

# Recognition

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## A. Introductory; Power of Recognition

### § 1. In General; Seeking Recognition

In order to address the House or speak on any matter, or to make a motion or objection, a Member must first secure recognition from the

Speaker in the House or from the Chairman of the Committee of the Whole. See Rule XIV clause 1. *Manual* § 749. Under the rule, the Chair has the power and discretion to determine who will be recognized, and for what purpose. 2 Hinds §§ 1422–1424. Generally, see § 2, *infra*. To determine a Member’s claim to the floor, the Chair may ask for what purpose a Member rises, and grant recognition only for the specific purpose indicated. 78–2, Jan. 26, 1944, p 746; 89–1, July 2, 1965, p 18631.

### **Duty to Rise and Remain Standing**

Members must seek recognition at the proper time in order to protect their rights under the rules to make points of order or to offer amendments. 91–2, Apr. 14, 1970, p 11649. A Member must be on his feet and must address the Chair in order to be recognized (93–2, Dec. 17, 1974, p 40509; 98–1, Oct. 26, 1983, p 29430) and may not remain seated at the committee table while engaging in debate. 94–2, June 28, 1976, p 21021. A Member controlling the floor in debate must remain standing (although a Member who inadvertently seats himself and then immediately stands again before the Chair recognizes another Member may be permitted to retain control of the floor). 95–1, Oct. 19, 1977, p 34220. A Member who resumes his seat after being called to order loses his claim to prior right of recognition. 5 Hinds § 5016.

The mere placing of an amendment on the Clerk’s desk does not bestow recognition. 88–2, Feb. 6, 1964, p 2290. Where numerous amendments that might be offered to a bill have been left with the Clerk, the Chair may remind all Members seeking to offer amendments not only to stand but to seek recognition at the appropriate time. 95–2, Aug. 3, 1978, p 24227. A Member recognized in support of an amendment may yield to another for a question or a brief statement, but he must remain standing in order to protect his right to the floor. 88–2, Mar. 12, 1964, p 5100.

### **Forms**

The language used to obtain the floor and in granting recognition to Members follows a traditional format of long-standing:

MEMBER: Mr. Speaker (or Mr. Chairman). . . .

*Note:* This form of address is used whether the Member is seeking recognition to offer a proposition or interrupt a Member having the floor. 5 Hinds § 4979; 6 Cannon §§ 193, 284. Such salutations as “Gentlemen of the House” or “Ladies and gentlemen” are not in order. 6 Cannon § 285. Where a woman is presiding, the term “Madam Speaker” or “Madam Chairman” is used. 6 Cannon § 284.

THE SPEAKER (or CHAIRMAN): For what purpose does the gentleman (or gentlewoman) rise?

*Note:* This question enables the Chair to determine whether the Member proposes a matter that may be entitled to precedence or is otherwise in order under the rules of the House. 6 Cannon §§ 289–291. 100–2, Feb. 17, 1988, p 1584.

MEMBER: I propose to offer a motion to \_\_\_\_\_ (*or raise other stated business*).

THE SPEAKER (OR CHAIRMAN): The Chair recognizes the gentleman from \_\_\_\_\_ (*Member's home state*).

### Recognition to Interrupt a Member

A Member who wishes to interrupt another who has the floor must first obtain recognition from the Chair. 84–2, June 29, 1956, p 11455; 87–1, June 7, 1961, p 9681. However, it is entirely within the discretion of the Member occupying the floor to determine when and by whom he shall be interrupted. *Manual* § 364. The interrupting Member is not entitled to the floor until recognized by the Chair even though he may have been yielded time by the Member in charge of the time. 71–3, Feb. 28, 1931, pp 6575–77.

### Cross References

Recognition is governed in specific instances and in specific parliamentary situations by practices covered fully elsewhere in this work. See, for example, AMENDMENTS; PREVIOUS QUESTION; REFER AND RECOMMIT; RECONSIDERATION.

## § 2. Power and Discretion of Chair

In Jefferson's time, the Speaker was required by House rule to recognize the Member who was "first up." 2 Hinds § 1420. In case of doubt there was an appeal from his recognition of a particular Member. 2 Hinds §§ 1429–1434. This practice was changed beginning in 1879, when the House adopted a report asserting that "discretion must be lodged with the Presiding Officer." The report alluded to the practice of listing those Members desiring to speak on a given proposition, but indicated that the Chair should not be obligated to follow the order stipulated but should be free to exercise "a wise and just discretion in the interest of full and fair debate." 2 Hinds § 1424. Today, the rules of the House give the Chair the power and discretion to decide who shall be recognized (88–2, Apr. 8, 1964, p 7302); and his decision is no longer subject to appeal. 8 Cannon §§ 2429, 2646; 103–1, July 23, 1993, p \_\_\_\_; *Manual* § 753. (There has been no appeal from a decision of the Speaker on a question of recognition since 1881. *Manual* § 356.)

