

unanimous consent that the bill (H.R. 4723) reported from the Committee on Military Affairs to correct the military record of Oberlin M. Carter be transferred from the Private to the Union Calendar. The Speaker⁽⁸⁾ stated that such transfer would be contrary to the precedents and refused to recognize Mr. Andrews for that purpose.

§ 13. Consideration, Debate, and Amendment

Private bills are considered in the House as in the Committee of the Whole,⁽⁹⁾ and amendments are considered under the five-minute rule.⁽¹⁰⁾

Provision for the consideration of omnibus bills (i.e., consolidation into one bill of numerous private bills of the same class) was added to the rules of the House in 1935.⁽¹¹⁾ The validity of this rule has been sustained, both as an internal House procedure and under principles of comity with the Senate. (See § 13.1, *infra*.)

8. William B. Bankhead (Ala.).

9. Rule XXIV clause 6, *House Rules and Manual* § 893 (1981).

10. See § 13.2, *infra*.

11. H. Res. 172, 79 CONG. REC. 4480–89, 4538, 74th Cong. 1st Sess., Mar. 26, 27, 1935.

Consideration and Validity of Omnibus Bills

§ 13.1 The House may by rule provide for the consolidation into an omnibus bill of private bills and direct the manner in which such omnibus bills shall be considered, including the consolidation therein of Senate bills passed by the Senate and referred to the House.

On July 16, 1935,⁽¹²⁾ the Clerk called on the Private Calendar the bill (H.R. 8060) for the relief of sundry claimants [an omnibus bill].

Mr. Thomas L. Blanton, of Texas, raised the point of order that Rule XXIV clause 6, authorizing omnibus bills, was inoperative and did not in fact authorize such omnibus bills.⁽¹³⁾

Mr. Blanton argued that the omnibus bill provision in Rule

12. 79 CONG. REC. 11259, 74th Cong. 1st Sess.

13. Mr. Blanton gave advance notice of his point of order four days previously along with a summary of his arguments against the application of Rule XXIV clause 6, “. . . so that,” he said, “the Speaker in the meantime may examine the authorities which may be presented by myself or by the Parliamentarian.” 79 CONG. REC. 11113, 11114, 74th Cong. 1st Sess., July 12, 1935.

XXIV clause 6, adopted four months earlier,⁽¹⁴⁾ contradicted Rule XX clause 1 which provides “Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the State of the Union, if, originating in the House, it would be subject to that point.” Mr. Blanton said, “. . . After we pass one of these omnibus bills, and it is unscrambled by resolving all of the House bills passed on it, into their original forms, and we send them to the Senate and the Senate should amend them by placing an entirely new amendment on a House bill carrying \$100,000,000, under Rule XX, we would have to consider it in the Committee of the Whole House on the State of the Union, but under this new rule—clause 6 of Rule XXIV—we could consider it in the House in direct violation of Rule XX, which has neither been amended nor repealed.”

Mr. Blanton then cited Rule XXI clause 1 providing:

Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the

14. H. Res. 172, 79 CONG. REC. 4480–89, 4538, 74th Cong. 1st Sess., Mar. 26, 27, 1935.

Speaker shall state the question to be, Shall the bill be engrossed and read a third time? and, if decided in the affirmative, it shall be read the third time by title . . . and the question shall then be put upon its passage.

Mr. Blanton said:

. . . [I]ts provisions relating to the engrossment of a House bill could not be followed out with regard to one of these omnibus bills, because you do not engross a bill until just before its final passage, and under clause 6 of rule XXIV these omnibus bills may embrace a number of House bills, and also a number of Senate bills, which have already been engrossed by the Senate, and under rule XXI you could not properly engross such a bill.

Mr. Blanton next cited Rule XXIII clause 3 providing:

All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. Blanton continued:

That is a standing rule of this House. It has been a rule of this House for many years. It has never been amended. It has never been repealed. It has never been changed by one

word, I submit to the Speaker. Yet, if you proceed under it, you certainly could not proceed under this new clause 6 of rule XXIV.

