special rule, the rule equally divides control of debate between the majority and minority sides of the aisle.<sup>16</sup> And when the special rule itself, reported by the Committee on Rules, is being considered, the Committee on Rules traditionally divides time for debate on the resolution between the majority and minority sides of the aisle by the manager of the resolution yielding half the time for debate.

#### Cross References

Division of time on motions, see Ch. 23, *supra*.

Motion to allocate time under limitation on five-minute debate not in order, see § 22, *supra*.

Yielding time, see §§ 29, 31, *infra*.

### *In Committee of the Whole*

**§ 25.1 During general debate on District of Columbia business in Committee of the Whole after the manager of the bill has consumed his hour of debate and where debate has not been limited, the Chair alternates in recognizing between those for and against the pending legislation, giving preference to members of the Committee on the District of Columbia.**

16. See § 28, *infra*.

On Apr. 11, 1932,<sup>17</sup> Chairman Thomas L. Blanton, of Texas, answered a parliamentary inquiry on recognition in the Committee of the Whole during general debate on a District of Columbia bill:

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Chairman, when the Committee on the District of Columbia has the call and the Committee of the Whole House on the state of the Union is considering legislation, is it necessary, in gaining recognition, that a Member has to be in opposition to the bill or is any Member whatsoever entitled to one hour's time for general debate?

THE CHAIRMAN: From the Chair's experience, gained through having been a member of this committee for over 10 years, he will state that where a bill is called up for general debate on District day in the Committee of the Whole House on the state of the Union, and the chairman of the committee has yielded the floor, a member of the committee opposed to the bill is entitled to recognition over any other member opposed to the bill, and it was the duty of the Chair to ascertain whether there were any members of the committee opposed to the bill who would be entitled to prior recognition. The Chair, having ascertained there were no members of the committee opposed to the bill, took pleasure, under the direction of the gentleman from Wisconsin, in recognizing the gentleman from Mississippi.

17. 75 CONG. REC. 7990, 72d Cong. 1st Sess.

**§ 25.2 On resolutions disapproving reorganization plans and on motions to discharge a committee from further consideration of such resolutions, debate was equally divided and controlled by those favoring and those opposing the resolution, pursuant to the Reorganization Act of 1949.**

On July 19, 1961,<sup>(18)</sup> Mr. Dante B. Fascell, of Florida, called up House Resolution 328, disapproving Reorganization Plan No. 5, transmitted to the Congress by the President. Unanimous consent was given that debate on the resolution in the Committee of the Whole be equally divided and controlled by Mr. Fascell, the proponent of the resolution, and Mr. Clare E. Hoffman, of Michigan, the ranking minority member of the Committee on Government Operations, the reporting committee.

On Aug. 3, 1961,<sup>(19)</sup> Mr. H. R. Gross, of Iowa, moved to discharge the Committee on Government Operations from the further consideration of House Resolution 335, disapproving a reorganization plan. After Mr. Gross assured

18. 107 CONG. REC. 12905, 12906, 12932 (two separate requests), 87th Cong. 1st Sess.

19. *Id.* at pp. 14548, 14554.

Speaker Sam Rayburn, of Texas, that he qualified to make the motion since he was in favor of the resolution, the Speaker recognized him to open debate and to control 30 minutes, and recognized a Member in opposition to the motion to discharge to control the following 30 minutes. Mr. Gross was recognized to close debate on the motion.

*Parliamentarian's Note:* The Reorganization Act of 1949, Public Law No. 81-109, provided that debate on a resolution disapproving a reorganization plan and debate on a motion to discharge such a resolution be equally divided and controlled between those favoring the resolution and those opposing it.<sup>(20)</sup>

***Under Special Rules***

**§ 25.3 Where, under a special rule, general debate is di-**

20. 63 Stat. 207, §§204(b), 205(b). The statute was enacted as an exercise of the rule-making power of the House and Senate, with full recognition of the constitutional right of either House to change such rules at any time. Similar statutes divide debate between those favoring and those opposing approval or disapproval resolutions. For discussion of other statutes prescribing procedures as an exercise of the rule-making power of the House and Senate, see *House Rules and Manual* § 1013 (1995).

**vided and controlled by two committees, the Chair may permit the chairman of the primary committee involved to reserve a portion of his allotted time to close general debate, while recognizing the chairman of the other committee to utilize his time.**

During consideration of the Intergovernmental Emergency Assistance Act (H.R. 10481) in the Committee of the Whole on Dec. 2, 1975,<sup>(1)</sup> the proceedings described above occurred as follows:

THE CHAIRMAN:<sup>(2)</sup> Pursuant to the rule, general debate will continue for not to exceed 3 hours, 2 hours to be equally divided and controlled between the chairman and ranking minority member of the Committee on Banking, Currency and Housing, and 1 hour to be equally divided and controlled between the chairman and ranking minority member of the Committee on Ways and Means.

Under the rule, the gentleman from Ohio [Mr. Ashley, chairman of the Committee on Banking, Currency, and Housing] will be recognized for 1 hour; the gentleman from Connecticut (Mr. McKinney) will be recognized for 1 hour; the gentleman from Oregon (Mr. Ullman) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Schneebeli) will be recognized for 30 minutes. . . .

