

May I make the explanation that this substitute is the bill as agreed upon in the Committee of the Whole. It contains every amendment that has been adopted, and it merely makes the bill, as completed by all of the several amendments, title II to the Selective Training and Service Act.

The purpose of that, first of all, is to bring about an orderly procedure in legislative dealings by making it a part of the act relating to induction for military service. . . .

THE CHAIRMAN:⁽¹⁾ the Clerk will report the substitute amendment offered by the gentleman from Kentucky.

§ 13. Time Yielded for Amendment or Other Purposes

Time Yielded for Debate

§ 13.1 An amendment may not be offered in time yielded for debate only.

On Feb. 2, 1955,⁽²⁾ the House had under consideration a resolution, debate proceeding under the hour rule:

MR. [RAY J.] MADDEN [of Indiana]: Mr. Speaker, by direction of the Committee on Rules, I call up a resolution (H. Res. 63) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Committee on Veterans' Affairs, acting as a whole

1. Stephen Pace (Ga.).
2. 101 CONG. REC. 1076-79, 84th Cong. 1st Sess.

or by subcommittee, is authorized and directed to conduct an inspection of the Veterans' Administration with a particular view to determining the efficiency of the administration and operation of Veterans' Administration installations. . . .

MR. MADDEN: Mr. Speaker, this resolution calls for the continuation of the investigation which the Congress authorized in the last session. . . .

Mr. Speaker, I now yield 30 minutes to the gentleman from Oregon [Mr. Mathew H. Ellsworth]. . . .

MR. ELLSWORTH: . . . Mr. Speaker, referring now to the pending resolution, House Resolution 63, it authorizes the Committee on Veterans' Affairs, acting as a whole or by subcommittee, to conduct full and complete investigations and studies of certain programs enumerated in the resolution itself. . . . Mr. Speaker, I yield the gentlewoman from Massachusetts 3 minutes.

MRS. [EDITH N.] ROGERS OF MASSACHUSETTS: Mr. Speaker, if the resolution can be amended I should like to offer an amendment, on page 3, line 15, to strike out the sentence reading:

The committee shall not undertake any investigation of any matter which is under investigation by another committee of the House.

THE SPEAKER PRO TEMPORE:⁽³⁾ Does the gentleman from Indiana yield for that purpose?

MR. MADDEN: Mr. Speaker, I believe that not only the chairman of the Committee on Veterans' Affairs but the chairman of the Committee on Rules have stated the position in regard to this resolution, that it very fully covers

3. Robert C. Byrd (W. Va.).

the objection the gentlewoman from Massachusetts has set out, and I do not feel that I should yield for an amendment.

MRS. ROGERS of Massachusetts: Is there any way to place such an amendment in the resolution? Is there any prohibition against it? Under the rules of the House, if there is not, I will offer that amendment.

THE SPEAKER PRO TEMPORE: The Chair wishes to state that the gentlewoman does not have that right in the time yielded her for debate.

Time Yielded for Inquiry

§ 13.2 An amendment may not be offered during time that has been yielded for a parliamentary inquiry.

It is well established that a Member recognized to propound a parliamentary inquiry may not, having secured the floor for such limited purpose, offer an amendment. The Chair⁽⁴⁾ referred to that principle in the following exchange of Mar. 12, 1964:⁽⁵⁾

MR. [AUGUST E.] JOHANSEN [of Michigan]: Mr. Chairman, will the gentleman yield to me so that I may make a parliamentary inquiry? . . . [Time was yielded.] I direct this inquiry to the Chair as to whether it will be in order if I secure recognition to offer an

4. Chet Holifield (Calif.).

5. 110 CONG. REC. 5140, 88th Cong. 2d Sess. Under consideration was H.R. 8986 (Committee on Post Office and Civil Service).

amendment to the amendment in the nature of a substitute for the amendment offered by the gentleman from Ohio.

