

ation described above occurred as follows:

MR. [KIKI] DE LA GARZA [of Texas]: Mr. Chairman, in order to facilitate the debate for the rest of the day, I ask unanimous consent that the remainder of the bill after this title be printed in the Record, and open to amendment at any point. . . .

There was no objection. . . .

MR. DE LA GARZA: Mr. Chairman, further to facilitate and expedite the debate of today, I ask unanimous consent that all debate on title VIII on peanuts, and all amendments thereto on that title, be limited to 1 hour, the time to be divided equally between the proponents and the opponents. . . .

There was no objection.

MR. DE LA GARZA: Mr. Chairman, I ask unanimous consent that debate on title XV and all amendments thereto, which is the food stamps section, be limited to 1 hour, to be divided equally between the proponents and the opponents, and further, that the debate on the Petri amendment to title XXI be limited to 1 hour, the time to be equally divided between the proponents and the opponents. . . .

There was no objection. . . .

MR. DE LA GARZA: Mr. Chairman, under the unanimous-consent agreement on the time and on opening the bill for amendment at any point, does the Chair intend to proceed title by title?

THE CHAIRMAN: It is the intention of the Chair to proceed title by title for amendments.

§ 12. Amendments in Nature of Substitute for Several Paragraphs or Entire Bill

An amendment in the nature of a substitute, which is offered to the text of a bill, generally replaces the entire bill. The term is sometimes, less accurately, used to describe a motion to strike out and insert a substantial portion, such as an entire section or title, of a pending bill. It should be distinguished from a substitute amendment, which is merely a substitute for another amendment that has been offered.⁽³⁾

Frequently, as by special rule, an amendment in the nature of a substitute may be considered as an original text for purposes of amendment; in such cases, the amendment in the nature of a substitute is not considered an "amendment" for purposes of the limitation described above⁽⁴⁾ with

3. For a general description of the nature and purposes of an amendment in the nature of a substitute, see § 1, *supra*.
4. See Sec. 5, 6, *supra*.

Where a rule provides for consideration of a committee substitute as an original bill for amendment, such substitute is read by paragraphs for amendment, at the conclusion of which the question is on agreeing to the substitute or the substitute as

respect to the number of amendments that may be pending at one time.

An amendment in the nature of a substitute is basically, in form, a motion to strike out and insert. It may, for example, propose to strike all after the enacting clause of a bill and insert substitute provisions. Thus, an amendment in the nature of a substitute for a pending bill may be offered after the first section is read and is then open to amendment in its entirety.⁽⁵⁾

It has also been said that when a bill is being read for amendment by titles pursuant to a special rule providing for its consideration, an amendment in the nature of a substitute for the whole bill may be offered after the first title of the original text has been read for amendment.⁽⁶⁾ In fact, where a bill is being read for amendment by titles, an amendment in the nature of a substitute for the entire bill may be offered after the "short title" of the bill is read (which is normally a separate section of the bill preceding title I) or

amended for the bill; if the substitute is voted down, the original bill is then read for amendment. See § 7.44, *supra*.

5. See 81 CONG. REC. 6185, 6186, 75th Cong. 1st Sess., June 22, 1937.
6. 115 CONG. REC. 10066, 91st Cong. 1st Sess., Apr. 23, 1969.

at the conclusion of the reading of the whole bill. Of course, where a committee amendment proposing a new title I is offered as a perfecting amendment to the bill immediately after the Clerk begins to read the bill for amendment, the offering of an amendment in the nature of a substitute for the whole bill must be deferred pending the vote on the perfecting amendment adding the new title I.⁽⁷⁾

There is early authority for the proposition that amendments in the nature of a substitute for an entire bill are in order at the beginning of the bill only if notice is given that, if the amendment is agreed to, subsequent motions to strike out the remaining sections or paragraphs of the bill will be offered as each section or paragraph is read. A review of more recent proceedings, however, indicates that the requirement is no longer rigidly applied; and, therefore, that when an amendment in the nature of a substitute is offered at the end of the reading of the first section of the bill, notice of motions to strike out subsequent sections need not be given.⁽⁸⁾

-
7. See 116 CONG. REC. 27197, 91st Cong. 2d Sess., Aug. 4, 1970; and 116 CONG. REC. 27476-79, 91st Cong. 2d Sess., Aug. 5, 1970.

8. See, for example, 119 CONG. REC. 18336, 93d Cong. 1st Sess., June 6,

An amendment in the nature of a substitute is read in its entirety before amendments to it are in order.⁽⁹⁾

When in Order

§ 12.1 Where a bill is being read by paragraphs, an amendment in the nature of a substitute for an entire bill may be offered after the first paragraph has been read or after the reading of the bill for amendment has concluded.

On June 29, 1939, during consideration of the Neutrality Act of 1939⁽¹⁰⁾ an amendment was offered, as follows:

1973, proceedings relating to an amendment in the nature of a substitute offered by Mr. John N. Erlenborn (Ill.) to H.R. 7935 (Fair Labor Standards amendments of 1973).

See also 119 CONG. REC. 18161, 93d Cong. 1st Sess., June 5, 1973, where, in response to a parliamentary inquiry the Chairman indicated that an amendment in the nature of a substitute for an entire bill could be offered following the reading of the first section of the bill for amendment.

9. See 96 CONG. REC. 2218, 2219, 81st Cong. 2d Sess., Feb. 22, 1950 (proceedings relating to an amendment offered by Mr. Samuel K. McConnell, Jr., [Pa.] to the Fair Employment Practices Act).

10. H.J. Res. 306.

The Clerk read as follows:

Amendment offered by Mr. [Robert G.] Allen of Pennsylvania: Page 2, line 1, strike out all of section I and insert in lieu thereof the following as a substitute for the joint resolution:

. . .

“REPEAL OF NEUTRALITY ACTS OF
1935, 1936, 1937

“The act of August 31, 1935 (Public Res. No. 67, 74th Cong.), as amended by the act of February 29, 1936 (Public Res. No. 74, 74th Cong.), and the act of May 1, 1937 (Public Res. No. 27, 75th Cong.), and the act of January 8, 1937 (Public Res. No. 1, 75th Cong.), are hereby repealed.”

In response to a point of order made by Mr. Hamilton Fish, Jr., of New York, that the amendment was improperly offered at that point in the proceedings, Mr. Allen stated:

Mr. Chairman, it is my understanding that it is in parliamentary order to offer a substitute either after the first paragraph of the bill has been read or after the entire bill has been read. If my amendment is adopted I intend to offer amendments throughout the reading of the remainder of the bill striking out the various paragraphs as they are read.

The Chairman,⁽¹¹⁾ in overruling the point of order, stated:

. . . [T]he Chair invites attention to section 2905 of volume VIII of Cannon's Precedents of the House which state:

See the proceedings at 84 CONG. REC. 8288, 76th Cong. 1st Sess.

11. Jere Cooper (Tenn.).

A substitute for an entire bill may be offered only after the first paragraph has been read or after the reading of the bill for amendment has been concluded.⁽¹²⁾

§ 12.2 An amendment in the nature of a substitute is in order after the first section of the bill has been read for amendment.