We all know that in the Committee of the Whole there is generous general debate allowed, while under clause 6 of Rule XXIV there is no general debate and only a few minutes allowed for amendments.⁽¹⁵⁾

Mr. Blanton next cited Rule XXIII clause 5 providing:

When general debate is closed by order of the House, any Member shall be allowed 5 minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak 5 minutes in opposition to it, and there shall be no further debate thereon, but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Mr. Blanton said:

This is a standing rule of the House and has been a rule of the House for many years. It has not been changed, it has not been repealed, it has not been amended; and it is in conflict with this so-called "change of one rule, clause 6 of rule XXIV." The rights which it safeguards to Members are curtailed and to a large extent wiped out by this new clause 6 of rule XXIV. Under which are we to operate?

15. 79 CONG. REC. 11259, 11260, 74th Cong. 1st Sess.

I want to call attention to just a few of the Senate rules relative to Senate bills. This so-called "change of clause 6 of rule XXIV", just one clause of one rule, not only affects House bills, Mr. Speaker, but it materially affects Senate bills that are properly passed by the Senate of the United States and messaged over to the House and properly referred to committees by the Speaker under the rules of this House, and the comity that exists between the House and the Senate, which comity has existed ever since the beginning of the Congress. . . .⁽¹⁶⁾

[The omnibus bill] comes back into the House with a new number on the House Private Calendar, with the Senate identity lost and the Senate number lost, so far as the bill number is concerned. . . .

Mr. Speaker, you cannot pass legislation in that way, that takes money out of the Public Treasury. You cannot pass legislation under the rules of the House that have been in vogue for 140 years, since Congress was first created, by a simple House resolution. That is against the Senate rules and against the rules of the House. The law provides that when a bill takes money out of the Public Treasury it must go into the Committee of the Whole House, whether it is a House bill or a Senate bill. If it is a House bill, if it takes money out of the Public Treasury, it must be debated in the Committee of the Whole. If it is a Senate bill and takes money out of the Public Treasury, it must be debated in Committee of the Whole. That is the protection placed by Congress around the taxpayers' money. . . .

16. *Id.* at pp. 11260, 11261.

I do not know what the Speaker's ruling is . . . if the Comptroller General rules against any of these bills after they are passed, or if any taxpayer of the United States, and there will be some, ever brings such a bill before the Supreme Court of the United States for revision and contests the legality of its passage, the legality of taking the people's money out of the Treasury in this haphazard way by a simple House resolution, then there will be a chance for the Supreme Court to render a proper decision upon it.

I submit the matter to the Speaker.⁽¹⁷⁾

The Chair responded:

The Speaker:⁽¹⁸⁾ . . . The gentleman from Texas, in his argument today, has contended that this rule conflicts with a number of rules to which he has referred. Without passing upon the question of whether or not there is a conflict, the Chair will state that if there is a conflict the rule last adopted would control. The Chair assumes that if this rule should be found to conflict with previous rules, that the House intended, at least by implication, to repeal that portion of the previous rule with which it is in conflict. . . .

The gentleman contends that the House may not, in the exercise of the power conferred upon it by the Constitution "to determine the rules of its proceedings,"⁽¹⁹⁾ adopt a rule which has the effect of permitting an omnibus bill to contain one or more separate Senate bills as well as sundry House bills.

The Chair, in passing upon points of order, is limited by the terms of the

rule which is applicable to the determination of the point of order. . . . Although it is not necessary for the determination of the point of order for the Chair to pass upon the question as to whether the House had the power to make such a rule, the Chair will refer but briefly to two decisions heretofore made—one by an eminent Speaker and one by the Supreme Court of the United States.

Mr. Speaker Blaine, in the Forty-third Congress, in passing upon a question involving the right of the House to formulate rules, said:

He (the Chair) has several times ruled that the right of each House to determine what shall be its rules is an organic right expressly given by the Constitution of the United States. . . . The House is incapable, by any form of rules, of divesting itself of its inherent constitutional power to exercise its function to determine its own rules.

The Supreme Court, speaking through Mr. Justice Brewer in *U.S. v. Ballin* (144 U.S. 1), said:

Neither do the advantages or disadvantages, the wisdom or folly, of . . . a rule present any matters for judicial consideration. With the courts the question is only one of power. The Constitution empowers each House to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. . . .