1. 121 CONG. REC. 38141, 38166, 38174, 94th Cong. 1st Sess.
2. James G. O'Hara (Mich.).

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, I have no further requests for time and I reserve the balance of my time.

THE CHAIRMAN: Under the rule, the gentleman from Oregon (Mr. Ullman) is recognized for 30 minutes, and the gentleman from New York (Mr. Conable) is recognized for 30 minutes.

[Mr. [Al] Ullman [of Oregon] addressed the Committee.]

MR. ASHLEY: Mr. Chairman, I yield myself 2 minutes to close debate.

**§ 25.4 Where a special rule divided the control of general debate on a bill among the chairmen and ranking minority members of two standing committees, the Chairman indicated that he would alternate recognition among all four of the members controlling the time.**

On Sept. 28, 1976,<sup>(3)</sup> during consideration of the Public Disclosure of Lobbying Act of 1976 (H.R. 15) in the Committee of the Whole, the following exchange occurred:

THE CHAIRMAN:<sup>(4)</sup> Under the rule, the gentleman from Alabama (Mr. Flowers) will be recognized for 1 hour, the gentleman from California (Mr. Moorhead) will be recognized for 1 hour, the gentleman from Florida (Mr. Bennett) will be recognized for 1 hour, and the gentleman from South Caro-

3. 122 CONG. REC. 33044, 94th Cong. 2d Sess.
4. Richard Bolling (Mo.).

lina (Mr. Spence) will be recognized for 1 hour.

The Chair recognizes the gentleman from Alabama (Mr. Flowers).

MR. [WALTER] FLOWERS [of Alabama]: Mr. Chairman, may I inquire of the Chair if it is the Chairman's intention to alternate among the Members who have control of the time or at least loosely alternate among the Members who have control of the time?

THE CHAIRMAN: The Chair will inform the gentleman from Alabama (Mr. Flowers) that the Chair will attempt to alternate among all four of the gentlemen who have control of the time.

**§ 25.5 Where a special rule provides separate control of general debate time among the chairmen and ranking minority members of two committees, but does not specify the order of recognition, the Chair may in his discretion either alternate recognition among the four Members or permit the primary committee to first utilize most of its time and then permit the manager of the bill to close general debate after the sequential committee uses its time.**

During consideration of the Fair Practices in Automotive Products Act (H.R. 5133) in the Committee of the Whole on Dec. 10, 1982,<sup>(5)</sup>

5. 128 CONG. REC. 29982, 29984, 29985, 97th Cong. 2d Sess.

the following proceedings occurred:

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5133) to establish domestic content requirements for motor vehicles sold in the United States, and for other purposes.

THE SPEAKER:<sup>(6)</sup> The question is on the motion offered by the gentleman from New Jersey (Mr. Florio).

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5133, with Mr. Panetta in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN:<sup>(7)</sup> Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. Florio) will be recognized for 30 minutes, the gentleman from North Carolina (Mr. Broyhill) will be recognized for 30 minutes, the gentleman from Florida (Mr. Gibbons) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. Frenzel) will be recognized for 30 minutes.

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I have a parliamentary inquiry. . . .

I wish to inquire as to whether the time will run concurrently or whether one committee goes first and the second committee follows.

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

7. Leon E. Panetta (Calif.).

THE CHAIRMAN: The Chair would interpret the rule to allow each of the respective Members to allot their time respectively without any kind of a pattern, so it could be done interchangeably. . . .

The Chair would advise the Members that although the time could be used interchangeably that it is the will of those controlling the time that the gentleman from New Jersey (Mr. Florio) and the gentleman from North Carolina (Mr. Broyhill) use their time first and then the gentleman from Florida (Mr. Gibbons) and the gentleman from Minnesota (Mr. Frenzel).

MR. FLORIO: On that point, Mr. Chairman, it would be my hope to reserve some time to be in a position to take part in the concluding portion of the 2 hours' debate.

THE CHAIRMAN: The gentleman is free to do that. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, am I correct in my understanding that the rule provides that the time may be used alternately by the several persons who control this time?

THE CHAIRMAN: The rule does permit that, the Chair would advise the gentleman, but it does not provide for any necessary order.

MR. DINGELL: And as the Chair advises, there is no necessary order. It can be used interchangeably, and so forth.

THE CHAIRMAN: That is correct.

**§ 25.6 Where a special rule limiting debate on an amendment under the five-minute rule requires the time thereon to be equally divided and**

**controlled by the proponent of the amendment and a Member opposed thereto, the Chair has discretion in determining which Member to control the time in opposition, and may recognize the majority chairman of the subcommittee with jurisdiction over the subject matter of an amendment which has been offered by a member of the minority, over the ranking minority member of the full committee managing the bill, to control the time in opposition under the principle of alternation of recognition.**

On Sept. 24, 1984,<sup>(8)</sup> the Committee of the Whole had under consideration House Joint Resolution 648 (continuing appropriations) when an amendment was offered as indicated below:

MR. [HANK] BROWN of Colorado: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:<sup>(9)</sup> The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Brown of Colorado: Page 2, line 24, strike out the period at the end of section 101(b) and insert in lieu thereof the following: "": *Provided*, That 2 percent of the aggregate amount of new

8. 130 CONG. REC. 26769, 26770, 98th Cong. 2d Sess.

