

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

Cross References

- As to procedure in Committee of the Whole generally, see Ch. 19, *supra*.
- As to amendments generally, see Ch. 27, *infra*.
- As to amendments under the hour rule in the House, see Ch. 29, *infra*.
- As to amendments prohibited to propositions brought up under suspension of the rules, see § 14, *supra*.
- As to the motion to recommit under a "closed" rule, see § 26, *infra*. As to the provision that the previous question be considered as ordered by special rule, see § 26 *infra*.

Committee Amendments Only Permitted**§ 22.1 Form of resolution permitting only committee amendments to a bill, such amendments not to be subject to amendment.**

The following resolution was under consideration on Dec. 19, 1947:

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 joint resolution (S.J. Res. 167) to aid in the stabilization of commodity prices, to aid in further stabilizing the economy of the United

such a motion to recommit by prohibiting amendments to a title of a bill during its consideration in both the House and Committee of the Whole.

States, and for other purposes, and all points of order against the said joint resolution are hereby waived. That after general debate, which shall be confined to the joint resolution and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the joint resolution shall be considered as having been read for amendment. No amendment shall be in order to said joint resolution except amendments offered by direction of the Committee on Banking and Currency, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Banking and Currency may be offered to any section of the joint resolution at the conclusion of the general debate, but such amendments shall not be subject to amendment. At the conclusion of the consideration of the joint resolution 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 joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.⁽⁸⁾

As a further example, the following resolution was considered on Feb. 18, 1959:

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

8. H. Res. 412, 93 CONG. REC. 11720, 11721, 80th Cong. 1st Sess.

the State of the Union for the consideration of the bill (H.R. 4245) relating to the taxation of the income of life insurance companies, 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 three 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 considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, but said amendments shall not be subject to amendment. At the conclusion of such consideration 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.⁽⁹⁾

§ 22.2 Form of resolution providing for the consideration of a bill and providing that only committee amendments, or amendments proposing to strike portions of the bill, be in order.

The following resolution was under consideration on July 23, 1953:⁽¹⁰⁾

Resolved, That upon the adoption of this resolution it shall be in order to

9. H. Res. 171, 105 CONG. REC. 2565, 86th Cong. 1st Sess.
10. H. Res. 347, 99 CONG. REC. 9635, 9636, 83d Cong. 1st Sess.

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. 5894) to amend the Trade Agreements Extension Act of 1951 and certain other provisions of law to provide adequate protection for American workers, miners, farmers, and producers, 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 3 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 considered as having been read for amendment. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means or amendments proposing to strike out a section, paragraph, or subparagraph of the bill. Amendments that may be offered to said bill under the terms of this resolution 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.

§ 22.3 Form of resolution providing a "closed" rule for the consideration of a resolution dealing with a declaration of foreign policy, allowing only committee amendments.

The following resolution was under consideration on July 17, 1969:⁽¹¹⁾

H. RES. 722

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 resolution (H. Res. 613) toward peace with justice in Vietnam. After general debate, which shall be confined to the resolution 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 Foreign Affairs, the resolution shall be considered as having been read for amendment. No amendment shall be in order to said resolution except amendments offered by direction of the Committee on Foreign Affairs, and such amendments shall not be subject to amendment. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

11. 115 CONG. REC. 36080, 36081, 91st Cong. 1st Sess. In debate on the resolution, Mr. James C. Wright, Jr. (Tex.) referred to "clearly established precedents in an unbroken chain for at least the past 15 years "which" brought foreign policy resolutions to the House on a closed rule." *Id.* at p. 36081.

§ 22.4 Form of resolution permitting no amendments except an amendment printed in a Record of a previous day and offered by a member of the committee.

The following resolution was under consideration on July 7, 1953:

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 H.R. 5173, a bill to provide that the excess of collections from the Federal unemployment tax over unemployment compensation administrative expenses shall be used to establish and maintain a \$200 million reserve in the Federal unemployment account which will be available for advances to the States, to provide that the remainder of such excess shall be returned to the States, and for other purposes, and all points of order against said bill and any provisions contained in said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 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 considered as having been read for amendment. No amendment shall be in order to said bill, except that it shall be in order for any member of the Committee on Ways and Means to offer either or both of the proposed amendments printed in the *Congressional Record* of July 6, 1953, page

8037, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but said amendments 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.⁽¹²⁾

As a further example, the following resolution was considered on Apr. 20, 1955:

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 H.R. 4644, a bill to increase the rates of basic salary of postmasters, officers, supervisors, and employees in the postal field service, to eliminate certain salary inequities, 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 2 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 considered as having been read for amendment. No amendment shall be in order to said bill, except that it shall be in order for any member of the Committee on Post Office and Civil

12. H. Res. 316, 99 CONG. REC. 8152, 83d Cong. 1st Sess.

Service to offer any of the amendments proposed by the gentleman from California, Mr. Moss, and printed in the *Congressional Record* of Tuesday, April 19, 1955, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but said amendments 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.⁽¹³⁾

Parliamentarian's Note: Where a special rule makes in order only a specified amendment, the amendment when offered must take the exact form as specified, except by unanimous consent, to be in order.