17. *Id.* at pp. 11262, 11263.

18. Joseph W. Byrns (Tenn.).

19. U.S. Const. art. I, §5, para. 2.

There has been some concern expressed as to whether it is possible to identify the Senate bills incorporated in an omnibus House bill. This concern may be removed by merely glancing at an omnibus bill. We find there that the Senate bills carry their own number and title in a paragraph set off by itself. Inasmuch as the omnibus bill carries each individual bill included therein by its number and title, it does not seem as though too great a difficulty would be encountered for the clerks after the passage of the omnibus bill to resolve the portions thereof into their original form. That is merely a clerical undertaking which does not present any undue difficulty. The Chair would think that after the passage of an omnibus bill the Journal would show the specific action on each individual bill which had been embodied in it. A message would be sent to the Senate stating that the House had passed such and such a bill, if it be a House bill, and requesting the concurrence of the Senate therein. If it be a Senate bill, the message would merely state that the House had passed it with the attestation of the Clerk of the House, which would not be questioned by the Senate.⁽²⁰⁾

Debate on Amendments Under Five-minute Rule

§ 13.2 Amendments to measures on the Private Calendar are debatable under the five-minute rule. Debate is limited to five minutes in favor of and five minutes in opposition to an amendment.

²⁰. *Id.* at pp. 11264, 11265.

On Dec. 14, 1967,⁽¹⁾ during consideration of a committee amendment to a resolution (H. Res. 981) expressing the disapproval of the House with respect to the granting of permanent residence in the United States to certain aliens, Mr. H. R. Gross, of Iowa, rose in opposition to the amendment and was granted five minutes to express his opposition. At the end of that five minutes Mr. Gross asked permission to proceed an additional two minutes.

The Speaker⁽²⁾ ruled that an extension of time was not in order.

Mr. Michael A. Feighan, of Ohio, sought recognition to speak in favor of the same amendment. The Chair ruled that a member of the committee reporting the resolution was entitled to recognition. Mr. Feighan proceeded for five minutes to debate the committee amendment.

Requests to Address the House

§ 13.3 In considering bills on the Private Calendar the Chair refuses to recognize Members for unanimous-consent requests to address the House.

On May 7, 1935,⁽³⁾ at the call on the Private Calendar of the bill (S.

1. 113 CONG. REC. 36535-37, 90th Cong. 1st Sess.
2. John W. McCormack (Mass.).
3. 79 CONG. REC. 7100, 74th Cong. 1st Sess.

41) for relief of the Germania Catering Company, Inc., the Speaker pro tempore⁽⁴⁾ asked whether there was objection to the consideration of the bill.

Mr. Charles V. Truax, of Ohio, asked unanimous consent to proceed for five minutes. The Chair responded that he would not be recognized for that purpose.

Extending Time for Debate

§ 13.4 In the consideration of omnibus private bills under the five-minute rule the Chair does not recognize Members for the purpose of extending time for debate in support of an amendment.

On Apr. 22, 1936,⁽⁵⁾ during consideration of the omnibus bill (S. 267) for the relief of certain officers and employees of the foreign service, Mr. Sol Bloom, of New York, offered an amendment. After speaking five minutes in support of his amendment Mr. Bloom asked unanimous consent to proceed for five additional minutes. The Chair responded:

THE SPEAKER:⁽⁶⁾ The Chair cannot recognize the gentleman for that purpose under the rule.

4. John J. O'Connor (N.Y.).

5. 80 CONG. REC. 5900, 74th Cong. 2d Sess.

6. Joseph W. Byrns (Tenn.).

§ 13.5 During the consideration of an omnibus private bill the Chair has refused to recognize Members for unanimous-consent requests to extend the time for debate in opposition to an amendment.

On July 20, 1937,⁽⁷⁾ during consideration of the omnibus private bill (H.R. 6336) for the relief of sundry claimants, Mr. Clarence E. Hancock, of New York, offered an amendment to strike out all of title I (H.R. 886) of the omnibus bill. After speaking five minutes in opposition to the amendment, Mr. Alfred F. Beiter, of New York, asked unanimous consent to proceed for one additional minute in order to answer a question. The Chair⁽⁸⁾ ruled that under the rule covering the consideration of these bills, five minutes on each side is the limit for debate.

