the chair at the time would have to rule on such matters.

—*Yielding During Special-order Speeches*

§ 10.78 By unanimous consent, a Member recognized for one hour in the House for a "special-order speech" may yield a designated portion of that time to another Member, to be yielded in turn by that Member.

The following proceedings occurred in the House on July 17, 1985:[13]

MR. [WILLIAM F.] CLINGER [Jr., of Pennsylvania]: Mr. Speaker, I am delighted to be joined in this special order by my distinguished chairman, the chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey (Mr. Howard), and by my distinguished leader of the Economic Development Subcommittee, the gentleman from New York (Mr. Nowak).

Mr. Speaker, I ask unanimous consent to yield to the gentleman from New Jersey (Mr. Howard) 30 minutes of my special order time.

THE SPEAKER PRO TEMPORE:[14] Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MR. CLINGER: Mr. Speaker, I yield to my chairman.

MR. [JAMES J.] HOWARD [of New Jersey]: Mr. Speaker, I ask unanimous consent that I be permitted to yield a portion of the time yielded to me by the gentleman from Pennsylvania (Mr. Clinger) to other Members of the House.

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

There was no objection.

§ 11. Limitations on Power of Recognition; Basis for Denial

Some limitations on the Speaker's power of recognition are inherent in certain House rules (see Rule XIV and XXXII). Other restrictions have developed in longstanding practices to which the Speaker adheres.

Cross References

Chair's interpretation of special rules as to recognition, see § 28, infra.

Chair's power of recognition limited by rules as to duration of debate, see §§ 67 et seq., infra (in the House) and §§ 74 et seq., infra (in Committee of the Whole).

Order of recognition as limitation on Chair's power, see §§ 12–15, infra.

Limitations on Power of Speaker

§ 11.1 In response to parliamentary inquiries, the Chair

13. 131 CONG. REC. 19474, 19475, 99th Cong. 1st Sess.

14. Richard A. Gephardt (Mo.).

indicated that the Speaker's power of recognition is subject to any limitations imposed by the House rules.

On July 29, 1970,[15] the Committee of the Whole was considering H.R. 17654, the Legislative Reorganization Act of 1970. A pending amendment thereto would have required the *Congressional Record* to contain a verbatim account of floor proceedings. The amendment also contained a provision authorizing Members to insert remarks not spoken on the floor but requiring their printing in distinctive type.

Mr. Dante B. Fascell, of Florida, made a number of parliamentary inquiries as to the effect of the pending amendment on the Chair's power of recognition. Chairman William H. Natcher, of Kentucky, indicated: (1) that unless specifically restricted by a rule of the House, the Speaker retains the right of recognition; (2) that the Speaker may recognize for unanimous-consent requests to waive the requirements of an existing rule unless the rule in question specifies that it is not subject to waiver, even by unanimous consent; and (3) that there are certain rules (such as the prohibition against reference to gallery occupants in Rule XIV, clause 8, and Rule XXXII, clause 1, regarding admission to the floor) which the Speaker himself cannot waive and which are not subject to waiver by unanimous consent.

Recognizing for Questions of Privilege

§ 11.2 While one question of privilege is pending, the Chair does not recognize a Member to present another question of privilege.

On Apr. 20, 1936,[16] Speaker Joseph W. Byrns, of Tennessee, ruled that while one Member had stated a question of privilege and that question was pending, another Member could not rise to another question of privilege:

> MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, I rise to a question of the privilege of the whole House and offer a privileged resolution, which I ask the Clerk to read.
>
> The Clerk read as follows:
>
> HOUSE RESOLUTION 490
>
> Whereas during the House proceedings on April 17, 1936, the gentleman from Washington [Mr. Zioncheck] attempted to speak out of order and to indulge in personalities, when he was admonished by the Chair, as follows——
>
> MR. [MARION A.] ZIONCHECK: Mr. Speaker, I rise to a point of personal privilege.

15. 116 CONG. REC. 26419, 91st Cong. 2d Sess.

16. 80 CONG. REC. 5704–06, 74th Cong. 2d Sess.

THE SPEAKER: The gentleman cannot do that while another question of privilege is pending.

MR. ZIONCHECK: A point of order, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. ZIONCHECK: The point of order is this: I know what the contents are. I have no objection to them.

THE SPEAKER: The gentleman is not stating a point of order. The gentleman will please remain quiet while this resolution is being read for the information of the House.[17]

Recognition During Reading of Presidential Messages

§ 11.3 The Chair declines to recognize Members to submit parliamentary inquiries during the reading of a message from the President.