9. George E. Brown, Jr. (Calif.).

budget authority provided for in each of the first three titles of H.R. 6237 shall be withheld from obligation . . . .

THE CHAIRMAN: Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Colorado (Mr. Brown) will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Colorado (Mr. Brown). . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I rise in opposition to the amendment.

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN: The Chair is required to choose between these two distinguished gentlemen and would prefer to alternate the parties in this case.

The Chair will recognize the gentleman from Maryland (Mr. Long). The gentleman from Maryland is recognized for 15 minutes in opposition to the amendment.

### *Five-minute Rule*

**§ 25.7 In the Committee of the Whole, during consideration of an appropriation bill under the five-minute rule, the Chairman customarily alternates recognition between the majority and minority sides of the aisle and in so doing may extend prior recognition first to members of the relevant subcommittee**

**then to members of the full committee and then to Members who have been on their feet seeking recognition.**

On July 30, 1969,<sup>(10)</sup> Chairman Chet Holifield, of California, made an announcement on the order of recognition during consideration under the five-minute rule of H.R. 13111, appropriations for the Health, Education, and Welfare and Labor Departments:

The Chair might state, under the procedures of the House, he is trying to recognize first members of the subcommittee on appropriations handling the bill and second general members of the Committee on Appropriations. It is his intention to go back and forth to each side of the aisle to recognize Members who have been standing and seeking recognition the longest. . . .

**§ 25.8 Where the Committee of the Whole has, by motion, agreed to limit all debate on a section and all amendments thereto, the Chair generally divides the time equally among those who indicate, by standing when the motion is made, that they desire recognition; but the matter of recognition is largely within the discretion of the Chair and he may continue to recognize each Member who**

10. 115 CONG. REC. 21420, 91st Cong. 1st Sess.

**seeks recognition for five minutes until the time for debate has been exhausted.**<sup>(11)</sup>

**§ 25.9 Where debate on a bill and all amendments thereto is limited to a time certain, the five-minute rule is abrogated, and the Chair may choose either to allocate the time among those Members standing and desiring to speak, or choose to recognize only Members wishing to offer amendments and to oppose amendments; such decisions are largely within the discretion of the Chair who may decline to recognize Members more than one time under the limitation and may refuse to permit Members to divide their allotted time so as to speak to several of the amendments which are to be offered.**

On May 6, 1970,<sup>(12)</sup> after the Committee of the Whole had agreed to close debate on a pending bill and amendments thereto at a certain hour, Chairman Daniel D. Rostenkowski, of Illinois, answered a parliamentary inquiry as to whether he would, in his dis-

11. 111 CONG. REC. 17961, 89th Cong. 1st Sess., July 22, 1965.

12. 116 CONG. REC. 14466, 14467, 91st Cong. 2d Sess.

cretion, allow certain Members to speak:

MR. [SAMUEL S.] STRATTON [of New York]: Under the limitation of debate imposed by the House a moment ago, is there any restriction on those Members who will be permitted to speak on amendments, either for or against, between now and 7 o'clock?

THE CHAIRMAN: The Chair will endeavor to divide the time equally among the proponents and the opponents of those who have amendments. . . .

MR. STRATTON: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. STRATTON: Under the limitation of debate, is it permissible for a Member to speak twice within his allotted time either for or against two specific amendments?

THE CHAIRMAN: The Chair will recognize the gentleman for one time in support of or in opposition to an amendment.

MR. STRATTON: But not more than once?

THE CHAIRMAN: No; not more than once.

**§ 25.10 Where the Committee of the Whole agrees to terminate all debate on an amendment at a certain time, the Chair divides the time remaining among those Members who indicate a desire to speak; and if free time remains after these Members have been recognized, the**

**Chair may recognize Members who have not spoken to the amendment or Members who were recognized for less than five minutes under the limitation of time.**

On Mar. 17, 1960,<sup>(13)</sup> the Committee of the Whole agreed to a request that all debate on the pending amendment close at 3:50 p.m. Chairman Francis E. Walter, of Pennsylvania, recognized under the limitation Members who had indicated they wished to speak. When those Members had spoken, time still remained and the Chairman recognized for debate Members who were not standing seeking recognition when the limitation was agreed to. The Chair answered a parliamentary inquiry:

MR. [JAMES C.] DAVIS of Georgia: Was not the time fixed for this debate, and was not the time limited to those who were standing on their feet seeking recognition?

THE CHAIRMAN: The time was fixed at 3:50. The Chair made a list of the names of those Members who indicated they desired to speak. However, the thing that governs is the time that was fixed in the unanimous-consent request made by the gentleman from New York, but because the time has not arrived when debate will end, the Chair will recognize those Members who seek recognition.

MR. DAVIS of Georgia: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DAVIS of Georgia: Does that limitation then of 2 minutes apply to me, or could I have some of this additional time?

THE CHAIRMAN: Yes, the gentleman could be recognized again if he sought recognition.

