

There was no objection. . . .

MR. [BURT L.] TALCOTT [of California]: Mr. Chairman, may I inquire whether or not the Members who have already spoken on this amendment may speak again during limited time?

THE CHAIRMAN: When time is limited, Members are permitted to speak again under the allocation of time.

MR. TALCOTT: And they can yield their time to other Members?

THE CHAIRMAN: That is a unanimous-consent request. . . .

MR. [BARRY] GOLDWATER [Jr., of California]: . . . I ask unanimous consent that the time be extended another 15 minutes.

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

MR. [ANDREW J.] HINSHAW [of California]: Mr. Chairman, reserving the right to object, if we were to accede to the unanimous-consent request, would that open the door for additional Members to stand up to seek additional time?

THE CHAIRMAN: The Chair has already announced his allocation of time.

§ 30. — For Motions or Amendments

Cross References

Amendments generally, see Ch. 27, *supra*.

Member must be recognized by Chair to offer amendment, see § 19, *supra*.

Member must be recognized by Chair to offer motion, see § 23, *supra*.

Motions generally, see Ch. 23, *supra*.

No motions or amendments in time yielded for debate, see §§ 29.20–29.22, *supra*.

In House: Yielding for Amendment

§ 30.1 A pending motion being considered in the House is not subject to amendment unless the Member in control specifically yields for that purpose or unless the previous question is rejected.

On Oct. 31, 1983,⁽³⁾ during consideration of a motion to instruct conferees on H.R. 3222 (Departments of Commerce, State, and Justice appropriations for fiscal 1984) in the House, the following proceedings occurred:

MR. [GEORGE M.] O'BRIEN [of Illinois]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. O'Brien moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the bill, H.R. 3222, be instructed to insist on the House position on the amendment of the Senate numbered 93.

THE SPEAKER PRO TEMPORE:⁽⁴⁾ The gentleman from Illinois (Mr. O'Brien) is recognized for 1 hour.

MR. O'BRIEN: Mr. Speaker, I yield myself such time as I may consume.

3. 129 CONG. REC. 29963, 29964, 98th Cong. 1st Sess.

4. Robert A. Roe (N.J.).

Mr. Speaker, this motion instructs the House conferees to insist on the House position on Senate amendment 93, which earmarks \$70,155,000 in the bill for the juvenile justice program. . . .

MR. [HANK] BROWN of Colorado: Mr. Speaker, will the gentleman yield?

MR. O'BRIEN: I am happy to yield to the gentleman from Colorado.

MR. BROWN of Colorado: Mr. Speaker, I have a motion at the desk that I would like to offer in order to amend the motion.

THE SPEAKER PRO TEMPORE: Does the gentleman from Illinois (Mr. O'Brien) yield for that purpose?

MR. O'BRIEN: I yield not for the purposes of amendment.

THE SPEAKER PRO TEMPORE: Does the gentleman yield for debate only?

MR. O'BRIEN: For debate only, Mr. Speaker.

MR. BROWN of Colorado: Mr. Speaker, I believe I was yielded to without that limitation, and I would like to offer my amendment No. 1 as an amendment to the motion to instruct.

MR. O'BRIEN: In my naivete, I did not anticipate the amendment, Mr. Speaker. However my statement still prevails. I yielded only for comment.

THE SPEAKER PRO TEMPORE: The Chair recognizes that the gentleman yielded only for comment, so the Chair is going to sustain the position of the gentleman from Illinois (Mr. O'Brien). . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: A parliamentary inquiry, Mr. Speaker.

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

MR. WALKER: Mr. Speaker, if the gentleman from Colorado wishes to

offer his amendment as an amendment to the instructions offered by the gentleman from Illinois (Mr. O'Brien), could that be done by defeating the previous question on the motion, thereby giving the gentleman from Colorado an opportunity to offer an amendment?

THE SPEAKER PRO TEMPORE: If the previous question is voted down, an amendment would be in order. . . .

MR. O'BRIEN: Mr. Speaker, I move the previous question on the motion.

[The previous question was defeated and Mr. Brown offered an amendment.]

§ 30.2 Bills requiring consideration in the Committee of the Whole are considered in the House as in the Committee of the Whole under the five-minute rule when unanimous consent is granted for their immediate consideration, but when consent is granted for their immediate consideration *in the House*, debate is under the hour rule and amendments are only in order if the Member controlling the time yields for that purpose.

On Apr. 11, 1974,⁽⁵⁾ Speaker Carl Albert, of Oklahoma, responded to an inquiry regarding the consideration of amendments in the House as in Committee of the Whole:

MR. [JOHN A.] BLATNIK [of Minnesota]: Mr. Speaker, I ask unanimous

5. 120 CONG. REC. 10769, 10770, 10771, 93d Cong. 2d Sess.

consent for the immediate consideration in the House of the Senate bill (S. 3062) the Disaster Relief Act Amendments of 1974.

The Clerk read the title of the Senate bill.

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

MR. [RICHARD W.] MALLARY [of Vermont]: Mr. Speaker, if a bill is brought up under a unanimous-consent request and considered in the House at this time, would any amendment be in order?

THE SPEAKER: The Chair will state that since the gentleman is asking that it be considered in the House, the gentleman will then have control of the time.

—Amendment to Committee Amendment

§ 30.3 Where there was pending in the House under the hour rule a resolution and a committee amendment in the nature of a substitute, the Chair indicated that an amendment to the committee amendment could be offered only if the manager yielded for that purpose or if the previous question were rejected, and that a motion to recommit with instructions containing a direct amendment could not be offered if the committee substitute were adopted (since it is not

in order to further amend a measure already amended in its entirety).

On Mar. 22, 1983,⁽⁶⁾ after House Resolution 127 was called up for consideration in the House, Speaker Pro Tempore John F. Seiberling, of Ohio, responded to several parliamentary inquiries, as indicated below:

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 127), providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 1st session of the 98th Congress.

THE SPEAKER PRO TEMPORE: The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 127

Resolved, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section. . . .

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert:

6. 129 CONG. REC. 6447, 6448, 6455, 98th Cong. 1st Sess.

That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section. . . .

Sec. 2. The committees and amounts referred to in the first section are: Select Committee on Aging, \$1,316,057; Committee on Agriculture, \$1,322,669; Committee on Armed Services, \$1,212,273. . . .