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

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

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

Manager of House Resolution Controls Purposes for Which He Yields

§ 13.3 In the House, during consideration of a resolution reported from the Committee on House Administration, an amendment thereto may be offered only by the Member having the floor unless he yields for that purpose; and it is within the discretion of the Member in charge whether, and to whom, he will yield.

On Jan. 29, 1959,⁽⁶⁾ during proceedings relating to a resolution providing for a clerk for the NATO Parliamentary Conference, the following proceedings took place:

MR. [SAMUEL N.] FRIEDEL [of Maryland]: Mr. Speaker, by direction of the

6. 105 CONG. REC. 1405, 86th Cong. 1st Sess.

Committee on House Administration, I offer a privileged resolution (H. Res. 36) and ask for its immediate consideration. . . .

MR. [H. R.] GROSS [of Iowa]: Am I privileged to offer an amendment to this resolution?

THE SPEAKER:⁽⁷⁾ The gentleman from Maryland [Mr. Friedel] has the floor. If he does not yield for that purpose, the gentleman may not offer the amendment.

Subsequently, on the same day,⁽⁸⁾ during consideration of a resolution⁽⁹⁾ reported from the Committee on House Administration providing for operating funds for the Committee on Un-American Activities, the following exchange took place:

MR. [OMAR T.] BURLESON [of Texas]: Mr. Speaker, the Chair indicated earlier that the manager of a bill in the House, in this instance the gentleman from Maryland [Mr. Friedel], may exercise his discretion as to the reason for yielding to another Member; is it correct that it is the gentleman's prerogative to inquire from the Member requesting that he yield, the purpose for which the Member makes the request? In other words, in the immediate case, the gentleman from Maryland has the right to predetermine the intent of those who wish him to yield. If to yield is for the purpose of offering an amendment to the pending bill, the gentleman may decline to yield for that purpose?

THE SPEAKER: The gentleman has entire discretion as to whether he will yield or not and for any purpose.

7. Sam Rayburn (Tex.).

8. 105 CONG. REC. 1408, 86th Cong. 1st Sess.

9. H. Res. 137.

Amendment to Amendment

§ 13.4 The Speaker held that a pending amendment to a resolution under debate in the House prior to the adoption of the rules was not subject to further amendment unless the proponent of the amendment yielded for that purpose or the previous question on the pending amendment was voted down.

On Jan. 3, 1969,⁽¹⁰⁾ prior to the adoption of the rules, during consideration of a resolution⁽¹¹⁾ authorizing the Speaker to administer the oath of office to Adam Clayton Powell, of New York, an inquiry was made as to the propriety of offering an amendment as indicated:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, is the Celler resolution as proposed, if amended by the MacGregor amendment, subject to substitution at this point?

THE SPEAKER:⁽¹²⁾ Does the gentleman inquire whether or not it is in order to offer an amendment to the MacGregor amendment?

MR. GROSS: Whether it is in order to offer a substitute, Mr. Speaker, for the Celler resolution and the pending amendment.

10. 115 CONG. REC. 28, 91st Cong. 1st Sess.

11. H. Res. 1.

12. John W. McCormack (Mass.).

THE SPEAKER: The Chair will state that such an amendment is not in order at this time unless the [proponent of the amendment] yields for that purpose, or unless the previous question is defeated.

Authority of Manager To Yield for Amendment

§ 13.5 A member of the Committee on Rules calling up a privileged resolution reported by that committee does not normally yield for an amendment unless authorized to do so by the committee.

On May 1, 1968,⁽¹³⁾ a member of the Committee on Rules called up a privileged resolution⁽¹⁴⁾ and then entered into discussion with the Speaker Pro Tempore,⁽¹⁵⁾ as to the possibility of yielding for an amendment to the resolution:

MR. [CLAUDE D.] PEPPER [of Florida]: Would it be permissible for a Member on the floor, without convening the Rules Committee, to offer an amendment to the rule? I believe that perhaps I, as the Member handling the rule, has a right to yield to a Member, only to whom I wish to yield, to offer

13. 114 CONG. REC. 11304-06, 90th Cong. 2d Sess.

