

Consideration and Debate

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A. Introductory; Initiating Consideration and Debate**§ 1. In General; In the House****Generally; Initiating Consideration**

Whether and how a matter is to be considered depends on many factors—the way it is brought to the floor, on the nature and precedence of the proposal, and on agreements reached by the leadership and membership on the method of consideration. And the House may reject a proposal to consider a matter by voting solely on the question of consideration. See QUESTION OF CONSIDERATION.

Measures may be called up for consideration pursuant to special rules reported from the Committee on Rules, by motions to suspend the rules, and by unanimous-consent agreements. Certain measures may be called up for consideration in the House as privileged if reported by the appropriate committee (*Manual* §§ 726–728), but where not so reported, such a measure must be called up by some other procedure, such as suspension of the rules or a special rule making the matter privileged. 95–1, Feb. 17, 1977, pp 4579–81; 87–2, Sept. 27, 1962, p 21048. See also 95–2, May 18, 1978, p 14377.

A measure cannot be considered if there is no mechanism under rules of the House that permits such consideration. Except by unanimous consent,

the Speaker has no authority to permit consideration in the House of a matter which is not in order under the rules. 95–1, Feb. 16, 1977, p 4053. House consideration of commemoration bills and certain private bills (Rule XXII clause 2) and measures carrying a retroactive federal income tax rate increase (Rule XXI clause 5) is expressly prohibited.

Generally, questions are not considered on the floor unless reported or discharged from House committees, although the House rules permit the immediate consideration of introduced bills under certain circumstances. §§ 3, 4, *infra*. Certain time periods or “layover” requirements may be a condition precedent to consideration in the House after the committee has reported the matter in question. See COMMITTEES. And even though a committee may have reported a bill favorably, a Member cannot rise and debate it until the Chair has recognized him to do so. See RECOGNITION.

Other factors bearing on consideration include whether the proposal has been referred to the House or Union Calendar, or whether the proposal is called up from a particular special calendar such as the Corrections Calendar (see § 5, *infra*).

Initiating Debate

As a general rule debate is not in order until a motion has been made (5 Hinds §§ 4984, 4985) and stated by the Chair or read by the Clerk (5 Hinds §§ 4982, 4983, 5304). One mechanism for initiating debate on a matter is for a Member to make a motion that is debatable under a specific rule of the House. (See, for example, Rule XXVII clause 3, authorizing forty minutes of debate on a motion to suspend the rules and pass a bill.)

However, debate may be initiated without motion:

- When requests to consider a proposition have been granted. 4 Hinds § 3058.
- When questions of personal privilege are raised. 3 Hinds § 2546.
- When conference reports are considered (5 Hinds § 6517), the question on agreeing being regarded as pending (*Manual* § 550).
- When the Committee of the Whole reports its recommendation to the House. 4 Hinds § 4896.
- When personal explanations are made by unanimous consent. 5 Hinds § 5064.

It should also be noted that debate on a matter may be initiated without motion if such debate is authorized or directed by special rule or if the matter is business being considered from a special calendar that is before the House.

§ 2. Order of Consideration

A general rule for the “daily order of business” is set forth in Rule XXIV, which specifies the sequence in which certain matters are to be taken up. *Manual* § 878. The order of consideration may be varied by unanimous-consent agreements (§ 6, *infra*), and by special orders reported from the Committee on Rules and adopted by the House. Generally, see ORDER OF BUSINESS. See also SPECIAL RULES.

Among the privileged matters which may affect the order of consideration are: (1) general appropriation bills (Rule XVI clause 9), (2) conference reports (Rule XXVIII clause 1(a)) and (3) special orders reported by the Committee on Rules (Rule XI clause 4(b)). *Manual* § 880. Generally, see QUESTIONS OF PRIVILEGE.

Some propositions are privileged for consideration on certain days of the week or month. On any Monday or Tuesday, for example, the Speaker may recognize Members to move to suspend the rules and pass bills. *Manual* § 902. See also § 5, *infra*.

§ 3. Use of Special Rules

A major portion of the legislation taken up in the House is considered pursuant to resolutions, also called “special rules” or “special orders,” reported by the Committee on Rules and adopted by the House. While the general effect of the adoption of a resolution making in order the consideration of a bill is to give to the bill a privileged status (Deschler Ch 21 § 16), the adoption of the resolution making in order the consideration of a bill does not make the consideration mandatory unless so stated in the resolution. The resolution may provide that “the House shall immediately consider” the bill; it may permit the Speaker to declare the House resolved into Committee of the Whole for the consideration of the bill (see Rule XXIII clause 1(b)); it may provide for consideration at some specified time in the order of business. See § 12, *infra*. If the special rule places control over the calling up of the bill in a Member, the consideration of the bill must await the initiative of that Member. See Deschler Ch 21 §§ 20.16, 20.17.

Special rules may provide for the consideration of a bill or resolution in the Committee of the Whole, in the House, or in the House *as in* the Committee of the Whole. See Deschler Ch 21 §§ 20.16, 20.17.

The measure whose consideration is made in order by a special rule may consist of a House or Senate bill or resolution. Deschler Ch 21 §§ 20.5–20.15. A special rule may be limited in scope, as where it applies merely to a specified amendment to a pending bill. 8 Cannon § 2258.

The resolution may waive one or more House rules which impede the consideration of the bill or amendment thereto; and points of order do not lie against the consideration of such a resolution, as it is for the House to determine, by a majority vote on the adoption of the resolution, whether certain rules should be waived. Deschler Ch 21 §§ 16.9–16.14. Generally, see SPECIAL RULES.

§ 4. Consideration Under Suspension of the Rules

A motion to suspend the rules may be used to bring a matter before the House and pass it under Rule XXVII clause 1. 5 Hinds §§ 6846, 6847. Additionally, the motion to suspend may provide for a series of procedural steps, including the reconsideration of a bill already passed, agreement to an amendment, and repassage as amended. 5 Hinds § 6849. The motion may provide for the passage of a bill even if the bill has not been reported or referred to any calendar or even previously introduced. 8 Cannon § 3421. The motion may be used for example:

- To pass a measure submitted from the floor and not considered by a committee. Deschler Ch 21 § 9.19.
- To pass a bill which is pending before a committee but which has not been reported. Deschler Ch 21 § 9.
- To pass a Senate bill similar to a House bill. Deschler Ch 21 § 9.3.
- To take a bill from the Speaker's table and agree to Senate amendments (8 Cannon § 3425) or amend Senate amendments (93–1, Dec. 20, 1973, p 42883).
- To pass a Senate measure as amended, insist on the House amendment and request a conference. See 103–2, Mar. 24, 1994, p ____.
- To waive a rule of the House. 5 Hinds § 6862.

The motion to suspend the rules as authorized by House Rule XXVII clause 1 is privileged (*Manual* § 902), but is in order only on the days specified by the rule or when the House by unanimous consent or rule gives the Speaker authority to recognize for such motions on other days of the week. In any case, recognition to make the motion is within the discretion of the Speaker. The motion is debatable for 40 minutes, is not amendable, and requires a two-thirds vote for adoption. See SUSPENSION OF RULES.

§ 5. Role of Calendars

Generally

The House maintains various calendars to facilitate the consideration of different classes of legislative business. The primary calendars are (1) the Union Calendar, for business to be taken up in the Committee of the Whole,

(2) the House Calendar, for matters to be considered in the House, (3) the Private Calendar, to which all reported private bills are referred, and (4) the Corrections Calendar. Most legislative business reported from committee is referred to one of these calendars. *Manual* § 742. In addition the House maintains a Discharge Calendar for motions to discharge a committee (*Manual* § 908).

The Corrections Calendar

The transaction of business by a call of the Corrections Calendar is authorized by Rule XIII clause 4. This rule, adopted in the 104th Congress, establishes a procedure under which certain bills and resolutions may be considered on the second and fourth Tuesdays of each month. The rule permits the Speaker, after consultation with the Minority Leader, to file a notice with the Clerk requesting that a bill be placed on the calendar, where the bill has been reported and is on either the House or Union Calendar. *Manual* § 745a.

Measures on the Corrections Calendar are called in numerical order, following the Pledge of Allegiance in the order of business, after they have been on the calendar for three legislative days and require a three-fifths vote for passage. *Manual* § 746. See also CALENDARS.

§ 6. Consideration by Unanimous Consent

The House, pursuant to a unanimous-consent agreement, sometimes permits the consideration of a bill that is not otherwise in order under the rules, for example, one not yet introduced. 97–1, July 17, 1981, p 16315; 97–2, June 23, 1982, p 14989. A request for unanimous consent to consider a bill is in effect a request to suspend the order of business temporarily. Any Member may object or demand the “regular order.” 4 Hinds § 3058. The Speaker may in his discretion decline to recognize a Member who rises to seek the consent of the House to such an agreement. 97–1, July 17, 1981, p 16315.

The Speaker may decline recognition where the Member making the request has failed to comply with the Speaker’s policy that he and the party leaders be notified in advance of the intention to submit unanimous-consent requests for changes in the order of business. 6 Cannon § 708; Deschler Ch 23 § 44.1. In recent years, the Speaker has consistently declined to recognize Members to seek consideration of bills by unanimous consent unless assured that the majority and minority elected floor leaderships and subcommittee and ranking minority members have no objection. See *Manual* §§ 757, 881, for discussion of various situations in which the Speaker has declined recognition for unanimous-consent consideration of a measure. The Speaker’s

authority to decline to recognize individual Members to request unanimous consent for the consideration of bills derives from clause 2 of Rule XIV, which confers the general power of recognition on the Speaker. 98–2, Jan. 26, 1984, pp 449, 450.

By unanimous-consent agreement, it may be made in order to consider a bill “under the general rules of the House.” 87–1, July 31, 1961, p 14050; see also 91–1, Mar. 27, 1969, p 7895. If on the Union Calendar the bill will then normally be considered in the Committee of the Whole; however, the bill may be called up pursuant to the agreement and then by unanimous consent considered in the House *as in* Committee of the Whole. 91–1, Apr. 1, 1969, p 8136.

A unanimous-consent agreement permitting the consideration of a measure may specify the time at which the measure is to be called up—either immediately or on a subsequent day—and may also limit the duration of debate, provide how it is to be divided, waive certain points of order, and make provision for the number and kinds of amendments and motions that may be offered. 97–2, June 23, 1982, p 14989; 99–1, Dec. 12, 1985, p 36174.

This unanimous-consent procedure may be applied across a wide range of House legislative business. It may be used:

- To call up for consideration a nonprivileged resolution. Deschler Ch 23 § 47.4.
- To consider a bill under the general rules of the House. 87–1, July 31, 1961, p 14050; 91–1, Mar. 27, 1969, p 7895.
- To call up as privileged a bill not otherwise in order. 92–1, Sept. 29, 1971, p 33826; 95–1, Feb. 17, 1977, pp 4579–81.
- To agree to a special order for the consideration of certain business. 4 Hinds §§ 3165, 3166; 7 Cannon §§ 758–760.
- To permit consideration in the House on any subsequent day of a bill to be introduced by the Chairman of the Appropriations Committee. 97–2, June 23, 1982, p 14989.
- To discharge the Committee on Appropriations from consideration of a joint resolution continuing appropriations. 99–1, Dec. 12, 1985, p 36174.
- To discharge the Committee of the Whole from further consideration of a bill being read for amendment under a special order, and agreeing that certain amendments be considered as agreed to. 98–1, Nov. 18, 1983, p 34160.

- To consider a bill reported from the Committee on Ways and Means extending the public debt limit, and waiving all points of order against the bill and a committee amendment thereto. 98–2, June 27, 1984, pp 19076, 19077.
- To consider a measure in the House under provisions ordering the previous question on the bill and amendments to final passage without intervening motion except one motion to recommit. 98–2, June 27, 1984, pp 19076, 19077.

Unanimous-consent procedures generally, see UNANIMOUS-CONSENT AGREEMENTS.

§7. In Committee of the Whole

The Committee of the Whole considers business on the Union Calendar—that is, public bills. 4 Hinds § 4705; Deschler Ch 19 § 1. Bills raising revenue, general appropriation bills, and bills of a public character appropriating money or property, are referred to this calendar. *Manual* § 742. Although the jurisdiction of the Committee is devoted primarily to the consideration of public bills, other matters may be taken up in the Committee pursuant to House order. Even measures on the House Calendar may be taken up in the Committee of the Whole by unanimous consent or pursuant to a special rule, including propositions to change the rules of the House. 4 Hinds § 4822; 91–2, July 13, 1970, p 23901; 93–2, Sept. 30, 1974, p 32953.

Legislative measures are referred to the Union Calendar for subsequent consideration in the Committee of the Whole by the Speaker. Their consideration therein is governed by special rules reported by the Committee on Rules or by the standing rules applicable to the Committee of the Whole. See Rule XXIII.

The House may agree to resolve into the Committee pursuant to a special rule, by unanimous-consent agreement, or by motion. 4 Hinds § 3214; 7 Cannon §§ 783, 794; Deschler Ch 19 § 4. And when no other business is pending, the Speaker is authorized under a rule adopted in 1983 to declare the House resolved into the Committee to consider a measure if the House has previously adopted a special order providing for its consideration, unless the special order specifies otherwise. *Manual* § 862. Since this rule was adopted, it has become the most frequently used mechanism for resolving into the Committee for the consideration of nonprivileged bills. For first use, see 98–1, July 14, 1983, p 19133.

Under some circumstances, the House *automatically* and without motion or declaration resolves itself into the Committee of the Whole to consider a measure. This occurs, for example, when a special rule from the Commit-

tee on Rules provides for the immediate consideration of the measure in the Committee of the Whole. 7 Cannon §§ 783, 794; Deschler Ch 19 § 4.1.

For more comprehensive discussion, see COMMITTEES OF THE WHOLE.

§ 8. In the House as in Committee of the Whole

Bills and other measures are sometimes taken up by the House when it sits “as in” Committee of the Whole. *Manual* § 427. This practice permits consideration of a measure under the five-minute rule rather than the hour rule, and without general debate. 4 Hinds § 4924; *Manual* § 424. The Speaker remains in the Chair, and a quorum of the House (and not of the Committee of the Whole) is required. 6 Cannon § 639. The measure is considered to have been read for amendment, and is open to amendment at any point. 91–2, Aug. 10, 1970, p 28050. See also COMMITTEES OF THE WHOLE.

A motion to close debate on the pending measure (or an amendment) is in order. 93–1, June 26, 1973, p 21314. The measure may be brought to a vote pursuant to the motion for the previous question (4 Hinds §§ 4926–4929), and a motion to reconsider will lie (8 Cannon § 2793).

The normal method for initiating consideration in the House as in the Committee of the Whole is by unanimous consent. A motion that a proposition be considered under that procedure is not in order. 4 Hinds § 4923; *Manual* § 424. On occasion, a special rule from the Committee on Rules has provided for the consideration of a proposition in the House as in the Committee of the Whole. 93–2, Dec. 18, 1974, p 40858.

§ 9. Limitations on Debate; Nondebatable Matters

Generally; Time Limitations

Debate is subject to many limitations under the rules of the House and its precedents. Most of the limitations imposed by House rule are time limitations—that is, limitations on the duration of time that is allowed to debate a particular proposition. These include, for example, the hour rule (*Manual* § 758), the 40-minute rule (*Manual* §§ 805, 907), the 20-minute rule (*Manual* § 908), the 10-minute rule (*Manual* § 874), the five-minute rule (*Manual* § 870) and the time limits that are imposed on the one-minute speeches or special-order speeches that are often permitted when no legislative business is pending (*Manual* § 754). For more detailed discussion, see §§ 44–50, *infra*.

Most of these are rules of general applicability that may be invoked at any time under the conditions specified by the particular rule. In addition, the House may adopt a special rule from the Committee on Rules which places limits on the duration of debate on a particular legislative proposal.

This practice enables the House, by majority vote, to specify a relative short or relatively long period of time for debate, depending on the complexity of the proposed measure.

Unless otherwise provided by House rule or by a special rule from the Committee on Rules, a proposition brought before the House is debated under the hour rule. §§ 44, 45, *infra*. However, the various motions which may apply to a proposition often carry their own time limitations for debate and in some instances preclude debate entirely. The motions for the previous question or to lay on the table, for example, are not debatable. *Manual* § 782.

Matters Not Subject to Debate

The relevant standing rule and the precedents on a motion or question must be consulted in order to determine whether debate thereon is precluded. The checklist below shows examples of questions that are not subject to debate.

- A motion that the Journal be read in full. *Manual* § 621.
- Motions to go into Committee of the Whole. 4 Hinds §§ 3062, 3078; 6 Cannon § 716.
- Motions that the Committee of the Whole rise and report. 4 Hinds §§ 4766, 4782; Deschler Ch 19 § 22.4.
- Motions for a call of the House (6 Cannon § 683), or incidental to a call of the House (6 Cannon § 688). See also *Manual* § 771a.
- Resolutions authorizing the Sergeant at Arms to arrest absentees. 6 Cannon § 686.
- Motions to fix the day to which the House shall adjourn. 5 Hinds §§ 5379, 5380; 8 Cannon § 2648; *Manual* § 784.
- Resolutions providing for a *sine die* adjournment or for adjournment to a day certain. 90–1, Aug. 28, 1967, p 24201; 93–2, Dec. 20, 1974, p 41815.
- Motions to adjourn or to adjourn *sine die*. 98–2, Oct. 11, 1984, p 32232; *Manual* § 782.
- Motions to lay on the table. 6 Cannon § 415; 8 Cannon § 2465; 98–2, Oct. 4, 1984, pp 30042, 30043.
- Motions to reconsider an undebatable proposition. 5 Hinds §§ 5694–5699; 96–1, Sept. 20, 1979, pp 25512, 25513.
- Motions to close general debate (5 Hinds § 5203) or to limit five-minute debate. 95–1, May 18, 1977, p 15418.
- Motions to strike unparliamentary language from the Record. 6 Cannon § 617; 96–1, June 12, 1979, p 14461.
- Incidental questions of order after a demand for the previous question. *Manual* § 811.
- Incidental questions of order rising during a division. 5 Hinds § 5926.

