in order to announce that it is our intention to report the foreign aid appropriation bill for 1963 to the House on Tuesday, September 18. I therefore now ask unanimous consent that the 3-day rule be waived and that the bill be considered in the House on Thursday, September 20.

THE SPEAKER:[13] Is there objection to the request of the gentleman from Louisiana?

There was no objection.

§ 11. Consideration and Debate; Amendments

Motion to Close Debate

§ 11.1 A motion to fix the time of general debate on an appropriation bill is not in order prior to resolving into the Committee of the Whole; but after there has been debate in the Committee of the Whole and the Committee rises, the motion is in order in the House.

On Feb. 18, 1947,[14] a Member addressed Speaker Joseph W. Martin, Jr., of Massachusetts, as follows and proceedings ensued as indicated below:

MR. [JOHN] TABER [of New York]: Mr. Speaker, I 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. 1968) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, to be equally divided and controlled by the gentleman from Missouri [Mr. Cannon] and myself.

THE SPEAKER: Is there objection to the request of the gentleman from New York?

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, reserving the right to object, is this the bill that contains the cuts of appropriations for OPA?

MR. TABER: Yes.

MR. MARCANTONIO: Then I object, Mr. Speaker.

MR. TABER: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. TABER: The House may go into the Committee of the Whole and later, after debate has occurred, rise, and then a motion would be in order to close debate; but otherwise a motion would not be in order at this time to close?

THE SPEAKER: The gentleman from New York states the situation accurately. The House must first go into Committee and have general debate, and then rise and fix the time of debate by vote.

Consideration of Senate Amendments

§ 11.2 The House has considered Senate amendments to a

13. John W. McCormack (Mass.).
14. 93 CONG. REC. 1138, 80th Cong. 1st Sess.

general appropriation bill in Committee of the Whole under the five-minute rule.

On July 12, 1945,[1] a Member addressed Speaker Sam Rayburn, of Texas, and proceedings ensued as indicated below:

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of Union for the consideration of the bill (H.R. 3368) making appropriations for war agencies for the fiscal year ending June 30, 1946, and for other purposes, with Senate amendments. Pending that motion, Mr. Speaker, I ask unanimous consent to dispense with general debate.

THE SPEAKER: Is there objection to the request of the gentleman from Missouri?

MR. [JOHN] TABER [of New York]: Mr. Speaker, reserving the right to object, that is satisfactory to me. That would not mean, of course, that there could be no debate on amendments?

MR. CANNON of Missouri: Amendments will be considered under the 5-minute rule.

THE SPEAKER: Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE SPEAKER: The question is on the motion of the gentleman from Missouri.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3368) making appropriations for war agencies for the fiscal year ending June 30, 1946, and for other purposes, with Senate amendments, with Mr. Sparkman in the chair.

The Clerk read the title of the bill.

Parliamentarian's Note: This procedure is different from consideration in the House as in Committee of the Whole, where motions under Rule XVI clause 4 are in order.

Terms of Debate

§ 11.3 Before consideration of the general appropriation bill, 1951, containing all the appropriations for the various agencies of the government, it was agreed by unanimous consent that general debate run without limit to be equally divided between the Chairman and ranking minority member of the Committee on Appropriations; and that following the reading of the first chapter of the bill not to exceed two hours general debate be had before the reading of each subsequent chapter, one-half to be controlled by the chairman and one-half by the ranking

1. 91 CONG. REC. 7474, 79th Cong. 1st Sess. See also 91 CONG. REC. 7226, 7227, 79th Cong. 1st Sess., July 5, 1945. For further discussion see Ch. 32, House-Senate Relations, infra.

minority member of the subcommittee in charge of the chapter.

On Apr. 3, 1950,[2] a Member addressed Speaker Sam Rayburn, of Texas, as follows, and the proceedings were as indicated below:

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, I 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. 7786) making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes; and pending that I ask unanimous consent that time for general debate be equally divided, one-half to be controlled by the gentleman from New York [Mr. Taber] and one-half by myself; that debate be confined to the bill; and that following the reading of the first chapter of the bill, not to exceed 2 hours general debate be had before the reading of each subsequent chapter, one-half to be controlled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter. . . .

MR. [BEN F.] JENSEN [of Iowa]: Of course, Mr. Speaker, I will not object, except to say that I trust and am sure the majority of the Members of the House hope that the chairman of the full committee, the gentleman from Missouri [Mr. Cannon] will not make points of order against Members on the ground that they are speaking out of order when so much is involved in this bill. I think we should have the greatest leeway to discuss these things.

THE SPEAKER: The Chair would think that this appropriation bill actually being 11 bills in one, and covering everything in the Government, a Member speaking on the bill would have a rather wide range.

MR. JENSEN: I thank the Speaker. I was hoping the Speaker would say just that.

THE SPEAKER: Is there objection to the request of the gentlman from Missouri?

There was no objection.

§ 11.4 During the consideration of the general appropriation bill, 1951, terms of consideration were agreed upon, including: that a chapter then under consideration be considered as read and open to points of order and amendment; and that a certain Member be authorized to offer a blanket amendment to a part of the chapter.

On Apr. 27, 1950,[3] the following unanimous-consent requests were made:

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, I ask unanimous consent that—

The chapter on agricultural appropriations be considered as read and open to points of order and amendment; that the gentleman from Min-

2. 96 CONG. REC. 4614, 4615, 81st Cong. 2d Sess.

3. 96 CONG. REC. 5910, 81st Cong. 2d Sess.

nesota [Mr. H. Carl Andersen] have consent to offer a blanket amendment relating to administrative expenses;

That when the House adjourns on Friday it adjourn to meet on Monday next;

That no debate be in order on Friday, Monday, and Tuesday except general debate;

That general debate on the civil functions appropriations bill be confined to Tuesday;

That when the House adjourns on Tuesday next all general debate be concluded on the entire bill.

There was no objection to the request.

House as in Committee of the Whole

§ 11.5 On numerous occasions the House has by unanimous consent provided for the consideration of a nongeneral appropriation bill in the House as in the Committee of the Whole.

On June 14, 1962,[4] the following request was made in the House:

MR. [ALBERT] THOMAS [of Texas]: Mr. Speaker, in accordance with the unanimous-consent agreement of yesterday, I ask for the immediate consideration of the joint resolution (H.J. Res. 745), making supplemental appropriations for the fiscal year 1962; and I ask unanimous consent, Mr. Speaker, that it be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

THE SPEAKER:[5] Is there objection to the request of the gentleman from Texas? . . .

There was no objection.

§ 11.6 Unanimous consent was granted that a joint resolution providing supplemental appropriations for the Department of Labor be considered in the House as in Committee of the Whole.

