

§ 10. Recognition for Unanimous-consent Requests; One-minute and Special-order Speeches

The Speaker or Chairman of the Committee of the Whole has discretion whether or not to entertain unanimous-consent requests. Requests are not entertained which are prohibited by rule,⁽¹⁸⁾ which unduly delay legislative business,⁽¹⁹⁾ or which affect legislation and the order of business without the consent of the leadership and of relevant committees.⁽²⁰⁾

The Chair has entertained a unanimous-consent request which limits the Chair's power of recognition,⁽¹⁾ but either the Speaker or Chairman of the Committee of the Whole may make his own objection to any unanimous-consent request by refusing to entertain it.⁽²⁾

Recognition for one-minute speeches (by unanimous consent) and the order of such recogni-

18. See §§ 10.34, 11.14–11.17, *infra*.

19. See §§ 10.7, 10.8, 10.32, 10.34, *infra*.

20. See §§ 10.9, 10.14–10.25, 10.27, *infra*.

1. See §§ 10.1 and 11.4, *infra*.

2. See §§ 10.1, 10.6, *infra*. For a discussion of recognition for unanimous-consent requests which waive the requirements of existing rules, see § 11.1, *infra*.

tion⁽³⁾ are entirely within the discretion of the Speaker; and when the House has a heavy legislative schedule, the Speaker may refuse to recognize Members for that purpose until the completion of legislative business.⁽⁴⁾ 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.⁽⁵⁾

Since the 98th Congress, the Speaker has announced a policy for recognition for one-minute and special-order speeches as follows: (1) alternation of recognition between majority and minority Members; (2) recognition first for special-order speeches of five minutes or less, alternating between majority and minority Members, in the order in which requests were granted; and (3) final recognition for special-order speeches of between five minutes and one hour, alternating between majority and minority Members, in the order in which requests were granted.⁽⁶⁾ In the 101st Congress, the Chair continued the practice of alternating recognition, but

3. See § 10.55, *infra*.

4. See §§ 10.58–10.60, *infra*.

5. See § 10.58, *infra*.

6. See § 10.48, *infra*.

began a practice of recognizing Members in an order as suggested by their party leadership, for one-minute speeches, before others seeking such recognition in the well. 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.⁽⁷⁾ 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.⁽⁸⁾

When Members are addressing the House during "one-minute speeches," the Chair declines to entertain unanimous-consent requests for extensions of that time; Members who continue beyond the expiration of that time as announced by the Chair are not engaging in proper debate.

Since Feb. 23, 1994, the Speaker's announced policies for recognition for special-order speeches have been as follows:⁽⁹⁾ (1) recognition does not extend beyond midnight; (2) recognition is granted first for speeches of five minutes or less;⁽¹⁰⁾ (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 accordance 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.

Beginning in the second session of the 103d Congress, the House by unanimous consent agreed (without prejudice to the Speaker's ultimate power of recognition) to convene 90 minutes early on Mondays and Tuesdays for morning-hour debate.⁽¹¹⁾ On May 12, 1995,⁽¹²⁾ the House extended and modified this order, changing morning-hour debates on Tuesdays after May 14 of each year in the following manner: (1) the

7. See § 10.50, *infra*.

8. See § 10.61, *infra*.

9. See § 10.64, *infra*.

10. The Chair will not entertain a unanimous-consent request to extend a

five-minute special order. See the proceedings of Mar. 7, 1995.

11. See § 10.64, *infra*.

12. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

House convenes one hour early (rather than 90 minutes); (2) time for debate is limited to 25 minutes for each party; and (3) in no event is morning-hour debate to continue beyond 10 minutes before the House is to convene.

Also in the 103d Congress,⁽¹³⁾ the House agreed by unanimous consent to conduct, at a time designated by the Speaker, “Oxford-style” debates: structured debate on a mutually agreeable topic announced by the Speaker with four participants from each party in a format announced by the Speaker.

Members may obtain permission to address the House by requests made by the acting Majority and Minority Leaders at the end of the day through their respective Cloak Rooms, or by individual requests agreed to on the floor for that day or for a future day. For the request to be entertained, it should seek “permission to address the House at the conclusion of legislative business, consistent with the Speaker’s announced policy of recognition.”⁽¹⁴⁾

While the House customarily does not consider legislation after the Speaker has begun to recognize Members for “special-order

speeches,” there is no House rule prohibiting consideration of legislative business at any time the House is in session; thus, for example, the Speaker has recognized a Member between “special-order speeches” to request consideration of a House concurrent resolution by unanimous consent.⁽¹⁵⁾

Time taken during points of order raised during a special-order speech does not come out of the time of the Member speaking, and so a Member is not deprived of his allotted time.

Cross References

Chair’s power of recognition generally, see § 9, *supra*.

Unanimous-consent agreements on control and distribution of time, see §§ 25 (distribution and alternation), 28 (effect of special orders), 29 (yielded time), *infra*.

Unanimous-consent agreements on duration of debate, see §§ 71 (in the House) and 80 (in Committee of the Whole), *infra*.

Unanimous-consent consideration of bills, see § 16, *infra*.

Unanimous-consent consideration in House as in Committee of the Whole, see § 4, *supra*.

Unanimous-consent consideration of Senate amendments, see § 17, *infra*.

Unanimous-consent withdrawals and explanations in relation to calls to order, see § 51, *infra*.

Yielding for unanimous-consent requests, see § 29, *infra*.

13. See § 10.64, *infra*.

14. See § 10.48, *infra*. For discussion of special-order speeches generally, see §§ 10.65 et seq., *infra*.

15. See § 18.25, *infra*. See also §§ 10.69–10.71, *infra*.

Agreement That Member Be Allowed To Speak at Certain Time as Not Infringing on Chair's Power

§ 10.1 An agreement by the Committee of the Whole to a unanimous-consent request that a Member be allowed to speak at a certain time is not necessarily an infringement of the Chair's power of recognition, but the Chairman may, just as any other Member, interpose an objection to such a request.

On Dec. 9, 1947,⁽¹⁶⁾ Chairman Earl C. Michener, of Michigan, presiding in the Committee of the Whole, made the following statement on a proposed unanimous-consent request to allow a certain Member to speak at a certain time:

As the Chair understands the rule, the presiding officer in the Committee is in a dual capacity. First, he is selected to be the presiding officer during the consideration of the bill. But by accepting such appointment he does not lose his right to vote and object as any other Member. That is, his district is not deprived of its rights by virtue of the Chairman selection. That being true, the Chair not making any objection, I cannot see how the rights of the Chair are infringed upon if the Com-

mittee, by unanimous consent, wants to provide that a certain individual may speak at a certain hour during the Committee consideration. If the Chair is agreeable and all Members are agreeable.

One Request Pending at a Time

§ 10.2 Only one unanimous-consent request may be pending at one time; thus, while there is pending in Committee of the Whole a unanimous-consent request that a Member be allowed additional time under the five-minute rule, the Chair will dispose of that request before recognizing another Member to ask unanimous consent to limit debate on the pending amendment.

On May 10, 1977,⁽¹⁷⁾ the proceedings described above occurred in the Committee of the Whole as follows:

THE CHAIRMAN:⁽¹⁸⁾ The time of the gentleman from Oregon has again expired.

MR. [MARK W.] HANNAFORD [of California]: Mr. Chairman, I ask unanimous consent that the gentleman from Oregon be allowed to proceed for an additional 2 minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from California?

16. 93 CONG. REC. 11231, 80th Cong. 1st Sess.

17. 123 CONG. REC. 14111, 95th Cong. 1st Sess.

18. Gerry E. Studds (Mass.).

MR. [GARRY] BROWN of Michigan: Mr. Chairman, reserving the right to object, I wonder if we could get an understanding with the chairman of the subcommittee, the gentleman from Ohio (Mr. Ashley) on a time limit.

MR. [THOMAS L.] ASHLEY [of Ohio]: . . . Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto conclude at 10 minutes to 4.

THE CHAIRMAN: The Chair will state that originally there is also a unanimous-consent request that the gentleman from Oregon (Mr. AuCoin) be granted an additional 2 minutes.

Is there objection to the request of the gentleman from California?

There was no objection.

Obtaining Recognition To Reserve Right To Object

§ 10.3 In order to obtain recognition to reserve the right to object to a unanimous-consent request, a Member must be on his feet seeking recognition for that purpose when the Chair inquires whether there is an objection to the request; but a Member who was seeking recognition at the proper time may be recognized by the Chair even if the Chair has already stated he heard no objection.

On June 23, 1977,⁽¹⁹⁾ the Committee of the Whole having under

19. 123 CONG. REC. 20583, 20584, 95th Cong. 1st Sess.

consideration the foreign assistance and related agencies appropriation bill for 1978 (H.R. 7797), the following proceedings occurred:

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

THE CHAIRMAN:⁽¹⁾ Is there objection to the request of the gentleman from New York?

There being no objection—

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I reserve the right to object. I wonder if we could try and get a limitation on debate. I wonder if the gentleman could cut that down to a couple of minutes.

MR. MURPHY of New York: I think that if my colleague would bear with me, 5 minutes is a small amount of time to address ourselves to a vital area of interest in the Americas

MR. LONG of Maryland: Further reserving the right to object, at the conclusion of the gentleman's testimony I would like—

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. [MARIO] BIAGGI [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. BIAGGI: The time for objecting has passed. If the Chair will read back, he has stated no objections were heard.

THE CHAIRMAN: The Chair will indicate to the gentleman from New York that the gentleman from Maryland was

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

on his feet seeking to reserve the right to object.

Member Must Stand When Objecting

§ 10.4 A Member must stand when objecting to a unanimous-consent request.

On Oct. 13, 1978,⁽²⁾ the following proceedings occurred in the Committee of the Whole during consideration of S. 2727 (the Amateur Sports Act of 1978):

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I ask unanimous consent to be allowed to proceed for 2 additional minutes.

THE CHAIRMAN:⁽³⁾ Is there objection to the request of the gentleman from Missouri?

MR. [JAMES F.] LLOYD of California: Mr. Chairman, I object. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, under the rules of the House, I understand that a Member must stand in order to object.

THE CHAIRMAN: The Chair will state that the gentleman from California (Mr. Lloyd) did stand at the time.

Objecting Where Another Has Floor Under Reservation of Right To Object

§ 10.5 Where a Member has the floor under a reservation of

2. 124 CONG. REC. 37071, 95th Cong. 2d Sess. See also the discussion of "seeking recognition" in § 8, supra, particularly §§ 8.4–8.6.
3. John H. Krebs (Calif.).

the right to object to a unanimous-consent request, any other Member may object to the request.

The proceedings of June 23, 1977,⁽⁴⁾ during consideration of H.R. 7797, appropriations for agencies relating to foreign assistance, are discussed in § 10.3, supra.

Chair May Decline To Recognize for Unanimous-consent Request

§ 10.6 The Chair may decline to recognize a Member for the purpose of submitting a unanimous-consent request, thereby interposing his own objection.

On Dec. 15, 1937,⁽⁵⁾ while the Committee of the Whole was considering S. 2475, a wages and hours bill, Mr. Schuyler Otis Bland, of Virginia, asked unanimous consent that any substitute offered and adopted be open to amendment as if it were the original bill. Chairman John W. McCormack, of Massachusetts, responded that he had already requested another Member to temporarily withhold such a request,

4. 123 CONG. REC. 20583, 20584, 95th Cong. 1st Sess.
5. 82 CONG. REC. 1517, 75th Cong. 2d Sess.

and declined to recognize Mr. Bland to make the request.

Parliamentarian's Note: Mr. Bland was actually referring not to substitutes, but to amendments in the nature of a substitute.

—Request That House Take Recess for Party Conference

§ 10.7 The Speaker declined to recognize for a unanimous-consent request of the Minority Leader that the House take a recess for a Republican Conference.

On Apr. 11, 1951,⁽⁶⁾ shortly after the convening of the House, Speaker Sam Rayburn, of Texas, stated in response to a parliamentary inquiry by the Minority Leader that he would decline to entertain a unanimous-consent request for a recess:

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MARTIN of Massachusetts: I inquire if the Speaker would agree that the House would take a recess of 2 hours. I make this request because of the tragic situation that prevails in the world. I should like, if I could, to have a Republican conference. If the Speaker will permit me to make that request, I shall do so.

6. 97 CONG. REC. 3673, 82d Cong. 1st Sess.

THE SPEAKER: The Chair will say that that is a very unusual request. The Chair does not think it has ever been made in the history of the Congress.

MR. MARTIN of Massachusetts: Of course, these are very unusual conditions.

THE SPEAKER: The Chair is perfectly willing to agree with the gentleman from Massachusetts on that point. However, there is an amendment coming up to the bill that the Chair thinks will take some hours, in all probability.

MR. MARTIN of Massachusetts: The Chair understands that in accordance with his policies and the policies I have previously agreed with, too, we desire all our membership to be on the floor when these various bills are being read for amendment. Because of the tremendous importance of the situation in the world today, I should like to submit that request, but, of course, I shall not insist on it if the Speaker is not agreeable to it.

THE SPEAKER: The gentleman from Massachusetts poses a very hard question for the Chair. For the moment the Chair thinks he will not entertain the request.

Note: The House was to consider the 1951 amendments to the Universal Military Training and Service Act.

—Pending Disposition of Conference Report

§ 10.8 The Speaker announced that he would not recognize Members for unanimous-consent requests pending the

disposition of a conference report where the floor manager of the report had been in an accident and required medical attention.

On Oct. 6, 1962,⁽⁷⁾ Speaker John W. McCormack, of Massachusetts, made the following announcement:

The Chair desires to make a brief statement that the Chair will not recognize any Member for unanimous-consent requests until after the foreign assistance appropriations conference report is disposed of.

In order that Members may understand the reason why the Chair is doing this, last night our dear friend and distinguished colleague, the gentleman from Louisiana [Mr. Passman] had an accident. He was sent to the Naval Hospital. He is in his office. He is going to handle the conference report this morning.

. . . The Chair, and I know the Members, will all agree with the thoughts and the action of the Chair to have the conference report disposed of as quickly as possible so that the gentleman from Louisiana may go back to the hospital for further treatment.

Request To Rerefer Bill

§ 10.9 The Speaker declined to recognize the chairman of a committee for a unanimous-consent request to rerefer a bill where the chairman of

7. 108 CONG. REC. 22709, 87th Cong. 2d Sess.

the other committee involved had not been consulted.

On Mar. 25, 1948,⁽⁸⁾ Mrs. Edith Nourse Rogers, of Massachusetts, asked unanimous consent for the rereferral of a bill from the Committee on Veterans' Affairs to the Committee on the Judiciary. Speaker Joseph W. Martin, Jr., of Massachusetts, inquired whether Mrs. Rogers, chairwoman of the Committee on Veterans' Affairs, had consulted with the chairman of the Committee on the Judiciary. Mrs. Rogers responded that she had not and the Speaker stated:

It is customary to consult with the chairman of the committee to whom the bill is to be referred. No harm will come if this matter is delayed until Monday.

Mrs. Rogers withdrew the request.

Speaker May Decline Recognition for Request for Consideration of Measure

§ 10.10 The Chair may, by declining recognition to a Member to make a unanimous-consent request for the consideration of a measure, refuse to permit the request to be entertained, and thus reg-

8. 94 CONG. REC. 3573, 80th Cong. 2d Sess.

ister his personal objection as a Member of the House.

The following proceedings occurred in the House on Jan. 23, 1984:⁽⁹⁾

MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . Mr. Speaker, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 100, the voluntary school prayer constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

THE SPEAKER PRO TEMPORE:⁽¹⁰⁾ The Chair cannot and will not entertain that request.

MR. WALKER: Mr. Speaker, I have made a unanimous-consent request. That is a perfectly proper request by any Member of this body, and it is either objected to or is not objected to. I do not understand the procedure that the Chair is using by not entertaining the unanimous-consent request.

THE SPEAKER PRO TEMPORE: The Chair will inform the gentleman that the Chair can object by declining recognition.

§ 10.11 The Speaker's authority to decline to recognize individual Members to request unanimous consent for the consideration of bills and resolutions derives from clause 2 of Rule XIV, on the Speaker's general power of

9. 130 CONG. REC. 83, 98th Cong. 2d Sess.

