

Parliament, to the United Kingdom, there to attend the presentation of the Magna Carta, under suitable auspices, to the people of the United States . . . .

*Parliamentarian's Note:* The Speaker took the floor on this occasion to express his strong support for the consideration by unanimous consent of a concurrent resolution authorizing appointment of a delegation to accept the British Parliament's loan of the Magna Carta (a resolution similar to one previously rejected by the House without extended debate).

### § 19. For Offering and Debating Amendments

Recognition to offer an amendment in the House is governed by Rule XIV, clause 2 and the precedents developed thereunder. In Committee of the Whole, Rule XXIII, clause 5 is the governing authority.

#### Cross References

Amendments and their consideration in general, see Ch. 27, *supra*.  
 Amendment or other provision establishing "commemoration" as prohibited, see § 18, *supra*.  
 Amendments and management by reporting committee, see § 26, *infra*.  
 Chair's protection of rights of Members seeking to offer amendments under limitation on five-minute debate in

Committee of the Whole, see § 22, *infra*.

Losing control by yielding for amendment, see § 33, *infra*.

Points of order against amendments after offered but before debate begins, see § 20, *infra*, and § 9, *supra* (late points of order).

Priority of manager of bill in debate, see § 14, *supra*.

Recognition for amendments under the five-minute rule, see §§ 21, 22, *infra*.

Rights of opposition to offer amendment after rejection of essential motion, see § 15, *supra*.

Special orders limiting amendments which may be offered, see Ch. 21, *supra*.

Yielding for amendments, see § 30, *infra*.

### *Must Be Recognized To Offer Amendment*

#### **§ 19.1 A Member wishing to offer an amendment must first be recognized by the Chair for that purpose.**

On Sept. 21, 1967,<sup>(8)</sup> Mr. George H. Mahon, of Texas, asked unanimous consent that it be in order on a certain day, or thereafter, to consider a joint resolution making continuing appropriations. Mr. Frank T. Bow, of Ohio, under a reservation of objection, inquired whether such a resolution would be subject to germane amend-

<sup>8</sup>. 113 CONG. REC. 26370, 90th Cong. 1st Sess.

ment. Speaker John W. McCormack, of Massachusetts, answered that amendments would be in order. Mr. H. R. Gross, of Idaho, then raised a parliamentary inquiry:

MR. GROSS: Mr. Speaker, further reserving the right to object, I would assume the Speaker could add to that the statement [that amendments would be in order]: "If the gentleman is recognized for the purpose of offering an amendment."

Mr. Speaker, as a parliamentary inquiry is that not correct?

THE SPEAKER: Will the gentleman restate his parliamentary inquiry?

MR. GROSS: The parliamentary inquiry is this: That the gentleman could offer an amendment if the Speaker recognized the gentleman for that purpose?

THE SPEAKER: The Chair will state that the question answers itself. The answer would be yes, subject to the right of recognition, it is a question within the discretion of the Speaker.<sup>(9)</sup>

### ***Seeking Recognition***

#### **§ 19.2 In order to obtain recognition to offer an amendment, a Member must not only be standing but must also actively seek recognition**

9. See also § 21.4, *infra* (a Member desiring to offer an amendment under the five-minute rule must seek recognition from the Chair, and may not be yielded the floor for that purpose by another Member).

#### **tion by addressing the Chair at the appropriate time.**

The following proceedings occurred in the Committee of the Whole on Oct. 26, 1983,<sup>(10)</sup> during consideration of the Department of Defense appropriations for fiscal year 1984 (H.R. 4185):

THE CHAIRMAN:<sup>(11)</sup> The Clerk will read.

The Clerk read as follows: . . .

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance . . . and procurement and installation of equipment, appliances, and machine tools in public and private plants . . . \$9,994,245,000. . . .

THE CHAIRMAN: Does the gentleman from Alabama (Mr. Nichols) seek recognition?

MR. [WILLIAM] NICHOLS [of Alabama]: Yes; I do, Mr. Chairman.

Mr. Chairman, I offer an amendment relating to page 20, line 9, of the bill.

The Clerk proceeded to read the page and line numbers of the amendment.

MR. [JOSEPH P.] ADDABBO [of New York] (during the reading): Mr. Chairman, I raise a point of order against the amendment. We have already passed that section.

MR. NICHOLS: Mr. Chairman, I was on my feet at the time.

THE CHAIRMAN: The Chair recognizes the gentleman was on his feet

10. 129 CONG. REC. 29430, 98th Cong. 1st Sess.

11. Dan Rostenkowski (Ill.).

but did not know that he was seeking recognition.

MR. NICHOLS: Mr. Chairman, I was at the microphone. I was standing. I was prepared to offer my amendment had the Chairman recognized me.

THE CHAIRMAN: The Chair will have to make the observation that the gentleman from Alabama was not seeking active recognition. The Chair recognized the gentleman was on his feet but did not notice that he was seeking recognition by any vocal expression. . . .

MR. NICHOLS: Mr. Chairman, I ask unanimous consent that I be permitted to offer my amendment at this point.

[Objection was heard.]

**§ 19.3 The Chairman of the Committee of the Whole advised Members that they must be on their feet seeking recognition at the proper time in order to protect their rights under the rules to make points of order or to offer amendments.**

On Apr. 14, 1970,<sup>(12)</sup> Chairman Chet Holifield, of California, made the following statement:

. . . The Chair wishes to say that the Chair is most desirous of occupying this chair with dignity and with fairness to all concerned. There were other amendments that the Chair had been told would be offered, and the gentlemen who came and told the Chair were not on their feet seeking recognition,

nor did they address the Chair at the time, and therefore the Chair was in the position of allowing the Clerk to continue to read.

If the Members do not protect their own rights and use the rules of the House to their advantage, the Chair is not here to protect them when they do not insist on their own rights at the proper time.

The Chair says this with no degree of reprimand, but the Chair is the servant of the House, and the Chair will try to be fair.

**§ 19.4 A Member who is not standing and addressing the Chair at the time a paragraph in an appropriation bill is read is precluded from offering an amendment to that paragraph after subsequent paragraphs have been read.**

On Apr. 14, 1970,<sup>(13)</sup> the Committee of the Whole was reading for amendment H.R. 16916, the Office of Education appropriations for fiscal 1971. Mr. Marvin L. Esch, of Michigan, offered an amendment to a paragraph on page 3, after the Clerk had read past page 4, line 17. Mr. Daniel J. Flood, of Pennsylvania, made a point of order against the amendment on the ground it was offered too late. He stated that Mr. Esch had not been on his feet at the

12. 116 CONG. REC. 11649, 11650, 91st Cong. 2d Sess.

13. 116 CONG. REC. 11648, 91st Cong. 2d Sess.

proper time and did not address the Chair. Mr. Esch responded that he had been on his feet addressing the Chair at the proper time.

Chairman Chet Holifield, of California, suggested that Mr. Esch ask unanimous consent that his amendment, although untimely, be considered, but Mr. Flood objected to the request. The Chairman sustained the point of order:

The Chair is constrained to uphold the point of order of the gentleman from Pennsylvania. The Chair wants to be fair, but the gentlemen in the Chamber that wish to offer their amendments must be on their feet.

**§ 19.5 A point of order against an amendment, on the grounds that the section to which it is offered has been passed and is therefore not subject to amendment, will not lie where a Member was on his feet seeking recognition to offer the amendment at the appropriate time.**

On Apr. 3, 1957,<sup>(14)</sup> Mr. Harold D. Cooley, of North Carolina, offered an amendment to a section of the bill pending in the Committee of the Whole. Mr. John Taber, of New York, made a point

14. 103 CONG. REC. 5034-36, 85th Cong. 1st Sess.

of order against the amendment on the ground that it was offered too late, the Clerk having read past the section to which the amendment pertained. Mr. Cooley stated as follows:

It was not passed. My amendment was at the Clerk's desk, but the Clerk was reading so rapidly that he passed that section inadvertently.

Chairman Aime J. Forand, of Rhode Island, overruled the point of order:

The Chair is ready to rule on that point. The gentleman from North Carolina was on his feet while the Clerk was reading. The Clerk continued to read before the gentleman had a chance to offer his amendment.

The gentleman was entitled to recognition.

***Member Must Offer Amendment From Floor in Addition to Placing With Clerk***

**§ 19.6 Members must be in the Chamber and offer their amendments from the floor at the proper point to the bill as it is read, and it is not sufficient to merely place such amendments at the Clerk's desk.**

For example, on Apr. 1, 1947,<sup>(15)</sup> Mr. Sam Hobbs, of Alabama, offered an amendment to an appro-

15. 93 CONG. REC. 2987, 80th Cong. 1st Sess.

priation bill. Mr. John Taber, of New York, made the point of order that the amendment came too late, the Clerk having read beyond the portion of the bill sought to be amended. Chairman George A. Dondero, of Michigan, sustained the point of order. Mr. Francis E. Walter, of Pennsylvania, then inquired as follows:

Mr. Chairman, as I understand it this amendment was on the Clerk's desk and the fact it was not reported was due to the Clerk's failing to see the amendment. The parliamentary inquiry is: Does it come too late when the amendment was on the desk?

The Chairman responded:

The gentleman from Alabama was not present to protect his rights and the Clerk continued to read beyond the point where the amendment should properly have been offered.

Likewise, on June 13, 1947, Chairman Thomas A. Jenkins, of Ohio, responded as follows to a parliamentary inquiry:

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, when the amendment offered by the gentleman from California was voted on, I had on the Clerk's desk an amendment to strike out the last three or four lines of that paragraph. Was that amendment out of order?

THE CHAIRMAN: No. In answer to the inquiry of the gentleman, the Chair will state that the Chair has no information as to amendments on the Clerk's desk or what they contain.

That information is brought to the attention of the House and the Chair when a Member sends up the amendment, rises and addresses the Chair stating that he offers an amendment. The gentleman from Michigan did not do that, or at least the Chair did not hear him.<sup>(16)</sup>

***Chair's Authority To Structure Orderly Amendment Process; Discretion in Order of Recognition***

**§ 19.7 While the Chairman of the Committee of the Whole may, through the power of recognition, encourage the orderly offering of amendments to a pending amendment in the nature of a substitute which has been read in its entirety, a unanimous-consent request, not contemplated by the special order governing the procedure, to read the substitute for amendment by sections is not in order.**

On Mar. 25, 1975,<sup>(17)</sup> it was demonstrated that, where the

16. *Id.* at p. 6984. For similar rulings, see 110 CONG. REC. 2290, 2291, 88th Cong. 2d Sess., Feb. 6, 1964; 95 CONG. REC. 12258, 12269, 81st Cong. 1st Sess., Aug. 25, 1949; 95 CONG. REC. 5505, 5506, 81st Cong. 1st Sess., May 3, 1949; and 95 CONG. REC. 2307, 81st Cong. 1st Sess., Mar. 11, 1949.

17. 121 CONG. REC. 8490, 8491, 94th Cong. 1st Sess. Under consideration

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

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

The Clerk read as follows:

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

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

#### SCHOOL BREAKFAST PROGRAM

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

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

was H.R. 4222, to amend the National School Lunch Act and Child Nutrition Act.

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

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

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

MR. BAUMAN: I yield to the gentleman.

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

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

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

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

May I inquire of the Chairman, is that right?

THE CHAIRMAN: The gentleman is correct.

MR. BAUMAN: Mr. Chairman, reserving the right to object, I wonder if the gentleman from Michigan would make a unanimous-consent request that his amendment be read section by section. This would accomplish the purpose we are after.

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

**§ 19.8 The order of recognition to offer amendments is within the discretion of the Chair, who may either base his initial recognition on committee seniority or upon the preferential voting status of the amendments sought to be offered; thus, where both a pending amendment and a substitute therefor are open to perfecting amendments, the Chair has the discretion of first recognizing either the senior committee member, or a junior committee member whose amendment would be first voted upon, where both amendments could ultimate-**

**ly be pending at the same time.**

The following proceedings occurred during consideration of the Alaska National Interest Lands Conservation Act of 1979 in the Committee of the Whole on May 15, 1979:<sup>(19)</sup>

THE CHAIRMAN:<sup>(20)</sup> For what purpose does the gentleman from Ohio (Mr. Seiberling) rise?

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: Is this to the Udall substitute?

MR. SEIBERLING: Mr. Chairman, I have an amendment at the desk to the Udall-Anderson bill, which is actually a series of technical amendments which I will ask unanimous consent to offer en bloc. . . .

THE CHAIRMAN: Since there is no other amendment pending to the Udall substitute, the amendment of the gentleman from Ohio may be offered. . . .