On Jan. 21, 1946,[18] Speaker Pro Tempore John W. McCormack, of Massachusetts, laid before the House the message of the President on the state of the Union and transmitting the budget. Mr. Robert F. Rich, of Pennsylvania, interrupted the reading of the message to raise a parliamentary inquiry. The Speaker Pro Tempore ruled that a parliamentary inquiry could not be entertained during the reading of the message.

Recognition on Questions of Equal Privilege

§ 11.4 Where two propositions of equal privilege are pending it is for the Chair to decide whom he will recognize to call up one of the propositions, but the House may by unanimous consent determine such precedence.

On Sept. 11, 1945,[19] Speaker Sam Rayburn, of Texas, recognized Mr. Alfred L. Bulwinkle, of North Carolina, to make the unanimous-consent request that when the House meets on the following day, it immediately proceeds to the consideration of H.R. 3974. Mr. Robert F. Rich, of Pennsylvania, stated under a reservation of objection that he was under the impression that another bill was to be the first order of business on the following day. The Speaker responded:

> That is a question for the Chair, as to whether the Chair will recognize the gentleman from Illinois to call up the rule or recognize the gentleman from Oklahoma to call up the bill repealing war time. The request being made at this time is for the war time repeal bill to take precedence.

17. See *House Rules and Manual* § 665 (1995) for the principle that two questions of privilege may not be pending at one time.

18. 92 CONG. REC. 164, 79th Cong. 2d Sess.

19. 91 CONG. REC. 8510, 8511, 79th Cong. 1st Sess.

Recognition for Point of No Quorum

§ 11.5 The Speaker does not recognize Members for a point of no quorum before the prayer is offered in the House.

On Apr. 12, 1946,[20] the House met at 10 o'clock a.m. Mr. Clare E. Hoffman, of Michigan, immediately made the point of order that a quorum was not present but Speaker Sam Rayburn, of Texas, declined to recognize him. The prayer was offered and the Speaker then inquired of Mr. Hoffman whether he desired to insist on his point of order, and Mr. Hoffman withdrew it.

Parliamentarian's Note: The prayer is not considered in House practice as business requiring the presence of a quorum.[1]

Recognition During Absence of Quorum

§ 11.6 The Chair refuses to recognize Members for business after the absence of a quorum has been announced by the Chair, and no business is in order until a quorum has been established.

On June 8, 1960,[2] Mr. Clare E. Hoffman, of Michigan, made a point of no quorum. Speaker Sam Rayburn, of Texas, counted and announced that a quorum was not present. A call of the House was ordered. Mr. Hoffman then attempted to seek recognition. The Speaker declined, saying:

> The Chair cannot recognize the gentleman because a point of order of no quorum has been made, and the Chair announced that there was no quorum.

§ 11.7 Pending a point of order of no quorum, the Chair may not recognize a Member to propound a parliamentary inquiry unrelated thereto.

On July 23, 1942,[3] Mr. Wright Patman, of Texas, made the point of order that a quorum was not present, and Mr. Earl C. Michener, of Michigan, immediately attempted to state a parliamentary inquiry. Speaker Sam Rayburn, of Texas, ruled:

> The Chair doubts the authority of the Chair to recognize the gentleman to propound a parliamentary inquiry when a point of order is made, unless the gentleman from Texas withholds it.

§ 11.8 The Chair does not recognize for a demand for a

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20. 92 CONG. REC. 3567, 79th Cong. 2d Sess.

1. See 6 Cannon's Precedents § 663.

2. 106 CONG. REC. 12142, 86th Cong. 2d Sess.

3. 88 CONG. REC. 6540, 77th Cong. 2d Sess.

teller vote pending his count of a quorum.

On Aug. 21, 1950,[4] in the Committee of the Whole, Chairman Carl T. Durham, of North Carolina, ruled that he would not entertain a demand for a teller vote while counting for a quorum.

Recognition Pending Call to Order

§ 11.9 The Chair does not recognize for debate pending the demand that a Member's words be taken down.