10. Richard B. Ray (Ga.).

recognition, and from the precedents developed under that rule.

The following exchange occurred in the House on Jan. 26, 1984:⁽¹¹⁾

MR. [WILLIAM E.] DANNEMEYER [of California]: A parliamentary inquiry, Mr. Speaker. . . .

Mr. Speaker, this is the first time I have heard that we have had some addition to the customs or procedures or even the rules of the House, which seems to say that before I as a Member can ask unanimous-consent requests that I must obtain the approval of the leadership of the majority to pose that request.

My parliamentary inquiry is this, Mr. Speaker. Where in the rules does it say that? What is the specific provision in the rules that authorizes the Speaker to make that kind of a rule for this House? . . .

THE SPEAKER:⁽¹²⁾ Clause 2 of rule XIV.⁽¹³⁾

MR. DANNEMEYER: Is it the position of the Speaker that section 2 of rule XIV authorizes what has come to become a gag rule here?

THE SPEAKER: No. The Chair believes that it has been the custom of this body through the years to give the power to the Speaker of the House that the House be run in an efficient manner and that the business of the House should be done in an orderly fashion and that obstruction should be avoided.

11. 130 CONG. REC. 449, 450, 98th Cong. 2d Sess.

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

13. See *House Rules and Manual* §§ 753–757 (1995).

§ 10.12 In recognizing Members to ask unanimous consent for the consideration of bills, the Speaker takes into account the complexity and importance of the bills involved.

On July 1, 1932,⁽¹⁴⁾ Speaker John N. Garner, of Texas, made the following statement in relation to the unanimous-consent consideration of bills:

In order that gentlemen may understand the situation, let the Chair state how it is the Chair recognizes certain gentlemen. The Chair must decline to recognize a great many gentlemen who have meritorious matters, because the Chair must have some yardstick that can be applied to every Member of the House. The gentleman from Minnesota [Mr. Pittenger] had a bill that had passed the House unanimously, had gone to the Senate, and had an amendment placed on it there, adding one name. The Chair thinks in a case of that kind, where unanimous consent has to be given, it is well enough for the Chair to recognize the Member for that purpose; but the Chair will not recognize gentlemen to take up as an original proposition private claims or other matters unless they are of an emergency nature and apply to the general public rather than to one individual.

§ 10.13 Where a Member who had been recognized to pro-

14. 75 CONG. REC. 14511, 72d Cong. 1st Sess.

ceed for one minute asked for the unanimous-consent consideration of a bill, the Speaker held that the Member was not recognized for that purpose.

On Jan. 26, 1944,⁽¹⁵⁾ Joseph W. Martin, Jr., of Massachusetts, the Minority Leader, asked unanimous consent to proceed for one minute, and on being recognized attempted to obtain unanimous consent for the consideration of a bill.

MR. MARTIN of Massachusetts: Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

THE SPEAKER:⁽¹⁶⁾ The Chair will not recognize any other Member at this time for that purpose but will recognize the gentleman from Massachusetts.

MR. MARTIN of Massachusetts: Mr. Speaker, I appreciate the generosity of the Chair.

I take this minute, Mr. Speaker, because I want to make a unanimous-consent request and I think it should be explained.

I agree with the President that there is immediate need for action on the soldiers' vote bill. A good many of us have been hoping we could have action for the last month. To show our sincerity in having action not next week but right now, I ask unanimous consent that the House immediately take

15. 90 CONG. REC. 746, 747, 78th Cong. 2d Sess.

16. Sam Rayburn (Tex.).

up the bill which is on the Union Calendar known as S. 1285, the soldiers' voting bill.

THE SPEAKER: The gentleman from Massachusetts was not recognized for that purpose.

The Chair recognizes the gentleman from Kentucky.

§ 10.14 The Speaker declined to recognize a Member for a unanimous-consent request to take a bill from the Speaker's table and concur in the Senate amendments, where such a request was made without the authorization of the chairman of the committee involved and where Members had been informed there would be no further legislative business for the day.

On July 31, 1969,⁽¹⁷⁾ Mr. Hale Boggs, of Louisiana, asked unanimous consent to take the bill H.R. 9951 from the Speaker's table and to concur in the Senate amendments thereto. Speaker John W. McCormack, of Massachusetts, refused recognition for that purpose:

The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

The chairman of the Committee on Ways and Means is at present appear-

ing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.

The Chair does not want to enter into an argument with any Member, particularly the distinguished gentleman from Louisiana whom I admire very much. But the Chair has stated that the Chair does not recognize the gentleman for that purpose.

—Bills on Former Consent Calendar

§ 10.15 On former Consent Calendar days only eligible bills on the calendar were called, and the Speaker could decline to recognize Members with unanimous-consent requests for the consideration of other bills on the calendar.

On May 6, 1946, which was Consent Calendar Day,⁽¹⁸⁾ Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry by Mr. Overton Brooks, of Louisiana, relative to the call of a bill on the Consent Calendar prior to the expiration of the three-day requirement by the rules.

MR. BROOKS: Mr. Speaker, would it be in order to ask unanimous consent for the immediate consideration of the bill H.R. 2325, which is No. 419 on the Consent Calendar that was called today?

17. 115 CONG. REC. 21691, 91st Cong. 1st Sess.

18. 92 CONG. REC. 4527, 79th Cong. 2d Sess.

THE SPEAKER: The Chair announced some time ago that since those known as the objectors had examined only the eligible bills on the Consent Calendar the Chair would not recognize Members to take up the remaining bills, unless they involved emergencies.

Parliamentarian's Note: The Consent Calendar was abolished in the 104th Congress. The Corrections Calendar was established in its place. See Rule XIII, clause 4.⁽¹⁹⁾

—Where Leadership Has Not Been Consulted

§ 10.16 Under an extension of guidelines announced by the Speaker on the opening day of the Congress, the Chair will decline to recognize for a unanimous-consent request for the consideration of a (reported) bill unless given assurance of clearances from both majority and minority floor and committee leaderships (guidelines heretofore applicable to consideration of unreported measures).

On July 23, 1993,⁽²⁰⁾ the Chair discussed the role of the leadership in determining whether re-

19. See *House Rules and Manual* §§ 745a, 746 (1995).

20. 139 CONG. REC. p. _____, 103d Cong. 1st Sess.

quests for the consideration of bills would be allowed:

MR. [STEVE] GUNDERSON [of Wisconsin]: Mr. Speaker, my parliamentary inquiry is this: Is it possible to ask unanimous consent to bring H.R. 2667 for its immediate consideration?

THE SPEAKER PRO TEMPORE:⁽¹⁾ The leadership on both sides of the aisle has to agree to allow that unanimous-consent request.

MR. GUNDERSON: . . . Is it possible to bring an appropriation bill to the floor for consideration without a rule?

THE SPEAKER PRO TEMPORE: Yes, if it is privileged and it has been reported and available for 3 days and is called up by the committee.

MR. GUNDERSON: Can the 3-day rule be waived?

THE SPEAKER PRO TEMPORE: By unanimous consent, yes.

MR. GUNDERSON: Mr. Speaker, is it possible to move that H.R. 2667 be brought up for immediate consideration?

THE SPEAKER PRO TEMPORE: Only the committee can make that motion.

MR. GUNDERSON: Any member of the committee, Mr. Speaker, could make that motion?

THE SPEAKER PRO TEMPORE: The chairman or a member authorized by the committee. . . .

MR. GUNDERSON: Mr. Speaker, I have one further parliamentary inquiry.

Is it possible to ask unanimous consent at any time during the day to bring up an appropriation bill for its immediate consideration?

1. John P. Murtha (Pa.).

THE SPEAKER PRO TEMPORE: The chairman or his designee could bring the bill up.

MR. GUNDERSON: . . . If, for example, I were to move or ask unanimous consent to do that and the Chair did not recognize me, would it be possible at that point to literally appeal the ruling of the Chair for another Member to bring it up?

THE SPEAKER PRO TEMPORE: Under a previous agreement between the leaderships of the Democrat and Republican side, only the chairman of the committee would be recognized to bring up the bill after agreement of both leaderships by a unanimous-consent request. Another Member would not be recognized for that reason, and the denial of recognition to make a unanimous-consent request is not appealable.

MR. GUNDERSON: . . . The chairman of the Appropriations Committee can bring up H.R. 2667 for immediate consideration at any time?

THE SPEAKER PRO TEMPORE: Prior to the 3-day availability, he could bring it up by unanimous consent, but as the gentleman knows, these things are traditionally handled with the concurrence of both leaderships and very carefully orchestrated before unanimous consent is requested in order to be sure that it is adhered to.

§ 10.17 Pursuant to the Speaker's announced policy in the 98th Congress on recognition for unanimous-consent requests for the initial consideration of bills and resolutions, the Chair will decline

recognition for such unanimous-consent requests without assurances that the majority and minority leadership and committee and subcommittee chairmen and ranking minority members have no objection thereto.

On Oct. 2, 1984,⁽²⁾ the Chair having declined recognition for a unanimous-consent request that a balanced budget amendment to the Constitution be brought to the floor for immediate consideration, discussion took place relating to the Speaker's power of recognition⁽³⁾ and, specifically, to the effect of announced guidelines governing recognition for requests for the initial consideration of bills.

MR. [THOMAS F.] HARTNETT [of South Carolina]: . . . If you are sincere, Mr. Chairman, if your colleagues over there who now say let us have a balanced budget really mean what they say, when you know the American people are not going to be fooled by this move. Let us have companion legislation, the balanced budget amendment.

The Speaker is here. Let us bring by unanimous consent the balanced budget amendment to the Constitution to the floor of the House right now and let us vote on both of these bills if you mean what you say. Mr. Speaker, I ask

2. 130 CONG. REC. 28516-18, 98th Cong. 2d Sess.

3. See Rule XIV, clause 2, *House Rules and Manual* §753 (1995).

unanimous consent, to recall or discharge from the committee the balanced budget amendment to the Constitution so that we can bring it to the floor of the House with House Joint Resolution 243.

I ask unanimous consent that it be brought before the House right now.

THE SPEAKER PRO TEMPORE:⁽⁴⁾ . . . Under the rules and precedents, the motion is not to be entertained.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, the gentleman did not make a motion, it is my understanding. The gentleman asked unanimous-consent request. Is the Speaker ruling that unanimous-consent requests are not in order? We have already had one previous unanimous-consent request that was granted during the course of debate. How would this one not be in order?

THE SPEAKER PRO TEMPORE: Under the Speaker's announcement of guidelines for unanimous-consent requests to consider legislative business, this request is not recognized. . . .

MS. [BOBBI] FIEDLER [of California]: Mr. Speaker, before you had dialog with the gentleman from South Carolina (Mr. Hartnett) regarding his parliamentary inquiry as it related to the balanced budget amendment and his right to ask for a unanimous-consent request in relationship to it. . . .

I would like to ask of the Chair if the Chair will make the inquiry as to whether the Democratic side leadership will also ask to support his right under unanimous consent to bring the

balanced budget amendment, attach it to the existing bill.

THE SPEAKER PRO TEMPORE: The Chair has not been advised that there is an intention to change the guidelines that were announced earlier in the year for the purpose that they were issued. . . .

MS. FIEDLER: Will the Chair inquire as to whether or not the leadership on the Democratic side is willing to change the existing rules? I realize that the Chair has indicated twice now that he has not been informed that they have changed, but I am making a request that he ask the leadership if they will make that change.

THE SPEAKER PRO TEMPORE: The Chair states that this is not a proper parliamentary inquiry. The Chair has not been advised that there is a change in the policy that was issued the first week of the session. . . .

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, we are still trying to sift our way through the Chair's previous ruling with regard to the request of the gentleman from South Carolina.

Can the requirement that the Chair cites, can that requirement be waived by unanimous consent?

THE SPEAKER PRO TEMPORE: The question has to do with whether or not recognition will be granted for that purpose, and the Chair's ruling is based on guidelines that were issued on January 25, 1984, and the Chair would read from the statement that was made at that time by the Speaker.

The Speaker said:

4. Richard A. Gephardt (Mo.).

As indicated on page 476 of the House Rules and Manual, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority leadership and committee and subcommittee chairmen and ranking minority members have no objection.

Consistent with that policy, and with the Chair's inherent power of recognition under clause 2, rule XIV, the Chair and any occupant of the chair appointed as Speaker pro tempore, pursuant to clause 7, rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been cleared by that leadership.

This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed, that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

It is that guideline that the Chair is following in this instance. . . .

MR. WALKER: The guidelines that the Chair has cited, what I am inquiring is, can those guidelines be set aside by unanimous consent?

THE SPEAKER PRO TEMPORE: It is the Chair's power of recognition that is involved, and that is the question that is being decided in conformance with the guidelines, not other questions.

MR. WALKER: Mr. Speaker, I have a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: If the House so deems that we could set aside those guide-

lines by unanimous consent, is that a proper request? That is the question of this gentleman.

THE SPEAKER PRO TEMPORE: The Chair will again state that what is involved directly or indirectly, is a question of recognition, and not other or further questions, and it is that question that is being decided in conformance with the guidelines.

Parliamentarian's Note: An announcement that the above policies concerning recognition for requests for the consideration of bills and resolutions would be continued in the 100th Congress was made by the Chair on Jan. 6, 1987.⁽⁵⁾

§ 10.18 The Speaker may decline to recognize unanimous-consent requests for consideration of bills if the Member making such request has not consulted the leadership.

On July 11, 1946,⁽⁶⁾ Mrs. Clare Boothe Luce, of Connecticut, asked for the unanimous-consent consideration of House Joint Resolution 372, to reinstate rent control. Speaker Sam Rayburn, of Texas, refused to recognize her to make the request after she disclosed that she had not consulted or notified the leadership.

Mr. John Phillips, of California, later objected to the refusal of rec-

5. See 133 CONG. REC. 21, 100th Cong. 1st Sess.

6. 92 CONG. REC. 8726, 8728, 79th Cong. 2d Sess.

ognition as based on a “technicality.” The Speaker then made the following statement:

. . . For a long time, ever since 1937 at least, the present occupant of the chair knows that when Members intend to ask unanimous consent to bring up a bill they have always properly consulted with both the majority and minority leaders of the House and with the Speaker. That has been the unailing custom. The Chair is exercising that right and intends to continue to exercise it as long as he occupies the present position because the Chair wants the House to proceed in an orderly fashion.

MRS. LUCE: Mr. Speaker, may I now ask unanimous consent to bring up the bill tomorrow?

THE SPEAKER: The Chair will meet that question when the time comes.

The Chair would certainly like the courtesy of being consulted in advance.

§ 10.19 Recognition for unanimous-consent requests to consider legislation is within the discretion of the Chair, who normally refuses recognition for legislative requests at a time when the membership has been advised that no further business would be scheduled, and who may inquire whether the majority leadership has been notified of and has assented to the making of the request at a particular time before bestowing recognition.

The following proceedings occurred in the House on Dec. 17, 1982,⁽⁷⁾ during consideration of H.R. 5536 (authorizing the Secretary of the Interior to engage in a feasibility study of water resources development in Nebraska):

THE SPEAKER PRO TEMPORE:⁽⁸⁾ For what purpose does the gentleman from California (Mr. Burton) rise?

MR. PHILLIP BURTON [of California]: Mr. Speaker, I rise for the purpose of making a unanimous-consent request which has been cleared from the other side, and the unanimous-consent request is as follows.

THE SPEAKER PRO TEMPORE: The Chair would direct a question to the gentleman from California and state that at this late hour, at 5 minutes to 1 o'clock in the morning, the Chair was unaware that any further substantive business would come up before the House. The Chair was only aware of the business which has just been concluded, which is the general debate on the Immigration Reform and Control Act. The Chair was unaware of this matter and has not had a chance to consult with leadership on whether or not this matter would fit within the array of legislation. . . .

The Chair would ask the gentleman, has the gentleman had an opportunity to check with the leadership of the House? . . .

MR. PHILLIP BURTON: Mr. Speaker, I am unaware of any Member in our

7. 128 CONG. REC. 32033-35, 97th Cong. 2d Sess.