Of course, the recognition of particular Members is often governed by House rules and precedents pertaining to the order of business or by special rules from the Committee on Rules. See § 3, *infra*. But where matters of equal privilege are pending, the order of their consideration is subject to the Speaker's discretionary power of recognition. 89–2, Sept. 22, 1966, p 23691. It follows that when more than one Member seeks recognition to call up privileged business it is within the discretion of the Speaker as to whom he shall recognize. Rule XIV clause 2. 87–2, Aug. 27, 1962, pp 17654, 17670.

Rule XXV, which provides that questions relating to the priority of business are to be decided by a majority without debate (*Manual* § 900), may not be invoked to inhibit the Speaker's power of recognition. 94–1, July 31, 1975, p 26249.

### § 3. Limitations; Basis for Denial

The Speaker's power of recognition is subject to any limitations imposed by the House rules (91–2, July 29, 1970, p 26419), such as the rule prohibiting the Chair from recognizing a Member to draw attention to gallery occupants (Rule XIV clause 8, *Manual* § 764). 83–2, July 27, 1954, p 12253. The Chair's power of recognition is also governed by established practice and precedent, such as the long-standing tradition that a member of the committee reporting a bill is first recognized for motions to dispose of the bill. See § 11, *infra*.

### § 4. Alternation in Recognition

#### In the House

Traditionally but, under modern practice, not necessarily, the Chair in recognizing for general debate in the House alternates between those favoring and those opposed, preferring members of the committee reporting the bill. 2 Hinds §§ 1439–1443. Under the standing rules of the House, the Member reporting or calling up a measure is entitled to recognition for one hour, during which time he may yield to others as he may choose; at the close of that hour, unless the previous question is moved, the ranking Member in opposition may be recognized for an hour with the same privilege of yielding. Thereafter, until the previous question is invoked, other Members favoring and opposing the measure are recognized, alternately, preference again being given to members of the committee reporting the measure. 8 Cannon § 2460.

In alternating, the Chair recognizes Members on either side of the question, and not necessarily between members of the majority and minority par-

ties of the House. 80–1, July 18, 1947, pp 9311 *et seq.* Absent a special rule making party affiliation pertinent, the Chair alternates according to differences on the pending question rather than on account of political affiliations. 2 Hinds § 1444. A special order providing for a division of time for debate between those “for and against” a proposition does not necessarily require a division between the majority and minority parties of the House but rather between those actually favoring and opposing the measure. 7 Cannon § 766. Under a special rule providing for equal division of time for debate between those favoring and those opposing a bill, without designating who should control the time, it is within the discretion of the Chair to recognize a Member supporting and a Member opposing the measure. 7 Cannon § 785. But where the rule allots control of time to “the chairman and the ranking minority member of the committee” the term “minority” is construed to refer to the minority party in the House and not to those in the minority on the pending question. 7 Cannon § 767.

#### **In Committee of the Whole**

A similar alternation procedure is followed during general debate in the Committee of the Whole. The usual practice is for the Chair, pursuant to special rule from the Committee on Rules or by unanimous consent, to alternate between those controlling time, usually the Chairman and ranking minority member. *cf.* 7 Cannon § 875.

It is the usual practice in the Committee of the Whole, during debate under the five-minute rule, to alternate between majority and minority members, giving priority to members of the reporting committee. 92–1, Sept. 30, 1971, p 34287; 94–2, June 11, 1976, p 17764. Where Members have amendments to offer during such debate, the Chair alternates recognition between majority and minority members, with members of the committee reporting the pending bill being entitled to prior recognition over noncommittee members. 98–1, May 4, 1983, p 11068. The principal of alternation is applicable in theory even to pro forma amendments, where Members merely move to strike the last word. Where the Chair has no knowledge as to whether specific Members oppose or support the pending proposition, the Chair cannot strictly alternate between both sides of the question. 98–2, June 7, 1984, p 15423. Where an amendment is offered, a strict reading of the “five-minute rule” [Rule XXIII clause 5(a)], requires the five minutes allotted the proponent to be followed by recognition of a Member in opposition to the amendment.

## B. Right to Recognition; Priorities

### § 5. In General

As a general proposition it may be stated that the Speaker or Chairman has the discretion to determine the order or sequence in which Members will be recognized in debate. 90–1, July 19, 1967, p 19416. Indeed, the rules specifically authorize the Speaker to “name the Member who is first to speak” when two or more Members rise at once. Rule XIV clause 2. *Manual* § 753. It should be emphasized however that the Chair’s determination of priorities is governed by many factors—such as whether the pending proposition has been reported by a committee or has been called up directly by a Member or whether the motion or measure is given priority or is privileged under the rules. Priorities in debate may also vary depending on whether the matter is being considered in general debate or under the five-minute rule. Whether the pending matter is an amendment or a motion must also be taken into account. In recognizing Members to move to recommit, for example, the Speaker gives preference to minority members of the committee reporting the bill who are opposed to the bill. 86–1, June 19, 1959, p 11372. Generally, see REFER AND RECOMMIT.