If the rule designates the Member who may offer the amendment, only that Member may offer it.

§ 22.5 Form of resolution permitting by way of amendments only a motion by a member of the committee to substitute the text of another bill

The following resolution was under consideration on July 25, 1956:⁽¹⁴⁾

13. H. Res. 211, 101 CONG. REC. 4828, 84th Cong. 1st Sess.

14. H. Res. 618, 102 CONG. REC. 14456, 84th Cong. 2d Sess.

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. 11742) to extend and amend laws relating to the provision and improvement of housing and the conservation and development of urban communities, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 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 considered as having been read for amendment. No amendments shall be in order to the said bill except that it shall be in order for any member of the Committee on Banking and Currency to move to strike out all after the enacting clause of the bill H.R. 11742 and insert as a substitute the text of the bill H.R. 12328, and such substitute 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 H.R. 11742, the Committee shall rise and report the bill to the House with such amendment as may have been adopted and the previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion, except one motion to recommit.

§ 22.6 Form of resolution permitting only committee amendments to a certain portion of the bill.

The following resolution was under consideration on June 9, 1955:⁽¹⁵⁾

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. 6227) to provide for the control and regulation of bank holding companies, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 4 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. No amendments shall be in order to the portions of the bill beginning on line 7, page 19, and ending on line 13, page 30, amending the Internal Revenue Code, except amendments offered by direction of the Committee on Banking and Currency and such amendments shall be in order notwithstanding any rule of the House to the contrary, 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.

§ 22.7 The House defeated the previous question on a reso-

15. H. Res. 265, 101 CONG. REC. 7956, 84th Cong. 1st Sess.

lution providing for a “closed” rule and then, after considering an amendment to permit reading the bill by titles and motions to strike matter in the bill, ordered the previous question on the amendment and resolution, rejected the amendment, and finally agreed to the resolution as reported from the Committee on Rules.

On Nov. 18, 1970, there was called up by direction of the Committee on Rules a resolution making in order the consideration of a bill (the Trade Act of 1970) and providing a “closed” rule, permitting only committee amendments, such amendments not to be subject to amendment:⁽¹⁶⁾

MR. [JOHN A.] YOUNG [of Texas]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1225 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1225

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. 18970) to amend the tariff and trade laws of the United States, and for other purposes, and all points of

16. 116 CONG. REC. 37823, 91st Cong. 2d Sess.

order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed eight 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 considered as having been read for amendment. No amendments shall be in order to said bill 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. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments 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 recommend.

After debate on the resolution, the previous question was moved and rejected; Mr. Sam M. Gibbons, of Florida, offered an amendment to the resolution:⁽¹⁷⁾

Amendment offered by Mr. Gibbons: Strike out all of that material beginning on page 1, line 10, after the comma down to the period on line 7, page 2, and insert the following in lieu thereof: “the bill shall be read for amendment under the five-minute rule by titles instead of by sections. No amendments shall be in order to said

17. *Id.* at pp. 37834. 37835.

bill except amendments offered by direction of the Committee on Ways and Means or amendments proposing to strike out any matter in the bill and such amendments of a conforming or clerical nature as are necessary to perfect the text of the bill following the adoption of any such amendment to strike. Amendments that may be offered to said bill under the terms of this resolution shall be in order, any rule of the House to the contrary notwithstanding." . . .

MR. GIBBONS: . . . There is nothing very magical or very different about my amendment to the rule than the rule reported by the Rules Committee. All my amendment seeks to do is to give each Member of this House, as the bill is read, as each title is completed, the opportunity to come in and present an amendment to strike—not an amendment to add any new material and not any amendment to add any substance to the bill, but only to strike from that bill.

If things are stricken, obviously it is going to be necessary to adopt clerical or perfecting amendments relating to punctuation and numbering and so on, and that is provided for in this rule.

