

up for consideration, without the intervention of any point of order, the following bills:

S. 3389. An act to provide for the appointment of two additional judges for the southern district of New York.

S. 2075. An act to provide for the appointment of additional district judges for the eastern and western districts of Missouri.

S. 2137. An act to provide for the appointment of one additional district judge for the eastern, northern, and western districts of Oklahoma.

S. 2456. An act to provide for the appointment of an additional district judge for the northern and southern districts of West Virginia.

H.R. 11072. A bill authorizing the appointment of an additional district judge for the eastern district of Pennsylvania.

H.R. 3043. A bill to provide for the appointment of an additional district judge for the northern district of Georgia.

Each such bill when called up shall be considered in the House as in the Committee of the Whole. After general debate on each such bill, which shall continue not to exceed 20 minutes, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule.

**§ 24.20 The House adopted a resolution reported from the Committee on Rules fixing the time and control of debate in the House on another resolution reported from that committee.**

On Jan. 31, 1973, the House adopted the following resolution, reported from the Committee on Rules, providing for the consideration in the House of another resolution reported from the Committee on Rules (creating a select committee to study the operations of Rule X and Rule XI, relating to committees of the House and their procedures):<sup>(9)</sup>

*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to the consideration of the resolution (H. Res. 132) to create a select committee to study the operation and implementation of rules X and XI of the Rules of the House of Representatives. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the previous question shall be considered as ordered on the resolution to its adoption or rejection.

**§ 25. As to Reading for Amendment**

An order of business resolution reported from the Committee on Rules may vary the method by which a bill is read for amendment in Committee of the Whole. For example, the resolution may

9. H. Res. 176, 119 CONG. REC. 2804, 93d Cong. 1st Sess.

specify that the bill is to be read for amendment by titles instead of by sections, or that the bill shall be considered as having been read.<sup>(10)</sup> Where a bill is considered pursuant to a “closed” rule, the resolution typically provides that the bill shall be considered as having been read and that no amendments except committee amendments may be offered. Under such a rule, if no amendments are in fact offered in Committee of the Whole, the stage of amendment is passed.<sup>(11)</sup>

Special orders are often used to provide that a committee amendment in the nature of a substitute (a committee amendment printed in the reported bill, in italics, which substitutes an entirely new text for the bill) be read as an original bill for the purpose of amendment. The effect of such a resolution is to allow the committee amendment to be read section by section (or title by title, etc., as the rule specifies) and to be open to the four stages of amendment (an amendment, a substitute, and perfecting amendments to both the amendment and the substitute).<sup>(12)</sup>

**10.** See §§ 25.1–25.7, *infra*.

**11.** See, for example, §§ 22.17, 22.18, *supra*; § 25.4, *infra*.

**12.** See §§ 25.12, 25.15, *infra*. A special order may further provide that a

Where the special order provides for reading the committee amendment in the nature of a substitute as an original bill for amendment, the resolution will usually also provide that when the bill is reported from the Committee of the Whole to the House, any Member may demand a separate vote on any amendment adopted in Committee of the Whole to the committee amendment. Without such a provision, only the committee amendment in the nature of a substitute, as perfected, would be reported to the House for a vote, under the practice of the House.<sup>(13)</sup>

Where a bill consists of only one section, and is reported from committee with a single-section amendment in the nature of a substitute, it is not necessary to provide, in the special order, for reading the amendment as an original bill for the purpose of amendment. In the absence of such a provision, the bill will be read in its entirety and the amendment reported following general debate in Committee of the Whole, whereupon both the

designated amendment be in order if offered as an amendment to the committee amendment in the nature of a substitute (see § 25.16, *infra*).

**13.** See *House Rules and Manual* §§ 336, 337 [notes] (1979).

bill and the amendment will be pending and open to amendment.<sup>(14)</sup>

#### Cross References

- As to reading appropriation bills for amendment, see Ch. 25, *infra*.
- As to reading for amendment under five-minute rule in Committee of the Whole, see § 19, *supra*.
- As to resolutions read for amendment in Committee of the Whole under special rule, see § 20, *supra*.
- As to designated amendment made in order by special rule, see § 21, *supra*.
- As to closed rules restricting amendments and providing bills to be considered as read, see § 22, *supra*.
- As to amendments and reading for amendment generally, see Ch. 27, *infra*.
- As to Senate bills read for amendment under special rule, see § 27, *infra*.