14. H. Res. 1150 (Committee on Rules) providing for consideration of H.R. 16729, extending the higher education student loan program.

15. Carl Albert (Okla.).

an amendment. Would it be permissible for me to yield to the gentleman from Kentucky to offer that amendment to the rule, so as to provide, on page 2, after the period, I would presume, in the second line, "and points of order shall be waived with respect to one amendment to be offered by the chairman of the Committee on Education and Labor"?

THE SPEAKER PRO TEMPORE: May the Chair inquire of the gentleman whether he has instructions from the Committee on Rules to offer such an amendment?

MR. PEPPER: I have no specific instructions for yielding for the offering of that amendment, from the Committee on Rules, except it was within the intendment, I understood, of the Committee on Rules that this amendment would be admissible. I do not propose to act by the authority of the Committee on Rules if I should yield for such an amendment.

THE SPEAKER PRO TEMPORE: The gentleman, of course, would be doing it on his own responsibility, then, and not subject to the order of the Committee on Rules.

The Chair will add, the only other way an amendment could be offered to the rule would be under the rules of the House. . . .

MR. PEPPER: Mr. Speaker, I have not offered any such amendment. I do not propose to yield for the purpose of offering such an amendment, since I do not have authority to do so from the Committee on Rules. I simply present the rule as it is written to the House for its consideration.

Amendment to Committee Amendment

§ 13.6 A committee amendment printed in a resolution being

considered in the House is not subject to amendment unless the Member controlling the resolution yields for that purpose or the previous question is voted down on the amendment.

On Nov. 15, 1973,⁽¹⁶⁾ a resolution¹⁷ as under consideration to provide additional funds for investigations by the Committee on the Judiciary. The following proceedings took place:

MR. [CHARLES E.] WIGGINS [of California]: . . . Mr. Speaker, was the committee amendment agreed to? . . .

THE SPEAKER:⁽¹⁸⁾ The committee amendment was reported. It was not agreed to. The Chair had started to put the question. . . .

Will the gentleman yield for an amendment to the committee amendment?

MR. [WAYNE L.] HAYS [of Ohio]: No, Mr. Speaker, I will not yield for an amendment to the committee amendment.

THE SPEAKER: Does the gentleman move the previous question on the committee amendment?

MR. HAYS: Mr. Speaker, I move the previous question on the committee amendment.

16. 119 CONG. REC. 37141-44, 93d Cong. 1st Sess.

17. H. Res. 702 (Committee on House Administration).

18. Carl Albert (Okla.).

Recognition Under Five-Minute Rule

§ 13.7 A Member recognized under the five-minute rule in Committee of the Whole may not yield to another Member to offer an amendment; a Member wishing to offer an amendment under the five-minute rule must seek recognition from the Chair and may not be yielded the floor for that purpose by another Member.

This principle was demonstrated in the proceedings of Dec. 12, 1973.⁽¹⁹⁾ Mr. Robert C. Eckhardt, of Texas, sought unsuccessfully to withdraw an amendment and to yield to another Member to offer a different amendment:

MR. ECKHARDT: Mr. Chairman, I ask unanimous consent to withdraw this amendment at this time in order to permit the Rodino amendment to be considered.

THE CHAIRMAN:⁽²⁰⁾ Is there objection to the request of the gentleman from Texas?

19. 119 CONG. REC. 41170, 41171, 93d Cong. 1st Sess. Under consideration was H.R. 11450, the Energy Emergency Act.

For a discussion of the five-minute rule, see Rule XXIII clause 5, *House Rules and Manual* Sec. 870 (101st Cong.).

20. Richard Bolling (Mo.).

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I object. . . .

MR. ECKHARDT: Mr. Chairman, I ask unanimous consent to withdraw the amendment at this time.

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

MR. [HAROLD V.] FROELICH [of Wisconsin]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The Chair recognizes the gentleman from Illinois (Mr. Derwinski).