On Mar. 24, 1964,[6] the following proceedings took place in the House:

MR. [JOHN E.] FOGARTY [of Rhode Island]: Mr. Speaker, in accordance with the unamimous consent granted yesterday, I call up House Joint Resolution 962, making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution

THE SPEAKER:[7] Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

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4. 108 CONG. REC. 10481, 87th Cong. 2d Sess. See also § 8, supra.

5. John W. McCormack (Mass.).

6. 110 CONG. REC. 6096, 88th Cong. 2d Sess.

7. John W. McCormack (Mass.).

The Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1964, namely:

DEPARTMENT OF LABOR

Bureau of Employment Security

Unemployment Compensation for Federal Employees and ex-Servicemen

For an additional amount for "Unemployment compensation for Federal employees and ex-servicemen", $42,000,000.

Suspension of the Rules

§ 11.7 The two Houses having been unable to agree on all provisions of the 1943 agriculture appropriation bill, the House adopted a motion to suspend the rules and pass a new bill containing matters in the original bill not in controversy.

On July 2, 1942,[8] a Member addressed Speaker Sam Rayburn, of Texas, as follows, and proceedings ensued as indicated below:

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Speaker, I move to suspend the rules and pass the bill H.R. 7349, which I send to the Clerk's desk.

The Clerk read as follows:

A bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes.

THE SPEAKER: Is a second demanded?

MR. [EVERETT M.] DIRKSEN [of Illinois]: Mr. Speaker, I demand a second.

MR. TARVER: Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

THE SPEAKER: Is there objection to the request of the gentleman from Georgia [Mr. Tarver]?

There was no objection.

After some discussion,[9] the rules were suspended and the bill was passed.[10]

Amendments—Reading Bill

§ 11.8 General revenue and appropriation bills are considered by paragraph for amendment and all other bills are considered by sections, including bills making appropriations for specific purposes.

On May 21, 1940,[11] the Committee of the Whole was considering House Joint Resolution 544,

8. 88 CONG. REC. 5953, 5954, 77th Cong. 2d Sess.

9. *Id.* at pp. 5954–60.

10. *Id.* at p. 5960.

11. 86 CONG. REC. 6542, 76th Cong. 3d Sess. For discussion of amendments generally, see Ch. 27, infra.

a relief appropriation bill. The following proceedings took place:

MR. [JOHN] TABER [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[12] The gentleman will state it.

MR. TABER: Mr. Chairman, this bill comes from the Appropriations Committee. Ordinarily bills coming from the Appropriations Committee are read by paragraph. Bills coming from other committees are read by sections. I want to ask the Chairman, so that all Members may know as we approach the reading of the bill, how this bill will be read, so that they may know where to offer amendments.

THE CHAIRMAN: The Chair will state, in response to the parliamentary inquiry presented by the gentleman from New York [Mr. Taber], that it is the understanding of the Chair that, under the rule, general revenue measures and appropriation bills are considered by paragraph and that all other measures are considered by sections. Consequently, the pending bill will be considered by sections and amendments offered by sections rather than by paragraphs.

§ 11.9 Appropriation bills are read by paragraph and amendments are in order only to the paragraph just read, not to the entire subject matter under a heading in an appropriation bill.

On Jan. 17, 1940,[13] the Committee of the Whole was considering H.R. 7922, an independent offices appropriation bill. Proceedings took place as indicated below:

MR. [ROBERT] LUCE [of Massachusetts]: A parliamentary inquiry.

THE CHAIRMAN:[14] The gentleman will state it.

MR. LUCE: May I ask where the proper place would be to insert an amendment before the next part of the bill headed by capitals?

THE CHAIRMAN: The Chair was unable to hear all of the inquiry by the gentleman from Massachusetts.

MR. LUCE: May I ask how far the bill has been read?

THE CHAIRMAN: Down through the bottom of page 50. The only paragraph under the heading "United States Housing Authority" that would now be subject to amendment would be the last four lines on page 50.

MR. LUCE: Mr. Chairman, if I recollect the practice of the House, it has always been to include everything under a heading for amendment.

THE CHAIRMAN: It has been the practice of the House from time immemorial to read appropriation bills by paragraphs

§ 11.10 The rule of germaneness applies to amendments to appropriation bills; and an amendment proposing a specific appropriation must be

12. Fritz G. Lanham (Tex.).

13. 86 CONG. REC. 442, 443, 76th Cong. 3d Sess. See also 116 CONG. REC. 11648, 91st Cong. 2d Sess., Apr. 14, 1970 (proceedings relating to H.R. 16916).

14. Lindsay C. Warren (N.C.).

offered when the paragraphs dealing with that subject are being considered

On Jan. 31, 1938,[15] the Committee of the Whole was considering H.R. 8181, a District of Columbia appropriation bill. An amendment was read and a point of order raised as follows:

PUBLIC UTILITIES COMMISSION

For two commissioners, people's counsel, and for other personal services, $76,000, of which amount $1,620 shall be available for the employment of a secretary to the people's counsel, and not to exceed $5,000 may be used for the employment of expert services by contract or otherwise and without reference to the Classification Act of 1923, as amended.

MR. [VINCENT L.] PALMISANO [of Maryland]: Mr. Chairman, I make a point of order against the language on page 7, line 3, after "$76,000", beginning with the words "of which" and ending with the word "amended.". . .

THE CHAIRMAN:[16] In the opinion of the Chair, very clearly this is an attempt to impose legislation on an appropriation bill, and the point of order is therefore sustained. . . .

The Clerk read as follows:

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, $9,000: *Provided*, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law. . . .

Amendment by Mr. [Alfred N.] Phillips [Jr., of Connecticut]: On page 11, line 13, after the period, insert two new paragraphs as follows:

"For the employment of a secretary to the People's Counsel before the public utilities commission, $1,620.

"For the employment of expert aid to the People's Counsel, $5,000.". . .

MR. PALMISANO: Mr. Chairman, I made a point of order against the language on page 7, line 13, after the figures "$76,000" to the end of the paragraph, which point of order was sustained on the ground that it was legislation in an appropriation bill. The amendment offered by the gentleman from Connecticut would restore the language that was stricken out on the point of order; not only that, but we have passed that particular section and the amendment comes too late. . . .

THE CHAIRMAN: The gentleman from Maryland bases his point of order on two grounds. . . .

The second ground raised by the gentleman from Maryland, that the amendment comes too late, and the point of order raised by the gentleman from Oklahoma, that the amendment is not germane to the paragraph offered, the Chair will be forced to sustain.

When Paragraph Is Considered Passed

§ 11.11 In reading a general appropriation bill under the

15. 83 CONG. REC. 1307–09, 75th Cong. 3d Sess. For discussion of amendments generally, see Ch. 27, infra.