On Jan. 21, 1964,[5] while the House was in the Committee of the Whole, certain words used in debate by a Member were demanded to be taken down and reported to the House. Before the Committee rose, Mr. James Roosevelt, of California, asked unanimous consent to proceed for one minute and Chairman William S. Moorhead, of Pennsylvania, refused to entertain the request.[6]

Recognition To Refer to Visitors

§ 11.10 The Chair declines to recognize Members to refer to gallery occupants or to ask unanimous consent for that purpose.[7]

On July 27, 1954,[8] during debate on a bill, Mr. Clarence Cannon, of Missouri, yielded to Mr. Walter H. Judd, of Minnesota, who stated his intention to call attention to a "French nurse who is in the gallery." Chairman Benjamin F. James, of Pennsylvania, ordered Mr. Judd to suspend since the rules of the House prohibited references to persons in the gallery. Mr. Judd then asked for unanimous consent to proceed out of order, and the Chairman answered as follows:

> The gentleman may not proceed out of order for the purpose for which he manifestly intends to use the time. The Chair regrets extremely that he must so hold under the rules of procedure of

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4. 96 CONG. REC. 12960, 81st Cong. 2d Sess.

5. 110 CONG. REC. 756, 757, 88th Cong. 2d Sess.

6. Pending the demand, no debate is in order and recognition may not be sought for any purpose (except the unanimous-consent request of the Member called to order to withdraw the disorderly words). See §§ 48 et seq., infra.

7. Rule XIV clause 8, *House Rules and Manual* § 764 (1995) provides "It shall not be in order for any Member to introduce or to bring to the attention of the House during its sessions any occupant in the galleries of the House; nor may the Speaker entertain a request for the suspension of this rule by unanimous consent or otherwise." See § 45, infra.

8. 100 CONG. REC. 12253, 83d Cong. 2d Sess.

the House. We are all conscious of the great heroism of the person to whom the Chair knows that the gentleman wishes to allude, but it is a matter of extreme regret that because of the rules of the House, reference may not be made to anyone in the gallery.

Recognition for Reference to the Senate

§ 11.11 The Chair declines to recognize a Member proposing to refer to Senators or to proceedings of the Senate.

On May 25, 1937,[9] while the Committee of the Whole was considering House Joint Resolution 361, for relief appropriations, Mr. Alfred F. Beiter, of New York, stated his intention to read from letters he had from members of the Senate, stating their sympathy with a movement. Chairman John J. O'Connor, of New York, made a point of order, on his own responsibility, against the reading of the letters.[10]

Recognition for Motion To Adjourn

§ 11.12 The Chair cannot refuse to recognize a Member having the floor for a motion to adjourn.

On Mar. 16, 1945,[11] Mr. Robert F. Jones, of Ohio, objected to the vote on a motion to recommit a general appropriations bill on the ground that a quorum was not present. An automatic rollcall was ordered, but a quorum failed to respond. Mr. Clare E. Hoffman, of Michigan, was recognized for a parliamentary inquiry and then stated his intention to move that the House adjourn. Speaker Sam Rayburn, of Texas, asked him to withhold his request and Mr. Hoffman responded: "If the Chair is refusing recognition, I will." The Speaker stated that he could not so refuse recognition for a motion to adjourn. Mr. John W. McCormack, of Massachusetts, then moved adjournment and the motion was agreed to.[12]

Parliamentarian's Note: This bill was considered under the general rules of the House, since privileged for consideration. The special order for consideration of a typical non-privileged bill provides

9. 81 CONG. REC. 5013, 75th Cong. 1st Sess.

10. For the prohibition against references in debate to the Senate and for the duty of the Chair in relation to such references, see Jefferson's Manual, *House Rules and Manual* §§ 371–374 (1995), and § 44, infra.

11. 91 CONG. REC. 2379, 2380, 79th Cong. 1st Sess. For an occasion where the Speaker inferentially treated the motion to adjourn as dilatory, see § 9.45, supra.

12. The Chair may refuse to recognize for a motion to adjourn where the motion is obviously dilatory (see § 9.45, supra).

that "the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit." While that language would ordinarily preclude an intervening motion to adjourn, the failure of a quorum to vote on recommital or passage allows a motion to adjourn to intervene.

Requests Prohibited by Rule

§ 11.13 During the consideration of an omnibus private bill the Chair refused to recognize Members for unanimous-consent requests to extend the time for debate.

On July 20, 1937,[13] the House was considering omnibus bills on the Private Calendar. Mr. Alfred F. Beiter, of New York, was speaking for five minutes in opposition to an amendment which had been offered and asked unanimous consent to address the House for an additional minute when his time expired. Speaker William B. Bankhead, of Alabama, ruled that such a request could not be made, the rule limiting each side to five minutes' debate.[14]

§ 11.14 The Speaker stated that he would not recognize a Member to request an off-the-record meeting of Members in the House Chamber.

