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Speaking on the House Floor: Gaining Time and Parliamentary Phraseology

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December 1, 2016

Congressional Research Service

7-5700

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RS22991

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Summary

House rules and precedents structure Members' opportunities to speak on the floor about pending legislation. Under some circumstances, Members arrange to speak on legislation by communicating with the leaders of the committee that reported the bill. Sometimes the arrangements can be made on the floor during the debate, and at other times they are made prior to floor consideration. The committee leaders from both sides of the aisle manage the consideration of a bill on the floor, under what is known as controlled time, by allocating the debate time among several Members.

In certain other procedural circumstances, most often when the House is amending legislation under an "open" special rule, legislators instead seek recognition to speak, usually for up to five minutes, directly from the presiding officer. A Member who has been recognized can yield to another during debate but continues to hold the floor; the time used by the Member yielded to is taken from the time allocated to the Member holding the floor.

Contents

General Guidelines	1
Controlled Time.....	1
Controlling Time as a Manager	2
Gaining Recognition to Speak Under Controlled Time	3
Yielding.....	3
Debate When Time Is Not Controlled	4
Gaining Recognition Under the Five-Minute Rule	4
Pro Forma Amendments.....	5
Yielding.....	5

Contacts

Author Contact Information	6
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General Guidelines

Under House rules and precedents, opportunities to speak on the House floor about pending legislation are restricted and highly structured. Every time a legislator is recognized on the floor to speak, his or her time is limited. Furthermore, when debating legislation, Members generally must confine their comments to the subject of the measure.¹ Members also must observe long-standing principles of decorum and courtesy in debate, including avoiding personal remarks about fellow Members.²

Members direct their comments to the presiding officer, therefore referring to each other in the third person as “the gentleman/woman” from the state represented. They address the presiding officer as “Mr/Madam Speaker” during procedures in the House proper, and as “Mr/Madam Chairman” while in the “Committee of the Whole.”³ It is not in order for a legislator directly to address the “television audience” or the galleries.

The manner in which time is obtained, restricted, and distributed in the House depends on the procedures the House is using to consider a measure, as well as the terms of any special order of the House governing the consideration of the measure. There are two different methods by which time to speak on legislation is distributed on the House floor. Time for debate is either “controlled,” or it is not. Under controlled time, a Member is granted a block of time from a Member, called a “manager,” who determines for each side which Members may speak, for how long, and in what order. If time is not controlled, then a Member gains time to speak by seeking recognition from the chair, and the length of time the Member can speak is usually limited to five minutes.

Controlled Time

Most of the time when Members are debating legislation, time is equally divided and controlled by two managers. For example, the House passes bills that enjoy widespread support through the suspension of the rules procedure, which allows for a total of 40 minutes of debate. Under that procedure, two managers, generally the chair and ranking Member of the committee or subcommittee of jurisdiction (or their designees) each control 20 minutes of which they then yield portions to Members, usually on their side of the aisle. Time for debate of special rules, which set the terms for consideration of most major legislation, is also controlled time; the first (and usually only) hour for debate is granted to the Rules Committee chair (or her designee) who in turn customarily yields half of that time to the ranking Member of the committee (or his designee) for purposes of debate only. Each side then yields portions of the 30 minutes to other Members.⁴ In

¹ For information on unanimous consent practices that allow Members to speak at specified times on topics of their choice, see CRS Report RS21174, *Special Order Speeches and Other Forms of Non-Legislative Debate in the House*, by Judy Schneider.

² House Rule XVII, clause 1. For more information on decorum in debate, see U.S. Congress, *Constitution, Jefferson’s Manual, and Rules of the House of Representatives of the United States, 114th Congress*, H.Doc. 113-181, 113th Cong., 2nd sess. (Washington: GPO, 2015), pp. 750-755.

³ The House resolves into the “Committee of the Whole,” a parliamentary device designed to allow greater participation in debate, to consider most major measures that are going to be subject to amendment. For more information, see CRS Report RS20147, *Committee of the Whole: An Introduction*, by Judy Schneider.

⁴ In fact, many debatable motions that are made “in the House” are considered in this basic fashion. House Rule XVII clause 2 limits the time Members can speak in the House to one hour, and at the end of the controlling Member’s hour, a majority of the House often votes to “order the previous question,” thereby ending consideration of the question. On some questions, House rules require the division of the time. For more information, see CRS Report 98-427, (continued...)

addition, when the House resolves into the Committee of the Whole to consider a bill, the first stage is usually a period for general debate, and this is also controlled time. The chair(s) and ranking Member(s) of the committee(s) of jurisdiction typically serve as managers; if multiple committees have jurisdiction, then managers from each committee control a portion of the time.