### ***Varying Method of Reading Bill or Amendment in Nature of Substitute***

#### **§ 25.1 Form of resolution providing for reading an appropriation bill for amendment by "appropriation titles."**

The following resolution, reported from the Committee on Rules, was under consideration on Oct. 18, 1945.<sup>(15)</sup>

14. See § 25.13, *infra*. See also § 25.17, *infra*, for procedures where the committee amendment in the nature of a substitute is not read as original text.
15. H. Res. 375, 91 CONG. REC. 9813, 79th Cong. 1st Sess.

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4407) reducing certain appropriations and contract authorizations available for the fiscal year 1946, and for other purposes, and all points of order against said bill are hereby waived; that after general debate, which shall be confined to the bill and continue not to exceed 3 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Appropriations, the bill shall be read by appropriation titles for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

*Parliamentarian's Note:* Appropriation bills are usually read for amendment by paragraph.<sup>(16)</sup>

#### **§ 25.2 Form of resolution providing that a bill be read for amendment by title instead of by sections.**

The following resolution, reported from the Committee on Rules, was under consideration on July 30, 1970:<sup>(17)</sup>

16. See *House Rules and Manual* § 872 (1979).
17. 116 CONG. REC. 26253, 91st Cong. 2d Sess.

## H. RES. 1168

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17880) to amend the Defense Production Act of 1950, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 17880, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 3302, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 17880 as passed by the House.

*Parliamentarian's Note:* Bills other than appropriation bills are usually read for amendment by section.

Where a bill is being read for amendment by titles, an amendment in the nature of a substitute

may be offered after title I of the original text has been read for amendment, after the first section preceding title I (if there is such a preliminary section), or at the conclusion of the consideration of the final title of the bill.

**§ 25.3 Form of resolution providing that a committee amendment in the nature of a substitute be read as an original bill by titles rather than by sections.**

The following resolution, reported from the Committee on Rules, was under consideration on Jan. 31, 1964:<sup>(18)</sup>

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in education, to establish a Community Relations Service, to extend for four years the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, and all

18. H. Res. 616, 110 CONG. REC. 1511, 88th Cong. 2d Sess.

points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed ten hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any points of order the substitute amendment recommended by the Committee on the Judiciary now printed in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill, and shall be read by titles instead of by sections. It shall also be in order to consider, without the intervention of any point of order, the text of the bill H.R. 980, 88th Congress, as an amendment to the said committee substitute amendment. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

### ***Reading of Bill Waived***

#### **§ 25.4 Form of “closed rule” resolution waiving the reading of a bill for amendment and permitting committee**

#### **amendments only to be offered to any part of the bill.**

The following resolution, reported from the Committee on Rules, was under consideration on Feb. 14, 1934:<sup>(19)</sup>

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H.R. 7835, a bill to provide revenue, equalize taxation, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 16 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be consid-

19. H. Res. 266, 78 CONG. REC. 2503, 73d Cong. 2d Sess.

ered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

**§ 25.5 Form of resolution providing for consideration of a bill in Committee of the Whole, providing that the bill shall be considered as having been read for amendment, and providing that no amendments be in order.**

The following resolution, reported from the Committee on Rules, was under consideration on June 26, 1947:<sup>(1)</sup>

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3961) to provide increases in the rates of pension payable to Spanish-American War and Civil War veterans and their dependents, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs, the bill shall be considered as having been read. No amendment shall be in order to the said bill. At the conclusion of the general debate, the Committee shall rise

1. H. Res. 262, 93 CONG. REC. 7723, 80th Cong. 1st Sess.

and report the bill to the House and the previous question shall be considered as ordered on the bill to final passage without intervening motion, except one motion to recommit.