On Oct. 18, 1943,[15] John W. McCormack, of Massachusetts, the Majority Leader, announced that an off-the-record meeting of Members would be held in the auditorium of the Library of Congress in order to hear the Chief of Staff of the Army and other generals on the war situation. Mr. John E. Rankin, of Mississippi, objected that the meeting was an executive session of the House which should be held in the House Chamber. Mr. McCormack responded that the meeting was not an "executive session of Congress."

Mr. Rankin asked Mr. McCormack to modify his announcement to ask unanimous consent that the meeting be had in the House Chamber, but Speaker Sam Rayburn, of Texas, stated that he would not recognize a Member to make such a request.[16]

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13. 81 CONG. REC. 7293–95, 75th Cong. 1st Sess.

14. For the rule on consideration of omnibus private bills, see Rule XXIV clause 6 and comments thereto, *House Rules and Manual* §§ 893–895 (1995).

15. 89 CONG. REC. 8433, 78th Cong. 1st Sess.

16. See Rule XXXI, *House Rules and Manual* § 918 (1995) for the prohibition against suspending require-

§ 11.15 The Speaker has on occasion declined to recognize for unanimous-consent requests that committees may sit during sessions of the House while bills are being read for amendment.

On July 1, 1947,[17] Speaker Joseph W. Martin, Jr., of Massachusetts, refused to recognize a Member for a unanimous-consent request:

> MR. [SAMUEL K.] MCCONNELL [Jr., of Pennsylvania]: Mr. Speaker, I ask unanimous consent that a subcommittee of the Committee on Education and Labor holding hearings on minimum wages be allowed to sit tomorrow during the session of the House.
>
> THE SPEAKER: The Chair cannot recognize the gentleman for that purpose. Tomorrow the House will be reading the civil functions appropriation bill for amendment, and committees cannot sit during sessions of the House while bills are being read for amendment; only during general debate.[18]

§ 11.16 During the consideration of the Private Calendar, no reservation of objection is in order and the Chair does not recognize Members for requests to make statements.

On May 5, 1936,[19] objection was made to the consideration of a bill on the Private Calendar. Mr. Theodore Christianson, of Minnesota, made the following request:

> Mr. Speaker, will not the gentlemen withhold their objection for a moment? Mr. Speaker, I ask unanimous consent to make a statement regarding this bill.

Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

> The Chair cannot recognize the gentleman for that purpose under the express provisions of the rule. Otherwise the Chair would be glad to hear the gentleman.[20]

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ments as to the use of the Hall of the House.

Rule XXIX, providing for executive sessions, has rarely been utilized in modern times. See § 1, supra.

17. 93 CONG. REC. 8054, 80th Cong. 1st Sess.

18. See then Rule XI clause 3, *House Rules and Manual* § 739 (1973): "No committee of the House (except the Committee on Appropriations, the Committee on Government Operations, the Committee on Internal Security, the Committee on Rules, and the Committee on Standards of Official Conduct) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule." The present rule (Rule XI clause 2, *House Rules and Manual* § 710 (1995) states: "No committee of the House may sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress."

19. 80 CONG. REC. 6691, 74th Cong. 2d Sess.

20. See Rule XXIV clause 6, *House Rules and Manual* § 893 (1995) for the

Control of Debate Time Prescribed by Statute

§ 11.17 Debate on an implementing revenue bill must be equally divided and controlled among those favoring and those opposing the bill under section 151(f)(2) of the Trade Act of 1974, and unanimous consent is required to divide the time between the chairman and ranking minority member of the committee if both favor the bill; in the absence of such a unanimous-consent agreement, a Member opposed to the bill is entitled to control 10 hours of debate in opposition, with priority of recognition to opposing members of the Committee on Ways and Means; and the Member recognized to control the time in opposition may not be compelled to use less than that amount of time unless the Committee rises and the House limits further debate in the Committee of the Whole.

During consideration of the Trade Agreement Act of 1979 (H.R. 4537) in the House on July 10, 1979,[1] the following proceedings occurred:

> MR. [AL] ULLMAN [of Oregon]: Mr. Speaker, pursuant to Section 151(f) of Public Law 93–618, the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4537) to approve and implement the trade agreements negotiated under the Trade Act of 1974, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be equally divided and controlled between the gentleman from New York (Mr. Conable) and myself. . . .
>
> THE SPEAKER:[2] Is there objection to the request of the gentleman from Oregon (Mr. Ullman)?
>
> MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, reserving the right to object. . . .
>
> I take this reservation for the purpose of propounding a parliamentary inquiry to the Chair.
>
> The rule, section 151, before consideration says:
>
> > Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 hours which shall be divided equally between those fa-

basis for the Speaker's ruling: "Should objection be made by two or more Members to the consideration of any bill or resolution so called (from the Private Calendar), it shall be recommitted to the committee which reported the bill or resolution, and no reservation of objection shall be entertained by the Speaker."