On Mar. 20, 1978,⁽¹³⁾ during consideration of H.R. 7700⁽¹⁴⁾ in the Committee of the Whole, the Chair stated that pursuant to the rule under which the bill was being considered, an amendment in the nature of a substitute would be in order after the first section of the bill had been read:

THE CHAIRMAN:⁽¹⁵⁾ Pursuant to the rule, it shall be in order to consider an amendment printed in the Congressional Record of March 14, 1978, by Representative Hanley of New York if offered as an amendment in the nature of a substitute for the bill, said substitute shall be read for amendment under the 5-minute rule as an original bill, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI, are hereby waived.

At the appropriate time the Chair will recognize the gentleman from New

12. The Allen amendment was rejected. See 84 CONG. REC. 8311, 76th Cong. 1st Sess.
13. 124 CONG. REC. 7558, 7559, 95th Cong. 2d Sess.
14. The Postal Service Act of 1977.
15. Edward W. Pattison (N.Y.).

York (Mr. Hanley) to offer his amendment.

At this time the Clerk will read.

The Clerk read as follows:

Section 1. This Act may be cited as the Postal Service Act of 1977".

MR. [JAMES M.] HANLEY [of New York]: Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute for the bill.

THE CHAIRMAN: The Clerk will report the amendment by sections.

The Clerk read as follows:

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

That this Act may be cited as the "Postal Service Act of 1978."

§ 12.3 An amendment in the nature of a substitute may be offered after the reading of the first section of a bill being read by section for amendment, or at any time when the bill is considered as having been read for amendment.

On Mar. 29, 1977,⁽¹⁶⁾ during consideration of H.R. 5045⁽¹⁷⁾ in the Committee of the Whole, the proceedings, described above, were as follows:

THE CHAIRMAN:⁽¹⁸⁾ There being no further requests for time, the Clerk will read.

16. 123 CONG. REC. 9353, 9355, 95th Cong. 1st Sess.
17. The Reorganization Act of 1977.
18. James M. Hanley (N.Y.).

The Clerk read as follows:

H.R. 5045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reorganization Act of 1977". . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I offer an amendment in the nature of a substitute.

MR. [JACK] BROOKS [of Texas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. BROOKS: Mr. Chairman, would the Clerk read the two committee amendments and get the committee amendments adopted before we go into other amendments from the floor?

THE CHAIRMAN: That portion of the bill has not yet been read.

MR. BROOKS: Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point and that we take up the two committee amendments and then at any point in the bill other amendments would be eligible for presentation.

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

There was no objection.

COMMITTEE AMENDMENTS

THE CHAIRMAN: The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 13, line 3, strike out "903(d)" and insert in lieu thereof "903(c)". . . .

The committee amendments were agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WALKER

MR. WALKER: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Walker: Strike out all after the enacting clause and insert in lieu thereof, the following:

That this Act may be cited as the "Reorganization Act Amendments of 1977".

§ 12.4 An amendment in the nature of a substitute for an entire bill is in order following the reading of the final section of the bill.

On July 19, 1973,⁽¹⁹⁾ the following proceedings took place:

The Clerk read as follows:

Sec. 7. This Act may be cited as the "Agriculture and Consumer Protection Act of 1973". . . .

MR. [WILLIAM L.] FOLEY [of Washington]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Foley: Strike out all after the enacting clause and substitute the following:

. . .

¹⁹ 119 CONG. REC. 24922, 93d Cong. 1st Sess. Under consideration was H.R. 8860.

MR. [CHARLES M.] TEAGUE of California: Mr. Chairman, is not the offering of this amendment premature at this time? As I understand, the gentleman from Washington has offered an entirely new bill. Perhaps I misunderstood him. As I understand, he offered a substitute for the present bill.

THE CHAIRMAN:⁽²⁰⁾ The Chair would like to advise the gentleman from California that the Clerk has read the final section of the bill, section 7. The amendment offered by the gentleman from Washington is in order.

§ 12.5 In response to a parliamentary inquiry, the Chairman indicated that an amendment in the nature of a substitute for the entire bill (an appropriation measure) could be offered at the conclusion of the reading of the bill for amendment.

On Apr. 14, 1970,⁽²¹⁾ the following proceedings took place:

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, I would like to inquire of the Chairman on behalf of the Members who had amendments which they sought to offer earlier, but were unable to do so, if it is not possible for a substitute for the entire bill to be offered at the completion of the reading of the bill so that they could combine their amendments in that substitute if they wished to do so?

20. William H. Natcher (Ky.).

21. 116 CONG. REC. 11649, 91st Cong. 2d Sess. Under consideration was H.R. 16916.

THE CHAIRMAN:⁽¹⁾ The Chair will state that the Chair is inclined to believe that a substitute is always in order at the proper time unless there is a portion of the rule which prohibits the substitute. And the Chair would entertain a proper amendment if offered at the proper time.

§ 12.6 An amendment in the nature of a substitute may be offered for a bill (or for an amendment being considered as original text) after the reading thereof has been completed, if another amendment in the nature of a substitute has not been previously adopted.

In the proceedings described below, which occurred on May 18, 1978,⁽²⁾ the Committee of the Whole had under consideration H.R. 39, the Alaska National Interest Conservation Lands Act of 1978. An amendment in the nature of a substitute (the Leggett amendment) was offered which, pursuant to House Resolution 1186, agreed to the previous day, was to be read for amendment under the five-minute rule as an original bill by title. To such amendment, an amendment in the nature of a substitute (the "Meeds amendment") was subsequently offered.

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I offer an

1. Chet Holifield (Calif.).

2. 124 CONG. REC. 14391, 14394, 95th Cong. 2d Sess.

amendment in the nature of a substitute, the text of H.R. 12625.

THE CHAIRMAN:⁽³⁾ The Clerk will read the amendment in the nature of a substitute by titles.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Leggett: Strike out all after the enacting clause and insert in lieu thereof the following. . . .

MR. [MORRIS K.] UDALL [of Arizona]: . . . The script we have put together here was that when section 1 of the Leggett amendment, the consensus substitute, was read, the gentleman from Washington (Mr. Meeds) would offer his substitute, but that I would offer a substitute for the Meeds amendment, and we would then have foreclosed these nongermane things that we have been talking about. But it would also be understood that both sides, the Meeds and the Udall substitutes, would be open. . . .

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

At that point have we gotten into amendments in the third degree, or would amendments to both the pending substitutes be in order?

THE CHAIRMAN: Perfecting amendments to the Meeds amendment if offered or amendments to a substitute thereto would be in order.

MR. BAUMAN: But no further amendments in the nature of a substitute would be in order at that point?

THE CHAIRMAN: That is correct. . . .

MR. UDALL: Mr. Chairman, would a unanimous-consent request be in order

that under the proceedings under the 5-minute rule no additional substitute amendment for the entire bill would be in order, unless it were germane to H.R. 39 or to the Meeds substitute?

In that case, I would not have to offer the substitute, my substitute, and we can vote up or down on the Meeds amendment. . . .

THE CHAIRMAN: The Chair will respond to the point raised by the gentleman from Arizona (Mr. Udall) in his parliamentary inquiry. The Chair is advised that the Committee of the Whole cannot amend the rule by unanimous consent.