**§ 25.6 Form of resolution closing general debate on a bill in Committee of the Whole, providing that the bill be considered as having been read for amendment, and limiting the duration of the five-minute debate to an hour and a half.**

The following resolution, reported from the Committee on Rules, was under consideration on Apr. 17, 1936:<sup>(2)</sup>

HOUSE RESOLUTION 489

*Resolved*, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H.R. 11563, a bill declaring an emergency in the housing condition in the District of Columbia; creating a Rent Commission for the District of Columbia; prescribing powers and duties of the commission, and for other purposes; and all points of order against said bill are hereby waived. General debate on said bill shall be considered as closed, and the bill shall be considered as having been read the second time. Amendments may be offered to any section of the bill, but debate under the 5-minute

2. 80 CONG. REC. 5634, 74th Cong. 2d Sess.

rule shall be closed within one hour and a half. At the conclusion of the consideration of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

*Parliamentarian's Note:* The intent of the provision in this special order for waiving the "second reading" of the bill was to consider the bill as having been read and open to amendment at any point under the five-minute rule.

**§ 25.7 Form of resolution providing that the bill and committee amendment in the nature of a substitute be considered as read and permitting only committee amendments to the bill or amendment in the nature of a substitute.**

The following resolution, reported from the Committee on Rules, was under consideration on Mar. 4, 1964: <sup>(3)</sup>

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

3. H. Res. 643, 110 CONG. REC. 4307, 4308 88th Cong. 2d Sess.

ation of the bill (H.R. 8000) to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer term financing in the United States and in markets abroad, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Ways and Means now in the bill and such substitute shall be considered as having been read for amendment and shall be considered as an original bill for purposes of amendment under the five-minute rule. No other amendment to the bill or committee substitute shall be in order except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but such amendments shall not be subject to amendment. At the conclusion of such consideration, the Committee shall rise and report the bill to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

***Reading Bill in Entirety***

**§ 25.8 Form of special rule providing for the consideration**

**of a bill in the Committee of the Whole and directing that in the consideration of the bill under the five-minute rule the bill should be read in its entirety, following which amendments should be in order to any paragraph.**

The following resolution, reported from the Committee on Rules, was under consideration on Aug. 22, 1935:

*Resolved,* That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H.R. 8455, a bill authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Flood Control, the bill in its entirety shall be read for amendment, following which amendments shall be in order to any paragraph of the bill, and such amendments shall be considered under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one

motion to recommit, with or without instructions.<sup>(4)</sup>

**§ 25.9 Where a special rule provided for the reading of a bill in its entirety, it was held in order following debate under the five-minute rule to move to close debate on the bill and all amendments thereto.**

On Aug. 22, 1935, the Committee of the Whole was considering H.R. 8455, a bill providing public works on rivers and harbors, pursuant to a special order (H. Res. 349) which provided in part as follows:

. . . That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Flood Control, the bill in its entirety shall be read for amendment, following which amendments shall be in order to any paragraph of the bill, and such amendments shall be considered under the 5-minute rule.<sup>(5)</sup>

Following some debate in Committee of the Whole under the five-minute rule, a motion to close debate was offered:

MR. [JACK] NICHOLS [of Oklahoma]:  
Mr. Chairman, I move that all debate

4. H. Res. 349, 79 CONG. REC. 14151, 74th Cong. 1st Sess.

5. 79 CONG. REC. 14151, 74th Cong. 1st Sess.

on this bill and all amendments thereto close in 30 minutes.

THE CHAIRMAN:<sup>(6)</sup> The gentleman from Oklahoma [Mr. Nichols] moves that all debate on the bill and all amendments thereto close in 30 minutes.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make a point of order against that motion.

THE CHAIRMAN: The Chair will hear the gentleman.

MR. TABER: Mr. Chairman, such a motion is only in order when a bill is being read by sections and after an amendment has been offered. The motion is not in order at this stage.

THE CHAIRMAN: The rule provided for the reading of the entire bill, and the Chair holds that the motion of the gentleman from Oklahoma is in order.<sup>(7)</sup>

***Reading Committee Amendment in Nature of Substitute as Original Bill or Resolution for Amendment***

**§ 25.10 Form of resolution providing that, during consideration of a House resolution on the House Calendar, a committee amendment in the nature of a substitute be read as an original resolution for amendment.**

The following resolution was under consideration on Dec. 3, 1970:<sup>(8)</sup>

6. Claude A. Fuller (Ark.).

7. 79 CONG. REC. 14192, 14193, 74th Cong. 1st Sess.