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I have a parliamentary inquiry. . . .

If this Member from California would now offer an amendment to the total in this resolution . . . would that amendment now be in order?

THE SPEAKER PRO TEMPORE: The Chair would rule that the amendment would be in order if the gentleman from Illinois (Mr. Annunzio) would yield to the gentleman from California. . . .

MR. DANNEMEYER: . . . What if we were successful in defeating the previous question with respect to this issue? If we did, would an amendment to reduce spending consistent with what I stated previously then be in order?

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman if the previous question were defeated a germane amendment to the committee amendment would be in order at that time. . . .

MR. DANNEMEYER: I have a further parliamentary inquiry, Mr. Speaker.

We have a motion to commit which is available at the conclusion of a matter of this type. Is the procedure under which this process is now considered

by the floor such that the motion to commit can be used with instructions to reduce spending by a certain amount or is it a motion to recommit without instructions?

THE SPEAKER PRO TEMPORE: If the committee amendment in the nature of a substitute is agreed to no further direct amendment could be made by a motion to recommit.

—*Resolution Raising Privileges of House*

§ 30.4 A Member recognized to debate a resolution raising a question of the privileges of the House controls one hour of debate, and the resolution is not amendable unless he yields for that purpose or unless the previous question is voted down.

On Feb. 13, 1980,⁽⁷⁾ during consideration of House Resolution 578 (directing the Committee on Rules to make certain inquiries), the following proceedings occurred in the House:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, I send to the desk a privileged resolution (H. Res. 578) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, Whereas it was reported in the public press on February 9,

7. 126 CONG. REC. 2768, 2769, 96th Cong. 2d Sess.

1980, that, "The House of Representatives this week lost a secret effort in court to obtain a ruling that congressmen do not have to respond to federal grand jury subpoenas for House records;" and . . .

Whereas such alleged House action involves the conduct of officers and employees of the House, newspaper charges affecting the honor and dignity of the House, and the protection of the constitutional prerogatives of the House when directly questioned in the courts. . . .

Therefore be it resolved, That the Committee on Rules be instructed to inquire into the truth or falsity of the newspaper account and promptly report back to the House its findings and any recommendations thereon. . . .

THE SPEAKER:⁽⁸⁾ The Chair has examined the resolution and finds that under rule IX and the precedents of the House, the resolution presents the question of the privilege of the House.

The gentleman from Missouri (Mr. Bolling) will be recognized for 1 hour.

The Chair recognizes the gentleman from Missouri (Mr. Bolling). . . .

MR. BOLLING: Mr. Speaker, I am happy to yield to my distinguished friend from Arizona 5 minutes for debate only. . . .

THE SPEAKER: . . . The Chair recognizes the gentleman from Arizona (Mr. Rhodes).

—*Privileged Resolution*

§ 30.5 The Member calling up a privileged resolution from the Committee on Rules controls one hour of debate in the House, and the resolution

8. Thomas P. O'Neill, Jr. (Mass.).

is not subject to amendment unless the Member in charge yields for that purpose.

On Feb. 26, 1976,⁽⁹⁾ the following proceedings occurred in the House relative to calling up a resolution from the Committee on Rules:

MR. [CLAUDE] PEPPER [of Florida]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 868 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 868

Resolved, That Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"7. It shall not be in order to consider any report of a committee unless copies or reproductions of such report have been available to the Members on the floor for at least two hours before the beginning of such consideration. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:⁽¹⁰⁾ The gentleman will state it.

MR. BAUMAN: Mr. Speaker, this resolution is to be considered in the House

9. 122 CONG. REC. 4625, 4626, 94th Cong. 2d Sess. Since the 103d Congress, debate on questions of privilege is divided between the proponent and the Majority or Minority Leader. (Rule IX clause 2, as amended Jan. 5, 1993.)

10. Carl Albert (Okla.).

which would preclude an amendment from being offered by any Member.

THE SPEAKER: It is a rule that comes from the Committee on Rules. It is under the charge of the gentleman handling the resolution.

MR. BAUMAN: So unless the gentleman yields for the purpose of an amendment, none would be in order?

THE SPEAKER: The gentleman is correct.

MR. BAUMAN: Mr. Speaker, what unanimous-consent request might be entertained in order to allow amendments to be offered generally? Would it be a request to consider it in the House as in the Committee of the Whole?

THE SPEAKER: No. The gentleman from Florida controls the floor under the 1-hour rule in the House because this is a change in the rules brought to the floor by the Committee on Rules as privileged. Rules changes can be considered in the House.

—Amendments to Motion To Recommit

§ 30.6 A Member offering a motion to recommit with instructions controls the floor at the conclusion of the five minutes of debate in opposition to the motion and may yield for an amendment to his motion until such time as the previous question on the motion is moved; the Member speaking in opposition cannot yield for that purpose.

On July 19, 1973,⁽¹¹⁾ after the previous question was ordered on H.R. 8860, to amend and extend the Agricultural Act of 1970, to final passage, Mr. Charles M. Teague, of California, offered a motion to recommit with instructions. Pursuant to Rule XVI clause 4, Mr. Teague was recognized for five minutes in favor of the motion and Mr. William R. Poage, of Texas, was recognized for five minutes in opposition to the motion. Speaker Carl Albert, of Oklahoma, ruled that Mr. Teague, not Mr. Poage, was in control of the motion for the purpose of yielding to another Member to offer an amendment to the motion:

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, will the distinguished chairman of the committee yield for an amendment to the motion to recommit?

MR. POAGE: Certainly, I will yield, but I would like to hear the amendment.

THE SPEAKER: The gentleman is not in order. The gentleman from California (Mr. Teague) has control of the motion to recommit and can yield for that purpose if he desires to do so.

The gentleman from Texas now has the floor.

MR. POAGE: Mr. Speaker, I will not yield for a pig in a poke. I want to know what the gentleman is proposing.

THE SPEAKER: The gentleman cannot yield for that purpose. The gentleman

11. 119 CONG. REC. 24967, 93d Cong. 1st Sess.

from California can yield for that purpose. . . .

THE SPEAKER: The time of the gentleman from Texas has expired.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. HAYS: Mr. Speaker, my point of order is that I do not believe the gentleman from California can yield for this purpose without getting unanimous consent.

