

and allowing points of order (on the grounds of committee jurisdiction) to be raised against any portion of said amendment.

On Oct. 27, 1971,⁽¹⁴⁾ the House adopted House Resolution 661, providing for the consideration of H.R. 7248 (to amend the Higher Education Act and for other purposes). The resolution contained a provision allowing points of order to be raised against the committee amendment in the nature of a substitute:

. . . It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI and clause 4, rule XXI are hereby waived, and further, all titles, parts, or sections of the said substitute, the subject matter of which is properly within the jurisdiction of any other standing committee of the House of Representatives, shall be subject to a point of order for such reason if such point of order is properly raised during the consideration of H.R. 7248.

14. 117 CONG. REC. 37765, 37766, 92d Cong. 1st Sess.

§ 24. As to Control, Distribution, and Duration of Debate

In providing for the consideration of bills, special orders from the Committee on Rules usually state that it shall be in order to resolve into the Committee of the Whole, that general debate continue not to exceed a certain number of hours, to be equally divided and controlled by the chairman and ranking minority member of the reporting committee, and that the bill be read for amendment under the five-minute rule. Upon the report of the Committee of the Whole to the House, the previous question is considered as ordered by the special order, and no further debate in the House will be in order except on a motion to recommit with instructions.

The special order may divide the time and control of general debate among several committees, and may provide that general debate continue not for hours but for days.⁽¹⁵⁾

Debate under the five-minute rule may be limited to a time certain,⁽¹⁶⁾ and "closed" rules, or special orders allowing no amend-

15. Generally, the term one day as so used means one legislative day. See § 24.8, *infra*.

16. See § 24.9, *infra*.

ments, or only certain amendments, such amendments not to be subject to amendment, have the effect of restricting five-minute debate to 10 minutes (five for and five against) on each amendment specifically made in order (unless "pro forma" amendments are expressly made in order).⁽¹⁷⁾

The Committee on Rules may also recommend by special order that the normal operation of the hour rule in the House (as opposed to the Committee of the Whole) be altered, as by fixing the time and control of debate in the House or in the House as in the Committee of the Whole.⁽¹⁸⁾

Cross References

- As to debate in Committee of the Whole generally, see Ch. 19, *supra*.
 As to debate and consideration generally, see Ch. 29, *infra*.
 As to debate on and consideration of reports from Committee on Rules, see § 18, *supra*.
 As to debate on and consideration of Senate bills and amendments and conference reports, see § 27, *infra*.

Designated Member Controlling Portion of Debate

§ 24.1 Form of resolution dividing general debate among

17. See §§ 24.11–24.15, *infra*. But see § 22.19, *supra* (pro forma amendments made in order by "closed" rule).
 18. See §§ 24.16–24.20, *infra*.

the chairman and ranking minority member of a committee and another designated member.

The following resolution was under consideration on Dec. 10, 1973:

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. 10710) to promote the development of an open, non-discriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed seven hours, six hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and one hour to be controlled by Representative John H. Dent, of Pennsylvania, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, an amendment offered to section 402 of said bill containing the text printed on page 34311 of the Congressional Record of October 16, 1973, an amendment proposing to strike out title IV of said bill and an amendment proposing to strike out title V of said bill, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment.

At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.⁽¹⁹⁾

§ 24.2 Where a resolution provided the time for debate and the control thereof, the Members in control obtained unanimous consent in the House that a part of the time be controlled by a third Member.

On May 14, 1948, the House adopted a resolution (H. Res. 582) providing for five hours of debate on a bill, to be divided and controlled by the Chairman and ranking minority member of the Committee on Un-American Activities.⁽¹⁾

By unanimous consent in the House (prior to resolving into Committee of the Whole) the Members in control then transferred part of the time to be controlled by other Members:⁽²⁾

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, after consultation

19. H. Res. 657, 119 CONG. REC. 40489, 92d Cong. 1st Sess.

1. 94 CONG. REC. 5838, 80th Cong. 2d Sess.