Controlling Time as a Manager

Those designated to control the time often begin discussing the measure by yielding to themselves a set number of minutes or, more often, by stating:

I yield myself such time as I may consume.

The manager is then recognized and holds the floor until all of his or her available time expires or until the manager concludes by saying:

I reserve the balance of my time.

The presiding officer will then recognize the other floor manager, who also generally begins by granting time to himself or herself for an opening statement. Floor managers then yield portions of the time they control to Members who let them know in advance they wish to debate the measure. Each floor manager usually, but not necessarily, yields to Members on his or her side of the aisle. Managers do not refer to other Members by name and instead designate them by state. For example, the manager might say:

I yield two minutes to the gentleman from California.

If a manager yields a portion of time to another Member, the manager may not take the time back. Once the time is yielded, it belongs to the Member who is speaking until he or she finishes and “yields back” his or her time, or until the presiding officer announces that the time has expired. At that point, the presiding officer will look again to the manager, who could yield time to another Member, or reserve the balance of the time. By reserving his or her time, a floor manager gives the other floor manager a chance to speak or distribute time. Generally, the chair alternates recognition between managers from each side.

Time is kept by the clerks sitting at the House dais, and managers often ask how much time remains available. In response, the presiding officer will announce how much time the majority and minority floor managers have left. It is not uncommon for the managers to discuss with each other how the remaining time will be distributed. For example, one manager might ask the other how many more Members on his side are waiting to speak.

House precedents determine which manager has the right to speak last in debate, or “to close.” In most cases, when time is controlled, the floor manager who is the proponent of the question has the right to close. An exception to this general guideline is controlled debate on an amendment, when the majority floor manager on the bill, not the proponent of the amendment, has the right to close. Toward the conclusion of the time for debate, the floor manager with the right to close will likely reserve the balance of his time until all the time of the other manager has been consumed or until the other manager yields back the balance of his or her time.

Debate ends when all time has expired or all time has been yielded back. If the managers determine through discussion that no more Members wish to speak on either side, then they might, in turn, yield back their remaining time by stating:

(...continued)

Considering Measures in the House Under the One-Hour Rule.

I yield back the balance of my time.

Gaining Recognition to Speak Under Controlled Time

If a Member is not the floor manager but wishes to speak, the Member informs the floor manager on his or her side. Sometimes, particularly when many Members wish to address the House on major legislation, Members or their staff contact the expected floor manager in advance of the debate. In this way, Members can gain information about when they might be recognized to speak, and for how long.

In response to a request for time, the floor manager might yield a portion of time to the Member. The Presiding Officer will then formally recognize that Member, by stating:

The gentleman from _____ is recognized.

The Member who has been yielded time can then begin speaking, generally after thanking the presiding officer (for the recognition) and the manager (for yielding the time).

When the block of time the Member has been yielded is completely used, the chair will announce that the time yielded to the Member has expired. If the Member wishes to continue speaking, he or she can look to the floor manager and request additional time. The floor manager might choose to yield to the speaker an additional portion of time if any of the manager's time remains uncommitted.

Yielding

There is a difference between a manager yielding a specified portion of time, such as two minutes, to another Member and a Member who is not a manager "yielding to" another Member. When a manager yields time to a Member, the presiding officer recognizes that Member for that amount of time. The manager can then be seated; he or she has effectively given the floor to the Member who has been yielded time. Under the modern practice of the House, only managers may yield portions of time to other Members.

In contrast, any Member who has been recognized in debate may "yield to" another Member for a question or comment. When one Member yields to another, the yielding Member retains the floor and should remain standing. Any time consumed by the Member yielded to is charged against the portion of time yielded originally by the manager to the Member who has been recognized.

For this reason, Members ask permission to use another Member's time. If a Member wants to interrupt another Member to ask a question or respond to something that was said, he or she can ask the presiding officer:

Will the gentleman (or gentlewoman) yield?

The Member speaking can decline to yield. Or, the Member can respond:

I yield to the gentleman (or gentlewoman).

The time being consumed belongs to the Member who yielded. Therefore, the Member who was yielded to cannot yield to a third Member. If another Member wants to join the discussion between the yielding Member and the Member who was yielded to, he or she would have to seek permission to interrupt from the yielding Member. These practices of yielding permit Members to engage in a colloquy, with one Member yielding to one or more Members in turn so that they may exchange information or debate an issue.

Furthermore, the Member who has yielded to another Member can take the time back. Generally, this is done by interrupting the Member who had been yielded to by saying:

Reclaiming my time....