This rule also provides there shall be the same amount of general debate as provided in the rule reported by the Rules Committee.

There is really no substantial difference in the rule I am proposing or the amendment to the rule I am proposing other than that this rule, if adopted, would allow Members to come in and to strike from this very important bill and this very controversial bill items that the Members do not agree with.

The previous question was ordered on the amendment and on the resolution; the amendment was rejected and the original resolution was agreed to.

Committee Amendments or Designated Amendments Only Permitted

§ 22.8 Form of resolution permitting only committee amendments and specified amendments, such amendments not to be subject to amendment.

The following resolution was under consideration on June 29, 1951:

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 the joint resolution (H.J. Res. 278) to continue for a temporary period the Defense Production Act of 1950; the Housing and Rent Act of 1947, as amended; and for other purposes, and all points of order against the joint resolution are hereby waived. That after general debate, which shall be confined to the joint resolution and continued not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the joint resolution shall be considered as having been read for amendment. No amendment shall be in order to said joint res-

olution except (1) amendments offered by direction of the Committee on Banking and Currency, and (2) the following amendment: "Notwithstanding any other provision of this resolution or any other provision of law, the authority conferred under the Defense Production Act of 1950, as amended, shall not be exercised during the period, June 30, 1951, to July 31, 1951, inclusive, to place into effect, or permit to become effective, a price ceiling for any material or service lower than the ceiling in effect for such material or service on the date of the enactment of this resolution or to put into effect a ceiling for any material or service for which a ceiling is not in effect on the date of the enactment of this resolution", and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Banking and Currency or the amendment provided herein may be offered to any section of the joint resolution at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the joint resolution for amendment, the committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.⁽¹⁸⁾

As a further example, the following resolution was considered on July 8, 1954:

18. H. Res. 294, 97 CONG. REC. 7482, 82d Cong. 1st Sess.

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 H.R. 9709, a bill to extend and improve the unemployment compensation program, 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 3 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 considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means and except that it shall be in order for any member of the Committee on Ways and Means to offer either or both of the proposed amendments printed in the *Congressional Record* of July 7, 1954, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but said amendments 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.⁽¹⁹⁾

Similarly, a resolution was considered on June 18, 1962, as follows:

19. H. Res. 614, 100 CONG. REC. 10062, 83d Cong. 2d Sess.

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. 12154) to amend and extend the provisions of the Sugar Act of 1948, as amended, and all points of order against said bill are hereby waived. That 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 Agriculture, the bill shall be considered as having been read for amendment. No amendments shall be in order to said bill except amendments offered by the direction of the Committee on Agriculture; an amendment to page 2, line 17, proposing to insert the following: "Provided, however, that the total amount of sugar needed to meet requirements of consumers in the continental United States shall not be less than the amount required after allowances for normal carryover, to give consumers of the continental United States a per capital consumption of 100 pounds."; and an amendment to page 25, lines 3 to 23, inclusive, to strike out Sec. 18; and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Agriculture may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment; nor shall the two additional amendments permitted under this rule 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.⁽²⁰⁾

§ 22.9 Form of resolution providing "modified closed rule," permitting only committee amendments or designated amendments (1) containing text previously inserted in the Congressional Record or (2) striking out specified portions of the bill, with such amendments not subject to amendment.

The following resolution was under consideration on Dec. 10, 1973:

H. RES. 657

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. 10710) to promote the development of an open non-discriminatory, and fair world economic system, to stimulate the economic growth of the United States, 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 seven hours, six

²⁰ H. Res. 691, 108 CONG. REC. 10796, 87th Cong. 2d Sess.

hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and one hour to be controlled by Representative John H. Dent, of Pennsylvania, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, an amendment offered to section 402 of said bill containing the text printed on page 34311 of the *Congressional Record* of October 16, 1973, an amendment proposing to strike out title IV of said bill and an amendment proposing to strike out title V of said bill, 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.⁽¹⁾

§ 22.10 In response to a parliamentary inquiry, the Speaker pro tempore indicated that if the House adopted an amendment to a pending "closed rule" permitting motions to "strike out any matter in the bill," motions to strike out any por-

1. 119 CONG. REC. 40489, 93d Cong. 1st Sess.

tion of the bill would be in order.