16. William J. Driver (Ark.).

five-minute rule, a section or paragraph is considered as having been passed for an amendment when an amendment in the form of a new section or paragraph has been agreed to. On appeal, the Chair's ruling that the adoption of an amendment adding a new paragraph precludes further amendments to the prior paragraph of the bill was sustained.

On Jan. 23, 1942,[17] the Committee of the Whole was considering H.R. 6448, a supplemental appropriation bill for national defense. The Clerk read as follows, and proceedings ensued as indicated below:

Tennessee Valley Authority Fund: For an additional amount for the Tennessee Valley Authority fund, fiscal year 1942, for (1) the construction of a hydroelectric project on the French Broad River near Dandridge, Tenn., (2) the purchase or building of transmission facilities needed to connect this project to the existing transmission system of the Authority, and (3) the acquisition of land necessary for and the relocation of highways in connection with the accomplishment of the above project; $30,000,000, to be available for the administrative objects of expenditure and subject to the conditions specified under this heading in the Independent Offices Appropriation Act, 1942.

Mr. Lambertson rose.

MR. [CLARENCE] CANNON of Missouri: Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. Cannon of Missouri: Page 4, after line 9, insert:

"DEPARTMENT OF STATE

"Transportation Foreign Service: For an additional amount for Transportation, Foreign Service, fiscal year 1942, including the objects specified under this head in the Department of State Appropriation Act, 1942, $800,000."

MR. CANNON of Missouri: Mr. Chairman, the purpose of this amendment is to make provision for a deficiency which was not foreseen, and which has occurred as the result of the declaration of war. We have in all parts of Europe and Asia diplomatic and consular representatives and attachés who must be brought home, together with their families and clerks and office staffs. They have to be shifted as a result of a change in the status brought about by the declaration of war. In the original appropriation there was something in excess of $700,000 in this fund—an amount which would have sufficed under normal conditions, but under recent developments there have been such heavy expenditures that only about $17,000 remains, which is insufficient to carry the Service beyond the 1st of the month. I offer this amendment to make provision for the unexpected deficiency.

THE CHAIRMAN:[18] The question is on agreeing to the amendment offered by the gentleman from Missouri.

17. 88 CONG. REC. 606, 607, 77th Cong. 2d Sess.

18. J. Bayard Clark (N.C.).

The amendment was agreed to.

MR. [WILLIAM P.] LAMBERTSON [of Kansas]: Mr. Chairman, I have an amendment at the desk.

The Clerk read as follows:

> Amendment offered by Mr. Lambertson: Page 3, line 22, strike out lines 22, page 3, to and including line 9 on page 4.

MR. CANNON of Missouri: Mr. Chairman, I make the point of order that the amendment comes too late. We have passed that paragraph. We have adopted an amendment since the paragraph was read and it is no longer subject to amendment.

MR. LAMBERTSON: Mr. Chairman, I was on my feet standing alone before the gentleman from Missouri rose. The Chair recognized the gentleman from Missouri, but I had the floor ahead of him.

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, it is my impression that the gentleman from Kansas was on his feet, and, seeing that the chairman of the subcommittee rose, he deferred to him to offer an amendment first.

THE CHAIRMAN: The chairman of the committee was recognized by the Chair. The Chair asks the gentleman from Missouri if he insists upon his point of order

MR. CANNON of Missouri: Mr. Chairman, I regret that I must insist on the point of order.

MR. [JOHN] TABER [of New York]: Mr. Chairman, may I be heard on the point of order?

THE CHAIRMAN: Certainly.

MR. TABER: The gentleman from Kansas was on his feet asking for recognition at the time and on top of that the amendment was offered by the gentleman from Missouri, but that would not preclude this amendment from being offered. This is an amendment to strike out the previous paragraph. The amendment that the gentleman from Missouri [Mr. Cannon], added was an amendment adding an additional paragraph.

MR. CANNON of Missouri: Mr. Chairman, the gentleman did not address the Chair at all. He at no time addressed the Chair until after the Clerk had concluded the reading of the new paragraph and the committee had adopted it.

MR. LAMBERTSON: I beg your pardon; I did. I did stand and I did address the Chair. I was standing before he ever started to get up.

THE CHAIRMAN: The Chair was aware of the fact that the gentleman from Kansas [Mr. Lambertson] was on his feet, and the Chair would like to overrule the point of order, but feels that technically the point of order is well taken, and it being insisted upon by the chairman of the Committee on Appropriations, the Chair is constrained to sustain the point of order.

MR. TABER: Mr. Chairman, I appeal from the decision of the Chair.

THE CHAIRMAN: The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and on a division [demanded by Mr. Taber] there were ayes 75 and noes 62.

MR. TABER: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. Cannon of Missouri and Mr. Taber to act as tellers.

The Committee again divided, and the tellers reported there were ayes 126 and noes 89.

So the decision of the Chair was sustained.

§ 11.12 If an amendment affects, in part, a paragraph of an appropriation bill not yet read by the Clerk, but no point of order is made against the amendment, it is considered, but further amendments to intervening portions of text that have not been read are not precluded.

On Apr. 3, 1957,[19] the Committee of the Whole was considering H.R. 6287, the Departments of Labor, Health, Education, and Welfare, and related agencies appropriation bill. At one point the Clerk read as follows, and the proceedings were as indicated below:

MR. [THOMAS M.] PELLY [of Washington]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[20] The gentleman will state it.

MR. PELLY: I did not understand that the Clerk had read beyond line 17. May I inquire if this amendment includes the figure on line 20?

THE CHAIRMAN: The amendment that the gentleman from Louisiana offered was addressed to the language beginning on line 5 but does touch on a sum included in the next paragraph beginning on line 18.

MR. PELLY: Mr. Chairman, I have an amendment at the desk which would apply to line 17. If this amendment were acted on, would that prevent my amendment from being offered at the end of the paragraph which begins on line 5 and ends on line 17?

THE CHAIRMAN: The amendment of the gentleman applies to that portion between line 15 and line 17?

MR. PELLY: That is correct.

THE CHAIRMAN: It would be in order, because the Clerk has not read the next 3 lines, 18, 19, and 20.

MR. [JOHN E.] FOGARTY [of Rhode Island]: May I be heard, Mr. Chairman?

THE CHAIRMAN: Yes.

MR. FOGARTY: It was my understanding that the amendment offered by the gentleman from Louisiana went down to and included the language at the end of line 20 on page 25.

THE CHAIRMAN: The amendment does go down that far, but the Clerk has not read those last three lines.

MR. FOGARTY: Mr. Chairman, I make the point of order that further amendments cannot be offered to the language before line 20 on page 25, because the amendment offered by the gentleman from Louisiana [Mr. Hébert] takes in 3 places in the bill and goes down to and including the paragraph "Salaries and expenses" where his amendment offers to cut the amount in line 20.

THE CHAIRMAN: The statement the gentleman makes is correct, but the fact remains no point of order was made when the amendment was read.