§ 10

HOUSE PRACTICE

- Motions that the Committee of the Whole take up a bill out of calendar order. 8 Cannon §§ 2331, 2333.
- Motions for a change of reference of a bill. *Manual* § 854.
- The question of consideration. 73–2, June 1, 1934, p 10239.
- Questions relating to the priority of business. *Manual* § 900.
- Appeals from a decision of the Chair on the priority of business. 5 Hinds § 6952; *Manual* § 900.
- Appeals from a decision of the Chair on relevancy. 5 Hinds §§ 5056–5063.
- Appeals from a decision of the Chair on the dilatoriness of motions. 5 Hinds § 5731.
- Amendments to the title of a bill. 8 Cannon § 2907; *Manual* § 822.
- Questions as to admissibility of evidence in impeachment trials. 6 Cannon § 490.

B. Control and Distribution of Time for Debate

§ 10. In General; Role of Manager

Under a practice of long-standing, one or more designated Members manage a bill during its consideration in the Committee of the Whole and on the floor of the House. Such managers are normally designated by the committee reporting the measure. Typically, it will designate two managers, a senior majority member of the committee (or subcommittee)—often its chairman—and senior minority member of the committee (§ 14, *infra*).

The majority manager of a bill has procedural advantages enabling him to expedite its consideration and passage. He is entitled to the prior right to recognition unless he surrenders or loses control or unless a preferential motion is offered by an opponent of the bill. See *RECOGNITION*. If the bill is to be taken up in the House, the manager offers it and he is ordinarily entitled to one hour of debate, which he may in his discretion yield to other Members. See § 15, *infra*. He may at any time during his hour move the previous question, thereby bringing the matter to a vote and terminating further debate, unless he has yielded control of half the debate time to the minority. See § 45, *infra*. See also *PREVIOUS QUESTION*.

The manager of a bill enjoys a similar advantage in the Committee of the Whole where the bill is being considered by a special rule or unanimous-consent agreement. General debate therein is controlled and divided by the Members in charge. When the bill is read for amendment in the Committee, the managers have the prior right to recognition and may move to close or to limit debate or move that the Committee rise. Similarly, if the bill is taken up in the House *as in* the Committee of the Whole, priority

of recognition is extended during debate to members in charge of the bill from the reporting committee. See RECOGNITION.

§ 11. Distribution and Alternation

The distribution of available time for debate, and the alternation of time between majority and minority members, is governed by principals of comity and by House tradition, as well as by standing rules of the House and by special rules from the Committee on Rules. A division of time for debate on certain motions may be required and an opposition Member may claim a priority to control half the time. See Rule XXVII clause 2 (requiring a division of time for debate on a motion to suspend the rules). *Manual* § 907. Time may be claimed by a Member opposed on conference reports, motions to instruct conferees and amendments reported from conference in disagreement. Rule XXVIII.

The Chair alternates recognition between those favoring and those opposing the pending proposition where a rule or precedent gives some control to an opponent, or traditionally between the parties where time is limited. Special rules commonly divide control of general debate time equally between the majority and minority parties; “modified rules” governing the amendment process commonly divide such control between a proponent and an opponent of the amendment in the modern practice. When a special rule itself is being considered, the majority floor manager customarily yields half of the time to the minority. Alternation generally, see RECOGNITION.

§ 12. Management by Committee

Once a measure has been approved by a standing committee of the House, its chairman has a duty under the rules to report it promptly, and to take steps to have the matter considered and voted upon. Rule XI clause 2. When the measure is called up, the reporting committee manages the bill during the various stages of its consideration. The designated managers from the committee, and then other members of the committee in order of seniority, have priority of recognition at all stages of consideration. See RECOGNITION. If the chairman is opposed to the bill, the responsibility for managing the bill may be delegated to the ranking majority member of the committee. 90–1, June 14, 1967, p 15822. The chairman may also relinquish control where the Committee of the Whole has adopted amendments to the bill to which he is opposed. 84–2, July 5, 1956, p 11849. Such delegation of control is ineffective where challenged unless communicated to the Chair. 88–2, Jan. 31, 1964, p 1538.

Where the measure falls within the jurisdiction of two standing committees, the chairman of one of them may yield to the chairman of the other committee to control part of the available time and to move the previous question. 91–2, May 13, 1970, pp 15291–97.

A member of the committee in charge of a bill is entitled to close debate on an amendment. Ordinarily the manager of a bill or other representative of the committee position—and not the proponent of an amendment—has the right to close debate on an amendment. This remains true where debate has been limited and allocated in Committee of the Whole. 8 Cannon § 2581; 99–1, July 10, 1985, p 18496; 100–2, May 2, 1988, p 9638; 100–2, May 5, 1988, pp 9961, 9962. Even the minority manager may claim this right, if he represents the committee. 99–2, Aug. 14, 1986, p 21660; *Manual* § 762. This practice when debating amendments under the five-minute rule is at variance from the provisions of clause 6, Rule XIV which otherwise provides that the mover, proposer or introducer of the pending matter has the right to speak in reply after all others have spoken.

§ 13. Designation of Managers

The committee reporting a measure ordinarily designates the Members who will control debate on the floor when the measure is called up for consideration. See for example, 76–3, June 6, 1940, p 7706. However, managers are sometimes designated by special rule from the Committee on Rules (§ 14, *infra*), or by the Chair if the proposition is not being considered pursuant to a special rule. 91–1, July 30, 1969, p 21420. If the special rule does not specifically designate the Members in control, or if the designated managers are absent, the Chair may in his discretion recognize a committee member to control debate. 91–1, Dec. 23, 1969, p 40982. Control may also be fixed by unanimous consent. 89–2, May 26, 1966, p 11608.

§ 14. Effect of Special Rules

Generally

The designation of certain Members to control debate on a measure is frequently provided for by special rule from the Committee on Rules. Typically the Committee on Rules will draft a special rule that provides that debate be equally divided and controlled by the chairman and ranking minority member of the reporting committee. See, for example, 84–1, Apr. 26, 1955, p 5119. That control can be delegated to a designee.

Dividing Debate Between Multiple Committees

A special rule from the Committee on Rules may specify that debate be divided between and controlled by two or more standing committees. See 91–2, Nov. 24, 1970, p 38746; 94–2, May 19, 1976, p 14377. The special rule may provide that debate be controlled by the chairmen and ranking minority members of the several committees reporting a bill, with the sequential committees controlling a lesser amount of time. 94–2, July 30, 1976, p 24777. Debate may also be divided between the standing committee reporting a bill and a permanent select committee. 95–1, Sept. 9, 1977, p 28367.

Where a special rule divides the control of general debate on a bill among the chairmen and ranking members of two standing committees, but does not specify the order of recognition, the Chair may exercise his discretion. He may allow one committee to use its time, then go to the other or may rotate between the four managers.

If the rule divides control of debate among a primary reporting committee and several sequentially reporting committees in a designated order, the Chair may allocate time between the chairman and ranking minority member of each committee in the order listed if and when present on the floor, and permit only the primary committee to reserve a portion of its time to close general debate. 97–2, June 17, 1982, p 13991. Under these circumstances, the sequential committees are required to utilize all of their time prior to the closing debate by the primary committee. 99–1, Dec. 5, 1985, pp 34638, 34644.

Division of Time Between a Member in Favor and a Member Opposed

In the event that a specified amount of time is equally divided and controlled on an amendment between the proponent of the amendment and a Member opposed thereto, only one Member may be recognized to control the time in favor of the amendment and only one Member may be recognized to control the time in opposition, though each may in turn yield blocks of time to other Members. *Pro forma* amendments are not permitted unless so specified. Compare 99–2, Aug. 11, 1986, pp 20678, 20679; 99–2, Aug. 14, 1986, p 21655. Debate time on the amendment having been divided between the proponent and an opponent, the Chair may in his discretion recognize the manager of the bill if opposed, there being no requirement for recognition of the minority party. 99–2, June 18, 1986, pp 14275, 14276. Indeed, the Chair ordinarily recognizes the chairman of the committee managing the bill if he qualifies as opposed to the amendment. 97–2, Aug. 5, 1982, p 19653.

A special rule may provide that, after general debate divided between the chairman and ranking minority member of the reporting committee, a certain amount of time for general debate be divided and controlled by a Member in favor of and a Member opposed to a certain section of the bill. 96–1, Sept. 13, 1979, pp 24168, 24192. In one instance, the House adopted a special rule providing for one hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the reporting committee, and two hours to be divided and controlled by Members to be designated by the chairman. 95–2, July 31, 1978, p 23451.

§ 15. Yielding Time—For Debate

In General; Who May Yield

In an earlier era, a Member could not yield debate time without losing his right to reoccupy the floor. A Member could not yield the floor unless he yielded it unconditionally. 5 Hinds §§ 5023, 5026. That practice began to change with the adoption of the hour rule for debate. 5 Hinds § 5021.

Under current practice, a Member controlling the time during general debate may yield time for debate to others, take his seat, and still retain the right to resume debate or move the previous question. 8 Cannon § 3383. The yielding of time for general debate is discretionary with the Members who have control thereof. 86–1, Aug. 12, 1959, p 15678; 98–2, Aug. 2, 1984, p 22241. A Member may not yield for purposes of debate where he has risen merely to make or reserve a point of order. 99–1, Oct. 1, 1985, p 25419.

A Member who seeks yielded time should address the Chair and request the permission of the Member speaking (84–2, June 29, 1956, p 11455). Where a Member interrupts another Member during debate without being yielded to the time consumed by his remarks will not be charged against the debate time of the Member controlling the floor and the remarks are not carried in the Record. 99–1, Feb. 7, 1985, p 2229. A Member may yield to another for a parliamentary inquiry, but the time consumed by the inquiry and the response of the Chair do come out of the time of the Member yielding. See 88–2, Feb. 5, 1964, p 1998.

The time used during yielded time is ordinarily charged against the Member with the floor. 92–2, June 1, 1972, p 19476. Unused remaining time reverts to the yielding Member. 99–1, Mar. 4, 1985, pp 4280–83.

In the House

The Member in control of general debate in the House under the hour rule may in his discretion yield for debate. See 82–1, May 17, 1951, pp

5435–45; 86–1, Aug. 12, 1959, p 15678; 91–2, Aug. 10, 1970, p 28005. Indeed, although not required to do so by standing rule, majority members in control under the hour rule frequently yield one-half the time to the minority in order that full debate may be had. 87–1, Aug. 8, 1961, p 14947; 87–2, Aug. 29, 1962, pp 18029–36. Of course, the yielding of time must be consistent with any division of time that is required by House rule or a special rule from the Committee on Rules.

Debate time yielded back by a Member to whom time has been yielded under the hour rule reverts to the Member in control of the hour. 99–1, Mar. 4, 1985, pp 4280–83.

In Committee of the Whole

In the Committee of the Whole, a Member in control of time for general debate may yield a block of time (up to one hour) to another Member. 97–1, May 4, 1981, p 8331.

During five-minute debate Members may yield, as for a question or comment, but may not yield blocks of time. 5 Hinds §§ 5035–5037; 100–1, May 8, 1987, p 11832. A Member yielding to a colleague during debate under the five-minute rule should remain standing to protect his right to the floor. 88–2, Mar. 12, 1964, p 5100. If a Member uses only part of his time, his five-minute period is treated as exhausted, cannot be reserved, and another Member cannot claim recognition for the unused time. 8 Cannon § 2571. But where debate on an amendment is limited or allocated by a unanimous-consent agreement or motion, or by a special rule, to a proponent and an opponent, the five-minute rule is abrogated and the Members controlling the debate may yield and reserve time. *Manual* § 873.

Yielding During Debate on Special Rules

The traditional practice with regard to resolutions from the Committee on Rules providing special rules for the consideration of measures is for the Member in charge of the resolution to yield one-half of the time to the minority who then may yield specified portions thereof. While the minority member of the Committee on Rules to whom one-half of the debate time is yielded customarily yields portions of that time to other Members, another Member to whom a portion of time is yielded may in turn yield blocks of that time only by unanimous consent. 94–2, Jan. 29, 1976, p 1632. However, where a Member has been recognized under the hour rule following refusal of the previous question on such a resolution, he has control of the time and is under no obligation to yield half of that time as is the customary practice of the Committee on Rules. 89–2, Oct. 19, 1966, pp 27713–29.

Yielding Time During Yielded Time

A Member to whom time has been yielded during debate under the hour rule in the House may, while remaining on his feet, yield to a third Member for comments or questions but may not in turn yield blocks of time. Where a Member is yielded time in the House for debate only, he may not yield to a third Member for purposes other than debate. 91–2, Aug. 10, 1970, p 28005; 92–1, Nov. 8, 1971, pp 39889, 39892.

A Member to whom a specific amount of time has been yielded for debate in the House may not, in turn, yield a portion of that allotted time to a third Member except by unanimous consent. 99–2, Aug. 6, 1986, p 19349. A similar rule is followed in the Committee of the Whole. While a Member in control of time for general debate may yield time to another Member, that Member in turn may yield a block of time to a third Member only by unanimous consent. 97–1, May 4, 1981, p 8331.

§ 16. — Yielding for Amendment**In General**

A Member controlling debate in the House on a measure may yield to another to offer an amendment (89–1, Sept. 17, 1965, p 24290), despite his prior announced intention not to yield for such purpose (92–1, Apr. 29, 1971, pp 12489, 12504). A Member to whom time is yielded for the purpose of offering an amendment is recognized in his own right to discuss the amendment. 8 Cannon §§ 2471, 2478. The Member offering the amendment is recognized for an hour and may himself yield time. 89–1, Sept. 17, 1965, p 24290.

A measure being considered in the House is not subject to amendment by a Member not in control of the time unless the Member in control yields for that purpose. 89–1, Jan. 4, 1965, p 20. A Member may not offer an amendment in time secured for debate only (8 Cannon § 2474), or request unanimous consent to offer an amendment unless yielded to for that purpose by the Member controlling the floor. *Manual* § 750.

Loss of Control by Yielding Member

A Member may not yield to another Member to offer an amendment without losing the floor. 5 Hinds §§ 5021, 5030, 5031; 8 Cannon § 2476; *Manual* § 750. Where a Member controlling the time on a measure in the House yields for the purpose of amendment, another Member may move the previous question on the measure before the Member yielded to is recognized to debate his amendment. 92–1, Nov. 8, 1971, p 39944. The previous question takes precedence over an amendment. See Rule XVI clause 4.

Manual § 782. If the Member calling up a measure offers an amendment and then yields to another Member to offer an amendment to his amendment, he loses the floor and the Member to whom yielded is recognized for one hour and may move the previous question on the amendments and on the measure itself. 95–1, Dec. 6, 1977, p 38393.

Under the Five-minute Rule

A Member recognized under the five-minute rule may not yield to another Member to offer an amendment. It is the prerogative of the Chair to recognize Members offering amendments under the five-minute rule. 93–1, Apr. 19, 1973, p 13240; 95–2, May 18, 1978, p 14410; 95–2, July 13, 1978, p 20653; *Manual* § 750. However, a Member recognized under the five-minute rule may by unanimous consent yield the balance of his time to another Member who may thereafter offer an amendment when separately recognized by the Chair for that purpose. 94–1, Oct. 30, 1975, p 34442.

A Member offering a pro forma amendment under the five-minute rule may not yield to another Member during that time to offer an amendment. 97–2, July 29, 1982, p 18593.

§ 17. Interruptions; Losing or Surrendering Control

In General

A Member may interrupt another Member in debate only if yielded to. 95–2, Oct. 14, 1978, p 38378. A Member desiring to interrupt another in debate should address the Chair to obtain the permission of the Member speaking. 87–1, June 7, 1961, p 9681. The Member speaking may then exercise his own discretion as to whether or not to yield. The Chair will take the initiative in preserving order when a Member declining to yield in debate continues to be interrupted by another Member. 98–2, July 26, 1984, p 21247.

A Member in control of time during House debate may voluntarily surrender the floor by simply so stating (90–1, June 14, 1967, p 15822), or by withdrawing the measure he is managing (88–2, Apr. 8, 1964, pp 7302–04).

A Member loses the floor if he yields for other legislative business (8 Cannon § 2468) or for an amendment (§ 16, *supra*). A Member may also lose the floor if he is ruled out of order for disorderly language. 88–1, Oct. 31, 1963, p 20742.

A Member may be interrupted by a point of order or by the presentation of privileged matter, such as a conference report. 5 Hinds § 6451; 8

Cannon § 3294. In addition, it is customary for the Speaker to request a Member to yield for the reception of a message. *Manual* § 750.

While a motion proposed by the Member in charge may be displaced by a preferential motion, a Member may not by offering such motion deprive the Member in charge of the floor. 8 Cannon § 3259. A Member having the floor may not be deprived of the floor and taken off his feet:

- By a motion to adjourn. 5 Hinds §§ 5369, 5370; 8 Cannon § 2646.
- By a demand for the previous question. 8 Cannon § 2609.
- By a question of personal privilege. 5 Hinds § 5002; 8 Cannon § 2459; 98–1, Sept. 29, 1983, pp 26508, 26509.

Interruptions for Parliamentary Inquiries

A Member may not be interrupted by another for a parliamentary inquiry without his consent. 8 Cannon §§ 2455–2458; 90–1, July 17, 1967, p 19033. An interruption for a parliamentary inquiry is not in order unless the Member having the floor yields for that purpose. 99–1, Feb. 25, 1985, pp 3345–47. Nor will he lose control of the floor if he does yield for that purpose, since he retains the right to resume. Thus, a Member who has been yielded time for a parliamentary inquiry may not during his inquiry move that the House adjourn, for that would deprive the Member holding the floor of his right to resume. 88–2, June 3, 1964, p 12522.

Where the Member controlling the time yields to another for debate, the latter may, during the time so yielded, propound a parliamentary inquiry (90–1, July 17, 1967, p 19033) and the time consumed to state and answer the inquiry is deducted from his time for debate. 94–1, Sept. 25, 1975, p 30196. And when the Member holding the floor during general debate yields solely for a parliamentary inquiry, the time continues to run against him. 90–1, Mar. 1, 1967, p 4997; 90–1, July 17, 1967, p 19033. However, when the Chair entertains a parliamentary inquiry before the Member managing the pending measure in the House has been recognized for debate, the time consumed by the inquiry does not come out of his time. 99–2, Oct. 8, 1986, pp 29714, 29715.

C. Relevancy in Debate

§ 18. In General; In the House

Under the House rules, a Member addressing the House must “confine himself to the question under debate. . . .” Rule XIV clause 1. *Manual* § 749. This rule, which was adopted in 1811 (5 Hinds § 4979), enables the House to expedite proceedings when a specific proposition is before it for

action. 5 Hinds §§ 5043–5048; 8 Cannon § 2481; *Manual* § 752. The rule is directed against irrelevant discussion, not mere redundancy. Although Jefferson’s *Manual* enjoins superfluous or tedious remarks, in practice the House has never suppressed debate of this character, the hour rule being regarded as sufficiently restrictive in that regard. *Manual* § 359.