8. 116 CONG. REC. 39846, 91st Cong. 2d Sess.

H. RES. 1272

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1147) relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, the resolution shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on House Administration as an original resolution for the purpose of amendment under the five-minute rule, and all points of order against sections 2(a) and 3(a) of said substitute are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the resolution or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit [with] or without instructions.

**§ 25.11 Form of resolution providing, on a bill managed by**

**two committees, that one committee's amendment in the nature of a substitute be read as an original bill for amendment (part "open", part "closed").**

The following resolution was under consideration on Sept. 23, 1970:<sup>(9)</sup>

H. RES. 1216

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, three hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the

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

**§ 25.12 Where a bill is being considered under a rule providing that a committee substitute shall be read as an original bill for amendment, the Clerk reads the substitute by sections as the text to be perfected by amendment; and if said substitute,**

9. 116 CONG. REC. 33296, 91st Cong. 2d Sess.

**as amended, is rejected in Committee of the Whole, the original bill is read by section for amendment.**

On July 10, 1941, the Committee of the Whole concluded general debate on S. 1524 (deferment under Selective Training and Service Act), where the bill was being considered pursuant to a special order providing that the committee amendment in the nature of a substitute be read as an original bill for amendment (H. Res. 243). Chairman Schuyler Otis Bland, of Virginia, answered parliamentary inquiries on reading for amendment:<sup>(10)</sup>

THE CHAIRMAN: All time has expired. The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.,* That section 5(e) of the Selective Training and Service Act of 1940 is amended by adding at the end thereof the following:

"Anything in this act to the contrary notwithstanding, the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this act in the land and naval forces of the United States of the men who, on the 1st day of July 1941, or on the 1st day of July of any subsequent year, (1) are liable for such training and service, (2) have not been inducted into the land or naval forces for such training and service, and (3) have attained the twenty-eighth anniversary of the day of their birth."

10. 87 CONG. REC. 5962, 77th Cong. 1st Sess.

THE CHAIRMAN: Pursuant to the resolution, the Clerk will now read the House substitute as an original bill, reading it by sections for amendment.

MR. [WILLIAM P.] COLE [Jr. of Maryland: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. COLE of Maryland: I understand that at the conclusion of the reading of each section of the committee substitute that particular section will be subject to amendment.

THE CHAIRMAN: The gentleman is correct.

MR. [R. EWING] THOMASON [of Texas]: A parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. THOMASON: Am I correct in understanding that the substitute offered by the House committee to the Senate bill will now be read and will be subject to amendment by sections?

THE CHAIRMAN: That is correct.

MR. THOMASON: Further, that after the committee substitute has been read and amended, if it should be amended, the question will then recur upon the adoption of the committee substitute as amended.

THE CHAIRMAN: That is correct.

MR. THOMASON: Assuming that after the committee substitute has been amended and is submitted to the Committee for a vote, the committee substitute is voted down, would the Senate bill then be read for amendment?

THE CHAIRMAN: Then the Senate bill would be considered section by section, subject to amendment.

MR. THOMASON: If we went back to the Senate bill.

THE CHAIRMAN: That is correct.

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MARCANTONIO: In the event that the House bill is agreed to by the Committee, then will the House have an opportunity to vote on the House bill as a separate amendment after the Committee rises?

THE CHAIRMAN: If it is agreed to by the Committee, it will be reported back to the House as an amendment, and a vote in the House may be had on that amendment.

*Parliamentarian's Note:* Although the Chair directed the Clerk to read the first paragraph of the original bill before reading the first section of the substitute, that is no longer the practice when an amendment in the nature of a substitute is read as an original bill.

