

The House then adopted a special order from the Committee on Rules which waived points of order against one section of the bill:⁽⁹⁾

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 414 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 414

Resolved, That during the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes, all points of order against title IV of said bill are hereby waived.

MR. COLMER: Mr. Speaker, I yield the customary 30 minutes to the minority, to the very able and distinguished gentleman from California (Mr. Smith). Pending that I yield myself such time as I may consume.

Mr. Speaker, I shall not use all the time on this resolution. This is a rather unusual situation that we find ourselves in, parliamentarily speaking. We have debated the supplemental appropriation bill at some length under the privileged status of the Appropriations Committee. Now we come in with a resolution from the Rules Committee for one purpose and one purpose alone; that is, to waive points of order against a particular section of the bill.

9. 115 CONG. REC. 13246-51, 91st Cong. 1st Sess.

§ 21. "Open" Rules Allowing Amendments and Making in Order Certain Amendments

The term "open rule" is often used to refer to a resolution reported from the Committee on Rules which provides for the consideration of a bill or resolution in the Committee of the Whole, and provides for the bill to be read for amendment under the five-minute rule, without restricting the offering of germane amendments. (A "closed" or "modified closed" rule typically provides that no amendments may be offered except by the direction of the reporting committee or except certain amendments, such amendments not to be subject to amendment.)

Under an open rule, any amendments may be offered which are otherwise in order under the rules of the House.⁽¹⁰⁾

A resolution allowing amendments may contain detailed provi-

10. See §21.1, *infra*.

The procedure whereby a measure is considered in the "House as in the Committee of the Whole" presents another context in which a measure is usually "open" to amendment. Such procedure, however, in which a measure is read for amendment under the five-minute rule, is usually followed pursuant to a unanimous-consent request and not by a special order. But see §20.17, *supra*.

sions. For example, the special order frequently provides that a committee amendment in the nature of a substitute may be read as an original bill for the purpose of amendment.⁽¹¹⁾

The resolution may waive points of order against a designated amendment by providing that it shall be in order to offer such amendment without the intervention of any point of order.⁽¹²⁾ But the waiver of points of order is confined only to the amendment to which directed. Thus, if parts of the amendment made in order are offered as independent amendments they must comply with the rules of the House,⁽¹³⁾ and independent amendments offered to amendments or to original text protected by waivers must be germane and otherwise in order under the rules.⁽¹⁴⁾

Where a resolution makes in order a designated amendment but does not attach a particular priority to such amendment (such as an amendment in the nature of a substitute made in order but not

11. See § 25, *infra*, for discussion of reading bills and amendments in the nature of a substitute thereto under special rules.

12. See §§ 21.3–21.10, *infra*.

13. See § 21.13, *infra*.

14. See § 23, *infra*.

to be read for amendment as an original bill), recognition to offer the amendment is governed by the ordinary practices as to recognition and offering amendments.⁽¹⁵⁾

Similar to an open rule which makes in order a designated amendment is a “modified open” rule which prohibits a certain amendment or type of amendment, while allowing other amendments otherwise in order.⁽¹⁶⁾

Cross References

As to procedures in Committee of the Whole, generally, see Ch. 19, *supra*.

As to amendments generally, see Ch. 27, *infra*.

As to offering amendments to bills and amendments protected against points of order, see § 23, *infra*.

As to waiving points of order against bills considered under “open” rules, see § 23, *infra*.

As to waiving points of order against designated amendments, see § 23, *infra*.

As to Senate bills considered under an “open” rule, see § 27, *infra*.

Offering Amendments Under “Open” Rules

§ 21.1 Where a bill is considered under an “open rule,” germane amendments to the bill are in order under the standing rules of the House.

15. See §§ 21.3, 21.11, *infra*.

16. See §§ 21.15–21.17, *infra*.

On July 26, 1965,⁽¹⁷⁾ Adam C. Powell, of New York, Chairman of the Committee on Education and Labor, called up under the 21-day discharge rule a resolution making a special order of business:

H. RES. 437

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a) (3) of the National Labor Relations Act, as amended. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. Powell then offered an amendment to the resolution to

17. 111 CONG. REC. 18076, 89th Cong. 1st Sess.

extend the time for general debate on the bill from two hours to five hours. Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on offering amendments to the bill under the provision of the "open" rule:

THE SPEAKER: Will the gentleman state his parliamentary inquiry.

MR. GERALD R. FORD [of Michigan]: The parliamentary inquiry would be simply this: Does the amendment of the gentleman to the resolution provide that there can be amendments offered to the bill itself, that will be meaningful, that will be constructive in their application; or is his amendment to the rule limited only to the extension of time for debate?

THE SPEAKER: The Chair will state that the pending amendment relates in no way to any other amendments which might be germane under the resolution. This amendment would extend the time for general debate from 2 hours to 5 hours, if the amendment is adopted.