1. 125 CONG. REC. 17812, 17813, 96th Cong. 1st Sess.
2. Thomas P. O'Neill, Jr. (Mass.).

voring and those opposing the bill or resolution. . . .

My query to the Chair as a part of my reservation is, if the unanimous-consent request of the chairman is granted can the chairman then move to terminate debate at any time during the course of debate before the 20 hours have expired?

THE SPEAKER: Reading the statute a motion further to limit the debate shall not be debatable, and that would be made in the House, either now or later, and not in the Committee of the Whole.

MR. ASHBROOK: Mr. Speaker, further reserving the right to object, if the gentleman from Ohio were to be recognized as opposing the bill, does the gentleman have the absolute right to the 10 hours regardless of the time that would be taken on the other side?

THE SPEAKER: Unless all general debate were further limited by the House a member of the Committee on Ways and Means who is opposed to the bill could seek to control the 10 hours of time. The gentleman would be entitled to the 10 hours unless a request came from a member of the Committee on Ways and Means who would be in opposition. . . .

MR. ASHBROOK: I thank the Speaker.

I ask this for a very specific purpose. Further reserving the right to object, it is my understanding then that the gentleman from Oregon could not foreclose debate as long as whoever controls the opposition time still has part of the 10 hours remaining. Is that correct, under the statute providing for consideration of this trade bill? . . .

THE SPEAKER: Not unless the committee rose and the House limited all debate.

A motion to limit general debate would not be entertained in the Committee of the Whole and the Chair cannot foresee something of that nature happening.

Member Recognized in Opposition Yielding Back Time

§ 11.18 Where debate on an amendment has been limited and equally divided between the proponent and a Member opposed, and the Chair has recognized the only Member seeking recognition in opposition to the amendment, no objection lies against that Member subsequently yielding back all the time in opposition.

On May 4, 1983,[3] the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons. House Joint Resolution 13 was being considered pursuant to a special rule agreed to on Mar. 16,[4] and a special rule providing for additional procedures for consideration, agreed to on May 4.[5] Mr. William S. Broomfield, of

3. 129 CONG. REC. 11077, 11078, 98th Cong. 1st Sess.
4. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.
5. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.

Michigan, rose in opposition[6] to an amendment[7] offered by Mr. Henry J. Hyde, of Illinois, to a substitute amendment:

MR. BROOMFIELD: Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN:[8] The gentleman is recognized for 15 minutes in opposition to the amendment, for purposes of debate only.

MR. BROOMFIELD: Mr. Chairman, I yield back the balance of my time.

MR. HYDE: Mr. Chairman, I yield back the balance of my time and request a vote.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, we have 15 minutes in order to oppose the amendment?

THE CHAIRMAN: No one stood up on that side of the aisle, and the gentleman from Michigan (Mr. Broomfield) represented to the Chair that he opposed the amendment and was recognized for 15 minutes in opposition, and he yielded back the balance of his time, as did the gentleman from Illinois (Mr. Hyde). . . .

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I have a parliamentary inquiry. . . .

Mr. Chairman, my inquiry is this: This side, which opposes the amendment, has been foreclosed an opportunity, not on this amendment but on the previous amendment, to have 15 minutes in opposition to the amendment because a Member on that side who voted against an amendment that was hostile to the exact amendment said he was opposed to it.

My parliamentary inquiry is, Mr. Chairman, is that in order?

THE CHAIRMAN: As the Chair previously explained, no one on the majority side of the aisle rose in opposition to that amendment. The Chair looked to the other side of the aisle and the gentleman from Michigan (Mr. Broomfield) rose, represented that he was in opposition to the amendment and was recognized.

Parliamentarian's Note: Had another Member also been seeking to control time in opposition at the time the first Member was recognized and yielded back, the Chair could have allocated the time to that Member so that it could have been utilized.

Member May Not Proceed After Debate Time Expires

§ 11.19 Where a Member has been notified by the Chair that his debate time has expired, he is thereby denied further recognition in the absence of permission of the House to proceed, and he has no right to further address the House after that time.