**§ 25.13 Where a bill consists of only one section, and is reported from committee with a single section amendment in the nature of a substitute, it is unnecessary to specify, in a resolution providing for the consideration of the bill, for reading the amendment as an original bill, for in the absence of such a provision, the bill is read by the Clerk when general debate is concluded and the committee**

**amendment is then reported; both the bill and the amendment are thus pending and open for amendment when consideration under the five-minute rule begins (although the committee amendment is not considered as original text for the purpose of offering amendments).**

On July 17, 1969,<sup>(11)</sup> the House adopted the following special order, where the bill therein provided for, and the committee amendment in the nature of a substitute, consisted of only one section:

H. RES. 476

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill ( H. R. 7491) to clarify the liability of national banks for certain taxes. After general debate which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and

11. 115 CONG. REC. 19905, 91st Cong. 1st Sess.

any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or Committee amendment in the nature of a substitute now printed in the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

At the conclusion of general debate in Committee of the Whole, the reading for amendment proceeded as follows (Chairman Richard H. Ichord, of Missouri, presiding):<sup>(12)</sup>

THE CHAIRMAN: There being no further requests for time, the Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Section 1. A national bank has no immunity from any sales tax, use tax, or personal property tax which it would be required to pay if it were a bank chartered under the laws of the State or other jurisdiction within which its principal office is located.

THE CHAIRMAN: The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

“§1. Amendment of section 5219 of the Revised Statutes.

“(a) Section 5219 of the Revised Statutes (12 U.S.C. 548) is amended to read:

“‘Sec. 5219. For the purposes of any tax law enacted under authority of the United States or any State, a national bank shall be deemed to be a bank organized and existing under the laws of the State or other jurisdiction within which its principal office is located.’

“(b) The amendment made by subsection (a) becomes effective on the first day of the first calendar year which begins after the date of enactment.”

MR. [GARRY E.] BROWN of Michigan:  
Mr. Chairman, I offer an amendment to the committee amendment.

**§ 25.14 Where a committee amendment in the nature of a substitute was being considered as an original bill under a special procedure permitting points of order to be “properly raised against any title, part or section . . . within the jurisdiction of any other standing committee,” the Chair indicated, in response to a parliamentary inquiry, that if the pending title of the substitute were considered as read and the Committee then rose, points of order could be made prior to amendments being offered to that title or debate thereon when the committee resumed consideration of the bill.**

12. *Id.* at p. 19913.

On Oct. 27, 1971,<sup>(13)</sup> the House adopted House Resolution 661, providing for the consideration of H.R. 7248 (to amend the Higher Education Act and for other purposes). The resolution contained a provision allowing points of order to be raised against the committee substitute:

. . . It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI and clause 4, rule XXI are hereby waived, and further, all titles, parts, or sections of the said substitute, the subject matter of which is properly within the jurisdiction of any other standing committee of the House of Representatives, shall be subject to a point of order for such reason if such point of order is properly raised during the consideration of H.R. 7248. s

While the bill was being considered for amendment in Committee of the Whole, Chairman James C. Wright, Jr., of Texas, answered an inquiry on raising such points of order if the committee should rise after agreement that a pending title be considered as read and open to amendment:<sup>(14)</sup>

13. 117 CONG. REC. 37765, 37766, 92d Cong. 1st Sess.

14. 117 CONG. REC. 38079, 38080, 92d Cong. 1st Sess., Oct. 28 1971.

MRS. [EDITH S.] GREEN of Oregon (during the reading): Mr. Chairman, I ask unanimous consent that title VIII be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN: Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

MRS. GREEN of Oregon: Mr. Chairman, I move that the committee do now rise.

MR. [DURWOOD G.] HALL [of Missouri]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HALL: Mr. Chairman, will points of order lie against the title if we now rise, when we resume consideration next week?

THE CHAIRMAN: Points of order will be in order against matter contained in title VIII if they are timely offered and made prior to any further action of the committee on the pending title.

MR. HALL: I thank the Chair.

***Offering Amendments to Committee Amendment in Nature of Substitute.***

**§ 25.15 Where, pursuant to a special rule, a committee amendment in the nature of a substitute, printed in the bill, is being read as original text for the purpose of amendment, there may be pending to that text (1) an amendment in the nature of a substitute, (2) a substitute**

**therefor, and (3) amendments to both the amendment and the substitute; and the portion of the original text (of the committee amendment in the nature of a substitute) which was pending, when the amendment in the nature of a substitute was offered thereto, is also open to amendment.**

On Apr. 23, 1969, title I of a committee amendment in the nature of a substitute had been read for amendment pursuant to the provisions of a special order adopted by the House, providing that said committee amendment be read by titles as an original bill for amendment (H. Res. 366). There were pending to the committee amendment an amendment (in the nature of a substitute) and a substitute amendment therefor. Chairman Charles M. Price, of Illinois, answered parliamentary inquiries on possible pending amendments:<sup>(15)</sup>

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

MR. [JOHN N.] ERLENBORN: To make a parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

15. 115 CONG. REC. 10066, 91st Cong. 1st Sess.