### § 6. Priorities of Committee Members

#### Priority of Committee Members Over Nonmembers

Absent a special rule providing to the contrary, the members of the committee reporting a bill are entitled to prior recognition over nonmembers for debate on the bill. 2 Hinds §§ 1438, 1448; 6 Cannon §§ 306, 307; 77–1, Feb. 10, 1941, p 875; *Manual* § 756. Members of the committee reporting a bill also have priority of recognition to make points of order against proposed amendments to the bill. 81–1, Mar. 30, 1949, p 3520. Priority of recognition under the five-minute rule, see § 14, *infra*.

The practice of according priority to committee members is an ancient one, having been adapted from that of the English Parliament. It is reasoned that the members of the reporting committee—having worked for months if not years on the legislation—are naturally more familiar with its strengths and weaknesses. 77–1, Mar. 6, 1941, pp 1921, 1922. They are entitled to prior recognition even over the Member who introduced the bill and who is its author. 75–1, July 8, 1937, p 6946. If on the other hand the proposition has been brought directly before the House independently of a committee, the proponent is entitled to prior recognition for motions and debate. § 10, *infra*.

**Priorities as Between Committee Members**

Recognition is extended to committee members on the basis of their committee seniority (75–1, Apr. 14, 1937, p 3456), with the chair alternating between members of the majority and the minority (§ 4, supra). Where opposition is relevant to recognition, if no committee member rises in opposition to the measure, then any Member may be recognized in opposition. 2 Hinds § 1445; 7 Cannon § 958.

**Recognition of Committee Chairmen**

The chairman of the reporting committee usually has charge of the bill and is entitled at all stages to prior recognition for allowable motions intended to expedite it. § 11, infra. If the chairman is opposed to the bill, however, he ordinarily yields prior recognition to a member of his committee who has favored the bill. 2 Hinds § 1449.

**Effect of Failure to Seek Recognition**

Although members of the committee reporting a bill under consideration usually have preference of recognition, a member may lose such preference if he does not seek recognition in a timely manner. 90–1, Aug. 8, 1967, p 21842. The Chair may recognize another on the basis that the committee member, though standing, is not actively seeking recognition. 95–2, Aug. 4, 1978, p 24439.

**§ 7. Right of Member in Control**

Where a Member has been placed in charge of a bill by the reporting committee, or has been so designated by a special rule from the Committee on Rules, the Member named as manager is recognized to call up the measure. 75–1, Feb. 24, 1937, p 1562; 76–3, June 6, 1940, p 7706. Preference in recognition is accorded by the Chair to the manager over other Members. 79–1, Sept. 11, 1945, p 8510. This priority in recognition of the Member in charge over other Members prevails in both the House (79–1, Sept. 11, 1945, p 8510) and in the Committee of the Whole (75–1, July 8, 1937, p 6946).

The Member in charge of the bill is also entitled at all stages to prior recognition for allowable motions intended to expedite the bill (2 Hinds § 1457; 6 Cannon § 300), from the time of its first consideration (2 Hinds § 1451) to the time of consideration of Senate amendments (2 Hinds § 1452) and conference reports (6 Cannon § 301). The Member who has been recognized to call up a measure in the House has priority of recognition to move the previous question thereon even over the chairman of the committee reporting that measure. 99–2, Oct. 1, 1986, pp 27466–68.

The fact that a Member has the floor on one matter does not necessarily entitle him to prior recognition on a motion relating to another matter. 2 Hinds § 1464. Before the Member in charge has begun his remarks, a Member proposing a preferential motion is entitled prior recognition. 5 Hinds §§ 5391–5395. However, once debate has begun, a Member may not by offering a debatable motion of higher privilege than the pending motion deprive the Member in charge of the floor. 2 Hinds §§ 1460–1463; 6 Cannon §§ 297, 298; 8 Cannon §§ 2454, 3183, 3193, 3197, 3259.

## § 8. Right to Open and Close General Debate

### Generally

The House rules provide that the Member reporting a measure from a committee is entitled to open and close general debate on that measure. Rule XIV clause 3. *Manual* § 759. And although a House rule precludes a Member from speaking twice on the same question, that rule makes an exception for the “mover, proposer, or introducer” of the pending matter; that Member is permitted to speak in reply after other Members choosing to speak have spoken. Rule XIV clause 6. *Manual* § 762. Where a special order or a unanimous-consent request places the control of debate in a “manager,” or divides the time between the Chairman and ranking minority member of the committee reporting the measure, those controlling the time may yield to other Members as often as they desire, and are not restricted by this rule. The minority member controlling one-half of the time must consume it or yield it back prior to the closing of debate. 94–2, Mar. 2, 1976, p 4979; 99–2, May 13, 1986, p 10503.