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, assuming there is an amendment to be offered to the so-called Breaux-Dingell merchant marine version, that would take precedence over an amendment to the so-called Udall-Anderson interior bill?

THE CHAIRMAN: The Chair has the option either to recognize the senior Member first or to first recognize that Member seeking to offer the amendment which will be preferential and first voted upon.

19. 125 CONG. REC. 11135, 11136, 96th Cong. 1st Sess.

20. Paul Simon (Ill.).

MR. [THOMAS J.] HUCKABY [of Louisiana]: Mr. Chairman, I have amendments at the desk for the Breaux-Dingell bill.

THE CHAIRMAN: The Clerk will report the amendments.<sup>(1)</sup>

MR. [DON H.] CLAUSEN [of California]: Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, what is the parliamentary situation? Is there an amendment to be offered by the gentleman from Ohio (Mr. Seiberling) or the gentleman from Louisiana (Mr. Huckaby)?

THE CHAIRMAN: The Chair will state that the gentleman from Ohio (Mr. Seiberling) sought recognition to amend the Udall substitute, but the gentleman from Louisiana (Mr. Huckaby) has an amendment to the Merchant Marine and Fisheries amendment in the nature of a substitute, and he will be recognized. The Chair will recognize the gentleman from Ohio (Mr. Seiberling) later for the purposes of offering his amendment. . . .

MR. HUCKABY: Mr. Chairman, I offer amendments to the amendment in the nature of a substitute.

THE CHAIRMAN: The Clerk will report the amendments.

*Parliamentarian's Note:* Mr. Huckaby's amendments to the original amendment were subsequently agreed to.<sup>(2)</sup> Mr. Seiber-

1. Mr. Seiberling was senior to Mr. Huckaby on the Committee on Interior and Insular Affairs, but Mr. Huckaby's amendment was to be voted on first and he represented the majority position on the committee.
2. 125 CONG. REC. 11152, 96th Cong. 1st Sess.

ling then indicated that he had amendments to the substitute, and Mr. Huckaby that he had further amendments to the original amendment. As noted above, the Chair would have discretion to recognize either Member; but the Chair indicated that in either case, the question would not be put on amendments to the substitute until all amendments to the original amendment had been disposed of.

**§ 19.9 Although perfecting amendments take priority over substitute amendments in the matter of voting, it is within the discretion of the Chair as to who he will recognize for submitting either kind of amendment.**

On Dec. 15, 1937,<sup>(3)</sup> Chairman John W. McCormack, of Massachusetts, answered a parliamentary inquiry on recognition for offering amendments in the Committee of the Whole:

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Chairman, reserving the right to object, and I do so to propound a parliamentary inquiry as to the order in which amendments are to be offered. The amendment offered by the gentlewoman from New Jersey is now pending. Would not perfecting amendments have priority of consideration over a substitute amendment?

3. 82 CONG. REC. 1590, 75th Cong. 2d Sess.

THE CHAIRMAN: The Chair has no knowledge of what amendments may be offered; but ordinarily a perfecting amendment has precedence over a motion to substitute insofar as voting is concerned. If the unanimous-consent request is granted, it is the understanding of the Chair that amendments will be offered section by section.

MR. BOILEAU: Nevertheless, it is the amendment offered by the gentleman from New Jersey that would be before the House.

THE CHAIRMAN: That is before the Committee now.

MR. BOILEAU: Would not perfecting amendments have priority over an amendment to substitute?

THE CHAIRMAN: So far as voting is concerned, yes.

MR. BOILEAU: I appreciate that fact, but may I propound a further parliamentary inquiry, whether or not a Member rising in his place and seeking recognition would not have a prior right to recognition for the purpose of offering a perfecting amendment to the amendment now pending?

THE CHAIRMAN: It does not necessarily follow that such Member would have a prior right. Recognition is in the discretion of the Chair.

MR. BOILEAU: I recognize it does not necessarily follow, but I am trying to have the matter clarified. Therefore I ask the Chair whether or not a Member who qualifies as offering a perfecting amendment does not have prior right of recognition in offering such amendment?

THE CHAIRMAN: The Chair has tried to be as helpful as he could, but the Chair does not feel he should estop

himself of his own discretion in the matter of recognitions.

MR. BOILEAU: Does the Chair then rule that is within the discretion of the Chair rather than a right of the Member?

THE CHAIRMAN: In answer to the gentleman's inquiry, the Chair is of the opinion it is within the province of the Chair whom the Chair will recognize, having in mind the general rules of the House.

### *Preference in Recognition to Committee Members*

**§ 19.10 The order of recognition to offer amendments is in the discretion of the Chair, and preference is given to members of the committee reporting the bill who are on their feet seeking recognition.**

On June 29, 1939,<sup>(4)</sup> Chairman Jere Cooper, of Tennessee, ruled that although a Member had been recognized to offer an amendment, the Chairman would in his discretion have first recognized a member of the committee reporting the bill if he had been on his feet seeking recognition:

MR. [HAROLD] KNUTSON [of Minnesota]: Mr. Chairman, I have an

4. 84 CONG. REC. 8311, 76th Cong. 1st Sess.

Priority of recognition generally, of members of reporting committee, see § 13, *supra*.

amendment at the Clerk's desk which I would like to offer at this time.

The Clerk read as follows:

Amendment offered by Mr. Knutson: Strike out all of section 1 and insert the following——

MR. [HAMILTON] FISH [Jr., of New York] (interrupting the reading of the amendment): Mr. Chairman, would it be in order for the committee members to be recognized first to offer amendments?

MR. KNUTSON: I have already been recognized.

THE CHAIRMAN: If there is any member of the committee seeking recognition, he is entitled to recognition.

MR. FISH: Mr. Chairman, I would like to be recognized.

MR. KNUTSON: I already have the floor, and have been recognized.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, the gentleman from Minnesota [Mr. Knutson] has already been recognized.

THE CHAIRMAN: Recognition is in the discretion of the Chair, and the Chair will recognize members of the committee first. Does the acting chairman of the committee seek recognition?

MR. [SOL] BLOOM [of New York]: Mr. Chairman, I would like to ask whether the committee amendments to section 1 have been agreed to?

THE CHAIRMAN: The only one the Chair knows about is the one appearing in the print of the bill, and that has been agreed to.

MR. BLOOM: In line 16, there is a committee amendment.

MR. KNUTSON: Mr. Chairman, I was recognized by the Chair.

THE CHAIRMAN: The Chair feels that inasmuch as members of the com-

mittee were not on their feet and the gentleman from Minnesota had been recognized, the gentleman is entitled to recognition.

The Clerk will continue the reporting of the amendment offered by the gentleman from Minnesota.

**§ 19.11 The order of recognition to offer amendments is within the discretion of the Chair, but in practice he generally recognizes members of the committee handling the bill in the order of their seniority.**

On July 23, 1970,<sup>(5)</sup> Chairman Chet Holifield, of California, recognized Mr. George H. Mahon, of Texas, to offer an amendment to an appropriation bill reported by the Committee on Appropriations. Mr. Charles R. Jonas, of North Carolina, objected that he had already been recognized to offer an amendment. Chairman Holifield advised Mr. Jonas that he intended to recognize members of the Committee on Appropriations in the order of their seniority and that Mr. Mahon was a more senior member of the committee than Mr. Jonas.

**§ 19.12 When a paragraph of a bill is open to amendment at any point, the Chair may**

5. 116 CONG. REC. 25635, 91st Cong. 2d Sess.

**recognize Members to offer amendments in a sequence in accordance with their committee rank.**

On July 23, 1970,<sup>(6)</sup> Chairman Chet Holifield, of California, recognized Mr. George H. Mahon, of Texas, a member of the Committee on Appropriations which had reported the pending bill, to offer an amendment to the pending paragraph. The Chairman then answered a series of parliamentary inquiries on the prior rights of ranking members of the reporting committee to recognition to offer amendments:

MR. [CHARLES R.] JONAS [of North Carolina]: May I respectfully remind the Chair that I was recognized, and that the Chair allowed a point of order to intervene only, and I had been recognized. The Chair ruled that since a point of order had been made, the Chair would dispose of the point of order first.

THE CHAIRMAN: The Chair respectfully states that the point of order did intervene following the gentleman's recognition. The Chair intends to recognize members of the committee in the order of their seniority. The Chair, therefore, recognized the gentleman from Texas. The Chair will later recognize the gentleman from North Carolina.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MICHEL: Did the Clerk read through the section concluding with line 3, page 39?

THE CHAIRMAN: It is the understanding of the Chair that he did.

MR. JONAS: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JONAS: I respectfully ask the Chair to rule that my amendment does precede the amendment that will be offered by the gentleman from Texas. My amendment goes to line 5, page 38, and my information is that the amendment to be offered by the gentleman from Texas comes at a later point in the paragraph.

THE CHAIRMAN: A whole paragraph is open to amendment at the same time. Therefore, the line does not determine the order of the amendment.

***Chair's Discretion To Recognize Minority or Majority Member***

**§ 19.13 In recognizing members of the committee reporting a bill to offer amendments in the Committee of the Whole, the Chairman has discretion whether to first recognize a minority or majority member.**

On June 4, 1948,<sup>(7)</sup> while the Committee of the Whole was con-

6. 116 CONG. REC. 25635, 91st Cong. 2d Sess.

7. 94 CONG. REC. 7189, 80th Cong. 2d Sess.

sidering H.R. 6801, the foreign aid appropriation bill, for amendment, Chairman W. Sterling Cole, of New York, recognized Mr. Everett M. Dirksen, of Illinois (a majority member), to offer an amendment. Mr. Clarence Cannon, of Missouri, objected that the minority was entitled to recognition to move to amend the bill. The Chairman responded:

Under the rules of the House, any member of the committee may offer an amendment, and it is in the discretion of the Chair as to which member shall be recognized.

***Manager of Bill Offering More Than One Amendment***

**§ 19.14 Recognition to offer amendments is first extended to the manager of a bill, and the fact that the Committee of the Whole has just completed consideration of one amendment offered by the manager does not preclude his being recognized to offer another.**

On Apr. 6, 1967,<sup>(8)</sup> Robert W. Kastenmeier, of Wisconsin, was the Member in charge of H.R. 2512, being considered for amendment in the Committee of the Whole. Mr. Kastenmeier had of-

8. 113 CONG. REC. 8617, 8618, 90th Cong. 1st Sess.

fered an amendment, which was adopted by the Committee. He then immediately offered another amendment. Mr. Byron G. Rogers, of Colorado, made a point of order against recognition for that purpose, and Chairman John H. Dent, of Pennsylvania, overruled the point of order:

MR. ROGERS of Colorado: The gentleman from Wisconsin just offered an amendment, and certainly I as a member of the committee ought to have the privilege of offering an amendment.

THE CHAIRMAN: The gentleman from Wisconsin is manager of the bill. The Chair recognizes the gentleman from Wisconsin.<sup>(9)</sup>

***As to Right of Proponent To Further Amend***

**§ 19.15 A Member may offer an amendment to his own amendment by unanimous consent only; but in the event of objection to a unanimous-consent request to modify a pending amendment, any Member other than the proponent of the amendment may offer a proper amendment in writing thereto.**

On Apr. 9, 1979, during consideration of H.R. 3324, the Inter-

9. For the prior rights of the manager of the bill being considered, see § 14, supra.

national Development Cooperation Act of 1979, an amendment was offered as follows,<sup>(10)</sup> with subsequent efforts to modify it:

The Clerk read as follows:

Amendment offered by Mr. [Robert E.] Bauman [of Maryland]: On page 23, line 10, strike all of Section 303(a) and insert in lieu thereof the following new Section 303:

"Sec. 303. (a) Section 533 of the Foreign Assistance Act of 1961 is amended to read as follows:

"Sec. 533—Southern Africa Program

"(a) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1980, \$68,000,000 shall be available (only) for the countries of southern Africa and for—

"(1) a southern Africa regional refugee support, training, and economic planning program to address the problems caused by the economic dislocation resulting from the conflict in that region;

"(2) education and job training assistance;

"(3) a southern Africa fair and open election program to address the problem resulting from the conflict and internal strife in that region.

"Such funds may be used to provide humanitarian assistance to African refugees and persons displaced by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts and to provide support to countries in that region.

"(b) In furtherance of the purposes of this section and the foreign policy objectives of the United States the President may appoint a team of

impartial observers to observe elections in southern Africa and report to Congress:

"(1) as to whether all of the people of southern Africa and all organized political groups were given a fair opportunity to participate fully in the election without regard to ethnic identity or political affiliation; and

"(2) on the extent of public participation in the election, including the extent to which disruptions in the election process due to guerrilla activities may have affected public participation in the election and the extent to which eligible voters expressed opposition by voluntarily refraining from voting in the election.

