

***Amendment to Senate Bill in House***

**§ 20.11 A Senate bill was called up by unanimous consent in the House with an amendment by the House Committee on Public Works but, by unanimous consent, the amendment was withdrawn.**

On Oct. 2, 1964,<sup>(6)</sup> the following proceedings took place:

MR. [GEORGE H.] FALLON [of Maryland]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2968) to amend subsection 120(f) of title 23, United States Code; and I also ask unanimous consent that the committee amendment thereto be withdrawn. . . .

THE SPEAKER:<sup>(7)</sup> Without objection, the committee amendment is withdrawn.

There was no objection.

***House as in Committee of the Whole***

**§ 20.12 An amendment may be withdrawn at any time before action has been had thereon during the consideration of a bill “in the House as in Committee of the Whole.”**

6. 110 CONG. REC. 23698, 88th Cong. 2d Sess. Under consideration was S. 2968.

7. John W. McCormack (Mass.).

On Feb. 11, 1937,<sup>(8)</sup> the following proceedings took place:

THE SPEAKER PRO TEMPORE:<sup>(9)</sup> Without objection, the amendment will be withdrawn. [After a pause.] The Chair hears no objection.

MRS. [EDITH NOURSE] ROGERS of Massachusetts: Mr. Speaker, I reserve the right to object. . . .

THE SPEAKER PRO TEMPORE: With all due deference to the lady, the Chair thinks her objection comes too late. . . . In further answer, we are in the House as in Committee of the Whole, and it would be in order for the gentleman to withdraw his amendment in any event as a matter of right.

**§ 21. Modification of Amendment by Proponent or Others**

A Member may not offer an amendment to his own amendment to a bill.<sup>(10)</sup> Accordingly, in the Committee of the Whole or in the House, an amendment once offered may not be modified by its proponent except by unanimous consent.<sup>(11)</sup>

8. 81 CONG. REC. 1175, 75th Cong. 1st Sess. Under consideration was S. 1439, to provide for loans made necessary by floods or other catastrophes in the year 1937.

9. Jere Cooper (Tenn.).

10. See § 18.22, supra.

11. See § 21.1, infra. See also the proceedings at 118 CONG. REC. 2180–82,

### ***Unanimous Consent Requirement***

#### **§ 21.1 The proponent of an amendment may amend his own amendment only by unanimous consent.**

On July 19, 1967,<sup>(12)</sup> the following proceedings took place:

MR. [EDWIN E.] WILLIS [of Louisiana]: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me read again the principal amendment of the gentleman from California:

Nothing in this section shall circumscribe or hinder the objectives of organized labor in a bona fide labor dispute in urging strikes.

It seems to me that there could be some criticism of the word "objectives." We have the term "bona fide" before the words "labor dispute," which modifies those words, but if there is no adjective before "objectives," there may be a problem. I wonder if my friend, the gentleman from California, would accede to an amendment, to add before the word "objectives" the word "legitimate"? . . .

MR. [CHET] HOLIFIELD [of California]: Yes. I accept the amendment of

92d Cong. 2d Sess., Feb. 2, 1972, relating to H.R. 7987; and at 118 CONG. REC. 29582, 92d Cong. 2d Sess., Sept. 6, 1972, relating to H.R. 13514.

12. 113 CONG. REC. 19416, 90th Cong. 1st Sess. Under consideration was H.R. 421.

See also 90 CONG. REC. 1188, 78th Cong. 2d Sess., Feb. 3, 1944.

the gentleman to my amendment. I ask unanimous consent that that be done, that the amendment be amended by adding the word "legitimate" before the word "objectives." . . .

THE CHAIRMAN:<sup>(13)</sup> . . . The Chair will state, we have an amendment moved by Mr. Holifield, and an amendment has been made by Mr. Holifield to amend his own amendment. . . .

MR. [FLETCHER] THOMPSON of Georgia: Is it in order to offer an amendment to the original amendment when we already have an amendment to the amendment under consideration?