MR. GERALD R. FORD: A further parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: Do I correctly understand that the gentleman's amendment to the resolution precludes the offering of any amendment such as that sponsored by the distinguished gentlewoman from Oregon [Mrs. Green]?

The Speaker: The Chair will state that the resolution is in accordance with the standing rules of the House, and any amendment that is germane under the standing rules of the House

would be in order. The standing rules of the House would determine the germaneness of any amendment that might be offered.

***Special Orders "Open" in Part,
"Closed" in Part***

§ 21.2 Forms of special orders dividing general debate between two committees and providing that one part of the bill, within one committee's jurisdiction, be open to amendment and that the other part of the bill, within the other committee's jurisdiction, be closed to amendment.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, and two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, title I of the bill shall be read for amendment under the

five-minute rule. At the conclusion of the consideration of title I of the bill for amendment, title II of the bill shall be considered as having been read for amendment. No amendments shall be in order to title II of the bill except amendments offered by the direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.⁽¹⁸⁾

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention, of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, three hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce,

18. H. Res. 610, 115 CONG. REC. 33260, 91st Cong. 1st Sess., Nov. 6, 1969.

and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of title II of the amendment in the nature of a substitute for amendment, title III of said substitute shall be considered as having been read for amendment. No amendments shall be in order to title III of said substitute except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.⁽¹⁹⁾

19. H. Res. 1216, 116 CONG. REC. 33296, 191st Cong. 2d Sess., Sept. 23 1970.

All Points of Order Waived Against Designated Amendments

§ 21.3 Where a special rule provided that amendments relating to a certain subject matter could be offered as substitutes for the pending bill, notwithstanding any rule of the House to the contrary, the Chairman of the Committee of the Whole explained the parliamentary situation.

On Mar. 19, 1935, the House adopted House Resolution 165, reported from the Committee on Rules and providing for the consideration of a bill for the payment of world war adjusted service certificates:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H.R. 3896, "a bill to provide for the immediate payment of World War adjusted-service certificates, to extend the time for filing applications for benefits under the World War Adjusted Compensation Act, and for other purposes"; and all points of order against said bill are hereby waived; that after general debate, which shall be confined to the bill and continue not to exceed 10 hours, to be evenly divided and controlled by the chairman and ranking minority members of the Committee on Ways and

Means, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider as substitute amendments for the bill any such amendments that relate to the payment of World War adjusted-service certificates, and such substitute amendments shall be in order, any rule of the House to the contrary notwithstanding. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except two motions to recommit, with or without instructions: *Provided, however,* That if the instructions in such motions relate to the payment of World War adjusted-service certificates, they shall be in order, any rule of the House to the contrary notwithstanding.⁽²⁰⁾

On Mar. 21, 1935, the bill was being considered pursuant to the special order in Committee of the Whole, and all time for general debate had expired. Chairman Clarence Cannon, of Missouri, made a statement regarding the procedure under which the bill would be considered for amendment:⁽¹⁾

THE CHAIRMAN: The time of the gentleman from Kentucky [Mr. Vinson] has expired. All time has expired. The

20. 79 CONG. REC. 3984, 74th Cong. 1st Sess.

1. *Id.* at p. 4216.

Chair will briefly recapitulate the parliamentary situation.

This is an unusual rule—but a very adequate one. The Chairman of the Committee on Rules and his committee are to be congratulated on the admirable manner in which they have met a difficult situation.

Under the special order, all amendments pertaining to the payment of the adjusted-service certificates are in order, the rules of the House to the contrary notwithstanding. At a time when it is the vogue to term all special rules “gag rules”, here is a special order which liberalizes, instead of restricts, the rules of the House. As Chairman O'Connor well says, it is the antithesis of a gag rule.

Under the clause waiving the restrictions of the rules of the House against any proposition to pay adjusted-service certificates, it permits consideration of the Patman bill, the Cochran bill, the McReynolds bill, the Andrew bill, and similar measures which otherwise, could not be considered because not germane. Accordingly, after conference with the Speaker, the Chairman of the Committee on Rules, the majority leader, and the authors of the several bills, the Chair will recognize Members who desire to offer major amendments in the following order:

The first section of the pending bill, the Vinson bill, having been read for amendment, the Chair will recognize the gentleman from Texas [Mr. Patman] to offer his bill as a substitute for the Vinson bill. While it will be offered as a substitute, it will be, technically speaking, an amendment. Then the gentleman from Missouri [Mr. Cochran] will be recognized to offer his bill

as a substitute for the Patman bill in the pending amendment to the Vinson bill. If the gentleman from Tennessee [Mr. McReynolds] desires, he will then be recognized to offer his bill as an amendment to the Cochran bill or, if he prefers to await a vote on the Cochran substitute and the Cochran substitute is disposed of adversely, he may then offer his bill as a substitute for the Patman bill in the amendment to the Vinson bill. We may have pending at the same time an amendment, an amendment to the amendment, a substitute for the amendment, and an amendment to the substitute. All four forms of amendment may be pending simultaneously. That is the limit, as any further proposal would be an amendment in the third degree.