The manager of a bill for purposes of closing general debate may be the chairman of the reporting committee or a designated majority member of that committee. 99–1, Mar. 26, 1985, p 6283.

The right of the manager to open and close general debate under Rule XIV clause 3 is recognized in both the House and the Committee of the Whole. 99–1, Mar. 26, 1985, p 6283. In the House, the right to close is lost if the previous question is ordered. 5 Hinds § 4997.

### Rights of Proponents

The manager of a bill in control of the time, and not its proponent, is ordinarily entitled to close general debate. 99–1, Mar. 26, 1985, p 6283. But where existing law provides that general debate in the Committee of the Whole on a joint resolution shall be equally divided and controlled by proponents and opponents, a proponent has the right to open and close general debate. 99–1, Apr. 23, 1985, p 8964. Where a joint resolution having no

“sponsor” and which had not been referred to a committee was made in order by a special rule, its proponent was recognized to open and close general debate, there being no “manager” of the pending resolution. 99–2, Apr. 16, 1986, pp 7611, 7629.

## § 9. — To Close Debate on Amendments

### Recognition of Manager of Bill

In the Committee of the Whole, the Member managing the bill is entitled to prior recognition to move to close debate on a pending amendment over other Members who desire to debate the amendment or to offer amendments thereto. 91–2, Nov. 25, 1970, p 38990. The manager is recognized for that purpose whether debate is proceeding under the five-minute rule or where debate has been limited and divided between the proponent of the amendment and a Member opposed thereto, and the manager is the opponent representing the committee position. 98–2, Apr. 4, 1984, p 7841.

Ordinarily the manager of a bill, including the minority manager or other representative of the reporting committee’s position, and not the proponent of an amendment has the right to close debate on an amendment on which debate has been limited and allocated under the five-minute rule in the Committee of the Whole. *Manual* § 762. This principle prevails even where the manager of the bill is the proponent of a pending amendment to the amendment. 98–1, Mar. 16, 1983, p 5792. Where the pending text includes a provision recommended by a committee of sequential referral, a member of that committee is entitled to close debate against an amendment thereto. *Manual* § 762. Where debate time has been allocated among several members of the reporting committee, the senior majority member may be recognized to close debate on amendments opposed by the committee. 99–2, Aug. 11, 1986, p 20709.

To avoid the sometimes difficult task of identifying committee positions on pending amendments, the Chair devised the following principle: By recommending an amendment in the nature of a substitute, a reporting committee implicitly opposes a further amendment that could have been included therein, so that a committee representative who controls time in opposition may close debate thereon. *Manual* § 762.

### Effect of Special Rule

Where a special rule limits debate on designated amendments and allocates time between the proponent and an opponent, the manager of the bill will be recognized to control debate in opposition to the amendment if he qualifies as opposed. 97–2, Dec. 1, 1982, p 28235. In such instances, the

manager of the bill recognized to control the time on behalf of the committee in opposition to the amendment has the right to close the debate on the amendment. 97–1, June 18, 1981, p 12977; 98–2, June 29, 1984, pp 20250, 20253. Where debate time has been allocated among several Members from the reporting committee, the senior majority manager may be recognized to close debate on amendments opposed by the committee. 99–2, Aug. 11, 1986, p 20709.

Where the manager of the bill is also the proponent of an amendment thereto, his right to close limited debate may not exist where the amendment was made in order as a nongermane amendment by a special rule, in which case an opponent representing the reporting committee's position may close. 104–2, May 22, 1996, p \_\_\_\_.

### **Recognition of Proponent of Amendment**

While the manager of a bill, and not the proponent of an amendment thereto, normally has the right to close debate on the amendment, the proponent of an amendment has the right to close debate thereon where:

- The amendment represents the reporting committee position, and is not opposed by the manager of the bill. 99–2, Aug. 14, 1986, p 21718.
- The Member controlling time in opposition does not represent the position of a reporting committee. 102–2, June 4, 1992, p \_\_\_\_.
- The committee manager does not oppose the amendment and where the committee has taken no position on the amendment. 99–2, Aug. 15, 1986, pp 22056, 22057.
- An unreported bill is being considered pursuant to a special order dividing the time for debate on an amendment between a proponent and an opponent, there being no committee manager. 99–1, Apr. 24, 1985, pp 9206, 9228 *et seq.* See also *Manual* § 762.
- Where no representative from the reporting committee opposes an amendment to a multi-jurisdictional bill. *Manual* § 762.

## **C. Recognition on Particular Questions**

### **§ 10. In General; As to Bills**

Under a practice of long-standing, when a bill is called up in the House control of debate is given by special rule from the Committee on Rules to the chairman and ranking minority member of the reporting committee(s), and recognition is extended accordingly. 89–2, Sept. 25, 1966, p 23762. In the absence of the chairman and ranking minority member designated by the rule, the Chair recognizes the next ranking majority and minority members for control of such debate. 77–2, July 23, 1942, pp 6542–46. If on the other

hand the proposition has been brought directly before the House independently of a committee, the proponent is entitled to prior recognition for motions and debate. 2 Hinds §§ 1446, 1454; 8 Cannon § 2454.

