Office is included in the report. Paragraph (a) was amended by the Budget Enforcement Act of 1990 (2 U.S.C. 900 note) to require 5-year estimates of revenue changes in legislative reports. In the 104th Congress paragraph (a) was amended to require estimates of new budget authority, when practicable, to compare the total estimated funding for the program to the appropriate level under current law (sec. 102(b), H. Res. 6, Jan. 4, 1995, p. ——). At the same time paragraph (d) was amended to reflect the new name of the Committee on House Oversight (sec. 202(b), H. Res. 6, Jan. 4, 1995, p. ——). In the 105th Congress paragraph (d) was amended to effect a technical change (Budget Enforcement Act of 1997 (sec. 10116, P.L. 105–33). Paragraph (e) was added in the 105th Congress (H. Res. 5, Jan. 7, 1997, p. ——). A committee cost estimate identifying certain spending authority as recurring annually and indefinitely was held necessarily to address the five-year period required by section 308 of the Congressional Budget Act of 1974 (Nov. 20, 1993, p. ——).

**§ 748c. Unfunded mandates.**

The Unfunded Mandates Reform Act of 1995 (P.L. 104–4; 109 Stat. 48 *et seq.*) added a new part B to title IV of the Congressional Budget Act of 1974 (2 U.S.C. 658–658g) that imposes several requirements on the Director of the Congressional Budget Office and on committees of the House with respect to measures effecting "Federal mandates" (secs. 423–424; 2 U.S.C. 659b–c) and establishes points of order to enforce those requirements (sec. 425; 2 U.S.C. 658d). See § 1007, *infra*, and § 713h, *supra*.

# RULE XIV.

## OF DECORUM AND DEBATE.

**§ 749. Obtaining the floor for debate; and relevancy and decorum therein.**

1. When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker", and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality. Debate may include references to actions taken by the Senate or by committees thereof which are a matter of public record, references to the pendency or sponsorship in the Senate of bills, resolutions, and amendments, factual descriptions relating to

## Senate action or inaction concerning a measure then under debate in the House, and quotations from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure, but may not include characterizations of Senate action or inaction, other references to individual Members of the Senate, or other quotations from Senate proceedings.

This clause was adopted in 1880, but was made up, in its main provisions, from older rules, which dated from 1789 and 1811 (V, 4979). The last sentence of the clause, relating to references to the Senate, had its origins in the 100th Congress (H. Res. 5, Jan. 6, 1987, p. 6) but was amended in the 101st Congress (H. Res. 5, Jan. 3, 1989, p. 72) to narrowly expand the range of permissible references. This rule, and rulings of the Chair with respect to references in debate to the Senate, are discussed in § 371, *supra*; see also § 361, *supra*.

The Speaker, who has a responsibility under rule I to maintain and enforce decorum in debate, and the Chairman of the Committee of the Whole, who enforces decorum in debate under rule XXIII, have reminded and advised Members that: (1) clause 1 of rule XIV requires Members seeking recognition to rise and to address themselves to the question under debate, avoiding personality; (2) Members should address their remarks to the Chair only and not to other entities such as the "press" or the television audience, and the Chair enforces this rule on its own initiative (see, *e.g.,* Nov. 8, 1979, p. 31519; Sept. 29, 1983, p. 26501; Dec. 17, 1987, p. 36139); (3) Members should not refer to or address any occupant of the galleries; (4) Members should refer to other Members in debate only in the third person, by state designation (Speaker O'Neill, June 14, 1978, p. 17615; Oct. 2, 1984, p. 28520; Mar. 7, 1985, p. 5028); (5) Members should refrain from using profanity or vulgarity in debate (Mar. 5, 1991, p. 5036; Feb. 18, 1993, p. ——; Nov. 17, 1995, p. ——); (6) the Chair may interrupt a Member engaging in "personalities" with respect to another Member of the House, as the Chair does with respect to references to the Senate or the President (Jan. 4, 1995, p. ——); and (7) Members should refrain from discussing the President's personal character (May 10, 1994, p. ——). The Speaker has deplored the tendency to address remarks directly to the President (or others not in the Chamber) in the second person, and cautions Members on his own initiative (see, *e.g.,* Oct. 16, 1989, p. 24715; Oct. 17, 1989, p. 24764; Jan. 24, 1990, p. 426; Oct. 9, 1991, p. 25999). Even when referring in debate to the Speaker, himself, a Member directs his remarks

to the occupant of the Chair and addresses him as "Mr. Speaker" pursuant to this clause (Nov. 1, 1983, p. 30267).

Members should refrain from speaking disrespectfully of the Speaker or arraigning the personal conduct of the Speaker, and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges (II, 1248; Jan. 4, 1995, p. ——; Jan. 18, 1995, p. ——; Jan. 19, 1995, p. ——). Engaging in personalities with respect to the Speaker's conduct is not in order even though possibly relevant to a pending resolution granting him certain authority (Sept. 24, 1996, p. ——).

This clause has also been interpreted to proscribe the wearing of badges by Members to communicate a message, since Members must rise and address the Speaker to deliver any matter to the House (Speaker O'Neill, Apr. 15, 1986, p. 7525; Feb. 22, 1995, p. ——; Mar. 29, 1995, p. ——; Oct. 19, 1995, pp. ——, ——; Nov. 17, 1995, p. ——; Mar. 7, 1996, p. ——; Sept. 26, 1996, p. ——). A Member's comportment may constitute a breach of decorum even though the content of that Member's speech is not, itself, unparliamentary (July 29, 1994, p. ——). Under this standard the Chair may deny recognition to a Member who has engaged in unparliamentary debate and ignored repeated admonitions by the Chair to proceed in order, subject to the will of the House on the question of his proceeding in order (Sept. 18, 1996, p. ——).