**§ 25.11 Where the Committee of the Whole has limited debate under the five-minute rule to a time certain and an equal division of the remaining time among all the Members seeking recognition would severely restrict each Member in his presentation, the Chair may in his discretion equally allocate the time between two Members on opposing sides of the question to be yielded by them.**

On June 14, 1977,<sup>(14)</sup> it was demonstrated that a limitation of debate on amendments in the Committee of the Whole to a time certain in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition are largely within the discretion of the Chair.

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I move that all debate on these amendments and all amend-

13. 106 CONG. REC. 5911, 5914, 86th Cong. 2d Sess.

14. 123 CONG. REC. 18826, 18833, 95th Cong. 1st Sess.

ments thereto, cease at 4 o'clock and 45 minutes p.m.

THE CHAIRMAN:<sup>(15)</sup> The question is on the motion offered by the gentleman from Alabama (Mr. Bevill).

The motion was agreed to. . . .

THE CHAIRMAN: The Chair has before him a list of more than 25 Members to occupy the next 10 minutes. It has been suggested that it would be possible for the Chair to recognize the gentleman from Alabama (Mr. Bevill) and the gentleman from Massachusetts (Mr. Conte) to allocate those 10 minutes.

Accordingly, the Chair will recognize the gentleman from Massachusetts (Mr. Conte) for 5 minutes, and the gentleman from Alabama (Mr. Bevill) for 5 minutes.

MR. JOHN T. MYERS [of Indiana]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JOHN T. MYERS: How did the Chair make that decision?

THE CHAIRMAN: The Chair has the authority to allocate time under a limitation, and it is obvious to the Chair that this is the most rational way to handle the 10 minutes.

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

**§ 25.12 By unanimous consent, the Committee of the Whole agreed that, on a general appropriations bill considered as read and open to amendment at any point, debate**

15. George E. Brown, Jr. (Calif.).

**under the five-minute rule should terminate at a time certain, with 30 minutes of the time remaining for debate to be allowed on a particular amendment and to be equally divided and controlled.**

On Sept. 22, 1983,<sup>(16)</sup> the following proceedings occurred in the Committee of the Whole during consideration of H.R. 3913 (the Departments of Labor and Health and Human Services appropriations for fiscal year 1984):

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, at this time I would ask unanimous consent that all debate on the bill and all amendments thereto conclude not later than 3:30. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, reserving the right to object, the motion does not, however, include the 30 minutes for the abortion debate that I thought the gentleman from Illinois was assured of? . . .

MR. NATCHER: The gentleman is correct.

Mr. Chairman, I would ask that debate conclude not later than 3:30 with 30 minutes of the time to be allocated to the amendment pertaining to abortion. . . .

MR. [LES] AU COIN [of Oregon]: Reserving the right to object, Mr. Chairman, I want to be sure I understand

16. 129 CONG. REC. 25407, 98th Cong. 1st Sess.

what the gentleman just said. My understanding is that in that 30 minutes the time will be divided equally between those who agree with Mr. Hyde and those who agree with the gentleman from Oregon (Mr. AuCoin)? . . .

MR. NATCHER: . . . The gentleman (Mr. AuCoin) is correct. . . .

THE CHAIRMAN PRO TEMPORE:<sup>(17)</sup> Is there objection to the request of the gentleman from Kentucky?

There was no objection.

**§ 25.13 Where debate under the five-minute rule on a bill and all amendments thereto has been limited by motion to a time certain (with approximately 90 minutes remaining) the Chair may in his discretion continue to recognize Members under the five-minute rule, according priority to members of the committee reporting the bill, instead of allocating time between proponents and opponents or among all Members standing, where it cannot be determined what amendments will be offered.**

On July 29, 1983,<sup>(18)</sup> during consideration of the International Monetary Fund authorization (H.R. 2957) in the Committee of the Whole, the Chair responded

17. Abraham Kazen, Jr. (Tex.).

18. 129 CONG. REC. 21649, 21650, 21659, 21660, 98th Cong. 1st Sess.

to several parliamentary inquiries regarding recognition following agreement to a motion to limit debate to a time certain:

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I ask unanimous consent that the remainder of the bill, H.R. 2957, be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The text of title IV and title V is as follows:

TITLE IV—INTERNATIONAL LENDING SUPERVISION

Sec. 401. This title may be cited as the "International Lending Supervision Act of 1983". . . .

MR. ST GERMAIN: I have a motion, Mr. Chairman. . . .

I now move that all debate on the bill, H.R. 2957, and all amendments thereto, cease at 12 o'clock noon. . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, a parliamentary inquiry. . . .

Mr. Chairman, the parliamentary inquiry is for the Chair to please state the process by which we will do our business from now until the time is cut off. . . .

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, would it not be in order at this time to ask that the time be divided between the proponents and the opponents of this measure, since there is a limitation on the time?

THE CHAIRMAN:<sup>(19)</sup> The Chair believes not, because the time has been

19. Donald J. Pease (Ohio).

limited on the entire bill. It would be very difficult to allocate time to any one particular party or two parties when the Chair has no knowledge of the amendments that will be offered.

MR. NEAL: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. NEAL: Mr. Chairman, is it not true that members of the committee should be given preference in terms of recognition?