"(c) Of the amounts authorized to be appropriated to carry out the purposes of this section, \$20,000,000 shall be made available to the government of Zimbabwe/Rhodesia which is installed in that nation as a result of the election held in April 1979, which election may be evaluated and reported upon by observers as provided for in this section."

Mr. Paul Findley, of Illinois, inquired as to the effect of certain language:<sup>(11)</sup>

MR. FINDLEY: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if the author of the amendment could shed a little light on the effect of the language.

For example, section (c) at the bottom of the amendment has been brought into question, and several speakers have indicated that this mandates the provision of \$20 million to the Government of Rhodesia under certain circumstances. . . . [T]he lan-

10. 125 CONG. REC. 7755, 7756, 96th Cong. 1st Sess.

11. *Id.* at p. 7760.

guage I have in my hand contains the word, "may," and it is written in. The word, "shall," is stricken in two different places in that last paragraph.

I wonder if that is the form in which the amendment now pending before this body appears? Does it say, "may" or "shall"?

MR. BAUMAN: I believe, as it is before the committee at the Clerk's desk, it says that \$20 million shall be made available, but I would be amenable to a change, if that comforts the gentleman.

MR. FINDLEY: Is the gentleman asking unanimous consent to modify the amendment?

MR. BAUMAN: No; I will leave that to the gentleman from Illinois (Mr. Findley).

MR. FINDLEY: Then, Mr. Chairman, may I also ask this: Concerning the effect of the language on the first page of the amendment which would seem to set aside \$68 million exclusively for the countries of southern Africa, could the gentleman shed any light on this question? To what extent would this amendment alter the provision of aid which is contemplated by the original bill?

MR. BAUMAN: The language in section (a) is not, for the most part, the language of the gentleman from Maryland but, rather, the language of the bill. But last year, when this southern Africa fund was created, it specifically earmarked the funds only for southern African countries. Without any notice in the report of this bill, that "only" was taken out, and the language before us, on page 23 of the bill, is—

. . . shall be available for the countries of southern Africa and for

a southern Africa regional, refugee support . . .

MR. FINDLEY: Is it the gentleman's intention that the amendment now pending not tie the hands of the President in any single respect?

MR. BAUMAN: Only that it would provide him the opportunity, and indeed the responsibility, if he refused, of using these observers in the instance of any elections that occur, so that the Congress and the public of the United States could judge whether or not these elections were free and open and fair. . . .

MR. FINDLEY: Mr. Chairman, just to bring this to a head, I ask unanimous consent that the word "shall" which appears in two places in the last paragraph of the amendment be changed to "may."

THE CHAIRMAN:<sup>(12)</sup> Is there objection to the request of the gentleman from Illinois?

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The gentleman will have to submit an amendment in writing if the Chair is to consider it.

An amendment was offered by Mr. Solarz:<sup>(13)</sup>

MR. SOLARZ: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Solarz to the amendment offered by Mr. Bauman: On page 2 of the amendment, strike out subsections (b) and (c).

12. Elliott Levitas (Ga.).

13. 125 CONG. REC. 7763, 96th Cong. 1st Sess.

The Solarz amendment was agreed to, whereupon Mr. Bauman sought to offer an amendment:<sup>(14)</sup>

MR. BAUMAN: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: Does the gentleman from Maryland ask unanimous consent to offer an amendment to his pending amendment?

MR. BAUMAN: Am I not in order, Mr. Chairman, to offer an amendment to an amendment once it has been offered?

THE CHAIRMAN: The Chair will state that that requires unanimous consent.

MR. BAUMAN: Then, Mr. Chairman, the gentleman from California (Mr. Rousselot) will offer the amendment.

AMENDMENT OFFERED BY MR. ROUSSELOT TO THE AMENDMENT OFFERED BY MR. BAUMAN, AS AMENDED

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment to the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. Rousselot to the amendment offered by Mr. Bauman, as amended: Immediately after the last sentence of subsection (a) of section 533 of the amendment offered by Mr. Bauman, as amended, add the following:

(b) In furtherance of the purposes of this section and the foreign policy objectives of the United States the President may appoint a team of impartial observers to observe elections in southern Africa and report to Congress;

(1) as to whether all of the people of any such southern African nation

and all organized political groups were given a fair opportunity to participate fully in the election without regard to ethnic identity or political affiliation; and

(2) on the extent of public participation in the election, including the extent to which disruptions in the election process due to guerrilla activities may have affected public participation in the election and the extent to which eligible voters expressed opposition by voluntarily refraining from voting in the election.

(c) of the amounts authorized to be appropriated to carry out the purposes of this section, \$20,000,000 may be made available to the government of Zimbabwe/Rhodesia which is installed in that nation as a result of the election held in April 1979, which election may be evaluated and reported upon by observers as provided for in this section.

(In response to a point of order that the Rousselot amendment was identical to language just stricken, the Chair ruled that the amendment was proper because the change in language from "shall" to "may" was a substantive change.)

***Priority of Members of Committee To Make Points of Order Against Amendments***

**§ 19.16 Members of the committee reporting a bill have priority of recognition to make points of order against proposed amendments to the bill.**

14. *Id.* at p. 7764.

On Mar. 30, 1949,<sup>(15)</sup> Mr. Henry M. Jackson, of Washington, and Mr. Carl T. Curtis, of Nebraska, simultaneously arose in the Committee of the Whole to make a point of order against a pending amendment on the ground that it constituted legislation on an appropriation bill. Chairman Jere Cooper, of Tennessee, recognized Mr. Jackson in preference over Mr. Curtis since Mr. Jackson was a member of the committee which had reported the bill.

***Chair Determines Whether There Are Points of Order to Remainder of Bill Before Recognizing for Amendments***

**§ 19.17** Where the remainder of a general appropriation bill is, by unanimous consent, considered as read and open for amendment at any point, the Chair first ascertains whether there are any points of order to the remainder of the bill before recognizing Members to offer amendments.

For example, on July 30, 1962,<sup>(16)</sup> the procedure below was

15. 95 CONG. REC. 3520, 81st Cong. 1st Sess.

16. 108 CONG. REC. 14998, 87th Cong. 2d Sess.

followed in the consideration of a bill and amendments thereto.

MR. [ALBERT] THOMAS [of Texas]: Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open for amendment at any point.

MR. [H. R.] GROSS [of Iowa]: And also open to points of order at any point, I take it?

MR. THOMAS: Yes. . . .

THE CHAIRMAN:<sup>(17)</sup> Is there objection to the gentleman from Texas?

There was no objection.

THE CHAIRMAN: Are there any points of order to be made to the remainder of the bill?

MR. GROSS: Mr. Chairman, I make a point of order against the language on page 27, beginning in line 24 and running through line 12 on page 28, as being legislation on an appropriation bill.

***Point of Order Must Be Decided Before Recognition To Offer Amendment***

**§ 19.18** Unless reserved, a pending point of order against an amendment (on the grounds it constitutes an appropriation on a legislative bill) must be decided prior to recognition of another Member to offer an amendment to the challenged language.

On May 18, 1966,<sup>(18)</sup> Mr. Charles R. Jonas, of North Caro-

17. Richard Bolling (Mo.).

18. 112 CONG. REC. 10894-96, 89th Cong. 2d Sess.

lina, made a point of order against certain language in a committee amendment offered by the Committee on Banking and Currency to H.R. 14544, the Participation Sales Act of 1966. Wright Patman, of Texas, chairman of the committee, stated that he had a substitute amendment to the committee amendment which would correct the objectionable language. Chairman Eugene J. Keogh, of New York, advised Mr. Jonas and Mr. Patman that the point of order, unless reserved, must be disposed of before Mr. Patman could be recognized to offer the amendment correcting the challenged language. Mr. Jonas reserved his point of order and the substitute amendment was offered and agreed to.

***Committee Amendments Before Floor Amendments***

**§ 19.19 Where a bill is considered as read and open for amendment at any point, committee amendments are considered before the Chair extends recognition for amendments from the floor.**

On July 18, 1968,<sup>(19)</sup> Mr. Thomas E. Morgan, of Pennsylvania, asked unanimous consent that a

19. 114 CONG. REC. 22094, 22095, 90th Cong. 2d Sess.

bill being considered in the Committee of the Whole be considered as read and open to amendment at any point. There was no objection. Before Chairman Charles M. Price, of Illinois, extended recognition to Members to offer amendments from the floor, committee amendments were read and considered.

*Parliamentarian's Note:* Committee amendments to that portion of a bill or resolution which has been read are normally considered before recognition is granted to offer other amendments, unless the committee amendment is given lesser priority, as in the case of a motion to strike out the pending section, which is held in abeyance until perfecting floor amendments are disposed of.

***Minority Committee Member Usually Has Preference Over Nonmember***

**§ 19.20 Although minority members of the committee reporting a bill under consideration usually have preference of recognition over nonmembers, the power of recognition remains in the discretion of the Chair.**

On July 19, 1967,<sup>(20)</sup> in the Committee of the Whole, Chair-

20. 113 CONG. REC. 19416, 19417, 90th Cong. 1st Sess.

man Joseph L. Evins, of Tennessee, recognized Mr. Edmond Edmondson, of Oklahoma, for a parliamentary inquiry and then recognized him to offer an amendment to the pending bill. Mr. William C. Cramer, of Florida, made the point of order that William M. McCulloch, of Ohio, the ranking minority member of the Committee on the Judiciary, which had reported the bill, had been on his feet seeking recognition to offer an amendment at the time and that members of the committee reporting the bill had the prior right to be recognized. Chairman Evins did in fact subsequently recognize Mr. McCulloch, but overruled the point of order, and stated that in fairness he was attempting to recognize Members on both sides of the question.

***Instance Where Chair Recognized Nonmember of Committee***

**§ 19.21 Members of the committee reporting a bill usually have preference of recognition to offer amendments but the Chair has recognized another based on his failure to see a committee member seeking recognition.**

On Aug. 10, 1949,<sup>(1)</sup> Chairman Harold D. Cooley, of North Caro-

1. 95 CONG. REC. 11196, 81st Cong. 1st Sess.

lina, answered parliamentary inquiries on the subject of recognition in the Committee of the Whole to offer amendments:

MR. [WALTER E.] BREHM [of Ohio]: Mr. Chairman, I have been standing on my feet seeking recognition ever since the Speaker requested the gentleman from North Carolina [Mr. Cooley] to occupy the chair. Moreover, I am a member of the committee. I think my amendment should have preference.

THE CHAIRMAN: The Chair had recognized the gentleman from North Carolina even before recognizing the gentleman from Michigan.

MR. BREHM: I feel that the Chair was in error in so doing, because I am a member of the committee and the gentleman from North Carolina is not, and I was on my feet prior to the time the gentleman from North Carolina [Mr. Redden] asked for recognition.

THE CHAIRMAN: The gentleman from North Carolina is recognized to offer his amendment.

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

THE CHAIRMAN: The gentleman will state it.

MR. MARTIN of Massachusetts: Does the Chair rule that a member of the committee does not have preference in recognition when two Members, one not a member of the committee, are seeking recognition at the same time?

THE CHAIRMAN: The Chair did not see the gentleman from Ohio on his feet at the same time. The Chair had recognized the gentleman from North Carolina, then the Chair recognized

the gentleman from Michigan to submit a consent request. The gentleman from Ohio will be recognized in due time.

The Clerk will report the amendment offered by the gentleman from North Carolina.<sup>(2)</sup>

***Committee Amendments to Special Rule; Nonsubstantive Amendment Acted on Before Debate***

**§ 19.22 Where a privileged resolution providing for the consideration of a measure is reported by the Committee on Rules, with committee amendments to the resolution, the amendments may be reported and acted upon before the Member managing the measure is recognized for debate thereon.**

On Aug. 19, 1964,<sup>(3)</sup> the Committee on Rules reported House Resolution 845, providing for the consideration of H.R. 11926, limiting the jurisdiction of federal courts in apportionment cases, which bill had not been reported by the committee to which referred. Speaker John W. McCormack, of Massachusetts, directed the Clerk, after the reading of the

2. For the Chair's power of recognition generally, see §9, *supra*.

3. 110 CONG. REC. 20213, 88th Cong. 2d Sess.

resolution, to read the committee amendments thereto. The amendments were then agreed to and the Speaker recognized Mr. Howard W. Smith, of Virginia, the manager of the resolution, for one hour of debate.

*Parliamentarian's Note:* If the committee amendments to a resolution are substantive in nature, they may be reported and remain pending during the hour of debate in the House.