On Nov. 18, 1970, there was pending before the House House Resolution 1225, reported from the Committee on Rules and providing for consideration of a tariff bill. The resolution as reported allowed only committee amendments to the bill, such amendments not to be subject to amendment. The previous question was rejected on the resolution, and Mr. Sam M. Gibbons, of Florida, was recognized to offer an amendment to the resolution:

Mr. Speaker, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Gibbons: Strike out all of that material beginning on page 1, line 10, after the comma down to the period on line 7, page 2, and insert the following in lieu thereof: "the bill shall be read for amendment under the five-minute rule by titles instead of by sections. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means or amendments proposing to strike out any matter in the bill and such amendments of a conforming or clerical nature as are necessary to perfect the text of the bill following the adoption of any such amendment to strike. Amendments that may be offered to said bill under the terms of this resolution shall be in order, any rule of the House to the contrary notwithstanding."⁽²⁾

Speaker pro tempore John J. Rooney, of New York, answered a par-

2. 116 CONG. REC. 37835, 91st Cong. 2d Sess.

liamentary inquiry on the effect of the amendment should it be adopted:

MR. GIBBONS: I will be glad to yield for the purpose of a parliamentary inquiry.

MR. [CHARLES A.] VANIK [of Ohio]: I would like to make this parliamentary inquiry.

Mr. Speaker, under the rule as has been submitted by the gentleman from Florida, am I correct in understanding that it will be in order to strike out either any language or any section or any provision which presently exists in the trade bill as reported by the Committee on Ways and Means?

THE SPEAKER PRO TEMPORE: Under the terms of the amendment, any motion to strike out any language, word or otherwise in any part of the bill would be in order.

MR. VANIK: Including an entire section?

THE SPEAKER PRO TEMPORE: Including an entire section, or title.⁽³⁾

The House then rejected the amendment and agreed to the resolution as originally called up.⁽⁴⁾

§ 22.11 When a bill was being considered under a resolution providing that “no amendment shall be in order to said bill except proposals to strike out any of its provisions or to increase or decrease the amounts author-

3. *Id.* at p. 37838.

4. *Id.* at p. 37841.

ized therein,” amendments proposing to change the time when provisions of the bill were to be effective were held not to be in order.

On Feb. 16, 1955, Chairman Howard W. Smith, of Virginia, ruled as follows on an amendment offered in Committee of the Whole to a bill being considered under a special rule (H. Res. 141) allowing only certain kinds of amendments to be offered.⁽⁶⁾

The Clerk read as follows:

Sec. 5. (a) The provisions of sections 1, 2, and 3 shall take effect on the 1st day of January 1955.

(b) The provisions of section 4 shall take effect as of the commencement of the 84th Congress.

MR. [RICHARD H.] POFF [of Virginia]: Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. Poff: On page 5, line 13, strike out “84th” and insert in lieu thereof “85th.”

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, a point of order. Under the rule, House Resolution 141, the amendment offered by the gentleman from Virginia, is not germane, and therefore not in order.

THE CHAIRMAN: As stated by the Chair before the reading of the bill, under the rule by which the bill is being considered, no amendments are in order except those raising or low-

5. 101 CONG. REC. 1585, 84th Cong. 1st Sess.

ering the amount, or striking out some portion of the bill.

Therefore, such amendment changing the effective date of the bill would not be in order, and the Chair sustains the point of order.

The Chairman made a similar ruling further on during the consideration of the same bill:⁽⁶⁾

MR. [USHER L.] BURDICK [of North Dakota]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Burdick: Page 5, strike out section 5 and insert a new section 5 to read as follows:

“Sec. 5. This act shall take effect on January 1, 1957.”

MR. CELLER: Mr. Chairman a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. CELLER: Mr. Chairman, I make the point of order that under the terms of House Resolution 141, this amendment is out of order.

THE CHAIRMAN: The Chair will state that this amendment falls within the same class as the one previously ruled on with respect to this section.

The Chair sustains the point of order.

Partially Closed Rule on Bill Managed by Two Committees

§ 22.12 Form of resolution, on bill managed by two committees, permitting only amend-

6. *Id.* at p. 1586.

ments by one of those committees to a title of the bill

The following resolution was under consideration on Apr. 26, 1956:⁽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 the State of the Union for the consideration of the bill (H. R. 10660) to amend and supplement the Federal-Aid Road Act approved July 11, 1916, to authorize appropriations for continuing the construction of highways; to amend the Internal Revenue Code of 1954 to provide additional revenue from the taxes on motor fuel, tires, and trucks and buses; and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 5 hours, 3 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, and 2 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 5-minute rule. No amendments shall be in order to title II of the bill except amendments offered by direction of the Committee on Ways and Means which shall be in order notwithstanding any rule of the House to the contrary, but shall not be subject to amendment. At the conclusion of the consideration of the bill, the Committee shall rise and report the bill to the House with such

7. H. Res. 485, 102 CONG. REC. 7110, 84th Cong. 2d Sess.

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.