THE CHAIRMAN: That is true. At the time the gentleman from Pennsylvania was recognized, he was the only one seeking recognition.

**§ 25.14 In recognizing Members to move to strike the last word under the five-minute rule, the Chair attempts to alternate between majority and minority Members; but the Chair has no knowledge as to whether specific Members oppose or support the pending proposition and therefore cannot strictly alternate between both sides of the question.**

On June 7, 1984,<sup>(20)</sup> during consideration of H.R. 5504 (Surface Transportation and Uniform Relocation Assistance Act of 1984) in the Committee of the Whole, the following exchange occurred:

THE CHAIRMAN:<sup>(1)</sup> The Chair recognizes the gentleman from Massachusetts (Mr. Shannon).

20. 130 CONG. REC. 15423, 98th Cong. 2d Sess.

1. Dan Daniel (Va.).

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. FRENZEL: Mr. Chairman, is it not customary to choose Members opposed and supporting the amendment in some kind of rough order?

THE CHAIRMAN: The Chair is attempting to be fair. What the Chair is doing is alternating between the two sides.

MR. FRENZEL: I thank the Chair.

### *In House*

**§ 25.15 Where the previous question is ordered on a debatable motion without debate, a Member may demand the right to debate; and the 40 minutes permitted under the rule is divided between the person demanding the time and some Member who represents the opposing view of the question.**

On Sept. 13, 1965,<sup>(2)</sup> the previous question was ordered, without debate, on the motion to approve the Journal, as read. Speaker John W. McCormack, of Massachusetts, stated, in response to a parliamentary inquiry by Mr. Durward G. Hall, of Missouri, that pursuant to Rule XXVII clause 3, any Member could de-

2. 111 CONG. REC. 23602, 23604-06, 89th Cong. 1st Sess.

mand the right to debate the motion since it was debatable and since the previous question had been ordered without debate. The Speaker recognized Mr. Hall for 20 minutes and then recognized for 20 minutes Mr. Carl Albert, of Oklahoma, representing the opposing view of the question.<sup>(3)</sup>

**§ 25.16 In recognizing a Member to control time for debate in opposition to a bill taken away from a committee through the operation of the discharge rule on a special order pending in the Committee on Rules, the Speaker recognizes the chairman of the committee having jurisdiction of the subject matter if he is opposed to the bill considered pursuant to the adopted resolution.**

3. Rule XXVII clause 2, *House Rules and Manual* §907 (1995) also requires a division of time on the motion to suspend the rules. Other House rules similarly require a division of the time for debate between those favoring and those opposing the motion or question. See, for example, Rule XVI clause 4, *House Rules and Manual* §782 (1995) (motion to recommit with instructions); Rule XXVIII, clauses 4 and 5 *House Rules and Manual* §§913b and 913c (1995) (motion to reject nongermane matter agreed to by the Senate, if included in a conference report).

On Aug. 14, 1950, the House agreed to a motion to discharge the Committee on Rules from the further consideration of a resolution making in order the consideration of a bill within the jurisdiction of the Committee on Post Office and Civil Service. The resolution, which was then adopted, provided that the bill be considered on the following day. On Aug. 15, 1950, Speaker Sam Rayburn, of Texas, ruled as follows on recognition to control time for debate in opposition to the bill:

Pursuant to the provisions of House Resolution 667, the Chair designates the gentleman from Tennessee [Mr. Murray], chairman of the Committee on Post Office and Civil Service, to control time for debate in opposition to the bill H.R. 8195.<sup>(4)</sup>

**§ 25.17 House debate on the confirmation of Vice President-designate Rockefeller was limited to 6 hours and was equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary (both of whom favored the nomination), and Robert W. Kastenmeier, of Wisconsin (a majority member of the Judiciary Committee who opposed the nomination).**

4. 96 CONG. REC. 12543, 81st Cong. 2d Sess.

The following resolution was reported on Dec. 19, 1974:<sup>(5)</sup>

## H. RES. 1519

*Resolved*, That upon the adoption of this resolution it shall be in order to move, clause 28(d)(4) of rule XI to the contrary notwithstanding, 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. 1511) confirming Nelson A. Rockefeller as Vice President of the United States. After general debate, which shall be confined to the resolution and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and Representative Robert W. Kastenmeier, of Wisconsin, the Committee shall rise and report the resolution to the House, and the previous question shall be considered as ordered on the resolution to final adoption or rejection.

House Resolution 1519, after the customary hour of debate, was agreed to.<sup>(6)</sup> The House then resolved into the Committee of the Whole for consideration of House Resolution 1511, confirming Nelson A. Rockefeller as Vice President of the United States. After debate as provided for in House Resolution 1519, the Committee

5. 120 CONG. REC. 41419, 93d Cong. 2d Sess.

6. 120 CONG. REC. 41425, 93d Cong. 2d Sess., Dec. 19, 1974.

rose, and House Resolution 1511 was agreed to by a vote of 287 yeas, 128 nays.