THE SPEAKER: The gentleman can yield for the purpose of an amendment, since he has the floor.

MR. TEAGUE of California: Mr. Speaker, I yield to the distinguished minority leader for the purpose of offering an amendment.

MR. GERALD R. FORD: Mr. Speaker, I offer an amendment to the motion to recommit.

MR. [JOHN E.] MOSS [Jr., of California]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MOSS: Mr. Speaker, my point of order is that the time of the gentleman from California has expired.

THE SPEAKER: That does not keep him from yielding.

MR. MOSS: He has not got the floor.

THE SPEAKER: The gentleman from California has the right to yield for an amendment, since he still has the floor as the previous question has not been ordered on the motion to recommit.

—Control of Floor Affected by Yielding for Amendment

§ 30.7 Where the Member in charge of a resolution in the

House yields to another for the purpose of offering an amendment, he loses control of the floor, and the sponsor of the amendment gains control for an hour.

On Mar. 27, 1945,⁽¹²⁾ the House was considering, as unfinished business, House Resolution 195, creating a select committee. Mr. Edward E. Cox, of Georgia, the manager of the resolution, was recognized and moved the previous question, which was ordered. Discussion then ensued on an agreement made by Mr. Cox with Mr. Clinton P. Anderson, of New Mexico, that before the resolution was voted on an amendment to the resolution would be considered. Mr. Cox therefore moved to reconsider the vote on the previous question; on reconsideration, the previous question was rejected. Mr. Cox then yielded to Mr. Anderson to offer an amendment to the resolution, with control of the floor passing to Mr. Anderson.

MR. [EARL E.] MICHENER [of Michigan]: Mr. Speaker, the acting chairman of the Committee on Rules having yielded for the offering of an amendment, as I understand the rule, the gentleman from New Mexico now has 1 hour, and the gentleman from Georgia has lost the floor.

¹² 91 CONG. REC. 2861, 2862, 79th Cong. 1st Sess.

THE SPEAKER:⁽¹³⁾ The gentleman is correct.⁽¹⁴⁾

§ 30.8 A Member calling up a privileged resolution reported from the Committee on House Administration and in control of the time under the hour rule yielded to the Majority Leader to offer an amendment, the latter thereby gaining control of the floor.

On Sept. 17, 1965,⁽¹⁵⁾ Mr. Omar T. Burleson, of Texas, called up, as privileged by direction of the Committee on House Administration, House Resolution 585, dismissing election contests against certain Members-elect. Mr. Burleson yielded to the Majority Leader, Carl Albert, of Oklahoma, to offer an amendment to the resolution. Mr. Albert, having gained control of the time for debate, moved the previous question on the resolution. Mr. James G. Fulton, of Pennsylvania, then asked for time for debate in opposition to the amendment and was advised by Speaker John W. McCormack, of Massachusetts, that

13. Sam Rayburn (Tex.).

14. See also 102 CONG. REC. 12922, 12923, 84th Cong. 2d Sess., July 16, 1956; and 100 CONG. REC. 2282, 83d Cong. 2d Sess., Feb. 25, 1954.

15. 111 CONG. REC. 24290, 24291, 89th Cong. 1st Sess.

he could not be recognized since he was not yielded time by Mr. Albert.

§ 30.9 Where a Member calling up a bill in the House and in control of the time under the hour rule yields to a minority Member to offer an amendment, he loses control of the floor.

On Oct. 5, 1962,⁽¹⁶⁾ Mr. Francis E. Walter, of Pennsylvania, called up by unanimous consent S. 3361, on the entry of aliens with special skills. He was recognized by Speaker John W. McCormack, of Massachusetts, to control one hour of debate. He then yielded to Arch A. Moore, Jr., of West Virginia (a minority Member) to offer an amendment, thereby losing control of the floor.

§ 30.10 Where a Member in control of the time in opposition to a measure yields to another Member to offer an amendment, he loses control of the floor.

On Mar. 13, 1939,⁽¹⁷⁾ Mr. Howard W. Smith, of Virginia, called up at the direction of the Committee on Rules House Resolution

16. 108 CONG. REC. 22606-09, 87th Cong. 2d Sess.

17. 84 CONG. REC. 2663-73, 76th Cong. 1st Sess.

113, authorizing the Committee on the District of Columbia to investigate the milk industry. The previous question was rejected on the resolution, and Speaker William B. Bankhead, of Alabama, stated that the right to be recognized passed to Carl E. Mapes, of Michigan, a Member opposed to the resolution. Mr. Mapes then yielded to Mr. Charles A. Halleck, of Indiana, to offer an amendment, Mr. Mapes thereby losing control of the floor.

In response to a number of parliamentary inquiries, the Speaker explained that a Member, having offered an amendment, could not yield to another Member to offer an amendment to his amendment without losing the floor.

§ 30.11 The manager of a conference report controlling the floor on a motion to dispose of an amendment in disagreement, by yielding to another Member to offer an amendment to his motion, loses the floor and the Member to whom he has yielded controls one hour of debate on his amendment and may move the previous question on his amendment and on the original motion.

During consideration of the conference report on H.R. 7933 (the

Defense Department appropriation bill for fiscal year 1978) in the House on Sept. 8, 1977,⁽¹⁸⁾ the following proceedings occurred:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I hope we have had a fair debate on the issues. My motion provides for the continuation of the B-1 program, and I rise in further support of my motion and in opposition to the Addabbo amendment.

By previous arrangement, in order to be absolutely fair with the House and give the House an opportunity to work its will, I yield to the gentleman from New York (Mr. Addabbo) for the purpose of offering an amendment.

MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Speaker, I offer an amendment to the motion offered by the gentleman from Texas (Mr. Mahon).

The Clerk read as follows:

Amendment offered by Mr. Addabbo to the motion offered by Mr. Mahon: In lieu of the sum proposed to be inserted by said motion insert: "\$6,262,000,000".

MR. ADDABBO: Mr. Speaker, I will not take the hour. By previous arrangement and agreement with the chairman of the full committee, the gentleman from Texas (Mr. Mahon), who has been kind enough to recognize me at this time for the purpose of offering this amendment, the agreement was that I would after offering the substitute move the previous question so that we would have a clear vote on the question of whether or not to fund the B-1. . . .

