

An hourglass-shaped graphic with a globe in the top bulb and another globe in the bottom bulb. The hourglass is light blue and has a dark blue cap at the top. The globe in the top bulb is dark blue, and the globe in the bottom bulb is light blue. The text is centered within the hourglass shape.

WikiLeaks Document Release

<http://wikileaks.org/wiki/CRS-98-427>

February 2, 2009

Congressional Research Service

Report 98-427

*Considering Measures in the House Under the One-Hour
Rule*

James V. Saturno, Government and Finance Division

December 21, 2006

Abstract. The fundamental rule of the House of Representatives governing debate is the one-hour rule. Clause 2 of Rule XIV states in part that "no Member shall occupy more than one hour in debate on any question in the House or in committee...." When the House debates a bill on the floor under this rule, the bill is said to be considered "in the House."

WikiLeaks



CRS Report for Congress

Considering Measures in the House Under the One-Hour Rule

James V. Saturno
Specialist on the Congress
Government and Finance Division

The fundamental rule of the House of Representatives governing debate is the one-hour rule. Clause 2 of Rule XVII states in part that no one shall “occupy more than one hour in debate on a question in the House....” When the House debates a bill on the floor under this rule, the bill is said to be considered “in the House.” The House considers bills on the floor under the one-hour rule unless it resorts instead to one of the alternative packages of floor procedures for which the House’s rules also provide, especially the Committee of the Whole and motions to suspend the rules. In fact, a primary advantage of these alternative procedures is that they avoid some of the difficulties that can arise when the House debates a bill under the one-hour rule. For more information on legislative process, see [<http://www.crs.gov/products/guides/guidehome.shtml>].¹

In theory, the one-hour rule allows each Member of the House to speak for an hour on any question, meaning not only each bill, but also each amendment to that bill, and each debatable motion that Members propose during the bill’s consideration. Potentially, the result could be debates of interminable length, which could make it impossible for the House to complete its legislative work in a timely fashion. In practice, however, the one-hour rule typically limits *all* Members of the House to a *total* of only a single hour of debate on the bill and any amendments and motions relating to its passage. This can be insufficient time for the House to consider many of the important and controversial bills that it takes up each year. As a result, the House actually debates relatively few bills on the floor each year under the one-hour rule. Although any bill or resolution on the House Calendar (but not those on the Union Calendar) can be considered “in the House,” the measures most likely to be considered in this way are resolutions, reported by the Rules Committee, providing for other bills and resolutions to be considered in Committee of the Whole.

Controlling the First Hour. When a bill is considered “in the House,” the Speaker recognizes the majority floor manager of the bill to control the first hour of debate. The majority floor manager typically is the chair of the committee or subcommittee that had reported the bill. The majority floor manager controls what

¹ Stanley Bach, former Senior Specialist at CRS, originally wrote this report. The listed author updated this report and is available to respond to inquiries on the subject.

happens during this hour. No one else can speak or propose an amendment or motion unless the majority floor manager yields to another Member for that purpose. In virtually every case, the majority floor manager supports the bill in the form in which it is called up for consideration, so the manager is very unlikely to yield to anyone else for the purpose of offering an amendment. Instead, the majority floor manager normally yields part of his or her one hour to other Members “for purposes of debate only.”

Opening Statements. The majority floor manager first makes his or her opening statement on the bill. Even before beginning this statement, the majority floor manager very often yields control of one-half of his or her hour to be controlled by the minority floor manager, who usually is the ranking minority member of the same committee or subcommittee. In these instances, the majority floor manager opens the debate and then reserves the balance of his or her time. The minority floor manager follows with an opening statement and also concludes by reserving the balance of his or her time.

Yielding Time. Each floor manager then yields portions of the time remaining under his or her control to other Members who also wish to speak. Either floor manager may yield to another Member for a specified number of minutes or for as much time as that other Member may consume. At the conclusion of each speech, the Speaker again recognizes one of the floor managers either to speak or to yield time for other Members to speak. In doing so, the Speaker may recognize the floor manager who has the most time remaining in an effort to make sure that the time for debate on each side is used at roughly the same rate. The majority floor manager has the right to close the debate.

The Previous Question. At the end of the hour, or at least after any time that the minority floor manager controls has been consumed or yielded back, the majority floor manager can be expected to move the previous question on the bill. This nondebatable motion proposes to end the debate on the bill, to preclude amendments to the bill, and to bring the House to a vote on passing the bill without intervening motions, except for the possibility of motions to adjourn, or to table the bill, or to recommit the bill to committee. The motion to order the previous question requires only a simple majority vote for adoption, and the motion rarely is defeated. *As a result, debate under the one-hour rule rarely continues for more than one hour in total, not one hour for each Member.*

Opportunities to Amend. There are two ways in which Members may be able to offer amendments to a bill that is considered “in the House.” First, the motion to recommit the bill can instruct the committee to report the bill back to the House immediately with a certain amendment that is contained in the instructions. The House’s rules protect the right of the minority party to offer such a motion. Second, it may be possible to offer an amendment before the previous question is ordered; however, there is no right to do this and it happens infrequently. Only the Member who controls the floor — in other words, the Member whom the Speaker has recognized for an hour — can propose an amendment to a bill that is being considered “in the House.” The bill’s proponents usually are not interested in offering an amendment. An opponent can propose an amendment only if he or she controls the floor. This requires that the House first vote against ordering the previous question, allowing the debate to continue for a second hour. To control this hour, the Speaker recognizes the leading opponent of ordering the previous question, usually the minority floor manager, and that Member then can propose an amendment. At the conclusion of the second hour, if not before, the Member controlling the floor can be expected to move the previous question on both the

bill and the amendment to it. If the House votes to order the previous question, it proceeds to vote first on the amendment and then on the bill as it may now have been amended.