8. Romano L. Mazzoli (Ky.).

leadership who is opposed to this. I am aware of about a 20th of the Members of the House who are for this proposal.

THE SPEAKER PRO TEMPORE: The Chair understands. The Chair would suggest that, because of the membership of the House having left the House thinking the only matter before it would be the Immigration Reform and Control Act under general debate, is at a disadvantage in being unable to be aware of the gentleman's motion.

MR. PHILLIP BURTON: Mr. Speaker, it is not a motion. It is a unanimous-consent request and I would urge regular order to see if there is objection to the request.

THE SPEAKER PRO TEMPORE: The Chair would ask the gentleman's indulgence. Given the nature of the circumstance, the Chair would ask if the gentleman would kindly withhold his motion. . . .

The Chair is suggesting that the gentleman might under the circumstances, given the peculiar nature and the hour, which is 1 o'clock, might under the circumstances withhold his unanimous-consent request until the Chair has had an opportunity to check with the leadership. . . .

MR. PHILLIP BURTON: . . . I will demand regular order, the request being I ask unanimous consent to take from the Speaker's table the bill (H.R. 5536), an act to authorize the Secretary of the Interior to engage in a feasibility study of water resource development and for other purposes in the Central Platte Valley, Nebr., with a Senate amendment thereto and concur in the Senate amendment with an amendment. . . .

THE SPEAKER PRO TEMPORE: . . . I believe that the Chair might be able to

help the two gentlemen who are trying to struggle to find a solution by suggesting that the Chair could guarantee that the gentleman would be the first order of business tomorrow when the House does convene. I could give that assurance and would communicate that to the Speaker of the House of Representatives.

If that would be satisfactory to the gentleman from California and the gentleman from Pennsylvania, then it would give us time to check with our respective leadership.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Further reserving the right to object, I would say the gentleman from Pennsylvania is in some way here trying to be helpful to the Chair since I have no minority Members on this side with whom to consult with on this request.

I certainly think that that suggestion would be acceptable to this gentleman if the gentleman from California would agree to that.

THE SPEAKER PRO TEMPORE: Does the gentleman from California find that satisfactory under these difficult circumstances?

MR. PHILLIP BURTON: . . . I will yield . . . because of our distinguished gentleman from Pennsylvania's suggestion.

So I would ask this be put over until the first order of business tomorrow.

THE SPEAKER PRO TEMPORE: I thank the gentleman.

MR. WALKER: Mr. Speaker, I thank the gentleman and I withdraw my reservation of objection.

§ 10.20 The Speaker on occasion has reiterated his pol-

icy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority- and minority-elected floor leadership and committee and subcommittee chairmen and ranking minority members have no objection.

Several Members having propounded unanimous-consent requests to permit consideration of various legislative measures by a day certain under an "open rule" procedure, the Speaker on Jan. 25, 1984,⁽⁹⁾ reiterated the Chair's policy of conferring recognition upon Members to permit consideration of bills and resolutions only when assured that the majority and minority floor and committee and subcommittee leaderships have no objection. This policy was intended in part to prevent the practice whereby one side might force the other to go on record as objecting to propositions regarding which they have only procedural or technical objections rather than substantive opposition.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent that an open rule permitting consideration of House Joint

9. 130 CONG. REC. 354, 355, 98th Cong. 2d Sess.

Resolution 100, the voluntary school prayer constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

MR. [BILL] ALEXANDER [of Arkansas]: Mr. Speaker, I object.

THE SPEAKER:⁽¹⁰⁾ Objection is heard.

The Chair will read the following statement:

As indicated on page 476 of the House Rules and Manual, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with that policy, and with the Chair's inherent power of recognition under clause 2, rule XIV, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 7, rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been cleared by that leadership. This denial of recognition by the chair will not reflect, necessarily, any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed, that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle. . . .

MR. WALKER: Mr. Speaker, do I understand now that the unanimous-consent procedure cannot be used by anyone to bring legislation to the floor unless that has been specifically cleared by both the majority and the minority leadership; is that correct?

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

THE SPEAKER: That has been the custom and it will continue to be the custom. . . .

MR. WALKER: I just want to clarify then that the entire matter then of utilizing unanimous-consent requests for any kind of legislative business, such as bringing up legislation, will be denied to all parties.

THE SPEAKER: Unless the Chair has assurances that proper clearance has taken place. . . .

MR. [NEWT] GINGRICH [of Georgia]: . . . The Speaker mentioned fairness on both sides and both sides be knowledgeable. . . . [C]ould the Chair describe how fairness to both sides and how both sides might be knowledgeable might proceed? . . .

THE SPEAKER: The Chair intends to go through the legitimate leadership of the gentleman's side of the aisle, and the elected leadership on the other side of the aisle.

MR. GINGRICH: So in the future the legitimate leadership on our side of the aisle might legitimately expect to be informed?

THE SPEAKER: The Chair considers the legitimate leadership as the leadership that was elected, not caucuses within the party.

§ 10.21 The Chair himself may object to a unanimous-consent request for the consideration of legislation, by denying recognition for the request, and it is the policy of the Chair to refuse recognition for requests to consider legislation not approved by the leadership.

The following exchange occurred in the House on Nov. 15, 1983:⁽¹¹⁾

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent that the resolution introduced by the gentleman from New York (Mr. Fish) specifying a rule for consideration of House Joint Resolution 1 be made in order for consideration by the House on Wednesday or any day thereafter.

THE SPEAKER PRO TEMPORE:⁽¹²⁾ The Chair cannot entertain that motion without consultation with the leadership. The Chair will not recognize the gentleman for that purpose.

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. WALKER: Mr. Speaker, my parliamentary inquiry is that this is a unanimous-consent request and it is entirely in order.

THE SPEAKER PRO TEMPORE: The Chair has the same right to object as any Member, and I do so object.

§ 10.22 The Chair may refuse to entertain unanimous-consent requests for the consideration of legislation that does not have the approval of the leadership.

On Nov. 16, 1983,⁽¹³⁾ the following proceedings occurred in the House:

11. 129 CONG. REC. 32746, 32747, 98th Cong. 1st Sess.
12. Ronald Coleman (Tex.).
13. 129 CONG. REC. 33138, 98th Cong. 1st Sess.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent that House Resolution 373 be made in order for consideration in the House on Thursday or any day thereafter.

THE SPEAKER PRO TEMPORE: The Chair cannot recognize for that purpose.

MR. WALKER: Mr. Speaker, it is a unanimous-consent request.

MR. [JOHN F.] SEIBERLING [of Ohio]: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Chair cannot recognize for that purpose. There is objection nevertheless.

MR. WALKER: Let it be noted here this evening that the objection to considering the resolution by which we would consider ERA under the rules of the House and with an amendment and in open debate was objected to from the Democratic side of the aisle. Let that be noted.

THE SPEAKER PRO TEMPORE: The Chair will state there is precedent for denying the unanimous-consent request of the gentleman dating back to May of 1982 and yesterday and furthermore there was objection heard.

§ 10.23 In enforcing the Speaker's announced policy regarding recognition of Members requesting unanimous consent for the consideration of bills and resolutions, the Chair indicated that the Speaker would accept the word of any Member that he had obtained the clearance of the majority and minority floor and committee leader-

ships and that such permission need not be reduced to writing.

On Jan. 31, 1984,⁽¹⁴⁾ the following proceedings occurred in the House:

MR. [GEORGE W.] GEKAS [of Pennsylvania]: Mr. Speaker, a point of parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹⁵⁾ The gentleman will state it.

MR. GEKAS: Mr. Speaker, yesterday I had a colloquy with Speaker O'Neill in which I asserted to him and represented to him that I had had the clearance of the minority leadership in order to gain unanimous consent to bring to the House's attention legislation on the line-item veto, the line-item veto which is in controversy today as a measure of controlling spending.

During that colloquy the Speaker, Speaker O'Neill, interrupted my representation that I had the clearance of the minority and said, "Do you have it in writing?"

The point of my parliamentary inquiry, Mr. Speaker, is whether or not that requirement, as was implicit in that question posed by Speaker O'Neill, is a rule of the House or in conformity with or in concordance with the Speaker's own pronouncement in that regard?

THE SPEAKER PRO TEMPORE: The inquiry should properly be addressed to the Speaker but the Chair, of course, takes the word of the Member.

MR. GEKAS: I thank the Speaker.

14. 130 CONG. REC. 1063, 98th Cong. 2d Sess.

15. Jim Bates (Calif.).

§ 10.24 On one occasion, a unanimous-consent request for the consideration of legislation (a joint resolution making urgent supplemental appropriations) was made and then withdrawn because the Chair had not previously received assurances that the request had been cleared by the necessary parties (in this case, the Minority Leader).

The following exchange occurred in the House on Feb. 29, 1984:⁽¹⁶⁾

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I ask unanimous consent that it be in order on Tuesday next or any day thereafter to consider the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984, in the House.

THE SPEAKER PRO TEMPORE:⁽¹⁷⁾ The Chair has not received assurances that this has been cleared by the minority leader.

MR. WHITTEN: Mr. Speaker, I discussed it with the Speaker and the assistant majority leader, and I also have advised the gentleman from Massachusetts (Mr. Conte) on the Republican side.

THE SPEAKER PRO TEMPORE: The Chair will state that the matter has to be cleared by the minority leader.

16. 130 CONG. REC. 3895, 98th Cong. 2d Sess.

17. Esteban E. Torres (Calif.).

MR. WHITTEN: I presume it was, but personally I do not know; I have not seen him.

THE SPEAKER PRO TEMPORE: The Chair has not received that assurance.

Will the gentleman withhold his request until assurance is received?

MR. WHITTEN: I will be glad to, Mr. Speaker.

§ 10.25 Pursuant to the Speaker's previously announced policy, the Chair declined to recognize a Member to request unanimous consent for the consideration of an unreported measure, where the request had not been cleared with the minority leadership.

On June 6, 1984,⁽¹⁸⁾ the following proceedings occurred in the House:

MRS. [KATIE] HALL of Indiana: Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of House joint resolution (H.J. Res. 247) to designate April 24, 1984, as National Day of Remembrance of Man's Inhumanity to Man, and ask for its immediate consideration.

Mr. Speaker, I have an amendment at the desk.

MR. [ROBERT S.] WALKER [of Pennsylvania]: A parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ The Chair understands that this has not

18. 130 CONG. REC. 15174, 98th Cong. 2d Sess.

19. John P. Murtha (Pa.).

been cleared by the leadership on the minority side. Since the Speaker has made the statement that those types of requests would not be entertained, under such circumstances the Chair does not recognize the gentlewoman.

—Recognition for Request To Dispose of Senate Amendments Accorded to Committee Chairman

§ 10.26 In response to a parliamentary inquiry, the Chair announced guidelines for recognition for unanimous-consent requests to dispose of Senate amendments to House-passed bills on the Speaker's table, indicating that the Chair will entertain a unanimous-consent request for the disposition of a Senate amendment to a House-passed bill on the Speaker's table, only if made by the chairman of the committee with jurisdiction, or by another member of the committee where the Chair has been advised by the chairman of the committee that such member has been authorized formally or informally by the committee to make the request.

The following exchange occurred in the House on Apr. 26, 1984:⁽²⁰⁾

MR. [DANIEL E.] LUNGREN [of California]: . . . Mr. Speaker, since we have moved with such dispatch on the question dealing with the labor unions' concern, I would like to direct to the Chair a parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE:⁽¹⁾ The gentleman will state it.

MR. LUNGREN: Mr. Speaker, it deals with a piece of legislation that has come out of the same committee and is a variation of H.R. 3635, the Child Protection Act of 1983, which we passed 400 to 1 on November 11, 1983.

There was an agreement worked out between the Members of the House and the Senate for a compromise. That went to the Senate. They passed our version, with an amendment in the nature of a substitute and it is my information that H.R. 3635 was sent to the Speaker's desk from the Senate on April 2 or 3 of this year.

My parliamentary inquiry, Mr. Speaker, is: Is H.R. 3635 presently at the Speaker's desk?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. LUNGREN: Mr. Speaker, does that mean that the Senate amendment, H.R. 3635, has not yet been referred to a committee?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. LUNGREN: And can the Chair inform me at this time and inform the

20. 130 CONG. REC. 10193, 10194, 98th Cong. 2d Sess.

1. Thomas S. Foley (Wash.).

House as to what procedure might be available to us at this time to allow for immediate consideration of that Senate amendment?

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that the Chair would only recognize for a request by the chairman or another member if authorized by the committee.

MR. LUNGREN: Authorization of the committee, that means authorization of the Democratic leadership?

THE SPEAKER PRO TEMPORE: Authorization of the committee.

MR. LUNGREN: Does the Chair mean that it takes an official vote of the committee or an agreement by the chairman of the committee itself?

THE SPEAKER PRO TEMPORE: The Speaker would look to the chairman of the committee.

Request for Restoration of Bills to Private Calendar

§ 10.27 The Speaker declines to recognize Members for unanimous-consent requests that bills stricken from the Private Calendar be restored thereto where they have not consulted with the official objectors for that calendar.

On Apr. 19, 1948,⁽²⁾ Mr. Thomas J. Lane, of Massachusetts, asked unanimous consent that a bill stricken from the Private Calendar be restored thereto. Speaker

². 94 CONG. REC. 4573, 80th Cong. 2d Sess.

Joseph W. Martin, Jr., of Massachusetts, inquired whether Mr. Lane had consulted with the objectors and Mr. Lane responded that he had not. The Speaker stated that the Chair could not entertain the request until Mr. Lane had taken up the matter with the objectors.

Permission for Majority Leader To Announce Legislative Program Pending Motion To Adjourn

§ 10.28 While the motion to adjourn takes precedence over any other motion under clause 4 of Rule XVI, the Speaker may through his power of recognition recognize the Majority Leader by unanimous consent for one minute to announce the legislative program prior to entertaining the motion to adjourn; and on one occasion, the Speaker recognized the Majority Leader to announce the program for the remainder of the day and declined to recognize a Member to offer a motion to adjourn pending that announcement, although the Majority Leader had neglected to obtain unanimous consent to address the House for one minute, and the Speaker

then suggested that decorum would best be maintained by unanimous-consent permission to announce the leadership program pending a motion to adjourn.

On Dec. 14, 1982,⁽³⁾ the following proceedings occurred in the House:

THE SPEAKER:⁽⁴⁾ The Chair recognizes the majority leader, the gentleman from Texas (Mr. Wright).

MR. [DENNY] SMITH of Oregon: Mr. Speaker, I have a preferential motion I send to the desk.

THE SPEAKER: The gentleman will be seated. The Speaker has the right of recognition.

MR. SMITH of Oregon: Mr. Speaker, I have a preferential motion.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Regular order, Mr. Speaker.

THE SPEAKER: The Chair recognizes the majority leader, the gentleman from Texas (Mr. Wright).

LEGISLATIVE PROGRAM

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, let me simply announce for the benefit of the Members that it is our intention now to have no further votes tonight. We plan to take up the things that we put off last night in order that Members might go and attend the reception in the White House, the remaining suspension, as was agreed with the Republican leadership and our leadership last night,

3. 128 CONG. REC. 30549, 30550, 97th Cong. 2d Sess.

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

but we will not have any votes. We will roll the votes until tomorrow, let the votes be the first thing tomorrow.

MR. SMITH of Oregon: Mr. Speaker, I offer a preferential motion.

THE SPEAKER: The gentleman will state his preferential motion.

MR. SMITH of Oregon: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER: The question is on the preferential motion offered by the gentleman from Oregon (Mr. Smith).

The question was taken, and the Speaker announced that the yeas appeared to have it.

MR. SMITH of Oregon: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 122, nays 202, not voting 109, as follows: . . .

ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER: The Chair will make the following statement:

It is the usual and customary practice in this House that when we come to the end of a proceeding, as we did, that the majority leader then announces the program for the remainder of the night. The majority leader had informed me that he was going to make that announcement. Normally it is a unanimous-consent request, and that is what the Chair anticipated that the majority leader would do.