18. 123 CONG. REC. 28130-32, 95th Cong. 1st Sess.

Mr. Speaker, I move the previous question on the amendment to the motion.

The previous question was ordered.

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ The question is on the amendment offered by the gentleman from New York (Mr. Addabbo) to the motion offered by the gentleman from Texas (Mr. Mahon).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

MR. ADDABBO: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 202, nays 199, not voting 33. . . .

So the amendment to the motion was agreed to.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Texas (Mr. Mahon), as amended.

The motion, as amended, was agreed to.

§ 30.12 Where the manager of a resolution under consideration in the House yields to another Member to offer an amendment, the manager loses control of the floor and

19. George E. Brown, Jr. (Calif.).

the Member offering the amendment is recognized for one hour.

The following proceedings occurred in the House on June 10, 1980:⁽²⁰⁾

THE SPEAKER:⁽¹⁾ The unfinished business is the further consideration of the resolution (H. Res. 660) in the matter of Representative Charles H. Wilson. . . .

Pursuant to the rules of the House and the unanimous-consent agreement, the gentleman from Florida (Mr. Bennett) has 12 minutes remaining; the gentleman from South Carolina (Mr. Spence), has 8 minutes remaining; the gentleman from California (Mr. Charles H. Wilson), or his designee has 1 hour remaining. . . .

The Chair recognizes the gentleman from Florida (Mr. Bennett).

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Speaker, I yield to the gentleman from Washington (Mr. Foley) for an amendment.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Foley: Strike out the second clause of House Resolution 660 and renumber the subsequent clauses accordingly.

THE SPEAKER: The Chair recognizes the gentleman from Washington (Mr. Foley) for 1 hour.

Parliamentarian's Note: Mr. Bennett moved the previous ques-

20. 126 CONG. REC. 13801, 13811, 96th Cong. 2d Sess.

1. Thomas P. O'Neill, Jr. (Mass.).

tion on the resolution as amended, although he had lost the floor when yielding to Mr. Foley for amendment, when no other Member sought the floor.

§ 30.13 Where a Member calling up a measure in the House offers an amendment and then yields to another Member to offer an amendment to his amendment, he loses the floor and the Member to whom he yielded is recognized for one hour and may move the previous question on the amendments and on the measure itself.

On Dec. 6, 1977,⁽²⁾ the House had under consideration House Joint Resolution 662 (continuing appropriations for fiscal 1978) when the following proceedings occurred:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, pursuant to the rule just adopted by the House, I call up the joint resolution (H.J. Res. 662) making further continuing appropriations for the fiscal year 1978, and for other purposes. . . .

THE SPEAKER PRO TEMPORE:⁽³⁾ The gentleman from Texas (Mr. Mahon) is recognized for 1 hour.

MR. MAHON: Mr. Speaker, I yield myself such time as I may consume

2. 123 CONG. REC. 38392, 38393, 38400, 38401, 95th Cong. 1st Sess.

3. Joe D. Waggoner, Jr. (La.).

and, Mr. Speaker, during the consideration of House Joint Resolution 662, I shall yield only for the purposes of debate and not for amendment unless I specifically so indicate. . . .

Second, immediately after I offer my amendment, I will yield to the gentleman from Illinois (Mr. Michel), the ranking minority member of the Labor-HEW Subcommittee and the ranking minority conferee on that appropriation bill for an amendment on the abortion issue. . . .

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

Amendment offered by Mr. Mahon: On page 2, after line 9, insert the following:

Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1978 (H.R. 7555), at a rate of operations, and to the extent and in the manner, provided for in such Act as modified by the House of Representatives on August 2, 1977, notwithstanding the provisions of section 106 of this joint resolution.

AMENDMENT OFFERED BY MR. MICHEL TO THE AMENDMENT OFFERED BY MR. MAHON

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Michel to the amendment offered by Mr. Mahon: At the end of the amendment of the gentleman from Texas strike the period, insert a semicolon, and add the following: "Provided, That none of the funds

provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of forced rape or incest. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Illinois (Mr. Michel) is recognized for 1 hour.

MR. MICHEL: Mr. Speaker, I yield 30 minutes to the gentleman from Texas (Mr. Mahon), the chairman of our committee, pending which I yield myself such time as I may consume. . . .

Mr. Speaker, I move the previous question on the amendments and the joint resolution.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered.

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the amendment offered by the gentleman from Illinois (Mr. Michel) to the amendment offered by the gentleman from Texas (Mr. Mahon). . . .

[The] amendment to the amendment was rejected. . . .

THE SPEAKER PRO TEMPORE: The question is on the amendment offered by the gentleman from Texas (Mr. Mahon).

The amendment was agreed to.

—Offeror of Preferential Motion May Not Move Previous Question in Time Yielded for Debate

§ 30.14 A Member who has offered a pending preferential

motion to dispose of a Senate amendment in disagreement may not, during time yielded to him for debate only, move the previous question on his motion, thereby depriving the Members in charge of control of the time.

The proceedings of Dec. 4, 1975, during consideration of the conference report on H.R. 8069, the Department of Health, Education, and Welfare and related agencies appropriation bill for fiscal 1976, are discussed in § 33.12, *infra*.

Deferring Recognition to Another To Offer Motion To Dispose of Senate Amendment in Disagreement

§ 30.15 The manager of a conference report and amendments reported from conference in disagreement may defer to another member of the committee to offer the initial motion to dispose of an amendment reported in disagreement.

On May 24, 1984,⁽⁴⁾ during consideration of the conference report on House Joint Resolution 492 (urgent supplemental appropriations for the Department of Agri-

4. 130 CONG. REC. 14254, 98th Cong. 2d Sess.

culture) in the House, the following proceedings occurred:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: . . .

THE SPEAKER PRO TEMPORE:⁽⁵⁾ The question is on the motion offered by the gentleman from Mississippi (Mr. Whitten).

The motion was agreed to.

THE SPEAKER PRO TEMPORE: The Clerk will designate amendment No. 14.

The amendment reads as follows:

Senate amendment No. 14: Page 2, after line 17, insert:

CENTRAL INTELLIGENCE
AGENCY

For activities of the Central Intelligence Agency . . . not to exceed \$21,000,000. . . .

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Mississippi (Mr. Whitten).