§ 22.13 A special order may provide for the consideration of a bill where general debate is to be divided between two committees involved with the bill, and where no amendments may be offered to one title except by direction of one of the committees, and where no amendments may be offered to the other title except by direction of the second committee.

On May 4, 1961, the House adopted a special order reported by the Committee on Rules:

Mr. [James W.] Trimble [of Arkansas]: Mr. Speaker? by direction of the Committee on Rules, I call up the resolution (H. Res. 275) providing for the consideration of H.R. 6713, a bill to amend certain laws relating to Federal aid highways, to make certain adjustments in the Federal-aid highway program, and for other purposes, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

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 sState of the Union for the consideration of the bill (H.R. 6713) to amend certain laws relating

to Federal-aid highways, to make certain adjustments in the Federal-aid highway program, 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 six hours, three hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, and three 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 considered as having been read for amendment. No amendments shall be in order to title I of the bill except amendments offered by direction of the Committee on Public Works, and no amendments shall be in order to title II of the bill except amendments offered by direction of the Committee on Ways and Means, which shall be in order notwithstanding any rule of the House to the contrary, but any such amendments shall not be subject to amendment. At the conclusion of the consideration of the bill, 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.⁽⁸⁾

Parliamentarian's Note: The bill provided for originated from draft legislation submitted by the President and referred to the Committee on Ways and Means, since containing extensive revisions of the revenue features associated with the highway program. The

⁸. 107 CONG. REC. 7378, 87th Cong. 1st Sess.

Committee on Ways and Means considered the tax measures contained therein and informally reported their recommendations to the Committee on Public Works. A "clean bill," H.R. 6713, was introduced by George H. Fallon, of Maryland, Chairman of the Committee on Public Works Subcommittee on Public Roads, and was reported by the Committee on Public Works; title II of the reported bill contained the tax measures.

When the bill was considered in Committee of the Whole, the Chairman and ranking minority member of the Committee on Public Works were first recognized for general debate and they used all the time they wished to consume before the Chairman of the Committee on Ways and Means was recognized to debate title II of the bill.

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

§ 22.14 Form of special order 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.

The following resolution was under consideration on Nov. 6 1969:

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.⁽⁹⁾

§ 22.15 Form of special order dividing general debate between two committees and providing that parts of the bill, within one committee's jurisdiction, be open to amendment and that another part of the bill, within the other committee's jurisdiction, be closed to amendment.

The following resolution was considered on Sept. 23, 1970:

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, and one hour to be equally divided and controlled by the chairman and rank-

ing 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 instruction.⁽¹⁰⁾

Closed Rule for Consideration in House

§ 22.16 The right to offer amendments does not exist

9. H. Res. 610, 115 CONG. REC. 33260, 91st Cong. 1st Sess.

10. H. Res. 1216, 116 CONG. REC. 33296, 91st Cong. 2d Sess.

where a special rule, in providing for the consideration of a bill in the House, orders the previous question after a fixed time for general debate.

On Mar. 11, 1933, Mr. Joseph W. Byrns, of Tennessee, offered a resolution, before committees were elected:

HOUSE RESOLUTION 32

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of H.R. 2820, a bill to maintain the credit of the United States Government, and all points of order against said bill shall be considered as waived; that, 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 Economy, the previous question shall be considered as ordered on the bill to final passage.

Speaker Henry T. Rainey, of Illinois, answered a parliamentary inquiry as to the right to offer amendments under the provisions of the resolution:

MR. [GORDON] BROWNING [of Tennessee]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BROWNING: IF THIS RESOLUTION IS ADOPTED, THERE WILL NOT BE ANY PRIVILEGE OF AMENDMENT GIVEN TO THE HOUSE, UNDER ANY CONSIDERATION?

THE SPEAKER: There will not be.⁽¹¹⁾

Motion That Committee Rise With Recommendation Enacting Clause Be Stricken

§ 22.17 Where a bill is being considered under a rule permitting only committee amendments and no amendments thereto, a motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out is in order until the stage of amendment has passed, and is debatable, five minutes for and five against.

On Sept. 3, 1959,⁽¹²⁾ the Committee of the Whole was considering H.R. 8678 (Federal Aid Highway Act) for amendment under the five-minute rule, pursuant to a "closed" rule permitting only committee amendments and no amendments thereto. After a Member had spoken for five minutes in favor of a pending committee amendment (there being other committee amendments not yet considered), the Chair refused recognition for another speech in

11. 77 CONG. REC. 198, 73d Cong. 1st Sess.