On Dec. 6, 1973,<sup>(7)</sup> House Resolution 738, providing for consideration of the resolution confirming the nomination of Mr. Gerald R. Ford as Vice President of the United States, contained the following provisions:

## H. RES. 738

*Resolved*, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, 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. 735) confirming the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States. After general debate, which shall be confined to the resolution and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the Committee shall rise and report the resolution to the House, and the previous question shall be considered as ordered on the resolution to final passage.

After House Resolution 738 was agreed to,<sup>(8)</sup> and debate proceeded in Committee of the Whole in accordance therewith, the Committee rose; and the House agreed to House Resolution 735 con-

7. See 119 CONG. REC. 39807, 93d Cong. 1st Sess.

8. 119 CONG. REC. 39812, 39813, 93d Cong. 1st Sess., Dec. 6, 1973.

firming Mr. Ford as Vice President of the United States.<sup>(9)</sup>

**§ 25.18 By unanimous consent the House extended for an additional 30 minutes the time for debate on a special order from the Committee on Rules (with the understanding that such time would be equally divided and controlled).**

The proceedings of July 29, 1977,<sup>(10)</sup> 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. . . .

9. See 119 CONG. REC. 39899, 93d Cong. 1st Sess., Dec. 6, 1973.

10. 123 CONG. REC. 25653-55, 95th Cong. 1st Sess.

THE SPEAKER:<sup>(11)</sup> 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.

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

**§ 25.19 While alternation of recognition between the majority and minority Members controlling debate in the House, or continued recognition of that Member having the most time remaining, are two customary factors governing recognition by the Chair, neither factor is binding on the Chair, who may exercise discretion in conferring recognition where control has been equally divided, and may entertain a motion for the previous question by the manager of the measure if neither side seeks to yield further time.**

On June 23, 1983,<sup>(12)</sup> Speaker Pro Tempore Jim Moody, of Wisconsin, responded to several parliamentary inquiries regarding procedures for recognition. The proceedings in the House during consideration of House Concurrent Resolution 91 (revising the fiscal 1983 congressional budget and setting forth the fiscal 1984 budget) were as follows:

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

Does the gentlewoman seek recognition?

MRS. [LYNN] MARTIN of Illinois: Mr. Speaker, could the Chair inform us

how much time each side of the aisle has remaining?

THE SPEAKER PRO TEMPORE: The gentleman from Oklahoma has 35 minutes left and the gentleman from Ohio has 21½ minutes left.

MRS. MARTIN of Illinois: Then we will allow the other side of the aisle to catch up.

MR. [JAMES R.] JONES of Oklahoma: Does the gentlewoman want to yield back her time?

MRS. MARTIN of Illinois: Mr. Speaker, I am reserving the balance of my time.

MR. JONES of Oklahoma: Our side just spoke. If the gentlewoman does not want to use her time and have her side go forward, the gentlewoman can reserve her time and we can reserve ours and we can dispense with the rest of the debate.

MRS. MARTIN of Illinois: Mr. Speaker, may I ask the outstanding chairman, the gentleman from Oklahoma, will he then yield that time to us?

Well, we will reserve our time for now and await the gentleman's decision.

MR. JONES of Oklahoma: Mr. Speaker, I would like to state a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. JONES of Oklahoma: Mr. Speaker, if we reserve our time, is the previous question then in order?

THE SPEAKER PRO TEMPORE: Will the gentleman restate the question?

MR. JONES of Oklahoma: The gentlewoman has reserved her time. If we reserve our time, is the previous question then in order?

THE SPEAKER PRO TEMPORE: If neither side yields time, the Chair will en-

12. 129 CONG. REC. 17089, 98th Cong. 1st Sess.

tain a motion for the previous question from the manager of the motion.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. SHUSTER: Mr. Speaker, if not the rules of the House, is it not the tradition of the House that the side with the most time remaining takes the floor?

THE SPEAKER PRO TEMPORE: That is one variable. Alternating from side to side is another tradition of the House.

**§ 25.20 The Speaker, in announcing a new policy for recognition for one-minute speeches and for special-order requests, indicated that he would: (1) alternate recognition between majority and minority Members in the order in which they seek recognition; (2) recognize Members for special-order speeches first who want to address the House for five minutes or less, alternating between majority and minority Members, otherwise in the order in which permission was granted; and (3) then recognize Members who wish to address the House for longer than five minutes and up to one hour, alternating between majority and minority Members in the order in which permission was granted by the House.**

For discussion of the announcement by the Speaker on Aug. 8, 1984,<sup>(13)</sup> and for other precedents relating to recognition for special-order requests and one-minute speeches, see, generally, § 10, *supra*.