Rule XIV clause 1 requires that debate be related to the pending measure. Thus, debate on a reported resolution pending before the House should be confined thereto, and should not be extended to an unreported bill even though on the same subject. 5 Hinds § 5053. Likewise, where an amendment is before the House, debate should be confined to that amendment, and should not include discussion of the general merits of the bill. 5 Hinds §§ 5049–5051. The rule is applicable to debate on private bills (8 Cannon § 2590) and to bills on the Corrections Calendar (104–1, Nov. 14, 1995, p ____; 104–2, Mar. 12, 1996, p ____).

It was the custom of the earlier Speakers to hold the Member speaking strictly to the question before the House, without waiting for the point to be made on the floor. See 5 Hinds § 5043 (note). Under modern practice the Speaker rarely calls to order, on his own initiative, a Member speaking to an unrelated question, but waits for a point of order to be made. 101–2, Sept. 27, 1990, p ____.

Some Speakers have applied the rule of relevancy with more tolerance and latitude than other Speakers. Compare 88–1, Dec. 10, 1963, p 23968 (Speaker McCormack), and 5 Hinds § 5048 (Speaker Reed). And a Member is sometimes permitted to discuss matters other than the pending measure by unanimous consent. 95–2, Sept. 25, 1978, p 31197. Absent unanimous consent, if a point of order is made and sustained, the Speaker must direct the Member speaking to confine his remarks to the question (5 Hinds §§ 5044–5048) and to maintain an ongoing “nexus” between the pending bill and broader policy issues (104–1, Nov. 14, 1995, p ____; 104–2, Mar. 12, 1996, p ____).

The relevancy requirement of Rule XIV is applicable to floor debate on pending propositions. It is not applicable to a Member making a one-minute or special-order speech. See § 51, *infra*.

When a resolution reported from the Committee on Rules is pending, debate must be confined to that special rule and to the merits of the bill made in order thereby. 94–2, Aug. 5, 1976, p 25778; 102–1, Oct. 1, 1991, p ____.

But debate should not extend to the merits of a bill that is not to be considered under the special order. 101–2, Sept. 27, 1990, p ____.

Debate on a question of personal privilege must be confined to the statements or issue which gave rise to the question of privilege (5 Hinds §§ 5075–5077; 6 Cannon §§ 576, 608; 8 Cannon §§ 2448, 2481; 98–2, May

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31, 1984, p 14623). Debate on a privileged resolution recommending disciplinary action against a Member, may include comparisons with other such actions taken by or reported to the House for purposes of measuring the severity of punishment, but should not extend to the conduct of another Member not the subject of a committee report. 100–1, Dec. 18, 1987, p 36271.

§ 19. In Committee of the Whole—General Debate

In the Committee of the Whole, during the general debate which precedes the reading of the bill for amendment under the five-minute rule, a Member is allowed great freedom and latitude in debate. “Anything may be discussed which may by the liveliest imagination be supposed to relate to the state of the Union in any particular or in any degree, however remote.” 8 Cannon § 2590. However, such license is normally suppressed by the special rule or other House order setting the duration and scope of the debate. 5 Hinds §§ 5233–5238; 8 Cannon § 2590; 93–2, June 28, 1974, pp 21743, 21744.

§ 20. — Under the Five-minute Rule

Debate under the five-minute rule in Committee of the Whole must be confined to the pending amendment when that point of order is raised; this is so even if a Member is attempting to respond to previous extraneous remarks in debate against which no point of order was raised. 97–2, Sept. 23, 1982, p 24968. A Member must confine himself to the subject of the amendment and its relation to the bill. 5 Hinds §§ 5240–5256. 88–2, Jan. 21, 1964, p 755. Debate is confined to the subject then pending (91–1, Sept. 4, 1969, p 24372), even on *pro forma* amendments (8 Cannon § 2591). However, a Member may speak to another subject by unanimous consent. This is permitted even where the Committee is proceeding pursuant to the provisions of a special rule permitting only designated amendments to be offered. 95–1, Aug. 3, 1977, p 26483.

D. Disorder in Debate

§ 21. In General

Generally

Among the oldest rules of the House are those which authorize the Speaker to maintain order and decorum in the House (Rule 1 clause 2, *Manual* § 622) and to call a Member to order where he has transgressed the rules of the House “in speaking or otherwise” (Rule XIV clause 4, *Manual*

§ 760). This language makes it clear that Members must not only follow all the rules and requirements for the conduct of business in the House, but must also observe the principles of decorum and courtesy in debate, as set forth in Rule XIV (*Manual* §§ 749 *et seq.*), and by related provisions in *Jefferson's Manual* (see §§ 353 *et seq.*).

Time consumed by proceedings incident to a call to order is not charged against the time of the Member under recognition. 102–2, Oct. 3, 1992, p ____.

A Member may be called to order during debate in the House, and another Member may make timely demand that the words used be taken down and read aloud at the Clerk's desk. The Chair then rules as to whether the words or actions of the Member are disorderly. Whether the offending Member is to be allowed to proceed in order or is to be disciplined is determined by vote of the House. (§§ 26 *et seq.*, *infra.*)

Disorderly Acts

Decorum in the conduct and behavior of Members on the floor of the House is governed in part by Rule XIV clause 7. *Manual* § 763. Prohibited conduct under the rule includes:

- Walking out of or across the hall while the Speaker is addressing the House.
- Passing between the Chair and a speaking Member.
- Wearing a hat.
- Using personal electronic office equipment, including cellular phones and equipment.
- Remaining by the Clerk's desk during roll calls.
- Smoking.

A Member's comportment may constitute a breach of decorum even though the content of that Member's speech is not, itself, unparliamentary. 103–2, July 29, 1994, p ____.

Demonstrations of approval or disapproval, such as applause, are not a part of the proceedings of the House. 79–1, Mar. 6, 1945, pp 1789 *et seq.* While a Member has the floor, he may not request Members to act contrary to the rules, such as showing hands or rising in support of a certain measure. 84–1, May 5, 1955, p 5778.

The Chair may entertain a demand to clear the well in the event of disorder therein. 88–1, Dec. 9, 1963, p 23831. The Sergeant at Arms attends the sittings of the House and the Committee of the Whole and maintains order under the direction of the Speaker or Chairman. Rule IV clause 1. *Manual* § 648. See also 1 Hinds § 257.

Acts of physical violence by one Member or between two Members during or after heated debate have occurred. 2 Hinds §§ 1642, 1643. For other instances involving altercations between Members, see 2 Hinds §§ 1644, 1655, 1656; 88–1, Oct. 29, 1963, p 20413. Assaults or affrays in the Committee of the Whole are dealt with by the House. 2 Hinds §§ 1648–1651.

Attire

The Speaker has announced as proper the customary traditional attire for Members, including a coat and tie for male Members and appropriate attire for female Members, when in attendance in the House Chamber. In one instance, the Speaker refused to recognize for debate a Member in violation of the practice that Members were expected to follow traditional standards of dress, and requested the Member in question to remove himself from the floor and don proper attire. The House subsequently agreed to a resolution, offered as a question of privilege of the House, requiring Members to wear proper attire as determined by the Speaker, and denying non-complying Members the privilege of the floor. 96–1, July 17, 1979, p 19008.

Exhibits and Charts; Badges

While Members are permitted to use exhibits such as charts during debate (subject to the permission of the House under Rule XXX), the Speaker's responsibility to preserve decorum requires that he disallow the use of exhibits in debate which would be demeaning to the House or which would be disruptive of its proceedings, in which case no vote of the House is required. 101–2, Oct. 16, 1990, p ____.

The display of any object in debate by way of illustration is always subject to the will of the House. 8 Cannon § 2452. Where objection is made the question is put to the House without debate. *Manual* § 915. Exhibits generally, see § 61, *infra*.

In recent years, Members occasionally have worn badges of various sorts on the floor to convey political messages to their colleagues and to the television audience. The Speaker has advised Members that the wearing of badges on the floor while engaging in debate is inappropriate and in contravention of clause 1, Rule XIV. 99–2, Apr. 15, 1986, p 7525; 104–1, Mar. 29, 1995, p ____.

Speaker's Announcements

In recent Congresses, on opening day, the Speaker has stressed the importance of various rules of decorum in the House. He prefaced his cus-

tomary announcement with a general statement concerning decorum in the House, including adjurations against engaging in personalities, addressing remarks to spectators, and passing in front of the Member addressing the Chair. “It is essential,” the Speaker said, “that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House.” 101–1, Jan. 3, 1989, p 88; 102–1, Jan. 3, 1991, p _____. See also 103–1, Jan. 5, 1993, p _____.

§ 22. Disorderly Language

Members have been censured or otherwise disciplined for the use of disorderly words in debate (2 Hinds §§ 1254, 1259, 1305; 6 Cannon § 236), whether the words were uttered in the House or the Committee of the Whole (2 Hinds § 1259). *Manual* § 760. A Member may likewise be disciplined for the insertion of disorderly words in the *Congressional Record* without the consent of the House. 6 Cannon § 236. Members have been cautioned against the use of vulgarity or profanity in debate. 82–1, July 18, 1951, p 8415; 102–1, Mar. 5, 1991, p ____; 103–1, Feb. 18, 1993, p ____; *Manual* § 749. The Chair may call to order a Member engaging in or tending toward personalities in debate (100–1, June 29, 1987, p 18072), or for a verbal outburst following expiration of his time for debate (100–2, Mar. 16, 1988, p 4081). Critical references to Members, see §§ 37 *et seq.*, *infra*.

However, the context of the debate itself must be considered in determining whether the words objected to constitute disorderly criticism or do in fact fall within the boundaries of appropriate parliamentary discourse. The present-day meaning of language, the tone and intent of the Member speaking, and the subject of his remarks, must all be taken into account by the Speaker. There have been instances in which the same or similar word has on one occasion been ruled permissible and on another ruled unparliamentary. Thus the word “damn” has been ruled out of order (82–1, July 18, 1951, p 8415), whereas “damnable” has been permitted (80–2, Jan. 15, 1948, p 205).

§ 23. — References to Senate

Generally

A well-established rule of comity prohibits certain references in debate to the Senate or to individual Senators. Indeed, at one time there could be no reference to any debate or votes in the Senate on the same subject. This principal, first enunciated in *Jefferson’s Manual* (see *Manual* § 371), was

strictly applied in the House for many years. See 5 Hinds §§ 5095 *et seq.*; 8 Cannon §§ 2501 *et seq.*

This principal was modified in 1987, and again in 1989, by amendments to Rule XIV. Under this rule:

Debate [in the House] may include references to actions taken by the Senate or by committees thereof which are a matter of public record, references to the pendency or sponsorship in the Senate of bills, resolutions, and amendments, factual descriptions relating to Senate action or inaction concerning a measure then under debate in the House, and quotations from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure, but may not include characterizations of Senate action or inaction, other references to individual Members of the Senate, or other quotations from Senate proceedings. *Manual* § 749.

References to the Senate or Its Proceedings

A Member is permitted to refer to the existence of the Senate and its functions in a general and neutral way. For example, a Member may oppose a *sine die* adjournment resolution on the grounds that Congress should stay in session to complete action on specified legislation then pending in the Senate. 5 Hinds § 5115. It is appropriate to state whether or not the Senate has acted on House-passed legislation as long as criticism is neither stated nor implied. If references to the Senate are appropriate, the Member delivering them is not required to use the term “the other body,” and the use of the term “Senate” is not a per se violation of the rule of comity. 98–2, Oct. 4, 1984, pp 30046, 30047; *Manual* § 371.

On the other hand, it is not in order to criticize Senate actions. 5 Hinds § 5114; 96–2, Dec. 10, 1980, p 33205; 103–1, Apr. 27, 1993, p _____. Statements in debate speculating as to the intent of the Senate with respect to legislation pending in the House remain a violation of the rule of comity. 98–2, Oct. 11, 1984, pp 32221–23. It is a breach of order in debate to refer to the motives of the Senate in passing certain legislation. 99–1, Oct. 17, 1985, p 27772. While a Member in debate may refer to the pendency of a House-passed bill in the Senate, it is a breach of order in debate to refer to a House bill as “languishing” in the Senate. 99–2, July 31, 1986, p 18253. Even statements urging the Senate to take action have been ruled out. 102–1, Oct. 8, 1991, p _____.

On one occasion, prior to the amendment of Rule XIV, the Speaker entertained a unanimous-consent request that a Member be permitted to refer in debate to certain Senate proceedings. 96–2, June 4, 1980, p 13212. But the Chair will not entertain such a request where the references would necessarily imply criticism of the Senate, such as to respond to remarks in the

Senate which were critical of Members of the House (8 Cannon § 2519). *Manual* § 371.

References to Individual Senators

With certain exceptions, under clause 1 of Rule XIV remarks in debate may not include references to individual Members of the Senate, and the Chair enforces this principle on his own initiative. 102–2, Oct. 2, 1992, p _____. References to individual Members of the Senate (98–2, Oct. 2, 1984, pp 28504, 28505), even in a complimentary or congratulatory way (99–2, Aug. 5, 1986, pp 19040, 19044; 103–1, Apr. 21, 1993, p _____) or to actions which named Members of the Senate, or Senators designated by position, might take, are out of order (98–2, Oct. 11, 1984, pp 32152, 32153). See also 99–2, Mar. 13, 1986, p 4625. It is not in order to refer critically to a Member of the Senate or to the actions of individual Senators. 98–2, May 8, 1984, pp 11421, 11425, 11428. In 1985, the Chair admonished a Member during debate not to refer to a Senator in a critical manner although not identified by name. 99–1, Dec. 18, 1985, pp 37813, 37814. Even a reference to another person's criticism of a Senator is a violation of the rule. 98–1, Aug. 4, 1983, pp 23136, 23145, 23147. It is also a violation of the rule of comity to refer in debate to specific votes by particular Members of the Senate, and the Chair calls Members to order on his own initiative when this occurs. 97–1, July 29, 1981, p 18249; 98–2, Apr. 12, 1984, pp 9474, 9477, 9478; 98–2, July 31, 1984, p 21670; and 99–2, Mar. 13, 1986, p 4636. Under the current rule a Senator's comments in debate may be quoted in the House when relevant to pending legislation. *Manual* § 749.

In one case, the personal views of a Senator, not uttered in the Senate, were allowed to be quoted in the House (5 Hinds § 5112), but the weight of recent precedent prohibits references to speeches or statements of Senators occurring outside the Senate Chamber. 8 Cannon § 2515; *Manual* § 371.

References to former Members of the House who are presently Senators are only permissible if they merely address prior House service and are not implicitly critical of Senatorial service. 98–2, May 8, 1984, p 11431.

References to Members of the Senate in their capacity as nominated candidates for the Presidency or other office are not prohibited, but references attacking the character or integrity of a Senator even in that context are not in order. 96–1, Oct. 30, 1979, p 30150; *Manual* § 371.

Debate may not include critical references to a named Senator in his capacity as a member of a House-Senate conference committee. But it is in order in debate, while discussing a question involving conference committee procedure, to state what actually occurred in a conference committee

session, without referring to or criticizing a named member of the Senate. 74–1, July 29, 1935, p 12011.

In 1985, a Member was called to order for referring in debate to remarks made by a Senator during a Senate committee hearing. 99–1, May 16, 1985, p 12229. In 1986, a Member, upon being cautioned by the Chair not to refer to a Senator in debate, obtained unanimous consent to refer to correspondence between the Senator and a federal official. 99–2, June 25, 1986, pp 15492, 15499, 15505.

Duties of the Chair

As noted in Jefferson’s Manual (§ 374), it is the duty of the Speaker to call to order a Member who criticizes the actions of the Senate, its Members or committees. See also *Manual* § 760. Indeed, the Chair takes the initiative to prevent any debate in the House which may tend to reflect improperly upon the Senate or its Members in violation of the rule of comity. 97–1, Oct. 28, 1981, p 25681; 99–2, Sept. 30, 1986, pp 27393, 27394. He enforces the rule on his own initiative and may deny an offending Member further recognition. 97–2, June 16, 1982, p 13843. He may remind all Members not to make such references (98–2, Oct. 5, 1984, pp 30326, 30327), but he need not respond to hypothetical questions as to the propriety of possible characterizations of Senate actions prior to their use in debate. 99–1, Oct. 24, 1985, p 28819.

§ 24. — References to the Press, Media, or Gallery

References to the Media

A Member should address his remarks to the Chair, and only the Chair; it is not in order for a Member to address his remarks to “the press.” 88–1, Apr. 24, 1963, p 6892; 95–2, June 14, 1978, p 17615. Similarly, it is not in order in debate to address remarks to the “television” (96–1, Nov. 8, 1979, p 31519) or to television viewers (98–1, Sept. 29, 1983, pp 26499, 26501; 99–2, June 5, 1986, pp 12568, 12569), including those who may be watching by way of closed circuit television. 99–1, Oct. 9, 1985, p 26961; 103–1, Mar. 3, 1993, p _____. The Chair enforces the rule on his or her own initiative. 99–2, Feb. 25, 1986, pp 2676, 2677. Members in debate may not address remarks to “our viewing audience.” 98–2, Aug. 2, 1984, p 22271.

References to the Gallery

By rule of the House adopted in 1933, no Member may introduce or refer to any occupant of the galleries of the House. Rule XIV clause 8. *Manual* § 764. The rule is strictly enforced, and the Speaker ordinarily intervenes on his own initiative to prevent infraction thereof. 88–2, Feb. 6, 1964,

p 2267; 95–1, Oct. 19, 1977, p 34220; 95–2, June 14, 1978, p 17615. The rule may not be suspended by permission to proceed out of order, even by unanimous consent. 83–2, July 27, 1954, p 12253. The rule has been invoked to prevent a Member from making references to:

- An honored guest in the gallery who had exhibited “great heroism.” 83–2, July 27, 1954, p 12253.
- A Member’s constituents sitting in the gallery. 79–1, Mar. 16, 1945, p 2371.
- A federal official present in the gallery who had an interest in the pending bill. 88–2, Feb. 6, 1964, p 2264.
- A “disinterested, objective observer” sitting in the gallery. 88–1, June 4, 1963, pp 10151–66.
- Family members present in the gallery. 99–2, July 29, 1986, p 17956.