For further discussion of personalities in debate with respect to references to the official conduct of a Member, see §§ 361–363, *supra*; with respect to references to the President, see § 370, *supra*; and with respect to references to the Senate, see §§ 371–374, *supra*.

It is a general rule that a motion must be made before a Member may proceed in debate (V, 4984, 4985), and this motion may be required to be reduced to writing (V, 4986). A motion must also be stated by the Speaker or read by the Clerk before debate may begin (V, 4982, 4983, 5304). The withdrawal of a motion precludes further debate on it (V, 4989). But sometimes when a communication or a report has been before the House it has been debated before any specific motion has been made in relation to it (V, 4987, 4988). In a few cases, such as conference reports and reports from the Committee of the Whole, the motion to agree is considered as pending without being offered from the floor (IV, 4896; V, 6517).

In presenting a question of personal privilege the Member is not required in the first instance to make a motion or offer a resolution, but such is not the rule in presenting a case involving the privileges of the House (III, 2546, 2547; VI, 565, 566, 580). Personal explanations merely are made by unanimous consent (V, 5065).

**§ 750. Interruption of a Member in debate.**

A Member having the floor may not be taken off his feet by an ordinary motion, even the highly privileged motion to adjourn (V, 5369, 5370; VIII, 2646), or the motion to table (Mar. 18, 1992, p. ——). He may not be deprived of the floor by a parliamentary inquiry (VIII, 2455–2458), a question of privilege (V,

5002; VIII, 2459), a motion that the committee rise (VIII, 2325), or a demand for the previous question (VIII, 2609; Mar. 18, 1992, p. ——), but he may be interrupted for a conference report (V, 6451; VIII, 3294). It is a custom also for the Speaker to request a Member to yield for the reception of a message. A Member may yield the floor for a motion to adjourn or that the Committee of the Whole rise without losing his right to continue when the subject is again continued (V, 5009–5013), but where the House has by resolution vested control of general debate in the Committee of the Whole in designated Members, their control of general debate may not be abrogated by another Member moving to rise, unless they yield for that purpose (May 25, 1967, p. 14121). A Member may also resume his seat while a paper is being read in his time without losing his right to the floor (V, 5015). A Member who, having the floor, moved the previous question was permitted to resume the floor on withdrawing the motion (V, 5474). But a Member may not yield to another Member to offer an amendment without losing the floor (V, 5021, 5030, 5031; VIII, 2476), and a Member may not offer an amendment in time secured for debate only (VIII, 2474), or request unanimous consent to offer an amendment unless yielded to for that purpose by the Member controlling the floor (Sept. 24, 1986, p. 25589). A Member recognized under the five-minute rule in the Committee of the Whole may not yield to another Member to offer an amendment, as it is within the power of the Chair to recognize each Member to offer amendments (Apr. 19, 1973, p. 13240; Dec. 12, 1973, p. 41171). A Member desiring to interrupt another in debate should address the Chair for permission of the Member speaking (V, 5006; VI, 193), but the latter may exercise his own discretion as to whether or not he will yield (V, 5007, 5008; VI, 193; VIII, 2463, 2465). It is not in order to disrupt a Member's remarks in debate by repeatedly interrupting to ask whether he will yield after he has declined to do so (Apr. 9, 1992, p. ——). Where a Member interrupts another during debate without being yielded to or otherwise recognized (as on a point of order), his remarks are not printed in the Record (Speaker O'Neill, Feb. 7, 1985, p. 2229; July 21, 1993, p. ——; July 29, 1994, p. ——; Dec. 21, 1995, p. ——). Members should not engage in disruption while another is speaking (Dec. 20, 1995, p. ——; June 27, 1996, p. ——).

**§751. Speaker in debate.**

The Speaker may of right speak from the Chair on questions of order and be first heard (II, 1367), but with this exception he may speak from the Chair only by leave of the House and on questions of fact (II, 1367–1372). On occasions comparatively rare Speakers have called Members to the Chair and participated in debate on questions of order or matters relating their own conduct or rights, usually without asking consent of the House (II, 1367, 1368, 1371; III, 1950; V, 6097). In more recent years, Speakers have frequently entered into debate on substantive legislative issues before the House for decision, and the right to participate in debate in the Committee of the Whole is without question (see, *e.g.*, Apr. 30, 1987, p. 10811).

**§752. Member must confine himself to the subject.**

It has always been held, and generally quite strictly, that in the House the Member must confine himself to the subject under debate (V, 5043–5048; VI, 576; VIII, 2481, 2534). The Chair normally waits for the question of relevancy of debate to be raised and does not take initiative (Sept. 27, 1990, p. ——; Mar. 23, 1995, p. ——; Nov. 14, 1995, pp. ——, ——; Dec. 15, 1995, p. ——; Mar. 12, 1996, p. ——).