THE CHAIRMAN: By unanimous consent it may be considered.<sup>(14)</sup>

#### **§ 21.2 The text of an amendment may not be changed by the mover in the Committee of the Whole unless by unanimous consent of the Committee.**

On Feb. 8, 1941,<sup>(15)</sup> the following exchange took place:

MR. [JOHN M.] VORYS OF Ohio: I understood, Mr. Chairman, that in the

13. Joseph L. Evins (Tenn.).
14. Compare 116 CONG. REC. 19753, 91st Cong. 2d Sess., June 15, 1970 [proceedings relating to H.R. 15361], where a Member proposing an amendment later offered an amendment to that amendment—and, since no objection was raised, the Chair put the question on the latter amendment.
15. 87 CONG. REC. 793, 77th Cong. 1st Sess. Under consideration was H.R. 1776, to promote the defense of the United States.

Committee of the Whole the author of an amendment does not have to secure unanimous consent to change the text of an amendment.

THE CHAIRMAN:<sup>(16)</sup> The gentleman is incorrect.

### ***Substitute Offered for Amendment***

#### **§ 21.3 A Member may not offer a substitute for his own amendment to a bill.**

On June 13, 1947,<sup>(17)</sup> the following proceedings took place:

MR. [JAMES G.] FULTON [of Pennsylvania]: I ask unanimous consent, Mr. Chairman, to modify my amendment.

Objection was made, whereupon the following exchange took place:

MR. FULTON: Mr. Chairman, I offer a substitute amendment.

THE CHAIRMAN:<sup>(18)</sup> The gentleman cannot do that at this time.

### ***Offering Amendment to Substitute for Own Amendment***

#### **§ 21.4 Where there is pending an amendment and a substitute therefor, the Member who offered the original amendment may also offer**

16. Jere Cooper (Tenn.).

17. 93 CONG. REC. 6989, 6990, 80th Cong. 1st Sess. Under consideration was H.R. 3342, relating to a cultural relations program under the State Department.

18. Thomas A. Jenkins (Ohio).

**an amendment to the substitute, as he is not thereby attempting to amend his own amendment.**

On May 22, 1974,<sup>(19)</sup> during consideration of H.R. 14592 (military procurement authorization, fiscal 1975), the Chair responded to a parliamentary inquiry as set out below:

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

The Clerk read as follows:

Amendment offered by Mr. Leggett: On page 10, line 3, delete "\$1,400,000,000" and insert in lieu thereof "\$900,000,000". . .

MR. [F. EDWARD] HÉBERT [of Louisiana]: Mr. Chairman, I offer a substitute amendment for the amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. Hébert for the amendment offered by Mr. Leggett: On page 10, lines 3 and 4, delete "\$1,400,000,000" and substitute "\$1,126,000,000".

MR. LEGGETT: Mr. Chairman, I offer an amendment to the substitute amendment for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Leggett to the substitute amendment offered by Mr. Hébert for the amendment offered by Mr. Leggett: On page 10, strike on line 3 "\$1,126,000,000" and substitute "\$1,000,000".

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

19. 120 CONG. REC. 16112, 16149, 16151, 93d Cong. 2d Sess.

The gentleman from California has one amendment pending, and I offered a substitute. In a parliamentary procedure, can he offer another amendment to a substitute for his own amendment for consideration?

THE CHAIRMAN PRO TEMPORE:<sup>(20)</sup> The Chair will state the gentleman from Louisiana offered a substitute amendment for the amendment offered by the gentleman from California. The gentleman from California in turn is now offering an amendment to the substitute amendment, which would be in order. The gentleman from California is not attempting to amend his own amendment.

### *En Bloc Amendments*

**§ 21.5 Where a Member has, by unanimous consent, been permitted to offer several amendments en bloc, and then desires to modify one of the amendments, the Clerk may rereport a portion of the amendment the Member seeks to modify.**

On Sept. 6, 1972,<sup>(1)</sup> the following proceedings took place:

MRS. [LEONOR K.] SULLIVAN [of Missouri]: Mr. Chairman, I offer the remaining amendments at the desk and I ask unanimous consent that they be considered en bloc.