§ 25. — References to Executive Officials

Jefferson wrote that in Parliament it was out of order to speak “irreverently or seditiously” against the King. *Manual* § 370. No analogous constraint exists in the rules of the House. Members in debate are permitted wide latitude in the use of language that is critical of the President, other officials of the executive branch, and the government itself. 5 Hinds §§ 5087–5091; 8 Cannon §§ 2499, 2500; 77–2, Feb. 25, 1942, p 1714. Such criticism is considered as inherent in the exercise of legislative authority. “The right to legislate,” said a report adopted by the House in 1909, “involves the right to consider conditions as they are and to contrast present conditions with those of the past or those desired in the future. The right to correct abuses by legislation carries the right to consider and discuss [them].” 8 Cannon § 2497. Members may employ strong language in criticizing the government, government agencies, and governmental policies. It has been held in order for a Member to:

- Refer to the government as “something hated, something oppressive.” 71–1, June 14, 1929, p 2924.
- Refer to the President as “using legislative and judicial pork.” 8 Cannon § 2499.
- Refer to a presidential message as a “disgrace to the country.” 5 Hinds § 5091.
- Refer to certain unnamed officials as “our half-baked nitwits handling the foreign affairs. . . .” 76–3, Oct. 1, 1940, p 12985.
- Refer to a federal agency as a “socialist, communist” experiment. 83–2, Mar. 31, 1954, p 4221.
- Refer to the government as a “Labor dictatorship.” 77–2, Feb. 26, 1942, p 1714.

On the other hand, the rules do not permit the use of language that is personally offensive toward the President (5 Hinds § 5094; 102–2, Oct. 2, 1992, p ____), such as calling the President a “liar” (99–1, June 26, 1985, p 17394) or “hypocrite” (102–2, Sept. 25, 1992, p ____). See also 8 Cannon § 2498. Members should refrain from discussing the President’s personal character. 103–2, Mar. 10, 1994, p _____. A Member may not in debate describe the President’s veto of a bill as “cowardly” (101–1, Oct. 25, 1989, p ____), or charge that he has been “intellectually dishonest” (101–2, May 9, 1990, p ____), or refer to him as “giving aid and comfort” to the enemy (104–1, Jan. 25, 1995, p ____).

Debate in the House may refer to the motives of the President but personal criticism, innuendo, ridicule, or terms of opprobrium are not in order. 8 Cannon § 2497. And they may not be inserted by reading from extraneous material. 103–1, Mar. 3, 1993, p _____. In one instance the Speaker advised that the traditional protections against unparliamentary references to the President did not necessarily extend to the President’s family. 101–2, July 12, 1990, p _____. But such protection has been extended to all nominated candidates for the President. 102–2, Sept. 24, 1992, p _____. In 1995, the Chair advised that references to the personal conduct of the Vice President were not in order. 104–1, Jan. 18, 1995, p _____. Under Rule XIV, a Member may be called to order for alleged unparliamentary references to the President by a demand that the words be taken down for a ruling by the Speaker. 99–2, Aug. 12, 1986, pp 21078, 21079.

§ 26. Procedure; Calls to Order

In the House

Procedures are available under Rule XIV that enable the House to deal with disorderly words or actions by Members. A Member transgressing the rules may be called to order by the Speaker or by another Member. *Manual* § 760. The Member calling him to order may then demand that the words objected to be “taken down” and read to the House by the Clerk. *Manual* § 761. The business of the House is suspended until the words are reported to the House. 93–2, Aug. 21, 1974, pp 29652, 29653.

Briefly summarized, procedures available to deal with disorder include:

- Point of order raised against alleged unparliamentary language
- Demand that words be “taken down”
- The Chair gavels the proceedings to a halt and directs the offending Member to take his seat
- Words taken down reported to the House by the Clerk
- Unanimous-consent request to withdraw words taken down

- Motion to allow Member to explain words taken down
- Speaker rules whether words are out of order
- Member ruled out of order must be seated and discontinue debate
- Motion to strike (or expunge) words
- Censure or other disciplinary action by the House
- Motion that the Member be allowed to proceed in order

The Speaker rules on the question of whether the words or actions objected to are out of order. 96–1, July 24, 1979, p 20380. The words having been read from the desk, the Chair decides whether they are in order (5 Hinds §§ 5163, 5169), as read by the Clerk and not as alleged to have been uttered (102–2, June 9, 1992, p ____). Pending his ruling, the Speaker may recognize the Member who made the statement to ask unanimous consent to withdraw or modify the words. 87–2, June 5, 1962, p 9739; 95–1, Mar. 2, 1977, p 5937. Withdrawal of words objected to, see § 29, *infra*. Whether the Member is to be allowed to proceed in order or is to be subjected to censure or other disciplinary measure is for the House to determine. *Manual* § 760.

A Member called to order for words spoken in debate is required to take his seat (5 Hinds § 5147), unless permitted to proceed in order by the House. 90–1, Aug. 14, 1967, p 22443. It is a breach of decorum for a Member to ignore the Chair’s gavel and his instruction that the Member be seated. 103–2, July 29, 1994, p _____. Once required to take his seat because of unparliamentary language, the Member may proceed in order only with the consent of the House. 88–1, Oct. 31, 1963, pp 20742, 20744; 93–2, Aug. 21, 1974, pp 29652, 29653. He loses the floor (5 Hinds § 5199) and may not continue to participate in debate on the same day even on time yielded to him by another Member. 5 Hinds § 5147; 99–1, Mar. 19, 1985, p 5533.

Not all cases involving disorderly words require the taking down of words and other formal action by the House. In many instances, the Chair will observe that debate is becoming personal and approaching a violation of the rules, in which case he may simply request that Members proceed in order; the Members respond appropriately, and the House proceeds with its business. See, for example, 88–2, June 23, 1964, p 14717. Or the Chair may merely caution all Members on his own initiative or in response to a parliamentary inquiry not to question the integrity or motivation of other Members in debate. 99–1, Apr. 22, 1985, p 8693. Likewise, where a Member objects to unparliamentary remarks delivered in debate, but does not demand that the words be taken down, it is appropriate for the Chair to direct that Members proceed in order. 95–2, May 8, 1978, p 13215.

Form

CHAIR: For what purpose does the gentleman rise?

MEMBER: Mr. Speaker (or Mr. Chairman), I rise to a point of order.

CHAIR: The gentleman will state his point of order.

MEMBER: Mr. Speaker (or Mr. Chairman), I make the point of order that the gentleman from _____ is _____.

CHAIR: The point is well taken and the gentleman will proceed in order.

Ordinarily, a question of personal privilege may not be based upon language uttered in debate, the proper course being the timely demand that words be taken down under Rule XIV. 81-1, Mar. 16, 1949, pp 2651, 2652; 80-1, Mar. 20, 1947, p 2314.

§ 27. — Procedure in the Committee of the Whole

A point of order may be raised against the use of disorderly language during debate in the Committee of the Whole. The Chairman of the Committee of the Whole may himself respond to the point of order by admonishing the offending Member to proceed in order. 99-2, Aug. 12, 1986, pp 21078, 21079.

The use of disorderly language in the Committee is also subject to a demand that the words be taken down and reported to the House for a ruling by the Speaker. 8 Cannon § 2539. The Chairman does not rule on whether the words taken down are out of order. 8 Cannon §§ 2533, 2540. Nor is there any debate in the Committee of the Whole as to the propriety of the words used. 8 Cannon § 2538. The Committee rises automatically (8 Cannon §§ 2533, 2538, 2539) and reports the words to the House (2 Hinds §§ 1257-1259, 1348). The business of the Committee is suspended until the words objected to are reported to the House. 93-1, Dec. 13, 1973, pp 41270, 41271; 95-2, Feb. 8, 1978, p 2832; 96-1, June 12, 1979, p 14461.

Forms

CHAIRMAN: Mr. Speaker, the Committee of the Whole House [on the state of the Union] having under consideration the bill H.R. _____, certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and I herewith report the same to the House.

SPEAKER (after announcing report of Chairman): The Clerk will read the words reported from the committee.

All of the words objected to in Committee should be reported to the House. The Speaker can pass only on the words as reported; a demand that additional words uttered in Committee be reported is not in order in the House. 89-1, July 27, 1965, p 18444.

After the Speaker rules on the words objected to and the House has disposed of any disciplinary proceedings, the Committee resumes its sitting without motion. 8 Cannon §§ 2539, 2541; *Manual* § 761.

§ 28. — Taking Down Words

The taking down of words objected to in debate was a practice of the House even before the procedure became part of its formal rules in 1837. Rule XIV clause 5. *Manual* § 761. The words taken down may consist of a single phrase (82–1, July 26, 1951, p 8968) or an entire colloquy between two Members (79–2, Feb. 12, 1946, p 1241). The demand should indicate the words excepted to and the identity of the Member who uttered them. *Manual* § 761. The objecting Member may indicate briefly the basis for his demand, such as impugning the motives of a colleague; but the Member making the demand may not at that time debate the grounds for a finding that the words are disorderly. 82–1, July 26, 1951, p 8968.

Ordinarily, debate on or interpretation of the words objected to is not in order pending a ruling on them by the Speaker. 87–2, Mar. 19, 1962, p 4458. Although words objected to in debate may be withdrawn pursuant to a unanimous-consent request (§ 30, *infra*), no debate is in order pending such a request. 95–2, Aug. 2, 1978, p 23945. However, the offending Member may by unanimous consent (or on motion by another Member) be permitted to explain his words. 92–1, Nov. 10, 1971, p 40442.

While a demand that words be taken down is pending, the Speaker may refuse to entertain a parliamentary inquiry (88–1, Oct. 31, 1963, p 20742) or a unanimous-consent request that a Member be allowed to proceed for one minute (88–2, Jan. 21, 1964, p 756).

Form

MEMBER: Mr. Speaker (or Mr. Chairman), I rise to a point of order, and ask that the gentleman's words be taken down.

CHAIR: The gentleman will indicate the words objected to.

MEMBER: I demand that the words _____, uttered by the gentleman from _____, be taken down.

CHAIR: The Clerk will report the words indicated by the gentleman.

Timeliness of Demand

A demand that words be taken down is in order only if made in a timely manner under Rule XIV (*Manual* § 761). The demand should be made immediately after the words are uttered. 88–1, Oct. 31, 1963, p 20742. Where debate has intervened, the demand comes too late (91–1, Sept. 4, 1969, p 24372; 94–2, Apr. 29, 1976, p 11981) unless the objecting Member was on his feet seeking recognition at the proper time. 8 Cannon § 2528.

See also 97-1, May 5, 1981, p 8496; 98-2, May 23, 1984, p 13941. The Chair's determination as to whether a Member's point of order constitutes a demand that those words be "taken down," is not such intervening debate or business as to render the demand untimely. 98-2, Oct. 2, 1984, p 28522. If a point of order or demand that words be taken down is not made immediately after the use of the offending words, the Chair need not subsequently respond to a parliamentary inquiry as to whether the particular words used were a breach of order. 99-2, Mar. 13, 1986, p 4633.

Taking Down Words Read From Papers

Papers read during debate are subject to a timely demand that words be "taken down" as an unparliamentary reference to other sitting Members, but the demand must be made before subsequent reading intervenes. 99-1, Feb. 25, 1985, pp 3345-47. That certain words may already have been published elsewhere does not make them admissible in debate, and words not admissible in debate may not be inserted for the Record. 102-2, Oct. 2, 1992, p ____.

Withdrawal of Demand

A demand in the House or in the Committee of the Whole that words be taken down may be withdrawn by the Member making the demand, and unanimous consent is not required. 88-2, Feb. 10, 1964, p 2780; 92-1, Nov. 10, 1971, p 40470; 95-2, Aug. 3, 1978, p 24238.

§ 29. — Withdrawal or Modification of Words

Generally; In the House

Words objected to in debate in the House may be withdrawn or modified by unanimous consent. 8 Cannon §§ 2543, 2544; 88-2, May 11, 1964, p 10448. Such withdrawal by consent is in order pending the demand that the words be taken down. 102-2, Oct. 3, 1992, p _____. In 1990, a reference to "the best Congress money can buy" and to the Members as "political prostitutes" was withdrawn by unanimous consent. 101-2, Oct. 12, 1990, p _____. Even after a Member's words have been taken down on demand and read to the House, the Speaker may recognize the Member who made the statement to ask unanimous consent to withdraw or modify the words. 87-2, June 5, 1962, p 9739; 95-1, Mar. 2, 1977, p 5937; 95-2, July 13, 1978, p 20715.

Pending a demand that words spoken in debate be taken down and ruled unparliamentary, the Chair may inquire whether the Member whose remarks are challenged wishes to request unanimous consent to modify his remarks before directing the Clerk to read them. 97-2, Dec. 8, 1982, p

29466. However the withdrawal of unparliamentary language may be made even after the Speaker has ruled the language out of order or even recognized another Member on a motion to strike the words from the Record. 8 Cannon § 2539.

The Speaker does not rule retrospectively on the propriety of words withdrawn by unanimous consent. 102–2, Oct. 3, 1992, p ____.

In the Committee of the Whole

A Member may withdraw or modify words objected to in Committee of the Whole by unanimous consent. 8 Cannon §§ 2528, 2538. 88–1, Aug. 1, 1963, p 13865; 88–2, June 10, 1964, pp 13254, 13275. In one instance, two Members demanded that each other’s words be taken down and then, by unanimous consent, withdrew their remarks in the Committee of the Whole before they were reported to the House. 94–2, Apr. 29, 1976, p 11882.

Deletions From the Record

Adopted in 1995, clause 9 of Rule XIV mandates that the CONGRESSIONAL RECORD be a “substantially verbatim” account of debate, and permits the deletion of unparliamentary remarks only by House order. This clause establishes a standard of conduct within the meaning of that provision of the rules giving rise to the investigative jurisdiction of the Committee on Standards of Official Conduct. Clause 9(a)–(c).

§ 30. — Permission to Explain

Ordinarily, a Member whose words are taken down must take his seat and may not explain his remarks pending a ruling by the Speaker. 87–1, Mar. 24, 1961, p 4780. However, the rules specifically provide for a motion to allow the Member to explain, which motion must be made by another Member. Rule XIV clause 4 (*Manual* § 760). Moreover, the Speaker has the discretion to request the Member called to order, before ruling on the words, to make a brief explanation of his remarks. 76–3, Oct. 9, 1940, p 13477.

§ 31. — Speaker’s Ruling

The Speaker (or Speaker pro tempore) has the sole power to rule whether words objected to constitute a breach of order in debate. 2 Hinds § 1249; 5 Hinds §§ 5163–5169. This determination is made by the Speaker after the words have been taken down (whether in the House or in the Committee of the Whole) and have been reported by the Clerk. The question

of whether words taken down violate the rules is for the Speaker to decide and is not debatable. 80–2, Jan. 15, 1948, p 205.

The Speaker's ruling on a question of order has been appealed in the House in numerous instances, the Speaker generally being sustained. 5 Hinds §§ 5157, 5173, 5178, 5194, 5196, 5198, 5199. Such an appeal is subject to the motion to table. 104–1, Jan. 18, 1995, p _____. Also, the House may, by voting on a proper motion, dictate the consequences of that ruling by imposing disciplinary action or by allowing the Member to proceed in debate.

The Speaker in ruling on the words objected to weighs the importance of freedom in debate against the need to maintain the order and dignity of the House. 5 Hinds § 5163. The Speaker considers the meaning of the words as well as the context in which they were used. 74–1, July 23, 1935, p 11699. The Speaker may put questions to the offending Member about the words (90–1, Apr. 5, 1967, p 8411) and may consult dictionaries to determine the meaning of certain words or terms (74–1, July 16, 1935, p 11256).

§ 32. — Discipline; Post-ruling Motions

Generally

Censure or other disciplinary action is a matter for the House and not the Chair to decide. 79–1, Feb. 22, 1945, p 1371. However, no House action is in order until the Chair has ruled on the words objected to. 72–1, May 13, 1932, p 10135. If the words used are ruled to be unparliamentary, and if such words have not been withdrawn, the House may entertain certain motions enabling it to dispose of the breach of order.

Striking Words From Record

Under modern practice, words ruled out of order are normally stricken from the Record by unanimous consent initiated by the Chair. 101–2, May 10, 1990, p 9992. If there is an objection, a motion to strike or expunge the words from the Record is in order. 8 Cannon §§ 2538, 2539; *Manual* § 760. A motion to expunge is in order even though the House by vote has authorized the Member to proceed. 73–1, June 7, 1933, pp 5203–05. The motion, which is debatable within narrow limits under the hour rule (80–1, June 12, 1947, p 6895), is not in order until the Chair has decided that the words are out of order. 71–1, June 14, 1929, p 2924. The motion is not in order in the Committee of the Whole. 77–1, Feb. 18, 1941, p 1126.

Proceeding in Order

After a Member's words have been ruled out of order, the Member may be permitted to proceed in order either by unanimous consent (87–1, Mar.

24, 1961, p 4780) or by motion. It is the practice to test the opinion of the House by a motion “that the gentleman be allowed to proceed in order.” 5 Hinds §§ 5188, 5189; 8 Cannon § 2534; 101–2, May 10, 1990, p _____. This motion may be stated on the initiative of the Chair. It is debatable within narrow limits of relevance under the hour rule, and is subject to the motion to lay on the table. 102–1, Oct. 8, 1991, p ____; 104–1, Mar. 29, 1995, p _____.

The motion is privileged for consideration in the House. 73–1, June 7, 1933, pp 5203–05. A motion to strike the objectionable words also generally precedes a proposition to permit a Member to proceed in order. 87–1, Mar. 24, 1961, p 4780.

E. Critical References to the House, Committees, or Members

§ 33. In General; Criticism of the House

Generally

In early Congresses it was held not in order to “cast reflections” on the House or its membership, present or past. 5 Hinds §§ 5132–5138. Today, in the interests of free and full debate in conducting legislative deliberations, Members are permitted to voice critical opinions of Congress, of the House, and of the political parties. 82–1, July 26, 1951, p 8969. Statements that are critical of Congress or a portion of its membership will not be ruled out of order for that reason alone. Thus, a statement in debate claiming that the campaign expenses of Members were paid by certain interest groups has been held to be in order. 76–1, Mar. 16, 1939, p 2883.

However, such criticism is subject to the rules and settled practices of the House that require courtesy and decorum in debate. *Jefferson’s Manual* states that no one is permitted to use “indecent language” in referring to the proceedings of the House. *Manual* § 360. The language used must not be offensive in itself. 5 Hinds § 5135. And the words must be stated in such a way as to avoid personal criticism of an individual Member. (§ 37, *infra*.) Words impeaching the loyalty of a portion of the membership have also been ruled out. 5 Hinds § 5139.