MR. WHITTEN: Mr. Speaker, on this amendment I yield to the gentleman from Massachusetts (Mr. Boland).

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an

amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

No funds are appropriated herein for the Central Intelligence Agency in fiscal year 1984 for the purpose . . . of supporting, directly or indirectly, military or paramilitary operations in Nicaragua. . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I yield our time to my good friend from Virginia (Mr. Robinson).

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Boland) will be recognized for 30 minutes and the gentleman from Virginia (Mr. Robinson) will be recognized for 30 minutes.

Parliamentarian's Note: Mr. Whitten technically could not "yield" to Mr. Boland in this instance, since he did not have the floor between motions, but simply defer and not seek recognition.

Yielding for Motion To Adjourn

§ 30.16 Unless the Member who has control of the floor yields for that purpose, a motion to adjourn is not in order.

On Oct. 19, 1966,⁽⁶⁾ Speaker John W. McCormack, of Massachusetts, ruled that unless Mr. Wayne L. Hays, of Ohio, who had the floor in debate on a resolution from the Committee on Rules,

6. 112 CONG. REC. 27725-27, 89th Cong. 2d Sess.

5. George E. Brown, Jr. (Calif.).

yielded for that purpose, a motion to adjourn would not be in order.⁽⁷⁾

§ 30.17 A Member holding the floor under a reservation of the right to object to a unanimous-consent request yielded to another Member to move to adjourn.

On Sept. 22, 1965,⁽⁸⁾ Mr. Abraham J. Multer, of New York, had been recognized to address the House under a special order. Mr. Joe D. Waggoner, Jr., of Louisiana, made a point of order that a quorum was not present and a call of the House was ordered. After 307 Members had answered to their names, Speaker John W. McCormack, of Massachusetts, stated that without objection further proceedings under the call would be dispensed with. Mr. John D. Dingell, of Michigan, reserved the right to object and then yielded to Mr. Leslie C. Arends, of Illinois, who moved that the House adjourn. The Speaker inquired whether Mr. Dingell yielded for that purpose, and Mr. Din-

7. See also 109 CONG. REC. 10151-65, 88th Cong. 1st Sess., June 4, 1963; 102 CONG. REC. 6891, 84th Cong. 2d Sess., Apr. 24, 1956; and 91 CONG. REC. 7221-25, 79th Cong. 1st Sess., Oct. 18, 1945.

8. 111 CONG. REC. 24716, 24717, 89th Cong. 1st Sess.

gell responded in the affirmative. The House rejected the motion.⁽⁹⁾

Under Five-minute Rule: Cannot Yield for Amendment

§ 30.18 A Member desiring to offer an amendment under the five-minute rule in Committee of the Whole must seek recognition from the Chair, and a Member recognized under the five-minute rule may not yield to another Member to offer an amendment.

On Sept. 8, 1976,⁽¹⁰⁾ the Committee of the Whole had under consideration the Clean Air Act Amendments of 1976 (H.R. 10498) when the following exchange occurred:

MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I move to strike the requisite number of words.

MR. [ELLIOTT] LEVITAS [of Georgia]: Mr. Chairman, will the gentleman yield?

MR. ROGERS: I yield to the gentleman from Georgia.

MR. LEVITAS: Mr. Chairman, I have an amendment that I would like to offer at this point.

9. When during debate the Member with the floor yields for the motion that the House adjourn, he does not lose the right to resume when debate is again continued (see 5 Hinds' Precedents §§ 5009-5013).

10. 122 CONG. REC. 29243, 94th Cong. 2d Sess.

THE CHAIRMAN:⁽¹¹⁾ The Chair will advise the gentleman from Georgia that the gentleman will have to seek recognition on his own time and in due order.

MR. LEVITAS: I thank the Chairman.

MR. ROGERS: I yield back the balance of my time.

§ 30.19 A Member who has the floor under the five-minute rule in Committee of the Whole may not yield to another Member to offer an amendment, as it is within the sole power of the Chairman of the Committee of the Whole to recognize Members to offer amendments.

During consideration of the Education Amendments of 1978 (H.R. 15) in the Committee of the Whole on July 13, 1978,⁽¹²⁾ the following exchange occurred:

MR. [CARL D.] PERKINS [of Kentucky]: Let me say to the distinguished gentleman from Texas (Mr. Gonzalez) that we have spent about 24 hours on this amendment in the committee. Also we have a substitute amendment here that is agreed to and it will be offered either by the gentleman from Puerto Rico (Mr. Corrada) or the gentleman from California (Mr. Miller) so that right now I will yield to the gentleman from California (Mr. Miller) for the purpose of offering the substitute amendment.

11. J. Edward Roush (Ind.).

12. 124 CONG. REC. 20653, 95th Cong. 2d Sess.

THE CHAIRMAN:⁽¹³⁾ The Chair will state that the gentleman cannot yield to another Member for the purpose of offering an amendment.

§ 30.20 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.

During consideration of the Department of Defense authorization for fiscal year 1985 (H.R. 5167) in the Committee of the Whole on May 31, 1984,⁽¹⁴⁾ the following proceedings occurred:

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:

Sec. (a). (1) Notwithstanding any other provision of this Act, the amount authorized to be appropriated for fiscal year 1985 for the Air Force for missiles is \$7,756,600,000. . . .

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

13. Robert B. Duncan (Oreg.).

14. 130 CONG. REC. 14648, 98th Cong. 2d Sess.

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:⁽¹⁵⁾ The Chair will make the observation that the gentleman 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.

§ 30.21 A Member recognized under the five-minute rule in Committee of the Whole may not yield to another Member to offer an amendment, as recognition to offer amendments rests in the Chairman of the Committee of the Whole.

On Apr. 9, 1979, during consideration of H.R. 3324, the International Development Cooperation Act of 1979, an amendment was under consideration which stated in part as follows:⁽¹⁶⁾

Amendment offered by Mr. [Robert E.] Bauman [of Maryland]: On page 23, line 10, strike all of Section

15. Dan Rostenkowski (Ill.).

16. 125 CONG. REC. 7755, 7756, 96th Cong. 1st Sess. Proceedings relating to the amendment are discussed in more detail in § 19.15, supra.