—*Calendar Wednesday*

**§ 25.21 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 the ranking minority member of the committee who is opposed to the bill.**

On Apr. 14, 1937,<sup>(14)</sup> Chairman J. Mark Wilcox, of Florida, stated in response to a parliamentary inquiry that debate on a bill (called up under the Calendar Wednesday procedure) in the Committee of the Whole would be limited to two hours, one hour to be controlled by the chairman of the Committee on Interstate and Foreign Commerce, and one hour to be controlled by the ranking minority committee member opposed to the bill. The Chairman indi-

13. See § 10.48, *supra*, discussing the proceedings at 130 CONG. REC. 22963, 98th Cong. 2d Sess.

14. 81 CONG. REC. 3456, 75th Cong. 1st Sess.

cated he would recognize in opposition Mr. Pehr G. Holmes, of Massachusetts, who assured the Chairman that he was the most senior minority member of the Committee on Interstate and Foreign Commerce who was opposed to the bill.<sup>(15)</sup>

### ***Suspension***

**§ 25.22 Alternation of recognition is generally but not necessarily followed during the 40 minutes of debate on a motion to suspend the rules where the proponent of the motion and the Member demanding a second equally control the time.**

On Sept. 20, 1961,<sup>(16)</sup> Mr. William R. Poage, of Texas, moved to suspend the rules and pass a bill. After a second was ordered, Mr. H. R. Gross, of Iowa, stated:

I understand that under the rules it is not necessary to rotate time under a suspension of the rules.

The Speaker Pro Tempore, John W. McCormack, of Massachusetts, responded "That is correct."

15. See also 92 CONG. REC. 8590, 79th Cong. 2d Sess., July 10, 1946.

Rule XXIV clause 7, *House Rules and Manual* §897 (1995) governs the consideration of bills called up by committees under the Calendar Wednesday procedures.

16. 107 CONG. REC. 20491, 87th Cong. 1st Sess.

On Apr. 16, 1962,<sup>(17)</sup> Mr. James Roosevelt, of California, moved to suspend the rules and pass a bill. Speaker Pro Tempore Carl Albert, of Oklahoma, stated, in response to a parliamentary inquiry by Mr. Gross, that under suspension of the rules it was not necessary to rotate the time between opposing and favoring sides of the question.<sup>(18)</sup>

*Parliamentarian's Note:* A second is no longer required on a motion to suspend the rules.

**§ 25.23 Where a Member controls the time for debate on a motion to suspend the rules, the manner in which he allocates his time is not within the province of the Chair.**

On Dec. 15, 1969,<sup>(19)</sup> Mr. Robert W. Kastenmeier, of Wisconsin, moved to suspend the rules and pass H.R. 14646, granting the consent of Congress to an interstate compact. Speaker John W.

17. 108 CONG. REC. 6682, 87th Cong. 2d Sess.

18. The practice of alternation is not necessarily followed where a limited time is controlled by Members, as in the 40 minutes' debate for suspension of the rules and after the previous question has been ordered without debate on a debatable motion (see 2 Hinds' Precedents §1442).

19. 115 CONG. REC. 39029, 39034, 91st Cong. 1st Sess.

McCormack, of Massachusetts, recognized Mr. Burt L. Talcott, of California, who stated that he was opposed to the bill, to demand a second and to control the 20 minutes of debate in opposition to the bill. When Mr. Kastenmeier and Mr. Talcott each had one minute of debate remaining, Mr. Lester L. Wolff, of New York, made a point of order against the allocation of time by Mr. Talcott; the Speaker overruled the point of order:

MR. WOLFF: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state his point of order.

MR. WOLFF: The gentleman from California (Mr. Talcott) when he was asked whether or not he opposed the legislation, said that he did. However, he has not yielded any time whatsoever to any opponents of the bill.

THE SPEAKER: That is not within the province of the Chair.<sup>(20)</sup>

*Parliamentarian's Note:* A second is no longer required on a motion to suspend the rules.

20. See also 109 CONG. REC. 19953, 88th Cong. 1st Sess., Oct. 21, 1963 (after recognition of seconder for 20 minutes of debate on motion to suspend the rules, the Chair refused to entertain unanimous-consent request for additional allotment of time to opposition); 105 CONG. REC. 10810, 86th Cong. 1st Sess., June 15, 1959 (a member may not speak to a motion to suspend the rules unless yielded time by mover or seconder of the motion).

**§ 25.24 By unanimous consent, the 20 minutes debate allotted a Member demanding a second (under a former practice) on a motion to suspend the rules was transferred to another Member.**

On Apr. 20, 1970,<sup>(1)</sup> Mr. Carl D. Perkins, of Kentucky, moved to suspend the rules and pass H.R. 10666, to establish a national commission on libraries and informational science. Mr. John R. Dellenback, of Oregon, demanded a second (thereby being entitled to control the 20 minutes of debate in opposition to the motion). Mr. Dellenback later requested that the debate time allotted him be transferred to another Member in opposition:

MR. DELLENBACK: Mr. Speaker, while I demanded the second, which was ordered, I ask unanimous consent that control of the time be transferred to the gentleman from New York (Mr. Reid).

THE SPEAKER:<sup>(2)</sup> Is there objection to the request of the gentleman from Oregon?

There was no objection.

*Parliamentarian's Note:* A second is no longer required on a motion to suspend the rules.

**§ 25.25 While the manager of a motion to suspend the rules**

1. 116 CONG. REC. 12415, 12416, 91st Cong. 2d Sess.
2. John W. McCormack (Mass.).

**has the right to close debate thereon, the Chair attempts to evenly alternate recognition between the majority and minority in order that a comparable amount of time remains for closing speakers on both sides.**

On Oct. 2, 1984,<sup>(3)</sup> during consideration of the balanced budget bill (H.R. 6300) in the House, the following proceedings occurred:

MR. [JUDD] GREGG [of New Hampshire]: Mr. Speaker, I have a parliamentary inquiry.