Ruled In Order

Set out below are precedents in which criticism in debate was held parliamentary or in order as not referring to any particular Member:

- A question whether it was a parliamentary inquiry to ask that a bill be printed in “words of one syllable so that [Members of the opposing party] can understand it.” 75–3, Mar. 31, 1938, p 4484.
- A statement that a Member was leading his party in a policy of opportunism. 77–1, Feb. 8, 1941, p 796.
- A statement referring to “irresponsible actions by members of the President’s own party.” 85–1, Mar. 27, 1957, p 4557.
- “[Y]ou have your definition of consistency. My definition is that consistency is a virtue of small minds.” 87–2, Apr. 11, 1962, p 6374.
- A reference to Members as having praised a foreign dictator in prior debate. 98–2, Apr. 12, 1984, p 9480.
- Words characterizing unnamed Members as taking “potshots” and as lacking judgment. 99–2, Mar. 18, 1986, p 5201.
- A reference to the consideration of a bill under procedures representing “a classic example of duplicity.” 100–2, Apr. 19, 1988, pp 7330, 7335–39.

Ruled Out or Stricken

Set out below are precedents in which words in debate referring to the House or to the membership in general terms were ruled out of order or stricken from the Record.

- “Talk not to me of vindicating your insulted dignity. . . . You have no dignity to vindicate.” 5 Hinds § 5132.
- “[T]he proceedings of the House had been such as not only to degrade it as a body, but also to degrade the country.” 5 Hinds § 5133.
- A statement declaring the opinions and decisions of the House “damnable heresies.” 5 Hinds § 5135.
- A reference to “[T]he right of the minority to stay indefinitely the right of majority to legislate is as disgraceful, as dishonorable. . . .” 5 Hinds § 5136.
- “Drunken Members have reeled about the aisles—a disgrace to the Republic. Drunken speakers have debated grave issues on the floor. . . .” 5 Hinds § 5186.
- A statement referring to members of the Republican Conference as avoiding an issue and describing lynching as a “proper means of justice.” 82–1, July 26, 1951, p 8969.

To show the distinction between words that are permissible and language that may be ruled out, illustrations in this article are drawn from debates from earlier as well as recent Congresses. However, precedents from earlier eras must be evaluated in their historical and cultural context; wheth-

er a word or expression is to be ruled out of order depends on its current meaning and usage. See § 38, *infra*.

§ 34. Criticism of Committees

A Member in debate may express general criticism of the actions of a committee, as by alleging an abuse of its powers. 81–1, Jan. 17, 1949, p 428. Criticisms of committee procedure are also permitted. 76–3, May 6, 1940, p 5628. But a Member may not in debate impugn the personal motives of a committee or its members (77–1, Feb. 11, 1941, p 894), nor may he make unparliamentary claims of unlawful activity (79–2, Apr. 16, 1946, p 3761). Debate may not include critical characterizations of members of the Committee on Standards of Official Conduct who have investigated a Member’s conduct. 102–2, Apr. 1, 1992, p ____.

Ruled In Order

- A reference to the action of a committee as “more or less pusillanimous.” 76–1, May 31, 1939, p 6445.
- An editorial read by a Member charging a committee with “pigeon-holing” certain legislation. 76–3, May 6, 1940, p 5628.
- “Did the gentleman’s committee also find paid agents of Hitler on the congressional payroll?” 78–1, Mar. 31, 1943, p 2787.
- A reference to a committee investigation of “the recent wave of policy lynch murder in Mississippi.” 80–2, Mar. 9, 1948, p 2408.
- A statement that a Member “has been the victim of the abusive, vicious, and irresponsible use of the power of a congressional committee.” 81–1, Jan. 17, 1949, p 428.

Ruled Out of Order

- A statement that certain fascist organizations exercised extensive influence on a special House committee. 77–1, Feb. 11, 1941, p 894.
- Language referring to “lies and half-truths” of a House committee report. 80–1, June 16, 1947, p 7065.
- “I cannot respect the actions or even the sincerity of some of the committee members.” 79–2, June 26, 1946, p 7596.
- A reference to the Committee on Un-American Activities as “the Un-American Committee.” 80–1, Jan. 12, 1947, p 6895.

§ 35. Criticism of Speaker

The proscription of Rule XIV clause 1 that Members confine themselves to the question under debate, “avoiding personality,” has been applied to critical references to the Speaker’s personal conduct. 104–1, Jan. 19, 1995, p _____. It is not in order in debate to refer invidiously to the Speaker (8 Cannon § 2531); nor is it in order to speak disrespectfully of him

(2 Hinds § 1248; 104–1, Jan. 19, 1995, p ____), as by asserting that he is “kowtowing” to persons who would desecrate the U.S. flag. 101–2, June 20, 1990, p _____. It is not in order in debate to refer in a personally critical manner to his political tactics. 97–1, June 25, 1981, p 14056. Nor is it in order to arraign his personal conduct. 104–1, Jan. 19, 1995, p _____. Any complaint as to the conduct of the Speaker should be presented directly for the action of the House and not by way of debate on other matters, such as the approval of the Journal. 5 Hinds § 5188. 104–1, Jan. 19, 1995, p _____. Personal criticisms of the Speaker can be challenged after debate has intervened. 2 Hinds § 1248.

It is against order in debate for a Member to charge that the Speaker, while presiding, committed a dishonest act or that the Speaker repudiated and ignored the rules of the House. 73–2, May 31, 1934, p 10167. In one instance, however, an assertion of a personal belief that a sufficient number had been standing to demand a recorded vote was held parliamentary as not necessarily charging the Chair with disregard of the rules, in the context of those words alone. 99–1, July 11, 1985, pp 18545, 18550.

If words impugning the Speaker are uttered, the Speaker may choose not to rule on the words himself but may appoint a Member to occupy the Chair and to deliver a decision. 74–1, Feb. 7, 1935, pp 1680–82.

§ 36. Criticism of Legislative Actions or Proposals

Generally

Although remarks in debate may not include personal attacks against a Member or an identifiable group of Members, they may address political motivations for legislative positions. 104–1, Jan. 24, 1995, p ____; 104–1, Mar. 8, 1995, p _____. Statements in debate, although critical of House action or of the legislation at issue, may be ruled in order if they do not improperly reflect on the House or a particular Member. 88–2, Jan. 21, 1964, p 756. Harsh words may be used to criticize a bill unless they fail to “avoid personality” as mandated by Rule XIV (*Manual* § 749). 79–2, Jan. 31, 1946, p 675. While it may be appropriate in debate to characterize the effect of an amendment as deceptive or hypocritical, to characterize the motivation of a Member in offering an amendment with those terms is not in order. 96–1, June 12, 1979, p 14461. In one instance, the statement in debate that “it is only demagoguery or racism which impel such an amendment” was held by the Speaker to be unparliamentary as impugning the motives of the Member offering the amendment. 93–1, Dec. 13, 1973, pp 41270, 41271.

Held in Order

Criticisms of legislative actions or proposals that have been held in order in debate include:

- A statement that “sinister influences” were working in the interest of certain unnamed Members opposing a bill. 74–2, Mar. 23, 1936, p 4235.
- A statement accusing unnamed colleagues who opposed a measure of talking “loosely and recklessly with the truth.” 77–1, May 6, 1941, p 3670.
- A statement accusing unnamed Members of attempting to “cut off debate” on important legislation in order to attend an engagement at a hotel. 78–2, Feb. 3, 1944, pp 1216 *et seq.*
- A statement that all lawyers know “that the adoption of this language neither adds to nor takes from a single item of the substance of this bill.” 79–2, Feb. 20, 1946, p 1500.
- A reference accusing unnamed opponents of a proposal of “blind,” “slavish,” and “shameful” opposition. 81–2, Feb. 6, 1950, p 1513.
- A statement referring to an amendment that: “where I come from . . . the people . . . do not like slippery, snide, and sharp practices.” 82–1, July 26, 1951, p 8968.
- A statement referring to a tactic of “withholding” votes until it could be determined whether they would be necessary on the pending question. 89–1, July 26, 1965, p 18441.
- A statement that a Member “has already admitted his amendment does not make sense, and he will take any alternative that is offered.” 88–2, Jan. 21, 1964, p 756.

§ 37. Critical References to Members

Jefferson stressed the importance of preserving “order, decency and regularity . . . in a dignified public body.” *Manual* § 285. And the House rules provide that a Member must confine himself to the question under debate, “avoiding personality.” Rule XIV (*Manual* § 749). See 102–2, Oct. 3, 1992, p _____. The Chair may interrupt a Member engaging in “personalities” with respect to a fellow Member just as he would with respect to improper references to the Senate or the President. 104–1, Jan. 4, 1995, p _____. However, under modern practice the Chair normally awaits a point of order from the floor with respect to references to other Members.

The Speaker will hold language unparliamentary where it improperly reflects on another Member under Rule XIV. 93–2, Aug. 21, 1974, pp 29652, 29653. A Member may not in debate impugn the personal motives of another Member (§ 39, *infra*), charge him with falsehood or deception (§ 40, *infra*), or denigrate his intelligence (§ 41, *infra*). Nor is it in order in debate to refer in a personally critical manner to the political tactics of a Member. 97–1, June 25, 1981, p 14056. The truth of allegations involving unethical

behavior of a Member is not a defense to a point of order that the remarks are unparliamentary as explicitly or by innuendo engaging in personalities. 104–1, Jan. 18, 1995, p _____. On the other hand, it is recognized that free and full debate is necessary in conducting legislative business, and the Members are allowed considerable latitude in criticizing the position, arguments, or contentions of another Member. 74–1, July 23, 1935, p 11699.

It is not in order during debate to refer to a particular Member of the House in a derogatory fashion, even though that Member is not named, and the Chair will intervene to prevent improper reference where it is evident that a particular Member is being described. 99–1, Feb. 25, 1985, pp 3345–47. In one instance, after a Member had expressed an absence of “good faith on the other side,” he was granted unanimous consent to withdraw any reference to any individual Member. 100–1, June 18, 1987, pp 16761–63.

Members should refrain from references in debate to the official conduct of other Members where such conduct is not under consideration in the House by way of a report of the Committee on Standards of Official Conduct or as a question of the privilege of the House. 101–2, July 24, 1990, p ____; 102–2, Mar. 19, 1992, p _____.

The rule requiring Members to avoid “personality” during debate prohibits references in debate to newspaper accounts used in support of a Member’s personal criticism of a sitting Member in a way which would be unparliamentary if uttered on the floor as the Member’s own words. 99–1, Feb. 25, 1985, pp 3345–47.

It is not unparliamentary to describe in debate the effect which a Member’s remarks may have, especially where that description includes a disclaimer disavowing any intention to impugn a Member’s motives. 98–1, July 28, 1983, p 21462.

Ruled In Order During Debate

- A statement that if a certain Member sponsors a measure it would receive only one or two votes. 73–2, June 12, 1934, p 11177.
- A reference to another Member’s remarks as “yapping.” 73–2, June 16, 1934, p 12114.
- A statement accusing a Member of trying “to becloud” an issue. 82–1, Sept. 25, 1951, p 12074.
- A reference in debate to another Member as not representing a certain class of people in his state. 83–1, Apr. 28, 1953, p 4126.
- A reference to another Member’s statement as “intemperate.” 88–1, Aug. 1, 1963, p 13865.
- A description of a Member’s statement that “this is an example of the spurious reasoning that [an interest group] has with regard to their opposition to this bill.” 87–2, Mar. 19, 1962, p 4458.

- A Member's statement that another Member's demand that words be taken down during a special-order speech was "an unfair stealing of time." 99-1, Feb. 27, 1985, pp 3899, 3900.
- A Member's assertion that "even though that may not be the intention, I think [certain statements] have the tendency to try to assassinate the character of the person making the statement rather than to effectively assassinate the argument." 98-1, July 28, 1983, p 21461.

Ruled Out of Order

- A reference to the remarks of another Member as "malignant shafts" or as a "base insinuation." 5 Hinds § 5162.
- A reference to another Member as a "snooper." 74-1, July 16, 1935, p 11256.
- "The gentleman took the floor in his self-appointed role as spokesman for the committee [and] referred to me in my absence in a disgraceful and unparliamentary manner." 79-2, May 16, 1946, p 5106.
- Referring to another Member as a demagogue (78-1, May 4, 1943, p 3915) or as a "president of the Demogog Club" (76-3, Feb. 15, 1940, p 1529).
- "[D]on't you start comparing anybody's record, because I have got yours . . . with . . . the FBI." 79-1, Apr. 30, 1945, p 3992.
- A reference to another Member as a "pinko." 88-1, Oct. 31, 1988, p 20742.

§ 38. — Use of Colloquialisms; Sarcasm

The Members are allowed considerable latitude in the use of colloquialisms, euphemisms, figures of speech, and even sarcastic comment in debate. In one instance, for example, the statement in debate "you are going to skin us" was held merely a colloquialism which did not reflect on any Member and was in order. 77-1, Feb. 18, 1941, p 1126. In another instance, a Member used the word "crime" in referring to another Member, but the Chair ruled the term in order, finding that in the context of the debate, the term was being used as a synonym or figure of speech meaning "wrong." 74-1, July 23, 1935, p 11699. A statement in debate "[h]ere is the answer, if the gentleman can understand English" has been held in order. 74-2, Mar. 9, 1936, p 3465.

The use in debate of colloquial expressions, figures of speech, or sarcasm is governed by their current meaning and by the context in which they are uttered. 5 Hinds §§ 5165, 5167. An unparliamentary reference to another Member in debate is subject to a point of order even if it is veiled as a satiric compliment. 5 Hinds § 5168. Even the tone and mannerisms of a Member may be taken into account by the Chair in determining whether the criticism voiced is personally offensive to another Member. 98-1, May 26, 1983, p 14048.

Ruled Out

- A reference to another Member “whose name is synonymous [*sic*] with falsehood . . . who is the apologist of thieves; who is such a prodigy of vice and meannesses that to describe him would sicken imagination and exhaust invective.” 2 Hinds § 1251.
- “. . . [N]obody but a gambler or cutthroat would have thought of tacking such a thing as that to such a bill as this.” 2 Hinds § 1258.
- A reference to another Member as possessing “a characteristic skill and cunning,” for which he was “unrivaled and preeminent in the highly civilized, polished, and refined State which honored the House with his presence here.” 5 Hinds § 5167.
- “The devotion of the gentleman . . . to the truth is so notorious that I shall not reply.” 8 Cannon § 2545.
- A reference to another Member as a “stool pigeon.” 74–1, July 16, 1935, p 11256.
- References to a Member as having a “hand like a ham,” grasping a microphone until it “groaned from mad torture,” and striding the House floor “like a wild man.” 76–1, Mar. 16, 1939, p 2871.
- A reference to another Member’s proceeding in a “cheap, sneaky, sly way.” 93–2, Aug. 21, 1974, p 29652.

§ 39. — Impugning Motives

In the early practice of the House, the Speaker intervened in debate to prevent even the mildest imputation on the motives of a Member. 5 Hinds § 5161. It is still the rule that Members may not in debate impugn the personal motives of other named Members in the performance of their legislative duties. 99–1, Mar. 19, 1985, pp 5532–37. An opinion on the general motives of the House or a political party in adopting or rejecting a proposition may be expressed (§ 36, *supra*). References to political motivation for legislative actions may be in order. 104–1, Jan. 24, 1995, p ____; 104–1, Mar. 8, 1995, p _____. But an assertion that a Member’s use of the legislative process is motivated by personal gain (5 Hinds § 5149) or by “the prospect of a junketing trip” (8 Cannon § 2546) is not in order. Merely to question the sincerity of a Member has been held to impugn his motives. 5 Hinds § 5148.

Members should refrain from references in debate to the motivations of Members who file complaints before the Committee on Standards of Official Conduct. 101–1, Mar. 22, 1989, p 5130; 101–1, May 2, 1989, p 7735; 101–1, Nov. 3, 1989, p _____.

Ruled Out of Order

In the precedents below language was objected to in debate as impugning a Member's motives and was ruled out of order.

- Charging another Member, in his capacity as custodian of certain public money, with “[m]aking a parade of his charity, he has been gorging himself and speculating with this money.” 5 Hinds § 5152.
- To characterize the motivation of a Member in offering an amendment as deceptive and hypocritical. 96–1, June 12, 1979, p 14461.
- An observation that a Member stood in the well before an empty House and challenged the Americanism of other Members, “and it is the lowest thing that I have ever seen in my 32 years in Congress.” 98–2, May 15, 1984, pp 12201, 12202.
- To characterize another Member as “speaking out of both sides of his mouth.” 99–1, Mar. 19, 1985, p 5532.

§ 40. — Charging Falsehood or Deception

During debate on the floor, an assertion by one Member may be declared untrue by another (5 Hinds § 5159); yet in so doing an accusation of intentional misrepresentation must not be implied. 5 Hinds §§ 5157, 5189; 8 Cannon § 2542; *Manual* § 363. Any term or language implying a deliberate misstatement of the truth, for whatever motive, is unparliamentary, including allegations of lying, slander, or hypocrisy. Of course, a Member may question the truthfulness of a Member's assertion without implying a deliberate misstatement. A Member's expression of disbelief may be construed as meaning that the Member referred to was merely mistaken in his conclusions. 74–1, July 2, 1935, p 10670. In one instance, a Member's statement in referring to another Member that, “That is not true, and he knows it,” was held in order, the Speaker observing that the words were not uttered in an offensive tone. 5 Hinds § 5158.

A Member may refer to falsehoods in the media without violating the rules of the House, even though his remarks are made during debate with another Member. 79–2, Feb. 12, 1946, p 1240.

Held In Order in Debate

- A Member's statement that he did “not believe a word that [another Member] has said.” 74–1, July 2, 1935, p 10670.
- A statement referring to another Member “when he comes here to defend some slime-monger who goes on the radio and lies about me. . . .” 79–2, Feb. 12, 1946, p 1240.
- “Let us be sincere and honest about this thing.” 78–2, Jan. 21, 1944, p 560.