***Anticipating Recognition***

**§ 19.23 The Chairman of the Committee of the Whole may advise a Member that he will recognize that Member, at a subsequent point in the proceedings, to offer a substitute for an amendment.**

On July 12, 1962,<sup>(4)</sup> Chairman Wilbur D. Mills, of Arkansas, stated, in response to a parliamentary inquiry, that he would recognize a Member at the proper time to offer an amendment:

MR. [MICHAEL A.] FEIGHAN [of Ohio]: Mr. Chairman, I have a substitute amendment. Is it proper for me to offer the amendment at this time?

THE CHAIRMAN: The Chair will recognize the gentleman at the proper time.

**§ 19.24 The Chairman of the Committee of the Whole does**

4. 108 CONG. REC. 13391, 87th Cong. 2d Sess.

**not anticipate the order in which amendments may be offered nor does he declare in advance the order of recognition, but where he knows a Member desires recognition to offer an amendment, he may indicate that he will protect the Member's rights.**

On Sept. 8, 1966,<sup>(5)</sup> Chairman Edward P. Boland, of Massachusetts, answered a parliamentary inquiry as to the order of recognition for offering amendments under the five-minute rule:

MR. [ROBERT G.] STEPHENS [Jr., of Georgia]: It is my understanding that the procedures will be for the Minish amendment to be considered and after the Minish amendment is disposed of then I will offer a substitute and it is my understanding I will be recognized immediately after the amendment for the purpose of submitting that substitute. Is that the correct parliamentary situation?

THE CHAIRMAN: Recognition, of course, is within the discretion of the Chair, but the Chair will protect the gentleman's rights.<sup>(6)</sup>

5. 112 CONG. REC. 22020, 89th Cong. 2d Sess.
6. When debate is limited under the five-minute rule in the Committee of the Whole, the Chairman often protects the rights of Members who seek recognition; see § 22, *infra*.

The Chair may also protect the rights of Members not in the Cham-

### ***Member May Not Yield for Amendment***

**§ 19.25 A Member recognized under the five-minute rule may not yield to another Member to offer an amendment (thereby depriving the Chair of his power of recognition), but he may by unanimous consent yield the balance of his time to another Member who may thereafter offer an amendment.**

The proposition described above was demonstrated in the Committee of the Whole on Oct. 30, 1975,<sup>(7)</sup> during consideration of H.R. 8603, the Postal Reorganization Act Amendments of 1975:

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

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, will the gentleman yield?

MR. [WILLIAM S.] COHEN [of Maine]: I yield to the gentleman from Delaware.

MR. DU PONT: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:<sup>(8)</sup> The Chair will state that the gentleman from Maine cannot yield for the purpose of the

ber when the limitation is agreed to (see § 22.4, *infra*).

7. 121 CONG. REC. 34442, 94th Cong. 1st Sess.
8. Walter Flowers (Ala.).

gentleman from Delaware offering an amendment.

MR. COHEN: Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Delaware (Mr. du Pont).

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

There was no objection.

THE CHAIRMAN: The gentleman from Delaware is recognized for 2 minutes.

AMENDMENT OFFERED BY MR. DU PONT

MR. DU PONT: Mr. Chairman, I offer an amendment.

The Clerk read the amendment as follows:

Amendment offered by Mr. du Pont: Page 32, immediately after line 26, add the following new section:

Sec. 16. (a) Chapter 6 of title 39, United States Code, is amended by adding at the end thereof the following new section: . . .

**§ 19.26 A Member recognized under the five-minute rule may not yield to another Member to offer an amendment, as it is within the power of the Chair to recognize each Member to offer amendments.**

On Apr. 19, 1973,<sup>(9)</sup> the Committee of the Whole was considering a bill for amendment under the five-minute rule. Chairman Morris K. Udall, of Arizona, refused to allow a Member with the

9. 119 CONG. REC. 13240, 93d Cong. 1st Sess.

floor to yield to another to offer an amendment:

MR. DON H. CLAUSEN [of California]: Mr. Chairman, I have an amendment at the desk. However, at this time I want to yield to the gentleman from New York (Mr. Bingham) who has another appointment, so that he may offer his amendment at this time.

THE CHAIRMAN: The Chair will advise the gentleman from California (Mr. Don H. Clausen) he cannot yield for that purpose. If the gentleman from New York (Mr. Bingham) were here, the Chair would recognize him.<sup>(10)</sup>

***Chair Declined Recognition for Amendment Where Member Obtained Floor for Debate***

**§ 19.27 The Chair declined to recognize a Member to offer a substantive amendment where the Member had obtained the floor to debate a motion to strike out the last word.**

On July 28, 1965,<sup>(11)</sup> the Committee of the Whole was considering for amendment under the five-minute rule H.R. 77, reported by the Committee on Education and Labor. Mr. William H. Ayres, of Ohio, ranking minority member

10. See also 119 CONG. REC. 41716, 93d Cong. 1st Sess., Dec. 14, 1973; 119 CONG. REC. 41171, 93d Cong. 1st Sess., Dec. 12, 1973.

11. 111 CONG. REC. 18631, 89th Cong. 1st Sess.

of the committee, moved to strike out the last word and was recognized by Chairman Leo W. O'Brien, of New York, for five minutes. During that time, Mr. Ayres offered an amendment, but the Chairman declined to further recognize Mr. Ayres for that purpose.

*Parliamentarian's Note:* Several majority members of the Committee on Education and Labor were seeking recognition to offer amendments.

***Member May Not Offer Amendment in Time Yielded for Debate***

**§ 19.28 A Member may not be recognized to offer an amendment during time yielded for debate only.**

On Feb. 2, 1955,<sup>(12)</sup> Mr. Ray J. Madden, of Indiana, called up at the direction of the Committee on Rules House Resolution 63, authorizing the Committee on Veterans' Affairs to investigate certain aspects of the Veterans' Administration. Mr. Madden yielded three minutes' time for debate to Mrs. Edith Nourse Rogers, of Massachusetts. Mrs. Rogers indicated she wished to offer an amendment to prohibit the Com-

mittee on Veterans' Affairs from investigating any matter under investigation by another committee of the House. Mr. Madden stated that he did not yield for the purpose of having such an amendment offered. Speaker Pro Tempore Robert C. Byrd, of West Virginia, ruled that Mrs. Rogers did not have the right to offer an amendment in time yielded her for debate only.

***Amendment Offered While Motion To Strike Pending***

**§ 19.29 While a motion to strike a pending portion of a bill will be held in abeyance until perfecting amendments to that portion are disposed of, a Member who has been recognized to debate his motion to strike may not be deprived of the floor by another Member who seeks to offer a perfecting amendment, but the perfecting amendment may be offered and voted on before the question is put on the motion to strike.**

During consideration of H.R. 10024 (depository institutions amendments of 1975) in the Committee of the Whole on Oct. 31, 1975,<sup>(13)</sup> the following proceedings occurred:

12. 101 CONG. REC. 1076-79, 84th Cong. 1st Sess.

13. 121 CONG. REC. 34564, 34565, 34566, 94th Cong. 1st Sess.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roussetot: Beginning on page 10, line 18, strike all that follows through page 188, line 10.

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I have a parliamentary inquiry. . . .

I believe that under the rules of the House since this amendment involves a motion to strike the title, that perfecting amendments that are at the desk take precedence over such a motion to strike a title. Is that not correct?

THE CHAIRMAN:<sup>(14)</sup> That is true, if any are offered. . . .

MR. [JOHN J.] MOAKLEY [of Massachusetts]: Mr. Chairman, I might state that I was standing when the Chairman recognized the gentleman from California (Mr. Roussetot), and I have a perfecting amendment at the desk.

THE CHAIRMAN: The Chair will state that the amendment offered by the gentleman from California, Mr. Roussetot, is pending now, and that the gentleman from California has been recognized. The gentleman may offer his perfecting amendment after the gentleman from California has completed his five minutes in support of his amendment to strike.

***May Not Offer Amendment  
When Recognized for Parliamentary Inquiry***

**§ 19.30 A Member recognized to propound a parliamentary**

14. Spark M. Matsunaga (Ha.).

**inquiry may not, having secured the floor for that limited purpose, then offer an amendment.**

On Mar. 12, 1964,<sup>(15)</sup> Chairman Chet Holifield, of California, ruled that where a Member was recognized for a parliamentary inquiry, recognition was limited to that purpose and that the Member so recognized could not then offer an amendment:

MR. [AUGUST E.] JOHANSEN [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JOHANSEN: I direct this inquiry to the Chair as to whether it will be in order if I secure recognition to offer an amendment to the amendment in the nature of a substitute for the amendment offered by the gentleman from Ohio.

THE CHAIRMAN: Of course, the gentleman, if he is recognized, may offer an amendment.

MR. [JAMES H.] MORRISON [of Louisiana]: A parliamentary inquiry, Mr. Chairman. The gentleman secured recognition first and asked the parliamentary inquiry.

THE CHAIRMAN: The gentleman has not been recognized, except for a parliamentary inquiry.

MR. MORRISON: The gentleman has a substitute amendment.

THE CHAIRMAN: The gentleman made the parliamentary inquiry as to

15. 110 CONG. REC. 5140, 88th Cong. 2d Sess.

whether he could offer an amendment, and the Chair responded that the gentleman could offer an amendment if he was recognized.

***Amendments Made in Order by Special Rule***

**§ 19.31 Where a special rule adopted by the House makes in order a designated amendment to a bill in Committee of the Whole but gives no special priority or precedence to such an amendment, the Chair is not required to extend prior recognition to offer that amendment but may rely on other principles of recognition such as alternation between majority and minority parties and priority of perfecting amendments over motions to strike.**

On June 21, 1979,<sup>(16)</sup> during consideration of H.R. 111, the Panama Canal Act of 1979, the Chair, after recognizing the manager of the bill to offer a pro forma amendment under the five-minute rule, recognized the ranking minority member to offer a perfecting amendment, prior to recognizing another majority member seeking recognition on behalf of another committee with

16. 125 CONG. REC. 15999, 16000, 96th Cong. 1st Sess.

jurisdiction over a portion of the bill to move to strike that portion, where the motion to strike was made in order but given no preferential status in the special rule governing consideration of the bill. The proceedings were as follows:

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise at this time with so many Members in the well and on the floor to ask as many Members as possible to try to stay on the floor throughout the next hour and 50 minutes. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bauman: Page 187, strike out line 19 and all that follows through line 20 on page 189 and insert in lieu thereof the following:

CHAPTER 2—IMMIGRATION

Sec. 1611. Special Immigrants.—  
(a) Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), relating to the definition of special immigrants, is amended—

MS. [ELIZABETH] HOLTZMAN [of New York] (during the reading): Mr. Chairman, I want to raise a point of order. . . .

Mr. Chairman, at the time that the last amendment was voted on, I was on my feet seeking to offer an amendment on behalf of the Committee on the Judiciary with respect to striking in its entirety section 1611 of the bill.

The right to offer that amendment is granted under the rule, in fact on page 3 of House Resolution 274. I want to ask the Chair whether I am entitled to be recognized or was entitled to be recognized to make first a motion, which was a motion to strike the entire section before amendments were made to the text of the bill.

THE CHAIRMAN:<sup>(17)</sup> Unless an amendment having priority of consideration under the rule is offered, it is the Chair's practice to alternate recognition of members of the several committees that are listed in the rule, taking amendments from the majority and minority side in general turn, while giving priority of recognition to those committees that are mentioned in the rule.

The gentlewoman from New York (Ms. Holtzman) is a member of such a committee, but following the adoption of the last amendment the gentleman from New York (Mr. Murphy), the chairman of the Committee on Merchant Marine and Fisheries, sought recognition to strike the last word. Accordingly, the Chair then recognized the gentleman from Maryland (Mr. Bauman) to offer a floor amendment, which is a perfecting amendment to section 1611 of the bill.

The rule mentions that it shall be in order to consider an amendment as recommended by the Committee on the Judiciary, to strike out section 1611, if offered, but the rule does not give any special priority to the Committee on the Judiciary to offer such amendments, over perfecting amendments to that section.

MS. HOLTZMAN: Mr. Chairman, may I be heard further? The gentleman said

that he was going to recognize members of the committees that had a right to offer amendments under the rule alternately. I would suggest to the Chair that no member of the Committee on the Judiciary has been recognized thus far in the debate with respect to offering such an amendment and, therefore, the Chair's principle, as I understood he stated it, was not being observed in connection with recognition.

THE CHAIRMAN: The Chair would observe that the Chair is attempting to be fair in recognizing Members alternately when they are members of committees with priority and that the rule permits but does not give the Committee on the Judiciary special priority of recognition over other floor amendments, which under the precedents would take priority over a motion to strike.