MR. [LLOYD] MEEDS [of Washington]: Mr. Chairman, perhaps I can solve the dilemma by promising that I will offer my substitute at the end of the reading. I can do that and I will put that in the form of a parliamentary inquiry.

At the end of all debate I can change one word and reoffer the amendment as a substitute, I believe. I will put that in the form of a parliamentary inquiry.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, reserving the right to object, can the Chair advise us on the suggestion of the gentleman from Washington (Mr. Meeds)?

THE CHAIRMAN: That is possible if no other amendment in the nature of a substitute has been adopted in the meantime.

§ 12.7 Where under a special rule a bill is being read for amendment by titles and there is no separate section preceding title I, an amendment in the nature of a sub-

3. Paul Simon (Ill.).

stitute for the entire bill may be offered after the reading of title I.

On June 3, 1975,⁽⁴⁾ during consideration of a bill⁽⁵⁾ in the Committee of the Whole, an amendment in the nature of a substitute for the bill was offered. The proceedings were as follows:

THE CHAIRMAN:⁽⁶⁾ . . . Pursuant to the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

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

TITLE I

Sec. 101. Section 4(a) of the Voting Rights Act of 1985 is amended by striking out "ten" each time it appears and inserting in lieu thereof "twenty".

Sec. 102. Section 201(a) of the Voting Rights Act of 1965 is amended by—

(1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and (2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.

MR. [CHARLES E.] WIGGINS [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute.

4. 121 CONG. REC. 16754, 94th Cong. 1st Sess.
5. H.R. 6219, the Voting Rights Act extension.
6. Richard Bolling (Mo.).

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Wiggins: In H.R. 6219 strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as "The Voting Rights Extension Act of 1975".

Parliamentarian's Note: In many instances, a short title section (1) precedes the first title of the bill, and an amendment in the nature of a substitute is in order following the reading of that section and prior to the reading of the first title.

—Where Special Rule Makes Amendment in Order

§ 12.8 Where a special order makes in order the consideration of a designated amendment in the nature of a substitute (in lieu of the committee amendments printed in the bill), said substitute may be offered after section one of the original bill is read.

On Sept. 20, 1978,⁽⁷⁾ during consideration of H.R. 1,⁽⁸⁾ in the Committee of the Whole, the situation described above occurred as follows:

7. 124 CONG. REC. 30434, 95th Cong. 2d Sess.
8. The Ethics in Government Act of 1977.

THE CHAIRMAN:⁽⁹⁾ Pursuant to the rule, it shall be in order to consider by titles as an original bill for the purpose of amendment the text of H.R. 13850, in lieu of the amendments now printed in the bill, if offered as an amendment in the nature of a substitute. No amendments to said substitute shall be in order except pro forma amendments for the purpose of debate and amendments printed in the Congressional Record at least 1 legislative day prior to their consideration. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, under the rule and the statement of the Chair, must the committee substitute which appears in the text of H.R. 1 be read first, or is the amendment in the nature of a substitute, H.R. 13850, in order at any point?

THE CHAIRMAN: No. The Danielson amendment in the nature of a substitute will be read in lieu of the committee amendment now printed in the bill as a substitute amendment for the original bill. . . .

THE CHAIRMAN: The Clerk will read section 1 of the original bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ethics in Government Act of 1977".

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I have an amendment in the nature of a substitute which is made in order by House Resolution 1323, and I offer it as an amendment in the nature of a substitute for the committee amend-

ment to be read by titles under the 5-minute rule as an original bill.

THE CHAIRMAN: The Clerk will read by titles the amendment in the nature of a substitute.

Parliamentarian's Note: In situations like that above, if the amendment in the nature of a substitute is offered and adopted, the original bill and committee amendments printed therein are not read.

§ 12.9 Pursuant to a special rule making in order the text of another bill as original text for amendment if offered as an amendment in the nature of a substitute, the amendment must be offered from the floor after the first section of the original bill is read.

On July 26, 1978,⁽¹⁰⁾ during consideration of H.R. 3350 in the Committee of the Whole, the above-stated proposition was illustrated as indicated below:

THE CHAIRMAN:⁽¹¹⁾ . . . Pursuant to the rule, it shall be in order to consider by titles the text of H.R. 12988, if offered as an amendment in the nature of a substitute, as an original bill for the purpose of amendment. No amendment to title IV of said substitute which would change title IV, shall be

10. 124 CONG. REC. 22884, 95th Cong. 2d Sess.

11. Paul Simon (Ill.).

9. Edward P. Boland (Mass.).

in order except amendments recommended by the Committee on Ways and Means and an amendment printed in the Congressional Record of June 5, 1978, by Representative Stark of California, which amendments shall not be subject to amendment, but it shall be in order to debate said amendments and title IV by the offering of pro forma amendments.

The Clerk will now read section 1 of the original bill H.R. 3350, and the Chair will then recognize the gentleman from Louisiana (Mr. Breaux) to offer the amendment in the nature of a substitute.

The Clerk will read.

The Clerk read as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deep Seabed Hard Mineral Resources Act".

MR. [JOHN B.] BREAUx [of Louisiana]: Mr. Chairman, I offer an amendment in the nature of a substitute, the text of which is contained in the bill, H.R. 12988, a copy of which is at the desk.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Breaux: Strike out all after the enacting clause and insert:

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

Section 1. Short title.

Titles I, II, and III of this Act may be cited as the "Deep Seabed Hard Mineral Resources Act".

—**Second Section Read**

§ 12.10 In response to a parliamentary inquiry, the

Chair stated that an amendment in the nature of a substitute could not be offered after the reading of the second section of the bill.

On Apr. 23, 1975,⁽¹²⁾ the Committee of the Whole having under consideration the bill H.R. 6096,⁽¹³⁾ a parliamentary inquiry was directed to the Chair as indicated below:

The Clerk read as follows:

Sec. 2. There is authorized to be appropriated to the President for the fiscal year 1975 not to exceed \$150,000,000 to be used, notwithstanding any other provision of law, on such terms and conditions as the President may deem appropriate for humanitarian assistance to and evacuation programs from South Vietnam.

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:⁽¹⁴⁾ The gentleman will state it.

MR. OTTINGER: Mr. Chairman, will the Chair advise whether, at this juncture in the proceedings, the Eckhardt substitute amendment would again be in order?

THE CHAIRMAN: Not at this point in the proceedings. The Clerk has read section 2 of the bill. It is now open for amendment, and an amendment is pending. The Eckhardt substitute is not in order at this point.

12. 121 CONG. REC. 11513, 11514, 94th Cong. 1st Sess.

13. Vietnam Humanitarian and Evacuation Assistance Act.

14. Otis G. Pike (N.Y.).

Parliamentarian's Note: An amendment in the nature of a substitute for an entire bill may be offered after the reading of the first section or after the last section has been read, but is not in order at an intermediate stage.

—Where Sections Precede Title I

§ 12.11 Where a bill (or an amendment in the nature of a substitute being considered as original text) is being read by titles for amendment, and several sections precede title I, an amendment in the nature of a substitute may be offered after the reading of the first section (which is considered a separate title).