Held Out of Order

- A Member's declaration that the words of another Member were "a base lie." 2 Hinds § 1249.
- The use of the words "grossly false," as applied to statements made by another Member in a pamphlet published by him during a recess of Congress. 5 Hinds § 5157.
- A statement by a Member "I cannot believe that the gentleman . . . is sincere in what he has just said." 77-2, Nov. 2, 1942, p 8702.
- A statement that the remarks of a Member were "false and slanderous." 78-1, Dec. 20, 1943, p 10922.
- A statement in referring to another Member that "pretexts are never wanting when hypocrisy wishes to add malice to falsehood or cowardice. . . ." 79-1, Oct. 25, 1945, p 10044.
- "I cannot respect the actions or even the sincerity of some of the committee members." 79-2, June 26, 1946, p 7596.
- Language read in the House which repudiated "lies and half-truths" in a House committee report. 80-1, June 16, 1947, p 7065.
- Use of the word "canard"—meaning falsehood—in referring to the statement of another Member. 81-1, May 11, 1949, p 6042.
- Words accusing another Member of hypocrisy. 96-1, July 24, 1979, p 20380.

§ 41. — Lack of Intelligence or Knowledge

A Member in debate may be critical of the understanding or knowledge of other Members or groups of Members in relation to pending bills or amendments. However, such remarks should not denigrate the intelligence of another Member because this would be personally critical and offensive. 88-2, June 10, 1964, p 13254; 96-2, July 2, 1980, p 18361.

§ 42. — References to Race or to Racial Prejudice

Gratuitous references in debate to the race of another Member are not in order. A reference to "the Jewish gentleman from New York," for example, has been ruled out by the Speaker. 79-1, Oct. 24, 1945, p 10032.

It is not in order in debate to accuse a Member of bigotry or racism. Remarks characterizing the motives behind certain legislation as "demagogic and racist" (93-1, Dec. 13, 1973, p 41271) have been ruled out of order, as has a reference to another Member as having reached "bigoted" conclusions (90-1, Aug. 14, 1967, p 22443).

§ 43. — Charges Relating to Loyalty or Patriotism

Unless the subject is relevant to disciplinary proceedings brought by the House against a Member, remarks in debate impugning the patriotism or

loyalty of a Member are not in order. 101–2, June 20, 1990, p _____. Words impeaching the loyalty of a portion of the membership have also been ruled out. 5 Hinds § 5139. However, if such language is directed at the House or at its membership in general, the remarks may not be improper (see also § 33, *supra*).

Ruled In Order in Debate

- A statement referring to all opponents of the Committee on Un-American Activities as communist enemies. 79–2, Feb. 27, 1946, p 1724.
- A statement that another Member had been published in a newspaper “dedicated to the destruction of this Government.” 79–2, Mar. 28, 1946, p 2751.
- A statement referring to (unnamed) Members who give “aid and comfort” to enemies and traitors. 80–1, Nov. 24, 1947, p 10791.
- A statement referring to “people” who would rip down the American flag and replace it with the Soviet flag. 80–2, Mar. 25, 1948, p 3533.
- A statement characterizing the Committee of the Whole as an agency of the Soviet Union. 80–2, June 4, 1948, p 7171.
- A statement accusing another Member of past opposition to “every bill necessary for the defense of our country.” 81–1, Mar. 16, 1949, p 2651.

Ruled Out of Order

- A statement that insertions in the Record by another Member were taken from “Nazi elements.” 76–3, June 14, 1940, p 8269.
- A statement by a Member that internal fascist organizations exercised extensive influence over a special House committee. 77–1, Feb. 11, 1941, p 894.
- A statement, in response to critical comments by another Member, that “I am not going to sit here and listen to these communistic attacks made on me.” 79–2, Feb. 12, 1946, p 1241.
- “There is nothing more subversive than the kind of red baiting tactics [of] the gentleman from _____.” 79–2, Apr. 2, 1946, p 2957.
- A statement referring to another Member as attempting to undermine the government. 79–2, May 14, 1946, p 5028.
- A reference to the Committee on Un-American Activities as “the Un-American Committee.” 80–1, June 12, 1947, p 6895.
- A reference to certain Members as “apostles of doom” whose utterances would give “great aid and comfort” to the Soviet Union. 82–1, Aug. 17, 1951, p 10250.
- A reference to another Member as “kowtowing” to persons who would desecrate the flag. 101–2, June 20, 1990, p ____.

F. Duration of Debate in House

§ 44. In General

Limitations on Debate Time

Prior to 1841, there was no limit on the time which a Member might occupy when once in possession of the floor. 5 Hinds § 5221. Under the modern practice, the duration of debate in the House is invariably limited. Such limitations are imposed pursuant to the standing rules of the House, special rules from the Committee on Rules, and unanimous-consent agreements adopted by the House. Certain types of legislative propositions, such as concurrent resolutions on the budget, are subject to statutory time limitations. § 48, *infra*.

On major bills, a special rule typically specifies the length of time for general debate—usually a number of hours—and identifies the Members who are to control that time. § 48, *infra*. Such time limits may also be imposed pursuant to a unanimous-consent agreement. 99–1, Apr. 30, 1985, p 9801. If a bill or resolution comes to the House floor without such a time limit, the “hour rule” (Rule XIV clause 2) applies to limit the time for general debate. 91–1, Feb. 5, 1969, p 2835. A Member calling up a measure in the House pursuant to a unanimous-consent request or special rule which does not specify debate time controls one hour of debate thereon. 95–1, Nov. 3, 1977, pp 36970, 36971.

Other limitations on the duration of debate are found in those standing rules of the House that authorize specific motions, such as the motion to suspend the rules. Debate on suspension motions is limited to 40 minutes. Rule XXVII clause 2. *Manual* § 907. (Forty-minute debate, see § 46, *infra*.)

Discretion of Chair as Affecting Debate Time

On certain incidental questions of order, the duration of debate is within the discretion of the Chair. This practice is followed with respect to:

- Debate on points of order. 5 Hinds §§ 6919, 6920; 8 Cannon §§ 3446–3448; 82–1, Apr. 13, 1951, p 3909.
- Debate following recognition for a reservation of objection to a unanimous-consent request. See POINTS OF ORDER; PARLIAMENTARY INQUIRIES.
- Debate under the five-minute rule on an appeal in the Committee of the Whole. 8 Cannon § 2347.

Timekeeping

The Chair monitors the time of Members who take the floor in debate and announces when a Member’s time has expired under the rules. See, for example, 88–1, June 11, 1963, p 10633. Extensions of time, see § 48, *infra*.

§ 45. The Hour Rule

The “hour rule” of the House (Rule XIV clause 2) limits the amount of time that a Member may occupy in debate on a pending question to 60 minutes. *Manual* § 758. A Member may not be recognized for more than one hour. Although the House may by special rule or unanimous consent extend the time for debate on a bill beyond one hour, and divide that time between two or more Members, no Member may address the House for more than one hour, even by unanimous consent. 91–1, June 11, 1969, p 15440. See also § 48, *infra*.

The practice under the hour rule often serves to limit the total debate time on the measure itself to one hour. This is because, at the conclusion of the controlling Member’s hour, ordering the previous question cuts off further debate. *Manual* § 804.

If the Member controlling the hour successfully moves the previous question, all debate is terminated and the measure is voted on by the House. If the House rejects the previous question, the measure is then open to further debate. Recognition passes to an opponent of the measure, who may offer an amendment and be recognized for one hour. See PREVIOUS QUESTION.

The hour rule is one of general applicability; it does not govern total debate time when the House has agreed to a different time frame pursuant to the adoption of a unanimous-consent agreement or a special rule from the Committee on Rules, nor is it applicable where another rule of the House specifies otherwise. The hour rule applies:

- Where a Member rises to a question of the privileges of the House and presents a resolution. 90–2, June 20, 1968, pp 17970–72, 17977.
- To a resolution reported from the Committee on Rules. 88–1, May 14, 1963, pp 8512, 8518–20; 92–2, June 21, 1972, p 21694.
- To a privileged resolution reported from committee. 88–1, Feb. 27, 1963, p 3051.
- To a Member recognized to call up a resolution of inquiry. 82–2, Feb. 20, 1952, pp 1205–07, 1215, 1216; 89–1, Sept. 16, 1965, pp 24030, 24033, 24034.
- To a Member recognized to present impeachment charges. 74–2, Jan. 14, 1936, pp 404, 406.
- When a District of Columbia bill on the House Calendar is called up on District Day under clause 8 Rule XXIV. 87–1, June 12, 1961, p 10068.
- When a private bill is called up in the House by unanimous consent. 88–1, Mar. 12, 1963, p 3993.
- Where a measure not requiring consideration in Committee of the Whole is before the House pursuant to a motion to discharge. 92–1, Nov. 8, 1971, pp 39889, 39892.

- To a motion to refer a vetoed bill. 76–3, Oct. 10, 1940, pp 13522–24.
- To the question of passage of a bill over Presidential veto. 91–2, Jan. 22, 1970, p 750; 91–2, June 25, 1970, pp 21532–53.
- To a motion to reconsider (if debatable). 89–1, Sept. 13, 1965, p 23608; *Manual* § 819.
- To a motion to discharge a committee from further consideration of a resolution disapproving a reorganization plan. 87–1, Aug. 3, 1961, p 14548.
- To a motion to expunge from the Record certain remarks used in debate and ruled out of order. 77–1, Feb. 11, 1941, pp 894, 895, 899; 80–1, June 12, 1947, pp 6895, 6896.
- To a Member recognized on a motion to send a bill to conference under Rule XX clause 1. 91–2, Mar. 3, 1970, pp 5722, 5723.
- To a motion to instruct House managers at a conference. 79–2, May 9, 1946, p 4750; 87–1, Aug. 8, 1961, p 14947.
- Where a Member is recognized to call up a conference report. 86–1, June 23, 1959, p 11599.
- To Senate amendments considered in the House. 86–2, Aug. 30, 1960, pp 18357, 18358.
- On a bill called up on the Corrections Calendar. *Manual* § 745a.

The hour rule applies even prior to the adoption of the rules at the inception of a Congress. Thus, a Member offering a resolution on the seating of a Member-elect is entitled to one hour of debate. 90–1, Jan. 10, 1967, p 14.

§ 46. Ten-minute, Twenty-minute, and Forty-minute Debate

The House rules specify fixed periods of debate time, equally divided between the proponents and opponents, on certain motions and questions.

Ten-minute Debate

The House rules permit 10 minutes of debate time, equally divided, on:

- Amendments offered after closing of general debate in Committee of the Whole. *Manual* § 870.
- Amendments offered after the closing of five-minute debate by the Committee of the Whole if printed as required in the Record and if they are not dilatory. Rule XXIII clause 6. *Manual* § 874.
- Motions to recommit with instructions a bill or joint resolution under Rule XVI clause 4, with the time subject to extension under some circumstances. *Manual* § 782.
- Motions to dispense with the call of the Private Calendar. Rule XXIV clause 6. *Manual* § 893.
- Motions to dispense with Calendar Wednesday business. Rule XXIV clause 7. *Manual* § 897.

Twenty-minute Debate

The House rules permit 20 minutes of debate time on motions to discharge a committee, the time to be equally divided. Rule XXVII clause 3. *Manual* § 908. The right to close such debate is reserved to the proponents of the motion (7 Cannon § 1010a); and the chairman of the committee being discharged, if opposed to the motion, has been recognized to control the 10 minutes in opposition. 91–2, Aug. 10, 1970, p 27999. (If the motion to discharge is successful, and the measure is properly before the House rather than the Committee of the Whole, the Member moving its consideration is recognized in the House under the hour rule. *Manual* § 908.)

Twenty minutes of debate is also permitted where a point of order is raised against a federal mandate under § 425 of Part B, Title IV, of the Congressional Budget Act (*Manual* § 1007) as passed in 1995. Points of order under that Act are disposed of by putting the question of consideration, debatable for 20 minutes—10 by the Member making the point of order, 10 by a Member in opposition.

Forty-minute Debate

The House rules permit 40 minutes of debate time:

- On motions to suspend the rules, the time to be divided between proponents and opponents. Rule XXVII clause 3. *Manual* § 907.
- Following the ordering of the previous question on a debatable proposition on which there has been no debate. Rule XXVII clause 3. *Manual* § 907; 5 Hinds § 6821.
- On motions to reject certain portions of conference reports or Senate amendments objected to as nongermane. Rule XXVIII clause 4. *Manual* § 913b.

Other articles in this work dealing with specific motions and questions should be consulted. See for example, PREVIOUS QUESTION; CONFERENCES BETWEEN THE HOUSES; SUSPENSION OF RULES.

§ 47. Debate in the House as in Committee of the Whole

Debate on a bill being considered in the House as in Committee of the Whole is under the five-minute rule, with no general debate. 89–2, Sept. 28, 1966, p 24080; 90–1, June 26, 1967, pp 17183–86; 90–1, Sept. 27, 1967, pp 26957 *et seq.* Five minutes in favor of and five in opposition to an amendment is permitted. 90–1, Dec. 14, 1967, pp 36535–37. Members may also gain five minutes of debate by offering pro forma amendments (95–1, Nov. 2, 1977, p 36513) and motions to strike the enacting clause (74–2, Mar. 17, 1936, p 3894).

Extensions of time for debate beyond five minutes are generally permitted only by unanimous consent. 91–1, July 28, 1969, p 20850. However, a Member may speak in opposition to a pending amendment and subsequently offer a pro forma amendment and debate that; and a Member who has debated a substantive amendment may thereafter rise in opposition to a pro forma amendment thereto. § 54, *infra*.

Private Calendar debate in the House as in Committee of the Whole is strictly limited to five minutes in favor of and five in opposition to an amendment; extensions of time under the five-minute rule are not permitted. 90–1, Dec. 14, 1967, pp 36535–37.

§ 48. Limiting or Extending Debate Time

Generally

The House may by unanimous consent or by special rule limit or extend the time for debate on propositions considered in the House. But a motion to extend the time for debate in the House is not in order. 92–2, June 13, 1972, pp 20678, 20681.

By Special Rule

A special rule from the Committee on Rules may limit the debate time that may be devoted to a proposition to be considered in the House. It may specify, for example, that general debate shall not exceed a certain number of hours or days. 73–1, May 2, 1933, p 2693; 93–2, Dec. 19, 1974, p 41419. Similarly, though conference reports are ordinarily considered under the hour rule, a special rule may provide for more extended debate. 94–1, Mar. 26, 1974, p 8916.

By Unanimous Consent

Debate time in the House under the hour rule may be modified by unanimous consent. 99–1, Oct. 11, 1985, p 27361. In one instance, by unanimous consent, debate on a resolution declaring a seat vacant in the House was extended to two hours. 99–1, Apr. 30, 1985, p 9801. In another instance, time for debate on three contempt citations was, by unanimous consent, fixed at three hours—two hours on the first citation and one-half hour on each of the remaining two. 86–2, Aug. 23, 1960, p 17278.

Debate on a privileged resolution in the House is ordinarily under the hour rule, but such debate may be extended beyond one hour by unanimous consent or by rejecting the motion for the previous question. § 49, *infra*. Thus, the House may agree to a unanimous-consent request to extend the time for the debate in the House on a special rule reported from the Com-

mittee on Rules. 95–1, July 14, 1977, p 22942; 95–1, July 29, 1977, p 25654.

Unanimous-consent agreements extending time may further provide for a division of time between various Members. However, a Member may not address the House for more than one hour on any subject, even by unanimous consent. 91–1, June 11, 1969, p 15440; 94–2, Mar. 9, 1976, p 5906.

Effect of Statutory Time Limitations

Debate time on certain kinds of legislative propositions is limited by statute. *Examples* of such laws are:

- Congressional Budget Act of 1974 (limits debate on concurrent resolutions on the budget to 10 hours; specifies four hours for debate on economic goals and policies; amendments considered under five-minute rule). § 305(a).
- Impoundment Control Act of 1974 (limits debate on rescission bill or impoundment resolution to not more than two hours). § 1017(c).
- Trade Act of 1974 (limits debate on implementing bills and certain resolutions to 20 hours). 19 USC § 2101.
- Pension Reform Act (limits debate on joint resolutions approving certain schedules to not more than 10 hours). § 4006(b)(6). 29 USC § 1306(b).
- Marine Fisheries Conservation Act (limits debate on fishery agreement resolutions to not more than 10 hours). § 203(d)(4). 16 USC § 1823(d).
- Nuclear Waste Policy Act of 1982 (limits debate on certain resolutions of approval to not more than two hours). § 115(e)(4). 42 USC § 10135(e).

Such statutory provisions (compiled in *Manual* § 1013) are enacted as an exercise of the rule-making power of both Houses, with full recognition of either House to change them at any time. In one instance, the Committee of the Whole was considering a resolution disapproving a reorganization plan pursuant to the Reorganization Act of 1949, which limited debate time to 10 hours; the House agreed by unanimous consent to limit debate in the Committee to five hours, and then subsequently consented to limit further debate to 30 minutes. 87–1, July 19, 1961, pp 12905, 12932.

§ 49. Closing Debate

The usual motion for closing debate in the House (as distinguished from the Committee of the Whole) is the motion for the previous question. 5 Hinds § 5456; 8 Cannon § 2662; *Manual* § 805. This motion is also used to close debate in the House *as in* Committee of the Whole. 91–1, July 28, 1969, p 20855. Under the rule authorizing this motion (Rule XVII), the Member controlling debate on a proposition in the House may move the previous question and (if ordered by the House) thereby terminate further

debate. 89–1, Jan. 4, 1965, p 20. However, the House may by unanimous consent vacate the ordering of the previous question in order to extend debate. 86–2, Aug. 26, 1960, p 17869. If the motion is ordered on a debatable proposition, and that proposition has not in fact been debated, then (under another House rule) 40 minutes of debate is permitted. Rule XXVII clause 2. *Manual* § 907. See 5 Hinds § 6821; 8 Cannon § 2689.

Other methods of terminating or precluding debate in the House include the use of the motion to lay on the table and the raising of the question of consideration. For comprehensive discussion, see PREVIOUS QUESTION, LAY ON THE TABLE, and QUESTION OF CONSIDERATION.

§ 50. One-minute and Special-order Speeches; Morning Hour Debates

Generally

The ability of Members to address matters not on the daily legislative agenda is facilitated by allowing “one-minute speeches” and special-order speeches.” Neither procedure is specifically provided for in the standing rules, but their use is permitted by a long-standing custom regarded as beneficial to the democratic processes of the House. 90–2, July 22, 1968, p 22633.

One-minute Speeches

One-minute speeches are normally entertained at the beginning of the legislative day, although in recent practice the Speaker may recognize Members to proceed for one minute after legislative business has been completed. 103–2, Feb. 11, 1994, p _____. Recognition for one-minute speeches is within the discretion of the Chair, and he may decline recognition until a later time or place in the legislative day (*e.g.*, to follow a scheduled recess). 98–2, May 16, 1984, p 12483. Indeed, when the House has a heavy legislative schedule, he sometimes refuses all requests to recognize Members for a one-minute speech. 90–2, July 22, 1968, p 22633; 91–2, June 17, 1970, p 20245.