Hour Rule for Debate of Bill

§ 13.6 When consideration of a private bill in the House is granted by unanimous consent the Member making the request is recognized for one hour.

On Mar. 12, 1963,⁽⁹⁾ Mr. Emanuel Celler, of New York, asked

7. 81 CONG. REC. 7293-95, 75th Cong. 1st Sess.

8. William B. Bankhead (Ala.).

9. 109 CONG. REC. 3993, 88th Cong. 1st Sess.

unanimous consent for the immediate consideration in the House of the bill (H.R. 4374) to proclaim Sir Winston Churchill an honorary citizen of the United States. Mr. H. R. Gross, of Iowa, raised a parliamentary inquiry:

MR. GROSS: Mr. Speaker, under what circumstances will this resolution be considered? Will there be any time for discussion of the resolution, if unanimous consent is given?

THE SPEAKER:⁽¹⁰⁾ In response to the parliamentary inquiry of the gentleman from Iowa, if consent is granted for the present consideration of the bill, the gentleman from New York [Mr. Celler] will be recognized for 1 hour and the gentleman from New York may yield to such Members as he desires to yield to before moving the previous question.

Nongermane Amendments

§ 13.7 A committee amendment to a private bill adding language that is general or public in character is not germane.

On June 20, 1950,⁽¹¹⁾ the House considered the private bill (S. 2309) granting permanent residence to certain aliens. As reported to the floor the bill contained a committee amendment authorizing 3,200 passport visas

10. John W. McCormack (Mass.).

11. 96 CONG. REC. 8914, 81st Cong. 2d Sess.

in any fiscal year to be issued to eligible foreign specialists as non-immigrants.

Mr. Wesley A. D'Ewart, of Montana, raised the point of order against the amendment on the grounds that it was a general amendment to a private bill and therefore not germane. The Speaker⁽¹²⁾ sustained the point of order citing section 3292 of 4 Hinds' Precedents:

It is not in order to amend a private bill by adding provisions general or public in character.

§ 13.8 It is not in order to amend a private bill with a proposition that is in the nature of general legislation.

On June 13, 1940,⁽¹³⁾ Mr. Warren G. Magnuson, of Washington, offered an amendment to the pending private bill ordering the Secretary of Labor to take into custody and deport Harry Bridges. The amendment was as follows:

. . . Strike out all after enacting clause and insert "That any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of the Nazi, Fascist, or Communist Party, or who advises, advocates, or teaches the doctrines of nazi-ism, fascism, or communism, or

12. Sam Rayburn (Tex.).

13. 86 CONG. REC. 8213, 8214, 76th Cong. 3d Sess.

who is a member of, or affiliated with, any organization, association, society, or group, that advises, advocates, or teaches the doctrines of nazi-ism, fascism, or communism, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917.”

Mr. John Lesinski, of Michigan, raised the point of order that this amendment was general legislation and not germane to a private bill. The Chair sustained the point of order.

Withdrawal of Committee Amendment

§ 13.9 During the consideration of a bill on the Private Calendar, a Member obtained unanimous consent to vacate and withdraw a committee amendment which had been agreed to.

On May 18, 1965,⁽¹⁴⁾ the private bill (H.R. 2351) for the relief of Teresita Centeno Valdez was read along with committee amendments, which were agreed to. Mr. Frank L. Chelf, of Kentucky, asked unanimous consent to withdraw the committee amendments.

There was no objection.

14. 111 CONG. REC. 10874, 89th Cong. 1st Sess.

Motion to Strike Enacting Clause

§ 13.10 A motion to strike out the enacting clause is in order during the consideration of an omnibus private bill.

On May 18, 1937,⁽¹⁵⁾ during consideration of the omnibus private bill (H.R. 5897) for the relief of sundry aliens, Mr. Joe Starnes, of Alabama, made a motion to strike out the enacting clause.