Under the rules of the House, an amendment is perfected before it is voted on. Any substitute is then perfected; and then, both the amendment and the substitute for the amendment having been perfected, the Committee takes its choice of the two. It should also be borne in mind that the Committee, having chosen one of the two, and having adopted either the amendment or the substitute for the amendment, it is then too late to offer further perfecting amendments.

If the various bills are offered in the order indicated, the Vinson bill comprises the text of the bill; the Patman bill is the amendment to the text; the Cochran bill is the substitute for the amendment to the text; and any further bill proposed is an amendment to the substitute.

The question will come first on perfecting amendments to the Patman bill; second, on perfecting amendments to the Cochran bill. The two bills hav-

ing been perfected, the Committee will then vote on substituting the Cochran bill—or the Cochran bill, as amended—for the Patman bill. The question will then recur on adopting the prevailing bill as an amendment to the Vinson bill.

Designated Amendments Made in Order

§ 21.4 Form of resolution making in order, and waiving points of order against, designated amendment.

The following resolution was under consideration on June 13, 1973:⁽²⁾

H. RES. 437

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. After general debate which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in

2. 119 CONG. REC. 19337, 93d Cong. 1st Sess.

order to consider without the intervention of any point of order an amendment to the bill H.R. 8410 which shall consist of the text of H.R. 3932, as passed by the House by a vote of two hundred and twenty-nine yeas to one hundred and seventy-one nays on May 1, 1973, with conforming changes in section numbers and internal references to comply with the bill H.R. 8410. At the conclusion of the consideration of H.R. 8410 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

As a further example, a resolution was considered on Apr. 17, 1973, as follows:⁽³⁾

H. RES. 356

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute

rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against said substitute for failure to comply with the provisions of clause 16(c), rule XI, and clause 4, rule XXI, are hereby waived. It shall also be in order to consider without the intervention of any point of order as an amendment to section 123 of the committee amendment in the nature of a substitute the text of the proposed amendment as set forth on pages 125 and 126 of the minority views accompanying House Report 93-118. At the conclusion of the consideration of the bill (S. 502) for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

§ 21.5 Form of resolution providing for the consideration of a bill and making in order, any rule of the House to the contrary notwithstanding, a certain type of amendment.

3. *Id.* at p. 12793.

The following resolution was under consideration on Dec. 5, 1945:⁽⁴⁾

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4649) to enable the United States to further participate in the work of the United Nations Relief and Rehabilitation Administration. That after general debate, which shall be confined to the bill and continue not to exceed 1 day, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider, any rule of the House to the contrary notwithstanding, an amendment prohibiting the use of funds involved in the bill (H.R. 4649) in countries that refuse free access to examination of United Nations Relief and Rehabilitation Administration operations by representatives of the United States press and radio. At the conclusion of the reading of the bill for amendment, the committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

§ 21.6 Form of resolution consecutively making in order

4. H. Res. 444, 91 CONG. REC. 11477, 79th Cong. 1st Sess.

and waiving points of order against the consideration of the texts of three designated bills if offered as amendments in the nature of a substitute for the pending bill.

The following resolution was under consideration on Oct. 9, 1973:⁽⁵⁾

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9682) to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes, and all points of order against sections 202, 204, 713, 722, and 731 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the District of Columbia, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the inter-

5. H. Res. 581, 119 CONG. REC. 33352, 93d Cong. 1st Sess.

vention of any point of order the text of the bill H.R. 10597 if offered as an amendment in the nature of a substitute for the bill H.R. 9682. If said amendment in the nature of a substitute is not agreed to in the Committee of the Whole, it shall then be in order to consider without the intervention of any point of order the text of the bill H.R. 10693 if offered as an amendment in the nature of a substitute for the bill H.R. 9682. If said amendment in the nature of a substitute (H.R. 10693) is not agreed to in the Committee of the Whole, it shall then be in order to consider without the intervention of any point of order the text of the bill H.R. 10692 if offered as an amendment in the nature of a substitute for the bill H.R. 9682. At the conclusion of the consideration of H.R. 9682 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 9682, the Committee on the District of Columbia shall be discharged from the further consideration of the bill S. 1435, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 9682 as passed by the House.

§ 21.7 Form of resolution providing for consideration in Committee of the Whole of a

Senate bill (the Legislative Reorganization Act of 1946) and making in order (as an amendment in the nature of a substitute) the provisions contained in a committee print and previously inserted in the Congressional Record.