THE CHAIRMAN:<sup>(2)</sup> The Clerk will report the amendments.

20. B. F. Sisk (Calif.).

1. 118 CONG. REC. 29582, 92d Cong. 2d Sess. Under consideration was H.R. 13514.
2. J. Edward Roush (Ind.).

The Clerk read as follows: . . .

THE CHAIRMAN: Is there objection to the request . . . that the amendments be considered en bloc?

There was no objection.

MRS. SULLIVAN: Mr. Chairman, I have a parliamentary inquiry.

Must I again ask unanimous consent to change the name Consumers Union to the name Consumers Federation of America?

THE CHAIRMAN: The Chair had understood that the gentlewoman had made the change before she submitted the amendment. Has the gentlewoman made the change in her amendment?

MRS. SULLIVAN: I did make the request. I do not know if I did it at the proper time.

THE CHAIRMAN: Will the gentlewoman send it to the desk?

The Clerk will report the portion of the amendment that the gentlewoman is asking unanimous consent to change.

### *Point of Order Pending Against Amendment*

**§ 21.6 Pending a decision by the Chairman on a point of order raised against an amendment in the Committee of the Whole, the Member proposing the amendment secured unanimous consent that it be modified to delete certain language.**

On Oct. 10, 1963,<sup>(3)</sup> the following proceedings took place

3. 109 CONG. REC. 19258-60, 88th Cong. 1st Sess. Under consideration was H.R. 8747.

with regard to a proposed limitation on the use of funds by the National Aeronautics and Space Administration:

MR. [ALBERT] THOMAS [of Texas]: Mr. Chairman, I make a point of order against the amendment. . . .

. . . [H]ere is the thing that puzzles me. If the gentleman will read with me the language found in his amendment beginning on the fourth line from the bottom:

Except pursuant to an agreement hereafter made by the President by and with the advice and consent of the Senate as provided by section 205 of the National Aeronautics and Space Act of 1958.

That language puts this Subcommittee on Appropriations right into the middle of foreign affairs—and it is not in our field. It puts an extra duty on us. . . .

THE CHAIRMAN:<sup>(4)</sup> The Chair would like to ask the gentleman from Washington a question. What is the reason for the inclusion of language at the end of the amendment. . . .

The problem the Chair is considering is why there is any need to include the language at the end of the amendment unless in some way it changes existing law?

MR. [THOMAS M.] PELLY [of Washington]: Mr. Chairman, I would say that it does not change existing law but simply follows it. But, in order to clarify this matter I ask unanimous consent to strike from the amendment the words from “except pursuant to an agreement” to the end.

4. Richard Bolling (Mo.).

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

There was no objection.

THE CHAIRMAN: The Clerk will report the modified amendment.

### ***Unanimous-Consent Request Following Demand for Recorded Vote***

**§ 21.7 Pending a request for a recorded vote following a voice vote on an amendment the Committee of the Whole, by unanimous consent, vacated the Chair’s putting of the question on the amendment to permit a modification or amendment thereof, and further debate thereon.**

On Jan. 29, 1980,<sup>(5)</sup> during consideration of H.R. 4788<sup>(6)</sup> in the Committee of the Whole, the proceedings described above occurred as follows:

THE CHAIRMAN:<sup>(7)</sup> When the Committee of the Whole rose on Monday, January 28, 1980, title I was open to amendment at any point, and pending was a demand for a recorded vote made by the gentleman from Pennsylvania (Mr. Edgar) on an amendment offered by the gentleman from Illinois (Mr. Michel).

Does the gentleman from Pennsylvania (Mr. Edgar) insist on his demand for a recorded vote?

5. 126 CONG. REC. 958–60, 96th Cong. 2d Sess.

6. The Water Resources Development Act.

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

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I ask unanimous consent that the Chair's putting of the question on the Michel amendment be vacated.

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

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Further reserving the right to object, the gentleman will, after this action is taken, if no one objects, then ask unanimous consent to substitute language for the language in the amendment; is that not correct?