Second, the Chair would like to advise the gentlewoman from New York that recognition is discretionary with the Chair and is not subject to a point of order. Does the gentlewoman have any further comment to make on the point of order?

The Chair overrules the point of order and recognizes the gentleman in the well.

*Parliamentarian's Note:* The amendment offered by Mr. Bauman struck out section 1611 of the bill and inserted a new section, whereas the amendment made in order under the rule on behalf of the Committee on the Judiciary was an amendment to strike that section; thus adoption of the Bauman amendment precluded the offering of the Judici-

17. Thomas S. Foley (Wash.).

ary Committee amendment. It would have made little difference if Ms. Holtzman was recognized first, since the Bauman amendment could have been offered as a perfecting amendment while the Holtzman motion to strike was pending and if the Bauman amendment was adopted the motion to strike would have necessarily fallen and would not have been voted on.

If the Holtzman amendment, and the amendments to be offered on behalf of the Committees on Foreign Affairs and Post Office and Civil Service, had been committee amendments formally recommended in reports on H.R. 111, they would have been automatically considered by the Committee of the Whole, but only the Committee on Merchant Marine and Fisheries had formally reported H.R. 111.

***Recognition for Amendments Under Special Rules—Committee Amendments and Other Amendments Under Modified Closed Rule***

**§ 19.32 Where a bill consisting of several titles was considered as read and open to amendment at any point under a special “modified closed rule” permitting germane amendments only to**

**certain portions of titles but permitting committee amendments to any portion of the bill, the Chair first recognized a Member to offer committee amendments to title I and then recognized other Members to offer amendments to that title.**

On Aug. 7, 1974,<sup>(18)</sup> during consideration of the Federal Election Campaign Act of 1974 (H.R. 16090) in the Committee of the Whole, Chairman Richard Bolling, of Missouri, made the following statement:

THE CHAIRMAN: No amendments, including any amendment in the nature of a substitute for the bill, are in order to the bill except the following:

In title 1: Germane amendments to subsection 101(a) proposing solely to change the money amounts contained in said subsection, providing they have been printed in the Congressional Record at least 1 calendar day before being offered; and the text of the amendment to be offered on page 13, following line 4, inserted in the Congressional Record of August 5, 1974, by Mr. Butler.

In title 2: Germane amendments to the provisions contained on page 33, line 17, through page 35, line 11, providing they have been printed in the Record at least 1 calendar day before being offered; and the amendment printed on page E5246 in the Record of August 2, 1974.

18. 120 CONG. REC. 27258, 27259, 93d Cong. 2d Sess.

In title 4: Germane amendments which have been printed in the Record at least 1 calendar day before they are offered, except that sections 401, 402, 407, 409 and 410 shall not be subject to amendment; and the text of the amendment printed on page H7597 in the Congressional Record of August 2, 1974.

Amendments are in order to any portion of the bill if offered by direction of the Committee on House Administration, but said amendments shall not be subject to amendment.

Are there any Committee on House Administration amendments to title I?

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Chairman, I offer three committee amendments to title I of the bill and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

THE CHAIRMAN: The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: . . .

THE CHAIRMAN: The question is on the amendments offered by the gentleman from New Jersey (Mr. Thompson).

The committee amendments were agreed to.

THE CHAIRMAN: Are there further committee amendments to title I?

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, I offer an amendment to title I.

The Clerk read as follows:

Amendment offered by Mr. du Pont: Page 2, line 16, strike "\$5,000" and insert in lieu thereof "\$2,500".

MR. DU PONT: Mr. Chairman, as required by the rule adopted by the House today, my amendment was published at pages E5306 and E5307 of yesterday's Record.

### ***Recognition To Offer Amendments Printed in Record***

**§ 19.33 Where a special rule restricts the offering of amendments to those printed in the Record but does not specify the Members who must offer them, the right to propose amendments properly inserted in the Record inures to all Members; thus, under a special rule permitting only germane amendments printed in the Record for at least two calendar days to be offered to a designated title of a bill, and prohibiting amendments thereto, a Member was permitted to offer a pro forma amendment to that title ("to strike the requisite number of words") where that amendment had been inserted in the Record by another Member, and at a time when no substantive amendment was pending.**

The proceedings described above occurred on Mar. 26, 1974,<sup>(19)</sup> in the Committee of the Whole dur-

<sup>19</sup> 120 CONG. REC. 8229, 8233, 8243, 93d Cong. 2d Sess.

ing consideration of H.R. 69, a bill to amend and extend the Elementary and Secondary Education Act.

THE CHAIRMAN:<sup>(20)</sup> When the Committee rose on Tuesday, March 12, 1974, all time for general debate on the bill had expired.

Under the rule, no amendment shall be in order to title I of the substitute committee amendment printed in the reported bill except germane amendments which have been printed in the Congressional Record at least 2 calendar days prior to their being offered during the consideration of said substitute for amendment, and amendment offered by direction of the Committee on Education and Labor, and neither of said classes of amendments shall be subject to amendment.

Pursuant to the rule, the Clerk will now read by titles the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Elementary and Secondary Education Amendments of 1974".*

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TITLE I—AMENDMENTS OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 . . .

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I move to strike the requisite number of words.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I make a point of order. Under the rule the motion is not in order unless he has printed the motion in the Record.

THE CHAIRMAN: The Chair overrules the point of order. The amendment offered by the gentleman from Kentucky was printed in the Record.

MR. BAUMAN: Mr. Chairman, I submit to the Committee that the motion I heard was to strike out the requisite number of words. If the gentleman from Kentucky has not had that motion printed in the Record, he is not entitled to 5 minutes under the rule.

THE CHAIRMAN: That amendment was printed in the Record.

MR. BAUMAN: Mr. Chairman, how many times does he get to use it?

THE CHAIRMAN: As many times as it is printed in the Record.

MR. BAUMAN: I thank the Chairman.

*Parliamentarian's Note:* Mr. H. R. Gross, of Iowa, had inserted five pro forma amendments in the Record, and Mr. Perkins offered one of the five. Pursuant to 8 Canon's Precedents § 2874, the Chair stated that, without objection, the pro forma amendment would be withdrawn at the conclusion of Mr. Perkin's five-minute speech, in order to avoid putting the question on the pro forma amendment and to permit re-offering of that amendment at a future time to title I.

20. Melvin Price (Ill.).

***Amendment in Nature of Substitute Was Offered From Floor, Not Under Special Rule***

**§ 19.34 Pursuant to a special rule providing for the consideration of the text of a bill as an amendment in the nature of a substitute, to be read by titles as an original bill immediately after the reading of the enacting clause of the bill to which offered, the Chair recognized a Member to offer the amendment in the nature of a substitute from the floor before it could be considered under the rule.**

On Sept. 19, 1974,<sup>(1)</sup> Chairman Thomas M. Rees, of California, recognized James T. Broyhill, of North Carolina, who then offered an amendment in the nature of a substitute:

The Clerk read the title of the bill.

THE CHAIRMAN: When the Committee rose on Tuesday, September 17, 1974, all time for general debate had expired.

Pursuant to the rule, immediately after the reading of the enacting clause, it shall be in order to consider the text of the bill H.R. 16327 as an amendment in the nature of a substitute for the bill, and said substitute shall be read for amendment by title.

1. 120 CONG. REC. 31727, 93d Cong. 2d Sess.

The Clerk will read the enacting clause.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. . . .*

MR. BROYHILL of North Carolina: Mr. Chairman, under the rule, I offer the following amendment in the nature of a substitute, which is to the text of the bill (H.R. 7917).

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Broyhill of North Carolina: That this Act may be cited as the "Consumer Product Warranties-Federal Trade Commission Improvements Act".

TITLE I—CONSUMER PRODUCT  
WARRANTIES

DEFINITION

*Parliamentarian's Note:* Mr. Broyhill was a minority member of the committee and had introduced the bill made in order by the rule. The Chair recognized him when the chairman of the then Committee on Interstate and Foreign Commerce did not immediately seek recognition. It should be noted that the Chair could have considered the amendment to be pending and could have directed that it be read by title as an original bill without being offered from the floor.

***Right To Offer Amendment  
After Expiration of Debate  
Time***

**§ 19.35 Where a special rule governing consideration of a bill in Committee of the Whole limits debate on each amendment or on each amendment thereto to a specific amount of time, equally divided and controlled, the expiration of time on an amendment does not preclude the offering of an amendment thereto, debatable under such time limitation.**

On May 4, 1983,<sup>(2)</sup> 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,<sup>(3)</sup> and a special rule providing for additional procedures for consideration, agreed to on May 4.<sup>(4)</sup>

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I offer an amendment to the amendment. . . .

2. 129 CONG. REC. 11086, 98th Cong. 1st Sess.
3. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.
4. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess. (including the division of time as described above).

THE CHAIRMAN:<sup>(5)</sup> The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Solarz to the amendment offered by Mr. Hunter: In the section proposed to be added to the resolution by the Hunter amendment, strike out all that follows "prevent" through "crews" and insert in lieu thereof "safety-related improvements in strategic bombers".

MR. [ROBERT E.] BADHAM [of California]: Mr. Chairman, I have a point of order.

Mr. Chairman, it occurs to me that all time for the proponents and all time for the opponents of the amendment offered by the gentleman from California (Mr. Hunter), has been used up.

Is it not true, under the rule, that we must now vote on that amendment?

THE CHAIRMAN: No. The Chair will advise the gentleman from California (Mr. Badham), that it is true that all time relative to the amendment offered by the gentleman from California (Mr. Hunter), for and against, has expired, but under the rule another amendment can be offered, and is being offered, and 15 minutes are allocated to the proponent of the amendment and 15 minutes are allocated to an opponent of the amendment.

***—Amendments Not Printed in  
Record May Be Offered, Not  
Debated***

**§ 19.36 After the expiration of debate under the five-minute**

5. Matthew F. McHugh (N.Y.).

**rule on a bill and amendments thereto, amendments not printed in the Record may still be offered but are not subject to debate.**

During consideration of the Departments of Labor and Health, Education, and Welfare appropriation bill (H.R. 4389) in the Committee of the Whole on June 27, 1979,<sup>(6)</sup> the following proceedings occurred:

Amendments offered by Mr. Early: Page 15, line 5, strike out "\$961,158,000" and insert in lieu thereof "\$970,158,000". . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:<sup>(7)</sup> The gentleman will state it.

MR. MICHEL: Mr. Chairman, what happened to those Members who were on their feet with amendments that were not printed in the Record when the Chair acknowledged those Members? Were they all shut out from being recognized?

THE CHAIRMAN: The Chair will advise the gentleman that any Member can still offer an amendment.

MR. MICHEL: But they cannot speak on the amendments; is that correct?

THE CHAIRMAN: That is correct, with the exception of a unanimous-consent request.

6. 125 CONG. REC. 17036, 96th Cong. 1st Sess.

7. Don Fuqua (Fla.).

***Motion To Suspend Rules  
"With Amendments"***

**§ 19.37 While it is not in order to offer an amendment to a bill being considered under a motion to suspend the rules, the Speaker may recognize a Member for a motion to suspend the rules and pass a bill with amendments.**

On June 16, 1952,<sup>(8)</sup> Mr. Robert L. Doughton, of North Carolina, offered a motion to suspend the rules and to pass a bill with amendments. Mr. Carl T. Curtis, of Nebraska, made a point of order against the motion, on the ground that under the precedents a motion to amend could not be invoked pursuant to a motion to suspend the rules. Speaker Sam Rayburn, of Texas, ruled as follows:

. . . There can be no amendment offered to the motion to suspend the rules and pass a bill, but it is entirely in order for the Speaker to recognize a Member to move to suspend the rules and pass a bill with amendments and recognition for that is entirely within the discretion of the Chair. The Chair can recognize a Member to move to suspend the rules on the proper day and pass a bill with an amendment that has been authorized by a committee, or if the Chair so desires he

8. 98 CONG. REC. 7287, 7288, 82d Cong. 2d Sess.

can recognize a Member to move to suspend the rules and pass a bill with his own amendment.

***Appropriation Bills: Limitation Amendments***

**§ 19.38 When a general appropriation bill has been read, or considered as read, for amendment in its entirety, the Chair (after entertaining points of order) first entertains amendments which are not prohibited by clause 2(c) of Rule XXI, and then recognizes for amendments proposing limitations not contained or authorized in existing law pursuant to clause 2(d) of Rule XXI [adopted in Jan. 1983, 98th Cong. 1st Sess.], subject to the preferential motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been agreed to.**

The following proceedings occurred in the Committee of the Whole on Oct. 27, 1983,<sup>(9)</sup> during consideration of H.R. 4139 (Departments of Treasury and Postal Service appropriations for fiscal 1984):

9. 129 CONG. REC. 29630, 29631, 98th Cong. 1st Sess.