12. 105 CONG. REC. 17988, 17989, 86th Cong. 1st Sess.

favor of the amendment, and the Committee proceeded as follows:

THE CHAIRMAN:⁽¹³⁾ The Chair will state to the gentleman that only 5 minutes is permitted in support of the amendment and 5 minutes in opposition. Five minutes has been consumed in support of the amendment. Therefore, the Chair cannot recognize the gentleman at this time.

The question is on the amendment.

The amendment was agreed to. . . .

THE CHAIRMAN: The time of the gentleman from New York has expired, all time on the amendment has expired.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: The Clerk will report the motion.

The Clerk read as follows:

Mr. Hays moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. Hays debated the motion for five minutes and another Member was recognized for five minutes in opposition to the motion.

The bill was being considered under a special order providing as follows:⁽¹⁴⁾

. . . 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

13. William Pat Jennings (Va.).

14. H. Res. 372, 105 CONG. REC. 17946, 86th Cong. 1st Sess.

chairman and ranking minority member of the Committee on Public Works, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Public Works. Amendments offered by direction of the Committee on Public Works may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment.⁽¹⁵⁾

§ 22.18 Where a bill is being considered under a “closed” rule permitting only committee amendments and no amendments thereto, a motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out is not in order where no committee amendments are offered, since the stage of amendment has been passed.

On Apr. 16, 1970, the Committee of the Whole concluded general debate on H.R. 16811 (the Family Assistance Act of 1970) where the House had adopted a “closed” rule for the consideration of the bill (H. Res. 916), allowing only committee amendments to

15. See also 106 CONG. REC. 12720–25, 86th Cong. 2d Sess., June 15, 1960; and 106 CONG. REC. 10577–79, 86th Cong. 2d Sess., May 18, 1960.

the bill, such amendments not be subject to amendment. Chairman John D. Dingell, of Michigan, indicated in response to a parliamentary inquiry that since the bill was considered read for amendment and no committee amendments were offered, the stage of amendment was passed and a preferential motion was not in order.⁽¹⁶⁾

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Chairman, I have no further requests for time. I had some time to reserve for myself, but I yield back the balance of my time.

THE CHAIRMAN: Under the rule, the bill is considered as having been read for amendment. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

MR. MILLS: Mr. Chairman, there are no committee amendments.

MR. [OMAR T.] BURLESON of Texas: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. BURLESON of Texas: Mr. Chairman, I have a preferential motion. Is it in order to offer a preferential motion at this time?

THE CHAIRMAN: Will the gentleman advise the Chair what sort of preferential motion he has in mind?

MR. BURLESON of Texas: To strike the enacting clause.

THE CHAIRMAN: The Chair will advise the gentleman from Texas that that motion is not in order unless amendments are in order, and are offered. There being no committee amendments, that motion will not be in order at this time.

MR. BURLESON of Texas: Mr. Chairman, may I inquire, if there are no committee amendments to be offered, if the bill is perfected?

THE CHAIRMAN: The Chair will advise the gentleman from Texas that the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. Mills), has just advised the Chair that there are no committee amendments. That being so, the motion is not in order at this time.

Under the rule, the Committee rises.

Pro Forma Amendments Under Closed Rule

§ 22.19 Form of resolution permitting only committee amendments and a specified amendment, such amendments not being subject to amendment except pro forma amendments.

The following resolution was under consideration on Feb. 24, 1955: *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. 4259) to provide a 1-year extension of the

16. 116 CONG. REC. 12092, 91st Cong. 2d Sess.

existing corporate normal-tax rate and of certain existing excise-tax rates, and to provide a \$20 credit against the individual income tax for each personal exemption. After general debate, which shall be confined to the bill and shall continue not to exceed 4 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 considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means or one amendment to strike out all after line 17, page 4, of the bill, but said amendments shall not be subject to amendment except pro forma amendments which shall be in order. At the conclusion of such consideration, 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.⁽¹⁷⁾

§ 22.20 Pro forma amendments are not in order when a bill

17. H. Res. 153, 101 CONG. REC. 2031, 84th Cong. 1st Sess.

is being considered under a closed rule which permits no amendments except by direction of the committee reporting the bill, such amendments not to be subject to amendment.