During debate on a bill a Member must maintain a constant nexus between debate and the subject of the bill (Nov. 14, 1995, p. ——; Mar. 12, 1996, p. ——). Debate on a motion to amend must be confined to the amendment, and may neither include the general merits of the bill (V, 5049–5051), nor range to the merits of a proposition not included in the underlying resolution (Jan. 31, 1995, p. ——). Similarly, debate on a motion to recommit with instructions should be confined to the subject of the motion rather than dwelling on the general merits of the bill (Mar. 7, 1996, p. ——). On a motion to suspend the rules, debate is confined to the object of the motion and may not range to the merits of a bill not scheduled for such consideration (Nov. 23, 1991, p. 34189). Debate on a special order providing for the consideration of a bill may range to the merits of the bill to be made in order (Sept. 26, 1989, p. 21532; Oct. 16, 1990, p. 29668; Oct. 1, 1991, p. 24836), since the question of consideration of the bill is involved, but should not range to the merits of a measure not to be considered under that special order (Sept. 27, 1990, p. 26226; July 25, 1995, p. ——; Sept. 20, 1995, p. ——; Dec. 15, 1995, p. ——; May 1, 1996, p. ——; May 8, 1996, p. ——; May 15, 1996, p. ——; Mar. 13, 1997, p. ——). Debate on a resolution providing authorities to expedite the consideration of end-of-session legislation may neither range to the merits of a measure that might or might not be considered under such authorities nor engage in personalities with respect to the official conduct of the Speaker, even as asserted to relate to the question of granting the authorities proposed (Sept. 24, 1996, p. ——). If a unanimous-consent request for a Member to address the House for one hour specifies the subject of the address, the occupant of the Chair during that speech may enforce the rule of relevancy in debate by requiring that the remarks be confined to the subject so specified (Jan. 23, 1984, p. 93). Debate on a question of personal privilege must be confined to the statements or issue which gave rise to the question of privilege (V, 5075–5077; VI, 576, 608; VIII, 2448, 2481; May 31, 1984, p. 14623). Debate on a privileged resolution recommending disciplinary action against a Member, while it may include comparisons with other such actions taken by or reported to the House for purposes of measuring severity of punishment, may not extend to the conduct of another sitting Member not the subject of a committee report (Dec. 18, 1987, p. 36271). The question whether a Member should be relieved from committee service is debatable only within very narrow limits (IV, 4510; June 16, 1975, p. 19056). Debate on a resolution electing a Member to a committee is con-

fined to the election of that Member and should not extend to that committee's agenda (July 10, 1995, p. ——).

While the Speakers have entertained appeals from their decisions as to irrelevancy, they have held that such appeals were not debatable (V, 5056–5063).

In Committee of the Whole House on the state of the Union during general debate the Member need not confine himself to the subject (V, 5233–5238; VIII, 2590; June 28, 1974, p. 21743); but this privilege does not extend to the Committee of the Whole House (V, 5239; VIII, 2590). All five-minute debate in Committee of the Whole is confined to the subject (V, 5240–5256), even on a pro forma amendment (VIII, 2591), in which case debate must relate to an issue in the pending portion of the bill; thus, where a general provisions title is pending debate may relate to any agency funded by the bill (June 13, 1991, p. 14692).

**§753. Speaker's power of recognition.**

2. When two or more Members rise at once, the Speaker shall name the Member who is first to speak; * * *

This clause was adopted in 1789 (V, 4978).

In the early history of the House, when business proceeded on presentation by individual Members, the Speaker recognized the Member who arose first; and in case of doubt there was an appeal from his recognition (II, 1429–1434). But as the membership and business of the House increased it became necessary to establish and adhere to a fixed order of business, and recognitions, instead of pertaining to the individual Member, necessarily came to pertain to the bill or other business which would be before the House under the rule regulating the order of business. Hence the necessity that the Speaker should not be compelled to heed the claims of Members as individuals was expressed in 1879 in a report from the Committee on Rules, which declared that "in the nature of the case discretion must be lodged with the presiding officer" (II, 1424). And in 1881 the Speaker declined to entertain an appeal from his decision on a question of recognition (II, 1425–1428), establishing thereby a practice which continues (VI, 292; VIII, 2429, 2646, 2762). It has also been determined that a Member may not invoke rule XXV (§900, *infra*), providing that questions relating to the priority of business shall be decided by a majority without debate, to inhibit the Speaker's power of recognition under this clause (Speaker Albert, July 31, 1975, p. 26249).

**§753a. One-minute and special-order speeches.**

Recognition for one-minute speeches by unanimous consent and the order of recognition are entirely within the discretion of the Speaker (Nov. 15, 1983, p. 32657). When the House has a heavy legislative schedule, the Speaker may refuse to recognize Members for that purpose until the completion of legislative business (Procedure, ch. 21, sec. 7.5; July 24, 1980, p. 19386). It is not in order to raise as a question of the privileges of the

House a resolution directing the Speaker to recognize for such speeches, since a question of privilege cannot amend or interpret the rules of the House (July 25, 1980, pp. 19762–64).

Since the 98th Congress the Speaker has followed announced policies of (1) alternating recognition for one-minute speeches and special-order speeches between majority and minority Members and (2) recognizing for special-order speeches of five minutes or less before longer speeches (Speaker O'Neill, Aug. 8, 1984, p. 22963; Jan. 4, 1995, p. ——). In the 101st Congress, the Chair continued the practice of alternating recognition for one-minute speeches but began a practice of recognizing Members suggested by their party leadership before others in the well (Apr. 19, 1990, p. 7406). From August 8, 1984, through February 23, 1994, the Speaker also followed an announced policy of recognizing Members of the same party within a given category in the order in which their requests for special orders were granted (Speaker O'Neill, Aug. 8, 1984, p. 22963; Jan. 5, 1993, p. ——). But since February 24, 1994, the Speaker's announced policies for recognition for special order speeches has been as follows: (1) recognition does not extend beyond midnight; (2) recognition is granted first for speeches of five minutes or less; (3) recognition for longer speeches is limited (except on Tuesdays) to four hours equally divided between the majority and minority; (4) the first hour for each party is reserved to its respective Leader or his designees; (5) time within each party is allotted in accord with a list submitted to the Chair by the respective Leader; (6) the first recognition within a category alternates between the parties from day to day, regardless of when requests were granted; (7) Members may not enter requests for five-minute special orders earlier than one week in advance; and (8) the respective Leaders may establish additional guidelines for entering requests (Feb. 11, 1994, p. ——; May 23, 1994, p. ——; June 10, 1994, p. ——; Jan. 4, 1995, p. ——; Feb. 16, 1995, p. ——; May 12, 1995, p. ——; Jan. 21, 1997, p. ——).

While the Chair's calculation of time consumed under one-minute speeches is not subject to challenge, the Chair endeavors to recognize Majority and then Minority Members by allocating time in a non-partisan manner (Aug. 4, 1982, p. 19319). Prior to legislative business, the Speaker will traditionally recognize a Member only once by unanimous consent for a one-minute speech, and will not entertain a second request (May 1, 1985, p. 9995). The Chair will not entertain a unanimous-consent request to extend a five-minute special order (Mar. 7, 1995, p. ——).