2. *Id.* at pp. 5847, 5848.

with the members of the Committee on Un-American Activities, I ask unanimous consent that of the 2½ hours to be allocated on this side of the aisle, a total of 45 minutes may be allocated by the gentleman from New York [Mr. Marcantonio] with the last 30 minutes of the over-all time reserved to the committee.

THE SPEAKER:⁽³⁾ Is there objection to the request of the gentleman from Indiana?

There was no objection.

MR. [JOHN S.] WOOD [of Georgia]: Mr. Speaker, I ask unanimous consent to yield 45 minutes of the time allotted to me to the gentleman from New York [Mr. Marcantonio] in behalf of the opposition to this measure, reserving the last 20 minutes of the time allotted to me.

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

There was no objection.

MR. [KARL E.] MUNDT [of South Dakota]: 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. 5852) to combat un-American activities by requiring the registration of Communist-front organizations and for other purposes.

The motion was agreed to.

Two or More Committees in Control

§ 24.3 Forms of special orders designating more than one committee to control time for

3. Joseph W. Martin (Mass.).

general debate in Committee of the Whole.

The following resolution was under consideration on June 4, 1940:

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 H.R. 9195, a bill to amend the National Labor Relations Act, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 4 hours, 1 hour to be controlled by the chairman of the Committee on Labor, 1 hour to be controlled by the ranking minority member of the Committee on Labor, and 2 hours to be controlled by the chairman of the Special Committee to Investigate the National Labor Relations Board, the bill shall be read, and after the reading of the first section of such bill it shall be in order to move to strike out all after the enacting clause and insert as a substitute the text of the bill H.R. 8813 and all points of order against such substitute are hereby waived. At the conclusion of the consideration of the bill H.R. 9195 the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit, with or without instructions.⁽⁴⁾

4. H. Res. 465, 86 CONG. REC. 7506, 7507, 76th Cong. 3d Sess.

As a further example, the following resolution was considered on Apr. 26, 1956:

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. 10660) to amend and supplement the Federal-Aid Road Act approved July 11, 1916, to authorize appropriations for continuing the construction of highways; to amend the Internal Revenue Code of 1954 to provide additional revenue from the taxes on motor fuel, tires, and trucks and buses; and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 5 hours, 3 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, and 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the 5-minute rule. No amendments shall be in order to title II of the bill except amendments offered by direction of the Committee on Ways and Means which shall be in 4. H. Res. 465, 86 CONG. REC. 7506, 7507, 76th Cong. 3d Sess. order notwithstanding any rule of the House to the contrary, but shall not be subject to amendment. At the conclusion of the consideration of the bill, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without

intervening motion except one motion to recommit.⁽⁵⁾

§ 24.4 A special rule may provide for the consideration of a bill where general debate is to be divided between two committees, and where part of the committee substitute in the bill is open to amendment and part is closed.

On Sept. 23, 1970,⁽⁶⁾ the House adopted a special order offered by Mr. Ray J. Madden, of Indiana, at the direction of the Committee on Rules:

H. RES. 1216

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

5. H. Res. 485, 102 CONG. REC. 7110, 84th Cong., 2d Sess.

See also H. Res. 275, 107 CONG. REC. 7378, 87th Cong. 1st Sess., May 4, 1961, providing for consideration of a bill for federal aid to highways (Committee on Public Works and Committee on Ways and Means); H. Res. 610, 115 CONG. REC. 33260, 91st Cong. 1st Sess., Nov. 6, 1969, providing for consideration of the Federal Aviation Facilities Expansion and Improvement Act of 1969 (Committee on Interstate and Foreign Commerce and Committee on Ways and Means); H. Res. 1216, 116 CONG. REC. 33296, 91st Cong. 2d Sess., Sept. 23, 1970, providing for consideration of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Committee on Interstate and Foreign Commerce and Committee on Way and Means).