Recognition to offer amendments, see AMENDMENTS. Recognition for parliamentary inquiries and points of order, see POINTS OF ORDER; PARLIAMENTARY INQUIRIES.

### **Discharged Bills**

If a bill has not been reported from committee but is before the House pursuant to a motion to discharge, the proponents of that motion are entitled to prior recognition for the purpose of managing the bill. 72–1, June 14, 1932, p 12911; 91–2, Aug. 10, 1970, p 28004. Recognition of Members for debate on the motion, see Rule XXVII clause 4 (*Manual* § 908). See also DISCHARGING MEASURES FROM COMMITTEES. In recognizing a Member to control time for debate in opposition to a discharged bill, the Chair recognizes the chairman of the committee having jurisdiction of the subject matter if he is opposed. 81–2, Aug. 14, 1950, p 12543.

### **Bills Called Up by Unanimous Consent**

Where a bill is called up in the House by a Member pursuant to a unanimous-consent agreement, the Member calling up the bill is recognized for one hour, and amendments may not be offered by other Members unless he yields for that purpose or unless the previous question is rejected. 87–2, Oct. 5, 1962, pp 22606–09.

## **§ 11. For Motions**

As noted earlier, the Member in charge of a bill is entitled at all stages to prior recognition for allowable motions intended to expedite the bill. § 7, *supra*. The proponent of a motion is also subject to a determination by the Chair that recognition is to be extended to another Member with a motion of higher privilege. Thus, where one Member moves a call of the House, and another Member immediately moves to adjourn, the Chair will recognize the latter, the motion to adjourn being of higher privilege. See, for example, 88–1, June 12, 1963, p 10739. The Member with the preferential motion must offer it before the other Member has begun debate, if the motion is debatable, since a Member may not, by attempting to offer a preferential motion, deprive another Member—who has begun his remarks—of the floor. 8 Cannon § 3197.

A Member may lose his right to the floor if he neglects to claim it before another Member with a motion has been recognized. 2 Hinds § 1435. A Member desiring to offer a motion must actively seek recognition from

the Chair before another motion to dispose of the pending question has been adopted, and the fact that he may have been standing at that time is not sufficient to confer recognition. 97–1, Nov. 22, 1981, p 28751. However, the mere making of a motion does not confer recognition, and where another Member has shown due diligence he may be recognized even though a motion has been made. 78–1, Apr. 16, 1943, p 3502.

For treatment of recognition to offer particular kinds of motions, see PREVIOUS QUESTION, SUSPENSION OF RULES, and other articles dealing with specific motions.

## § 12. Of Opposition After Rejection of Motion

### Generally

Where an essential motion made by the Member in charge of a measure is defeated, the right to prior recognition passes to a Member opposed as determined by the Speaker. 2 Hinds §§ 1465–1468. 93–2, Oct. 7, 1974, pp 34151, 34157–59; *Manual* § 755. Thus, where the previous question is rejected on a pending resolution, the Chair recognizes a Member opposed to the resolution who may then offer an amendment. 6 Cannon § 308; 91–2, June 16, 1970, pp 19837–44. And the recognition of that Member is not precluded by the fact that he has been previously recognized and had offered an amendment which was ruled out on a point of order. 91–1, Jan. 3, 1969, pp 27–29.

The rule that the defeat of an essential motion offered by the Member in charge causes recognition to pass to the opposition is applicable when:

- House disagrees to a motion to lay an adversely reported resolution of inquiry on the table. 82–2, Feb. 20, 1952, pp 1205–07.
- House disagrees to the previous question on a resolution reported from the Committee on Rules. 89–2, Oct. 19, 1966, p 27225.
- House disagrees to the previous question on a resolution relating to the seating of a Member-elect. 90–1, Jan. 10, 1967, p 14.
- House disagrees to the previous question on a resolution to discipline a Member of the House. 6 Cannon § 236.
- House disagrees to the previous question on a resolution providing for adoption of rules. 6 Cannon § 308.
- House rejects a motion to concur in a Senate amendment with an amendment. 88–1, May 14, 1963, pp 8508–11. (Recognition passes to opposition for disposition of that Senate amendment only.)
- Committee of Whole reports a bill adversely. 4 Hinds § 4897; 8 Cannon § 2430.
- Committee of the Whole reports a bill with the recommendation that the enacting clause be stricken out. 8 Cannon § 2629.