**§753b. Morning-hour debates.**

Beginning in the second session of the 103d Congress, the House has by unanimous consent agreed (without prejudice to the Speaker's ultimate power of recognition under this rule) to convene 90 minutes early on Mondays and Tuesdays for morning-hour debate (Feb. 11, 1994, p. ——; May 23, 1994, p. ——; June 8, 1994, p. ——; June 10, 1994, p. ——; Jan. 4, 1995, p. ——; Feb. 16, 1995, p. ——; Jan. 21, 1997, p. ——). On May 12, 1995, the House extended and modified the above order to accommodate earlier convening

times after May 14 of each year. The modified order changes morning hour debates on Tuesdays after May 14 of each year as follows: (1) the House convenes one hour early (rather than 90 minutes); (2) time for debate is limited to 25 minutes for each Party (rather than 30 minutes); and (3) in no event is morning hour debate to continue beyond 10 minutes before the House is to convene (May 12, 1995, p. ——). The above-cited orders of the House also: (1) postpone the Prayer, approval of the Journal, and the Pledge of Allegiance during morning hour debates; and (2) require the Chair to recognize Members for not more than five minutes each, alternating between the majority and minority parties in accord with lists supplied by their respective Leaders. During morning hour debate it is not in order to request that a name be removed from a list of cosponsors of a bill (Apr. 26, 1994, p. ——).

**§753c. "Oxford" style debates.**

In the 103d Congress the House agreed by unanimous consent to conduct at a time designated by the Speaker structured debate on a mutually agreeable topic announced by the Speaker, with four participants from each party in a format announced by the Speaker (Feb. 11, 1994, p. ——; Mar. 11, 1994, p. ——; May 23, 1994, p. ——; June 8, 1994, p. ——; June 10, 1994, p. ——). Pursuant to that authority the House conducted three "Oxford"-style debates (Mar. 16, 1994, p. ——; May 4, 1994, p. ——; July 20, 1994, p. ——). As a precursor to those structured debates, special-order time was used for a "Lincoln–Douglas" style debate involving five Members, with one Member acting as "moderator" by controlling the hour under this clause (Nov. 3, 1993, p. ——).

**§754. Speaker governed by usage in recognitions.**

Although there is no appeal from the Speaker's recognition, he is not a free agent in determining who is to have the floor. The practice of the House establishes rules from which he may not depart. When the order of business brings before the House a certain bill he must first recognize, for motions for its disposition, the Member who represents the committee which has reported it (II, 1447; VI, 306, 514). This is not necessarily the chairman of the committee, for a chairman who, in committee, has opposed the bill, must yield the prior recognition to a member of his committee who has favored the bill (II, 1449). Usually, however, the chairman has charge of the bill and is entitled at all stages to prior recognition for allowable motions intended to expedite it (II, 1452, 1457; VI, 296, 300). Once the proponent of a pending motion has been recognized for debate thereon, a unanimous-consent request to modify the motion may be entertained only if the proponent yields for that purpose (Jan. 5, 1996, p. ——). This principle does not, however, apply to the Chairman of the Committee of the Whole (II, 1453). The Member who originally introduces the bill which a committee reports has no claims to recognition as opposed to the claims of the members of the committee, but in cases where a proposition is brought directly before the House by a Member the mover is entitled to prior recognition for motions and debate (II, 1446, 1454; VI, 302–305, 417;

VIII, 2454, 3231). And this principle applies to the makers of certain motions. Thus, the Member on whose motion the enacting clause of a bill is stricken out in Committee of the Whole is entitled to prior recognition when the bill is reported to the House (V, 5337; VIII, 2629), and in a case where a Member raised an objection in the joint session to count the electoral vote the Speaker recognized him first when the Houses had separated to consider the objection (III, 1956). But a Member may not, by offering a debatable motion of higher privilege than the pending motion, deprive the Member in charge of the bill of possession of the floor for debate (II, 1460–1463; VI, 290, 297–299; VIII, 2454, 3193, 3197, 3259). The Member in charge of the bill and having the floor may demand the previous question, although another Member may propose to offer a motion of higher privilege (VIII, 2684); but the motion of higher privilege must be put before the previous question (V, 5480; VIII, 2684). The Member who has been recognized to call up a measure in the House has priority of recognition to move the previous question thereon, even over the chairman of the committee reporting that measure (Oct. 1, 1986, p. 27468). The fact that a Member has the floor on one matter does not necessarily entitle him to prior recognition on a motion relating to another matter (II, 1464). It is because the Speaker is governed by these usages that he often asks, when a Member seeks recognition, ''For what purpose does the gentleman rise?''. By this question he determines whether the Member proposes business or a motion which is entitled to precedence and he may deny recognition (VI, 289–291, 293; Aug. 13, 1982, pp. 20969, 20975–78; Speaker Wright, Feb. 17, 1988, p. 1583; Feb. 27, 1992, p. ——) and from such denial there is no appeal (II, 1425; VI, 292; VIII, 2429, 2646, 2762; Feb. 27, 1992, p. ——). Recognition for parliamentary inquiry lies in the discretion of the Chair (VI, 541), who may take a parliamentary inquiry under advisement (VIII, 2174), especially where not related to the pending proceedings (Apr. 7, 1992, p. ——).

**§ 755. Loss of right to recognition by Member in charge.**

When an essential motion made by the Member in charge of a bill is decided adversely, the right to prior recognition passes to the Member leading the opposition to the motion (II, 1465–1468; VI, 308). Under this principle control of a measure passes when the House disagrees to a recommendation of the committee reporting the measure (II, 1469–1472) or when the Committee of the Whole reports the measure adversely (IV, 4897; VIII, 2430). Similarly, this principle applies when a motion for the previous question is rejected (VI, 308). However, a Member who led the opposition to ordering the previous question may be preempted by a motion of higher precedence (Aug. 13, 1982, pp. 20969, 20975–78). On the other hand, the mere defeat of an amendment proposed by the Member in charge does not cause the right to prior recognition to pass to an opponent (II, 1478, 1479).