It is the prerogative and the duty of the Speaker of the House to run this body in an expeditious manner and he should be informed when motions are going to be made, whether they are privileged or otherwise, and when he is suddenly confronted with a privileged

motion, then it is my opinion, while the Chair appreciates that he follows the rules of the House, it does not improve the decorum of the House. The Speaker at all times tries to be fair, and thought he was being fair with the Members when he was recognizing the majority leader to inform the membership what the program was for the remainder of the evening.

Speaker May Recognize for Unanimous-consent Request Prior to Motion To Discharge

§ 10.29 The rule providing that motions to discharge committees shall be in order “immediately” after the reading of the Journal on appropriate days was construed not to prohibit the Speaker from recognizing for unanimous-consent requests prior to recognition for motions to discharge.

On Oct. 12, 1942,⁽⁵⁾ which was Discharge Calendar Day, Mr. Joseph A. Gavan, of New York, called up a motion to discharge the Committee on Rules from the consideration of a resolution providing for the consideration of a bill. Mr. Howard W. Smith, of Virginia, made a point of order against the motion on the ground that the rule providing for discharge motions on the second

5. 88 CONG. REC. 8066, 8067, 77th Cong. 2d Sess.

and fourth Mondays [Rule XXVII clause 4] directed that such motions shall be in order “immediately” after the reading of the Journal, and that prior to the making of the motion miscellaneous business had intervened, such as sending bills to conference (by unanimous consent) and passing a bill (considered by unanimous consent).

Speaker Sam Rayburn, of Texas, ruled as follows:

The Chair is ready to rule. . . .

The Chair recognized all the time that the word “immediately” is in this rule, as he has read the rule every day for the past 6 days.

In ruling on a matter similar to this some time ago, the Chair had this to say, although the matter involved was not exactly on all-fours with this point of order, but it is somewhat related:

The Chair thinks the Chair has a rather wide range of latitude here and could hold, being entirely technical, that a certain point of order might be sustained.

The Chair is not going to be any more technical today than he was at that time. The Chair recognized the gentleman from North Carolina (Mr. Doughton) on a highly important matter in order to expedite the business of the Congress, not only the House of Representatives but the whole Congress.

The Chair does not feel that the intervention of two or three unanimous-consent requests would put him in a position where he could well hold that the word “immediately” in the

rule was not being followed when he recognized the gentleman from New York (Mr. Gavagan).⁽⁶⁾

Request To Address House on Future Date

§ 10.30 The Chair declines to recognize Members for unanimous-consent requests to address the House prior to completion of legislative business on future days.

On June 14, 1935,⁽⁷⁾ Speaker Joseph W. Byrns, of Tennessee, responded as follows to a request for recognition for a unanimous-consent request:

MR. [KENT E.] KELLER [of Illinois]: Mr. Speaker, I ask unanimous consent that on next Monday after the reading of the Journal and the completion of business on the Speaker's desk I may address the House for 15 minutes to answer an attack upon an amendment I proposed to the Constitution made in the Washington Times of June 12 by Mr. James P. Williams, Jr.

THE SPEAKER: Under the custom that prevails and the action of the Chair heretofore, the Chair cannot recognize the gentleman today to make a

6. For the ruling cited by the Speaker, see 88 CONG. REC. 8120, 77th Cong. 2d Sess., Oct. 13, 1942 (ruling on recognition of a Member to handle a bill where the Member named in the resolution providing for consideration had died).

7. 79 CONG. REC. 9330, 74th Cong. 1st Sess.

speech on Monday. The Chair hopes the gentleman will defer his request.

§ 10.31 The Speaker declined to recognize for a unanimous-consent request for two Members to address the House with the privilege of yielding to other Members.

On Oct. 17, 1945,⁽⁸⁾ Mr. Hugh De Lacy, of Washington, asked unanimous consent that on the next Tuesday, following legislative business, he and Mr. Emanuel Celler, of New York, be allowed to address the House on the subject of freedom of the air, with the privilege of yielding to other Members. Speaker Sam Rayburn, of Texas, stated that the request was unusual and that he would recognize for requests of Mr. De Lacy and of Mr. Celler to address the House, but would not recognize for the unanimous-consent request as put by Mr. De Lacy. Mr. De Lacy withdrew the request.

Extensions of Remarks

§ 10.32 The Speaker announced that he would refuse recognition to extend remarks in the Record if the request was made after there had been a quorum call and where the House was about

8. 91 CONG. REC. 9727, 79th Cong. 1st Sess.

to resolve into the Committee of the Whole.

On Feb. 8, 1945,⁽⁹⁾ Speaker Sam Rayburn, of Texas, made the following announcement:

So many Members who were not on the floor at the proper time have come to the Chair to ask that they be allowed to submit requests to extend remarks that the Chair will now recognize Members to submit unanimous-consent requests to extend remarks or correct the Record.

Hereafter, when there is a legislative program, Members on the floor at the beginning of the session will have an opportunity to submit such requests, but after the roll is called and the House is ready to go into the Committee of the Whole no Member will be recognized for any purpose.

§ 10.33 Where there was no legislative program for the day, the Speaker recognized a Member to extend his remarks "at this point in the Record" regardless of the number of words.

On Feb. 6, 1945,⁽¹⁰⁾ Speaker Sam Rayburn, of Texas, responded as follows to a parliamentary inquiry:

MR. [ROBERT F.] RICH [of Pennsylvania]: I wish to ask the Chair how it is that if a Member on this side asks

9. 91 CONG. REC. 929, 79th Cong. 1st Sess.

10. 91 CONG. REC. 839, 79th Cong. 1st Sess.

for a minute in which to address the House he is permitted to insert 300 words or less, but that when some Members on the other side of the aisle make similar requests they are permitted to put in 7 $\frac{1}{3}$ pages, or some 8,000 words? How does the discrimination come about?

THE SPEAKER: There is no discrimination because there was no legislative program on yesterday and anyone had the right to extend his remarks "at this point" in the Record.⁽¹¹⁾

§ 10.34 The Speaker may decline to recognize Members to extend their remarks where a motion to discharge a committee is pending.

On June 11, 1945,⁽¹²⁾ Mr. Vito Marcantonio, of New York, called up a motion to discharge the Committee on Rules from the further consideration of a resolution providing an order of business. Mr. John E. Rankin, of Mississippi, moved that the motion be laid on the table, but Speaker Sam Rayburn, of Texas, ruled that the motion to table was not in order. Mr. Rankin then asked unanimous consent to extend his remarks at "this point in the Record." The Speaker ruled:

The Chair cannot recognize Members to extend their remarks until this matter has been disposed of.⁽¹³⁾

11. Extending remarks in the Record generally, see Ch. 5, *supra*.

12. 91 CONG. REC. 5892, 5895, 5896, 79th Cong. 1st Sess.

13. See Rule XXVII clause 3, *House Rules and Manual* §908 (1995):

§ 10.35 Where a Member had requested permission to insert certain remarks in the Record but had delayed submission thereof to the printer, the Speaker declined to recognize another Member to make the same request.

On Nov. 17, 1943,⁽¹⁴⁾ Mr. John E. Rankin, of Mississippi, asked unanimous consent to extend his remarks and to print therein a radio address of Mr. Wright Patman, of Texas. Speaker Sam Rayburn, of Texas, responded that he would not recognize Mr. Rankin for the request, Mr. Patman having previously asked unanimous consent to insert the address in the Record.

Request That Speech Made to Joint Meeting Be Printed as House Document

§ 10.36 The Speaker declined to entertain a unanimous-consent request that a speech made to a joint meeting by the General of the Army be printed as a House document.

“[T]he House shall proceed to its consideration (motion to discharge) in the manner herein provided without intervening motion except one motion to adjourn.”

14. 89 CONG. REC. 9626, 78th Cong. 1st Sess.

On May 2, 1951,⁽¹⁵⁾ Speaker Sam Rayburn, of Texas, refused to entertain a request that a speech be printed as a House document:

MRS. [EDITH NOURSE] ROGERS of Massachusetts: Mr. Speaker, I ask unanimous consent, in view of the great interest in the speech of Gen. Douglas MacArthur, that it may be ordered printed as a House document.

THE SPEAKER: The Chair thinks the gentlewoman from Massachusetts should refer to the Joint Committee on Printing.

MRS. ROGERS of Massachusetts: Mr. Speaker, I introduced a bill for that purpose, but I had hoped we could get it done by unanimous consent.

THE SPEAKER: The Chair does not like to start doing things like that; it is very unusual. We do have a Joint Committee on Printing.

The Chair cannot entertain the request.

Request To Revoke Special Rule; Consideration of Conference Reports

§ 10.37 The Speaker declined to recognize a Member to ask unanimous consent for the revocation of a special rule, previously agreed to, permitting the consideration of conference reports on the same day reported.

On Sept. 25, 1961,⁽¹⁶⁾ Speaker Pro Tempore John W. McCor-

15. 97 CONG. REC. 4755, 4756, 82d Cong. 1st Sess.

16. 107 CONG. REC. 21183, 21184, 87th Cong. 1st Sess.

mack, of Massachusetts, declined to recognize for a unanimous-consent request:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I have a unanimous-consent request to make concerning the procedure of the House. I ask unanimous consent that the action by which clause 2 of rule XXVIII was suspended a week ago last Saturday be revoked, and that clause 2, rule XXVIII of the Rules of the House of Representatives be restored.

Mr. Speaker, I should like to be heard briefly on my reasons for so doing.

THE SPEAKER PRO TEMPORE: Under the circumstances the Chair declines to recognize the gentleman from Iowa to submit the request.

Special Rule Providing for Reading Committee Amendment by Sections; Request To Read Substitute by Sections

§ 10.38 Where the House has by special rule provided for reading by sections in Committee of the Whole of a committee amendment in the nature of a substitute as an original bill, any amendment offered thereto must be read in its entirety; the Committee may not by unanimous consent order that an amendment in the nature of a substitute for the committee amendment be in turn read by sections for amendment.

The proceedings of Mar. 25, 1975,⁽¹⁷⁾ demonstrate that, while the Chair may through the power of recognition encourage the orderly offering of amendments to a pending amendment in the nature of a substitute which has been read in its entirety, a unanimous-consent request to read the substitute for amendment by sections is not in order:

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. O'Hara: In lieu of the matter proposed to be inserted by the Committee to the text of the bill, H.R. 4222, insert the following:

That this Act may be cited as "The National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975".

SCHOOL BREAKFAST PROGRAM

Sec. 2: Section 4(a) of the Child Nutrition Act of 1966 is amended by inserting immediately after "and June 30, 1975," the following: "and subsequent fiscal years".

MR. O'HARA (during the reading): Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

THE CHAIRMAN:⁽¹⁸⁾ Is there objection to the request of the gentleman from Michigan?

17. 121 CONG. REC. 8490, 8491, 94th Cong. 1st Sess. Under consideration was H.R. 4222, to amend the National School Lunch Act and Child Nutrition Act.

18. Otis G. Pike (N.Y.).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, reserving the right to object. For all intents and purposes it now appears that the original committee substitute, made in order by the rule, is to be junked and instead we are being asked to consider this new substitute which the gentleman from Michigan has just now offered. The original rule on this bill provided that the committee substitute be read for purposes of amendment, as is usual. If the gentleman now obtains unanimous consent to consider his substitute as read and open to amendment, all sorts of confusion can result. No one will have any control over what amendments will be presented and in which order and debate may be cut off.

MR. O'HARA: Mr. Chairman, will the gentleman yield?

MR. BAUMAN: I yield to the gentleman.

MR. O'HARA: Mr. Chairman, while it is being read in the Record it will not be open to amendment section by section. It would be open to amendment when the entire amendment is read.

MR. BAUMAN: That is precisely what we object to. . . .

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, this is significant to what the gentleman is talking about. If the substitute is read, it is my understanding of the rules of the House that we cannot stop at the end of each section for amendments, but the entire substitute has to be read before it would be open for amendments.

May I inquire of the Chairman, is that right?

THE CHAIRMAN: The gentleman is correct.

MR. BAUMAN: Mr. Chairman, reserving the right to object, I wonder if the

gentleman from Michigan would make a unanimous-consent request that his amendment be read section by section. This would accomplish the purpose we are after.

THE CHAIRMAN: The Chair will state that the Chair would not entertain a request of that nature. The amendment must be read in its entirety under the rules of the House, if the gentleman from Maryland insists upon his objection. The Chair would encourage that amendments be made to each section once it has been read, but it cannot be open for amendment prior to the reading.

Request To Add Members as Co-sponsors of Bill

§ 10.39 Although the Chair, in accordance with Rule XXII, clause 4(b)(1), under which only the chief sponsor of a bill may add cosponsors, may decline to entertain a unanimous-consent request on the floor by a Member not the chief sponsor to add all Members as cosponsors of a bill under consideration, the Chair may permit instead a listing in the Record of the Members' names.

On Dec. 18, 1985,⁽¹⁹⁾ the following proceedings occurred in the House during consideration of House Resolution 345 (concerning

¹⁹ 131 CONG. REC. 37762, 37763, 37765, 99th Cong. 1st Sess.

the deaths of members of the 101st Air-Assault Division in an airplane crash):

MR. [WILLIAM] NICHOLS [of Alabama]: Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 345) to express the sentiment of Congress regarding the deaths of members of the 101st Air Assault Division in an airplane crash on December 12, 1985, at Gander, Newfoundland, Canada, while en route home for the season's holiday, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

THE SPEAKER PRO TEMPORE:⁽²⁰⁾ Is there objection to the request of the gentleman from Alabama?

MR. [LARRY J.] HOPKINS [of Kentucky]: Mr. Speaker, reserving the right to object, I do so so that the chairman might have an opportunity to explain his position.

I yield to the gentleman from Alabama (Mr. Nichols).

MR. NICHOLS: . . . Mr. Speaker, the resolution merely expresses our sorrow at the deaths of the 248 members of the 101st Airborne Division. . . .

MR. HOPKINS: Mr. Speaker, in withdrawing my reservation of objection, I ask that all Members' of the House of Representatives names be added to this resolution.

THE SPEAKER PRO TEMPORE: . . . Did the gentleman ask that all Members' names be listed in the Record as cosponsors?

MR. HOPKINS: That is correct, Mr. Speaker, that all Members' names be listed in the Record as cosponsors of this resolution. I ask unanimous consent for that permission.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The list of Members' names referred to is as follows: . . .

Limitation on Debate—Request Not Entertained Until Resolution Read or Considered as Read

§ 10.40 The Chair may decline to entertain a unanimous-consent request that all debate on a pending measure be limited, in advance of completion of reading of that measure in its entirety and in the absence of a unanimous-consent agreement to consider the measure as having been read.

On July 16, 1975,⁽¹⁾ during consideration of House Resolution 591 (establishing a Select Committee on Intelligence) in the Committee of the Whole, Mr. Richard Bolling, of Missouri, made a unanimous-consent request, as follows:

MR. BOLLING: Mr. Chairman, I move to strike the necessary number of

1. 121 CONG. REC. 23112, 94th Cong. 1st Sess.

20. Dale E. Kildee (Mich.).

words. . . . I am going to ask unanimous consent that the resolution be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN:⁽²⁾ Is there objection to the request of the gentleman from Missouri?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. BOLLING: Mr. Chairman, then I can only ask unanimous consent that all debate on the resolution and all amendments thereto close at 2:30.

THE CHAIRMAN: The gentleman should be advised that that request cannot be made until the resolution has been read.

***—Request Not Entertained
During Reading of Amendment***

§ 10.41 The Chair will not entertain a unanimous-consent request regarding the limitation of time for debate on an amendment during the reading of the amendment.

During consideration of the Energy Conservation and Oil Policy Act of 1975 (H.R. 7014) in the Committee of the Whole on Sept. 18, 1975,⁽³⁾ the proceedings described above occurred as follows:

MR. [JAMES M.] JEFFORDS [of Vermont]: Mr. Chairman, I offer an amendment.

2. Frank E. Evans (Colo.).

3. 121 CONG. REC. 29322, 29323, 94th Cong. 1st Sess.