In the proceedings described below, which occurred on May 18, 1978,⁽¹⁵⁾ the Committee of the Whole had under consideration H.R. 39, the Alaska National Interest Conservation Lands Act of 1978. An amendment in the nature of a substitute (the Leggett amendment) was offered which, pursuant to House Resolution 1186, agreed to the previous day, was to be read for amendment under the five-minute rule as an original bill by title. To such

15. 124 CONG. REC. 14391, 14394, 95th Cong. 2d Sess.

amendment, an amendment in the nature of a substitute (the "Meeds amendment") was subsequently offered.

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute, the text of H.R. 12625.

THE CHAIRMAN:⁽¹⁶⁾ The Clerk will read the amendment in the nature of a substitute by titles.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Leggett: Strike out all after the enacting clause and insert in lieu thereof the following:

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

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act, together with the following table of contents, may be cited as the "Alaska National Interest Lands Conservation Act".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents. . . .

MR. [LLOYD] MEEDS [of Washington]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Meeds:

Strike all after the enacting clause and insert:

This Act, together with the following table of contents, shall be cited as the "Alaska National Interest Lands Conservation Act".

16. Paul Simon (Ill.).

Sec. 1. Short title and table of contents.

—Where Special Rule Precludes Further Amendment Upon Adoption of Committee Amendment

§ 12.12 Under the five-minute rule, an amendment in the nature of a substitute for a bill may ordinarily be offered either after the first section has been read or at the conclusion of reading of the bill; but where a bill is being considered under a special rule precluding further amendment to the bill upon adoption of a committee amendment at the end thereof, an amendment in the nature of a substitute can only be offered after the first section is read, unless the committee amendment is rejected.

On Sept. 23, 1980,⁽¹⁷⁾ the Committee of the Whole having under consideration H.R. 7020,⁽¹⁸⁾ the above-stated proposition was illustrated as indicated below:

THE CHAIRMAN:⁽¹⁹⁾ When the Committee of the Whole arose on Friday,

17. 126 CONG. REC. 26757, 96th Cong. 2d Sess.
18. The Hazardous Waste Containment Act of 1980.
19. William H. Natcher (Ky.).

September 19, 1980, all time for general debate had expired.

Pursuant to the rule, the substitute committee amendment recommended by the Committee on Interstate and Foreign Commerce now printed in the reported bill shall be considered as an original bill for the purpose of amendment and each section shall be considered as having been read. No amendments to the amendment recommended by the Committee on Ways and Means printed in the bill shall be in order except pro forma amendments for the purpose of debate and following amendments which shall not be amendable except by pro forma amendments: First, the amendments recommended by the Committee on Ways and Means; second, the amendment printed on page H7926 in the Congressional Record of August 25, 1980, by Representative Ullman of Oregon; and third, the amendment to be printed in the Congressional Record of September 5, 1980, by and if offered by, Representative Florio of New Jersey. Upon the adoption of the amendment recommended by the Committee on Ways and Means to the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce, and no further amendment to the bill shall be in order. . . .

Are there any amendments to section 1? . . .

MR. [DAVID A.] STOCKMAN [of Michigan]: Mr. Chairman, under the terms of the rule, would a substitute amendment to the entire bill, H.R. 7020, be in order only now, at this point for this bill?

THE CHAIRMAN: The Chair would like to advise the gentleman that the

gentleman's statement is correct, assuming adoption of the Ways and Means Committee amendment at the conclusion of the reading of the bill for amendment. Under the rule, no further amendments would then be in order.

MR. STOCKMAN: Mr. Chairman, I offer an amendment in the nature of a substitute.

Parliamentarian's Note: After the first section of original text is read for amendment under the five-minute rule, an amendment in the nature of a substitute may be offered, even if a special order governing consideration would prohibit consideration of such an amendment at the end of the bill, and even if adoption of such an amendment would prohibit the consideration of other perfecting amendments specifically made in order by the special order (unless the special order specifically prohibits such an amendment from being offered at the beginning of the bill or substitute).

Perfecting Amendments to First Section Take Precedence

§ 12.13 An amendment in the nature of a substitute is ordinarily offered after the reading of the first section of a bill being read by sections, prior to committee amendments adding new sections; however, where a bill con-

sists of one section and is therefore open to amendment at any point when read, committee amendments adding new sections are considered perfecting amendments and are disposed of prior to the offering of amendments in the nature of a substitute.

On Nov. 7, 1975,⁽²⁰⁾ the Committee of the Whole having under consideration H.R. 6346,⁽¹⁾ the Chair ruled as described above. The proceedings were as follows:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 503 of the Rural Development Act of 1972 (7 U.S.C. 2663(a)) is amended by striking the word "and", and changing the period at the end thereof to a comma, and adding the following: "not to exceed \$5,000,000 for the period July 1, 1976, through September 30, 1976, and not to exceed \$20,000,000 for each fiscal year thereafter.

MR. [CHARLES] ROSE [of North Carolina] (during the reading): Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

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

20. 121 CONG. REC. 35525, 35526, 94th Cong. 1st Sess.

1. Rural Development Act amendments.
2. Tom Bevill (Ala.).

There was no objection.

MR. [KEITH G.] SEBELIUS [of Kansas]: Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

THE CHAIRMAN: First we will have the Clerk report the committee amendments.

The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 8, strike the word "each" and insert in lieu thereof the word "the", and in line 9, strike the word "thereafter" and insert in lieu thereof the words "ending September 30, 1977".

The committee amendment was agreed to.

THE CHAIRMAN: The Clerk will report the next committee amendment. . . .

MR. SEBELIUS: Mr. Chairman, I make a point of order that I have an amendment in the nature of a substitute at the desk, and that that takes precedence at this time over the committee amendments.

THE CHAIRMAN: The Chair rules that the bill, consisting of one section, has been read and that the committee amendments are perfecting amendments and, therefore, take precedence over any amendment in the nature of a substitute.

Parliamentarian's Note: With a bill consisting of several sections, an amendment in the nature of a substitute should be offered after the reading of the first section and following disposition of perfecting amendments to the first section; but if a committee amend-

ment adding a new section two were permitted to be considered first in that context, its adoption would preclude offering an amendment in the nature of a substitute until the end of the bill (since the first section of the bill would no longer be subject to amendment and a new section two would be inserted).

Amendments Offered After Debate Concluded

§ 12.14 An amendment in the nature of a substitute for an entire bill may be offered after the reading of the bill for amendment has been concluded even though debate on all amendments to the bill has been concluded.

On Aug. 25, 1949,⁽³⁾ the following proceedings took place:

THE CHAIRMAN:⁽⁴⁾ On yesterday, August 24, the Committee agreed that the bill be considered as read and that all debate on the bill and all amendments thereto close at 3 o'clock. Under that agreement, debate has been concluded.

Are there further amendments to the bill?

MR. [BRENT] SPENCE [of Kentucky]: Mr. Chairman, I offer a committee substitute for the bill. . . .

3. 95 CONG. REC. 12258, 12269, 81st Cong. 1st Sess. Under consideration was H.R. 6070, to amend the National Housing Act.