The evaluation of the time consumed on a one-minute speech is a matter for the Chair and is not subject to challenge on a point of order. 92–2, May 9, 1972, p 16288. He has refused to put to the House unanimous-consent requests for extensions of that time. 92–1, May 6, 1971, p 13724. Moreover, under the Speaker’s power of recognition as traditionally exercised prior to legislative business, a Member can be recognized for a one-minute speech only once, and a second unanimous-consent request on that day will not be entertained. 99–1, May 1, 1985, p 9995.

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. 98–1, Nov. 15, 1983, pp 32657, 32658. However, the Chair endeavors to recognize majority and then minority members by allocating time in a nonpartisan manner. 97–2, Aug. 4, 1982, p 19319. In 1984, the Speaker began a new policy requiring the alternation of recognition between majority and minority members in the order in which they seek recognition. 98–2, Aug. 8, 1984, p 22963; 99–1, Jan. 3, 1985, p 420; 103–1, Jan. 5, 1993, p ____.

Morning Hour Debates

Morning hour debates were first initiated on a trial basis in the 103d Congress. The House by unanimous consent agreed that on certain days of the week, the House would convene 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. Debate was limited and allocated to each party, with initial and subsequent recognition alternating daily between parties pursuant to lists submitted by the leadership. *Manual* § 753b.

Special-order Speeches

The Chair normally recognizes Members for special orders to address the House at the conclusion of business of the day. The Speaker may reserve the right to return to business. Deschler-Brown Procedure Ch 21 §§ 8.6, 8.7. No Member may be recognized beyond one hour, even by unanimous consent, since under clause 2 Rule XIV a Member may not be recognized for more than one hour of debate on any question. *Manual* § 758. Furthermore, a Member may not be recognized for two special-order speeches on the same legislative day, even though special orders have been interrupted by legislative business. Deschler-Brown Procedure, Ch 21 § 8.1.

Since the 98th Congress the Speaker has followed announced policies of (1) alternating recognition for special-order speeches between majority and minority members and (2) recognizing for special-order speeches of five minutes or less before longer speeches. *Manual* § 753a. Since Feb. 24, 1994, the Speaker's announced policies for recognition for special-order speeches has been as follows: (1) recognition does not extend beyond midnight; (2) recognition for longer speeches is limited (except on Tuesday) to four hours equally divided between the majority and minority; (3) the first hour for each party is reserved to its respective Leader or his designees; (4) time within each party is allotted in accord with a list submitted to the Chair by the respective Leader; (5) the first recognition within a category alternates

between the parties from day to day, regardless of when requests were granted; (6) Members may not enter requests for five-minute special orders earlier than one week in advance; and (7) the respective Leaders may establish additional guidelines for entering requests. *Manual* § 753a.

Oxford-style Debates

In the 103d Congress the House experimented with a number of so-called Oxford-style debates in lieu of conventional special orders. Such debates, derived from the British format, involve two teams of debaters—four members from each party—who then argue a single question. A moderator is chosen to regulate the debate, which lasts for 90 minutes. The debate is highly structured, with time controlled and allotted for each participant. *Manual* § 753c.

G. Duration of Debate in Committee of the Whole

§ 51. In General; Effect of Special Rules

At one time, there was no limit on the time which a Member might occupy in debate in the Committee of the Whole when once in possession of the floor. A Member might speak an unlimited time, whether in general debate or on an amendment. 5 Hinds § 5221. Today, when the House resolves into the Committee of the Whole without fixing the time for general debate each Member recognized has one hour (§ 52, *infra*). And when general debate is closed in the Committee of the Whole, any Member is allowed five minutes' debate on an amendment he offers, after which the Member who first obtains the floor has five minutes in opposition. Rule XXIII clause 5. *Manual* § 870. These time limitations do not apply, of course, where the measure is called up pursuant to a special rule or resolution which requires that a different period of time be devoted to debate. 90–2, Apr. 3, 1968, p 8776.

The Chairman of the Committee of the Whole monitors the time used by each Member for debate and announces the expiration thereof.

§ 52. General Debate

The duration and allocation of time for general debate in Committee of the Whole is controlled by the House, not the Committee. 91–2, Dec. 17, 1970, p 42222. Such control may be exercised through the adoption of unanimous-consent agreements (90–2, June 27, 1968, p 19105) or the adoption of a special rule from the Committee on Rules (89–2, Sept. 26, 1966, pp 23785, 23946). The Committee of the Whole may not, even by unani-

mous consent, extend the general debate time fixed by the House. 96-2, Feb. 22, 1980, p 3564.

If the House does not limit the time for general debate in Committee, debate in the Committee of the Whole is under the hour rule. 91-1, July 28, 1969, p 20850. And a Member having control of such time may not consume more than one hour. 87-2, Mar. 6, 1962, pp 3484, 3489; 91-1, July 29, 1969, pp 21174-78.

Frequently, the House order limiting general debate time in the Committee will also divide the control of the time between certain Members, such as the chairman of the reporting committee and its ranking minority member. While under the special rule a Member may have control of more than one hour of general debate on a bill in Committee of the Whole, he may not, under the general rules of the House, yield himself more than one hour for debate. 92-1, June 21, 1971, p 21096. Nor is it in order for a Member to whom time has been yielded to ask unanimous consent for additional time, for time is controlled by those to whom it is allotted by the House and is not subject to extension by the Committee. 91-2, Dec. 17, 1970, p 42222.

The Committee of the Whole may not, even by unanimous consent, change the control of general debate to Members other than those specified by the House. 99-2, Oct. 9, 1986, p 29984. However, in one instance, general debate which had been allocated only to the primary committee pursuant to a special rule was reallocated by unanimous consent to the chairmen and ranking minority members of three committees to which the bill had been sequentially referred. 99-1, Nov. 5, 1985, p 30462.

Effect of Absence of Members in Control

Where no member of the reporting committee is present at the appropriate time during general debate in the Committee of the Whole, the Chair may presume the time to have been yielded back. 98-2, June 11, 1984, p 15744. And where a committee that controls a portion of general debate time is not present on the floor at the appropriate time to use that time for debate and has indicated to the Chair that it does not wish to reserve time, the Chair may consider that time for general debate to have been yielded back. 99-1, Sept. 20, 1985, p 24565.

§ 53. Limiting or Closing General Debate

By Unanimous Consent in the House

Pending a motion to resolve into the Committee of the Whole, the House may by unanimous consent limit general debate to a time certain and

provide that at the conclusion of general debate the Committee shall rise. 88–1, Apr. 9, 1963, pp 6044, 6073. If objection is raised to the unanimous-consent request, the Speaker puts the question on the initial motion to go into the Committee of the Whole. 88–2, Aug. 11, 1964, p 18949.

By Motion in the House

After general debate has begun in the Committee and the Committee rises, a motion in the House to close or limit further general debate is in order. 5 Hinds §§ 5204–5206; *Manual* § 871. The motion is not in order until after debate in the Committee has begun (5 Hinds § 5204) and is made in the House pending the motion that the House resolve itself into Committee for further consideration of the bill, and not after the House has voted to go into Committee. 5 Hinds § 5208. The motion may not apply to a series of bills (5 Hinds § 5209) and the motion must apply to the whole and not to a part of a bill (5 Hinds § 5207). The motion may not be made in Committee of the Whole. 5 Hinds § 5217; 8 Cannon § 2548.

By Unanimous Consent in the Committee

While the motion to close general debate is not in order in the Committee of the Whole, the Committee may, in the absence of an order of the House, close debate by unanimous consent. 8 Cannon §§ 2553, 2554.

Although a bill is being considered in the Committee under a special rule specifying the time for general debate, the managers of the bill need not use all of the prescribed time. Under the modern practice, the Members in control of the time are permitted to yield it back and thereby shorten general debate in the Committee. 96–1, May 4, 1979, p 9918.

§ 54. Five-minute Debate

Generally

When general debate is closed in the Committee of the Whole, debate on amendments proceeds under the so-called five-minute rule. Clause 5 Rule XXIII. It provides:

When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon, but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment. . . .
Manual § 870.

Under this rule, the proponent of an amendment is entitled to five minutes of debate in favor of the amendment before a perfecting amendment

may be offered thereto. 98–2, May 31, 1984, p 14648. If, after a speech in favor of an amendment, no one claims the floor in opposition, the Chairman may recognize another Member favoring the amendment. 8 Cannon § 2557.

Speaking More Than Once

Generally, a Member may speak only once for five minutes on a pending amendment, although a point of order under this rule comes too late after that Member has been recognized and has begun to speak. 92–1, June 9, 1971, p 18988. Even when the Committee resumes consideration of an amendment which has been debated by its proponent on a prior day, the proponent may speak again for five minutes on his amendment only by unanimous consent. 96–1, Dec. 12, 1979, p 35529. And a Member recognized for five minutes on an amendment may not extend his time by offering another amendment. 8 Cannon §§ 2560, 2562. But a Member who has offered an amendment and spoken thereon is not precluded from seeking recognition to speak to a proposed amendment to his amendment. 90–1, Nov. 15, 1967, p 32644. And where there is pending an amendment and a substitute therefor, the Member offering the substitute may debate it for five minutes and subsequently be recognized to speak for or against the original amendment. Moreover, if debate on the pending amendment is limited, the five-minute rule is abrogated and Members who have already spoken on an amendment may be recognized again under the limitation. 91–2, July 28, 1970, p 26027.

Precluding Amendments; Effect of Special Rules

The House, and not the Committee of the Whole, controls the extent to which the offering of amendments may be precluded under the five-minute rule. The Committee cannot, even by unanimous consent, prohibit the offering of amendments otherwise in order under the rule. 98–2, July 31, 1984, p 21702.

A special rule adopted by the House for the consideration of a bill may preclude the offering of amendments under the five-minute rule. For example, if a special rule permits only designated amendments and prohibits amendments to amendments—only two five-minute speeches are in order on each designated amendment, one speech in support and one in opposition. 86–2, May 18, 1960, p 10576; 87–2, Oct. 5, 1962, p 22636; 89–1, Mar. 16, 1965, p 5099. A Member may obtain additional debate time only by unanimous consent. 96–1, Sept. 6, 1979, pp 23394, 23401. Since only the two five-minute speeches are in order, pro forma amendments are not permitted, and a third Member may be recognized only by unanimous consent.

95–1, Mar. 8, 1977, p 6632. A third Member is not entitled to recognition notwithstanding the fact that the second Member, recognized in opposition, actually spoke in favor of the amendment. 86–2, May 18, 1960, p 10579.

Yielding Time

A Member recognized under the five-minute rule may not yield his time to another Member. 5 Hinds §§ 5035–5037; 100–1, May 8, 1987, p 11832; *Manual* § 872. He may yield a portion of his time while remaining on his feet. But he may not yield to another to offer an amendment. 98–2, May 31, 1984, p 14648. If a Member resumes his seat before expiration of the five minutes another may not be recognized for the remainder of that time. 8 Cannon § 2571.

A Member may yield during debate under the five-minute rule while remaining standing to permit another Member to question him or make a comment, or to make a unanimous-consent request. But the time consumed thereby comes out of that of the Member holding the floor. 90–2, June 11, 1968, p 16699. Time consumed in yielding for a parliamentary inquiry is also charged against the five minutes. 88–1, Feb. 7, 1963, pp 2462, 2488.

Motions to Extend Time

A motion to extend debate under the five-minute rule is not in order in the Committee of the Whole. 86–1, June 18, 1959, p 11302. A Member recognized under the five-minute rule may extend his debate time only by unanimous consent (see § 57, *infra*), and a motion to that effect is not in order. 94–2, Apr. 28, 1976, p 11622.

Pro Forma Amendments

The pro forma amendment—to “strike the last word”—is used under the five-minute rule only for purposes of debate or explanation, the proponent having no intent to offer a substantive amendment. A Member recognized to speak in favor of or in opposition to a pending amendment may later offer a pro forma amendment and thereby be entitled to a second five minutes for debate. See 91–2, July 28, 1970, p 26027. And a Member who has debated a substantive amendment may later rise in opposition to a pro forma amendment thereto. See 82–1, July 20, 1951, p 8566. But a Member who has been recognized for five minutes on a pro forma amendment cannot thereafter extend his time by offering a second pro forma amendment. 89–1, Mar. 25, 1965, p 6002. And a Member who has consumed five minutes in support of an amendment which he has offered cannot, except by unanimous consent, obtain additional time by offering a pro forma amend-

ment to his own amendment. 89–2, Aug. 17, 1966, p 19664; 93–2, June 21, 1974, p 20601.

Motions to Strike the Enacting Clause

The preferential motion to rise and report back to the House with the recommendation that the enacting clause be stricken is sometimes utilized to gain an additional five minutes for debate in the Committee of the Whole. Rule XXIII clause 7. *Manual* § 875. Debate on the preferential motion is limited to two five-minute speeches, and the Chair declines to recognize for requests for extensions of that time. 87–1, Sept. 19, 1961, p 20298. Only two five-minute speeches are permitted notwithstanding the fact that the second Member, recognized in opposition to the motion, spoke in favor thereof. 86–2, Mar. 18, 1960, p 6026. Debate time may not be reserved. 102–1, May 22, 1991, p ____.

Members of the committee managing the bill have priority in recognition for debate in opposition to the motion. 100–2, May 5, 1988, p 9955; 102–1, June 26, 1991, p ____.

If the House acts to strike the enacting clause as recommended by the Committee, the bill is considered rejected. *Manual* § 875; 5 Hinds § 5326. Generally, see COMMITTEES OF THE WHOLE.

§ 55. — Limiting or Extending Five-minute Debate—By House Action

By Unanimous Consent

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. The House may by unanimous consent agree to an extension of time for such debate even after the Committee has previously agreed to terminate debate at an earlier time. 87–1, May 11, 1961, p 7869; 99–1, June 12, 1985, p 15379.

By Motion

A timely motion to limit debate on a matter pending in the Committee of the Whole under the five-minute rule has been held to lie in the House as well as in the Committee once that debate has begun. In an early decision Speaker Crisp held that the Committee did not have the exclusive right to limit debate on matters pending before it, and that a motion to limit debate on a section of a bill pending in Committee would lie in the House. 5 Hinds § 5229.

§ 56. — By Motion in the Committee of the Whole**Generally; When in Order**

A motion in the Committee of the Whole to limit or close five-minute debate is permitted by House rule. Rule XXIII clause 6 (*Manual* § 874). The motion may propose to close debate instanter or at the expiration of a designated time. 8 Cannon § 2572. As noted above, a motion to extend five-minute debate is not in order in the Committee. § 54, *supra*.

Until a bill has been read for amendment in full or its reading dispensed with by unanimous consent, a motion to close or limit debate on the bill is not in order. 89–1, July 22, 1965, p 17932; 94–1, June 4, 1975, p 16895; 96–1, June 27, 1979, pp 17013, 17014. Until the last section of a bill being read by sections has been read, a motion to close debate on the entire bill is not in order. 89–1, Mar. 26, 1965, p 6104. Likewise, a motion to close debate on a section of a bill not yet reached in the reading of the bill for amendment is not in order. 91–1, July 31, 1969, p 21676. Similarly, when a bill is being read by titles, debate under the five-minute rule on titles that have not been read may not be closed except by unanimous consent. 88–2, Feb. 8, 1964, p 2614.

A motion to limit or close debate under the five-minute rule is not in order until debate has begun. 5 Hinds § 5225. Thus, a motion to close debate on a section of a bill or on an amendment is not in order until there has been some debate thereon. 89–1, Mar. 26, 1965, pp 6097, 6104; 90–1, Nov. 14, 1967, p 32349. However, the motion to close debate has been held in order after only one speech, even though brief (5 Hinds § 5226), and although the Member making the speech, after gaining recognition to strike out the last word, obtained consent to speak out of order. 89–1, Mar. 26, 1965, pp 6098, 6104.

After debate has begun, a motion in the Committee to close debate under the five-minute rule is privileged. 89–1, Mar. 26, 1965, pp 6098, 6104. The motion cannot deprive another Member of the floor (88–2, Mar. 12, 1964, p 5118), but once pending the motion must be disposed of prior to further recognition by the Chair (87–2, June 5, 1962, p 9713).

While it is customary for the Chair to recognize the manager of the pending bill to offer motions to limit debate, any Member may, pursuant to Rule XXIII clause 6, move to limit debate at the appropriate time in Committee of the Whole. 94–1, July 31, 1975, p 26223. But the Member managing the bill is entitled to prior recognition to move to close debate on a pending amendment (after the proponent has had his time) over other Members. 91–2, Nov. 25, 1970, p 38990; 95–1, June 22, 1977, p 20288.

It is in order in the Committee of the Whole to move to limit or close debate under the five-minute rule with respect to:

- The portion of the text which is pending. 88–2, Feb. 8, 1964, p 2614; 91–2, June 18, 1970, p 20469.
- An amendment and all amendments thereto pending in the Committee. 98–2, July 26, 1984, pp 21249, 21250.
- All amendments to the bill (after the bill has been read) and all amendments thereto (except on a specified amendment). 98–1, July 26, 1983, pp 20943, 20944.
- A pending committee amendment in the nature of a substitute and all amendments thereto. 98–1, Mar. 16, 1983, pp 5794–96.
- A pending section and all amendments thereto. 99–1, Oct. 3, 1985, p 25986.

A proposition to control or divide the time is not in order as a part of a motion to limit debate under the five-minute rule. 8 Cannon § 2570. Clause 6 of Rule XXIII permits the Committee of the Whole by motion to limit debate on the pending portion of a bill (and on all amendments thereto) or just on a pending amendment (and all amendments thereto), but does not permit a motion to limit and allocate separate time for debate on perfecting amendments not yet offered; the Committee may, by subsequent unanimous consent or motions, separately limit and allocate debate on each perfecting amendment after it has been offered. 98–1, Mar. 16, 1983, pp 5794–96.

A motion to limit debate on an amendment and all amendments thereto (but not on the pending section) does not affect debate under the five-minute rule on another amendment subsequently offered to the same section of the bill. 95–1, June 22, 1977, p 20290. Likewise, where a time limitation is imposed on an amendment but not on the original text, debate on perfecting amendments to the original text proceeds under the five-minute rule absent another time limitation thereon. 98–1, Apr. 13, 1983, pp 8402–04. However, a limitation of debate under the five-minute rule on a pending amendment and all amendments thereto applies to debate on any substitute for the amendment that might subsequently be offered. 98–1, Apr. 21, 1983, p 9341.