The Clerk read as follows:

Amendment offered by Mr. Jeffords: Page 331, after line 10, add the following:

**TITLE VI—ENERGY LABELING
AND EFFICIENCY STANDARDS
FOR BEVERAGE CONTAINERS**

DEFINITIONS AND COVERAGE

Sec. 601.—For purposes of this part—

(1) The term “beverage container” means a bottle, jar, can, or carton of glass, plastic, or metal, or any combination thereof, used for packaging or marketing beer . . . or a carbonated soft drink of any variety in liquid form which is intended for human consumption. . . .

MR. JEFFORDS (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record due to the fact that it was printed in the Record with the exception of two words which I shall explain. . . .

MR. [PHILLIP H.] HAYES of Indiana: Mr. Chairman, I object. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to make a unanimous consent request with regard to a limitation of time. . . .

THE CHAIRMAN:⁽⁴⁾ The Chair will state to the gentleman from Michigan that the reading of the amendment has not been completed and we should dispose of the reading of the amendment prior to such a request.

The Clerk will proceed to read the amendment.

4. Richard Bolling (Mo.).

Request That Debate End Ten Minutes After Subsequent Amendment Offered

§ 10.42 Where there was pending an amendment and a substitute therefor, the Chair declined to entertain a unanimous-consent request that debate end ten minutes after another Member “has had an opportunity to offer” a further substitute, where the offering of such substitute might be precluded by the adoption of the pending substitute.

During consideration of the Defense Production Act Amendments of 1979 (H.R. 3930) in the Committee of the Whole on June 26, 1979,⁵ the following proceedings occurred:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I offer amendments as a substitute for the amendments.

The Clerk read as follows:

Amendments offered by Mr. Michel as a substitute for the amendments offered by Mr. Wright of Texas: On page 5, line 2, strike out the period after “section” and insert in lieu thereof “and at least 2,000,000 barrels per day crude oil equivalent of synthetic fuels”

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I see only about five or six Members stand-

ing. I ask unanimous consent that all debate on the Wright amendment and all amendments thereto close in 15 minutes.

THE CHAIRMAN:⁶ Is there objection to the request of the gentleman from Pennsylvania?

MR. [JAMES M.] JEFFORDS [of Vermont]: Reserving the right to object, the gentleman knows I have a substitute which I think ought to be considered . . . and I just cannot agree to 15 minutes unless I am sure I am going to have 5 minutes myself in order to be able to explain the substitute.

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I ask unanimous consent that all debate on the Wright amendment and all amendments thereto close 10 minutes after the gentleman has had an opportunity to offer his substitute amendment.

THE CHAIRMAN: The Chair would advise the gentleman that in the event the amendment offered as a substitute by the gentleman from Illinois (Mr. Michel) were adopted, no other substitute would be in order and the request would be unworkable.

Request To Extend Debate Time—Not Entertained Pending Demand for Recorded Vote

§ 10.43 A time limitation on debate imposed by the Committee of the Whole, pursuant to Rule XXIII clause 6, may be rescinded or modi-

5. 125 CONG. REC. 16670, 16672, 96th Cong. 1st Sess.

6. Gerry E. Studds (Mass.).

fied only by unanimous consent; and a unanimous-consent request to extend debate time on an amendment may not be entertained while there is pending a demand for a recorded vote on that amendment.

During consideration of the Energy Conservation and Oil Policy Act of 1975 (H.R. 7014) in the Committee of the Whole on Sept. 17, 1975,⁽⁷⁾ the following proceedings occurred:

THE CHAIRMAN:⁽⁸⁾ When the Committee rose on Friday, August 1, 1975, all time for debate on title III of the committee amendment in the nature of a substitute and all amendments thereto had expired and there was pending the amendment offered by the gentleman from Ohio (Mr. Brown) to title III on which a recorded vote had been requested by the gentleman from Ohio.

Without objection, the Clerk will again read the amendment offered by the gentleman from Ohio (Mr. Brown).

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Brown of Ohio: Strike out sections 301, 302, 303.

Renumber the succeeding sections of title III accordingly. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I have a parliamentary

7. 121 CONG. REC. 28904, 94th Cong. 1st Sess.

8. Richard Bolling (Mo.).

inquiry. . . . The parliamentary inquiry, Mr. Chairman is, Would it be in order at this point while the vote is pending to ask unanimous consent of the House that 2 minutes may be granted on either side of the aisle for a discussion at this point of the pending vote?

THE CHAIRMAN: Such a request would be in order only if the gentleman first withdrew his request for a recorded vote. . . .

MR. BROWN of Ohio: Mr. Chairman, then I ask unanimous consent to withdraw my request for a recorded vote at this point.

THE CHAIRMAN: That does not require unanimous consent. The gentleman withdraws his request for a recorded vote.

Does the gentleman now ask unanimous consent for debate time? . . .

MR. BROWN of Ohio: Mr. Chairman, I ask unanimous consent that 1 minute be granted to the Democratic side in the hands of the gentleman from Michigan (Mr. Dingell) and 1 minute to the Republican side to be in the hands of the gentleman from Ohio (Mr. Brown).

THE CHAIRMAN: Is there objection to the request of the gentleman from Ohio?

There was no objection.

Consideration of Resolution Inviting Non-members To Address House

§ 10.44 The Speaker has declined to recognize Members proposing the unanimous-consent consideration of res-

olutions inviting non-members to address the House.

On Feb. 23, 1943,⁽⁹⁾ Speaker Sam Rayburn, of Texas, declined to recognize Mr. John E. Rankin, of Mississippi, to request unanimous consent for the consideration of a resolution inviting Captain Eddie Rickenbacker to address a joint session of Congress. The Speaker stated that in any event the resolution would have to be referred to the Committee on Rules.

On Oct. 11, 1943,⁽¹⁰⁾ Speaker Rayburn stated that he would decline to recognize a Member to ask unanimous consent for the consideration of a resolution inviting certain Senators to address the House:

THE SPEAKER: . . . The Chair does not intend to recognize a Member to ask unanimous consent for the present consideration of a resolution inviting Senators to address the House in open or executive session, because the Chair thinks that is tantamount to an amendment to the rules of the House and, therefore, is a matter for the House to determine. If resolutions like that are introduced, they will be sent to the proper committee.

MR. RANKIN: A parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

9. 89 CONG. REC. 1212, 78th Cong. 1st Sess.

10. *Id.* at p. 8197.

MR. RANKIN: Of course, the Speaker has a right to refuse to recognize me for that purpose, but I think if the Speaker will investigate the rules he will find that we have a right to invite those men to come here to address the Members in the House.

THE SPEAKER: The Chair has already investigated that and finds it otherwise. Members of the Senate have the privilege of the floor, but they do not have the privilege of addressing the House of Representatives.

Request That Committee Be Permitted To Sit (Under Former Practice)

§ 10.45 Pursuant to the Speaker's policy announced in the 98th Congress in regard to recognition for requests that committees and subcommittees be permitted to sit during the five-minute rule, the Speaker Pro Tempore indicated on a day when no rollcall votes were scheduled, that such a request (except as to hearings) should be withheld until the next day, when Members had been advised there could be rollcall votes.

The following exchange occurred in the House on May 23, 1983:⁽¹¹⁾

MR. [NORMAN Y.] MINETA [of California]: Mr. Speaker, I ask unanimous

11. 129 CONG. REC. 13365, 98th Cong. 1st Sess.

consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation and the Committee on Public Works and Transportation have permission to sit during the 5-minute rule in the House on Wednesday, May 25, 1983.

THE SPEAKER PRO TEMPORE:⁽¹²⁾ The Chair will advise the gentleman that under the Speaker's statement he will have to make that request tomorrow.

Parliamentarian's Note: The provision prohibiting committees from sitting during proceedings under the five-minute rule was stricken by H. Res. 5, 103d Cong. 1st Sess., Jan. 5, 1993. The prohibition of Rule XI, clause 2(i), was reinstated in modified form in the 104th Congress and also applies to committee meetings during joint sessions and joint meetings. *House Rules and Manual* §710 (1995).

Request To Withdraw Disorderly Words

§ 10.46 Although a Member whose words have been taken down as disorderly must take his seat, the Speaker may recognize him for a unanimous-consent request to withdraw the words in question.

On June 12, 1947,⁽¹³⁾ Mr. Chet Holifield, of California, referred in

12. John P. Murtha (Pa.).

13. 93 CONG. REC. 6895, 80th Cong. 1st Sess.

debate to the Committee on Un-American Activities as the "Un-American Committee." Mr. John E. Rankin, of Mississippi, demanded that those words be taken down and Mr. Holifield attempted to deliver further remarks. Mr. Rankin objected that "the gentleman cannot speak until this matter is disposed of." Speaker Joseph W. Martin, Jr., of Massachusetts, responded "the gentleman is correct, unless he (Mr. Holifield) makes a unanimous-consent request." When Mr. Rankin asserted that a Member whose words were being taken down could make no unanimous-consent request under the rules, the Speaker declared:

The Chair can always recognize anyone to propound a unanimous-consent request. Of course, it would be within the province of the gentleman from Mississippi to object, but the Chair can put unanimous-consent requests at any time.

Request To Be Allowed To Proceed for One Minute Pending Demand That Another Member's Words Be Taken Down

§ 10.47 The Chair does not entertain a unanimous-consent request that a Member be allowed to proceed for one minute pending a demand that another Member's words be taken down.

On Jan. 21, 1964,⁽¹⁴⁾ while the House was in the Committee of the Whole, certain words used in debate by a Member were demanded to be taken down and reported to the House. Before the Committee rose, Mr. James Roosevelt, of California, asked unanimous consent to proceed for one minute. Chairman William S. Moorhead, of Pennsylvania, refused to entertain the request.⁽¹⁵⁾

Speaker Announced Policy for Recognition for One-minute and Special-order Speeches

§ 10.48 The Speaker, in announcing a new policy for recognition for one-minute speeches and for special-order requests indicated that he would: (1) alternate recognition between majority and minority Members in the order in which they seek recognition; (2) recognize Members for special-order speeches first who want to address the House for five

14. 110 CONG. REC. 756, 757, 88th Cong. 2d Sess.

15. Pending a demand to take down words, no debate is in order and recognition may not be sought (except to permit the Member called to order to withdraw the disorderly words by unanimous consent). See §§ 48 et seq., *infra*.

minutes or less, alternating between majority and minority Members, otherwise in the order in which permission was granted; and (3) then recognize Members who wish to address the House for longer than five minutes and up to one hour, alternating between majority and minority Members in the order in which permission was granted by the House.

On Aug. 8, 1984,⁽¹⁶⁾ Speaker Thomas P. O'Neill, Jr., of Massachusetts, made the following announcement:

THE SPEAKER: After consultation with and concurrence by the minority leader, the Chair announces that he will institute a new policy of recognition for "1-minute" speeches and for special order requests. Beginning September 5, the Chair will alternate recognition for 1-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit 1-minute speeches to a certain period of time or to a special place in the pro-

16. 130 CONG. REC. 22963, 98th Cong. 2d Sess. Recognition for one-minute speeches is discussed in §§ 10.48–10.63, *infra*; for special orders in §§ 10.64–10.78, *infra*.

gram on any given day, with notice to the leadership.

With respect to recognition for “special-order speeches” at the end of legislative business of the day, the Chair will recognize first those Members who wish to address the House for 5 minutes or less, alternating between majority and minority members, otherwise in the order in which those permissions were granted by the House. Thereafter, the Chair will recognize those Members who wish to address the House for longer than 5 minutes up to 1 hour, alternating between majority and minority members in the order in which those permissions were granted by the House.

Thus all Members can continue to obtain permissions to address the House in the same ways as are presently utilized, either by requests made by the acting majority and minority leaders at the end of the day through their respective Cloak Rooms or by individual requests agreed to on the floor for that day or for a future day. For the request to be entertained, it should state “permission to address the House at the conclusion of legislative business, consistent with the Speaker’s announced policy of recognition”. Thus, Members should be on notice that a special order for more than 5 minutes, although agreed to at a prior time, may be preceded by a series of special orders of 5 minutes or less, or by a longer special order of a Member of the other party.

Further refinements of this policy based upon experience may be announced by the Chair in the future after consultation with the minority leader.

The Speaker implemented the above stated policy for the first time on Sept. 5, 1984:⁽¹⁷⁾

THE SPEAKER: This is the day on which a new precedent will be established. We will call one Member from the majority side on the 1-minute speeches and then one Member from the Republican side, as the Chair so notified the House at an earlier date.

The Chair recognizes the gentleman from New York (Mr. Stratton).

Parliamentarian’s Note: An announcement that the above policies concerning recognition for one-minute and special-order speeches would be continued in the 100th Congress was made by the Chair on Jan. 6, 1987.⁽¹⁸⁾

One-minute Speeches—Chair Announced Procedure

§ 10.49 The Speaker announced the procedure whereby (and the time at which) Members would be recognized to make speeches up to one minute in length.

On Jan. 23, 1975,⁽¹⁹⁾ Speaker Carl Albert, of Oklahoma, made the following statement:

17. 130 CONG. REC. 24289, 98th Cong. 2d Sess.

18. See 133 CONG. REC. 21, 22, 100th Cong. 1st Sess.

19. 121 CONG. REC. 1163, 94th Cong. 1st Sess.

ANNOUNCEMENT BY THE
SPEAKER

THE SPEAKER: May the Chair state, particularly for the benefit of new Members, that we generally open the proceedings, after the prayer and disposition of the Journal and things which are immediately on the Speaker's desk, by recognizing Members for individual requests and for speeches up to 1 minute.

The Chair habitually and regularly starts at the extreme right and goes all the way around; then comes back and starts over. If Members want to be heard, the Chair wants to take them in that order. So, Members will be recognized in the order from the first seat to the Speaker's right to the last seat on the Speaker's left, and then the process will be repeated, if other Members come in.

*—Chair Endeavors To Be Non-partisan***§ 10.50 While the Chair's calculation of time under the "one-minute rule" is not subject to challenge, the Chair endeavors to recognize majority and then minority Members by allocating time in a nonpartisan manner.**

The following exchange occurred in the House on Aug. 4, 1982:⁽²⁰⁾

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .

20. 128 CONG. REC. 19319, 97th Cong. 2d Sess.

[C]an the Chair tell me how long 1 minute is?

THE SPEAKER PRO TEMPORE:⁽¹⁾ Does the gentleman request additional time?

MR. WALKER: Mr. Speaker, I am just inquiring. We have had several long speeches here this morning. I thought that we were limited in the 1-minute time frame to 1 minute each. . . .

I am making a parliamentary inquiry of the Chair as to whether or not that is the rule of the House that is supposed to be obeyed.

THE SPEAKER PRO TEMPORE: It is, by precedent, and since the Chair wants to be fair, the Chair would like to extend to the gentleman and his side of the aisle any additional 1-minute speeches that they require immediately. Would the gentleman like to use it now?

MR. WALKER: Mr. Speaker, I thank the Chair. I think there are a number of Members who are waiting yet to speak, and I would certainly yield such time as I might consume to Members on the Republican side who have yet to speak so that everyone has an opportunity to speak this morning.

I thank the Chair.

THE SPEAKER PRO TEMPORE: The Chair will recognize them after recognizing Members on the right side of the aisle, and the Chair will in fairness extend to them as much time under the 1-minute rule as they need.

*—Recognition Is Within Discretion of Chair***§ 10.51 Recognition for one-minute speeches is within**

1. Cecil Heftel (Ha.).

the discretion of the Speaker who may continue to recognize Members appearing in the well on the majority side prior to recognizing minority Members (although at that time the Speaker customarily recognized first those Members who were in the Chamber at the beginning of the daily session and then those arriving later).

During the period for one-minute speeches in the House on Mar. 18, 1981,⁽²⁾ Speaker Pro Tempore George E. Danielson, of California, in responding to a parliamentary inquiry, reiterated the rule that recognition was within the discretion of the Speaker. The proceedings were as follows:

(Mr. Frank asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, the American administration in El Salvador makes little sense either politically or geopolitically. . . .

(Mr. Markey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. [EDWARD J.] MARKEY [of Massachusetts]: Mr. Speaker, over 13,000 deaths have been reported in the past

15 months in El Salvador, a country just larger than my own State of Massachusetts. A majority of these deaths have been attributed to the rightist government in power since 1979. . . .