4. Mike Mansfield (Mont.).

MR. [ADAM C.] POWELL [of New York]: Can a substitute be offered which was not on the Clerk's desk prior to the close of debate yesterday?

THE CHAIRMAN: Yes; it can. . . .

MR. [ANDREW J.] BIEMILLER [of Wisconsin]: In that event, amendments to the substitute would also be in order?

THE CHAIRMAN: They would be. Of course, there will be no debate on them.

Substitute Deleting or Retaining Prior Amendments

§ 12.15 An amendment in the nature of a substitute for an entire bill may be offered after the reading of such bill for amendment has been concluded and is in order, if germane, regardless of whether it includes or excludes language stricken from the bill or inserted when read for amendment.

On June 30, 1939,⁽⁵⁾ the following proceedings took place:

MR. [HAMILTON] FISH [Jr., of New York]: I state, Mr. Chairman, that the gentleman from Texas [Mr. Johnson] has offered an entirely new bill after the conclusion of the consideration of the bill before the committee and that this practice undoes everything the committee has already done. . . . [The committee] has put in certain amend-

ments after due consideration. Those amendments are taken out, as I understand the parliamentary situation, by the substitute or the entirely new bill offered now by the gentleman from Texas. . . .

THE CHAIRMAN:⁽⁶⁾ . . . The gentleman from Texas offered a substitute to strike out all after the enacting clause of the pending resolution and insert a new provision.

The gentleman from New York made a point of order against the substitute. . . . The Chair feels, of course, that he is bound by the precedents of the House of Representatives and the decisions heretofore rendered, and upon the ground included in the decision cited by the gentleman from Massachusetts, the Chair is definitely of the opinion that the amendment offered here, if germane to the pending resolution, is clearly in order.

Where Perfecting Amendments Have Been Adopted

§ 12.16 An amendment in the nature of a substitute is in order after an entire bill has been read and perfecting amendments have been adopted thereto, as long as such perfecting amendments have not changed the bill in its entirety.

On Sept. 29, 1977,⁽⁷⁾ the Committee of the Whole having com-

5. 84 CONG. REC. 8502-05, 76th Cong. 1st Sess. Under consideration was H.J. Res. 306, the Neutrality Act of 1939.

6. Jere Cooper (Tenn.).

7. 123 CONG. REC. 31542, 31543, 95th Cong. 1st Sess.

pleted general debate on H.R. 7010,⁽⁸⁾ an amendment in the nature of a substitute was offered which prompted a unanimous-consent request to withhold such amendment pending consideration of the committee amendments. The proceedings were as indicated below:

THE CHAIRMAN:⁽⁹⁾ When the Committee rose on Wednesday, September 14, 1977, all time for general debate on the bill had expired.

The Clerk will read.

The Clerk read as follows:

H.R. 7010

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

MR. [THOMAS F.] RAILSBACK [of Illinois]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Railsback: Strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

Section 1. This Act may be cited as the "Elderly Victims of Crime Act of 1977". . . .

MR. [JAMES R.] MANN [of South Carolina]: Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may withhold the amendment in the nature of a substitute while we consider the committee amendment.

8. Victims of Crime Act of 1977.

9. Philip R. Sharp (Ind.).

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

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. RAILSBACK: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RAILSBACK: Mr. Chairman, in offering the amendment in the nature of a substitute, do I lose my right to offer that substitute if the gentleman from South Carolina (Mr. Mann) has the opportunity to deal with the committee amendments first?

THE CHAIRMAN: No; it could be offered at the end of the bill once the entire bill has been read.

MR. RAILSBACK: But it could not be offered after the committee amendments are dealt with?

THE CHAIRMAN: The committee amendments would not change the whole bill, so an amendment in the nature of a substitute could be offered.

Parliamentarian's Note: The committee amendments on this bill began in section 2, and the amendment in the nature of a substitute was therefore initially in order prior to consideration of any committee amendments.

Where Amendment Offered To Insert New Title

§ 12.17 An amendment in the nature of a substitute for a bill being read by titles is in order after the last title has

been read, notwithstanding disposition of an amendment inserting a new title at the end of the bill.

On Mar. 9, 1978,⁽¹⁰⁾ during consideration of H.R. 50⁽¹¹⁾ in the Committee of the Whole, the Chair responded to a parliamentary inquiry concerning the proposition described above:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bauman: On page 106 add the following new title:

“TITLE V

“FIVE-YEAR AUTHORIZATION

“The provisions of this Act shall be effective for each of the fiscal years through September 30, 1983 unless extended beyond that date by Act of Congress.”

THE CHAIRMAN PRO TEMPORE: Before the Chair would entertain this amendment, the Chair would like to know if there are other amendments to title IV?

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I wish to offer an amendment.

THE CHAIRMAN PRO TEMPORE: The Chair would like to advise the gentleman from Maryland (Mr. Bauman) if his amendment were accepted at this

time it would cut off the additional amendments. Would the gentleman withhold? . . .

MR. BAUMAN: . . . [B]efore making that judgment, the gentleman from Minnesota who has a substitute for the entire bill would still be in order; would he not?

THE CHAIRMAN PRO TEMPORE: The gentleman is correct on that.

[Mr. Bauman, by unanimous consent, withdrew his amendment.]

MR. LONG of Maryland: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Long of Maryland: Insert at the end of the bill the following new section:

Sec. 150. (a). . . .

So the amendment was agreed to.

MR. BAUMAN: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bauman: on Page 106 add the following new title:

“TITLE V

“FIVE-YEAR AUTHORIZATION

“The provisions of this Act shall be effective for each of the fiscal years through September 30, 1983 unless extended beyond that date by Act of Congress.”. . .

So the amendment was rejected.

The result of the vote was announced as above recorded.

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. QUIE: Have we reached the point where I can now offer my substitute?

10. 124 CONG. REC. 7333-36, 95th Cong. 2d Sess.

11. Full Employment and Balanced Growth Act of 1978.

THE CHAIRMAN PRO TEMPORE: The gentleman is correct. The amendment in the nature of a substitute is now in order.

MR. QUIE: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Quie.

§ 12.18 Adoption of an amendment adding a new title to a bill being read by titles precludes further amendment to the preceding title.

On Mar. 16, 1978,⁽¹²⁾ the Committee of the Whole having under consideration H.R. 50,⁽¹³⁾ the above-stated proposition was illustrated as indicated below:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bauman: On page 106 add the following new title:

“TITLE V. . . .

THE CHAIRMAN PRO TEMPORE: Before the Chair would entertain this amendment, the Chair would like to know if there are other amendments to title IV?

MR. [CLARENCE] LONG of Maryland: Mr. Chairman, I wish to offer an amendment.

12. 124 CONG. REC. 7333–36, 95th Cong. 2d Sess.

13. Full Employment and Balanced Growth Act of 1978.

THE CHAIRMAN PRO TEMPORE: The Chair would like to advise the gentleman from Maryland (Mr. Bauman) if his amendment were accepted at this time it would cut off the additional amendments. Would the gentleman withhold? . . .