Mr. John J. O'Connor, of New York, made a point of order against the motion:

MR. O'CONNOR of New York: Mr. Speaker, under the Private Calendar rule, the only motion in order during the consideration of an omnibus bill is a motion, as each bill is called, either to strike out the paragraph or to reduce the amount or to add limitations.⁽¹⁶⁾

May I say further, Mr. Speaker, that in considering this rule providing for consideration of the Private Calendar, either the individual bills or the omnibus bills, it was deliberately provided that there would be a limitation on

15. 81 CONG. REC. 4727, 4728, 75th Cong. 1st Sess.

16. “Omnibus bills shall be read for amendment by paragraph, and no amendment shall be in order except to strike out or to reduce amounts of money stated or to provide limitations. . . .” Rule XXIV clause 6, para. 3.

motions. It was discussed in the [Rules] committee that such bills would not be handled as other bills, with a motion to strike out the enacting clause, which would go to the entire omnibus bill, which in this instance includes 15 individual bills. Such a motion does not come within the intent of the rule with respect to the handling of omnibus bills, because if you strike out the enacting clause of the omnibus bill, by one stroke you defeat the consideration of 15 individual bills, and it was intended that each of the 15 bills would be considered in the House as in Committee of the Whole, and that only those three motions mentioned would lie, and only against the individual paragraphs.

There is no question in the mind of myself, who has sometimes been called the author of the rule for the consideration of the Private Calendar, which was brought out from the Rules Committee, as to the intent with reference to this rule.

THE SPEAKER:⁽¹⁷⁾ . . . [Rule XXIV, clause 6, para. 3] imposes restrictions only on the kind of amendments that may be offered during the consideration of an omnibus bill. The Chair has been unable to find any provision of the rule which would prohibit the offering of any other motion provided in the general rules of the House. Certainly the Private Calendar rule does not by specific language deprive a Member of the right to offer a motion to strike out the enacting clause as provided in clause 7, rule XXIII.

The Chair cited a similar ruling by the late Speaker Byrns on Mar. 17, 1936. At that time he held:

17. William B. Bankhead (Ala.).

A motion to strike out the enacting clause is in order during the consideration of omnibus private bills and is debatable under the 5-minute rule. . . .

And this is the portion of the rule

Mr. Speaker Byrns read:

A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and if carried, shall be equivalent to its rejection. . . .

Based upon that direct decision upon the question and the reasons heretofore stated, the Chair feels impelled to overrule the point of order.

§ 13.11 A motion to strike out the enacting clause of an omnibus private bill takes precedence over an amendment to strike out a title of the bill, and, if adopted, applies to the entire bill.

On May 16, 1939,⁽¹⁸⁾ during the consideration of an omnibus private bill (H.R. 6182) for the relief of sundry aliens, Mr. Thomas A. Jenkins, of Ohio, offered an amendment to strike out all of title I (H.R. 658) of the bill.

After debate but before a vote on that amendment, Mr. A. Leonard Allen, of Louisiana, offered a preferential motion that the enacting clause be stricken out. After debate on the preferential motion Mr. Jenkins raised a parliamentary inquiry:

18. 84 CONG. REC. 5614-18, 76th Cong. 1st Sess.

MR. JENKINS of Ohio: I notice this bill has four titles. Up to this time we have only been dealing with one title, but I take it the motion to strike out the enacting clause will strike out the enacting clause for the entire bill.

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ That is true.

MR. JENKINS of Ohio: As I understand it, that would not be in opposition to my amendment, except that it would strike this whole bill out, and then it could go back to the Committee on Immigration, if necessary.

THE SPEAKER PRO TEMPORE: The adoption of the pending preferential motion would strike out the enacting clause with reference to the omnibus bill and the various individual bills contained therein.

MR. [SAMUEL] DICKSTEIN [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. DICKSTEIN: If the motion of the gentleman from Ohio is agreed to, then that kills this bill?

THE SPEAKER PRO TEMPORE: The gentleman from Louisiana [Mr. Allen] has offered a preferential motion to strike out the enacting clause. If that motion is adopted, then there would be no further consideration of the bill. It would apply to all titles enumerated in the bill.

MR. DICKSTEIN. If that motion is not adopted, then what will be the procedure?

THE SPEAKER PRO TEMPORE: If the gentleman's motion is not adopted, the next procedure would be to vote upon

the amendment offered by the gentleman from Ohio [Mr. Jenkins] to strike out title I of the bill. .