6. 116 CONG. REC. 33296-98, 91st 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 bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, three hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of title II of the amendment in the nature of a substitute for amendment, title III of said substitute shall be considered as having been read for amendment. No amendments shall be in order to title III of said substitute except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the con-

clusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When the House resolved itself into the Committee of the Whole for the consideration of the bill the Chairman of the Committee of the Whole made a statement relative to general debate on the bill:

THE CHAIRMAN:⁽⁷⁾ Pursuant to the rule, general debate shall continue not to exceed 4 hours-3 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

At the conclusion of general debate, the Chairman announced the procedure to be followed during the amendment process.⁽⁸⁾

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Chairman, we have no further requests for time.

7. William S. Moorhead (Pa.).

8. 116 CONG. REC. 33318, 91st Cong. 2d Sess., Sept. 23, 1970.

THE CHAIRMAN: Under the rule, titles I and II of the committee substitute amendment printed in the bill will be read for amendment as an original bill under the rule.

The rule also provides title III shall be considered as having been read for amendment and no amendments are in order to title III of the substitute except amendments offered by direction of the Committee on Ways and Means.

The Clerk will read.⁽⁹⁾

Parliamentarian's Note: The bill provided for in the special order had been reported by the Committee on Interstate and Foreign Commerce, but the hearings and markup on title III of the bill, as well as certain recommendations as to the provisions of title II, were the work product of the Committee on Ways and Means. The procedure for considering the bill, with general debate divided between the two committees, was determined after consultation with the two committees involved.

General Debate Fixed by Days

§ 24.5 The Committee on Rules has the right to report out a special rule fixing time for debate on a bill to a certain

9. For a similar statement by the Chairman of the Committee of the Whole on a bill considered under the same procedure, see 115 CONG. REC. 33308, 91st Cong. 1st Sess., Nov. 6, 1969.

number of days instead of hours

On Sept. 3, 1940, ⁽¹⁰⁾ Mr. Adolph J. Sabath, of Illinois, called up by direction of the Committee on Rules House Resolution 686, providing for the consideration of H.R. 10132, to provide for a system of selective compulsory military training and service. The resolution provided for general debate to "continue not to exceed 2 days," and Speaker pro tempore Jere Cooper, of Tennessee, overruled a point of order against the resolution:

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MARCANTONIO: Mr. Speaker, I make the point of order that the resolution is contrary to the unwritten law of the House. It has been the universal practice, custom, and tradition of the House to have debate fixed by hours. This resolution fixes general debate by days. This is entirely meaningless, because a day may be terminated by a motion that the Committee rise or by adjournment, and for that reason I press my point of order.

THE SPEAKER PRO TEMPORE: The Chair is prepared to rule. The gentleman from New York makes the point of order that the resolution is contrary to the unwritten rules of the House in that general debate is fixed by days instead of hours.

10. 86 CONG. REC. 11359, 11360, 76th Cong. 3d Sess.

In the first place, the point of order comes too late.

In the second place, this is a resolution reported by the Committee on Rules to change the rules of the House, which is permissible on anything except that which is prohibited by the Constitution.

The point of order is overruled.

The gentleman from Georgia [Mr. Cox] is recognized for 5 minutes.

§ 24.6 Form of resolution providing for consideration of a bill and fixing the time for debate at one day.

The following resolution was under consideration on Aug. 17, 1949: ⁽¹¹⁾

Resolved, That immediately 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. 5895) to promote the foreign policy and provide for the defense and general welfare of the United States by furnishing military assistance to foreign nations, and all points of order against the said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 1 day, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-

11. H. Res. 327, 95 CONG. REC. 11658, 81st Cong. 1st Sess. The term "one day" means one legislative day as terminated by adjournment.

minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

§ 24.7 Form of resolution providing that general debate on a bill end by a certain time on a certain day.

The following resolution was under consideration on June 20, 1951:

Resolved, That immediately 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. 4473) to provide revenue, and for other purposes, and all points of order against the bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 days, such general debate to end not later than 4 o'clock p.m., on the second day of debate, and which shall be confined to the bill, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by the direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House

to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.⁽¹²⁾

§ 24.8 Where debate on a bill is fixed by resolution at one day the term one day means one legislative day as terminated by adjournment.