MR. BAUMAN: [B]efore making that judgment, the gentleman from Minnesota who has a substitute for the entire bill would still be in order; would he not?

THE CHAIRMAN PRO TEMPORE: The gentleman is correct on that. . . .

MR. BAUMAN: . . . I withdraw my amendment in deference to the gentleman from Maryland (Mr. Long).

THE CHAIRMAN PRO TEMPORE: Without objection the gentleman from Maryland (Mr. Bauman) withdraws his amendment.

Read in Full

§ 12.19 An amendment in the nature of a substitute for a bill offered from the floor must be read in its entirety or the reading dispensed with by unanimous consent and is then open to amendment at any point.

An example of the proposition described above occurred on Dec. 18, 1979,⁽¹⁴⁾ during consideration of H.R. 5860, authorizing loan guarantees to the Chrysler Corporation. The proceedings in the Committee of the Whole were as follows:

The Clerk will designate section 1.

14. 125 CONG. REC. 36791, 36793, 36794, 96th Cong. 1st Sess.

Section 1 reads as follows:

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

SHORT TITLE

Section 1. This Act may be cited as the "Chrysler Corporation Loan Guarantee Act of 1979".

THE CHAIRMAN:⁽¹⁵⁾ Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MOORHEAD OF PENNSYLVANIA

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Page 14, strike out line 10 and all that follows through page 32 and insert in lieu thereof the following:

SHORT TITLE

Section 1. This Act may be cited as the "Chrysler Corporation Loan Guarantee Act of 1979". . . .

MR. [S. WILLIAM] GREEN [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GREEN: Mr. Chairman, if I have an amendment to offer to section 3 of the Moorhead substitute, may I ask, at what point is it in order to offer it?

THE CHAIRMAN: The Chair will state that the gentleman's inquiry is not in

15. Richard Bolling (Mo.).

order until the Moorhead amendment has been read.

The Clerk will read.

(The Clerk continued the reading of the amendment in the nature of a substitute.)

§ 12.20 An amendment offered in the nature of a substitute is read in full and is open to amendment only after it has been completely read.

On Feb. 22, 1950,⁽¹⁶⁾ the following proceedings took place:

Amendment offered by Mr. [Samuel K.] McConnell [Jr., of Pennsylvania]: Strike out all after the enacting clause and insert "That this act may be cited as the 'Fair Employment Practice Act.'" . . .

[The reading of the amendment was interrupted by parliamentary inquiries:]

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE CHAIRMAN:⁽¹⁷⁾ The gentleman will state it. . . .

MR. COLMER: Do I understand that the whole bill will be read through, that is, the amendment that the Clerk is now reading, before any amendments are offered? Or are amendments to be offered at the end of sections as the Clerk concludes them?

16. 96 CONG. REC. 2218, 2219, 81st Cong. 2d Sess. Under consideration was H.R. 4453, the Fair Employment Practice Act.

See also 97 CONG. REC. 9333, 82d Cong. 1st Sess., Aug. 1, 1951.

17. Francis E. Walter (Pa.).

THE CHAIRMAN: This is an amendment offered by the gentleman from Pennsylvania to the bill. The amendment will be read in its entirety and then will be open for amendment.

Not Read by Sections for Amendment

§ 12.21 An amendment seeking to strike out all after the enacting clause and insert other language is not read by sections for amendment; amendments are in order to any part of the amendment.

On Feb. 4, 1946,⁽¹⁸⁾ the following proceedings took place:

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, I move to strike out all after the enacting clause and insert as a substitute the text of the bill H.R. 5262. . . .

The Clerk read as follows:

Mr. Case of South Dakota moves to strike out all after the enacting clause. . . .

MR. [SHERMAN] ADAMS [of New Hampshire]: Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from South Dakota [Mr. Case].

The Clerk read as follows:

Amendment offered by Mr. Adams as a substitute for the Case amendment:

"That the Congress hereby declares that the objectives of this act

18. 92 CONG. REC. 836, 839, 842, 844, 79th Cong. 2d Sess. Under consideration was H.R. 4908, relating to investigation of labor disputes.

are to avoid and diminish strikes and other forms of industrial strife or unrest. . . .

"Sec. 2. When used in this act—

"(1) The term 'commerce' means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country. . . .

Mr. Adams (interrupting the reading of the substitute). Mr. Chairman, I ask unanimous consent that the further reading of the substitute be dispensed with.

MR. [F. E.] HOOK [of Michigan]: I object, Mr. Chairman.

[The Clerk concluded the reading of the substitute.]

MR. [CLARE E.] HOFFMAN [of Michigan]: Are amendments to the substitute also in order at this time?

THE CHAIRMAN:⁽¹⁹⁾ They are. Amendments to the Case amendment and to the Adams substitute are in order.

MR. HOFFMAN: Will the Case bill be read by section for amendment?

THE CHAIRMAN: The Case bill has already been read.

MR. HOFFMAN: Are amendments in order at any point in the Case bill?

THE CHAIRMAN: Amendments are in order to any part of the Case [amendment].

19. Emmet O'Neal (Ky.).

Notice of Intention To Strike

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

On July 29, 1969,⁽²⁰⁾ by way of example, an amendment was offered in the following manner:

MR. [CHARLES S.] JOELSON [of New Jersey]: Mr. Chairman, I offer an amendment to the paragraph just read which is a simple substitute to several paragraphs of the bill dealing with the Office of Education, and I hereby give notice that after the amendment is agreed to I will make a motion to strike out the paragraphs appearing as follows: the paragraph on page 26, lines 1 through 7.

§ 12.23 When it is proposed to offer a single amendment—a motion to strike out and insert new matter—for several paragraphs in a bill which is

20. 115 CONG. REC. 21218, 21219, 91st Cong. 1st Sess. Under consideration was H.R. 13111.

See also 118 CONG. REC. 21106, 21118–22, 92d Cong. 2d Sess., June 15, 1972 [H.R. 15417]; 117 CONG. REC. 10062, 92d Cong. 1st Sess., Apr. 7, 1971 [H.R. 7016].

being considered by paragraphs the amendment may be offered to the first paragraph to be amended with notice that if it be agreed to, motions will be made to strike out the remaining paragraphs as they are read.

On June 26, 1973,⁽¹⁾ an amendment was offered in the following manner:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I offer an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill dealing with the Department of Health, Education, and Welfare and related agencies, and I hereby give notice that if the amendment is agreed to, I will make motions to strike out the remaining paragraphs as follows: The paragraph on page 8, lines 13 through 20; the paragraph on page 11, lines 9 through 11.

§ 12.24 Where an appropriation bill is being read by paragraphs, an amendment—in effect a motion to strike

1. 119 CONG. REC. 21368, 93d Cong. 1st Sess. See also 116 CONG. REC. 25345, 25346, 91st Cong. 2d Sess., July 22, 1970 [H.R. 18515], where an amendment in the nature of a substitute for several paragraphs of an appropriation bill was offered, and the proponent of the amendment announced his intention to strike several subsequent paragraphs of the bill if his amendment were agreed to.

one paragraph of the bill and insert several consecutive paragraphs in the bill—may be offered to the first paragraph modified by the amendment only if notice is given that if the amendment is agreed to, motions will be subsequently made to strike out the following paragraphs of the bill which would be supplanted thereby.