303(a) and insert in lieu thereof the following new Section 303:

“Sec. 303. (a) Section 533 of the Foreign Assistance Act of 1961 is amended to read as follows:

“Sec. 533—Southern Africa Program

“(a) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1980, \$68,000,000 shall be available (only) for the countries of southern Africa and for—

“(1) a southern Africa regional refugee support, training, and economic planning program. . . .

“(c) Of the amounts authorized to be appropriated to carry out the purposes of this section, \$20,000,000 shall be made available to the government of Zimbabwe/Rhodesia which is installed in that nation as a result of the election held in April 1979, which election may be evaluated and reported upon by observers as provided for in this section.’”

After inquiries as to the precise language intended to be used in the amendment, and the effect thereof, Mr. Paul Findley, of Illinois, sought to change certain language:⁽¹⁷⁾

MR. FINDLEY: Mr. Chairman, just to bring this to a head, I ask unanimous consent that the word “shall” which appears in two places in the last paragraph of the amendment be changed to “may.”

THE CHAIRMAN:⁽¹⁸⁾ Is there objection to the request of the gentleman from Illinois?

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I object.

17. 125 CONG. REC. 7761, 96th Cong. 1st Sess.

18. Elliott H. Levitas (Ga.).

THE CHAIRMAN: Objection is heard.

The gentleman will have to submit an amendment in writing if the Chair is to consider it.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I move to strike the requisite number of words. . . .

MR. FINDLEY: Mr. Chairman, will the gentleman yield for the purpose of offering an amendment?

MR. ROUSSELOT: Yes.

MR. FINDLEY: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN: The Chair will advise the gentleman from Illinois that he will have to seek his own time for the purposes of offering his amendment.

§ 30.22 A Member recognized under the five-minute rule in Committee of the Whole may not yield to another Member to offer an amendment, as recognition for amendments is in the Chair.

During consideration of the Department of Energy Authorization Act (H.R. 3000) in the Committee of the Whole on Oct. 18, 1979,⁽¹⁹⁾ the following proceedings occurred:

MR. [DON] FUQUA [of Florida]: Mr. Chairman, I yield to the gentleman from California (Mr. Lagomarsino), for the purpose of offering his amendment.

THE CHAIRMAN PRO TEMPORE:⁽²⁰⁾ The Chair will advise the gentleman

from Florida that the gentleman from California must seek his own time for the purpose of offering an amendment.

Does the gentleman from Florida yield back his time?

§ 30.23 A Member who has offered an amendment against which a point of order has been reserved may not during his time for debate yield to another Member to offer an amendment to the amendment.

The following proceedings occurred in the Committee of the Whole on Mar. 21, 1979:⁽¹⁾

THE CHAIRMAN:⁽²⁾ When the Committee rose on Tuesday, March 20, 1979, the gentleman from New York (Mr. Weiss) had been recognized to offer an amendment.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Weiss: Page 3, insert after line 5 the following:

Sec. 5. (a) Section 3(b) of the Council on Wage and Price Stability Act is amended by striking out "Nothing in this Act" and inserting in lieu thereof "Except as provided in section 8, nothing in this Act". . . .

MR. [WILLIAM S.] MOORHEAD [of Pennsylvania]: Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

19. 125 CONG. REC. 28814, 96th Cong. 1st Sess.

20. Gerry E. Studds (Mass.).

1. 125 CONG. REC. 5779-81, 96th Cong. 1st Sess.

2. Butler Derrick (S.C.).

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Moorhead) will be protected on his reservation of the point of order.

MR. [TED] WEISS [of New York]: Mr. Chairman, I rise to speak on the amendment. . . .

Mr. Chairman, I am today offering an amendment to H.R. 2283, the Council on Wage and Price Stability Reauthorization Act.

My amendment would give the President standby authority to impose wage, price, and related economic controls. . . .

MR. [MARC LINCOLN] MARKS [of Pennsylvania]: Mr. Chairman, will the gentleman yield?

MR. WEISS: I am pleased to yield to the gentleman from Pennsylvania.

MR. MARKS: Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have an amendment to the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The Chair will remind the gentleman from Pennsylvania (Mr. Marks) that his amendment is not in order at this point. . . .

The gentleman from Pennsylvania (Mr. Moorhead) has reserved a point of order against the pending amendment. . . .

MR. WEISS: Mr. Chairman, I would be pleased to accept that language [proposed by Mr. Marks] and make it part of my amendment, if that is satisfactory to the Chair. . . .

THE CHAIRMAN: The Chair will state that a point of order has been reserved, and the time of the gentleman from New York (Mr. Weiss) has not expired. It would be improper for the gentleman from Pennsylvania (Mr.

Marks) to offer his amendment to the amendment at this time.

MR. WEISS: . . . I understood that what we had was a reservation of the point of order, and pending that, it is my understanding that the debate could proceed as if in fact there had been no intervention. I would ask if that is accurate.

THE CHAIRMAN: But the amendment offered by the gentleman from New York (Mr. Weiss) is the amendment that is pending before the Committee, and that is the subject at this moment.

MR. WEISS: That is right, Mr. Chairman.

THE CHAIRMAN: When the Chair disposes of the point of order, then the gentleman from Pennsylvania (Mr. Marks) may offer his amendment to the amendment, if it remains pending.

MR. WEISS: Mr. Chairman, I think what the gentleman from Pennsylvania (Mr. Marks) is asking, if the Chair would permit, is whether I would accept that language, not take it in the form of an amendment but accept it as part of my amendment. I would be pleased to do that.

THE CHAIRMAN: The Chair has no jurisdiction over that matter. That is between the gentleman from New York (Mr. Weiss) and the gentleman from Pennsylvania (Mr. Marks). The modification must be in writing and must be by unanimous consent.

—Member Offering Pro Forma Amendment May Not Yield for Amendment

§ 30.24 A Member offering a pro forma amendment under the five-minute rule may not

yield to another Member during that time to offer an amendment.

The following proceedings occurred in the Committee of the Whole during consideration of H.R. 6030 (military procurement authorization for fiscal year 1983) on July 29, 1982:⁽³⁾

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Chairman, I move to strike the last word.

MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, will the gentleman yield? . . .

MR. BENNETT: The gentlewoman from Rhode Island (Mrs. Schneider).