MR. ERLENBORN: Mr. Chairman, is the Perkins substitute amendment open to amendment at this point?

THE CHAIRMAN: It is.

MR. ERLENBORN: And is the Green of Oregon amendment in the nature of a substitute open to amendment at this point?

THE CHAIRMAN: It is.

MR. ERLENBORN: So both are open to amendment at this point?

THE CHAIRMAN: The gentleman is correct.

MR. ERLENBORN: A further parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. ERLENBORN: Should the Perkins substitute amendment be voted upon and adopted, would it then be subject to amendment?

THE CHAIRMAN: No, it would not.

MR. ERLENBORN: If the Perkins substitute amendment is voted upon and rejected, would the Green of Oregon amendment in the nature of a substitute then be open to amendment?

THE CHAIRMAN: It would be.

MR. ERLENBORN: A further parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. ERLENBORN: Is title I of H.R. 514 subject to amendment at this time?

THE CHAIRMAN: It is.

*Parliamentarian's Note:* Where, pursuant to a special resolution providing for its consideration, a bill (or committee amendment in the nature of a substitute) is being read for amendment by ti-

ties, an amendment in the nature of a substitute for the whole bill is properly offered after title I of the original text (or a section 1 preceding title I, if there is one) has been read for amendment.

In this case, the Green amendment in the nature of a substitute had been properly offered after title I of the committee amendment in the nature of a substitute had been read. As indicated by the Chair, title I of the committee amendment in the nature of a substitute was also open to amendment (to an amendment, a substitute thereon, and a perfecting amendment to each of those). In such a situation, eight amendments may conceivably be pending simultaneously, and perfecting amendments to the pending original text (title I of the committee amendment) take precedence.

**§ 25.16 Where the Committee on Rules had reported a resolution making in order consideration of a committee amendment in the nature of a substitute as an original bill for amendment, and making in order the text of another bill as an amendment in the nature of a substitute therefor, the Speaker pro tempore indicated, in response to a series of par-**

**liamentary inquiries, that (1) amendments would be in order to such substitute at any point and would not be in the third degree; (2) if the substitute text were offered when only section 1 of the committee amendment had been read, only that section of the committee amendment would be open to perfecting amendment while the substitute was pending; and (3) if the substitute were defeated in Committee of the Whole, the committee amendment would be read by sections for amendment.**

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

H. RES. 1077

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department and for other purposes, and all points of order against said bill are hereby waived. After general debate which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking

minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 17966 as a substitute for the said committee amendment. At the conclusion of the consideration of H.R. 17070 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.<sup>(16)</sup>

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

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

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

16. 116 CONG. REC. 19837, 91st Cong. 2d Sess.

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

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

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

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

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

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

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

THE SPEAKER PRO TEMPORE: In that event, the Committee of the Whole would go back and read the committee amendment as an original bill, in which case each section would be open for amendment as it was read.<sup>(17)</sup>

**§ 25.17 Where a bill was being considered in Committee of the Whole under a special procedure making in order the text of another bill as an amendment in the nature of a substitute immediately after the reading of the enacting clause (but not providing for reading of said substitute as an original bill for amendment), the Chair indicated: (1) that the entire amendment in the nature of a substitute would be read and then open to amendment at any point; (2) that the Chair would first recognize members of the committee reporting the bill in order of seniority thereon, alternating between majority and minority sides, to offer amendments; (3) that the Chair would not, in his dis-**

**cretion, entertain a unanimous-consent request that said substitute be read for amendment by sections where the special order adopted by the House did not so provide; (4) that recognition to offer an amendment specifically made in order to said substitute would be governed by precedents relating to recognition where the special order did not attach a priority to that amendment; and (5) that amendments changing amendments already adopted to said substitute might not be in order, although adoption of an amendment to a section of said substitute would not necessarily preclude the offering of further amendments to that section.**

On Dec. 12, 1973,<sup>(18)</sup> Mr. Gillis W. Long, of Louisiana, offered, by direction of the Committee on Rules, and the House adopted a special order providing for the consideration of the "Energy Emergency Act." The resolution made in order the text of another bill as an amendment in the nature of a substitute but did not provide that it be read as an original bill for the purpose of amend-

17. *Id.* at p. 19838.