On July 29, 1969,⁽²⁾ the following proceedings took place:

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

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

In the first place, the gentleman from Illinois gave no such notice. . . .

The Chairman:⁽³⁾ . . . The Chair is presented with a most difficult ruling

2. 115 CONG. REC. 21217, 21218, 91st Cong., 1st Sess. Under consideration was H.R. 13111.
3. Chet Holifield (Calif.).

at this time. He has resorted to a precedent in "Hinds' Precedents," volume V, page 404, paragraph 5795, which reads as follows:

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

The Chair notes that the gentleman from Illinois did not give such notice. The amendment goes beyond the paragraph which has been read and in effect modifies a paragraph which has not yet been read.

The Chairman, therefore, sustains the point of order.

Notice of Intention To Strike: Distinction Between Substitute and Amendment in Nature of Substitute

§ 12.25 Where there is pending an amendment striking out the pending and several succeeding paragraphs and inserting new matter, in a bill being read by paragraphs, a substitute therefor is in order and may be offered without giving notice of an intention to strike subsequent paragraphs; however, such notice is required when the original amendment to strike out and insert is offered, since the proponent thereof must describe the parameters of his amendment.

On July 29, 1969,⁽⁴⁾ Chairman Chet Holifield, of California, in response to objection made to a substitute amendment,⁽⁵⁾ stated that the notice described above was unnecessary in the circumstances.

It should be noted that the substitute proposed in this case encompassed less than the amendment in the nature of a substitute; hence no notice of intention to strike succeeding paragraphs was required. A substitute covering more paragraphs than the amendment for which offered would not be in order.

—Substitute Made Coextensive With Amendment in Nature of Substitute

§ 12.26 A substitute for an amendment in the nature of a substitute for several paragraphs of an appropriation bill was offered after being made coextensive with the amendment in the nature of a substitute [that is, it did not affect more paragraphs than those proposed to be changed by the original amendment], and notice was given by the proponent of

4. 115 CONG. REC. 21221, 91st Cong. 1st Sess. Under consideration was H.R. 13111.

5. The amendment was offered by Mr. Robert H. Michel (Ill.).

the substitute of his intention to strike subsequent paragraphs even though such notice was not strictly required.

On Oct. 1, 1974,⁽⁶⁾ during consideration in the Committee of the Whole of a bill,⁽⁷⁾ the proceedings, as described above, occurred:

The Clerk read as follows:

For carrying out, to the extent not otherwise provided, Part A of title I (\$3,695,300,000) . . . and title VII of the Elementary and Secondary Education Act; sections 822 and 823 of Public Law 93-380; section 417(a)(2) of the General Education Provisions Act; title IV of the Civil Rights Act of 1964 and title III-A (\$15,000,000) of the National Defense Education Act of 1958, \$4,264,643,000. . . .

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I offer an amendment to the bill, and to the paragraph that was just read, and which is a simple substitute for several paragraphs dealing with the Office of Education. I hereby give notice that if the amendment is agreed to that I will make a motion to strike certain paragraphs, as follows: The paragraph which begins on page 6, line 12, and ending on page 7, line 18; and the paragraph beginning on page 7, line 19, and ending on page 7, line 24.

The Clerk read as follows:

Amendment offered by Mr. Obey: Strike the paragraph beginning in

6. 120 CONG. REC. 33352, 33355, 93d Cong. 2d Sess.

7. H.R. 16900, supplemental appropriations for fiscal 1975.

line 19, page 5 and ending on line 11, page 6, and insert in lieu thereof.

For carrying out, to the extent not otherwise provided, Part A of title I (\$3,695,300,000) . . . and title VII of the Elementary and Secondary Education Act; sections 822 and 823 of Public Law 93-380; section 417[a][2] of the General Education Provisions Act; title IV of the Civil Rights Act of 1964 and title III-A (\$15,000,000) of the National Defense Education Act of 1958, \$4,329,643,000. . . .

MR. [EDWARD R.] ROYBAL [of California]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. Obey], which is a single substitute for several paragraphs in the bill dealing with the Office of Education.

I hereby give notice that if the amendment is agreed to I will make a motion to strike the paragraphs appearing as follows: The paragraph beginning on page 6, line 12, extending to line 18, page 7; the paragraph beginning on line 19, page 7, through line 24.

The Clerk read as follows:

Amendment offered by Mr. Roybal as a substitute for the amendment offered by Mr. Obey: On page 5, strike out the paragraph beginning on line 17 extending down through line 11 on page 6 and substitute in lieu thereof:

"For carrying out, to the extent not otherwise provided, Part A of title I (\$3,743,300,000) . . . and title VII of the Elementary and Secondary Education Act; sections 822 and 823 of Public Law 93-380; section 417(a)(2) of the General Education Provisions Act; title IV of the Civil Rights Act of 1964 and title III-A (\$15,000,000) of the National Defense Education Act of 1958, \$4,264,643,000.

Parliamentarian's Note: Mr. Roybal had originally drafted an amendment in the nature of a substitute for several more paragraphs than those sought to be changed by Mr. Obey. Mr. Obey having been recognized first to offer his amendment, Mr. Roybal modified his amendment to make it coextensive with the Obey amendment. He thus eliminated references to paragraphs not amended by Mr. Obey, and was then not required to give notice of his intention to strike subsequent paragraphs upon offering his amendment as a substitute.

Amendment in Nature of Substitute Being Considered as Original Bill

§ 12.27 An amendment in the nature of a substitute being read as an original bill pursuant to a special order is read by sections for amendment (unless otherwise specified in the rule), and the amendment may be considered as read and open for amendment at any point by unanimous consent only.

On Mar. 20, 1978,⁽⁸⁾ the Committee of the Whole having under consideration H.R. 7700,⁽⁹⁾ the

8. 124 CONG. REC. 7558, 7559, 95th Cong. 2d Sess.

9. The Postal Service Act of 1977.

proceedings described above were as follows:

THE CHAIRMAN:⁽¹⁰⁾ Pursuant to the rule, it shall be in order to consider an amendment printed in the Congressional Record of March 14, 1978, by Representative Hanley of New York if offered as an amendment in the nature of a substitute for the bill, said substitute shall be read for amendment under the 5-minute rule as an original bill, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI, are hereby waived. . . .

At this time the Clerk will read.

The Clerk read as follows:

Section 1. This Act may be cited as the "Postal Service Act of 1977".

MR. [JAMES M.] HANLEY [of New York]: Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute for the bill.

THE CHAIRMAN: The Clerk will report the amendment by sections.

The Clerk read as follows:

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

That this Act may be cited as the "Postal Service Act of 1978".

MR. HANLEY (during the reading): Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point. . . .

[Objection was heard.]

THE CHAIRMAN: Under the rule, the amendment in the nature of a substitute is to be read by sections.

Are there amendments to section 1?

§ 12.28 Where a special rule provides that an amendment in the nature of a substitute be considered as an original bill for amendment under the five-minute rule if offered, the first section of the original bill is first read and the amendment, if then offered from the floor, must be read by sections for amendment in the absence of unanimous consent to consider it as read and open to amendment at any point.