MRS. [CLAUDINE] SCHNEIDER [of Rhode Island]: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN PRO TEMPORE:⁽⁴⁾ The gentlewoman will suspend. The gentleman from Florida has the time.

MR. BENNETT: I have the time, Mr. Chairman. I yield to the gentlewoman.

THE CHAIRMAN PRO TEMPORE: The gentleman is yielding to the gentlewoman from Rhode Island for debate only. . . .

The gentlewoman is not recognized to offer that amendment at this time. The gentleman from Florida has the time.

—Effect of Allocation of Debate Time Under Limitation; Time Fixed and Control Divided

§ 30.25 Where debate on an amendment, a substitute

3. 128 CONG. REC. 18593, 18594, 97th Cong. 2d Sess.
4. Les AuCoin (Oreg.).

therefor and all amendments thereto had been limited and equally divided between proponents of the original amendment and substitute and an opponent prior to the offering of those amendments, the proponent of the substitute was not permitted to offer it during time yielded to him for debate on the original amendment, but the proponent of an amendment to the substitute was permitted to offer it during time yielded by the opponent of the substitute, since amendments were in order at any time during the allocated time and all debate time had been otherwise allocated to other Members.

On June 18, 1981,⁽⁵⁾ the following proceedings occurred in the Committee of the Whole during consideration of H.R. 3480, the Legal Services Corporation Act Amendments of 1981:

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kazen: Page 12, strike out lines 10 through 16 and insert in lieu thereof the following:

“(11) to provide legal assistance for or on behalf of any alien who has not

5. 127 CONG. REC. 12969–74, 97th Cong. 1st Sess.

been lawfully admitted for permanent residence in the United States unless the residence of the alien in the United States is authorized by the Attorney General; or

THE CHAIRMAN:⁽⁶⁾ In accordance with the prior agreement, under the unanimous-consent agreement, the gentleman from Texas is allocated 15 minutes in support of his amendment. . . .

Under the prior agreement . . . the Chair allocates 15 minutes to the gentleman from New Jersey (Mr. Rodino) in opposition to this amendment. . . .

MR. [BILL] MCCOLLUM [of Florida]: Mr. Chairman, will the gentleman yield?

MR. [PETER W.] RODINO [Jr., of New Jersey]: I yield to the gentleman from Florida.

MR. MCCOLLUM: I thank the gentleman for yielding.

Mr. Chairman, I would like to speak in opposition to the amendment offered by the gentleman from Texas (Mr. Kazen) if I might, please. . . .

I have before the desk a substitute amendment, and I would like to offer that substitute at this time.

THE CHAIRMAN: The gentleman has been recognized under time controlled by the gentleman from New Jersey.

MR. RODINO: I yield to the gentleman for purposes of debate only, and I think the gentleman can offer his amendment on his own time.

MR. MCCOLLUM: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCollum as a substitute for the amendment offered by Mr. Kazen: . . .

THE CHAIRMAN: Under prior agreement, by unanimous consent, the gentleman from Florida (Mr. McCollum) is allocated 15 minutes in support of his amendment. . . .

Does the gentleman from New Jersey (Mr. Rodino) rise in opposition to the substitute?

MR. RODINO: Mr. Chairman, I rise in opposition. . . .

Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Fish).

MR. [HAMILTON] FISH [Jr., of New York]: I thank the chairman for yielding.

Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Fish to the amendment offered by Mr. McCollum as a substitute for the amendment offered by Mr. Kazen: . . .

§ 30.26 Where the Committee of the Whole has by unanimous consent fixed the time for debate on an amendment and divided control of the time, the two Members controlling debate may yield time as in general debate, and Members may offer and debate amendments in the time yielded them for that purpose.

On July 9, 1965,⁽⁷⁾ the Committee of the Whole was consid-

7. 111 CONG. REC. 16207, 16217, 16218, 89th Cong. 1st Sess.

6. Matthew F. McHugh (N.Y.).

ering H.R. 6400, the Voting Rights Act of 1965, pursuant to a unanimous-consent agreement fixing debate on the pending amendment at two hours and dividing control of the time between Mr. William M. McCulloch, of Ohio, the proponent of the amendment, and Emanuel Celler, of New York, Chairman of the Committee on the Judiciary. Mr. McCulloch, who had the floor, yielded to Mr. Robert McClory, of Illinois, who offered an amendment and was recognized by Chairman Richard Bolling, of Missouri, for five minutes.

The Chairman stated, in response to a parliamentary inquiry by Mr. Celler that the two Members in control could, under the unanimous-consent agreement, yield time to other Members and that Members yielded to could offer amendments.

—Offering Amendment Where Balance of Time Was Yielded by Unanimous Consent

§ 30.27 A Member recognized under the five-minute rule may not yield to another Member to offer an amendment (thereby depriving the Chair of his power of recognition), but he may by unanimous consent yield the balance of his time to an-

other Member who may thereafter offer an amendment.

The proposition described above was demonstrated in the Committee of the Whole on Oct. 30, 1975,⁽⁸⁾ during consideration of H.R. 8603, the Postal Reorganization Act Amendments of 1975:

(Mr. Cohen asked and was given permission to revise and extend his remarks.)

MR. [PIERRE S.] DU PONT [IV, of Delaware]: Mr. Chairman, will the gentleman yield?

MR. [WILLIAM S.] COHEN [of Maine]: I yield to the gentleman from Delaware.

MR. DU PONT: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:⁽⁹⁾ The Chair will state that the gentleman from Maine cannot yield for the purpose of the gentleman from Delaware offering an amendment.

MR. COHEN: Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Delaware (Mr. du Pont).

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

There was no objection.

THE CHAIRMAN: The gentleman from Delaware is recognized for 2 minutes.

AMENDMENT OFFERED BY MR. DU PONT

MR. DU PONT: Mr. Chairman, I offer an amendment.

8. 121 CONG. REC. 34442, 94th Cong. 1st Sess.

9. Walter Flowers (Ala.).

The Clerk read the amendment as follows:

Amendment offered by Mr. du Pont: Page 32, immediately after line 26, add the following new section:

Sec. 16. (a) Chapter 6 of title 39, United States Code, is amended by adding at the end thereof the following new section: . . .