MR. FOGARTY: Mr. Chairman, the point I was trying to make is that there were no objections raised when the amendment was offered and considered down through line 20.

THE CHAIRMAN: The portion of the gentleman's amendment having to do

19. 103 CONG. REC. 5018, 5019, 85th Cong. 1st Sess.

20. Aime J. Forand (R.I.)

with those three lines, lines 18, 19, and 20, can have no effect until those lines are read and then considered.

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

THE CHAIRMAN: The gentleman will state it.

MR. FOGARTY: Is the gentleman's amendment in order when he has, in one amendment, sought to cut three places in the bill, from lines 5 to 20?

THE CHAIRMAN: No point of order was raised against it.

MR. FOGARTY: I thought that would be a concession that those lines had been read, the lines down to and including line 20.

THE CHAIRMAN: It is no concession until such time as that portion of the bill is read

MR. PELLY: Mr. Chairman, reserving the right to object, if no objection were made, would that preclude the consideration of my amendment which begins on line 17, following the action on the amendment of the gentleman from Louisiana [Mr. Hébert]?

THE CHAIRMAN: No.

Unanimous Consent To Offer Amendment

§ 11.13 An amendment to a paragraph of an appropriation bill which has been passed during the reading of the bill may be offered only by unanimous consent.

On Apr. 14, 1970,[1] during consideration in the Committee of the Whole of the education appropriation bill (H.R 19616) a point of order was raised against an amendment, as follows:

MR. [MARVIN L.] ESCH [of Michigan]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Esch: Strike out lines 17 and 18 on page 3 and insert in lieu thereof the following "titles I, III, IV (except part F), part E of title V and title VI of the Higher Education Act of 1965, as amended, title I, including section".

And, on line 2 of page 4, strike out "$899,880,000" and insert in lieu thereof "$992,100,000"

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Chairman, I make a point of order against the amendment on precisely the same grounds. The Clerk has now read past page 4, line 17, "Community Education."

The gentleman was not on his feet. He did not address the Chair. The amendment is clearly out of order.

MR. ESCH: Mr. Chairman, I was on my feet, and as soon as the Clerk read "higher education" I said, "Mr. Chairman."

Mr. Chairman, I sincerely object to the fact that I am not given recognition. I was on my feet, having recognized the experience of the previous Member.

As soon as the Clerk read "higher education," I said "Mr. Chairman" twice.

THE CHAIRMAN:[2] The Chair would like to protect the gentleman in his

1. 116 CONG. REC. 11648, 91st Cong. 2d Sess. See also 118 CONG REC. 21118–22, 92d Cong. 2d Sess., June 15, 1972 (proceedings relating to H.R. 15417).
2. Chet Holifield (Calif.).

rights. If the gentleman did address the Chair, the Chair did not hear the gentleman at that point. The gentleman may make a unanimous-consent request that his amendment be considered although the Clerk had passed it at the time he was recognized by the Chair, and, if there is no objection, the amendment can be considered under those circumstances. Does the gentleman make such a request?

MR. ESCH: Mr. Chairman, I ask unanimous consent that my amendment be considered.

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

MR. FLOOD: Mr. Chairman, I must protect the bill. I am pained, but I must object.

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

Amendment Affecting Previous Line in Paragraph

§ 11.14 The pending paragraph of an appropriation bill being read under the five-minute rule is open to amendment at any point; thus, a senior member of the committee reporting the bill may be recognized to offer an amendment, even though an amendment proposed by another Member affects a line occurring earlier in the paragraph.

On July 23, 1970,[3] during consideration in the Committee of the Whole of the Departments of Labor and Health, Education, and Welfare appropriation bill (H.R. 18515) the following proceedings took place:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN:[4] The Clerk will report the amendment.

MR. [CHARLES R.] JONAS [of North Carolina]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

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

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

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

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3. 116 CONG. REC. 25635, 91st Cong. 2d Sess.

4. Chet Holifield (Calif.).

THE CHAIRMAN: The gentleman will state it.

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

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

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

THE CHAIRMAN: The gentleman will state it.

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

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

Language Previously Stricken

§ 11.15 A point of order having been sustained against an entire paragraph in an appropriation bill, it is in order to offer an amendment at that point in the bill to insert a new paragraph containing the stricken language excepting those provisions which were held in violation of the rules.

On July 23, 1970,[5] during consideration in the Committee of the Whole of a general appropriation bill (H.R 18515), a point of order was raised against the following amendment, and proceedings ensued as indicated below:

Amendment offered by Mr. [Robert H.] Michel [of Illinois]: on page 38, line 1, insert the following:

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88–452, approved August 20, 1964), as amended, $2,046,200,000, plus reimbursements: *Provided,* That this appropriation shall be available for transfers to the economic opportunity loan fund for loans under title III, and amounts so transferred shall remain available until expended: *Provided further,* That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: Provided further, That this appropriation shall not be available for contracts under titles I, II, V, VI, and VIII extending for more than twenty-four months. . . .

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN:[6] The gentleman will state the point of order.

MR. HALL: Mr. Chairman, the point of order against the amendment is that all of the language to which the amendment addresses itself on page 38 of the bill, H.R. 18515, has been stricken.

5. 116 CONG. REC. 25634, 25635, 91st Cong. 2d Sess.

6. Chet Holifield (Calif.).

Mr. Chairman, there is no way that we can amend something that is not before the House.

THE CHAIRMAN: The gentleman from Illinois (Mr. Michel) has offered a separate amendment to insert a new paragraph, and the amendment is in order.

The gentleman from Illinois (Mr. Michel) is recognized for 5 minutes in support of his amendment.

Changing Figures in Bill

§ 11.16 To a bill making appropriations for the District of Columbia that were to be chargeable against revenues of the District for the ensuing fiscal year, an amendment increasing the amount of the appropriation for certain items included in the bill was held to be in order.

On June 14, 1954,[7] during consideration in the Committee of the Whole of the District of Columbia appropriations bill (H.R. 9517), which made appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1955, a point of order was raised against an amendment, and proceedings ensued as indicated below:

MR. [DEWITT S.] HYDE [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hyde:

On page 22, line 20, strike out "$1,124,365" and insert in lieu thereof "$1,393,665."

On page 22, line 20, strike out "$135,406" and insert in lieu thereof "$404,706."

MR. [EARL] WILSON of Indiana: Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation upon an appropriation bill. There is no authority of law for the District of Columbia to enter into a new activity of this kind, and a new business venture. Therefore, the subcommittee saw fit to eliminate that from the bill, and I make a point of order against it.

THE CHAIRMAN:[8] Permit the Chair to make this statement. The amendment, which is before the Committee and which the Chair now has before him, simply increases the amount of money in the bill. Does the gentleman from Indiana make a point of order against increasing the amount of money in the bill?