§ 13.12 A motion to strike out the enacting clause is in order during the consideration of omnibus private bills and is debatable under the five-minute rule, but a motion to strike out the last word is not in order.

On Mar. 17, 1936,⁽²⁰⁾ during consideration of the omnibus private bill (H.R. 8524) for the relief of sundry claimants, Mr. Thomas L. Blanton, of Texas, moved to strike out the enacting clause:

[MR. [FRED] BIERMANN (of Iowa)]: Mr. Speaker, I make a point of order against that. I do not believe that motion is allowed under the rule.

THE SPEAKER:⁽¹⁾ The motion to strike out the enacting clause is not an amendment in the sense contemplated by the rule. The Chair is of the opinion that the motion is in order and the gentleman from Texas is recognized for 5 minutes. . . .

MR. BIERMANN: Mr. Speaker, a parliamentary inquiry. Under the rule we are working under I find these words:

Omnibus bills shall be read for amendment by paragraph, and no amendment shall be in order except to strike out or to reduce amounts of money or to provide limitation.

My inquiry is whether or not it is going to be in order for me to move to strike out the last word?

²⁰ 80 CONG. REC. 3894, 3895, 74th Cong. 2d Sess.

¹ Joseph W. Byrns (Tenn.).

¹⁹ Fritz G. Lanham (Tex.).

THE SPEAKER: It will not.

MR. BIERMANN: Is the gentleman from Texas out of order?

THE SPEAKER: He is not. The gentleman from Texas moved to strike out the enacting clause. He did not offer an amendment.

Pro Forma Amendments

§ 13.13 Motions to strike out the last word are not in order during the consideration of omnibus private bills.

On July 20, 1937,⁽²⁾ during consideration of an amendment to title I of the omnibus private bill (H.R. 6336), Mr. Fred L. Crawford, of Michigan, moved to strike out the last word. The Speaker⁽³⁾ ruled that under the rule the Chair could not entertain that motion. The question at this time was the amendment offered to title I of the bill.

§ 13.14 Pro forma amendments are not in order during the consideration of an omnibus private bill.

On July 20, 1937,⁽⁴⁾ during consideration of an amendment offered to title III of an omnibus

- 2. 81 CONG. REC. 7295, 75th Cong. 1st Sess.
- 3. William B. Bankhead (Ala.).
- 4. 81 CONG. REC. 7299, 75th Cong. 1st Sess.

private bill (H.R. 6336), Mr. Walter M. Pierce, of Oregon, moved to strike out the last word. The Chair ruled:

THE SPEAKER PRO TEMPORE:⁽⁵⁾ The Chair cannot recognize the gentleman to make that motion. Under the rule for the consideration of omnibus bills on the Private Calendar, the only amendments in order are "to strike out or reduce amounts of money stated or to provide limitations." A pro forma amendment is therefore not in order.

The question is on the motion . . . to strike out the title.

§ 13.15 Under the earlier practice, it was in order during the consideration of individual bills (but not omnibus bills) on the Private Calendar to strike out the last word.

On Apr. 7, 1936,⁽⁶⁾ during the call on the Private Calendar of the bill (S. 2682) for the relief of Chief Carpenter William F. Twitchell, U.S. Navy, Mr. Marion A. Zioncheck, of Washington, moved to strike out the last word. Mr. Clarence E. Hancock, of New York, made the point of order that under the rule amendments of this kind cannot be offered.

The Chair responded:

THE SPEAKER:⁽⁷⁾ . . . The Chair, after examination of the rule, thinks

- 5. John J. O'Conner (N.Y.).
- 6. 80 CONG. REC. 5075, 74th Cong. 2d Sess.
- 7. Joseph W. Byrns (Tenn.).

that the restriction with reference to the offering of amendments applies only to omnibus bills.

§ 13.16 Under the modern practice, pro forma amendments to bills on the Private Calendar, whether omnibus or individual bills, are not permitted.