The following resolution was under consideration on July 25, 1946:⁽⁶⁾

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the gentleman from Oklahoma, Mr. Monroney, and the gentleman from Michigan, Mr. Michener, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order as a substitute for the bill the provisions contained in the committee print of July 20, 1946, and printed in the Congressional Record of July 19, 1946, page 9496, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration,

6. H. Res. 717, 92 CONG. REC. 10037, 79th Cong. 2d Sess.

the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

§ 21.8 The House rejected the previous question on a resolution reported from the Committee on Rules which in part sought to make the text of a specified bill in order as an amendment. The House then adopted an amendment making the text of a different bill in order as an amendment in the nature of a substitute. The amendment to the resolution further struck out provisions in the resolution waiving points of order against nongermane committee amendments.

On Apr. 16, 1973, Mr. Richard Bolling, of Missouri, called up by direction of the Committee on Rules the following resolution: ⁽⁷⁾

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on

7. H. Res. 357, 119 CONG. REC. 12501 93d Cong. 1st Sess.

the State of the Union for the consideration of the bill (H.R. 6168) to amend and extend the Economic Stabilization Act of 1970. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. Immediately after the reading of the first section of H.R. 6168 under the five-minute rule, it shall be in order to consider without the intervention of any point of order the text of H.R. 6879 as an amendment in the nature of a substitute for the bill. If said amendment in the nature of a substitute is not agreed to in Committee of the Whole, it shall then be in order to consider the amendments recommended by the Committee on Banking and Currency now printed in the bill notwithstanding the provisions of clause 7, rule XVI. At the conclusion of the consideration of H.R. 6168 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 6168, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 398, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 6168 as passed by the House.

The House rejected the previous question on the resolution and adopted an amendment offered by Mr. David T. Martin, of Nebraska.⁽⁸⁾

MR. MARTIN, of Nebraska: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Martin of Nebraska: On page 2, line 1, strike "H.R. 6879," and insert in lieu thereof, "H.R. 2099."

On page 2, lines 2 through 7, strike the words: "If said amendment in the nature of a substitute is not agreed to in Committee of the Whole, it shall then be in order to consider the amendments recommended by the Committee on Banking and Currency now printed in the bill notwithstanding the provisions of clause 7, rule XVI."

MR. MARTIN of Nebraska: Mr. Speaker, I would like to explain this amendment to the Members. The amendment makes in order the consideration of the committee bill, H.R. 6168. Then it makes in order the offering of H.R. 2099 as a substitute. This strikes out the Stephens bill and substitutes H.R. 2099, which is a bill which was jointly introduced by the chairman of the Banking and Currency Committee and the ranking minority member, and provides for a simple 12 months' extension of the Economic Stabilization Act.

Then in addition it strikes from the original resolution (H. Res. 357) the waiving of points of order in regard to germaneness. In other words, those are stricken from the resolution. That is all this amendment does.

8. *Id.* at p. 12509.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. Bolling).

MR. BOLLING: Mr. Speaker, I thank the gentleman from Nebraska for yielding, but I see no purpose in debating the matter further. I thank the gentleman again.

MR. MARTIN of Nebraska: Mr. Speaker, I urge adoption of the amendment, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

THE SPEAKER:⁽⁹⁾ The question is on the amendment offered by the gentleman from Nebraska (Mr. Martin).

The amendment was agreed to.

THE SPEAKER: The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 21.9 The House voted down the previous question on a resolution providing for the consideration of a bill and amended the resolution by striking out a provision which would have made in order sections or paragraphs of another bill as amendments.

On June 7, 1944, Mr. Adolph J. Sabath, of Illinois, called up by direction of the Committee on Rules a special order providing for the consideration of a bill, and making in order without the interven-

9. Carl Albert (Okla.).

tion of any point of order amendments containing the text of another bill:⁽¹⁰⁾

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4941) to extend the period of operation of the Emergency Price Control Act of 1942 and the Stabilization Act of October 2, 1942, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 9 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order any amendment which may be offered to the bill embodying any of the sections or paragraphs contained in the bill H.R. 4647. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

After debate on the resolution, during which Speaker Sam Rayburn, of Texas, opposed the provi-

10. H. Res. 582, 90 CONG. REC. 5465, 78th Cong. 21 Sess.

sions in the rule making certain amendments in order, the previous question was rejected on the resolution and the House adopted the following amendment to the resolution:

MR. [BRENT] SPENCE [of Kentucky]:
Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Spence:
Page 2, line 1, after the word "rule", strike out the entire sentence commencing with the words "It shall", ending with "H.R. 4647" in line 4.

§ 21.10 Where a committee reported out a bill similar to one which was eligible to be called up on the Discharge Calendar, the House adopted a special order providing for the consideration of the reported bill and making in order, after passage, a motion to substitute the title, provisions, and number of the other House bill, such motion not to be debatable.