Rejection of a conference report after the previous question has been ordered thereon does not cause recognition to pass to a Member opposed

to the report, and the manager retains control to offer the initial motion to dispose of amendments in disagreement (Speaker Albert, May 1, 1975, p. 12761). Similarly, the invalidation of a conference report on a point of order, which is equivalent to its rejection by the House, does not give the Member raising the question of order the right to the floor (VIII, 3284) and exerts no effect on the right to recognition (VI, 313). In most cases, when the House refuses to order the previous question on a conference report, it then rejects the report (II, 1473–1477; V, 6396). However, control of a Senate amendment reported from conference in disagreement passes to an opponent when the House rejects a motion to dispose thereof (Aug. 6, 1993, p. ——).

**§756. Prior right of Members of the committee to recognition for debate.**

In debate the members of the committee—except the Committee of the Whole (II, 1453)—are entitled to priority of recognition for debate (II, 1438, 1448; VI, 306, 307), but a motion to lay a proposition on the table is in order before the Member entitled to prior recognition for debate has begun his remarks (V, 5391–5395; VI, 412; VIII, 2649, 2650).

In recognizing for general debate under general House rules the Chair alternates between those favoring and those opposing the pending matter, preferring members of the committee reporting the bill (II, 1439–1444). When a member of a committee has occupied the floor in favor of a measure the Chair attempts to recognize a Member opposing next, even though he be not a member of the committee (II, 1445). The principle of alternation is not insisted on rigidly where a limited time is controlled by Members, as in the "forty minutes" of debate on motions for suspension of the rules and the previous question (II, 1442).

**§757. Exceptions to the usages constraining the Speaker as to recognitions.**

As to motions to suspend the rules, which are in order on Mondays and Tuesdays of each week, the Speaker exercises a discretion to decline to recognize (V, 6791–6794, 6845; VIII, 3402–3404). He also may decline to recognize a Member who desires to ask unanimous consent to set aside the rules in order to consider a bill not otherwise in order, this being the way of signifying his objection to the request. But this authority did not extend to the former Consent Calendar. The Speaker has announced and enforced a policy of conferring recognition for unanimous-consent requests for the consideration of unreported bills and resolutions only when assured that the majority and minority floor and committee leaderships have no objection (see, *e.g.*, Dec. 15, 1981, p. 31590; May 4, 1982, p. 8613; Nov. 16, 1983, p. 33138; Jan. 25, 1984, p. 354; Jan. 26, 1984, p. 449; Jan. 31, 1984, p. 1063; Oct. 2, 1984, p. 28516; Feb. 4, 1987, p. 2675; Jan. 3, 1989, p. 89; Jan. 3, 1991, p. 64; Jan. 5, 1993, p. ——; Apr. 4, 1995, p. ——). This policy has been extended to: (1) requests relating to reported bills (July 23, 1993, p. ——); (2) requests for immediate consideration of matters (separately unreported) comprising a portion of a measure already passed by the House (Dec. 19, 1985, p. 38356); (3) requests

to consider a motion to suspend the rules and pass an unreported bill (on a non-suspension day) (Aug. 12, 1986, p. 21126); (4) requests to permit consideration of (nongermane) amendments to bills (Nov. 14, 1991, p. 32083; Dec. 20, 1995, p. ——); (5) requests to permit expedited consideration of measures on subsequent days, as by waiving the requirement that a bill be referred to committee for 30 legislative days before a motion to discharge may be presented under clause 3 of rule XXVII (June 5, 1992, p. ——); and (6) requests relating to Senate passed bills on the Speaker's table (Oct. 25, 1995, p. ——; Jan. 3, 1996, p. ——). In addition, with respect to unanimous-consent requests to dispose of Senate amendments to House bills on the Speaker's table, the Chair will entertain such a request only if made by the chairman of the committee with jurisdiction, or by another committee member authorized to make the request (Apr. 26, 1984, p. 10194; Feb. 4, 1987, p. 2675; Jan. 3, 1996, p. ——; Jan. 4, 1996, p. ——; Deschler's Precedents, vol. 6, ch. 21, sec. 1.23). The Chair has declined to entertain a unanimous-consent request to print a separate volume of tributes given in memory of a deceased former Member absent concurrence of the Joint Committee on Printing (Aug. 1, 1996, p. ——). The Speaker's enforcement of this policy is not subject to appeal (Apr. 4, 1995, p. ——). "Floor leadership" in this context has been construed to apply only to the Minority Leader and not to the entire hierarchy of minority leadership, where the Chair had been assured that the Minority Leader had been consulted (Apr. 25, 1985, p. 9415). It is not a proper parliamentary inquiry to ask the Chair to indicate which side of the aisle has failed under the Speaker's guidelines to clear a unanimous-consent request (Feb. 1, 1996, p. ——).

**§ 758. The hour rule in debate.**

2. * * * and no Member shall occupy more than one hour in debate on any question in the House or in committee, except as further provided in this rule.

This clause dates from 1841, when the increase of membership had made it necessary to prevent the making of long speeches which sometimes occupied three or four hours each (V, 4978).

It applies to debate on a question of privilege, as well as to debate on other questions (V, 4990; VIII, 2448); and when the time of debate has been placed within the control of those representing the two sides of a question it must be assigned to Members in accordance with this rule (V, 5004, 5005; VIII, 2462). Under this clause a Member recognized for one hour for a "special order" speech in the House may not extend that time, even by unanimous consent (July 12, 1971, pp. 24594, 24603; Feb. 9, 1966, p. 2794). In the 104th Congress the Speaker announced his intention to strictly enforce time limitations on debate (Jan. 5, 1995, p. ——).