Member in Control Does Not Yield to Another To Offer Preferential Motion

§ 30.28 A Member controlling the floor under the five-minute rule may not yield to another Member to offer a preferential motion, but must relinquish the floor by yielding back his time or withdrawing his amendment by unanimous consent; the Member offering the preferential motion must then seek recognition in his own right.

During consideration of H.R. 6942 (International Security and Development Cooperation Act of 1980) in the Committee of the Whole on May 28, 1980,⁽¹⁰⁾ the following proceedings occurred:

THE CHAIRMAN:⁽¹¹⁾ Are there further amendments to title I?

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Chairman, I offer an amendment. . . .

10. 126 CONG. REC. 12558, 12559, 96th Cong. 2d Sess.

11. Elliott H. Levitas (Ga.).

THE CHAIRMAN: The gentleman from Michigan (Mr. Broomfield) is recognized for 5 minutes in support of his amendment.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, will the gentleman yield?

MR. BROOMFIELD: I am glad to yield to the chairman of the committee.

MR. ZABLOCKI: Mr. Chairman, I note that the hour of 7:30 has arrived.

I have advised all of the members of the committee who have inquired that we would rise at 7:30. I am sure the gentleman from Michigan (Mr. Broomfield) will not be offended if he will be the first Member recognized when the committee reconvenes for the purpose of considering his amendment.

Mr. Chairman, I move that the Committee do now rise.

THE CHAIRMAN: The Chair will state that the gentleman is out of order until the gentleman from Michigan yields back his time or the amendment is withdrawn.

Does the gentleman from Michigan (Mr. Broomfield) ask unanimous consent to withdraw his amendment, without prejudice, and with the right to offer it again?

MR. BROOMFIELD: Yes, Mr. Chairman. I ask unanimous consent, with that understanding, to withdraw my amendment.

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

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ROUSSELOT: Mr. Chairman, why does the gentleman have to withdraw

his amendment? It can be before us for consideration tomorrow.

THE CHAIRMAN: The Chair had already recognized the gentleman from Michigan (Mr. Broomfield) for 5 minutes and the motion to rise could not take him from the floor.

MR. ROUSSELOT: Mr. Chairman, then the amendment offered by the gentleman from Michigan (Mr. Broomfield) will be first in order tomorrow, is that right?

THE CHAIRMAN: The Chair will rule that the amendment is still pending. The gentleman's amendment will be pending tomorrow; if the gentleman now yields back his time and the motion to rise is then offered.

MR. ROUSSELOT: I thank the Chair. So the gentleman does not have to withdraw his amendment.

THE CHAIRMAN: That is correct. The gentleman from Michigan has yielded back his time. The Chair recognizes the gentleman from Wisconsin (Mr. Zablocki).

MR. ZABLOCKI: Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Yielding Time for Motion That Committee of the Whole Rise

§ 30.29 For a motion to be made in yielded time, the time must have been yielded for that purpose; thus, a Member may not in time yielded him for general debate move that the Committee of the Whole rise, nor may he yield to another for such motion.

On Feb. 22, 1950,⁽¹²⁾ Mr. Howard W. Smith, of Virginia, moved that the Committee of the Whole rise; this motion was made in time yielded him in the Committee by Mr. Adam C. Powell, of New York, for general debate. Chairman Francis E. Walter, of Pennsylvania, ruled that the motion was not in order, since Mr. Powell had control of the time and since he had not yielded time to Mr. Smith for the making of the motion.⁽¹³⁾

Member Recognized for One-minute Speech Could Not Yield for Request To Restore Bill to Private Calendar

§ 30.30 The Speaker declined to permit a Member recognized for a one-minute speech to yield to another Member to make a request to restore a bill to the Private Calendar (which the House had previously agreed, by unanimous consent, should be passed over).

12. 96 CONG. REC. 2178, 81st Cong. 2d Sess.

13. See also 113 CONG. REC. 14121, 90th Cong. 1st Sess., May 25, 1967; 109 CONG. REC. 10151-65, 88th Cong. 1st Sess., June 4, 1963; 102 CONG. REC. 6891, 84th Cong. 2d Sess., Apr. 24, 1956; and 91 CONG. REC. 7221-25, 79th Cong. 1st Sess., Oct. 18, 1945.

On July 15, 1968,⁽¹⁴⁾ Speaker John W. McCormack, of Massachusetts, recognized Mr. William L. Hungate, of Missouri, to make a one-minute speech. Mr. Hungate then asked unanimous consent that a bill previously stricken from the Private Calendar be restored thereto, and the Speaker ruled that he could not entertain that request. Mr. Hungate then proceeded for one minute and yielded to Mr. Thomas J. Meskill, of Connecticut, who moved that the same bill be restored to the Private Calendar. The Speaker ruled that he had not recognized Mr. Hungate for the purpose of yielding to Mr. Meskill for the motion, and that the motion was not in order.

§ 31. — For Debate

Cross References

- Duration of debate, see §§67 et seq., *infra* (in the House) and §§74 et seq., *infra* (in the Committee of the Whole).
 Power of Chair over recognition for debate, see §9, *supra*.
 Unanimous consent for control or allocation of yielded time, see §§29.30, 29.31, *supra*.
 Yielded time charged to Member with the floor, see §§29.5–29.7, *supra*.
 Yielding balance of time, see §§29.9, 29.10, 29.16, *supra*.

14. 114 CONG. REC. 21326, 90th Cong. 2d Sess.

Yielding by Members in control, see §§24, *supra* (role of manager) and 26, *supra* (management by reporting committee).

Yielding during special order speeches, see §29.18, *supra*.

Yielding for Debate Is Discretionary

§ 31.1 Yielding time for general debate is discretionary with the Members having control thereof.

On Aug. 12, 1959,⁽¹⁵⁾ the Committee of the Whole was considering H.R. 8342, the Labor-Management Reporting and Disclosure Act, pursuant to the provisions of House Resolution 338, placing control of general debate with the chairman and ranking minority member of the Committee on Education and Labor. Chairman Francis E. Walter, of Pennsylvania, answered a parliamentary inquiry on the yielding of time:

MR. [ROMAN C.] PUCINSKI [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. PUCINSKI: Mr. Chairman, in view of the disparity of time, whereby the proponents of the Landrum-Griffin bill have 4 hours while the proponents

15. 105 CONG. REC. 15678, 86th Cong. 1st Sess.