MR. [CHRISTOPHER H.] SMITH of New Jersey: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:<sup>(10)</sup> The gentleman will state his parliamentary inquiry.

MR. SMITH of New Jersey: Mr. Chairman, would it be in order at this time to offer a change in the language that would not be considered under the House rules to be legislating on an appropriations bill?

THE CHAIRMAN: The Chair will first entertain any amendment to the bill which is not prohibited by clause 2(c), rule XXI, and will then entertain amendments proposing limitations pursuant to clause 2(d), rule XXI.

MR. SMITH of New Jersey: Mr. Chairman, I offer an amendment.

MR. [BRUCE A.] MORRISON of Connecticut: Mr. Chairman, I reserve a point of order against the amendment.

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New Jersey: On page 49, immediately after line 2, add the following new section:

"Sec. 618. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverages for abortions. . . .

MR. MORRISON of Connecticut: Mr. Chairman, I would like to be heard on my point of order. . . .

Mr. Chairman, my point of order is that this amendment constitutes a limitation on an appropriation and cannot

10. Philip R. Sharp (Ind.).

be considered by the House prior to the consideration of a motion by the Committee to rise.

THE CHAIRMAN: The Chair must indicate to the gentleman that no such preferential motion has yet been made.

The gentleman is correct that a motion that the Committee rise and report the bill to the House with such amendments as may have been adopted takes precedence over an amendment proposing a limitation.

MR. MORRISON of Connecticut: Mr. Chairman, then I move that the committee do now rise. . . .

THE CHAIRMAN: . . . It would be more appropriate if a motion to rise and report the bill to the House with such amendments as have been adopted, pursuant to clause 2(d), rule XXI were offered instead. . . .

MR. [EDWARD R.] ROYBAL [of California]: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that bill, as amended, do pass.

[The motion was rejected.]

MR. SMITH of New Jersey: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New Jersey: On page 49, immediately after line 2, add the following new section:

“Sec. 618. No funds appropriated by this Act shall be available to pay for an abortion . . . .

*Parliamentarian’s Note:* Mr. Smith was the only Member seeking recognition to offer a limitation after the preferential motion was rejected and could have been

preempted by a member of the Appropriations Committee or a more senior member offering an amendment since principles governing priority of recognition would remain applicable. A Member who has attempted to offer a limitation before the motion to rise and report is rejected is not guaranteed first recognition for a limitation amendment.

***Amending Committee Amendment in Nature of Substitute Under Hour Rule; Motion To Recommit With Instructions***

**§ 19.39 Where there was pending in the House under the hour rule a resolution and a committee amendment in the nature of a substitute, the Chair indicated that an amendment to the committee amendment could be offered only if the manager yielded for that purpose or if the previous question were rejected, and that a motion to recommit with instructions containing a direct amendment could not be offered if the committee substitute were adopted (since it is not in order to further amend a measure already amended in its entirety).**

On Mar. 22, 1983,<sup>(11)</sup> after House Resolution 127 was called up for consideration in the House, Speaker Pro Tempore John F. Seiberling, of Ohio, responded to several parliamentary inquiries, as indicated below:

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 127), providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 1st session of the 98th Congress.

THE SPEAKER PRO TEMPORE: The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 127

*Resolved*, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section . . . .

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert: That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section . . . .

Sec. 2. The committees and amounts referred to in the first sec-

tion are: Select Committee on Aging, \$1,316,057; Committee on Agriculture, \$1,322,669; Committee on Armed Services, \$1,212,273. . . .

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I have a parliamentary inquiry. . . .

If this Member from California would now offer an amendment to the total in this resolution . . . would that amendment now be in order?

THE SPEAKER PRO TEMPORE: The Chair would rule that the amendment would be in order if the gentleman from Illinois (Mr. Annunzio) would yield to the gentleman from California. . . .

MR. DANNEMEYER . . . What if we were successful in defeating the previous question with respect to this issue? If we did, would an amendment to reduce spending consistent with what I stated previously then be in order?

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman if the previous question were defeated a germane amendment to the committee amendment would be in order at that time. . . .

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

We have a motion to commit which is available at the conclusion of a matter of this type. Is the procedure under which this process is now considered by the floor such that the motion to commit can be used with instructions to reduce spending by a certain amount or is it a motion to recommit without instructions?

THE SPEAKER PRO TEMPORE: If the committee amendment in the nature of a substitute is agreed to no further di-

11. 129 CONG. REC. 6447, 6448, 6455, 98th Cong. 1st Sess.

rect amendment could be made by a motion to recommit.

***Chair May Recognize Manager for Request To Limit Debate Before Amendment***

**§ 19.40 The Chair may recognize the manager of a bill to request a limit on debate on a pending portion of the bill before recognizing a Member to offer an amendment thereto.**

On Dec. 4, 1979,<sup>(12)</sup> the following proceedings occurred in the Committee of the Whole during consideration of the Nuclear Regulatory Commission authorization bill (H.R. 2608):

THE CHAIRMAN:<sup>(13)</sup> Is there any further debate on the amendment offered by the gentleman from Virginia (Mr. Harris)? If not, the question is on the amendment offered by the gentleman from Virginia (Mr. Harris).

The amendment was agreed to.

THE CHAIRMAN: The Chair will indicate that we believe there is one additional amendment to be offered by the gentleman from Texas (Mr. Gonzalez).

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, then I would ask unanimous consent that all debate on this bill and all amendments thereto close at 4:15.

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

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous consent request was granted will be recognized for 10 seconds each.

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

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gonzalez: Page 11, after line 15, add the following new title:

**TITLE IV—PROTECTION FOR INSPECTORS**

Sec. 401. Section 1114 of Title 18, United States Code is amended by inserting "any construction inspector or quality assurance inspector on any Nuclear Regulatory Commission licensed project," after "Department of Justice."

After debate on a point of order, Mr. Gonzalez made a parliamentary inquiry:

THE CHAIRMAN: . . . The gentleman from Texas (Mr. Gonzalez) is recognized for 40 seconds.

MR. GONZALEZ: Mr. Chairman, I would like now to interpose my parliamentary inquiry with regard to the time allotted me. . . .

Why should I be limited to a motion that was made subsequent to the knowledge that I had a pending amendment to offer?

Had I known that I would come under that limitation on a subsequent motion, though I had not been recognized for the purpose of amendment, because the gentleman from Arizona was recognized anticipatorily on a mo-

12. 125 CONG. REC. 34516, 34518, 34519, 96th Cong. 1st Sess.

13. Leon E. Panetta (Calif.).

tion I had no knowledge was going to be made. If I had known, I would have objected to the unanimous-consent request, because I wanted the opportunity to offer the amendment and be given at least 5 minutes, that is the customary time allotted a Member.

Let me say this, in order to avoid any kind of an argument. How much net time will I have to present this amendment?

THE CHAIRMAN: The gentleman has 1 minute and 20 seconds on his amendment. . . .

With regard to the parliamentary inquiry, the Chair would indicate that he first recognized the chairman, the gentleman from Arizona as manager of the bill, that the gentleman made a unanimous-consent agreement with regard to limitation of time and that there was no objection.

Therefore, the gentleman is recognized for 1 minute and 20 seconds on his amendment.

### ***May Not Debate Amendment Not Yet Offered***

#### **§ 19.41 Only one amendment to a substitute may be pending at one time, and amendments which might be subsequently offered may not be debated while another amendment is pending.**

On May 15, 1979,<sup>(14)</sup> during consideration of the Alaska National Interest Lands Conservation Act

14. 125 CONG. REC. 11178, 96th Cong. 1st Sess.

of 1979 (H.R. 39), the following proceedings occurred in the Committee of the Whole:

THE CHAIRMAN:<sup>(15)</sup> The question is on the amendments offered by the gentleman from Louisiana (Mr. Huckaby) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendments to the amendment in the nature of a substitute were agreed to.

MR. [PETER H.] KOSTMAYER [of Pennsylvania]: Mr. Chairman, I have two amendments.

THE CHAIRMAN: Are these amendments to the Merchant Marine Committee amendment?

MR. KOSTMAYER: To Udall-Anderson.

THE CHAIRMAN: There is already an amendment pending to the Udall substitute. Another amendment to the Udall substitute is not in order at this point.

MR. KOSTMAYER: Well, Mr. Chairman, they can be spoken on now and voted on later; is that correct?

THE CHAIRMAN: They are not in order at this time.

### ***Recognition for Debate as Not Precluding Point of Order***

#### **§ 19.42 Mere recognition for debate on an amendment does not preclude a point of order against the amendment before the Member recognized has begun his remarks.**

15. Paul Simon (Ill.).

On July 30, 1955,<sup>(16)</sup> the House was considering a Consent Calendar bill under the five-minute rule. Mr. Clare E. Hoffman, of Michigan, offered an amendment and was recognized by Speaker Sam Rayburn, of Texas, to debate his amendment. Before Mr. Hoffman began his remarks, Mr. Henry S. Reuss, of Wisconsin, made a point of order against the amendment on the ground that it was not germane. Mr. H. R. Gross, of Iowa, made a point of order against the point of order on the ground that Mr. Hoffman was recognized before the point of order was made. The Speaker overruled the point of order, noting that Mr. Hoffman had not begun his remarks.

The Speaker then requested Mr. Reuss to reserve his point of order so that Mr. Hoffman could explain his amendment. Mr. Reuss did so until the conclusion of Mr. Hoffman's five minutes' time.

***Chair's Discretion in Allocating Time***

**§ 19.43 Where debate on an amendment has been limited and equally divided between the proponent and a Member opposed, and the Chair has**

16. 101 CONG. REC. 12408, 84th Cong. 1st Sess.

**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,<sup>(17)</sup> 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,<sup>(18)</sup> and a special rule providing for additional procedures for consideration, agreed to on May 4.<sup>(19)</sup> Mr. William S. Broomfield, of Michigan, rose in opposition<sup>(20)</sup> to an amendment<sup>(1)</sup> 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:<sup>(2)</sup> 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.

17. 129 CONG. REC. 11077, 11078, 98th Cong. 1st Sess.

18. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.

19. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.

20. 129 CONG. REC. 11078, 98th Cong. 1st Sess.

1. *Id.* at p. 11077.

2. Matthew F. McHugh (N.Y.).

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 would have allocated the time to that Member so that it could have been utilized.

***Chair Does Not Distinguish as Between Members of Full Committee and Subcommittee***

**§ 19.44 The Chair in giving preference of recognition to members of a committee reporting a bill does not distinguish between members of the full committee and members of the subcommittee which handled the bill.**

On Apr. 7, 1943,<sup>(3)</sup> Chairman Luther A. Johnson, of Texas, recognized Mr. Frank B. Keefe, of Wisconsin, in opposition to a pro forma amendment. Mr. Keefe was a member of the Committee on Appropriations, which had reported the pending bill. Mr. John H. Kerr, of North Carolina, objected that he sought recognition as a member of the subcommittee which had handled the bill. The Chairman stated as follows on the priority of recognition:<sup>(4)</sup>

As the Chair understands it, a member of the Committee on Appropria-

3. 89 CONG. REC. 3067, 78th Cong. 1st Sess.
4. Compare § 13.7, supra (Chairman extended priority to offer amendments to members of subcommittee handling a bill).

tions has the same right as those who are members of that committee who happen to be members of a subcommittee. That is the parliamentary procedure, as the Chair understands it. The Chair has recognized the gentleman from Wisconsin. Had he not done so, he certainly would have recognized the gentleman from North Carolina.

***Extending Five-minute Debate—Proponent of Amendment Offering Pro Forma Amendment***

**§ 19.45 Under the five-minute rule, the proponent of a pending amendment may offer a pro forma amendment thereto (for additional debate time) only by unanimous consent.**

During consideration of the nuclear weapons freeze resolution (H.J. Res. 13) in the Committee of the Whole on Apr. 13, 1983,<sup>(5)</sup> the following proceedings occurred:

MR. [ELLIOTT C.] LEVITAS [of Georgia]: Mr. Chairman, I move to strike the requisite number of words.

THE CHAIRMAN:<sup>(6)</sup> Without objection, the gentleman from Georgia (Mr. Levitas) is recognized for 5 minutes. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, does the gentleman from Georgia (Mr. Levitas) have an amendment pending?

5. 129 CONG. REC. 8382, 98th Cong. 1st Sess.

6. Matthew F. McHugh (N.Y.).

THE CHAIRMAN: The gentleman from New York is correct. The gentleman from Georgia has an amendment in the nature of a substitute to the text pending.

MR. STRATTON: Well, is it proper to strike the last word on one's own amendment?