The following example illustrates the difference between yielding a portion of time and yielding to another Member. During general debate, Representative A, as floor manager, might yield five minutes to Representative B, another majority-party member of the committee. Representative B then may begin speaking. If at some point during the five minutes another Member, Representative C, rises while Representative B is speaking and asks “will the gentleman (or gentlewoman) yield?,” then Representative B can either yield or decline to yield. If Representative B yields, then any time used by Representative C is charged against the five minutes originally granted to Representative B. Representative C cannot yield to yet another Member, Representative D, because Representative B holds the floor. Representative D would have to ask Representative B to yield. Although Representative B cannot limit the time of Representative C by yielding only a set period of time, at any point Representative B can reclaim his or her time.

Debate When Time Is Not Controlled

In some procedural circumstances, debate time is not controlled by floor managers. Instead, Members gain time to speak by seeking recognition directly from the presiding officer. Most prominently, time for debating amendments can take place in the Committee of the Whole under what is known as the “five minute rule.” Certain types of special rules, especially those referred to as open rules or modified open rules, normally allow for amendments under the five-minute rule.⁵ Time is also not controlled during the five minutes of debate permitted to each side on a motion to recommit a bill or joint resolution (under Rule XIX, clause 2),⁶ and in a few other less common circumstances.

Gaining Recognition Under the Five-Minute Rule

Clause 5(a) of House Rule XVIII states in part:

A Member, Delegate, or Resident Commissioner who offers an amendment shall be allowed five minutes to explain it, after which the Member, Delegate, or Resident Commissioner who shall first obtain the floor shall be allowed five minutes to speak in opposition to it.

Accordingly, if a Member offers an amendment, the presiding officer will recognize him or her for five minutes. Another Member (sometimes the floor manager defending the version of the bill reported by the committee of jurisdiction) can then be recognized for five minutes to speak against the amendment by standing and stating:

I rise in opposition to the amendment.

Because time under the five-minute rule is not controlled, there is no Member acting as a manager and allocating portions of time. Instead, any Member may seek recognition from the chair of the Committee of the Whole to speak for five minutes. The presiding officer recognizes

⁵ In addition, if the House simply agreed by motion or by unanimous consent to consider a bill in the Committee of the Whole, the bill would be amended under the five-minute rule.

⁶ For more information on the motion to recommit with instructions, see CRS Report 98-383, *Motions to Recommit in the House*, by Megan S. Lynch.

Members from the committee with jurisdiction over the bill first, in order of seniority, alternating recognition from side to side.

A Member need not consume the full five minutes, but time cannot be reserved. When a Member's five minutes on an amendment expires, the Member sometimes asks unanimous consent to extend his or her time by a specified number of additional minutes, up to five minutes. A Member may be recognized only once under the five minute rule on a given amendment.

Pro Forma Amendments

Although the five-minute rule technically permits only 10 minutes of debate for each amendment, 5 in favor and 5 against the amendment, Members secure additional time through the use of "pro forma" amendments. Pro forma amendments are amendments to strike one or more words of the text under consideration, and they are offered solely for the purpose of gaining recognition to speak for five minutes. In other words, no change to the text under consideration is substantively proposed; the proponent is not actually suggesting a word or words be stricken.

After the proponent and the opponent of an amendment have spoken for their allotted five minutes, another Member who wishes to speak may rise and state:

I move to strike the last word.

The chair then recognizes that Member for five minutes, technically to speak on the pro forma amendment, but in fact to continue debate on the pending substantive amendment.

Any number of pro forma amendments can be offered, but because of a general prohibition against offering the same amendment twice, Members sometimes choose to say instead:

I move to strike the requisite number of words.

Pro forma amendments can also be made when no amendment is pending if Members wish to discuss the measure itself. Pro forma amendments, however, are not always in order. If a measure is being considered under a special rule from the Committee on Rules that prohibits most or all amendments, or that permits only specified amendments, then pro forma amendments are not in order unless the special rule explicitly states otherwise. A special rule could also limit the total number of pro forma amendments, and it could provide that only floor managers can offer them. In addition, unanimous consent agreements may restrict the offering of pro forma amendments.

Yielding

When time is not controlled, Members cannot yield portions of their time to other Members. They can, however, remain standing and yield to other Members for questions or comments, and the time consumed by the other Members is deducted from the time of the yielding Member. A Member recognized under the five-minute rule also cannot yield to another Member for the purposes of offering an amendment. The Member who wishes to offer an amendment would need to seek recognition for that purpose later from the presiding officer.

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By Bradford Fitch

Includes
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