MR. WILSON of Indiana: Mr. Chairman, I was under the impression that it was for the purpose of starting the District of Columbia in the parking business. If I may reserve my point of order until the gentleman explains what the purpose of his amendment is, of course I will be in a better position to speak against it. . . .

Mr. Chairman, I still insist on the point of order on the ground that the appropriation is not authorized by law.

THE CHAIRMAN: The Chair is of the opinion that if the money is unauthorized it is ineffective. The Chair is also

7. 100 CONG. REC. 8191, 8192, 83d Cong. 2d Sess.

8. J. Harry McGregor (Ohio).

of the opinion that the money can be used only for the items included in the bill and as authorized by law.

The Chair, therefore, overrules the point of order.

Parliamentarian's Note: If a ceiling had been specified on total authorized expenditures, an amendment which had the effect of exceeding that total would not have been permitted. The amounts added to the appropriation here did not cause a specific authorized total to be exceeded, and the Chair took the view that the increase in the appropriation would apply only to items included in the bill and already authorized.

§ 11.17 Where the House has adopted an amendment changing a figure in an appropriation bill, it is not in order to further amend such figure.

On Mar. 11, 1942,[9] the Committee of the Whole was considering H.R. 6736. The following proceedings took place:

MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cochran: On page 7, line 5, after the word "law", strike out "$144,973,700" and insert "$128,273,700."

(The amendment was adopted.)

MR. [JAMES] DOMENGEAUX [of Louisiana]: Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 7, line 5, strike out "$144,973,700" and insert in lieu thereof "$145,933,700."

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order against the amendment on the ground that there has been a change already in this figure and another change cannot be considered.

THE CHAIRMAN:[10] The gentleman is correct. The figure cannot now be amended.

§ 11.18 Where a figure in an appropriation bill has been agreed to (and hence cannot be altered by an amendment proposing a further change in amount), an amendment inserted following the figure agreed upon and providing funds "in addition thereto" is in order if authorized.

On June 5, 1959,[11] the Committee of the Whole was considering H.R. 7509, a bill making appropriations for the civil functions administered by the Department of the Army. The Clerk read as follows, and proceedings ensued as indicated below:

Amendment offered by Mr. (Fred) Wampler [of Indiana]: On page 21, line

9. 88 CONG. REC. 2270, 2272, 77th Cong. 2d Sess.

10. Alfred L. Bulwinkle (N.C.).

11. 105 CONG. REC. 10057, 86th Cong. 1st Sess.

7, after the amount shown add the following: "And in addition $52,000 for the following projects: Sugar Creek, West Terre Haute, Clinton, and Conover Levee."

MR. [JOHN] TABER [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN:[12] The gentleman will state it.

MR. TABER: Mr. Chairman, I make the point of order that the language has been once amended.

THE CHAIRMAN: The gentleman from New York must have misunderstood the reading of the amendment, because it follows the amount and does not alter the amount.

The gentleman from Indiana is recognized for 5 minutes in support of his amendment.

Amendment in Nature of Substitute

§ 11.19 Where an appropriation bill is being read by paragraphs, a subsitute for several paragraphs of the bill may be offered to the first paragraph modified by the amendment only if notice is given that, if the amendment is agreed to, motions will be made subsequently to strike out the remaining paragraphs affected thereby.

On July 29, 1969,[13] the Committee of the Whole was considering H.R. 13111, a Departments of Labor and Health, Education, and Welfare appropriation bill. The proceedings were as follows:

The Clerk read as follows:

Amendment offered by Mr. [Robert H.] Michel [of Illinois]: On page 25 strike out line 9 and all that follows on page 25 and insert in lieu thereof the following:

"For carrying out titles II, III, V, VII, and section 807 of the Elementary and Secondary Education Act of 1965, as amended, section 402 of the Elementary and Secondary Education Admendments of 1967, and title III-A and V-A of the National Defense Education Act of 1958, $254,163,000. . . ."

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, I make a point of order against the amendment

THE CHAIRMAN:[14] The gentleman will state his point of order

MR. O'HARA: Mr. Chairman, I make a point of order against the amendment on the ground that the paragraph which it amends has not yet been read. . . .

Mr. Chairman, when the amendment was offered, the Clerk had finished reading the paragraph which begins on line 9, page 25, and concludes on line 24, page 25.

At that point amendments to that paragraph were in order. But the amendment of the gentleman from Illinois does not change so much as a comma in that paragraph; it repeats it absolutely verbatim. It is not an amendment to that paragraph. It is only in subsequent paragraphs that any amendment is made.

12. Hale Boggs (La.).

13. 115 CONG. REC. 21217, 21218, 91st Cong. 1st Sess.

14. Chet Holifield (Calif.).

I would make the point of order, Mr. Chairman, that the gentleman from Illinois will have to wait until that paragraph is read before he can offer an amendment to it.

THE CHAIRMAN: The Chair will hear the gentleman from Illinois on the point of order.

MR. MICHEL: Mr. Chairman, I submit that really all I am doing is adding to the first paragraph; therefore, it is very much in order.

THE CHAIRMAN: The Chair has considered the arguments both for and against the point of order. The Chair sees no inconsistency in the gentleman's amendment repeating the paragraph on page 26 which the Clerk had not yet read. It is a different paragraph, but the Chair feels that the following paragraph can be consolidated with an amendment to the total paragraph. . . .

MR. O'HARA: Mr. Chairman, under the rules of the House, when a bill is to be read by paragraph and a Member wishes to amend a paragraph that has been read and several succeeding paragraphs he is permitted to offer an amendment at the time the first of those paragraphs is read that he wants to amend and then at the same time give notice that if his amendment, which goes beyond the first paragraph and into several others, is adopted he will move to strike the succeeding paragraphs.

In the first place, the gentleman from Illinois gave no such notice, but let us not dwell on that. Let us dwell on the danger of upholding the amendment he is offering.

The gentleman from Illinois, I am sure, will agree that he makes no change whatsoever in the paragraph just read; absolutely no change.

If the Chair is going to hold that one can offer an amendment at any place one wants in the bill in order to get a provision that comes a page later, or two pages later, or 10 pages later—and that is what he has done; he has offered an amendment here that changes nothing but gets at something on the next page—and if we are going to say that the precedents of this House say one can offer an amendment any place and repeat some language until it gets to the thing he wants to amend, we are heading for legislative chaos, Mr. Chairman.

I believe this is a very serious problem, and I most earnestly ask the Chair to carefully consider his ruling, because otherwise it might be possible to offer an amendment to repeat the language for the next 25 pages until it gets to the things one seeks to change. I believe it is terribly important that this amendment be considered out of order, Mr. Chairman. . . .