On June 11, 1956,⁽¹¹⁾ the House adopted a special order reported from the Committee on Rules providing for the consideration of a bill and making in order a motion after passage thereof:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself

11. 102 CONG. REC. 10025 84th Cong. 2d Sess., H. Res. 521.

into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1840) to strengthen the Robinson-Patman Act and amend the antitrust law prohibiting price discrimination. That after general debate, which shall be confined to the bill and continue not to exceed 3 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill H.R. 1840, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit. After the passage of the bill H.R. 1840, it shall be in order to move to strike out the number H.R. 1840 and title and provisions thereof and to substitute in lieu thereof the number H.R. 11 and the title and provisions thereof: *Provided, however,* That such motion shall not be debatable.

Parliamentarian's Note: A discharge petition, discharging the Committee on Rules from the further consideration of House Resolution 414 (providing a rule for the consideration of H.R. 11) was signed by the requisite number of Members on May 21 and was therefore eligible, pursuant to Rule XXVII clause 4, to be called up from the Calendar of Motions to Discharge Committees on June 11. The Committee on the Judiciary had however reported out H.R. 1840 (identical to H.R. 11 ex-

cept for the title thereof) on May 24. The resolution providing for the consideration of H.R. 1840 and making in order the substitution of H.R. 11 in the House was reported by the Committee on Rules.

Although the House passed H.R. 1840 and amended the title thereof to conform with the title of H.R. 11, the number of H.R. 11 was not substituted for that of the reported bill.

Designated Amendments Made in Order

§ 21.11 Where a bill was being considered in Committee of the Whole under a special procedure which made in order the text of another bill as an amendment in the nature of a substitute (but not providing for reading said substitute as an original bill for amendment) and which made in order as an amendment to said amendment in the nature of a substitute another designated bill, the Chair indicated that recognition to offer the amendment made in order to the substitute would be governed by precedents relating to recognition, where the special order did not attach a priority to that amendment.

On Dec. 12, 1973,⁽¹²⁾ the House adopted the following special order for the consideration of a bill, making in order a designated bill as an amendment in the nature of a substitute, and making in order another designated bill as an amendment to the amendment in the nature of a substitute:

H. RES. 744

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11450) to direct the President to take action to assure, through energy conservation, rationing, and other means, that the essential energy needs of the United States are met, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order immediately after the enacting clause is read to consider without the intervention of any point of order the text of the bill H.R. 11882, if offered as an amendment in the nature of a substitute for the bill H.R. 11450. It shall also be in order to consider without the intervention of any

point of order the text of the bill H.R. 11891 if offered as an amendment to said amendment in the nature of a substitute. At the conclusion of the consideration of H.R. 11450 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

At the conclusion of general debate on the bill in Committee of the Whole, the amendment in the nature of a substitute (the text of H.R. 11882) was offered by Mr. Harley O. Staggers, of West Virginia, and Mr. Staggers asked unanimous consent that the amendment be considered as read, printed in the Record, and open to amendment at any point. Chairman Richard Bolling, of Missouri, then answered a series of parliamentary inquiries on the procedure for offering amendments under the provisions of the special order governing consideration of the bill. One of the inquiries related to recognition for offering the amendment made in order to the amendment in the nature of a substitute:

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, reserving the right to object, I should like to inquire, if the request of the gentleman is accepted

12. 119 CONG. REC. 41105, 41106, 93d Cong. 1st Sess.

and there is no objection to it, when it would be timely for the amendment made in order by the rule to the text of the substitute to be offered, that amendment being H.R. 11891, which would be the amendment, as the rule prescribes, to H.R. 11882?

THE CHAIRMAN: The Chair would repeat what the Chair has already said. The Chair would recognize Members to offer amendments as they are reached in the customary procedure of the House.

There is no particular priority, there is no special priority given to that amendment but the gentleman is a member of the committee and he ranks on the committee and the Chair would seek to reach him in an orderly fashion.

MR. BROWN of Ohio: Mr. Chairman, I withdraw my reservation of objection.⁽¹³⁾

§ 21.12 Where a special rule makes in order the text of another bill as an amendment, that text may be offered as an amendment to the bill or as an amendment in the nature of a substitute therefor.

On July 17, 1968, Mr. Richard Bolling, of Missouri, called up by direction of the Committee on Rules a special order providing for the consideration of a bill and

13. *Id.* at pp. 41153–55. For a discussion of the other parliamentary inquiries propounded on this occasion, see § 25.17, *infra*.

making in order a specified amendment:⁽¹⁴⁾

Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1249 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1249

Resolved, That upon the adoption of this resolution, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17735) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, without the intervention of any point of order, the text of the bill H.R. 6137 as an amendment to the bill. At the conclusion of the consideration of the bill H.R. 17735 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. Bolling, in debate on the special order, discussed how the specified amendment could be offered:⁽¹⁵⁾

14. 114 CONG. REC. 21765, 90th Cong. 2d Sess.

15. *Id.* at p. 21766.

Mr. Speaker, I have just gotten permission to include in the Record the text of the so-called Casey bill, H.R. 6137, which was made in order by the rule as an amendment to H.R. 17735, the bill this rule will make in order for consideration under a 3-hour open rule.