On July 18, 1978,⁽¹¹⁾ the Committee of the Whole having under consideration H.R. 1609, pursuant to a special rule, the proceedings, described above, were as follows:

THE CHAIRMAN PRO TEMPORE [Mr. Raymond F. Lederer, of Pennsylvania]: Pursuant to the rule, it shall be in order to consider an amendment in the nature of a substitute printed in the Congressional Record of June 28 by Representative Udall of Arizona, if offered as an original bill for the purpose of amendment in lieu of the amendments now printed in the bill.

The Clerk will read section 1 of the original bill.

The Clerk read as follows:

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN

11. 124 CONG. REC. 21486, 95th Cong. 2d Sess.

10. Edward W. Pattison (N.Y.).

CONGRESS ASSEMBLED, That this Act may be cited as the "Coal Pipeline Act of 1977."

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I offer an amendment in the nature of a substitute printed in the Congressional Record of June 28.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Udall: Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Coal Pipeline Act of 1978".

MR. UDALL (during the reading): Mr. Chairman, I ask unanimous consent to dispense with further reading of this amendment. It is printed in the Congressional Record.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Arizona?

MR. [TENO] RONCALIO [of Wyoming]: Reserving the right to object, Mr. Chairman—and I do not intend to—may I ask the Chairman if he intends to rise at 5:30?

MR. UDALL: Mr. Chairman, if the gentleman will yield, as soon as the amendment is read, I intend to ask unanimous consent that it be open to amendment at any point, and then at that point I will move that the Committee rise.

MR. [JOE] SKUBITZ [of Kansas]: Reserving the right to object, Mr. Chairman, I will advise the gentleman from Arizona (Mr. Udall) that at this moment I have no objection to the substitute, but I do object to his second unanimous-consent request that we amend at any point. I insist that we take it up section by section.

MR. UDALL: Mr. Chairman, if the gentleman will yield, the gentleman is within his rights, and I renew my unanimous-consent request that the reading of the amendment be dispensed with at this time and considered as read. It is printed in the Congressional Record.

THE CHAIRMAN PRO TEMPORE: The amendment has to be read by sections. The Clerk has read section 1.

MR. UDALL: When section 1 has been read, I will move that the Committee rise, Mr. Chairman. I ask unanimous consent that section 1 of the amendment in the nature of a substitute be considered as read.

MR. RONCALIO: Mr. Chairman, I withdraw my reservation of objection.

MR. SKUBITZ: Mr. Chairman, I withdraw my reservation of objection.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Arizona?

There was no objection.

§ 12.29 Where a bill is being considered under a rule providing that a committee amendment in the nature of a substitute shall be considered as an original bill, a substitute for such committee amendment may be offered at the end of the first section or at the end of such committee amendment.

On Oct. 18, 1943,⁽¹²⁾ the following proceedings took place:

12. 89 CONG. REC. 8450, 78th Cong. 1st Sess. Under consideration was S.

MR. [FRANCIS H.] CASE [of South Dakota]: Under the rule adopted the other day, the original rule stated that the Senate bill would be read for amendment under the 5-minute rule. That rule was amended by an amendment adopted by the House, by which we provided for the consideration of the House committee substitute as an original bill. The question I ask is whether or not any proposal to offer a substitute for the committee bill would have to be offered during the time that this committee substitute is being read, or whether it should be offered at the conclusion of the reading of the entire substitute.

THE CHAIRMAN:⁽¹³⁾ It could have been offered at the end of the first section, of the substitute, or it may be offered at the end of the reading.

Procedure Upon Conclusion of Reading for Amendment

§ 12.30 Upon conclusion of the reading of a committee amendment in the nature of a substitute for amendment in Committee of the Whole, the pending question is on adoption of the substitute as amended, and if the substitute is rejected the original bill is read by sections for amendment. If the committee amendment is agreed to it is reported to the House and voted on.

1279, relating to allowances and allotments for dependents of military personnel.

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

On July 10, 1941,⁽¹⁴⁾ the following proceedings took place:

MR. [R. EWING] THOMASON [of Texas]: 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:⁽¹⁵⁾ 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. . . .

If [the substitute] 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.

Similarly, on June 13, 1939,⁽¹⁶⁾ the following exchange took place:

MR. [JOHN E.] RANKIN [of Mississippi]: As I understand the situation now, the entire Senate bill has been stricken out and the House bill inserted as an amendment, so at the completion of the consideration under the 5-minute rule the vote will come on

14. 87 CONG. REC. 5962, 77th Cong. 1st Sess. Under consideration was S. 1524, relating to deferment of men by age groups under the Selective Training and Service Act of 1940.

15. Schuyler Otis Bland (Va.).

16. 84 CONG. REC. 7108, 7109, 76th Cong. 1st Sess.

adopting the House bill as an amendment. . . .

THE SPEAKER:⁽¹⁷⁾ As the Chair understands the parliamentary situation, under the rule the House substitute amendment for the Senate bill will be considered by sections as an original bill, open to germane amendment. At the conclusion of the reading for amendment the question will be put on agreeing to the substitute, or the substitute as amended, for the Senate bill.

MR. RANKIN: If that is voted down, as I understand it, the original Senate bill will be before the House.

THE SPEAKER: If the committee substitute amendment is voted down, that will leave the Senate bill before the Committee of the Whole for consideration.

Effect of Rejection

§ 12.31 The Chair indicated, in response to a parliamentary inquiry, that if a pending amendment striking out several succeeding paragraphs and inserting new matter in an appropriation bill were defeated, the reading of the bill for amendment, by paragraph, would then continue and each paragraph would be subject to amendment when read.

On July 29, 1969,⁽¹⁸⁾ an amendment was under consideration as

17. William B. Bankhead (Ala.).

18. 115 CONG. REC. 21218, 21219, 91st Cong. 1st Sess. Under consideration was H.R. 13111.

described above. The following exchange took place:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, if the amendment offered by the gentleman from New Jersey (Mr. Joelson), the entire package, is defeated, would it then be in order to amend different sections in this area, in this whole part?

THE CHAIRMAN:⁽¹⁹⁾ the Chair will state that if the amendment is defeated, why, of course, we would be right back where we started. . . .

The paragraphs would be read, and they would be open to amendment.

Incorporating Adopted Perfecting Amendments in Substitute Text

§ 12.32 The last paragraph of a bill to draft nurses for service having been read for amendment, the Committee of the Whole adopted an amendment striking out all after the enacting clause and reinserting the language, as amended, as an amendment to the Selective Training and Service Act of 1940.

On Mar. 7, 1945,⁽²⁰⁾ the following proceedings took place:

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Chairman, I offer a substitute for the bill.

19. Chet Holifield (Calif.).

20. 91 CONG. REC. 1875, 79th Cong. 1st Sess. Under consideration was H.R. 2277, to insure adequate nursing care for members of the armed forces.

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

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

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

§ 13. Time Yielded for Amendment or Other Purposes

Time Yielded for Debate

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

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

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

The Clerk read the resolution, as follows:

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

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

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

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

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

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

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

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

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

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

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