For a discussion of "morning-hour debates" and "Oxford" style debates, see §§ 753b–c, *supra*.

§759. The opening and closing of general debate.

3. The Member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

This clause was adopted in 1847 and perfected in 1880 (V, 4996).

In the later practice this right to close may not be exercised after the previous question is ordered (V, 4997–5000). This clause applies to general debate in Committee of the Whole (Mar. 26, 1985, p. 6283).

§760. The call to order for words spoken in debate.

4. If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case requires it, he shall be liable to censure or such punishment as the House may deem proper.

5. If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

Clause 4 was adopted in 1789 and amended in 1822 and 1880 (V, 5175). Clause 5 was adopted in 1837 and amended in 1880, although the practice of writing down objectionable words had been established in 1808.

**§761. Words taken down and other calls to order for unparliamentary debate.**

Members transgressing the rules of debate and decorum may be called to order by the Speaker (VIII, 2481, 2521, 3479), a Member (II, 1344; V, 5154, 5161–5163, 5175, 5192), or a delegate (II, 1295). A Member may initiate a call to order either by making a point of order that a Member is transgressing the rules or by formally demanding that words be taken down under clause 5 (Sept. 12, 1996, pp. ——, ——; Sept. 17, 1996, p. ——; Sept. 18, 1996, p. ——; Sept. 25, 1996, p. ——). A Member's comportment in debate may constitute a breach of decorum even though the content of the Member's speech is not, itself, unparliamentary (July 29, 1994, p. ——). Except for naming the offending Member, the Speaker may not otherwise censure or punish him (II, 1345; VI, 237; Sept. 18, 1996, p. ——; see also §366, *supra*). The House may by proper motions under clauses 4 and 5 of this rule dictate the consequences of a ruling by the Chair that a Member was out of order (May 26, 1983, p. 14048).

As discussed in §374, *supra*, it is customary for the Chair to initiate the call to order a Member who criticizes the actions of the Senate, its Members, or its committees, whether in debate or through an insertion in the Record (Speaker Albert, Apr. 17, 1975, p. 10458; Oct. 7, 1975, p. 32055; Feb. 27, 1997, p. ——). On the other hand, the Chair customarily awaits an initiative from the floor to call to order a Member engaging in personalities in debate with respect to another Member of the House (June 29, 1987, p. 18072; Jan. 4, 1995, p. ——; Feb. 27, 1997, p. ——). The Chair may take initiative to call to order a Member engaging in verbal outburst following expiration of his recognition for debate (Mar. 16, 1988, p. 4081). The Chair may deny further recognition to an offending Member, subject to the will of the House on the question of his proceeding in order (Speaker O'Neill, June 16, 1982, p. 13843; July 29, 1994, p. ——; Sept. 18, 1996, p. ——). The Chair may admonish a Member for words spoken in debate and request that they be removed from the Record even prior to a demand that the words be taken down (Sept. 24, 1992, p. ——).

Clause 5 prohibits the taking down of words after intervening business (V, 5177; VIII, 2536; Sept. 16, 1991, p. ——; Mar. 28, 1996, p. ——). However, a Member on his feet and seeking recognition at the appropriate time may yet be recognized to demand that words be taken down even though brief debate may have intervened, and a request that a Member uttering objectionable words yield does not forfeit the right to demand that the words be taken down (VIII, 2528). Action taken by the Chair to determine whether a point of order from the floor is intended as a demand that words be taken down is not such intervening debate or business as would render the demand untimely (Oct. 2, 1984, p. 28522). Unanimous

consent is not required for a Member to withdraw his demand that words be taken down prior to a ruling by the Chair (June 18, 1986, p. 14232).

While a demand that a Member's words be taken down is pending, that Member should be seated immediately (July 29, 1994, p. ——; Jan. 25, 1995, p. ——), and no Member may engage the Chair until the demand has been disposed of (Nov. 9, 1995, p. ——; Nov. 15, 1995, p. ——). Where two Members consecutively demand that each others' words be taken down as unparliamentary, the Chair advises both Members to be seated and then directs the Clerk to report the first words objected to (June 19, 1996, p. ——). An offending Member may be directed by the Chair to be seated even if a formal demand that the Member's words be taken down is not pending; for example, where a Member declines to proceed in order at the directive of the Chair after points of order have been sustained against unparliamentary references in debate, the Chair may, under rules I and XIV, deny the Member further recognition as a disposition of the question of order, subject to the will of the House on the question of proceeding in order (see §366, *supra*; Sept. 12, 1996, p.——; Sept. 17, 1996, p. ——; Sept. 18, 1996, p. ——).

The words having been read from the desk, the Chair decides whether they are in order (II, 1249; V, 5163, 5169, 5187), as read by the Clerk and not as otherwise alleged to have been uttered (June 9, 1992, p. ——). When a Member denies that the words taken down are the exact words used by himself, the question as to the words is put to the House for decision (V, 5179, 5180). Where demands are made to take down words both as spoken in a one-minute speech and as reiterated when the offending Member is permitted by unanimous consent to explain, the Chair may rule simultaneously on both (July 25, 1996, p. ——). A decision of the Chair on a point of order that a Member is engaging in personalities is subject to appeal (Sept. 28, 1996, p. ——).

The rule permits a motion that an offending Member be permitted to explain before the Chair rules on the words taken down, and the Chair has discretion to ask for explanation before ruling on the words (Feb. 1, 1940, p. 954). The Chair also may recognize an offending Member, permitted by unanimous consent, to explain words ruled out of order (Nov. 10, 1971, pp. 40442–43).