MR. DERWINSKI: Mr. Chairman, I merely want to make this observation:

Here we are in the consideration of the first major amendment to this bill. We have an amendment to an amendment to that offered, and now we have had an attempt to withdraw that amendment because our constitutional lawyers on the Committee of the Judiciary are going to lift a new amendment out of the clear blue sky. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from Ohio (Mr. Seiberling).

MR. ECKHARDT: Mr. Chairman, will the gentleman yield?

MR. [JOHN F.] SEIBERLING [of Ohio]: I yield to the gentleman from Texas.

MR. ECKHARDT: Mr. Chairman, I would like to ask my colleagues to vote against this amendment, since I have not been permitted to withdraw it, because I do want the Rodino amendment to be before the body, and I shall offer it as soon as I have an opportunity so to do and yield to the gentleman from New Jersey the distinguished chairman of the Committee on the Judiciary.

MR. SEIBERLING: Mr. Chairman, I wish to commend the gentleman from

Texas (Mr. Eckhardt) not only for his magnanimous gesture but especially for his initiative in trying to clean up this simply terrible antitrust exemption in this bill. . . .

I want to say that the amendment to be offered by the gentleman from New Jersey has been approved by the Federal Trade Commission and by the Justice Department. The gentleman from New Jersey is not only the distinguished chairman of the Judiciary Committee, but he is also the chairman of the Subcommittee on Antitrust. I am a member of his subcommittee, and I think the Members can rest assured that the amendment addresses itself to the problem in a comprehensive way. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Texas (Mr. Eckhardt) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers).

The amendment to the amendment in the nature of a substitute was rejected.

THE CHAIRMAN: For what purpose does the gentleman from Texas (Mr. Eckhardt) rise?

MR. ECKHARDT: Mr. Chairman, I wish to yield to the gentleman from New Jersey (Mr. Rodino).

THE CHAIRMAN: The Chair cannot recognize the gentleman for that purpose.

§ 13.8 The proponent of an amendment in Committee of the Whole is entitled to five minutes of debate in favor of the amendment before a perfecting amendment may be

offered thereto, and he may not yield to another to offer an amendment.

An example of the proposition described above occurred on May 31, 1984,⁽¹⁾ during consideration of H.R. 5167, the Department of Defense authorization bill. The proceedings in the Committee of the Whole were as follows:

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dickinson: At the end of this bill insert the following new section. . . .

MR. DICKINSON (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:⁽²⁾ Is there objection to the request of the gentleman from Alabama?

There was no objection.

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, will the gentleman yield to me?

MR. DICKINSON: I am very pleased to yield to the chairman of the committee.

MR. PRICE: Mr. Chairman, I would like to offer a perfecting amendment to the amendment offered by the gentleman from Alabama. The amendment is at the desk.

THE CHAIRMAN: The Chair will make the observation that the gentleman

1. 130 CONG. REC. 14648, 98th Cong. 2d Sess.
2. Dan Rostenkowski (Ill.).

has not yet discussed his amendment. At the conclusion of that discussion, it will then be in order for the gentleman to offer an amendment.

§ 14. Effect of Previous Question; Expiration of Time for Debate

Amendments Cut Off by Previous Question

§ 14.1 The demand for the previous question cuts off further amendments unless the previous question is rejected.

On June 12, 1961,⁽³⁾ during consideration, in the House as in Committee of the Whole, of a bill⁽⁴⁾ relating to admission of certain evidence in the District of Columbia courts, the following proceedings took place:

MR. [JOHN L.] McMILLAN [of South Carolina]: Mr. Speaker, I move the previous question. . . .

MR. [WILLIAM C.] CRAMER [of Florida]: Mr. Speaker, I have previously announced I would offer an amend-

3. 107 CONG. REC. 10080, 87th Cong. 1st Sess.

For further application of the principle that a resolution before the House is subject to amendment if the motion for the previous question is voted down, see 95 CONG. REC. 10, 81st Cong. 1st Sess., Jan. 3, 1949.

4. H.R. 7053 (Committee on the District of Columbia).