The rule that recognition passes to Member of the opposition is applicable upon defeat of an *essential* motion by the Member in charge of the bill. A motion to postpone consideration to a day certain is not an essential motion whose defeat requires recognition to pass to a Member opposed. 72–1, June 2, 1930, p 3548. And the mere defeat of an amendment proposed by the Member in charge does not cause the right to prior recognition to pass to the opponents. 2 Hinds § 1478. Moreover, the recognition for a motion by a Member in opposition may be preempted by a motion of higher precedence. 97–2, Aug. 13, 1982, pp 20969, 20975–78; *Manual* § 755.

#### **Effect of Rejection of Conference Report**

The right to prior recognition ordinarily passes to a Member of the opposition when the House refuses to order the previous question on a conference report and then rejects the report, since control passes to the opposition upon rejection of the motion for the previous question. 2 Hinds §§ 1473–1475; 5 Hinds § 6396. But the invalidation of a conference report on a point of order, while equivalent to its rejection by the House, does not give the Member raising the question of order the right to the floor (8 Cannon § 3284) and exerts no effect on the right to recognition (6 Cannon § 313). Rejection of a conference report after the previous question has been ordered thereon does not cause recognition to pass to a Member opposed to the report, and the manager retains control to offer the initial motion to dispose of amendments in disagreement. 2 Hinds § 1477; 94–1, May 1, 1975, p 12761.

### **§ 13. As to Special Rules**

#### **Calling Up Special Rules**

Recognition to call up special rules—that is, order-of-business resolutions from the Committee on Rules—may be sought pursuant to the provisions of Rule XI clause 4(c). *Manual* § 730. Ordinarily, only a member of the Committee on Rules designated to call up a special rule from the committee may be recognized for that purpose. 76–3, June 6, 1940, p 7706. But where a special rule has been reported by the committee and has not been called up within the seven legislative days specified by clause 4(c), recognition to call it up may be extended to any member of that committee (96–1, Oct. 24, 1979, p 29395), including a minority member (96–1, Nov. 13, 1979, p 32185; 96–2, Sept. 25, 1980, pp 27417–24). The Member calling up the resolution must have announced his intention one calendar day before seeking recognition. See *Manual* § 730. And since the motion to call up such a resolution is privileged, the Speaker would be obliged to recognize

for this purpose unless another matter of privilege was also proposed, in which case the order of consideration would be determined pursuant to the Speaker's discretionary power to grant recognition. 89-2, Sept. 22, 1966, p 23691.

### **Recognition for Debate**

A Member recognized to call up a special rule or resolution by direction of the Committee on Rules controls one hour of debate thereon and may offer one or more amendments thereto. 95-1, July 29, 1977, p 25653. He need not have the specific authorization of the committee to offer an amendment. 101-2, Sept. 25, 1990, p \_\_\_\_\_. He is recognized for a full hour notwithstanding the fact that he has previously called up the resolution and temporarily withdrawn it after debate. 88-2, Apr. 8, 1964, pp 7303-08. Other Members may be recognized only if yielded time. 90-2, Oct. 8, 1968, pp 30217, 30222-24. The resolution is not subject to amendment from the floor by another Member unless the Member in charge yields for that purpose or unless the House rejects the previous question. 94-2, Feb. 26, 1976, pp 4625, 4626.

Where the resolution is called up with reported technical amendments, the amendments are sometimes reported and acted on before the Member reporting the resolution is recognized for debate thereon. 88-2, Aug. 19, 1964, pp 20213, 20221. But ordinarily the manager's amendments are voted on after debate and after the previous question is ordered on the amendments and on the resolution. 101-2, Sept. 25, 1990, p \_\_\_\_\_.

In the event that the previous question is rejected on the resolution, it is subject to amendment, further debate, or a motion to table or refer, and the Member who led the opposition to the previous question has the prior right to recognition (89-2, Oct. 19, 1966, pp 27713, 27725-29; 96-2, May 29, 1980, pp 12667-78), subject to being preempted by a preferential motion offered by another Member (97-2, Aug. 13, 1982, pp 20969, 20975-78).

## **§ 14. Under the Five-minute Rule**

### **Generally; Effect of Special Rule**

Recognition of Members to offer amendments in the Committee of the Whole under the five-minute rule is within the Chair's discretion and cannot be challenged on a point of order. 94-2, June 11, 1976, p 17764. The Chair does not anticipate the order in which amendments may be offered nor does he declare in advance the order in which he will recognize Members proposing amendments. 89-2, Sept. 8, 1966, p 22020. Of course, if a special rule reported from the Committee on Rules specifies those Members who are to

control debate, the Chair will extend recognition accordingly. But where the special rule merely *makes in order* the consideration of a particular amendment, it does not confer a privileged status on the amendment and does not, absent legislative history establishing a contrary intent by that committee, alter the principle that recognition to offer an amendment under the five-minute rule is within the discretion of the Chairman of the Committee of the Whole. 95–2, May 23, 1978, p 15095. As to the effect of special rules on the control and distribution of debate time, see CONSIDERATION AND DEBATE.