On Mar. 16, 1988,[9] at the expiration of his one-minute speech, a Member who persisted in address-

6. 129 CONG. REC. 11078, 98th Cong. 1st Sess.
7. *Id.* at p. 11077.
8. Matthew F. McHugh (N.Y.).
9. 134 CONG. REC. 4081, 4084, 100th Cong. 2d Sess.

ing the House was repeatedly notified by the Chair that his time had expired and he had no further right to continue. The proceedings were as follows:

MR. [ROBERT K.] DORNAN of California: In 10 years . . . I have never heard on this floor so obnoxious a statement as I heard from Mr. Coelho, which means "rabbit" in Portuguese, as ugly a statement as was just delivered. Mr. Coelho said that we on our side of the aisle and those conservative Democrats, particularly those representing States which border the Gulf of Mexico, sold out the Contras. That is absurd . . . . Panama is in chaos and Communists in Nicaragua, thanks to the liberal and radical left leadership in this House are winning a major victory, right now.

THE SPEAKER PRO TEMPORE:[10] The time of the gentleman from California [Mr. Dornan] has expired.

MR. DORNAN of California: Wait a minute. On Honduran soil and on Nicaraguan soil.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired.

MR. DORNAN of California: And it was set up in this House as you set up the betrayal of the Bay of Pigs.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired.

MR. DORNAN of California: I ask—wait a minute—I ask unanimous consent for 30 seconds. People are dying.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired.

MR. DORNAN of California: People are dying.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, regular order, regular order.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired. Will the Sergeant at Arms please turn off the microphone?

MR. [JUDD] GREGG [of New Hampshire]: . . . Under what rule does the Speaker decide to close down the debate and pursue a policy of shutting up the opposition by [not] allowing us access to the public and to the media and to our own microphones, the microphones of this House? . . .

THE SPEAKER PRO TEMPORE: . . . Mr. Dornan grossly exceeded the limits and abused the privilege far in excess of 1 minute, and the Chair proceeded to restore order and decorum to the House. . . .

The Chair will state that unless a person receives permission to address the House, under the rules of the House he is not addressing the House. . . .

MR. GREGG: . . . I have not heard the Chair respond to my inquiry which is what ruling is the Chair referring to which allows him to turn off the microphone of a Member who has the floor?

THE SPEAKER PRO TEMPORE: Clause 2 of rule I. . . .[11]

The Chair repeatedly rapped the gavel quite loudly for all to hear and told the gentleman from California

10. Gary L. Ackerman (N.Y.).

11. Rule XIV, clause 4, would also be applicable. It reads, 2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. . . .

[Mr. Dornan] that his time had expired.

§ 12. Priorities in Recognition

The order in which Members are recognized, or whether they are recognized at all, on matters before the House depends substantially on the application of the standing rules and the precedents to each specific motion or question. The purpose of this division is to delineate the general principles governing recognition during the deliberations of the House.

The discretion of the Speaker to determine the order of recognition is based on Rule XIV clause 2:

> When two or more Members rise at once, the Speaker shall name the Member who is first to speak . . . .[12]

The Speaker or the Chairman of the Committee of the Whole has the power and discretion to decide the order of recognition,[13] without the right of appeal,[14] but he is governed in his decisions by the usages and precedents of the House.[15]

When a Member rises to seek recognition, the Chair first ascertains the purpose for which he seeks recognition.[16] If recognition for the purpose stated is required under the rules and precedents to be first extended to a Member with certain qualifications, such as being opposed to a measure, the Chair may further inquire whether the Member meets those qualifications.[17] The Chair generally takes judicial notice of the committee rank and party alignment of a Member.

Generally, prior recognition is extended to a member of the committee which has reported the bill—often the chairman or senior member or other committee member who has been designated as manager of the bill.[18]

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12. *House Rules and Manual* § 753 (1995). For the parliamentary law, see Jefferson's Manual, *House Rules and Manual* § 356 (1995).

13. See, for example, § 12.1, infra.

14. See §§ 9.5, 9.6, supra.

15. For a discussion of practices and precedents on the order of and right to recognition, see Cannon's Procedure in the House of Representatives 150–155, H. Doc. No. 122, 86th Cong. 1st Sess. (1959).

16. See § 8, supra. The inquiry "for what purpose does the gentleman rise" does not confer recognition.

17. For examples of the Chair's inquiry whether a Member is opposed, see §§ 15.11, 15.12, 15.14, 15.15, infra. For discussion of recognition of one opposed in order of rank, see § 12.4, infra.

18. See *House Rules and Manual* §§ 754, 756 (1995).

The rules provide that a committee manager may open and close debate; see Rule XIV clause 3, *House*