On Aug. 17, 1949,⁽¹³⁾ Chairman of the Committee of the Whole Wilbur D. Mills, of Arkansas, answered an inquiry as to length of debate on a bill, where the House had adopted a resolution providing for general debate to "continue not to exceed 1 day":

THE CHAIRMAN: Under the rule general debate will be equally divided and will not exceed one day.

MR. [JOSEPH P.] O'HARA of Minnesota: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

12. H. Res. 262, 97 CONG. REC. 6380, 82d Cong. 1st Sess.

13. 95 CONG. REC. 11666, 81st Cong. 1st Sess.

MR. O'HARA of Minnesota: What is meant by the term "one day"?

THE CHAIRMAN: The term means one legislative day as terminated by adjournment, from now until the time the House adjourns.

Debate Under Five-minute Rule

§ 24.9 Form of resolution closing general debate on a bill in Committee of the Whole, providing that the bill be considered as having been read for amendment, and limiting the duration of the five-minute debate to an hour and a half.

The following resolution was under consideration on Apr. 17, 1936: ⁽¹⁴⁾

HOUSE RESOLUTION 489

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H.R. 11563, a bill declaring an emergency in the housing condition in the District of Columbia; creating a Rent Commission for the District of Columbia; prescribing powers and duties of the commission, and for other purposes; and all points of order against said bill are hereby waived. General debate on said bill shall be considered as closed, and the bill shall be considered as having

14. 80 CONG. REC. 5634, 74th Cong. 2d Sess.

been read the second time. Amendments may be offered to any section of the bill, but debate under the 5-minute rule shall be closed within one hour and a half. At the conclusion of the consideration of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

§ 24.10 Where a special rule provided for the reading of a bill in its entirety it was held in order following that reading (and following debate under the five minute rule) to move to close debate on the bill and all amendments thereto.

On Aug. 22, 1935, the Committee of the Whole was considering H.R. 8455, a bill providing public works on rivers and harbors, etc., pursuant to a special order (H. Res. 349) which provided in part as follows:

That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Flood Control, the bill in its entirety shall be read for amendment, following which amendments shall be in order to any para-

graph of the bill, and such amendments shall be considered under the 5-minute rule.⁽¹⁵⁾

Following some debate in Committee of the Whole under the five-minute rule, a motion to close debate was offered:

MR. [JACK] NICHOLS [of Oklahoma]: Mr. Chairman, I move that all debate on this bill and all amendments thereto close in 30 minutes.

THE CHAIRMAN:⁽¹⁶⁾ The gentleman from Oklahoma [Mr. Nichols] moves that all debate on the bill and all amendments thereto close in 30 minutes.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make a point of order against that motion.

THE CHAIRMAN: The Chair will hear the gentleman.

MR. TABER: Mr. Chairman, such a motion is only in order when a bill is being read by sections and after an amendment has been offered. The motion is not in order at this stage.

THE CHAIRMAN: The rule provided for the reading of the entire bill, and the Chair holds that the motion of the gentleman from Oklahoma is in order.⁽¹⁷⁾

Five-minute Debate Under Closed Rule

§ 24.11 Where a rule under which a bill is considered

15. 79 CONG. REC. 14151, 74th Cong. 1st Sess.

16. Claude A. Fuller (Ark.).

17. 79 CONG. REC. 14192, 14193, 74th Cong. 1st Sess.

permits only specified amendments and prohibits amendments to such amendments, no pro forma amendments are in order and only two five-minute speeches are permitted on each of the specified amendments.

On Apr. 20, 1955,⁽¹⁸⁾ the Speaker pro tempore answered a parliamentary inquiry while there was pending a special order (H. Res. 211) to limit amendments to a bill to specified amendments which themselves would not be subject to amendment:

MR. [ROBERT J.] CORBETT [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ Does the gentleman yield for a parliamentary inquiry?

MR. [HOWARD W.] SMITH of Virginia: Let me say to the gentleman that from a strictly parliamentary standpoint there would only be 10 minutes, 5 on one side and 5 on the other. Whether you can get unanimous consent or not I do not know.