#### **Priority of Committee Members over Noncommittee Members**

In extending recognition for debate under the five-minute rule the Chair follows certain guidelines as a matter of long-standing custom. Among them is that recognition to debate an amendment under the five-minute rule is first accorded to members of the committee reporting the bill over Members of the House who are not on that committee. 92–1, Sept. 30, 1971, p 34287; 94–2, June 11, 1976, p 17764. Committee amendments to a section are considered before the Chair entertains amendments from the floor. 88–1, June 24, 1963, p 11396. Thus, the Chair will normally recognize a member of a committee reporting a bill to offer a substitute for an amendment before recognizing a noncommittee member, although that committee member may already have been separately recognized to debate the original amendment. 96–1, Oct. 18, 1979, p 28770. Members of the committee reporting a pending bill are entitled to prior recognition over noncommittee members without regard to their party affiliation. Thus the Chair may accord prior recognition to minority members of the reporting committee to offer amendments over majority noncommittee members. 93–2, July 22, 1974, pp 24454, 24457.

#### **Priorities as Between Committee Members**

In bestowing recognition under the five-minute rule, the Chair gives preference to the chairman of the committee reporting the bill under consideration. 90–1, Nov. 15, 1967, p 32655. Thereafter, the Chair endeavors to alternate between majority party and minority party members of the reporting committee. 92–1, Sept. 30, 1971, p 34287; 94–2, June 11, 1976, p 17764. Priority of recognition to offer amendments is extended to members of the full committee reporting the bill, alternating between the majority and minority, and the Chair does not accord prior recognition to members of the subcommittee which considered the bill over other members of the full committee. 96–2, July 2, 1980, p 18292. But in five-minute debate on appropriation bills the Chair may under some circumstances recognize members of

the subcommittee handling the bill first, and then recognize members of the full Appropriations Committee. 91-1, July 30, 1969, p 21420.

In recognizing Members to offer amendments under the five-minute rule, the Chair normally recognizes members of the committee handling the bill in the order of their seniority on the committee. 81-1, July 21, 1949, p 9936; 91-2, July 23, 1970, p 25635; 95-2, May 17, 1978, p 14145. But recognition under the five-minute rule remains within the discretion of the Chair, and on rare occasions he has recognized a junior member of the committee reporting the bill. 91-1, Oct. 2, 1969, p 28101.

### § 15. — Under Limited Five-minute Debate

The House, by unanimous consent, may agree to limit or extend debate under the five-minute rule in the Committee of the Whole, whether or not that debate has commenced. In the Committee of the Whole, debate under the five-minute rule may be limited by the Committee by unanimous consent or, after preliminary debate, by motion. See CONSIDERATION AND DEBATE. When such a limitation has been agreed to, the general rules of recognition applied under the five-minute rule are considered abrogated. 91-1, Sept. 16, 1969, p 25633. Decisions regarding recognition during the remaining debate time, a division not having been ordered as part of the limitation, are largely within the discretion of the Chair. 91-2, May 6, 1970, p 14467; 94-1, June 19, 1975, pp 19785-87; 95-1, June 14, 1977, p 18833. He may, in his discretion, either (1) permit continued debate under the five-minute rule, (2) allocate the remaining time among those desiring to speak, or (3) divide the time between a proponent and an opponent to be yielded by them. 97-2, May 25, 1982, p 11672. The order in which the Chair recognizes Members desiring to speak is also subject to his discretion; and he may take into account such factors as their committee status, whether they have amendments at the desk, and their seniority. 89-2, Oct. 14, 1966, p 26976. In exercising these discretionary powers the Chair may:

- Announce that he will attempt to divide the time equally among those Members standing at the time the limitation is imposed and then, if time remains, recognize other Members seeking recognition. 89-2, Aug. 1, 1966, p 17759; 90-1, May 24, 1967, p 13824.
- Divide the time equally among all those Members who were on their feet seeking recognition (89-1, Mar. 26, 1965, p 6113), whether or not they have previously spoken to the question (90-1, May 24, 1967, p 13824).
- Recognize Members wishing to offer amendments and those opposed to the amendments. 91-2, May 6, 1970, p 14465.
- Divide the time between the majority and minority managers of the bill. 94-2, Apr. 1, 1976, p 9088.

- Allocate time on an amendment between the proponent and an opponent thereof, to be yielded by them. 97–2, Aug. 5, 1982, p 19758.
- Recognize first those Members wishing to offer amendments after having equally divided the time among all Members desiring to speak. 97–1, Nov. 18, 1981, p 28074.
- Recognize during remaining free time those Members who have a desire to speak, and then Members who have not spoken to the amendment or Members who were recognized for less than five minutes under the limitation of time. 86–2, Mar. 17, 1960, pp 5911, 5914.
- Allot the remaining time in three equal parts—to the offeror of an amendment, to the offeror of an amendment to the amendment, and to the floor manager of the bill. 98–1, Apr. 13, 1983, pp 8425, 8426.
- Reallocate remaining free time among other Members who have not spoken or proceed again under the five-minute rule. 95–1, Aug. 4, 1977, p 27021.