On Sept. 3, 1959,⁽¹⁸⁾ the House adopted a resolution providing for the consideration of the Federal Aid Highway Act and limiting amendments as follows:

. . . 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 considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Public Works. Amendments offered by direction of the Committee on Public Works may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment.

While this bill was under consideration in Committee of the Whole, Chairman William Pat Jennings, of Virginia, ruled that pro forma amendments (to "strike out the last word") were not in order:

THE CHAIRMAN: No amendments are in order except amendments offered by

18. H. Res. 372, 105 CONG. REC. 17946, 86th Cong. 1st Sess.

the Committee on Public Works. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 4, after "1956" insert "as amended."

MR. [FRANK J.] BECKER [of New York]: Mr. Chairman, I move to strike out the last word.

THE CHAIRMAN: The Chair will state to the gentleman that that is not in order.

The question is on the committee amendment.

The committee amendment was agreed to.⁽¹⁹⁾

Chairman Samuel S. Stratton, of New York, made a similar ruling on Oct. 5, 1962, when House Concurrent Resolution 570 (expressing the sense of Congress with respect to Berlin) was being considered under a similar special order.⁽¹⁾

THE CHAIRMAN: There being no further requests for time, under the rule the House concurrent resolution is considered as having been read for amendment. No amendment is in order except amendments offered by the direction of the Committee on Foreign Affairs and such amendments shall not be subject to amendment.

The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 2, after "concurring," strike out

the remainder of page 2 and lines 1, 2, and 3 on page 3 and insert the following: . . .

MR. [THOMAS B.] CURTIS of Missouri: Mr. Chairman, I move to strike out the last word.

THE CHAIRMAN: The Chair will state that the only amendment in order is the amendment offered by the committee.

The gentleman can rise in support of the amendment.

MR. CURTIS OF MISSOURI: Mr. Chairman, I rise in support of the amendment.

THE CHAIRMAN: The gentleman is recognized for 5 minutes.

On Mar. 8, 1960,⁽²⁾ the House adopted House Resolution 468, providing for the consideration of H.R. 5, the Foreign Investment Incentive Tax Act, and limiting amendments as follows:

. . . 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 Ways and Means, the bill shall be considered as having been read for amendment. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Ways and Means now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. No other amendment to the bill or com-

19. *Id.* at pp. 17987, 17988.

1. H. Res. 827, 108 CONG. REC. 22636, 87th Cong. 2d Sess.

2. 106 CONG. REC. 4956, 86th Cong. 2d Sess.

mittee substitute shall be in order 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 such amendments shall not be subject to amendment.

On May 18, while H.R. 5 was under consideration in Committee of the Whole, Chairman William H. Natcher, of Kentucky, answered an inquiry on recognition to discuss amendments: ⁽³⁾

MR. [CLEVELAND M.] BAILEY [of West Virginia]: I rise in opposition to the amendment, and I oppose the legislation in general.

Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. BAILEY: On what ground may I get recognition for the purpose of opposing the legislation?

THE CHAIRMAN: The Chair recognized the gentleman from Louisiana [Mr. Boggs] for 5 minutes in support of the committee amendment, so the gentleman from Louisiana would have to yield to the distinguished gentleman from West Virginia.

MR. BAILEY: At the expiration of the 5 minutes allowed the gentleman from Louisiana, may I be recognized to discuss the amendment?

THE CHAIRMAN: If no other member of the committee rises in opposition to the amendment, the Chair will recognize the gentleman.

§ 22.21 Pro forma amendments are not in order when a bill

3. *Id.* at D. 10576.

is being considered under a "closed" rule.

On Mar. 16, 1965, the House adopted House Resolution 272 (providing for the consideration of H.R. 5505, federal standards for congressional districting). The resolution was a "closed" rule, allowing only committee amendments: ⁽⁴⁾

. . . After general debate, which shall be confined to the bill and 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 considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on the Judiciary, and except amendments offered by the chairman or any member of the Committee on the Judiciary with respect to the following language of the bill: Page 2, line 6, beginning after the word "entitled" through the end of that sentence on line 8, to wit, "and Representatives shall be elected only from districts so established, no district to elect more than one Representative.", but said amendments shall not be subject to amendment.

The Chairman of the Committee of the Whole, Albert C. Ullman, of Oregon, made a statement and answered an inquiry on permissible amendments following the conclusion of general debate: ⁽⁵⁾

4. 111 CONG. REC. 5080, 89th Cong. 1st Sess.

5. *Id.* at p. 5099.

THE CHAIRMAN: The time of the gentleman from California has expired. All time has expired.