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

MR. [LEO E.] ALLEN of Illinois: Mr. Speaker, I yield myself such time as I might require.

MR. CORBETT: Mr. Speaker, parliamentary inquiry.

18. 101 CONG. REC. 4829, 84th Cong. 1st Sess.

19. Carl Albert (Okla.).

THE SPEAKER PRO TEMPORE: ⁽¹⁹⁾ Does the gentleman from Illinois yield to the gentleman from Pennsylvania for a parliamentary inquiry?

MR. ALLEN of Illinois: I yield to the gentleman from Pennsylvania.

MR. CORBETT: Mr. Speaker, I would like to raise the question, if this rule is adopted, and when the amendments are presented, whether or not the amendments will be open to discussion under the 5-minute rule or we will be limited to one 5-minute speech for and one 5-minute speech against the amendment?

THE SPEAKER PRO TEMPORE: Under the rules, there will be one 5-minute for and one 5-minute against. No pro forma amendments will be in order.

Parliamentarian's Note: A "closed" rule may specifically make in order pro forma amendments.⁽²⁰⁾

§ 24.12 The House may agree by unanimous consent to extend debate in the Committee of the Whole on specified amendments to a bill being considered under a rule prohibiting pro forma amendments (and therefore allowing only 10 minutes on each amendment).

On Apr. 20, 1955, the House had under debate a resolution reported from the Committee on Rules, providing for the consider-

ation of a bill and allowing only specified amendments to be offered, such amendments not to be subject to amendment (H. Res. 211). After the Chair had stated in response to a parliamentary inquiry that under the rule pro forma amendments would not be in order and that amendments would be debatable for only 10 minutes (five minutes for and five against), a unanimous consent request to extend time for debate on a specified amendment was agreed to:⁽¹⁾

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, I desire to submit a unanimous-consent request. The point has been raised that there will be only 10 minutes of debate on this very controversial amendment on the pay question, which is to be found at page 82 of the bill. I should like to state frankly that I did not notice that. I believe that we should provide time for pro forma amendments, to any amendment that is offered. It was not my purpose to restrict the debate in this way. This was not called to my attention until this morning.

After consultation with the minority I ask unanimous consent that debate under the 5-minute rule on the amendment which will be offered at page 82 of the bill relating to the pay schedule, be extended for 30 additional minutes, which will provide 40 minutes of debate.

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

20. See § 22.19, supra.

1. 101 CONG. REC. 4834, 84th Cong. 1st

1. 101 CONG. REC. 4834, 84th Cong. 1st Sess.

MR. [ANTONI N.] SADLAK [of Connecticut]: Mr. Speaker, reserving the right to object, does that mean that we will have the usual 5 minutes for and 5 minutes against, on the other two amendments that may be offered?

MR. SMITH of Virginia: I am sorry, I did not hear the gentleman.

MR. SADLAK: The significance of the gentleman's request that the rule as originally introduced would provide only 5 minutes of debate on each amendment to each side.

MR. SMITH of Virginia: As to the other two amendments, that is correct.

THE SPEAKER: Is there objection to the request of the gentleman from Virginia that the time for debate on the amendment which the gentleman identified be extended 30 minutes?

MR. [LEO E.] ALLEN of Illinois: Reserving the right to object, Mr. Speaker, who will have control of the time under that procedure?

THE SPEAKER: It will be up to the Chairman of the Committee of the Whole to recognize Members under the 5-minute rule.

MR. [JOSEPH W.] MARTIN Jr., [of Massachusetts]: Reserving the right to object, Mr. Speaker, and I am not going to object, I think we can have assurance that both sides will be equally recognized in the 30 minutes.

MR. SMITH of Virginia: I assume everybody will be fair.

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

There was no objection.

§ 24.13 Where a bill is being considered under a rule permitting only committee

amendments and prohibiting amendments thereto, a second Member rising to support the committee amendment cannot be recognized, since he would necessarily be speaking to a pro forma amendment.