I do so because the procedure followed by the Committee on Rules in granting this rule is a relatively unusual procedure. I think it important that the Members understand what may be offered as an amendment. It is also important that they understand that this amendment, this so-called Casey bill, may be offered either as a substitute for H.R. 17735, or as an amendment to it.

§ 21.13 Where a resolution providing for the consideration of a bill makes in order (notwithstanding the rule of germaneness) the text of another specific bill as an amendment, points of order are considered as waived only against the complete text of the proposed bill and not against portions thereof; and if parts of the text are offered as independent amendments they must meet the test of germaneness under Rule XVI clause 7.

On Dec. 10, 1969, the House had under consideration a special order called up by direction of the Committee on Rules by Mr. Ray J. Madden, of Indiana, the resolution

made in order as an amendment to the bill the text of another bill, and waived points of order against the consideration of such amendment:⁽¹⁶⁾

H. RES. 714

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee of the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, without the intervention of any point of order, the text of the bill H.R. 12695 as an amendment to the bill. At the conclusion of the consideration of H.R. 4249 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Speaker pro tempore Carl Albert, of Oklahoma, answered parliamentary inquiries on whether

16. 115 CONG. REC. 38123, 91st Cong. 1st Sess.

portions of the text of the bill thus made in order could be offered as amendments or as part of the instructions in a motion to recommit:⁽¹⁷⁾

MR. [CLARK] MACGREGOR [of Minnesota]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MACGREGOR: Mr. Speaker, under the resolution (H. Res. 714), if adopted, should the bill, H.R. 12695, be considered and rejected, would it then be in order, following rejection of H.R. 12695, should that occur, to offer a portion or portions of H.R. 12695 as amendments to H.R. 4249?

THE SPEAKER PRO TEMPORE: The Chair will state that would be in order subject to the rule of germaneness, if germane to the bill H.R. 4249.

MR. MACGREGOR: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MACGREGOR: Mr. Speaker, should a portion of H.R. 12695 be offered under the conditions set forth in my previous inquiry and should it not be germane, a motion to that effect, to rule it out of order, would be then in order and be sustained, I gather?

THE SPEAKER PRO TEMPORE: That, of course, would be a matter for the Chairman of the Committee of the Whole to consider when it is before him.

MR. MACGREGOR: Mr. Speaker, I have one additional parliamentary inquiry. Under House Resolution 714, if

adopted, would it be in order to include in the motion to recommit a portion or portions of H.R. 12695 which might otherwise be subject to a point of order on the point of germaneness?

THE SPEAKER PRO TEMPORE: The Chair would not want to pass upon that hypothetically. At the time the occasion arises the Chair would pass upon it.

§ 21.14 Where the Committee on Rules had reported a resolution making in order consideration of a committee amendment in the nature of a substitute as an original bill for amendment, and making in order the text of another bill as a substitute therefor, the Speaker pro tempore indicated, in response to a series of parliamentary inquiries, that (1) amendments would be in order to such substitute at any point and would not be in the third degree; (2) if the substitute text were offered to section 1 of the committee-amendment, only that section of the committee amendment would be open to perfecting amendment while the substitute was pending; and (3) if the substitute were defeated in Committee of the Whole, the committee amendment would be read by sections for amendment.

17. *Id.* at p. 38130.

On June 16, 1970, there was pending before the House, House Resolution 1077 providing for the consideration of H.R. 17070, the Postal Reform Act of 1970:

H. RES. 1077

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 17966 as a substitute for the said committee amendment. At the conclusion of the consideration of H.R. 17070 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any

amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.⁽¹⁸⁾

Speaker pro tempore Carl Albert, of Oklahoma, answered parliamentary inquiries on offering amendments under the provisions of the special order:

MR. [H. ALLEN] SMITH of California: Mr. Speaker, may I present a parliamentary inquiry at this time?

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. SMITH of California: In connection with H.R. 17070, which the Rules Committee has made in order as a committee substitute for the original committee bill, which was stricken out, and against which bill points of order are to be waived, and in addition in connection with H.R. 17966, which has been made in order as a substitute, waiving points of order, my understanding of the parliamentary situation is, if we do not get into the third degree where we are stopped, that when H.R. 17966 is offered as a substitute it will be open to amendment as we go through the bill.

THE SPEAKER PRO TEMPORE: It will be open to amendment at any point.

MR. SMITH of California: It is my understanding if we have an amendment

18. 116 CONG. REC. 19837, 91st Cong. 2d Sess.

pending on that bill, which is one amendment, we can also have an amendment pending on the original bill if it applies to the same section or same part of the bill. In other words, we are not precluded from amending H.R. 17070 until we completely take care of H.R. 17966 and the Committee rises and you vote on that. We can amend in the Committee of the Whole H.R. 17070.