If words taken down are ruled out of order, the Member loses the floor (V, 5196–5199; Jan. 25, 1995, p. ——) and may not proceed on the same day without the permission of the House (Jan. 29, 1946, p. 533; Aug. 21, 1974, pp. 29652–53; Jan. 25, 1995, p. ——; Apr. 17, 1997, p. ——), even on yielded time (V, 5147), and may not insert unspoken remarks in the Record (Jan. 25, 1995, p. ——), but still may exercise his right to vote or to demand the yeas and nays (VIII, 2546). The ruling does not take the "issue" off the floor, and other Members may proceed to debate the same subject (July 25, 1996, p. ——). The offending Member will not lose the floor if the House permits the Member to proceed in order (see, *e.g.*, May 10, 1990, p. 9992), which motion may be stated on the initiative of

the Chair (Oct. 8, 1991, p. 25757; Mar. 29, 1995, p. ——; July 25, 1996, p. ——) or offered by any Member (July 25, 1996, p. ——). The motion is not inconsistent with the immediate consequence of the call to order because clause 4 also permits the House to determine the extent of the sanction for a given breach (Oct. 10, 1991, p. 26102). The motion is debatable within narrow limits of relevance under the hour rule, and consequently also is subject to the motion to lay on the table (Speaker Foley, Oct. 8, 1991, p. 25757).

Where a Member has been called to order not in response to a formal demand that words be taken down but in response to a point of order, the former practice was to test the opinion of the House by a motion "that the gentleman be allowed to proceed in order" (V, 5188, 5189; VIII, 2534). Under the modern practice the Chair either may invite the offending Member to proceed in order (see, *e.g.,* Sept. 12, 1996, p. ——) or, particularly where admonitions have been ignored, may deny the Member recognition for the balance of the time for which he was recognized, subject to the will of the House, as by a vote on the question whether the Member should be permitted to proceed in order (Sept. 12, 1996, p. ——; Sept. 17, 1996, p. ——; Sept. 18, 1996, p. ——; Sept. 25, 1996, p. ——).

Words taken down and ruled out of order by the Chair are subject to a motion that they be stricken or expunged from the Record. This motion has precedence (VIII, 2538–2541; Aug. 21, 1974, pp. 29652–53), is often stated on the initiative of the Chair (May 10, 1990, p. 9992), and is debatable within narrow limits (VIII, 2539; Speaker Martin, June 12, 1947, p. 6896). However, the motion may not be entertained in the Committee of the Whole (Feb. 18, 1941, p. 1126) or offered by the Member called to order (Feb. 11, 1941, pp. 894, 899), although that Member may ask unanimous consent to withdraw his words (VIII, 2528, 2538, 2540, 2543, 2544).

When disorderly words are spoken in the Committee of the Whole, they are taken down and read at the Clerk's desk, and the Committee rises automatically (VIII, 2533, 2538, 2539) and reports them to the House (II, 1257–1259, 1348). Action in the House on words reported from the Committee of the Whole is limited to the words reported (VIII, 2528), and it is not in order as a question of privilege in the House to propose censure of a Member for disorderly words spoken in Committee of the Whole but not reported therefrom (V, 5202). After words reported to the House from Committee of the Whole have been disposed of (by decision of the Chair and any associated action by the House), the Committee resumes its sitting without motion (VIII, 2539, 2541).

The House has censured a Member for disorderly words (II, 1253, 1254, 1259, 1305; VI, 236). The House may proceed to censure or other action although business may have intervened in certain exceptional cases, such as when disorderly words are part of an occurrence constituting a breach of privilege (II, 1657), when a Member's language has been investigated by a committee (II, 1655), when a Member has reiterated on the floor certain published charges (III, 2637), when a Member has uttered words al-

leged to be treasonable (II, 1252), or when a Member has uttered an attack on the Speaker (II, 1248; Jan. 4, 1995, p. ——; Jan. 19, 1995, p. ——).

For a discussion of resolving the use of objectional exhibits that are a breach of decorum, see §622, *supra*; and for a discussion of resolving the use of objectional exhibits that are not necessarily a breach of decorum, see rule XXX, §915, *infra*.

**§762. Member to speak but once to the same question; right to close controlled debate.**

6. No Member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every Member choosing to speak shall have spoken.

This clause was adopted in 1789, and amended in 1840 (V, 4991).

A Member who has spoken once to the main question may speak again to an amendment (V, 4993, 4994). It is too late to make the point that a Member has spoken already if no one claims the floor until he has made some progress in his speech (V, 4992). This clause is often circumscribed by special orders of business that vest control of debate in designated Members and permit them to yield more than once to other Members. For a discussion of the right of a Member to speak more than once under the five-minute rule, see §873a, *infra*. The right to close may not be exercised after the previous question has been ordered (V, 4997–5000). The right to close does not belong to a Member who has merely moved to reconsider the vote on a bill which he did not report (V, 4995). The right of a contestant in an election case to close when he is permitted to speak in the contest has been a matter of discussion (V, 5001).

Ordinarily the manager of a bill or other representative of the committee position and not the proponent of an amendment has the right to close debate on an amendment on which debate has been limited and allocated under the five-minute rule in Committee of the Whole (VIII, 2581; July 16, 1981, p. 16043; Apr. 4, 1984, p. 7841; June 5, 1985, p. 14302; July 10, 1985, p. 18496; Oct. 24, 1985, p. 28824; May 2, 1988, p. 9638; May 5, 1988, pp. 9961–62), including the minority manager (June 29, 1984, p. 20253; Aug. 14, 1986, p. 21660; July 26, 1989, p. 16403). The Chair will assume that the manager of a measure is representing the committee of jurisdiction even where the measure called up is unreported (Apr. 15, 1996, p. ——), where an unreported compromise text is made in order as original text in lieu of committee amendments (Oct. 19, 1995, p. ——), or where the committee reported the measure without recommendation (Feb. 12, 1997, p. ——). Where the pending text includes a provision rec-

ommended by a committee of sequential referral, a member of that committee is entitled to close debate against an amendment thereto (June 15, 1989, pp. 12084–87). By recommending an amendment in the nature of a substitute, a reporting committee implicitly opposes a further amendment that could have been included therein, such that a committee representative who controls time in opposition may close debate thereon (June 4, 1992, pp. —— and ——; June 13, 1995, p. ——). Where the rule providing for the consideration of an unreported measure designates managers who do not serve on a committee of jurisdiction, those managers are entitled to close controlled debate against an amendment thereto (Sept. 18, 1997, p. ——).