On Sept. 3, 1959, the Committee of the Whole was considering a bill pursuant to a special order providing that only amendments offered by direction of the Committee on Ways and Means were in order, such amendments not to be subject to amendment (H. Res. 372). Chairman William Pat Jennings, of Virginia, advised that pro forma amendments were not in order. After a committee amendment was offered, Mr. Frank J. Becker, of New York, spoke in favor thereof for five minutes and the Chairman ruled that another Member could not be recognized in favor of the amendment:

MR. [TOBY] MORRIS of Oklahoma: Mr. Chairman, I rise in support of the amendment.

THE CHAIRMAN: The Chair will state to the gentleman that only 5 minutes is permitted in support of the amendment and 5 minutes in opposition. Five minutes has been consumed in support of the amendment. Therefore, the Chair cannot recognize the gentleman at this time.⁽²⁾

2. 105 CONG. REC. 17988, 86th Cong. 1st Sess.

§ 24.14 When an amendment, offered by direction of a committee, is being considered under a closed rule, only two five-minute speeches are in order and a third Member is not entitled to recognition notwithstanding the fact that the second Member, recognized in opposition, spoke in favor of the amendment.

On May 18, 1960, the Committee of the Whole was considering a bill under a closed rule, permitting only committee amendments and providing that such amendments not be subject to amendment (H. Res. 468). Mr. George Meader, of Michigan, had been recognized by Chairman William H. Natcher, of Kentucky, to speak for five minutes in opposition to the pending committee amendment. The Chair then answered a parliamentary inquiry:⁽³⁾

MR. [JOHN H.] DENT [of Pennsylvania]: Mr. Chairman, will the gentleman yield?

MR. MEADER: I yield to the gentleman from Pennsylvania.

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

THE CHAIRMAN: The gentleman will state it.

MR. DENT: Did the gentleman from Michigan get up and ask for time to speak in opposition and would that in-

clude any of us who are opposed to the bill, since he is speaking in favor of the bill?

THE CHAIRMAN: Under the rule, no one else can be recognized.

MR. MEADER: Mr. Chairman, if the gentleman from Pennsylvania wants me to yield to him to make a statement, I will be glad to do so.

MR. DENT: I do not think that is it. I just want to know if the rules of the House allow the time to be usurped by those in favor of the bill when some time is supposed, under the rules of the House, to be allocated to those who are opposed to the bill.

THE CHAIRMAN: The Chair wishes to inform the gentleman from Pennsylvania that the gentleman from Michigan stated that he rose in opposition to the amendment, and the Chair recognized the gentleman from Michigan.

§ 24.15 When a bill is being considered under a closed rule, which provides that amendments may be offered only at the direction of the committee reporting the bill, only two five-minute speeches are in order, one in support of the committee amendment and one in opposition to the amendment and the Chair gives preference in recognition to members of the committee reporting the bill.

On May 18, 1960, the Committee of the Whole was considering a bill under a rule providing

3. 106 CONG. REC. 10579, 86th Cong. 2d Sess.

that only committee amendments could be offered, such amendments not to be subject to amendment (H. Res. 468). Chairman William H. Natcher, of Kentucky, answered an inquiry on debate under the five-minute rule:

MR. [CLEVELAND M.] BAILEY [of West Virginia]: Mr. Chairman, will the gentleman yield?

MR. [HALE] BOGGS [of Louisiana]: I yield to the gentleman from West Virginia.

MR. BAILEY: I rise in opposition to the amendment, and I oppose the legislation in general.

Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. BAILEY: On what ground may I get recognition for the purpose of opposing the legislation?

THE CHAIRMAN: The Chair recognized the gentleman from Louisiana [Mr. Boggs] for 5 minutes in support of the committee amendment, so the gentleman from Louisiana would have to yield to the distinguished gentleman from West Virginia.

MR. BAILEY: At the expiration of the 5 minutes allowed the gentleman from Louisiana, may I be recognized to discuss the amendment?

THE CHAIRMAN: If no other member of the committee rises in opposition to the amendment, the Chair will recognize the gentleman.⁽⁴⁾

Debate in the House

§ 24.16 Form of special order limiting and fixing the con-

4. 106 CONG. REC. 10576, 86th Cong. 2d Sess.

trol of time for debate on another special order.