I have 9 minutes remaining. The chairman of the Committee on the Budget has 13 more minutes remaining. After I yield this next point, I will have 7 minutes remaining.

I would request the Chair, in fairness, to proceed with the other side until the time is in more balance as we get closer to the closing of debate.

THE SPEAKER PRO TEMPORE:<sup>(4)</sup> The Chair would announce that the Chair is not trying to have this debate conducted in an unfair manner. The Chair will allow the gentleman from Oklahoma to have the chance to yield to a speaker to close debate and, therefore, the Chair will try to keep the division of time as near even as possible, given the consideration that the gentleman from Oklahoma have the opportunity to end the debate.

### ***Conference Reports***

#### **§ 25.26 One hour of debate, equally divided between the**

3. 130 CONG. REC. 28517, 98th Cong. 2d Sess.
4. Richard A. Gephardt (Mo.).

**majority and minority parties, is permitted on a conference report; and where conferees have been appointed from two committees of the House, the Speaker recognizes one of the minority Members (not necessarily a member of the same committee as the Member controlling the majority time) to control 30 minutes of debate.**

On Jan. 19, 1972,<sup>(5)</sup> Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, called up a conference report on S. 382, the Federal Election Campaign Act of 1972. Conferees on the part of the House had been appointed from two House committees with jurisdiction over the bill, the Committee on House Administration and the Committee on Interstate and Foreign Commerce.

Speaker Carl Albert, of Oklahoma, recognized Mr. Hays for 30 minutes of debate to control time for the majority. He recognized Mr. William L. Springer, of Illinois, ranking minority member of the Committee on Interstate and Foreign Commerce, to control 30 minutes of debate for the minority.

*Parliamentarian's Note:* Mr. Springer controlled the minority

5. 118 CONG. REC. 319, 320, 92d Cong. 2d Sess.

time although he had resigned as a conferee on the bill, and even though Mr. Samuel L. Devine, of Ohio, ranking minority member of the Committee on House Administration and a conferee on the bill, was on the floor and participated in debate. Under normal practice, the Members controlling the time for debate on a conference report are among those who served as House managers in conference.<sup>(6)</sup>

**§ 25.27 Where a Member opposed to a section of a conference report (containing nongermane Senate language) demanded a separate vote on the section pursuant to a special order permitting such procedure, that Member and the Member calling up the conference report were each recognized for 20 minutes of debate on a motion to strike that section pursuant to Rule XX clause 1. After the House agreed to retain the section it then considered the entire conference report, with the Member calling up the report and a member of the minority party each being recognized for 30 minutes under Rule XXVIII clause 2.**

6. For division of debate on a conference report, see Rule XXVIII clause 2(a), *House Rules and Manual* §912(a) (1995).

On Nov. 10, 1971,<sup>(7)</sup> Mr. F. Edward Hébert, of Louisiana, called up a conference report. Speaker Carl Albert, of Oklahoma, stated that the special order under which the report was being considered, House Resolution 696, provided that a separate vote could be demanded on certain sections of the conference report. Mr. Donald M. 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 of the House rules.

The Speaker then stated the order of recognition pending the separate vote:

Under clause 1 of Rule XX, 40 minutes of debate are permitted before a separate vote is taken on a nongermane Senate amendment, one-half of such time in favor of, and one-half in opposition to the amendment.

Pursuant to that rule, the gentleman from Louisiana [Mr. Hébert] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. Fraser] will be recognized for 20 minutes.

The House agreed to the section after 40 minutes of debate.

The House then considered the entire conference report, and the Speaker stated that one hour of debate would be had, the Member calling up the report, Mr. Hébert, to be recognized for 30 minutes,

7. 117 CONG. REC. 40483, 40489, 40490, 92d Cong. 1st Sess.

and a Member of the minority party, Mr. Leslie C. Arends, of Illinois, to be recognized for 30 minutes.

**§ 25.28 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>(8)</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 . . . .

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>(9)</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.

8. 121 CONG. REC. 38714, 38716, 38717, 94th Cong. 1st Sess.

9. Carl Albert (Okla.).

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>(10)</sup> If the motion is so divided, the hour rule applies to each motion separately.<sup>(11)</sup> Thus, technically, the Bau-

man 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 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.

**§ 25.29 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**

10. 121 CONG. REC. 38717, 94th Cong. 1st Sess.

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

**does not thereby gain control of the time given to the minority.**

On May 14, 1975,<sup>(12)</sup> during consideration of the conference report on H.R. 4881<sup>(13)</sup> in the House, the following proceedings occurred:

THE SPEAKER:<sup>(14)</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:

- 12. 121 CONG. REC. 14385, 14386, 94th Cong. 1st Sess.
- 13. The Emergency Employment Appropriations for fiscal year 1975.
- 14. Carl Albert (Okla.).

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 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.

**§ 26. Management by Reporting Committee; One-third of Debate Time on Certain Propositions Allotted to One Opposed**

Most business considered by the House is reported by standing committees of the House, and each measure is managed for con-