18. 119 CONG. REC. 41105-14, 93d Cong. 1st Sess.

ment. The resolution also made in order the text of another bill as an amendment to the amendment in the nature of a substitute:

## H. RES. 744

*Resolved*, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11450) to direct the President to take action to assure, through energy conservation, rationing, and other means, that the essential energy needs of the United States are met, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order immediately after the enacting clause is read to consider without the intervention of any point of order the text of the bill H.R. 11882 if offered as an amendment in the nature of a substitute for the bill H.R. 11450. It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 11891 if offered as an amendment to said amendment in the nature of a substitute. At the conclusion of the consideration of H.R. 11450 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be

considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

At the conclusion of general debate in Committee of the Whole, Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce which had reported the bill, offered the text of H.R. 11882 as an amendment in the nature of a substitute, as provided in the special order. When he asked unanimous consent that the amendment be considered as read, printed in the Record, and open to amendment at any point, and the request was objected to, Chairman Richard Bolling, of Missouri, answered a series of parliamentary inquiries on the procedure for offering amendments under the provisions of the special order. The Chair first answered an inquiry as to when amendments could be offered to the amendment in the nature of a substitute:

MR. [JAMES T.] BROYHILL of North Carolina: Mr. Chairman, my parliamentary inquiry is this: Does that mean that after the entire text of the bill has been read that amendments referring to any place in the bill would be in order?

THE CHAIRMAN: The Chair will state that that is correct.

MR. BROYHILL of North Carolina: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his further parliamentary inquiry.

MR. BROYHILL of North Carolina: Mr. Chairman, does that mean that amendments to sections as they are read may not be offered at that time?

THE CHAIRMAN: The Chair will state that the whole of the text of the amendment in the nature of a substitute will be read before any amendments are in order. It is one amendment. When that is done, when the entire amendment in the nature of a substitute has been read, that is, the entire text of H.R. 11882 has been read, then amendments will be in order to all of the text.

The Chair will further state that the Chair will attempt to deal with the problem of amendments when that time arrives, and will attempt to do so in an orderly fashion.<sup>(19)</sup>

The Chair then answered an inquiry as to recognition to offer amendments to the amendment in the nature of a substitute:

MR. BROYHILL of North Carolina: Mr. Chairman, a further parliamentary inquiry, or perhaps this is not a parliamentary inquiry, but I would ask the Chairman if there is any way in which we can have an orderly procedure for the offering of amendments, starting at the first part of the amendment in the nature of a substitute, and going through the bill, rather than jumping over the whole bill for amendment purposes?

THE CHAIRMAN: The Chair will state that the Chair, with the cooperation of

the Members, will attempt to achieve that purpose. The Chair will say that if permitted by the Membership to do so, that the Chair proposes to bring order into the situation by following the usual custom of recognizing the members of the committee alternately, from one side to the other, more or less in their order on the committee.<sup>(1)</sup>

The Chair then indicated that he did not consider it appropriate to entertain a unanimous-consent request, that the amendment in the nature of a substitute be read for amendment by section, where the special order did not so provide:

MR. BROYHILL of North Carolina: Mr. Chairman, reserving the right to object, would it be in order to read the first title and then open the first title to amendment and complete that before going on?

THE CHAIRMAN: Not under the rule adopted by the House under which the Committee is now operating. The rule adopted by the House is clear. The text of the amendment in the nature of a substitute, that being the bill H.R. 11882, has to be read in full. . . .

MR. [H.R.] GROSS [of Iowa]: I would ask the Chairman whether there could be some understanding that those who offer amendments will be recognized as we go along, rather than to recognize members of the committee exclusively? So that we can go through this bill in some kind of an orderly fashion, instead of going to section 103, and then to the Lord knows what the last section of the bill may be? Could there be

19. *Id.* at p. 41153.

1. *Id.* at pp. 41153, 41154.

some understanding that they could be recognized in that fashion?