MR. [KENNETH B.] KRAMER [of Colorado]: Mr. Speaker, I have a parliamentary inquiry.

Are we still proceeding under the normal rules for 1-minute speeches?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman from Colorado that recognition at this time is within the total discretion of the Speaker.

The House is proceeding under the 1-minute practice.

The gentleman will be recognized.

The Chair assures the gentleman that he will be recognized. . . .

MR. [LAWRENCE J.] DENARDIS [of Connecticut]: Mr. Speaker, I positioned myself here 55 minutes ago to speak on an education and labor matter, and I want to say, for the record, that my associates on the minority side of the aisle, who were here promptly at 3 o'clock, have had to wait, I would say unnecessarily and unfairly long, to have our opportunity to speak.

§ 10.52 Recognition of Members for “one-minute speeches” prior to legislative business is within the discretion of the Speaker, who may announce his intention to alternate recognition between majority and minority Members for one hour before recognizing a Member to call up scheduled legislative business.

2. 127 CONG. REC. 4617–19, 97th Cong. 1st Sess.

On June 26, 1981,⁽³⁾ Speaker Thomas P. O'Neill, Jr., of Massachusetts, made the following statement in the House:

THE SPEAKER: The Chair desires to make the following announcement:

There are a considerable number of requests for 1-minute speeches. Following the doctrine of fairness, the Chair will recognize one Member from the Democratic side and then one from the Republican side, and at the hour of 11 o'clock will recognize the chairman of the Budget Committee to offer a motion to resolve into the Committee of the Whole.

§ 10.53 While at one time the Chair normally conferred recognition from his right to his left upon those Members who are standing in the well when the time for one-minute speeches prior to legislative business begins, the order of recognition is within the discretion of the Chair who may continue to recognize majority Members arriving at a later time before recognizing minority Members.

On Apr. 20, 1978,⁽⁴⁾ Speaker Pro Tempore James C. Wright, Jr., of Texas, responded to a parliamentary inquiry regarding the

3. 127 CONG. REC. 14351, 97th Cong. 1st Sess.

4. 124 CONG. REC. 10987, 10988, 95th Cong. 2d Sess.

order of recognition for one-minute speeches:

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

THE SPEAKER PRO TEMPORE: The gentleman from Maryland will state his parliamentary inquiry.

MR. BAUMAN: Mr. Speaker, the gentleman has been observing this House for about 25 years now in various capacities and was under the impression that the Speaker's normal custom was to recognize Members for 1-minute speeches from his right to left allowing those Members who were there from the beginning to speak. This morning we have seen a parade of Members on the majority side of the aisle fill up the seats of Members who have already taken their 1-minute speeches while several other Members on the minority side of the aisle have been sitting here for more than an hour. I just wondered if that is not still the custom of the House?

THE SPEAKER PRO TEMPORE: The Chair is advised that recognition lies within the discretion of the Chair. This Member has observed the Chair, I think without exception, recognizing from his right side to his left. The Chair has no control of the number of Members who might seek recognition. But the Chair is seeking to protect the rights of all Members of the House and the gentleman from Maryland (Mr. Bauman) may be assured that the rights of all Members will be protected.

§ 10.54 While the Chair strives for fairness in recognizing Members for one-minute

speeches prior to legislative business and has recognized minority Members prior to later arriving majority Members, the order of recognition for one-minute speeches is in the discretion of the Chair.

On June 28, 1983,⁽⁵⁾ Speaker Pro Tempore George E. Brown, Jr., of California, responded to a parliamentary inquiry of Mr. Gerald B. Solomon, of New York, as follows:

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. SOLOMON: Mr. Speaker, I am just concerned with fairness. We have heard a lot about it on the floor here this morning, but I understand it is the Speaker's policy to recognize those Members who wish to address the House for 1 minute in the order in which they came.

We naturally give the Democrats first preference, but it seems in recent days we see Members sitting here, like myself, for an hour and 10 minutes now and then we have other Members coming in on the Democratic side in the last 5 minutes. I would hope that the Speaker would continue his policy of once the Democrats have been recognized in the order in which they came, follow through with the Republicans in the act of fairness and then go back to those who came in later.

Is that the policy of the Chair, Mr. Speaker?

5. 129 CONG. REC. 17671, 98th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE: It is in the discretion of the Chair to recognize Members as he sees fit; however, the Chair invariably seeks to be fair in his procedures.

§ 10.55 The order of recognition for one-minute speeches prior to legislative business is within the discretion of the Chair and is not subject to challenge on a point of order.

On Nov. 15, 1983,⁽⁶⁾ during the time for one-minute speeches in the House, the following exchange occurred:

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Speaker, I make a point of order.

I noticed in the recognition of Members as they sat around the room here to be recognized for 1-minute speeches that one Member was just recognized who had not been sitting in order to participate.

I would inquire of the Speaker if it is his intention now to continue to recognize the Republican Members before accepting any more Democrats who are not currently sitting to be recognized.

THE SPEAKER PRO TEMPORE:⁽⁷⁾ The Chair would state that this is not really a point of order. Recognition is within the discretion of the Chair, and the Chair is attempting to be fair.

It was the Chair's present intention to recognize a minority Member gen-

6. 129 CONG. REC. 32657, 32658, 98th Cong. 1st Sess.

7. James C. Wright, Jr. (Tex.).

tleman from Ohio, who stands seeking recognition at this time. This is what the Chair intends to do.

Parliamentarian's Note: Various protocols have been enunciated by Speakers regarding the order of one-minute speech recognition. See § 10.48, supra.

§ 10.56 Recognition for one-minute speeches is within the discretion of the Chair, who may decline recognition until a later time in the legislative day.

On May 16, 1984,⁽⁸⁾ pursuant to clause 5 of Rule I, the Speaker postponed the vote on his approval of the Journal until a time certain that day, in order to permit a period of one-minute speeches and then a quorum call or record vote on the Journal prior to declaring a recess for a joint meeting. Questions arose during the proceedings as to whether one-minute speeches would be resumed after the recess:

THE SPEAKER:⁽⁹⁾ The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof. . . .

MR. [VIN] WEBER [of Minnesota]: Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on the Speaker's approval of the Journal.

8. 130 CONG. REC. 12481, 12483, 12484, 98th Cong. 2d Sess.

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

THE SPEAKER: The Chair intends to have a quorum call before the President of Mexico comes, at about 10:25.

Does the gentleman withhold his motion?

MR. WEBER: No, I will not, Mr. Speaker.

THE SPEAKER: The question is on the Chair's approval of the Journal.

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

MR. WEBER: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: The Chair will postpone the vote on the Journal until 10:25 a.m. . . .

The Chair will recognize 1-minute speeches.

The Chair recognizes the gentleman from Texas (Mr. Wright). . . .

THE SPEAKER PRO TEMPORE:⁽¹⁰⁾ The Chair will announce that it intends to take one more Member on the Democratic side, and then, because the House intends to vote at 10:25, the Chair will move to the Republican side. . . .

MR. [DANIEL E.] LUNGREN [of California]: Mr. Speaker, does this mean that when we come back after we have received the President of Mexico, we will resume 1-minutes?

THE SPEAKER PRO TEMPORE: That is a possibility.

MR. LUNGREN: Well, Mr. Speaker, that is really not an answer to my question. Are we or are we not going to do it? Because we have had 20 minutes of Democratic one minutes, and per-

10. Pat Williams (Mont.).

haps 4 minutes of Republican 1-minutes.

THE SPEAKER PRO TEMPORE: The Chair will answer the gentleman that that is a possibility because it will be up to the judgment of the Speaker. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, the gentleman in the chair is the Speaker at this point. What we need is a ruling as to whether or not the minority side is going to be accorded the right to 1-minutes, since many of us have been sitting here after, or before members of the majority side were recognized. Now, it seems to us that we deserve our opportunity to have our 1-minutes considered here, too.

Is the Chair going to allow 1-minutes or not?

THE SPEAKER PRO TEMPORE: The Chair will again tell the gentleman of the minority that the decision as to the earlier gentleman's request as to whether or not 1-minutes will proceed immediately after the recess, the Chair announces that decision will be the Speaker's.

The Chair will also announce that the Republican side of the aisle, as well as the Democratic side, will have an opportunity for 1-minutes sometime during the course of the day. . . .

MR. WEBER: Mr. Speaker, does the Chair mean that the Republicans will be given the opportunity to do the 1-minutes prior to the beginning of legislative business?

THE SPEAKER PRO TEMPORE: No, some time during the day.

MR. WEBER: Perhaps at the end of legislative business?

THE SPEAKER PRO TEMPORE: That will be a decision for the Speaker.

§ 10.57 Recognition is within the discretion of the Chair, who may deny a Member recognition to speak under the "one-minute rule" in order to uphold order and decorum in the House as required under clause 2 of Rule I; thus, the Speaker inquired of a Member in the well seeking recognition, as to his purpose in utilizing an object for demonstration in debate, and then denied that Member recognition pursuant to his authority under clause 2 of Rule XIV, when he determined that the object might subject the House to ridicule.

On Aug. 27, 1980,⁽¹¹⁾ the following proceedings occurred in the House:

THE SPEAKER:⁽¹²⁾ The Chair would ask the gentleman from Pennsylvania (Mr. Shuster) what he intends to do with the doll. The Chair is not going to allow the Congress to be held up to ridicule and will object to any such exhibit being used in debate.

MR. [E. G.] SHUSTER [of Pennsylvania]: Mr. Speaker, if I may respond, I simply want to introduce this duck as a symbol of the lameduck session that I want to speak to.

THE SPEAKER: The Chair is of the opinion the Member would be holding

11. 126 CONG. REC. 23456, 96th Cong. 2d Sess.

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

the House up to ridicule and would ask the gentleman to make the speech without utilizing the apparatus or the doll or anything of that nature.

MR. SHUSTER: Mr. Speaker, this is certainly not the intention.

THE SPEAKER: That is the way the Chair feels about it and the Chair so rules.

(Mr. Shuster asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Parliamentarian's Note: The original transcript shows that the Speaker first inquired as to Mr. Shuster's purpose and then denied him recognition, and that Mr. Shuster was then recognized for one minute. Thus, the Speaker was exercising his power of recognition, and was not unilaterally preventing the use of a demonstration during debate, which would be a matter to be determined by a vote of the House, under Rule XXX.

—Chair May Recognize After Legislative Business

§ 10.58 The elected Speaker Pro Tempore (the Majority Leader) reiterated his policy announced on the previous day to refuse to entertain unanimous-consent requests to address the House for one minute before legislative business because of the press

of legislative business during the remainder of the week, but stated that any policy for the remainder of the session with respect to one-minute speeches would be a matter for the Speaker to determine.

During the proceedings of the House on July 25, 1980,⁽¹³⁾ the Speaker Pro Tempore made the following statement regarding recognition for one-minute speeches:

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ . . . As the Chair announced yesterday, requests to address the House for 1 minute will be entertained at the conclusion of the legislative business today, rather than at the beginning. . . .

The Chair believes there is genuine value in the 1-minute rule in the exercise of free expression For all its value, however, the Chair does not believe that the 1-minute rule must necessarily precede, nor be permitted to postpone, the business of the House. . . .

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

Mr. Speaker, yesterday the gentleman from Maryland heard the Chair answer a question regarding 1-minute speeches. The gentleman from Maryland asked the Chair whether or not limits on such speeches is to be a policy to be followed for the remainder of the session, and the Chair, as recorded

13. 126 CONG. REC. 19762-64, 96th Cong. 2d Sess.

14. James C. Wright, Jr. (Tex.).

on page H6404, said that the Chair was not announcing a policy for the remainder of the session, but only for Thursday and Friday.

Do I take the Chair's announcement this morning to mean that this will be the policy for the remainder of this session?

THE SPEAKER PRO TEMPORE: No; as the Chair stated yesterday in response to a question from the gentleman from Maryland, the present occupant of the chair is not in a position to announce a policy for the remainder of the session, and so stated.

The policy for the remainder of the session would be more appropriately determined and stated by Speaker O'Neill. At this present time, that is all the Chair has to say, or all that he properly should or could say.

Parliamentarian's Note: In the above instance, a resolution directing that the Speaker "exercise his prerogative and reinstitute the custom of allowing one-minute speeches at the beginning of the session" was held not to raise a question of the privileges of the House.⁽¹⁵⁾ In general, it is not in order to raise as a question of the privileges of the House a proposition to amend or interpret the rules of the House or to impinge on the Chair's power of recognition.

§ 10.59 On occasion the Speaker has announced his inten-

15. 126 CONG. REC. 19762, 96th Cong. 2d Sess., July 25, 1980.

tion to recognize for one-minute speeches after completion of the first item of legislative business, rather than at the beginning of the day.

On Nov. 10, 1983,⁽¹⁶⁾ after putting the question on approval of the Journal, the Speaker made an announcement:

THE SPEAKER:⁽¹⁷⁾ The question now is on the approval of the Journal. . . .

The Chair will announce that following the vote we will go directly to consideration of the continuing resolution. Following the completion of the continuing resolution, we will then take the 1-minute addresses for the day.

§ 10.60 Recognition for one-minute speeches is within the discretion of the Speaker; and when the House has a heavy legislative schedule, he sometimes refuses to recognize Members for that purpose until the completion of legislative business.

On July 24, 1980,⁽¹⁸⁾ Speaker Pro Tempore James C. Wright, Jr., of Texas, made an announcement regarding one-minute speeches, as follows:

THE SPEAKER PRO TEMPORE: The Chair desires to announce that in view

16. 129 CONG. REC. 32097, 98th Cong. 1st Sess.

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

18. 126 CONG. REC. 19386, 19387, 96th Cong. 2d Sess.

of the need to complete the legislative schedule, which has been long delayed, the Chair will recognize Members at this time only for unanimous-consent requests to revise and extend their remarks and not for 1-minute speeches.

Members will be recognized for 1-minute speeches at the conclusion of the legislative business today.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, it has, of course, been traditional in the House to allow 1-minute speeches at the discretion of the Chair, as the Chair has just indicated.

Is this denial of 1-minute speeches to be the policy for the remainder of the session, or is it just for today?

THE SPEAKER PRO TEMPORE: The Chair cannot and would not attempt to set a policy for the remainder of the session. For the remainder of this week, today and tomorrow, the Chair desires to complete the legislative program that is scheduled for this week and to allow Members to leave at 3 o'clock tomorrow.

Subsequently, a Member took the floor for a special-order speech to criticize the decision of the Speaker Pro Tempore to refuse to recognize for one-minute speeches prior to legislative business on that day:⁽¹⁹⁾

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gen-

tleman from Maryland (Mr. Bauman) is recognized for 60 minutes.

(Mr. Bauman asked and was given permission to revise and extend his remarks.)

MR. BAUMAN: Mr. Speaker, I take this time to observe with sorrow the events that occurred earlier today. I did not wish to explore them at length during the 1-minute speech which I was finally permitted, but I do think they deserve some comment. I will try to confine myself to the 1-hour the House permits me under special order.

I happen to believe that the conduct of the President's brother, Billy Carter, has raised valid questions that need to be answered. . . .

So I would just suggest that we all re-examine our position and only put aside the traditions of the House and the free speech of Members if it is absolutely necessary for good reason.

—Second Request Not Entertained

§ 10.61 Under the Speaker's power of recognition as traditionally exercised prior to legislative business, a Member may be recognized for a "one-minute speech" only once, and a second unanimous-consent request on that day will not be entertained.

On May 1, 1985,⁽²⁰⁾ the following exchange occurred in the House:

20. 131 CONG. REC. 9995, 99th Cong. 1st Sess.

19. *Id.* at pp. 19445, 19446.

THE SPEAKER PRO TEMPORE:⁽¹⁾ For what purpose does the gentleman from New York rise?

MR. [THOMAS J.] DOWNEY of New York: Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman from Pennsylvania will state his parliamentary inquiry.

MR. WALKER: Mr. Speaker, am I not correct that, having given one 1-minute speech, the gentleman is not entitled to a second 1-minute speech today?

THE SPEAKER PRO TEMPORE: That is the custom, if the gentleman from New York (Mr. Downey) has had a 1-minute speech. . . .

(Mr. [Byron L.] Dorgan of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. DOWNEY of New York: Mr. Speaker, will the gentleman yield to me?