THE SPEAKER PRO TEMPORE: If the Chair correctly understands the gentleman, the answer to it is that the Udall substitute can be offered as an amendment to section 1. Other amendments can be offered to section 1 of the committee amendment, but no other amendments can be offered beyond section 1 to the committee amendment.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. SMITH of California: I yield for a parliamentary inquiry.

MR. GERALD R. FORD: Is it not accurate to say, however, that if the Udall-Derwinski substitute, H.R. 17966, is defeated in the Committee of the Whole, then any other part of H.R. 17070 is open for amendment at any point?

THE SPEAKER PRO TEMPORE: In that event, the Committee of the Whole would go back and read the committee amendment as an original bill, in which case each section would be open for amendment as it was read.⁽¹⁹⁾

Certain Amendments Prohibited

§ 21.15 The House adopted a resolution providing for con-

^{19.} *Id.* at p. 19838.

sideration of a bill amending the rules of the House under a procedure prohibiting amendments which would change the jurisdiction of any standing committee.

On July 13, 1970, Mr. B. F. Sisk, of California, called up by direction of the Committee on Rules a special order, providing for the consideration of a bill reported by the Committee on Rules (Legislative Reorganization Act of 1970). The resolution prohibited the offering of certain types of amendments and was adopted by the House:⁽²⁰⁾

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the bill shall be read for amendment under the five-minute rule. No amendment to the bill shall be in order which would have the effect of changing the jurisdiction of any committee of the House listed in rule XI. At the conclusion of the consideration

^{20.} H. RES. 1093, 116 CONG. REC. 23901 91st Cong. 2d Sess.

of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

§ 21.16 To a bill amending the rules of the House being considered under a special order prohibiting amendments to the bill “which would have the effect of changing the jurisdiction of any committee of the House listed in Rule XI,” an amendment proposing a new Rule XLV to require that a majority of at least one subcommittee of the Committee on Government Operations consist of minority members of the House was ruled out of order as an attempt to change the “jurisdiction and makeup of the Committee on Government Operations.”

On July 29, 1970, the Committee of the Whole was considering H.R. 17654, the Legislative Reorganization Act of 1970, pursuant to a special order (H. Res. 1093) prohibiting certain kinds of amendments. Chairman William H. Natcher, of Kentucky, sustained a point of order against an

amendment as in violation of the special order:⁽¹⁾

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cleveland: on page 39, immediately below line 4, insert the following:

“MINORITY PARTY CONTROL OF ONE SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS

“Sec.—. The Rules of the House of Representatives are amended by adding at the end thereof the following new rule:

“RULE XLV

“MINORITY PARTY CONTROL OF ONE SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS

“A majority of the members of no fewer than one subcommittee of the Committee on Government Operations shall consist of members of the largest minority party in the House of Representatives.”

And make the necessary technical changes in the table of contents, section numbers and references in the bill.

MR. [B. F.] SISK [of California]: Mr. Chairman, I make a point of order against the amendment. . . .

THE CHAIRMAN: The Chair is ready to rule.

As the gentleman from New Hampshire knows, the House resolution under which we are now operating, House Resolution 1093, specifically provides, in part:

1. 116 CONG. REC. 26421, 26422, 91st Cong. 2d Sess.

No amendment to the bill shall be in order which would have the effect of changing the jurisdiction of any committee of the House listed in rule XI.

The amendment offered by the gentleman from New Hampshire would change the jurisdiction and the make-up of the Committee on Government Operations to the extent that it would force the Committee on Government Operations to set up a subcommittee for the purpose to which the amendment goes.

Therefore, the Chair sustains the point of order that was raised by the gentleman from California (Mr. Sisk), that the amendment violates that part of the resolution under which we are operating and, therefore, for the reasons the Chair has given, the point of order is sustained.

Parliamentarian's Note: The sponsor of the amendment had originally offered an amendment proposing a new rule of the House to establish a Minority Committee on Investigations but had withdrawn that amendment when advised that it would have the effect of changing the jurisdiction of the Committee on Government Operations and would therefore be in violation of the special order under which the bill was being considered.⁽²⁾

§ 21.17 To a bill amending the rules of the House, being considered pursuant to a res-

2. *Id.* at p. 26421.

olution prohibiting amendments to the bill "which would have the effect of changing the jurisdiction of any committee of the House listed in Rule XI," an amendment to Rule XI clause 23 [Rule XI clause 4(b), in the 1979 House Rules and Manual] proscribing the power of the Committee on Rules to report special orders which would limit the reading of a measure for amendment or the offering of amendments thereto, was ruled out of order as an attempt to change the jurisdiction of the Committee on Rules.