Under certain circumstances, however, the proponent of the amendment may close debate, as where he represents the position of the reporting committee (Aug. 14, 1986, p. 21660) or where no committee representative opposes the amendment (Aug. 15, 1986, p. 22057). Where a committee representative is allocated control of time in opposition to an amendment not by recognition from the Chair but by unanimous-consent request of a third Member who was allocated the time by the Chair, then the committee representative is not entitled to close debate as against the proponent (July 24, 1997, p. ——). Similarly, the proponent of the amendment may close debate where no representative from the reporting committee opposes an amendment to a multi-jurisdictional bill (Mar. 9, 1995, p. ——); where the measure is unreported and has no "manager" under the terms of a special rule (Apr. 24, 1985, p. 9206); or where a measure is being managed by a single reporting committee and the Member controlling time in opposition, though a member of the committee having jurisdiction over the amendment, does not represent the reporting committee (Nov. 9, 1995, p. ——).

**§763. Decorum of Members in the Hall.**

7. While the Speaker is putting a question or addressing the House no Member shall walk out of or across the hall, nor, when a Member is speaking, pass between him and the Chair; and during the session of the House no Member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms is charged with the strict enforcement of this clause. Neither shall any person be allowed to smoke or to use any personal, electronic office

equipment (including cellular phones and computers) upon the floor of the House at any time.

Until the 104th Congress this clause was made up of provisions adopted in 1789, 1837, 1871, and 1896. In the 104th Congress a reference to the former Doorkeeper was deleted and the prohibition against using personal electronic office equipment was added (secs. 201 and 223, H. Res. 6, Jan. 4, 1995, p. ——). The prohibition was affirmed by response to a parliamentary inquiry (Feb. 23, 1995, p. ——). Originally Members wore their hats during sessions, as in Parliament, and the custom was not abolished until 1837 (II, 1136). In the 103d Congress the Speaker announced that the prohibition against Members wearing hats included doffing the hat in tribute to a group (Speaker Foley, June 22, 1993, p. ——; June 10, 1996, p. ——). In the 96th Congress, the Speaker announced that he considered as proper the customary and traditional attire for Members, including a coat and tie for male Members and appropriate attire for female Members (where thermostat controls had been raised in the summer to conserve energy); the House then adopted a resolution, offered as a question of the privileges of the House, requiring Members to wear proper attire as determined by the Speaker, and denying non-complying Members the privilege of the floor (July 17, 1979, pp. 19008, 19073). In the 97th Congress, the Speaker announced during a vote by electronic device that Members were not permitted under the traditions of the House to wear overcoats on the House floor (Dec. 16, 1981, p. 31847).

Smoking is not permitted in the Hall during sessions of the House (Oct. 15, 1990, p. 29248), nor during sittings of the Committee of the Whole (Aug. 14, 1986, p. 21707); and the prohibition extends to smoking behind the rail (Feb. 23, 1995, p. ——). On the opening day of the 101st Congress, the Speaker prefaced his customary announcement of policies concerning such aspects of the legislative process as recognition for unanimous-consent requests and privileges of the floor with a general statement concerning decorum in the House, including particular adjurations against engaging in personalities, addressing remarks to spectators, and passing in front of the Member addressing the Chair (Jan. 3, 1989, p. 88; see also Jan. 5, 1993, p. ——; Jan. 4, 1995, p. ——). In the 104th Congress the Speaker announced: (1) that Members should not traffic, or linger in, the well of the House while another Member is speaking (Feb. 3, 1995, p. ——; Mar. 3, 1995, p. ——; Dec. 15, 1995, p. ——); and (2) that Members should not engage in disruption while another Member is speaking (Dec. 20, 1995, p. ——).

A former Member must observe proper decorum under this clause, and the Chair may direct the Sergeant-at-Arms to assist the Chair in maintaining such decorum (Sept. 17, 1997, p. ——). In the 105th Congress the House adopted a resolution offered as a question of the privileges of the House alleging indecorous behavior of a former Member and instructing the Sergeant-at-Arms to ban the former Member from the floor, and rooms leading

thereto, until the resolution of a contested election to which he was party (H. Res. 233, Sept. 18, 1997, p. ——).

**§764. Gallery occupants not to be introduced.**

8. It shall not be in order for any Member to introduce to or to bring to the attention of the House during its sessions any occupant in the galleries of the House; nor may the Speaker entertain a request for the suspension of this rule by unanimous consent or otherwise.

This clause was adopted April 10, 1933 (VI, 197).

**§764a. Revisions of remarks in debate.**

9. (a) The Congressional Record shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

(b) Unparliamentary remarks may be deleted only by permission or order of the House.

**§764b. Standard of conduct.**

(c) This clause establishes a standard of conduct within the meaning of clause 4(e)(1)(B) of rule X.

This clause was adopted in the 104th Congress (sec. 213, H. Res. 6, Jan. 4, 1995, p. ——). Under clause 9(a) a unanimous-consent request to revise and extend remarks permits a Member (1) to make technical, grammatical, and typographical corrections to remarks uttered and (2) to include in the Record additional remarks not uttered to appear in a distinctive typeface; however, such a unanimous-consent request does not permit a Member to remove remarks actually uttered (Jan. 4, 1995, p. ——). Clause 9(a) also applies to statements and rulings of the Chair (Jan. 20, 1995, p. ——).