THE CHAIRMAN: The gentleman asked for recognition, and without objection, he was recognized for 5 minutes.

*Parliamentarian's Note:* Technically, the proponent may rise in opposition to a pro forma amendment offered by another Member in order to secure an additional five minutes.

***Where Five-minute Debate Continues on Subsequent Day—Proponent May Speak Again Only by Unanimous Consent***

**§ 19.46 When the Committee of the Whole resumes consideration of an amendment which had been debated by its proponent on a prior day, the proponent may speak again on his amendment only by unanimous consent.**

The following proceedings occurred in the Committee of the Whole on Dec. 12, 1979,<sup>(7)</sup> during consideration of S. 423 (Dispute Resolution Act):

THE CHAIRMAN:<sup>(8)</sup> . . . When the Committee of the Whole rose on Tues-

7. 125 CONG. REC. 35529, 96th Cong. 1st Sess.

8. Gladys Noon Spellman (Md.).

day, December 11, 1979, section 3 had been considered as having been read and open to amendment at any point, and pending was an amendment offered by the gentleman from Ohio (Mr. Kindness).

For what purpose does the gentleman from Ohio (Mr. Kindness) rise?

MR. [THOMAS N.] KINDNESS [of Ohio]: Madam Chairman, I move to strike the requisite number of words.

MR. [ROBERT W.] KASTENMEIER [of Wisconsin]: Madam Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KASTENMEIER: Madam Chairman, has the gentleman from Ohio (Mr. Kindness) not already been recognized to speak for 5 minutes on his amendment? I believe he has already spoken on his amendment during the course of this debate.

THE CHAIRMAN: The gentleman is correct.

Without objection, the gentleman from Ohio (Mr. Kindness) is recognized for 5 additional minutes in support of his amendment.

MR. KASTENMEIER: Madam Chairman, reserving the right to object, I will not make an objection, but I do note that this is the second time the gentleman has spoken on his amendment.

Madam Chairman, I withdraw my reservation of objection.

THE CHAIRMAN: Without objection, the gentleman from Ohio (Mr. Kindness) is recognized for 5 minutes in support of his amendment.

There was no objection.

### ***Speaking Twice on Same Amendment***

#### **§ 19.47 While a Member may not speak twice on the same**

**amendment, he may speak in opposition to a pending amendment and subsequently offer a pro forma amendment and debate the latter.**

On June 30, 1955,<sup>(9)</sup> Mr. James P. Richards, of South Carolina, was managing a bill under consideration in the Committee of the Whole. He had spoken in opposition to a pending amendment and had then gained the floor by offering a pro forma amendment. Mr. H. R. Gross, of Iowa, objected that Mr. Richards could not speak twice on the same amendment. Chairman Jere Cooper, of Tennessee, ruled that Mr. Richards properly had the floor and could offer a pro forma amendment, gaining time for debate, where he had already spoken in opposition to the pending amendment.<sup>(10)</sup>

**§ 19.48 While a Member may not be recognized to speak twice on the same amendment, he may rise in opposition to a pro forma amendment and accomplish that result.**

9. 101 CONG. REC. 9614, 84th Cong. 1st Sess.

10. For the prohibition against one Member speaking twice to the same question, see Rule XIV clause 6, *House Rules and Manual* §762 (1995). On speaking twice to an amendment under the five-minute rule, see § 21, *infra*.

On July 20, 1951,<sup>(11)</sup> Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry on recognition to debate amendments in the Committee of the Whole:

MR. [JESSE P.] WOLCOTT [of Michigan]: Mr. Chairman, is it in order for a Member to talk twice on the same amendment?

THE CHAIRMAN: A Member may rise in opposition to a pro forma amendment and accomplish that result, if he desires to do so.

**§ 19.49 In the Committee of the Whole the Member in charge of the bill having spoken on an amendment may be recognized to speak again on the amendment when debate under the five-minute rule has been limited, abrogating the five-minute rule.**

On Nov. 14, 1967,<sup>(12)</sup> Mr. Carl D. Perkins, of Kentucky, manager of a bill being considered in the Committee of the Whole, moved that all debate on the pending amendment conclude at a certain time, and the motion was agreed to. Chairman John J. Rooney, of New York, answered a parliamentary inquiry on the allocation of time under the limitation:

MR. [JOHN N.] ERLBORN [of Illinois]: Mr. Chairman, a parliamentary inquiry.

11. 97 CONG. REC. 8566, 82d Cong. 1st Sess.

12. 113 CONG. REC. 32343-44, 90th Cong. 1st Sess.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ERLBORN: I have noticed in the past, and again at this time, that when a unanimous-consent request to limit debate has been made, Members who have already been recognized to debate the issue are again recognized under the unanimous-consent limitation. I wonder if this is in order. The Chairman just announced that the gentleman from Kentucky, the chairman of the committee, would be recognized again, though he has already debated on this amendment. I wonder if Members can be recognized for a second time to debate the same amendment merely because a unanimous-consent request is made to limit time.

THE CHAIRMAN: The Chair must say to the gentleman that when the unanimous-consent request was made and agreed to it abrogated the 5-minute rule.

***Recognition for Debate Where Amendment Tree Is Full***

**§ 19.50 Where there is pending an amendment in the nature of a substitute, a substitute therefor, an amendment to the original amendment and an amendment to the substitute, a Member may be recognized to debate the amendment to the substitute either prior or subsequent to the first vote on the amendment to the amendment in the nature of a substitute.**

On Oct. 1, 1974,<sup>(13)</sup> during consideration of House Resolution 988 (to reform the structure, jurisdiction, and procedures of House committees) in the Committee of the Whole, the Chair responded to the following parliamentary inquiries:

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:<sup>(14)</sup> The gentleman will state his parliamentary inquiry.

MR. ECKHARDT: Mr. Chairman, do I understand correctly that the Thompson amendment is to the Hansen substitute, and that no other amendment would be in order to that amendment in the nature of a substitute until the Thompson amendment is voted upon?

THE CHAIRMAN: The Chair would like to inform the gentleman that he is correct. No additional amendments to the Hansen amendment in the nature of a substitute are in order until the Thompson amendment is voted on.

Further, the Chair would like to advise the gentleman that no additional amendments to the Martin substitute are in order until the Sullivan amendment is voted upon.

MR. ECKHARDT: Mr. Chairman, I have another parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. ECKHARDT: Mr. Chairman, would I be protected in supporting the Sullivan amendment if I should wait

and postpone asking for recognition until after the Thompson amendment has been disposed of?

THE CHAIRMAN: The Chair would like to inform the gentleman that he has a choice but that he can at this time debate the Sullivan amendment, and the Chair would recognize the gentleman for that purpose.

MR. ECKHARDT: I thank the Chairman.

THE CHAIRMAN: The Chair recognizes the gentleman from Texas.

MR. ECKHARDT: Mr. Chairman, I move to strike the requisite number of words.

**§ 19.51 Where there was pending an amendment in the nature of a substitute, a substitute therefor and an amendment to the substitute, and debate had been limited on the substitute and all amendments thereto but not on the original amendment or amendments thereto, the Chair indicated that (1) further amendments to the substitute or modifications of the substitute by unanimous consent must await disposition of the pending amendment to the substitute; (2) amendments to the original amendment could be offered and debated under the five-minute rule and would be voted on before amendments to the substitute; (3) amendments to the substitute could**

13. 120 CONG. REC. 33338, 93d Cong. 2d Sess.

14. William H. Natcher (Ky.).

**be offered and voted upon without debate unless printed in the Record pursuant to clause 6 of Rule XXIII; and (4) the question would not be put on the substitute until all perfecting amendments to it and to the original amendment were disposed of.**

During consideration of the Natural Gas Emergency Act of 1976 (H.R. 9464) in the Committee of the Whole on Feb. 5, 1976,<sup>(15)</sup> the following proceedings occurred:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent that all debate on the Smith amendment and all amendments thereto terminate immediately upon the conclusion of consideration of the amendment offered by the gentleman from Texas (Mr. Eckhardt).

THE CHAIRMAN:<sup>(16)</sup> Is there objection to the request of the gentleman from Michigan?

There was no objection. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, as I understood it, the unanimous-consent request of the gentleman from Michigan (Mr. Dingell) was that all debate on the Smith substitute amendment cease after the disposition of the Eckhardt amendment. The Eckhardt amendment would be

the pending business then, and immediately after the determination of the Eckhardt amendment, we would vote on the Smith amendment. Is that not correct? . . .

THE CHAIRMAN: Let the Chair add this: the Chair has said it once, and would like to say it again. Before we vote on the Smith substitute, amendments to the Krueger amendment are debatable if offered.

MR. BROWN of Ohio: I understand that, Mr. Chairman. My questions were with reference only to how we get to the Smith amendment.

THE CHAIRMAN: The point that the Chair is trying to make, regardless of what agreements are reached, is that until the Krueger amendment is finally perfected to the satisfaction of the Committee, the Chair cannot put the question on the Smith substitute. . . .

There has been no limitation of debate on the Krueger amendment or amendments thereto. The basic parliamentary situation is that we have a substitute amendment for the amendment in the nature of a substitute, the Krueger amendment. Both of those are subject to amendment, but both must be perfected before the Chair can put the question on the substitute for the amendment in the nature of a substitute.

MR. BROWN of Ohio: With respect to the unanimous-consent request of the gentleman from Michigan (Mr. Dingell), the Eckhardt amendment is still to be voted upon, and then there are to be no other amendments to the Smith amendment?

THE CHAIRMAN: There is to be no further debate on such amendments. . . .

15. 122 CONG. REC. 2646-48, 94th Cong. 2d Sess.

16. Richard Bolling (Mo.).

MR. BROWN of Ohio: Mr. Chairman, if my time still applies, I would like to ask the Chair to state the circumstances. If I may, before the Chair does that, I would like to ask the question this way: As the situation stands at this moment, the Krueger amendment is still perfectable by amendments under the normal course of time, and there is no limitation on the Krueger amendment.

The Smith amendment, however, can be perfected only by the vote on the Eckhardt amendment, and then if there are other amendments to the Smith amendment there is no debate time remaining on those amendments.

Is that correct?

THE CHAIRMAN: Unless they are printed in the Record.

MR. BROWN of Ohio: And if they are printed in the Record, the debate time is 5 minutes per side pro and con. Is that correct?

THE CHAIRMAN: That is correct.

MR. BROWN of Ohio: And they must be printed as amendments to the Smith amendment. Is that correct?

THE CHAIRMAN: That is correct. . . .

MR. [ROBERT] KRUEGER [of Texas]: . . . Mr. Chairman, my question is this: We will vote first on the Eckhardt amendment to the Smith substitute?

THE CHAIRMAN: That is right.

MR. KRUEGER: Following that, there will then be a vote without further debate on the Smith substitute, or no?

THE CHAIRMAN: The Chair cannot say, because if there were amendments printed in the Record, there can be both an amendment offered and debate on the amendment. If there were no amendments that were qualified for debate by being printed in the Record,

they could not be offered and voted on without debate.

But if they are offered to the Krueger amendment in the nature of a substitute, they would both be considered and would be debatable under the 5-minute rule.

MR. KRUEGER: Mr. Chairman, does the 5-minute rule apply also to any possible amendments to the Smith substitute?

THE CHAIRMAN: The 5-minute rule applies only to amendments to the Smith amendment which has been printed in the Record. Other amendments to the Smith amendment do not have debate time; they are just voted on.

**§ 19.52 Where there was pending an amendment in the nature of a substitute for a bill and the permissible degree of amendments thereto, the Chair indicated in response to parliamentary inquiries: (1) that a motion to limit debate on the amendment in the nature of a substitute was in order although the bill itself had not been read; (2) that amendments printed in the Record would be debatable for 10 minutes notwithstanding the limitation; and (3) that all Members would be allocated equal time under the limitation regardless of committee membership but that Members**

**seeking to offer amendments could be first recognized.**

The proceedings in the Committee of the Whole relating to consideration of H.R. 13367 (a bill to amend and extend the State and Local Fiscal Assistance Act of 1972) on June 10, 1976,<sup>(17)</sup> were as follows:

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I move that all debate on the Brooks amendment and all amendments thereto end by 6 p.m. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . I do not remember the bill being open at any point to amendment.

THE CHAIRMAN:<sup>(18)</sup> The motion of the gentleman from New York, as the Chair understood it, was that all debate on the Brooks amendment and all amendments thereto end at 6 p.m.

MR. BAUMAN: So that the motion is in order?

THE CHAIRMAN: The motion is in order. It is limited to the Brooks amendment and amendments thereto.