MR. DORGAN of North Dakota: I yield to the gentleman from New York.

—On Calendar Wednesday

§ 10.62 Although the call of committees on Calendar Wednesday should precede unanimous-consent requests for the conduct of other business, the Speaker has on oc-

1. John P. Murtha (Pa.).

casation recognized Members by unanimous consent for one-minute speeches prior to the call of committees.

While the precedents⁽²⁾ indicate that the call of committees should ordinarily precede unanimous-consent requests for the conduct of other business, the Speaker may make exceptions. Thus, on Mar. 21, 1984,⁽³⁾ the Speaker recognized a Member for a unanimous-consent request:

MR. [ROBERT S.] WALKER [of Pennsylvania]: I ask unanimous consent to proceed for 1 minute, Mr. Speaker.

THE SPEAKER:⁽⁴⁾ What has the gentleman got in his hand?

MR. WALKER: Mr. Speaker, this is a demonstration of what I have. I am not certain I am going to be able to use it under the rules.

THE SPEAKER: If the gentleman does not think so, why is he trying?

MR. WALKER: I will explain that in my speech, but I certainly would not want to violate the rules.

THE SPEAKER: Without objection, the Speaker recognizes the gentleman and will be watching carefully.

MR. WALKER: I thank the Speaker, and I know that the Speaker always watches very carefully everything that I do. . . .

Mr. Speaker, we have to be amused by an article in this morning's Washington Post

2. See 7 Cannon's Precedents §§ 882–888.

3. 130 CONG. REC. 6187, 6188, 98th Cong. 2d Sess.

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

THE SPEAKER: This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

—Recognition During Reading of Journal

§ 10.63 A Member by unanimous consent secured recognition during the reading of the Journal.

On Apr. 9, 1964,⁽⁵⁾ during the reading of the Journal, Mr. Charles A. Halleck, of Indiana, raised a parliamentary inquiry whether there was any method by which he could be recognized for one minute. Speaker John W. McCormack, of Massachusetts, responded that unanimous consent could be granted for such recognition, and the House granted unanimous consent for the purpose of that recognition.

Recognition and Limitation of Time for Special Order Speeches; “Oxford-style” Debates

§ 10.64 Pursuant to several unanimous-consent requests, the House agreed to a 90-day trial period from February 23 through May 23, 1994, [subsequently extended on

5. 110 CONG. REC. 7356, 88th Cong. 2d Sess.

several occasions] and agreed on a format of recognition and limitation of time for each party for special-order speeches, including periodic “Oxford style” structured debates and morning-hour debates; the Speaker then announced the applicable guidelines for recognition during such speeches and debate.

The following unanimous-consent request was agreed to on Feb. 11, 1994:⁽⁶⁾

MR. [RICHARD A.] GEPHARDT [of Missouri]: Mr. Speaker, following my unanimous-consent request to put in place an agreed upon format for recognitions to address the House during a 90-day trial period beginning February 23, 1994, including a morning hour debate, an oxford style debate and a restriction on special order speeches, the Speaker will announce his guidelines for recognition. In so doing it is stipulated that the establishment of this format for recognition by the Speaker is without prejudice to the Speaker’s ultimate power of recognition under clause 1, rule XIV should circumstances so warrant.

Mr. Speaker, I ask unanimous consent that the special orders previously granted by the House to address the House on dates through May 23, 1994 be vacated;

Further that during the period beginning February 23, 1994 and for 90

6. CONG. REC. p. ____, 103d Cong. 2d Sess.

days thereafter, on Mondays and Tuesdays of each week the House convene 90 minutes earlier than the time otherwise established by order of the House solely for the purpose of conducting morning hour debates to be followed by a recess declared by the Speaker pursuant to clause 12, rule I under the following conditions:

(1) Prayer by the Chaplain, approval of the Journal and the pledge of allegiance to the flag to be postponed until the resumption of the House session following the completion of morning hour debate;

(2) Debate to be limited not to exceed 30 minutes allocated to each party, with initial and subsequent recognition alternating daily between parties to be conferred by the Speaker only pursuant to lists submitted by the majority leader and minority leaders respectively (no Member on such lists to be permitted to address the House for longer than 5 minutes except for the majority leader and minority leader respectively);

Further, that on (every third) Wednesday, beginning on a day to be designated by the Speaker and mutually agreed upon by the majority leader and minority leader, it shall be in order, at a time to be determined by the Speaker, for the Speaker to recognize the majority leader and minority leader (or their designees), jointly, for a period of not to exceed 2 hours, for the purpose of holding a structured debate. The topic of the debate, when mutually agreed upon by the majority leader and minority leader, shall be announced by the Speaker. The format of the debate, which shall allow for participation by four Members of the majority party and four from the mi-

nority party in the House, chosen by their respective party leaders, with specified times for presentations and rebuttals by all participants, and periods of questioning of each Member by others participating, shall be announced to the House by the Speaker.

THE SPEAKER:⁽⁷⁾ Is there objection to the request of the gentleman from Missouri?

There was no objection.

Subsequently, the Speaker announced the following guidelines for implementation of the unanimous-consent agreement:

THE SPEAKER: With respect to special orders to address the House for up to 1 hour at the conclusion of legislative business or on days when no legislative business is scheduled, the Chair announces that:

First, Tuesdays, following legislative business, there will be an unlimited period of special orders not extending beyond midnight, with recognition for 5-minute and then for longer special orders alternating between the parties and with initial recognition, for longer special orders, rotating on a daily basis between the parties, and with the first hour of recognition on each side reserved to the House leadership—majority leader and whip and minority leader or their designee;

Second, on Mondays, Wednesdays, except those Wednesdays when Oxford style debates are in order, Thursdays and Fridays, the Chair will recognize Members from each party for up to 2 hours of special order debate at the conclusion of legislative business and

7. Thomas S. Foley (Wash.).

5-minute special orders, or when no legislative business is scheduled, not extending beyond midnight, again with initial recognition alternating between the parties on a daily basis and with the allocation of time within each 2-hour period, or short period if prorated to end by midnight, to be determined by a list submitted to the Chair by the House leadership, majority leader and whip and minority leader or designees, respectively, and with the first hour of recognition on each side reserved to the House leadership, majority leader and whip and minority leader or their designees. Members will be limited to signing up for all such special orders no earlier than 1 week prior to the special order, and additional guidelines may be established for such sign-ups by the majority and minority leaders, respectively. One-minute speeches on those days both prior to and at the conclusion of legislative business shall be at the discretion of the Speaker;

Third, pursuant to clause 9(b)(1) of rule I, during this trial period the television cameras will not pan the Chamber, but a crawl indicating morning hour or that the House has completed its legislative business and is proceeding with special order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair;

Fourth, special orders to extend beyond the 4-hour period may be permitted at the discretion of the Chair with advance consultation between the leaderships and notification to the House.

Parliamentarian's Note: On subsequent occasions, the House ex-

tended the above unanimous-consent agreement.⁽⁸⁾ On May 12, 1995, the House extended the agreement by unanimous consent, but changed the Tuesday morning hour to 9 a.m.

The proceedings of May 12, 1995, were as follows:

MR. [RICHARD K.] ARMEY [of Texas]: Mr. Speaker, I ask unanimous consent that the order of the House of January 4, 1995, relating to morning hour debates be continued through the adjournment of the 2d session of the 104th Congress sine die, except that on Tuesdays the House shall convene for such debate 1 hour earlier than the time otherwise established by order of the House rather than 90 minutes earlier; and the time for such debates shall be limited to 25 minutes allocated to each party rather than 30 minutes to each; but in no event shall such debates continue beyond the time that falls 10 minutes before the appointed hour for the resumption of legislative business, and with the understanding that the format for recognition for special order speeches first instituted on February 23, 1994, be continued for the same period. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Texas?

There was no objection.

Meetings of the leadership following the February 11 proceedings produced further guide-

⁸. See the proceedings of May 23, 1994; June 10, 1994; Jan. 4, 1995; Feb. 16, 1995; and May 12, 1995.

lines for implementation of the special-order and morning-hour procedures. The guidelines provided, among other matters, for alternation of recognition between the parties, and for procedures whereby Members sign up in advance for special orders, the majority in the Majority Leader's office and the minority in the cloakroom, the lists to be approved on the floor. For the Oxford-style debates, each leader would designate four participants for the debate every third Wednesday, to be held on a mutually agreeable topic announced by the Speaker. Guidelines for the morning hour on every Monday and Tuesday also provided for allocation of time and for the procedure of signing up with the party leaders.⁽⁹⁾

Recognition for Special-order Speeches—Speaker's Guidelines

§ 10.65 Pursuant to the Speaker's guidelines of Aug. 8, 1984, recognition for special-order speeches of five minutes occurred in the order in which they were requested, alternating between majority and minority Members with

9. See the procedures agreed to in meetings of the leadership for special orders, Oxford debates, and morning hours (Feb. 17, 1994).

each Member controlling his own time (in the absence of unanimous consent to permit recognition out of that order).

On Oct. 21, 1985,⁽¹⁰⁾ during the period designated for special-order speeches, the Chair responded to a parliamentary inquiry regarding the order of recognition:

THE SPEAKER PRO TEMPORE:⁽¹¹⁾ Under a previous order of the House, the gentleman from Arizona (Mr. [Eldon D.] Rudd) is recognized for 5 minutes. . . .

MR. [GEORGE W.] GEKAS [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, since the gentleman from Arizona (Mr. Rudd), the gentleman from North Carolina (Mr. Coble), and myself are all going to engage in the same discussion, is it possible to amalgamate the special orders entered into for the three of us into one block of time and allow us to yield back and forth so that we can complete a three-way dialog on it?

THE SPEAKER PRO TEMPORE: The Chair will call the Members' names in the order they appear here. No other Members are seeking special orders today. We will call Members' names in order. . . .

Under a previous order of the House, the gentleman from North Carolina (Mr. [Howard] Coble) is recognized for 5 minutes. . . .

10. 131 CONG. REC. 28129, 28130, 99th Cong. 1st Sess.

11. Glenn English (Okla.).

Under a previous order of the House, the gentleman from Pennsylvania (Mr. Gekas) is recognized for 5 minutes.

MR. GEKAS: Mr. Speaker, I yield to my colleague, the gentleman from Arizona (Mr. Rudd), and I would only ask that he give me a chance to say something in response to the gentleman who is in the well.

Parliamentarian's Note: In this case, the Chair observed that Representative Morris K. Udall, of Arizona, a Democrat, was listed after Representative Coble, but was not present, and so the three Republican Members (Mr. Rudd, Mr. Coble, and Mr. Gekas) would be recognized in sequence, each to control his own time, and unanimous consent was not required to permit Mr. Gekas to be recognized ahead of Mr. Udall.

—*Discretion of Speaker*

§ 10.66 The Speaker may not be compelled by a motion under Rule XXV to recognize Members for scheduled "special orders" immediately upon completion of scheduled legislative business, but rather may continue to exercise his power of recognition under Rule XIV clause 2 to recognize other Members for unanimous-consent requests and permissible motions; thus, the Speaker has declined to recognize a Member

who sought to invoke Rule XXV to interfere with the Speaker's power of recognition.

Rule XXV, which provides that "questions as to the priority of business shall be decided by a majority without debate," merely precludes debate on motions to go into Committee of the Whole, on questions of consideration, and on appeals from the Chair's decisions on priority of business, and should not be utilized to permit a motion directing the Speaker to recognize Members in a certain order or to otherwise establish an order of business. Thus, for example, on July 31, 1975,⁽¹²⁾ the Speaker⁽¹³⁾ refused to recognize a Member who sought to make a motion to direct recognition of Members for special orders.

MR. PHILLIP BURTON [of California]: Mr. Speaker, I make a point of order that a quorum is not present.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I make a point of order. . . .

Mr. Speaker, I would like to make the point of order to this effect: Under the new rules of the House, is it not true that once the House has proceeded to the closing business of the day, granting requests for absences and special orders, that it is no longer

12. 121 CONG. REC. 26249, 26251, 94th Cong. 1st Sess.

13. Carl Albert (Okla.).

in order to make a point of order that a quorum is not present?

THE SPEAKER: The Chair has not started to recognize Members for special orders yet. All the business on the Chair's desk has been completed. . . .

MR. BAUMAN: Mr. Speaker, I make the point of order that the rules preclude a quorum at this point because personal requests have already been read from the desk. A leave of absence was granted to the gentleman from Texas (Mr. Teague).

Under the new rules, Mr. Speaker, a quorum does not lie after this point of business in the day.

THE SPEAKER: If the Chair understands the gentleman's point of order, it relates to the fact, which is a new rule, not the rule we used to follow. The rule is that once a special order has started, the Member who has the special order and is speaking cannot be taken off his feet by a point of order of no quorum. However, there is nothing in the rules of which the Chair is aware that requires the Chair to begin to call a special order at any particular time.

MR. BAUMAN: Mr. Speaker, I move under rule XXV that the House proceed to recognize the Members previously ordered to have special orders today, and on that I ask for a rollcall vote.

MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Speaker, I move that the House do now adjourn.

The question was taken.

MR. BAUMAN: Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 137, nays 202, not voting 95, as follows: . . .

MR. BAUMAN: Mr. Speaker, under rule XXV, I again renew my motion that the Chair proceed to the recognition of other Members who have previously been granted special orders for today.

THE SPEAKER: The Chair recognizes the gentleman from California (Mr. Danielson).

MR. [GEORGE E.] DANIELSON [of California]: Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

MR. BAUMAN: Mr. Speaker, there is a motion pending.

Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I move that the House do now adjourn.

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

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 142, nays 205, not voting 87, as follows: . . .

§ 10.67 The Speaker is not required to recognize Members for scheduled "special-order" speeches immediately upon completion of legislative business but may continue to recognize other Members for unanimous-con-

sent requests and permissible motions.

On July 31, 1975,⁽¹⁴⁾ the proposition stated above was demonstrated in the House as follows:

MR. JOHN L. BURTON [of California]: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER:⁽¹⁵⁾ The motion is not in order since we just had a vote on a similar motion and there has been no intervening business or debate. . . .

The Chair will take unanimous-consent requests.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I move that the House recess subject to the call of the Chair.

THE SPEAKER: The Chair will state to the gentleman that is not a privileged motion. The Chair cannot entertain that motion at this time.

MR. [WILLIAM L.] ARMSTRONG [of Colorado]: Mr. Speaker, I have a parliamentary inquiry. Mr. Speaker, my parliamentary inquiry is will the Chair state what is the pending business before the House?

THE SPEAKER: The Chair will state there is no pending business. . . .

MR. ARMSTRONG: Mr. Speaker, under a previous order of the House I have been granted a special order for 60 minutes. I ask to be recognized at this time for that purpose.

THE SPEAKER: The gentleman from Colorado does not have the first special order.

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Speaker, I believe I

have the first special order, and I ask to be recognized.

THE SPEAKER: The Chair is not going to recognize any special order at this time, and the Chair has that authority. . . .

MR. [JOE D.] WAGGONER [Jr., of Louisiana]: . . . Mr. Speaker, is it not correct to say that if a unanimous-consent request to allow the Committee on Rules until midnight to file a report on the Turkish aid issue now being debated by the other body, was granted, that the House could then adjourn and at the same time work its will because then, if the Committee on Rules files a report, it could be considered then under the rules of the House, and if they did not file a report, the issue would be moot?

THE SPEAKER PRO TEMPORE: The Chair will state that that is an accurate statement of the situation, as the Chair understands it. . . .

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, there have been some remarks made that the House would be denied its will and there would be no way to consider the matter in the event the other body agreed to some legislation tonight. Am I correct in the proposition that if a bill is passed by the other body tonight, there is a procedure under the rules whereby the matter could be considered tomorrow? . . .

THE SPEAKER: The Chair will state this. The regular rule is that a report from the Rules Committee has to go over 1 day or it takes a two-thirds vote for consideration on the day reported. The other way is that a unanimous-consent request can be made, and if the Committee on Rules can file it by

14. 121 CONG. REC. 26243-47, 94th Cong. 1st Sess.