THE CHAIRMAN: The Chair is prepared to rule. The Chair is presented with a most difficult ruling at this time. He has resorted to a precedent in "Hinds' Precedent," volume V, page 404, paragraph 5795, which reads as follows:

> When it is proposed to offer a single substitute for several paragraphs of a bill which is being considered by paragraphs, the substitute may be moved to the first paragraph with notice that if it be agreed to, motions will be made to strike out the remaining paragraphs.

The Chair notes that the gentleman from Illinois did not give such notice. The amendment goes beyond the para-

graph which has been read and in effect modifies a paragraph which has not yet been read.

The Chairman, therefore, sustains the point of order.

The amendment in the form in which it is offered is not in order.

§ 11.20 Where an amendment in the nature of a substitute for several paragraphs of an appropriation bill has been agreed to and notice has been given that motions would be made to strike out ensuing paragraphs of the bill as read, the paragraphs are subject to perfecting amendments while such motions to strike are pending.

On June 15, 1972, during consideration of the Departments of Labor and Health, Education, and Welfare appropriation bill[15] Mr. William D. Hathaway, of Maine, offered an amendment in the nature of a substitute, as follows:[16]

MR. HATHAWAY: Mr. Chairman, I have an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill dealing with the Office of Education, and I hereby give notice that if the amendment is agreed to I will make motions to strike out the remaining paragraphs beginning with line 14 on page 19 and extending through and including line 17 on page 21.

The Clerk read as follows:

Amendment offered by Mr. Hathaway: On page 19, strike out lines 6 through 13 and substitute in lieu thereof: . . .

The amendment was agreed to.[17]

Subsequently,[18] the following proceedings occurred:

MR. HATHAWAY: Mr. Chairman, I move to strike the paragraph beginning on line 16, page 20, and extending down through line 8 on page 21.

THE CHAIRMAN:[19] Without objection, the motion is agreed to.

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman reserving the right to object, I would like to make a parliamentary inquiry.

. . . I have an amendment at the desk which would, on page 21, line 1, strike out the words after "1974" down through the word "Act" on line 3. Is it possible to offer that amendment now that the Hathaway amendment has been adopted?

THE CHAIRMAN: It is possible.

MR. QUIE: Mr. Chairman, I offer that amendment.

The Clerk read as follows:

Amendment offered by Mr. Quie:

On page 21, line 1, strike out all that follows after "1974" through the word "Act" on line 3.

THE CHAIRMAN: The Chair was of the impression that the amendment offered by the gentleman from Maine had been agreed to, striking out the

15. H.R. 15417.

16. 118 CONG. REC. 21106, 92d Cong. 2d Sess.

17. *Id.* at p. 21118.

18. *Id.* at p. 21119.

19. Chet Holifield (Calif.).

paragraph to which the amendment is offered. . . .

MR. QUIE: In my copy of the Hathaway amendment it was not stricken out. If that is correct, the Hathaway amendment would put a period after "1974" on line 1 and strike out the rest. It was my understanding the Hathaway amendment put a period after the word "Act" on line 3 and struck out the proviso, which is the rest of line 3 down through line 8.

It then appeared that the Chairman had not heard Mr. Quie's reservation of objection. The following exchange occurred:

THE CHAIRMAN: The Chair would have to rule that the gentleman rose too late. The motion had been offered by Mr. Hathaway, and there was no objection and it was acceded to.

MR. QUIE: Mr. Chairman, the Chair asked if there was any objection, and I reserved the right to object, which I am still reserving, and on that I asked my parliamentary inquiry.

THE CHAIRMAN: The Chair must state that the Chair did not hear the gentleman say he was reserving the right to object on the Hathaway motion. . . .

The Chair will recognize the gentleman on the basis of his statement which the Chair did not hear.

The Clerk will report the amendment offered by the gentleman from Minnesota.

Further objection was made to the Quie amendment, however: (20)

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Chairman, my point of order is that the committee has just agreed to this.

THE CHAIRMAN: The committee has agreed to what?

MR. FLOOD: The position taken by my friend, the gentleman from Minnesota (Mr. Quie). I have here, for instance, that we voted not to exceed $18 million for research and training, under part C of said 1963 act. Now I had the clear impression, I am sorry to say, that the committee just agreed to this. . . .

THE CHAIRMAN: The Chair will state that the first amendment offered by Mr. Hathaway on page 19, was to the paragraph beginning on line 7 and that amendment was a substitute amendment, and was agreed to.

Now we still have to read each one of the paragraphs of the bill duplicated or modified by the Hathaway amendment, and a perfecting amendment to those paragraphs is in order even though a motion to strike out is first offered.

MR. O'HARA: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state his point of order.

MR. O'HARA: Mr. Chairman, my point of order is if a motion to strike has been made, is it not then out of order to try to amend the paragraph that the motion to strike applies to?

THE CHAIRMAN: The Chair would have to rule that a perfecting amendment is in order although a motion to strike is pending. Therefore the Chair rules that the amendment offered by the gentleman from Minnesota (Mr. Quie) is in order on the basis that it is

20. 118 CONG. REC. 21119, 21120, 92d Cong. 2d Sess.

a perfecting amendment to the paragraph to which the motion to strike is pending.

Separate Votes in House on Amendments

§ 11.21 Separate votes have been demanded on amendments adopted in the Committee of the Whole.

On Apr. 4, 1957,[1] H.R. 6287, the Departments of Labor and Health, Education, and Welfare appropriation bill was being considered in the House after amendments had been adopted in the Committee of the Whole. Speaker Sam Rayburn, of Texas, stated:[2]

> The unfinished business is the further consideration of the bill H.R. 6287, which the Clerk will report by title.
>
> [The Clerk read the title of the bill.]
>
> Separate votes having been demanded on all amendments adopted in the Committee of the Whole, the Clerk will report the first amendment on which a separate vote was demanded.

1. 103 Cong. Rec. 5162, 85th Cong. 1st Sess.
2. Note: The Committee on Appropriations furnished printed forms containing all 18 amendments to the bill adopted in the Committee of the Whole, with further pertinent information. Fourteen rollcalls occurred in one day with respect to such amendments.

Recommittal of Bill With Instructions

§ 11.22 A motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken and that the bill be recommitted to the Committee on Appropriations with instructions was held not to be in order in the Committee of the Whole.

On Apr. 3, 1957,[3] the Committee of the Whole was considering H.R. 6287, the Departments of Labor and Health, Education, and Welfare appropriation bill. The Clerk read a motion as follows, and proceedings ensued as indicated below.

> Mr. Hoffman moves that the Committee do now rise, report the bill back to the House with the recommendation that the enacting clause be stricken and that the bill be recommitted to the Committee on Appropriations with instructions that it be reported back to the House within 5 days with amendments which will indicate the places and amounts in the budget where the committee believes, in view of the statements made in the Committee of the Whole House on the State of the Union, that substantial reductions may best be made and will meet the views of the House with the least curtailment

3. 103 Cong. Rec. 5013, 85th Cong. 1st Sess.

of efficient administration by the Departments affected.