On July 29, 1970, the Committee of the Whole was considering H.R. 17654, the Legislative Reorganization Act of 1970. The special order under which the bill was being considered (H. Res. 1093) prohibited amendments "which would have the effect of changing the jurisdiction of any committee of the House listed in Rule XI." Chairman William H. Natcher, of Kentucky, sustained a point of order against an amendment:⁽³⁾

Mr. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Chairman, I offer an amendment.

3. 116 CONG. REC. 26414, 91st Cong. 2d Sess. For language sought to be amended, see *House Rules and Manual*, §729 (1973).

The Clerk read as follows:

Amendment offered by Mr. Jacobs: On page 39, after line 4, add the following new section:

"Sec. 123(a) Clause 23 of Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following: 'In addition, the Committee on Rules shall not report any rule or order for the consideration of any legislative measure which limits, restricts, or eliminates the actual reading of that measure for amendment or the offering of any amendment to that measure.' . . ."

MR. [B. F.] SISK [of California]: Mr. Chairman, I reserve a point of order on the amendment. However, I would be perfectly happy to have the gentleman from Indiana explain what he proposes to do, but I would like to reserve a point of order against the amendment.

MR. [H. ALLEN] SMITH of California: Mr. Chairman, I was going to make a point of order against the gentleman's amendment because it clearly limits and violates the rule under which we are proceeding. But if the gentleman has a desire to speak on it, I shall reserve a point of order until after the gentleman speaks on it.

MR. JACOBS: I have expressed no such desire.

MR. SMITH of California: Mr. Chairman, I raise the point of order that this very definitely limits the jurisdiction of the Rules Committee and would prohibit us from issuing a closed rule and other types of rules. The rule under which this measure was considered strictly prohibits the changing of any jurisdiction of any committee.

THE CHAIRMAN: Does the gentleman from Indiana desire to be heard on the point of order?

MR. JACOBS: Mr. Chairman, as I understand the term "jurisdiction," it means the territory or subject matter over which legal power is exercisable, not the rules by which such power proceeds.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair would like to point out to the gentleman from Indiana that under House Resolution 1093 we have the following language, beginning in line 11:

No amendments to the bill shall be in order which would have the effect of changing the jurisdiction of any committee of the House listed in Rule XI.

Therefore, the Chair sustains the point of order.

MR. JACOBS: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. JACOBS: Mr. Chairman, my parliamentary inquiry is for some enlightenment about the word "jurisdiction" itself, the definition of the word "jurisdiction"? Does it refer to subject matter and territory, or relate to the manner in which the Committee on Rules can make a report within its jurisdiction?

THE CHAIRMAN: The Chair would like to point out to the gentleman from Indiana that under the amendment offered by the gentleman from Indiana there is the following language:

The Committee on Rules shall not report any rule or order for the consideration of any legislative measure which limits, restricts, or eliminates the actual reading of that measure for amendment or the offering of any amendment to that measure.

Therefore the amendment offered by the gentleman from Indiana restricts

the jurisdictional powers of the Committee on Rules. For that reason the point of order must be sustained.

§ 22. “Closed” Rules, Prohibiting Amendments and Allowing Only Certain Amendments

Certain resolutions reported from the Committee on Rules are commonly termed “closed rules” or “modified closed” rules because they prohibit amendments, or allow only certain specified amendments. Such a special order typically provides that, following general debate in Committee of the Whole, the bill or resolution shall be considered as having been read for amendment, and that no amendments shall be in order except amendments offered by direction of the committee which reported the bill, such amendments not to be subject to amendment. Or the resolution may provide that no amendments except committee amendments or other designated amendments shall be in order, such amendments not to be subject to amendment.⁽⁴⁾

4. The rules of the Democratic Caucus have on occasion required notice of intent to seek a “closed” rule from the Committee on Rules. See § 22.22, *infra*.

The motion to suspend the rules and pass a bill, under Rule XXVII

A special order may also provide a closed rule for the consideration of a measure in the House, by providing that at the expiration of a certain period of debate, the previous question shall be considered as ordered.⁽⁵⁾

Where a resolution allows only certain amendments, with such amendments not subject to amendment, pro forma amendments to strike out the last word are not in order.⁽⁶⁾

Under the provisions of a closed rule which prohibits the offering of amendments to a bill in Committee of the Whole but allows a motion in the House to recommit, a motion to recommit with instructions may be offered to incorporate an amendment which would not have been in order in Committee of the Whole because of the terms of the special order.⁽⁷⁾

clauses 1–3, *House Rules and Manual* §§ 902–907 (1979), may be used to pass a bill without amendment on the floor. See § 14, *supra*.

5. See § 22.16, *infra*.

The Member who calls up a proposition in the House has control of one hour of debate and may move the previous question, which, if adopted, precludes amendment, even without a special order. See Ch. 29, *infra*, for discussion of consideration and debate in the House.

6. See § 22.20, *infra*. A “closed” rule may, however, specifically allow pro forma amendments. See § 22.19, *infra*.
7. Compare §§ 26.11, 26.12, *infra*, where the special order prevented