MR. STAGGERS: Of course, it is within the power of the Chairman who is presiding, but I would ask unanimous consent that we amend the bill section by section as we go along, saying that each section is open for amendment at any point.

THE CHAIRMAN: The Chair would have to state that he is afraid that that is not a proper request at this time. The rule that was adopted by the House provides for a procedure, and while most Members feel that any unanimous consent request will do anything, the Chair has a charge from the House, simply by being the Chair, to protect the Rules of the House. The Chair has stated the way in which he will try to provide for an orderly procedure, but the rule provides for a procedure, and brineine order out of that procedure will have to be within the rule.<sup>(2)</sup>

**Priority of recognition to offer amendments to the amendment in the nature of a substitute was discussed:**

MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Chairman, would it be in order for the Chairman to recognize Members offering amendments in the order in which those amendments appear in the amendment in the nature of a substitute. If he is advised, for example, that an amendment is to be offered to section 3 by the gentleman from North Carolina, will he give priority to that gentleman, and to the extent that the Chair is advised as to

which sections amendments apply, will he follow the order of the sections in recognizing Members? Would that be in order?

THE CHAIRMAN: The Chairman can say that there is a solution that might achieve that result. A great many of the amendments already at the desk are from those who would be recognized first—members of the committee. If the members of the committee will proceed by self-discipline in that fashion, the situation will then work out. The only solution that the Chair can see is for the members of the committee who have amendments to the first part of the first title to rise first, and the rest not rise, and proceed in that fashion.

The Chair recognizes the situation.

MR. BINGHAM: Mr. Chairman, I have a further parliamentary inquiry. If the Chair is advised that nonmembers of the committee have amendments to early sections, would he be free to recognize nonmembers of the committee before recognizing other members of the committee for amendments to a later section?

THE CHAIRMAN: The custom of the House, and the almost unfailing custom of the House, is to recognize members of the committee, alternating sides from the majority to the minority. The Chair does not propose to discuss the philosophy of that custom, but that is the custom.<sup>(3)</sup>

**In relation to the amendment made in order to the amendment in the nature of a substitute by the special order, the Chair indicated the priority of recognition to offer that amendment:**

2. *Id.* at p. 41154.

3. *Id.*

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, reserving the right to object, I should like to inquire, if the request of the gentleman is accepted and there is no objection to it, when it would be timely for the amendment made in order by the rule to the text of the substitute to be offered, that amendment being H.R. 11891, which would be the amendment, as the rule prescribes, to H.R. 11882?

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

There is no particular priority, there is no special priority given to that amendment but the gentleman is a member of the committee and he ranks on the committee and the Chair would seek to reach him in an orderly fashion.<sup>(4)</sup>

The Chair also responded to inquiries as to the possibility of offering amendments to sections which had already been changed by amendment:

MR. [JOHN T.] MYERS [of Indiana]: Mr. Chairman, under the rule we are operating on now, later tonight when there is consideration of the amendment to the later sections of the bill, would it still be in order to recognize somebody for amendment of an earlier section which had been already passed over?

THE CHAIRMAN: We could not amend text that had been amended but an unamended portion would still be open to amendment.

MR. BROYHILL of North Carolina: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. BROYHILL of North Carolina: Mr. Chairman, would that mean another amendment to another part of that section would not be in order?

THE CHAIRMAN: The gentleman is getting the Chair into a position where he cannot answer a theoretical question because there are so many different variations. If under the rules of the House a particular section would still be in an amendable condition, the Chair would have to recognize a Member to offer a proper amendment. It might be a situation where the amendment would have been amended and it would not be in order to further amend it. The Chair cannot project all the different variations and possibilities and must meet them as they arise. . . .

There is no special treatment involved here. The general rules provide for certain procedures. For example, one rule is that if a section is amended by a complete substitute, it is not subject to further amendment. But we are operating under the rules of the House and if there is a section that is amendable it will continue to be amendable until the final process is over, but there are certain circumstances under which a section having been amended is no longer amendable. That would be the general limitation, but we are going to operate under the general rules of the House in as orderly a fashion as the Chairman and the Members of the House are capable of producing.<sup>(5)</sup>

4. *Id.*

5. *Id.* at pp. 41154, 41155.