A limitation on debate on a section of a bill and amendments thereto does not affect debate on an amendment adding a new section to the bill. 96–1, Aug. 1, 1979, pp 21963, 21964, 21969. The Chair may decline to recognize a Member to offer such an amendment until perfecting amendments to the pending section have been disposed of under the limitation. 96–1, June 26, 1979, pp 16679, 16680.

Consideration of Motion; Debate and Amendments

A motion to limit debate under the five-minute rule must be reduced to writing if demanded by any Member. 93–1, Dec. 14, 1973, pp 41712, 41713. The motion is not debatable. 93–1, Dec. 14, 1973, pp 41712, 41713; 94–1, Apr. 23, 1975, p 11534; 95–1, May 18, 1977, p 15418. While not debatable, the motion is subject to amendment. 5 Hinds § 5227; 8 Cannon § 2578.

An agreement in the Committee to a motion to limit debate is not subject to a motion to reconsider. 90–1, May 24, 1967, p 13824. However, the Committee may by unanimous consent rescind such an agreement. 89–2, Aug. 5, 1966, p 18416; 93–1, Dec. 14, 1973, p 41731.

§ 57. — By Unanimous Consent in the Committee of the Whole**Generally**

Debate under the five-minute rule in the Committee of the Whole may be closed or limited by the Committee by unanimous consent, even on portions of the bill not yet read. 87–1, May 10, 1961, p 7225; 88–2, Feb. 8, 1964, p 2614; 98–1, Mar. 16, 1983, pp 5794–96. An extension of the time which has been fixed for five-minute debate is likewise permitted by unanimous consent unless barred by special rule from the Committee on Rules. 86–2, June 23, 1960, pp 14055–58; 90–1, Nov. 15, 1967, pp 32691–94; 95–1, Oct. 20, 1977, p 34714. The Committee of the Whole can change procedures set by a special order only by unanimous consent and only where congruent with the terms of the special order. See *Manual* § 877a.

In limiting debate by unanimous consent under the five-minute rule, the Committee may specify an appropriate time frame and also include provisions as to the control of the time. The Committee may, by unanimous consent, limit debate to a certain number of hours of debate, equally divided and controlled. 99–1, Oct. 3, 1985, pp 25897, 25947. Or the Committee may by unanimous consent limit debate to a time certain, to be equally divided and controlled. 99–2, July 31, 1986, pp 18357, 18358. The Committee has limited debate to:

- Fifteen minutes on each amendment that might be offered. 89–2, Oct. 14, 1966, p 26968.
- Twenty minutes on a side, time on each side to be controlled by the majority and minority members in charge of the bill. 89–2, May 10, 1966, p 10232.
- Thirty minutes on a pending motion to strike, the time to be controlled equally by the managers of the bill. 89–2, Aug. 4, 1966, p 18207.

- One hour, the time to be divided between the majority and minority sides and controlled by the subcommittee chairman handling the bill and the proponent of the amendment. 89–2, May 26, 1966, p 11608.
- Two hours, controlled by the chairman and ranking member of the reporting committee. 89–1, July 8, 1965, pp 16036–38.

Rescission or Modification of Limitation

A time limitation on debate imposed by the Committee of the Whole may be rescinded or modified by the Committee by unanimous consent (but not by motion). 94–1, Sept. 17, 1975, p 28904; 95–1, Mar. 3, 1977, p 6193. The Committee having limited debate, the Chair declines to recognize for a motion to extend the time, but a unanimous-consent request to extend or allot the time may be entertained. 90–2, June 11, 1968, p 16699. The Committee may by unanimous consent permit additional debate on an amendment prior to its being offered notwithstanding a previous limitation on debate under the five-minute rule on all amendments to the bill. 98–1, Oct. 4, 1983, pp 27099, 27102.

§ 58. Motions Allocating or Reserving Time

A motion to limit debate under the five-minute rule on a pending amendment in the Committee of the Whole is not in order if it includes a provision for allocation or division of time between two or more Members; debate time can be allocated between Members only by unanimous consent. 98–2, Aug. 2, 1984, pp 22180, 22181. Thus, the Committee may, during the reading of a bill under the five-minute rule, limit debate by unanimous consent and include in the request a reservation of the last portion of time to the committee handling the bill. 88–1, May 9, 1963, p 8144. The same procedure may be used to limit debate and reserve a certain amount of time for certain Members. 96–1, May 16, 1979, p 11444.

A motion to limit debate under the five-minute rule in the Committee of the Whole is not in order if it includes a reservation of time for any special purpose. 91–1, Sept. 16, 1969, p 25633; 93–1, May 9, 1973, pp 15010, 15011. Such a motion may not include a reservation of time for the reporting committee (90–1, June 15, 1967, p 15903; 92–2, May 18, 1972, p 18035) or for a particular Member. 92–2, Oct. 5, 1972, p 34137; 94–2, June 18, 1976, p 19251. The motion may not include a reservation of time to the “majority side” (89–2, Sept. 28, 1966, p 24105), nor may it include a provision for division of time between the proponents and opponents of the pending amendment. 90–1, May 24, 1967, p 13824; 92–1, Nov. 30, 1971, p 43406. However, a point of order against a motion to close debate

and reserve time comes too late after the question has been put and agreed to. 86–2, June 23, 1960, p 14088.

§ 59. Timekeeping; Charging Time

Generally

A limitation on debate under the five-minute rule may take the form of a restriction on *debate time* (i.e., “for 60 minutes”) or as a limitation on debate to a *time certain* (i.e., “until 5 p.m.”). The form of the limitation is particularly significant in determining how the time is to be accounted for under the limitation. When *debate time* on a proposition is limited to a fixed period, such as 60 minutes, the time consumed for purposes other than debate (such as a quorum call) is not counted or charged against the allowable time for debate. 89–2, May 26, 1966, p 11608; 95–2, Feb. 1, 1978, pp 1827, 1828; 98–2, Feb. 2, 1984, pp 1432, 1433. Time consumed by voting is not counted against the limitation (88–2, Feb. 10, 1964, p 2705; 94–2, Sept. 28, 1976, p 33082) nor is time consumed on a point of order (98–1, June 15, 1983, p 15818).

On the other hand, where the time for debate has been fixed to a *time certain*, such as 5 p.m., the time consumed by matters other than debate is charged against the time remaining, thus reducing the time for debate allowable to Members. 87–2, Jan. 23, 1962, pp 769, 773; 98–2, Feb. 2, 1984, pp 1432, 1433. A request or motion to close debate at a *time certain* should specify that the debate cease at a certain time, and not that the Committee of the Whole vote at a certain time, since the Chair cannot control time consumed by quorum calls or votes on other intervening motions. 95–1, June 29, 1977, pp 21383, 21384; 98–1, Nov. 10, 1983, p 32172. The time consumed on the related procedural matter comes out of the total allocation of remaining time and is proportionally deducted from those Members who have not yet spoken under the allocation. 95–2, July 19, 1978, p 21704; 95–2, Apr. 26, 1978, p 11642. The Chair then reallocates the balance of the time among the remaining Members. 95–2, Apr. 26, 1978, p 11649. Such a limitation terminates all debate at the time specified notwithstanding that some allotted time remains unused when debate expires. 94–2, May 11, 1976, p 13427. The time specified can be extended only by unanimous consent. 98–2, Aug. 2, 1984, pp 22180, 22181; 99–1, Oct. 3, 1985, pp 25986, 25995. For this reason it may not be possible for the Chair to reach each Member to whom time has been allocated before the time expires. 88–2, Aug. 7, 1964, pp 18583, 18608. In such cases, no point of order lies against the inability of the Chair to recognize each Member on the list. 95–1, June 27, 1977, p 20918.

Where debate has been limited to a *time certain*, time consumed by the Chair in maintaining order in the Chamber comes out of the remaining available debate time. But where debate has been limited to a certain number of minutes, time consumed by the Chair in maintaining order does not come out of the time allocated to Members for debate. See 99–1, June 18, 1985, p 16098. The same distinction is applied to time consumed on a preferential motion to strike the enacting clause. 97–2, July 21, 1982, p 17347. See also 91–2, May 6, 1970, p 14452; 96–1, Sept. 18, 1979, pp 25078, 25091.

Role of Chairman in Allocating Time

Where debate on an amendment has been limited, the Chair has several discretionary options in allocating the remaining time. He may (1) continue to recognize under the five-minute rule; (2) divide the time between Members indicating a desire to speak; or (3) as is increasingly the case under the modern practice, divide time between the proponent of the amendment and a Member (or bill manager) opposed and allow them in turn to sub-allocate their time. 97–2, May 25, 1982, p 11672; 97–2, Aug. 5, 1982, p 19758.

Time Remaining After Committee Rises

The adoption of a motion to rise during debate on an amendment in the Committee of the Whole does not affect the time remaining on the amendment when the bill is resumed as unfinished business in the Committee of the Whole, where debate is limited to a number of minutes and not to a time certain. 99–2, Aug. 14, 1986, p 21691. Time for debate remains under the limitation when the Committee resumes consideration at a subsequent time. 93–2, July 24, 1974, p 25009. But where a measure has been limited to a *time certain* (i.e., 5 p.m. that day), and the Committee rises before that time without having completed action on the pending measure, no time is considered as remaining when the Committee, on a later day, again resumes consideration of the measure. 91–2, May 6, 1970, p 14452. See also 87–1, May 10, 1961, pp 7725, 7728. The limitation on debate carries over to prevent debate on the pending question on the subsequent day, and the Committee may extend debate on the subsequent day only by unanimous consent. 95–1, Oct. 20, 1977, p 34714.

Where after limiting debate under the five-minute rule the Committee of the Whole is about to rise on motion, the Chair may, in his discretion, defer his allocation of that time until the Committee resumes consideration of the bill on a subsequent day. 95–2, Sept. 11, 1978, p 28800; 96–1, Oct. 24, 1979, pp 29384, 29385.

H. Reading Papers; Displays and Exhibits

§ 60. Reading Papers

A Member recognized for debate may read his speech from papers. 103–1, Jan. 27, 1993, p _____. Indeed, it has long been the practice of the House to permit Members to read in debate from papers not being voted on, no other Member objecting. This practice was followed both in the House and the Committee of the Whole. 5 Hinds §§ 5285–5291; 8 Cannon §§ 2597, 2602; 100–1, Dec. 10, 1987, p 34668. However, under an earlier version of Rule XXX, if objection was made to such a reading, the question was to be determined by a House vote without debate. (This rule was amended in 1993 to apply only to exhibits and no longer to readings. *Manual* § 915.)

§ 61. Use of Exhibits

Generally

Members often use relevant exhibits in debate for the information of other Members. However, the display of exhibits in debate is subject to the requirement of House consent under Rule XXX if objection is made. Notwithstanding an objection under Rule XXX, the House may vote to permit a Member to utilize the exhibit during debate. The use of an exhibit during debate in the Committee of the Whole is likewise permitted, subject to the vote of the Committee upon objection by any Member. 99–1, June 19, 1985, p 16359.

Exhibits which have been permitted by the House or the Committee, either by vote or because no objection was raised, include:

- A pair of oversized dice. 89–2, June 8, 1966, p 12572.
- Models prepared by the Committee on Science and Astronautics. 88–1, Aug. 1, 1963, p 13853.
- Electronic voting equipment to be installed in the House Chamber. 92–2, Oct. 13, 1972, p 36008.
- A bottle of liquor alleged to be “government rum.” 75–1, June 21, 1937, p 6104.
- A chart showing complex funding formulas. 93–2, Mar. 12, 1974, p 6269.
- Photographs of missing children. 99–1, Apr. 2, 1985, p 7221.
- A display of dismantled weapons. 99–1, Apr. 23, 1985, p 9024.
- A chart showing stockpiled weaponry. 99–1, June 19, 1985, p 16359.

The Speaker may under Rule I direct the removal of an exhibit from the well if not being utilized during debate. 97–2, Apr. 1, 1982, p 6303. The Chairman of the Committee of the Whole may also direct the removal

from the well of charts or other displays if not currently being utilized in debate. 97–2, May 25, 1982, p 11752.

The Speaker has denied a request that a Member be permitted to use a video recorder on the floor of the House during a special-order speech, as a visual-sound display of comments by nonmembers would be contrary to precedents limiting the privilege of debate to Members. 96–2, Feb. 11, 1980, p 2596.

§ 62. — Decorum Requirements

The Speaker's responsibility under Rule I clause 2 to preserve decorum requires that he disallow the use of exhibits in debate which would be demeaning to the House or which would be disruptive of the decorum thereof. 101–1, Sept. 13, 1989, p 20362; 101–2, Oct. 11, 1990, p _____. Thus he may inquire as to a Member's intentions, as to the use of exhibits, before conferring recognition to address the House. 98–2, Mar. 21, 1984, p 6187. In one instance, the Chair declined to permit a bumper sticker to be attached to the lectern in the House Chamber. 101–1, Sept. 13, 1989, p 20362; 101–2, Oct. 11, 1990, p _____. In 1995, a caricature of the Speaker presented during debate was ruled out of order. 104–1, Nov. 16, 1995, p _____. In another recent instance, where a Member during debate on a bill funding the arts indicated his intention to show as exhibits certain photographs—some innocuous and some alleged to be pornographic—the Chair announced that he would prevent the display of *all* such exhibits on the pending bill. The Chair observed that although the First Amendment to the Constitution provides that Congress shall make no law abridging the freedom of speech, the Constitution also provides in Article I that the House may determine the rules of its proceedings, and in clause 2 of Rule I the House has assigned to the Chair the responsibility to preserve order and decorum. 101–2, Oct. 11, 1990, p _____.

Exhibits as a breach of order in the House, see § 21, *supra*.

I. Secret Sessions

§ 63. In General

Generally; Historical Background

In the early days of the Congress secret sessions of the House were frequent. The sessions of the Continental Congress were secret. Up to and during the War of 1812, secret sessions were held often; the House sat with galleries open, but when the occasion required, as on receipt of a confiden-

tial communication from the President (5 Hinds § 7251), the galleries were cleared by House order. 5 Hinds § 7247 (note). Following that period, the practice fell into disuse, remaining dormant for almost a century (6 Cannon § 434), and there have been but few secret sessions in the modern era.

It has been held that each House has a right to hold secret sessions whenever in its judgment the proceedings should require secrecy. In 1848, the Circuit Court of the District of Columbia upheld a Senate contempt proceeding conducted in a secret session arising out of the publication of a treaty pending before the Senate in executive session. *Nugent v Beale*, 18 Fed Cases 141, No. 10375. See also 2 Hinds § 1640.

Procedure

The oath of office taken by elected House officers obligates them to “keep the secrets of the House.” Rule II. *Manual* § 635. A House rule dating from 1792 mandates the holding of a secret session (1) whenever confidential communications are received from the President, or (2) whenever the Speaker or any Member informs the House that he has communications which he believes ought to be kept secret. Rule XXIX. *Manual* § 914.

The House, and not the Committee of the Whole, determines whether to conduct a secret session under Rule XXIX. 96–1, June 20, 1979, pp 15710, 15711. Provision for the session is generally made pursuant to a motion considered in the House. (§ 64, *infra*). The material to be presented in the secret session is not required to be relevant to any particular legislation. 96–1, June 20, 1979, pp 15711–13. It is not in order to make a point of order in the secret session that the material in question must be produced to the Members in advance to determine whether secret or confidential communications are involved. 96–1, July 17, 1979, p 19049.

Use of Special Rules

In 1983, for the first time, a secret session was held pursuant to a special rule from the Committee on Rules and adopted by the House. The special rule provided for preliminary general debate on a bill in secret session and for consideration of the bill for amendment under the five-minute rule in the Committee of the Whole. 98–1, July 14, 1983, pp 19133–35 (H. Res. 261). Following the secret session, the Speaker stated that Members were bound not to release or revise or make public any of the transcript thereof until further order of the House, and that pursuant to the special rule the transcript would be referred to the two committees reporting the bill. 98–1, July 19, 1983, pp 19776, 19777. Six months later, the Speaker laid before the House communications transmitting the recommendations of those com-

mittees that the transcript of the secret session not be publicly released. 98–2, Jan. 23, 1984, p 84.

§ 64. Motions; Debate

A motion to go into a secret session is in order when any Member informs the House that he has communications which he believes should be considered in confidence. The motion takes precedence over a motion to resolve into the Committee of the Whole for the consideration of nonprivileged legislative business, such as a special appropriation bill. 8 Cannon § 3630.

The motion to resolve into secret session may be made only in the House and not in the Committee of the Whole. 95–2, June 6, 1978, p 16376; 96–1, June 20, 1979, p 15711. The Member making the motion must qualify by asserting that he himself has a secret communication to make to the House. 95–2, June 6, 1978, p 16376. The motion is not debatable, although the Chair may explain the operation of the rule and respond to parliamentary inquiries after the motion has been agreed to and before the secret session commences. 96–1, June 20, 1979, pp 15711–13.

After a motion to resolve into a secret session has been adopted, the Member who offered the motion may be recognized for one hour of debate. The normal rules of debate, including the principle that no motions are in order unless the Member in control yields for that purpose, apply. 96–1, July 17, 1979, pp 19057–59.

A motion in secret session to make the proceedings public is debatable for one hour, within narrow limits of relevancy. At the conclusion of debate in secret session, a Member may be recognized to offer a motion that the session be dissolved. 96–1, July 17, 1979, pp 19057–59.

§ 65. Secrecy Restrictions and Guidelines

The Speaker may announce before a secret session commences that the galleries will be cleared, that the Chamber will be cleared of all persons except Members and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the secret session, and that all proceedings in the secret session must be kept secret until otherwise ordered by the House. 96–1, June 20, 1979, p 15711. In one instance, the Speaker directed all officers and employees designated by him as essential to the proceedings to come to the pages' desk and sign an oath of secrecy. The Speaker announced that violation of the oath was punishable by the House and that Members and employees were subject to standards of conduct and disciplinary proceedings under House rules. 96–1, July 17,

§ 65

HOUSE PRACTICE

1979, p 19049. Where the House has concluded a secret session and has not voted to release the transcripts of that session to the public, the injunction of secrecy remains and the Speaker may informally refer the transcripts to appropriate committees for their evaluation and report to the House as to their ultimate disposition. 96-1, June 20, 1979, p 15713.

Committee meetings in executive session, see COMMITTEES.