On Feb. 16, 1954,⁽⁸⁾ during consideration of the private bill (H.R. 7460), Mr. Clare E. Hoffman, of Michigan, moved to strike out the last word and asked unanimous consent to revise and extend his remarks and to proceed out of order. After passage of the bill, the Speaker⁽⁹⁾ said, "The Chair wishes to make a statement in order to clarify the rules of procedure during the call of the Private Calendar. Inadvertently, the Chair recognized the gentleman from Michigan to strike out the last word. Under the rules of the House, of course, that may be done on bills on the Consent Calendar, but not on the Private Calendar."

On Aug. 30, 1960,⁽¹⁰⁾ during consideration of the private bill (S. 3439) authorizing the President to present a gold medal to

8. 100 CONG. REC. 1826, 1827, 83d Cong. 2d Sess.
 9. Joseph W. Martin, Jr. (Mass.).
 10. 106 CONG. REC. 18389, 86th Cong. 2d Sess.

the poet Robert Frost, Mr. Clare E. Hoffman, of Michigan, moved to strike out the last word.

The Speaker pro tempore, Wilbur D. Mills, of Arkansas, replied, "An amendment to strike out or reduce an amount would be in order, but not a pro forma amendment."

On Dec. 14, 1967,⁽¹¹⁾ during consideration of a committee amendment to a resolution (H. Res. 981) expressing the disapproval of the House to the granting of permanent residence in the United States to certain aliens, Mr. Durward G. Hall, of Missouri, moved to strike out the requisite number of words. The Speaker⁽¹²⁾ ruled that the motion was not in order.

§ 13.17 An amendment proposing a minimal reduction of the amount of money in an omnibus private bill is a pro forma amendment and therefore not in order.

On July 20, 1937,⁽¹³⁾ Mr. Everett M. Dirksen, of Illinois, offered an amendment to an omnibus private bill (H.R. 6336) to reduce the amount stated from \$5,000 to \$4,999.99.

The Chair ruled:

11. 113 CONG. REC. 36537, 90th Cong. 1st Sess.
 12. John W. McCormack (Mass.).
 13. 81 CONG. REC. 7299, 75th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ The Chair must hold that under the spirit of the rule for the consideration of omnibus private bills, such an amendment, which is in effect a pro forma amendment, is not in order, and in addition thereto, the amendment offered is an amendment to an amendment already adopted, and therefore not in order.

Striking Part of Omnibus Bill

§ 13.18 Where an omnibus private bill contains an individual private bill that has been laid on the table, the Chair upon the presentation of a point of order has ordered the individual bill stricken from the omnibus bill.

On Apr. 22, 1936,⁽¹⁵⁾ during the call on the Private Calendar of the omnibus bill H.R. 852, Mr. John J. Cochran, of Missouri, raised the point of order that title IX of such bill (H.R. 3075) was laid on the table in August of 1935:

MR. COCHRAN: . . . Mr. Speaker, I make the point of order that the committee had no right or authority to include this bill in an omnibus bill, because it has already been tabled and was not rereferred to the committee.

THE SPEAKER:⁽¹⁶⁾ . . . The Chair holds that this bill, having been laid on

14. John J. O'Connor (N.Y.).
 15. 80 CONG. REC. 5894, 5895, 74th Cong. 2d Sess.
 16. Joseph W. Byrns (Tenn.).

the table by action of the House, is not a proper bill to be included in the pending omnibus bill. The only way to get it up would be by submitting a unanimous-consent request to take it from the table and consider it.

The Chair therefore sustains the point of order.

§ 14. Private Bills and House-Senate Relations

Resolving Omnibus Bill Into Individual Bills

§ 14.1 Under the Private Calendar rule omnibus bills upon their passage are resolved into the several original bills of which they are composed and are messaged to the Senate as individual bills and not as an omnibus bill.

On Jan. 27, 1936,⁽¹⁷⁾ Mr. John J. Cochran, of Missouri, raised a parliamentary inquiry:

MR. COCHRAN: In the last session of Congress the House passed an omnibus-claims bill. That bill went to the Senate and one bill I have in mind was passed by the Senate with amendments and is now in conference. I desire to inquire if that conference report will come back to the House on that particular bill or will it come back to the House as a conference report on the omnibus claims bill?

17. 79 CONG. REC. 1047, 74th Cong. 2d Sess.