#### **Length of Time Remaining as Factor**

When the period of time fixed for debate under a limitation is relatively short, the Chair in his discretion may take note of all those Members seeking recognition and apportion the remaining time among them, though each may have less than five minutes to speak, or he may divide the time between a proponent and an opponent. But where the time remaining for debate is fixed at a longer period, such as an hour and a half, the Chair may decline to apportion the time (81–2, Feb. 22, 1950, p 2240), and elect to continue to recognize Members under the five-minute rule. Thus where the limitation agreed to is several hours in advance of the expiration of time, the Chair may in his discretion continue to recognize Members under the five-minute rule, rather than allocate the remaining time among all Members desiring to speak or between two Members, subject to any subsequent limitations on time ordered on separate amendments when offered. 97–2, July 29, 1982, p 18569. (See 98–1, July 26, 1983, pp 20943, 20944, where the remaining time was too lengthy to allocate among all Members then present or to divide between two Members.) In such cases, the Chair may in his discretion continue to proceed under the five-minute rule until he desires to allocate the remaining time on possible amendments, and may then divide that time between proponents and committee opponents of amendments before they are offered. 97–1, July 16, 1981, p 16044. Or he may subsequently choose to divide any remaining debate time among those Members standing and reserve some time for the committee to conclude debate. 98–1, Nov. 2, 1983, p 30512.

**§ 16. As to House-Senate Conferences****Recognition to Seek a Conference**

A motion to send a measure to conference is authorized by Rule XX clause 1. See CONFERENCES BETWEEN THE HOUSES. The motion is in order if the appropriate committee has authorized the motion and the Speaker in his discretion recognizes for that purpose. 94–1, Mar. 20, 1975, p 7646. The provisions of that rule—that the Speaker has discretionary authority to recognize for motions to send a bill to conference and that each such motion must be authorized by the committee having jurisdiction over the bill—prevent the use of that motion as a dilatory tactic. 92–2, Oct. 3, 1972, pp 33502, 33509. The motion is in order pursuant to clause 1 of Rule XX only if the Speaker in his discretion recognizes for that purpose. The Speaker will not recognize for the motion where he has referred the Senate amendment in question to the House committee or committees with jurisdiction and they have not yet had the opportunity to consider the amendment. 98–2, June 28, 1984, pp 19770, 19983.

Recognition for debate and control of debate time on the motion, see CONFERENCES BETWEEN THE HOUSES.

**Motions to Instruct Conferees**

Recognition to offer a motion to instruct House conferees on a measure initially being sent to conference is the prerogative of the minority. The Speaker recognizes the ranking minority member of the committee reporting the bill when and if that member seeks recognition to offer the motion after the request or motion to go to conference is agreed to and prior to the Speaker's appointment of conferees. 92–1, Oct. 19, 1971, pp 36832–35; 93–2, Dec. 16, 1974, pp 40174, 40175. Where two minority members of the committee which has reported a bill seek recognition to offer a motion to instruct conferees prior to their appointment by the Speaker, the Chair will recognize the senior minority member of that committee. 99–2, Oct. 10, 1986, p 30181.

Debate on a motion to instruct conferees is equally divided between a majority and a minority member unless both are in favor of the motion, in which case a Member opposed may claim one-third of the time. Rule XXVIII clause 1(b). *Manual* § 909a. If the previous question is voted down on a motion to instruct the managers on the part of the House, the motion is open to amendment and the Speaker may recognize a Member opposed to ordering the previous question to control the time and offer an amendment. 90–2, May 29, 1968, pp 15499, 15511. Division of debate time speci-

fied in clause 1(b) does not apply to an amendment offered to the motion after defeat of the previous question thereon. *Manual* § 909a.

### **Calling Up Conference Reports**

A conference report may be called up for consideration in the House by the senior majority manager on the part of the House at the conference, and he may be recognized to do so even though he did not sign the report and was in fact opposed to it. 90–1, Dec. 6, 1967, pp 35144–51, 35163. If the senior House conferee is unable to be present on the floor to call up the report, the Speaker may recognize a junior majority member of the conference committee. 91–1, Dec. 23, 1969, pp 40982–84. The Speaker may also extend recognition to call up the report to the chairman (6 Cannon § 301) or ranking majority member of the committee with jurisdiction. 90–1, July 17, 1967, p 19032. In one instance, on a conference report considered by House conferees appointed from two House committees on separate portions of a Senate amendment, the conference report was called up by the chairman of one of those committees even though it had not been the primary committee in the House. 97–2, Dec. 21, 1982, pp 33299, 33300.

Recognition to dispose of amendments between the Houses or for debate thereon, see SENATE BILLS; AMENDMENTS BETWEEN THE HOUSES.