MR. [JOHN E.] FOGARTY [of Rhode Island]: Mr. Chairman, I reserve a point of order on the motion. . . .

THE CHAIRMAN:[4] Does the gentleman from Rhode Island care to be heard on the point of order? The Chair is ready to rule.

MR. FOGARTY: Mr. Chairman, as I remember the reading of the motion, there is a matter of wording contained therein that is not permissible under the rules governing procedure in the Committee of the Whole, but would be allowed under the rules of procedure in the House.

THE CHAIRMAN: Does the gentleman from Michigan desire to be heard?

MR. [CLARE E.] HOFFMAN [of Michigan]: Yes, Mr. Chairman. I want to point out that there is a precedent for the motion and the rules cite a precedent where that motion has been held to be proper in the Committee

THE CHAIRMAN: The Chair is not familiar with that precedent, but the rules of the House provide that certain language contained in the motion made by the gentleman from Michigan could be entertained in the Committee of the Whole, but the balance of the motion would only be appropriate in the House. For that reason, the Chair sustains the point of order

Parliamentarian's Note: While the motion that the Committee rise and report the bill back to the House with the recommendation that the bill be recommitted may be in order when the bill is being considered under the general rules of the House (see 4 Hinds' Precedents §§ 4761, 4762; 8 Cannon's Precedents § 2329), it is not in order in the form presented above (where inconsistent motions are joined) nor is it in order when a bill is being considered under a special rule (see 96 CONG. REC. 12219, 81st Cong. 2d Sess., Aug. 10, 1950).

§ 11.23 On occasion a general appropriation bill has been recommitted with instructions to report back forthwith with an amendment; the bill has then been so reported, the amendment agreed to, the bill again ordered engrossed and read a third time, and the bill passed, in that order.

On June 8, 1945,[5] during consideration in the House of H.R. 3368, a war agencies appropriation bill, the following proceedings occurred:

THE SPEAKER:[6] The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

4. Aime J. Forand (R.I.).

5. 91 CONG. REC. 5832, 5833, 79th Cong. 1st Sess. See also 97 CONG. REC. 6533, 6534, 82d Cong. 1st Sess., June 13, 1951.

6. Sam Rayburn (Tex.).

MR. [JOHN] TABER [of New York]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. TABER: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Taber moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with an amendment reducing the Office of War Information by $17,000,000, to apply to the estimates for activities in Europe and the United States.

MR. [CLARENCE] CANNON of Missouri: Mr. Speaker, I move the previous question on the motion to recommit

The previous question was ordered.

THE SPEAKER: The question is on the motion to recommit.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 120, noes 108.

MR. CANNON of Missouri: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 128, not voting 166. . . .

MR. CANNON of Missouri: Mr. Speaker, pursuant to the instructions of the House, I now report back to the House the bill H.R. 3368, the war agencies appropriation bill, with the amendment incorporated in the motion to recommit, and with the recommendation that the amendment be agreed to and the bill as amended do pass.

THE SPEAKER: The Clerk will report the amendment.

The Clerk read as follows:

> [Amendment reducing the Office of War Information by $17,000,000, to apply to the estimates for activities in Europe and the United States.]

MR. CANNON of Missouri: Mr. Speaker, I move the previous question.

The previous question was ordered.

THE SPEAKER: The question is on agreeing to the amendment.

The amendment was agreed to.

THE SPEAKER: The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

THE SPEAKER: The question is on the passage of the bill.

MR. CANNON of Missouri: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 252, nays 2, not voting 178. . . .

So the bill was passed.

§ 11.24 A deficiency appropriation bill has been recommitted with instructions to report back forthwith with an amendment.

On Apr. 1, 1948,[7] the Committee of the Whole was considering H.R. 6055. The Clerk read as follows, and proceedings ensued as indicated below:

> MR. [CLARENCE] CANNON [of Missouri) moves to recommit the bill to

7. 94 CONG. REC. 3994, 3995, 80th Cong. 2d Sess.

the Committee on Appropriations with instructions to report the bill back forthwith with an amendment as follows:

On page 10, line 7, strike out "$300,000,000" and insert in lieu thereof "$400,000,000."

MR. [JOHN] TABER [of New York]: Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

MR. CANNON: Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 199, nays 154, not voting 78. . . .

MR. TABER: Mr. Speaker, in accordance with the instructions of the House, I report the bill back with an amendment which is at the desk.

THE SPEAKER:[8] The Clerk will read the amendment.

The Clerk read as follows:

> Page 10, line 7, strike out "$300,000,000" and insert in lieu thereof "$400,000,000."

THE SPEAKER: The question is on the amendment.

The amendment was agreed to.

Reduction of Total Appropriation

§ 11.25 The House has agreed to a motion to recommit an appropriation bill with instructions to the Committee on Appropriations to report back forthwith with an amendment reducing the total appropriation to a figure not to exceed 95 percent of the budget estimates.

On July 18, 1967,[9] during consideration in the House of H.R. 11456, a Department of Transportation appropriation bill, the following proceedings occurred:

The Clerk read as follows:

Mr. [Melvin R.] Laird [of Wisconsin] moves to recommit the bill to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendment: On page 18, immediately following line 15, insert a new section as follows:

> "Sec. 702. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1968, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 95 per centum of the total aggregate net expenditures estimated therefor in the budget for 1968 (H. Doc 15)."

THE SPEAKER:[10] Without objection, the previous question is ordered on the motion to recommit

There was no objection.

THE SPEAKER: The question is on the motion to recommit.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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8. Joseph W. Martin, Jr. (Mass.).

9. 113 CONG. REC. 19273-75, 90th Cong. 1st Sess.

10. John W. McCormack (Mass.).

The question was taken; and there were—yeas 213, nays 188, not voting 30. . . .

So the motion to recommit was agreed to. . . .

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, pursuant to the instructions of the House, in the motion to recommit, I report back the bill H.R. 11456 with an amendment.

THE SPEAKER: The Clerk will report the amendment.

The Clerk read as follows:

On page 18, immediately following line 15, insert a new section as follows:

"Sec. 702. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1968, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 95 percent of the total aggregate net expenditures estimated therefor in the budget for 1968 (H. Doc 15)."

THE SPEAKER: The question is on the amendment.

The amendment was agreed to.

§ 11.26 A motion to recommit an appropriation bill with instructions to the committee to reduce the amount of the appropriation by $50 million is in order; but the committee, if the motion is adopted, may not report the bill back to the House with an amendment proposing a change in the amendments adopted by the House.