15. Carl Albert (Okla.).

10 o'clock tomorrow, and the House adjourns tonight, then it will take a majority vote for consideration tomorrow after the House meets, just as it always does on a subsequent legislative day.

—Previous Order of House: Veterans Day Speeches

§ 10.68 After a recess of approximately six hours and eleven minutes, the Speaker called the House to order, and under a previous order of the House, recognized a majority and minority member of the Committee on Veterans' Affairs for special-order speeches in commemoration of Veterans Day.

The following proceedings occurred in the House on Nov. 11, 1983:⁽¹⁶⁾

The recess having expired, the House was called to order by the Speaker at 6 o'clock p.m.

IN COMMEMORATION OF
VETERANS DAY

THE SPEAKER:⁽¹⁷⁾ Under a previous order of the House, the gentleman from California (Mr. Edwards) will be recognized for 30 minutes; and the gentleman from Arkansas (Mr. Hammerschmidt) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Edwards).

16. 129 CONG. REC. 32289, 98th Cong. 1st Sess.

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

—Before or After Legislative Business

§ 10.69 Once special orders have begun, it is customary not to resume legislative business, however this custom is not binding on the House and the Speaker has the authority to recognize for further business; thus, on occasion the Speaker has announced that he would begin to call the special orders, which action would not prejudice calling up of further legislative business later that day.

On Aug. 1, 1975,⁽¹⁸⁾ Speaker Carl Albert, of Oklahoma, made the following statement:

THE SPEAKER: . . . The normal procedure, as the Members know, special orders are called when the legislative business has ended. We have not called special orders yet.

We have at least three bills, to my knowledge, that may come over here from the Senate.

The Chair would like to take the special orders and reserve the authority to call up these bills at a later time. . . .

ANNOUNCEMENT BY THE
SPEAKER

THE SPEAKER: Without prejudice to calling up other legislative business

18. 121 CONG. REC. 26952-54, 94th Cong. 1st Sess.

which might come over to the House from the Senate, the Chair will call the special orders at this time.

§ 10.70 The Speaker announced that he was awaiting a message from the Senate, and that he would recognize for requests and special orders while reserving the right to call up the Senate message on its arrival.

On Nov. 20, 1975,⁽¹⁹⁾ Speaker Carl Albert, of Oklahoma, made the following statement:

THE SPEAKER: The House is waiting for a message from the Senate but the Chair will take requests from the acting floor leaders at this time, reserving the right to call up the message whenever it gets here.

§ 10.71 The Chair announced, having consulted with both sides of the aisle, that he would entertain one or more special-order speeches previously granted for the day, not necessarily in the order in which granted, with the understanding that further legislative business scheduled for the day, and possible rollcall votes, would follow such speeches, and that other special-order speeches might follow all legislative business.

19. 121 CONG. REC. 37301, 94th Cong. 1st Sess.

On Oct. 4, 1984,⁽²⁰⁾ the Chair made an announcement regarding proceedings in the House for the remainder of the day:

THE SPEAKER PRO TEMPORE:⁽¹⁾ The Chair desires to make an announcement. After consultation with both sides of the aisle, the Chair will entertain one or more special order speeches previously granted at this time, not necessarily in the order in which granted, with the understanding that further legislative business scheduled for the day, and possible rollcall votes, will follow those speeches for which the Chair recognizes. Other special orders may follow all legislative business.

—Entertaining Unanimous-consent Request, Concerning Legislative Business, During Special Orders

§ 10.72 While the Chair will not ordinarily entertain unanimous-consent requests involving legislative business during “special-order speeches” when no further legislative business is scheduled, he may entertain a request for late filing of a report when assured that the minority has no objection to the request or to its being made during special orders.

The following proceedings occurred in the House on Nov. 21,

20. 130 CONG. REC. 30015, 98th Cong. 2d Sess.

1. Theodore S. Weiss (N.Y.).

1985,⁽²⁾ during the period designated for special-order speeches:

THE SPEAKER PRO TEMPORE:⁽³⁾ Under a previous order of the House, the gentleman from Florida (Mr. Nelson) is recognized for 5 minutes.

MR. [BILL] NELSON [of Florida]: Mr. Speaker, due to official business, I was unable to be present and voting for rollcall Nos. 414 through 416 on November 20, 1985. . . .

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from Oregon (Mr. Weaver) is recognized for 5 minutes.

MR. [JAMES] WEAVER [of Oregon]: . . . Mr. Speaker, according to estimates prepared by the Congressional Budget Office, my bill will save the American taxpayers \$30 billion over the next 5 years. . . .

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a joint resolution making further continuing appropriations for the fiscal year 1986.

THE SPEAKER PRO TEMPORE: Does the Chair understand that this has been cleared with the other side?

MR. NATCHER: This has been cleared, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Kentucky?

There was no objection.

2. 131 CONG. REC. 32946, 32947, 99th Cong. 1st Sess.

3. Kenneth J. Gray (Ill.).

—Committee on Rules Filing Privileged Report During Special Orders

§ 10.73 The Committee on Rules has on occasion filed a privileged report during special-order speeches, unanimous consent not being required.

Although it is true that legislative business generally does not take place after special-order speeches have begun, the practice has not been considered as prohibiting the filing of special rules. Thus, on Nov. 4, 1983,⁽⁴⁾ a privileged report from that committee was submitted:

Mr. [Tony P.] Hall of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 98-487) on the resolution (H. Res. 362) providing for the consideration of the joint resolution (H.J. Res. 403) making further continuing appropriations for the fiscal year 1984, which was referred to the House Calendar and ordered to be printed.

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from Pennsylvania (Mr. Walker) is recognized for 60 minutes.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, it has been generally accepted in the House that we operate under certain comity principles that permits us to operate in an

4. See 129 CONG. REC. 30954, 30956, 30957, 98th Cong. 1st Sess.

orderly fashion. We try around here to do certain things that move the House forward, and on some irregular occasions there have been, and I have been a part of many of those, attempts to slow down the procedures of the House simply by utilizing the rules. . . .

Well, we do have a standing commitment in the House that we will conduct no substantive business after special orders have been arrived at. I would say to the gentleman it was his staff who reminded me of that last winter when I stood on the floor and protected just that procedure here late one evening. I think it was around 1 o'clock in the morning, as a matter of fact. That is precisely what this gentleman is referring to.

The filing of the rule, which is a controversial rule, is in my mind a piece of business that violates that comity procedure

MR. [JAMES C.] WRIGHT [Jr., of Texas]: That would have been substantive business of a type that manifestly is not considered to be in order generally after you have begun special orders because the unanimous consent by which a special order is granted is usually predicated upon the request that upon completion of all business, the gentleman from Pennsylvania, or wherever, might be permitted to address the House for 60 minutes, or for however long.

But I think what the gentleman may not be aware of is that the filing of rules is a matter separate and apart from the taking up of legislative business. The filing of rules has occurred on numerous occasions after special orders have begun.

—Recognition Before or After Recess

§ 10.74 Where legislative business has been completed

prior to the announced time for a recess, the Speaker has in his discretion recognized some Members for special-order speeches until the declaration of a recess and then recognized other Members for special orders following the recess (for a joint session to receive a message from the President).

On Jan. 25, 1984,⁽⁵⁾ the Speaker responded to several parliamentary inquiries regarding special-order speeches:

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from California (Mr. Lungren) is recognized for 60 minutes.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:⁽⁶⁾ The gentleman will state his parliamentary inquiry.

MR. WALKER: Do not the special orders normally come at the end of the legislative day, and would we not be entitled to a special order at the end of the legislative day?

THE SPEAKER: Of course, if the gentleman wants the time, some Member of his party can speak up for him; no problem. We are not doing anything that is unusual.

Does the gentleman desire his time?

MR. [DANIEL E.] LUNGREN [of California]: Mr. Speaker, I have a parliamentary inquiry at this point. . . .

5. 130 CONG. REC. 372, 373, 98th Cong. 2d Sess.

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

It is my understanding the Speaker announced when he took the chair this morning that we have to, for security reasons, leave no later than 5 o'clock today.

THE SPEAKER: The gentleman is correct.

MR. LUNGREN: And since my special order is for an hour, I would like to have that hour and not interfere with the sweep of the House. I would be here immediately after the President's speech.

THE SPEAKER: Does the gentleman want 20 minutes now and the remainder later on this evening?

MR. LUNGREN: That is a very, very nice suggestion on the part of the Speaker, but I would like to collect my thoughts after the President's speech.

THE SPEAKER: The Chair will be happy to grant the gentleman's request.

MR. LUNGREN: I thank the Speaker.

THE SPEAKER: Under a previous order of the House, the gentleman from Pennsylvania (Mr. Walker) is recognized for 60 minutes.

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. WALKER: Mr. Speaker, would I also be entitled to collect my thoughts so that I might utilize the time later on this evening? It may take me a little time.

THE SPEAKER: Well, if that is the gentleman's request, I would be happy to grant it.

MR. WALKER: I thank the Speaker for that very much.

THE SPEAKER: Under a previous order of the House, the gentleman

from Georgia (Mr. Gingrich) is recognized for 20 minutes.

Does the gentleman wish to take 20 minutes now?

MR. [NEWT] GINGRICH [of Georgia]: The Speaker has been so generous to us today and is, as always, such an able man in presiding over this body and it is such a joy to work with him that if the Speaker would not mind my taking 20 minutes now, I would be very honored to take some time now.

THE SPEAKER: The gentleman may have the 20 minutes now and is so recognized.

Parliamentarian's Note: Representatives Lungren and Walker had one-hour special orders, which would run longer than the remaining time prior to the 5 p.m. recess. Thus, the Speaker recognized Representative Gingrich, who had a 20-minute special order, and returned to the other Members after the joint session.

—Question of Personal Privilege Takes Precedence

§ 10.75 Under Rule IX, a question of personal privilege takes precedence over a special-order speech previously scheduled at the conclusion of legislative business; on one occasion, a Member who had received, by unanimous consent, permission to address the House under a "special order" rose instead to a question of personal

privilege based on a press account criticizing him in his official capacity and was recognized for one hour.

On Sept. 21, 1979,⁽⁷⁾ the following proceedings occurred in the House:

MR. [JACK] BRINKLEY [of Georgia]: . . . [P]rior to the convening of the 96th Congress . . . [Mr. Claude D. Pepper, of Florida] agreed to hold the record open on a proposed report from the staff of the Select Committee on the Aging—in order to include a presentation from American Family Life Assurance Co. headquartered in my congressional district.

A Knight-Ridder reporter, noting my connection, made something sinister of it. I had attended the conference with Congressman Pepper; my public disclosure statement showed that I was a stockholder.

—One Hour Limit

§ 10.76 A Member may not control more than one hour of debate in the House (on a special order), even by unanimous consent.

On Oct. 16, 1979,⁽⁸⁾ the following proceedings occurred in the House:

THE SPEAKER:⁽⁹⁾ Under a previous order of the House, the gentleman

7. 125 CONG. REC. 25656, 96th Cong. 1st Sess.
8. 125 CONG. REC. 28508, 28515, 96th Cong. 1st Sess.
9. Thomas P. O'Neill, Jr. (Mass.).

from Arizona (Mr. Rhodes) is recognized for 60 minutes.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, the purpose of this special order is to outline what Congress should be doing to help our Nation turn back inflation. It has been said that inflation is the neutron bomb of our economy. . . .

THE SPEAKER PRO TEMPORE:⁽¹⁰⁾ The time of the gentleman from Arizona (Mr. Rhodes) has expired.

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I ask unanimous consent that the gentleman proceed for 5 additional minutes.

THE SPEAKER PRO TEMPORE: That request is not in order.

—Relevancy in Debate; Principle as Applicable

§ 10.77 Unanimous-consent requests to address the House for up to one hour may specify the subject of the “special order”, and the occupant of the Chair during that special order may enforce the rule of relevancy in debate if the special order has been permitted only on that subject.

Most special-order requests do not specify the subject to be debated, and if granted by the House the Member recognized may speak on any subject. Under Rule XIV, clause 1, however, if the question under debate has

10. John G. Fary (Ill.).

been specified by the House, the Member must confine his remarks to that subject. On Jan. 23, 1984,⁽¹¹⁾ a Member indicated the subject of special orders requested, and another Member asked for a ruling that the special orders be strictly limited to those subjects:

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include extraneous material:

Ms. Oakar, for 15 minutes;

Mr. Annunzio, for 5 minutes;

Mr. Gonzalez, for 30 minutes

THE SPEAKER PRO TEMPORE:⁽¹²⁾
Is there objection to the request of the gentlewoman from Colorado?

MRS. SCHROEDER: Mr. Speaker, I also ask unanimous consent that following legislative business on the following days, these special orders be allowed so that Members may revise and extend their remarks, and include therein extraneous material:

Mrs. Schroeder, to honor the prior Congressman, Mr. Rogers—

MR. [ROBERT S.] WALKER [of Pennsylvania]: Regular order, Mr. Speaker.

MRS. SCHROEDER: Mr. Speaker, may I make a point? These are requests for the honoring of members who were de-

ceased over the period that we have been adjourned.

MR. WALKER: Regular order, Mr. Speaker.

The unanimous-consent request is simply for time, and it is not supposed to include the title of what it is that is being done. . . .

MRS. SCHROEDER: Yes, Mr. Speaker. There is precedent for restating why we want special days assigned, and several Members, prior Members of this body, were deceased during this period while we have been adjourned.

Many Members would like to participate in the special orders, and Members have requested certain days in advance so that we could know that and send out a "Dear Colleague" in order to do that. . . .

The three orders dealing with that are these:

Myself, representing the memory of Byron Rogers, which we hope to do on January 30 for 60 minutes; and

Mr. Kastenmeier and Mr. Fascell on January 31, both wanting 60 minutes to the memory of our deceased prior chairman, Mr. Zablocki.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentlewoman from Colorado?

MR. WALKER: Mr. Speaker, reserving the right to object, I do so to request of the Chair whether or not these special orders will be absolutely limited to those subject matters. I ask whether the Chair will rule at this point that those special orders being entered into will be absolutely limited to those subject matters that were suggested by the gentlewoman from Colorado.

THE SPEAKER PRO TEMPORE: The Chair will state that the occupant of

11. 130 CONG. REC. 90-93, 98th Cong. 2d Sess.

12. Richard B. Ray (Ga.).

the chair at the time would have to rule on such matters.

—Yielding During Special-order Speeches

§ 10.78 By unanimous consent, a Member recognized for one hour in the House for a “special-order speech” may yield a designated portion of that time to another Member, to be yielded in turn by that Member.

The following proceedings occurred in the House on July 17, 1985:⁽¹³⁾

MR. [WILLIAM F.] CLINGER [Jr., of Pennsylvania]: Mr. Speaker, I am delighted to be joined in this special order by my distinguished chairman, the chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey (Mr. Howard), and by my distinguished leader of the Economic Development Subcommittee, the gentleman from New York (Mr. Nowak).

Mr. Speaker, I ask unanimous consent to yield to the gentleman from New Jersey (Mr. Howard) 30 minutes of my special order time.

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MR. CLINGER: Mr. Speaker, I yield to my chairman.

13. 131 CONG. REC. 19474, 19475, 99th Cong. 1st Sess.

14. Richard A. Gephardt (Mo.).

MR. [JAMES J.] HOWARD [of New Jersey]: Mr. Speaker, I ask unanimous consent that I be permitted to yield a portion of the time yielded to me by the gentleman from Pennsylvania (Mr. Clinger) to other Members of the House.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from New Jersey?

There was no objection.

§ 11. Limitations on Power of Recognition; Basis for Denial

Some limitations on the Speaker's power of recognition are inherent in certain House rules (see Rule XIV and XXXII). Other restrictions have developed in long-standing practices to which the Speaker adheres.

Cross References

Chair's interpretation of special rules as to recognition, see § 28, *infra*.

Chair's power of recognition limited by rules as to duration of debate, see §§ 67 *et seq.*, *infra* (in the House) and §§ 74 *et seq.*, *infra* (in Committee of the Whole).

Order of recognition as limitation on Chair's power, see §§ 12–15, *infra*.

Limitations on Power of Speaker

§ 11.1 In response to parliamentary inquiries, the Chair