The following resolution reported from the Committee on Rules was under consideration on May 2, 1933:⁽⁵⁾

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 on the resolution to its adoption or rejection.

§ 24.17 Form of special rule providing for the consideration of a Union Calendar bill in the House, waiving all points of order, fixing time for debate, and ordering the previous question at the conclusion of such debate (with the effect of precluding amendments).

The following resolution was under consideration on Mar. 11, 1933:⁽⁶⁾

5. H. Res. 125, 77 CONG. REC. 2693, 73d Cong. 1st Sess. The special order provided for in the resolution (H. Res. 124), also reported from the Committee on Rules, provided for the disposition of a House bill with Senate amendments.
6. 77 CONG. REC. 198, 73d Cong. 1st Sess.

HOUSE RESOLUTION 32

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of H.R. 2820, a bill to maintain the credit of the United States Government, 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 two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Economy, the previous question shall be considered as ordered on the bill to final passage.

§ 24.18 Form of resolution providing that the time for debate on a motion to suspend the rules and pass a concurrent resolution shall be extended to four hours, such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs and such motion shall be the continuing order of business of the House until finally disposed of.

The following resolution was under consideration on Sept. 20, 1943: ⁽⁷⁾

The Clerk read as follows:

Resolved, That the time for debate on a motion to suspend the rules and

7. H. Res. 302, 89 CONG. REC. 7646, 78th Cong. 1st Sess.

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.

This resolution was itself passed under a motion to suspend the rules. Following its adoption Speaker Sam Rayburn, of Texas, ruled that a demand for a second on the motion to suspend the rules, to gain control of time in opposition to the motion provided for, was not necessary, the House already having fixed control of debate on the motion by the adoption of the special order.

§ 24.19 Form of resolution authorizing a standing committee to call up a list of enumerated bills and providing for their consideration in the House as in the Committee of the Whole.

The following resolution reported from the Committee on Rules was under consideration on June 2, 1936: ⁽⁸⁾

Resolved, That upon the adoption of this resolution it shall be in order for the Committee on the Judiciary to call

8. H. Res. 528, 80 CONG. REC. 8746, 74th Cong. 2d Sess. See also H. Res. 529, 80 CONG. REC. 9966, 74th Cong. 2d Sess., June 18, 1936.

up for consideration, without the intervention of any point of order, the following bills:

S. 3389. An act to provide for the appointment of two additional judges for the southern district of New York.

S. 2075. An act to provide for the appointment of additional district judges for the eastern and western districts of Missouri.

S. 2137. An act to provide for the appointment of one additional district judge for the eastern, northern, and western districts of Oklahoma.

S. 2456. An act to provide for the appointment of an additional district judge for the northern and southern districts of West Virginia.

H.R. 11072. A bill authorizing the appointment of an additional district judge for the eastern district of Pennsylvania.

H.R. 3043. A bill to provide for the appointment of an additional district judge for the northern district of Georgia.

Each such bill when called up shall be considered in the House as in the Committee of the Whole. After general debate on each such bill, which shall continue not to exceed 20 minutes, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule.

§ 24.20 The House adopted a resolution reported from the Committee on Rules fixing the time and control of debate in the House on another resolution reported from that committee.

On Jan. 31, 1973, the House adopted the following resolution, reported from the Committee on Rules, providing for the consideration in the House of another resolution reported from the Committee on Rules (creating a select committee to study the operations of Rule X and Rule XI, relating to committees of the House and their procedures):⁽⁹⁾

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of the resolution (H. Res. 132) to create a select committee to study the operation and implementation of rules X and XI of the Rules of the House of Representatives. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, 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.

§ 25. As to Reading for Amendment

An order of business resolution reported from the Committee on Rules may vary the method by which a bill is read for amendment in Committee of the Whole. For example, the resolution may

9. H. Res. 176, 119 CONG. REC. 2804, 93d Cong. 1st Sess.