On May 15, 1939,[11] the House was considering H.R 6260, a War Department civil functions appropriation bill. The Clerk read as follows, and proceedings ensued as indicated below:

MR. [D. LANE] POWERS [of New Jersey] moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with amendments reducing the total amount of the bill $50,000,000

MR. [ROSS A.] COLLINS [of Mississippi]: Mr. Speaker, I make the point of order that the motion to recommit undertakes to do indirectly what cannot be done directly.

The amount carried in this bill, with these amendments, totals $305,000,000. Part of it is for the Panama Canal, part for cemeterial expense, part for the Signal Corps and Alaskan Communications Commission, part for rivers and harbors, part for flood control, and part for the United States Soldiers' Home. Of the amount of $305,000,000, $277,000,000 is for rivers and harbors and flood control, leaving only $28,000,000 for all of these other governmental activities. A reduction of $50,000,000 would take away a large part of the money carried in the two amendments voted in the House last Wednesday. A motion to recommit to do this cannot be done. This motion to recommit attempts to do indirectly what cannot be done directly. It proposes a second vote on the same propositions that were voted on last

11. 84 CONG. REC. 5535, 5536, 76th Cong. 1st Sess.

Wednesday, therefore is subject to a point of order.

THE SPEAKER:[12] The Chair may state, in connection with the point of order made by the gentleman from Mississippi, that the Chair understands the purpose of the motion to recommit, one motion to recommit always being in order after the third reading, is to give to those Members opposed to the bill an opportunity to have an expression of opinion by the House upon their proposition. It is true that under the precedents it is not in order by way of a motion to recommit to propose an amendment to an amendment previously adopted by the House, but the motion now pending does not specifically propose to instruct the Committee on Appropriations to do that. The Chair is inclined to the opinion that the motion to recommit in the form here presented is not subject to a point of order.

The Chair overrules the point of order. . . .

MR. [DEWEY] SHORT [of Missouri]: Mr. Speaker, the motion is simply to reduce the bill $50,000,000.

THE SPEAKER: The Chair understands the rule to be that the House can adopt a motion to recommit with instructions to reduce the amount of the appropriation by $50,000,000, but the committee, if this motion should be adopted, could not report the bill back to the House with an amendment proposing a change in the amendments adopted by the House.

Prohibition on Use of Appropriations

§ 11.27 The House has agreed to a recommittal motion which sought a prohibition on the use of funds in a supplemental appropriation bill (providing funds for the Department of Agriculture) to finance the export of agricultural commodities to the United Arab Republic.

On Jan. 26, 1965,[13] the House was considering House Joint Resolution 234. The Clerk read a motion to recommit and proceedings ensued as indicated below:

MR. [ROBERT H.] MICHEL [of Illinois] moves to recommit House Joint Resolution 234 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment: On page 2, line 13, strike the period at the end of the sentence and insert the following: ": *Provided*, That no part of this appropriation shall be used during the fiscal year 1965 to finance the export of any agricultural commodity to the United Arab Republic under the provisions of title I of such Act."

The previous question was ordered.

THE SPEAKER:[14] The question is on the motion to recommit.

MR. MICHEL: Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 204, nays 177, not voting 53. . . .

So the motion to recommit was agreed to. . . .

12. William B. Bankhead (Ala.).

13. 111 CONG. REC. 1194, 1195, 89th Cong. 1st Sess.

14. John W. McCormack (Mass.).

The result of the vote was announced as above recorded.

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, pursuant to the instructions of the House, I report back to the House, House Joint Resolution 234, with an amendment.

THE SPEAKER: The Clerk will report the amendment. . . .

The question is on the amendment.

The amendment was agreed to.

THE SPEAKER: The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

THE SPEAKER: The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

§ 11.28 The House adopted an amendment, reported pursuant to a recommittal motion, to prohibit the use of appropriations in the bill to administer any program for the sale of agricultural commodities to nations that sell supplies to North Vietnam.

On Apr. 26, 1966,[15] during consideration in the House of H.R. 14596, a Department of Agriculture appropriation bill, the following proceedings occurred:

The Clerk read as follows:

MR. [PAUL] FINDLEY [of Illinois] moves that the bill be recommitted to the Committee on Appropriations with instructions to report it back forthwith with the following amendment: On page 36, on line 6 strike the period, insert a colon and the following:

"*Provided*, That no funds appropriated by this Act shall be used to formulate or administer programs for the sale of agricultural commodities pursuant to title I or IV of Public Law 480, Eighty-third Congress, as amended, to any nation which sells or furnishes or which permits ships or aircraft under its registry to transport to North Vietnam any equipment, materials, or commodities, so long as North Vietnam is governed by a Communist regime."

The previous question was ordered.

THE SPEAKER:[16] The question is on the motion to recommit.

MR. FINDLEY: Mr. Speaker, on this vote I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 290, nays, 98, not voting 44. . . .

So the motion to recommit was agreed to. . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report back the bill H.R. 14596 with an amendment.

THE SPEAKER: The Clerk will report the amendment. . . .

The question is on the amendment.

The amendment was agreed to.

THE SPEAKER: The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

15. 112 CONG. REC. 8972, 8973, 89th Cong. 2d Sess.

16. John W. McCormack (Mass.).

THE SPEAKER: The question is on the passage of the bill.

Mr. Whitten: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 366, nays 23, not voting 43.

Enrollment of Appropriation Bills

§ 11.29 Set out below is the form of a concurrent resolution providing that in the enrollment of general appropriation bills enacted during the remainder of a session the Clerk of the House may correct chapter, title, and section numbers.

On July 4, 1952,[17] Mr. George H. Mahon, of Texas, by unanimous consent, submitted the following concurrent resolution (H. Con. Res. 239]:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of general appropriation bills enacted during the remainder of the second session of the Eighty-second Congress the Clerk of the House may correct chapter, title, and section numbers.

The concurrent resolution was considered and agreed to. A motion to reconsider the vote whereby the concurrent resolution was agreed to was, by unanimous consent, laid on the table.

§ 12. Points of Order; Timeliness

Parliamentarian's Note: The Committee of the Whole has no authority to delete by points of order portions of a bill referred to it by the House absent reservation of that authority in the House at the time the bill is first referred to the Calendar of the Committee of the Whole House on the state of the Union (the Union Calendar). Absent reserved authority to delete provisions in violation of clauses 2 and 6 of Rule XXI, the Committee of the Whole can merely recommend amendments to be acted upon by the House to change general appropriation bills committed thereto.

Reservation of Points of Order

§ 12.1 Points of order are ordinarily reserved against general appropriation bills prior to referral of the bills to the Committee of the Whole, i.e., when placed upon the Union Calendar, and may be reserved thereafter only by unanimous consent.

On Feb. 26, 1940,[18] the following proceedings took place:

17. H. JOUR. 746, 82d Cong. 2d Sess.

18. 86 CONG. REC. 1991, 76th Cong. 3d Sess.