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LONG of Maryland: Mr. Chairman, of course I believe it is understood that this does not apply to any amendments that are printed in the Congressional Record?

THE CHAIRMAN: Under the rules of the House, it does not apply to those amendments. . . .

17. 122 CONG. REC. 17380, 17381, 94th Cong. 2d Sess.

18. Gerry E. Studds (Mass.).

MR. [J. J.] PICKLE [of Texas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. PICKLE: Mr. Chairman, under the proposed time limitation, would the Chair tend to recognize a Member who is not a member of the committee? For instance, the gentleman from Washington (Mr. Adams) has an important amendment, and if he is not recognized within the time limitation, would the chairman of the committee let the gentleman be recognized?

MR. [JACK] BROOKS [of Texas]: I do not have control of the time. I think the answer, obviously, is that he will be recognized.

THE CHAIRMAN: The Chair will state that under limitation of time committee members no longer have priority in seeking recognition. Time is equally allocated.

So the motion was agreed to.

THE CHAIRMAN: Members standing at the time the motion was made will be recognized for approximately 1 minute and 55 seconds each.

***Debate Where Point of Order Is Reserved***

**§ 19.53 Once a point of order has been reserved against an amendment and debate has commenced under the five-minute rule, the Chair will permit the proponent of the amendment to utilize the time allotted him before hearing arguments on the point of order.**

The following proceedings occurred in the Committee of the Whole on Mar. 21, 1979:<sup>(19)</sup>

THE CHAIRMAN:<sup>(20)</sup> When the Committee rose on Tuesday, March 20, 1979, the gentleman from New York (Mr. Weiss) had been recognized to offer an amendment.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Weiss: Page 3, insert after line 5 the following:

Sec. 5. (a) Section 3(b) of the Council on Wage and Price Stability Act is amended by striking out "Nothing in this Act" and inserting in lieu thereof "Except as provided in section 8, nothing in this Act". . . .

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Moorhead) will be protected on his reservation of the point of order.

MR. [TED] WEISS [of New York]: Mr. Chairman, I rise to speak on the amendment. . . .

Mr. Chairman, I am today offering an amendment to H.R. 2283, the Council on Wage and Price Stability Reauthorization Act.

My amendment would give the President standby authority to impose wage, price, and related economic controls. . . .

19. 125 CONG. REC. 5779-81, 96th Cong. 1st Sess.

20. Butler Derrick (S.C.).

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I would now like to insist on my point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The Chair will point out that the time is under the control of the gentleman from New York (Mr. Weiss).

MR. WEISS: Mr. Chairman, the gentleman from Pennsylvania (Mr. Marks) had asked if I would yield to him, and I am pleased to yield to him at this point.

MR. [MARC LINCOLN] MARKS [of Pennsylvania]: Mr. Chairman, I thank the gentleman for yielding. . . .

THE CHAIRMAN: The time of the gentleman from New York (Mr. Weiss) has expired.

The Chair will recognize the gentleman from Pennsylvania (Mr. Moorhead). . . .

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

***Recognition To Speak in Support of Amendment Before Another Recognized To Offer Substitute***

**§ 19.54 Under the five-minute rule, a Member is entitled to recognition in support of his amendment prior to recognition of another Member to offer, and speak, to a substitute therefor.**

On July 17, 1962,<sup>(1)</sup> Mr. Wayne N. Aspinall, of Colorado, offered

1. 108 CONG. REC. 13795, 87th Cong. 2d Sess.

an amendment to the pending bill, which was being read for amendment under the five-minute rule in the Committee of the Whole. Chairman B. F. Sisk, of California, recognized Mr. Aspinall. Mr. James E. Van Zandt, of Pennsylvania, then inquired whether it was in order at that time to offer a substitute amendment (before Mr. Aspinall had begun his remarks). Chairman Sisk indicated that Mr. Van Zandt could not be recognized until Mr. Aspinall had had an opportunity to be heard on his amendment.

***Recognizing Member Favoring Committee Amendment Before One Opposed***

**§ 19.55** In recognizing members of the committee reporting a bill, the Chair generally recognizes a member in favor of a committee amendment prior to recognizing a member thereof who is opposed.

On Jan. 30, 1957,<sup>(2)</sup> the Committee of the Whole was considering House Joint Resolution 117, to authorize the President to cooperate with nations of the Middle East, under a resolution permitting only committee amendments

2. 103 CONG. REC. 1311, 85th Cong. 1st Sess.

(Committee on Foreign Affairs). A committee amendment was offered, and Mr. Wayne L. Hays, of Ohio, a member of the committee, rose in opposition to the amendment. Pursuant to a point of order, Chairman Jere Cooper, of Tennessee, extended recognition to Mr. Frank M. Coffin, of Maine, a member of the committee who authored and supported the amendment.

***Recognition To Oppose Amendments—Debate on Amendment Printed in Record in Addition to Speaking Under Limitation on Time***

**§ 19.56** Pursuant to Rule XXIII clause 6, a Member may be recognized for five minutes in opposition to an amendment which had been printed in the Record and debated by its proponent for five minutes, notwithstanding a prior allocation of time to that Member under a limitation on the pending proposition and all amendments thereto.

On July 25, 1974,<sup>(3)</sup> during consideration of the Surface Mining Control and Reclamation Act of 1974 (H.R. 11500) in the Committee of the Whole, the Chair

3. 120 CONG. REC. 25221, 25222, 93d Cong. 2d Sess.

overruled a point of order, as follows:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I have a point of order.

THE CHAIRMAN:<sup>(4)</sup> The gentleman will state his point of order.

MR. HOSMER: Mr. Chairman, the gentleman from Arizona has spoken for a minute and 20 seconds already.

THE CHAIRMAN: The Chair will state that under the rule, when the amendment has been printed in the Record, the author of the amendment gets 5 minutes in support of his amendment and an opponent gets 5 minutes in opposition to the amendment, regardless of a time limitation.

The Chair overrules the point of order.

***Debate in Opposition to Amendment to Bill on Private Calendar—Recognition of Member of Committee***

**§ 19.57 Recognition for debate in opposition to an amendment to a bill on the Private Calendar goes first to a member of the committee reporting the bill.**

On Dec. 14, 1967,<sup>(5)</sup> during the call of the Private Calendar, Speaker John W. McCormack, of

4. Neal Smith (Iowa).

5. 113 CONG. REC. 36535–37, 90th Cong. 1st Sess.

Massachusetts, extended recognition to oppose an amendment to a private bill to Mr. Michael A. Feighan, of Ohio, a member of the reporting committee, over Mr. Durward G. Hall, of Missouri, not a member of the committee, and stated “a member of the committee is entitled to recognition.”

***Recognition After Rejection of Previous Question***

**§ 19.58 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down, the resolution would be open to amendment, and that the Chair would recognize for that purpose the Member who appeared to be leading the opposition.**

On Oct. 19, 1966,<sup>(6)</sup> Mr. Claude D. Pepper, of Florida, called up by direction of the Committee on Rules House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour and offered a committee amendment to the resolution, which amendment was agreed to.

6. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries on the order of recognition should Mr. Pepper move the previous question and should the motion be defeated:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate. . . .

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Speaker, if the previous question is refused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?

THE SPEAKER: The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.

MR. FULTON of Pennsylvania: What would be the time for debate?

THE SPEAKER: Under those circumstances the Member recognized in opposition would have 1 hour at his disposal, or such portion of it as he might desire to exercise.

MR. [CORNELIUS E.] GALLAGHER [of New Jersey]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GALLAGHER: If the previous question is voted down we will have the option to reopen debate, the resolu-

tion will be open for amendment, or it can be tabled. Is that the situation as the Chair understands it?

THE SPEAKER: If the previous question is voted down on the resolution, the time will be in control of some Member in opposition to it, and it would be open to amendment or to a motion to table.<sup>(7)</sup>

**§ 19.59 If the previous question is voted down on a resolution before the House, recognition to offer an amendment passes to the opponents of the resolution, and the Chair first recognizes a Member of the minority party, if opposed.**

On July 20, 1939,<sup>(8)</sup> Mr. Howard W. Smith, of Virginia, managing a resolution to authorize an investigation, moved the previous question on the resolution. Speaker William B. Bankhead, of Alabama, answered parliamentary inquiries on the order of recognition to be followed should the previous question be rejected:

MR. [VITO] MARCANTONIO [of New York]: If the previous question is voted down, will that open up the resolution to amendment?

THE SPEAKER: Undoubtedly.

7. The rule requiring recognition to pass to the opposition after rejection of the previous question is subject to one exception (see § 15.22, supra).
8. 84 CONG. REC. 9591, 9592, 76th Cong. 1st Sess.

MR. SMITH of Virginia: A further parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. SMITH of Virginia: If I understand the situation correctly, if the previous question is voted down, the control of the measure would pass to the gentleman from Illinois [Mr. Keller]; and the resolution would not be open to amendment generally, but only to such amendments as the gentleman from Illinois might yield for. Is my understanding correct, Mr. Speaker?

THE SPEAKER: If the previous question is voted down, it would not necessarily pass to the gentleman from Illinois; it would pass to the opponents of the resolution. Of course, a representative of the minority would have the first right of recognition.

***Rejection of Previous Question Prior to Adoption of the Rules—Seating of Member-elect***

**§ 19.60 Recognition to offer an amendment to a resolution called up prior to the adoption of rules and relating to the seat of a Member-elect passes to a Member leading the opposition to the resolution if the previous question is rejected.**

On Jan. 10, 1967,<sup>(9)</sup> at the convening of the 90th Congress and before the adoption of standing

9. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

rules, Mr. Morris K. Udall, of Arizona, called up a resolution (H. Res. 1), authorizing the Speaker to administer the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Pending debate on the resolution, Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the procedure of consideration and recognition for the resolution:

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a further parliamentary inquiry. . . .

Mr. Speaker, if the previous question is voted down would, then, under the rules of the House, amendments or substitutes be in order to the resolution offered by the gentleman from Arizona [Mr. Udall]?

THE SPEAKER: The Chair will state to the gentleman from Louisiana [Mr. Waggonner] that any germane amendment may be in order to that particular amendment.

MR. WAGGONNER: Mr. Speaker, one further parliamentary inquiry. . . .

Mr. Speaker, under the rules of the House would the option or priority or a subsequent amendment or a substitute motion lie with the minority?

THE SPEAKER: The Chair will pass upon that question based upon the rules of the House. That would be a question that would present itself to the Chair at that particular time.

. . . However, the usual procedure of the Chair has been to the effect that

the Member who led the fight against the resolution will be recognized.

Mr. Udall moved the previous question on the resolution, and the motion was rejected.

Speaker McCormack then recognized Gerald R. Ford, of Michigan, the Minority Leader, to offer an amendment in the nature of a substitute to the resolution.<sup>(10)</sup>

## § 20. For Points of Order and Debate Thereon; Objections and Inquiries; Calls of the House

Procedural issues, which manifest themselves in points of order, parliamentary inquiries, responses to requests or motions put by the Chair, are, as a rule, not subject to debate. Whatever debate or dialogue ensues is for the benefit of the Chair, and occurs under the control of the Chair, who can refuse to recognize for debate at all or can curtail it when he has heard sufficient argument.

### Cross References

Call to order for disorderly debate, see §§ 48 et seq., *infra*.

Objections to reading of papers, see §§ 81 et seq., *infra*.

Parliamentary inquiries in general, see Ch. 31, *infra*.

<sup>10</sup>. *Id.* at pp. 24–26.

Point of no quorum in general, see Ch. 20, *supra*.

Points of order generally, see Ch. 31, *infra*.

Points of order against amendments, see Chs. 27, 28, *supra*.

Points of order against appropriation bills, see Chs. 25, 26, *supra*.

Points of order against conference reports, see Ch. 33, *infra*.

Points of order against improperly yielding time, see §§ 29–31, *infra*.

Points of order against Senate amendments, see Ch. 32, *infra*.

Question of consideration and objection to consideration, see § 5, *supra*.

Reservations of objection entertained in Speaker's discretion, see § 9, *supra*.

Yielding for parliamentary inquiries, see § 29, *infra*.

### *Parliamentary Inquiries: Recognition Within Discretion of Chair*

#### § 20.1 Recognition for the purpose of propounding a parliamentary inquiry is within the discretion of the Chair.

On Oct. 8, 1968,<sup>(11)</sup> the Clerk was reading the Journal when Mr.

<sup>11</sup>. 114 CONG. REC. 30214–16, 90th Cong. 2d Sess.

At the time of this ruling, consideration of a bill (S.J. Res. 175), to suspend for the 1968 campaign the equal-time requirements for nominees for the offices of President and Vice President, was being delayed by roll calls. Consideration was delayed for 23 hours.