Under the rule, the bill is considered as having been read for amendment. No amendments are in order to the bill except amendments offered by direction of the Committee on the Judiciary, or amendments offered by the chairman or any member of the Committee on the Judiciary to the language of the bill on page 2, line 6, beginning after the word "entitled" through the end of the sentence on line 8, but such amendments shall not be subject to amendment.

Are there any amendments made in order by the rule?

MR. [CHARLES MCC.] MATHIAS [Jr., of Maryland]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: Is the amendment in accordance with the rule, I would ask the gentleman from Maryland?

MR. MATHIAS: Yes, it is.

THE CLERK READ AS FOLLOWS: . . .

MR. [JOHN J.] FLYNT [Jr., of Georgia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. FLYNT: Mr. Chairman, my parliamentary inquiry is, Will any Member of the Committee of the Whole be entitled to recognition for the purpose of discussing the amendment of the gentleman from Maryland?

THE CHAIRMAN: No amendments or pro forma amendments are in order under the rule.

MR. FLYNT: In other words, the gentleman from Maryland would be recognized for 5 minutes and one person to be recognized for 5 minutes in opposition thereto?

THE CHAIRMAN: The gentleman is correct.

Requesting Closed Rule

§ 22.22 Pursuant to clause 17 of the Addendum of the Rules of the Democratic Caucus, a Member inserted in the Record notice of his intention to request the Committee on Rules to report to the House a "modified closed rule" for the consideration of a bill reported from the Committee on the Judiciary.

On Nov. 12, 1973,⁽⁶⁾ Mr. William L. Hungate, of Missouri, a member of the Committee on the Judiciary who would be managing a bill reported from that committee on the floor, made an announcement regarding the request for a special order from the Committee on Rules for the consideration of the bill:

Mr. Speaker, on Tuesday, October 6, 1973, the Committee on the Judiciary ordered favorably reported the bill H.R. 5463, to establish rules of evidence for certain courts and proceedings.

Pursuant to the provisions of clause 17 of the Addendum to the Rules of the Democratic Caucus for the 93d Congress, I am hereby inserting in the *Congressional Record* notice of my intention to request, following the expi-

6. 119 CONG. REC. 36651, 36652, 93d Cong. 1st Sess.

ration of 4 legislative days, the Committee on Rules to report to the House a resolution providing for a "modified closed rule" on the bill H.R. 5463. The rule I will be requesting would provide in effect that after an extensive period of general debate not to exceed 4 hours, on the bill, further consideration of the bill for amendment would be postponed to a time certain to give Members an opportunity to draft and to insert in the Record any amendments which they proposed to offer to the bill. Those amendments, if offered, would not be subject to amendment, on the floor, and article V of the bill, the "Privilege" article, would not be subject to amendment. Such a rule would I believe, best permit the House of Representatives to work its will on this important and complicated piece of legislation.

Parliamentarian's Note: Addendum 17 to the Rules of the Democratic Caucus read as follows in the 93d Congress, first session:

17. (a) It shall be the policy of the Democratic Caucus that no committee chairman or designee shall seek, and the Democratic Members of the Rules Committee shall not support, any rule or order prohibiting any germane amendment to any bill reported from committee until four (4) legislative days have elapsed following notice in the *Congressional Record* of an intention to do so. (b) If, within the four (4) legislative days following said notice in the *Congressional Record*, 50 or more Democratic Members give written notice to the chairman of the committee seeking the rule and to the chairman of the Rules Committee that they wish

to offer a particular germane amendment, the chairman or designee shall not seek and the Democratic Members of the Rules Committee shall not support, any rule or order relating to the bill or resolution involved until the Democratic Caucus has met and decided whether the proposed amendment should be allowed to be considered in the House. (c) If 50 or more Democratic Members give notice as provided in subsection (b) above, notwithstanding the provisions of Caucus Rule No. 3, the Caucus shall meet for such purpose within three (3) legislative days following a request for such a Caucus to the Speaker and the chairman of the Democratic Caucus by said committee chairman or designee. (d) Provided, further, that notices referred to above also shall be submitted to the Speaker, the Majority Leader, and the chairman of the Democratic Caucus.

§ 23. Waiving and Permitting Points of Order

The Committee on Rules, pursuant to its jurisdiction over the rules and order of business, may report resolutions providing that during the consideration of a measure or measures, it shall be in order to proceed in a certain way notwithstanding the provisions of a House rule or rules which would otherwise prohibit proceeding in such manner.⁽⁷⁾

7. A special order reported from the Committee on Rules may waive all