MR. MICHEL: That is correct. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois (Mr. Michel) to vacate the proceedings by which the Chair put the question on the amendment offered by the gentleman from Illinois (Mr. Michel)?

There was no objection.

MR. MICHEL: Mr. Chairman, I ask unanimous consent that the amendment be modified.

The Clerk will report the modification to the amendment offered by the gentleman from Illinois (Mr. Michel).

The Clerk read as follows:

On page 71, immediately after line 7, insert the following and redesignate the succeeding sections accordingly. . . .

MR. [WILLIAM H.] HARSHA [of Ohio]: Mr. Chairman, in the parliamentary situation such, if there is no further objection to the unanimous-consent request, we then get an opportunity to discuss the amendment further, or do we just vote on it?

THE CHAIRMAN: The gentleman is correct. The gentleman from Illinois

(Mr. Michel) would be recognized for 5 minutes in support of his modified amendment.

MR. HARSHA: I thank the Chairman.

THE CHAIRMAN: Is there objection to the unanimous-consent request of the gentleman from Illinois (Mr. Michel)?

There was no objection.

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

### ***Unanimous-Consent Request To Modify Reduced to Writing***

#### **§ 21.8 The Chair may insist that a unanimous-consent request to modify a pending amendment be reduced to writing to indicate the complete text of the amendment as proposed to be modified.**

On Dec. 18, 1979,<sup>(8)</sup> the Committee of the Whole having under consideration H.R. 5860,<sup>(9)</sup> a modification of a pending amendment was proposed:

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Bethune to the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania:

8. 125 CONG. REC. 36824, 36825, 96th Cong. 1st Sess.
9. Authorizing loan guarantees to the Chrysler Corporation.

Page 22, line 21, insert after "outstanding," the following new sentence: "The final report for 1981 shall include an evaluation of the long-term economic implications of the Chrysler loan guarantee program, with findings, conclusions and recommendations for legislative and administrative actions considered appropriate to future Federal loan guarantee programs."

MR. [JOSEPH L.] FISHER [of Virginia]: . . . Mr. Chairman, this is along the line of the amendment that I had printed in the Record and was going to offer. I want to inquire of the gentleman who has just presented this amendment if he would accept an addition to his amendment to incorporate some of the features of the amendment that I was going to propose. . . .

MR. BETHUNE: I am familiar with the gentleman's amendment, having read it in the Record. I think the gentleman has some excellent points in his amendment. I would certainly be amenable to the gentleman's suggestion.

THE CHAIRMAN:<sup>(10)</sup> A modification should be submitted in writing and can be adopted by unanimous consent.

MR. FISHER: Mr. Chairman, the amendment appears in writing. It would be the part beginning with the sentence just prior to the numbered items:

The study shall consider for inclusion in guidelines relating to aid of this kind the following factors:

The factors are there listed.

Mr. Chairman, I gather the gentleman from Arkansas (Mr. Bethune) would accept that.

MR. BETHUNE: Mr. Chairman, I would accept that.

10. Richard Bolling (Mo.).

THE CHAIRMAN: The Chair will have to ask that the amendment be reduced to writing as modified. That is the only way in which it can be considered without the possibility of error.

MR. FISHER: Mr. Chairman, the amendment is at the desk.

THE CHAIRMAN: The Chair feels that the committee should have before it an amendment that includes the modification.

MR. FISHER: May I ask unanimous consent that the portion I just read be included in this amendment with the consent of the maker of it?

THE CHAIRMAN: Would the gentleman repeat that portion so that we can see if we can accommodate the gentleman?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The question is on the amendment offered by the gentleman from Arkansas (Mr. Bethune).

The amendment was agreed to.

### ***Unanimous-Consent Request To Modify Pending a Request To Dispense With Reading***

**§ 21.9 A unanimous-consent request to modify an amendment is not in order pending a unanimous-consent request to dispense with the reading of the amendment.**

On Oct. 27, 1977,<sup>(11)</sup> during consideration of H.R. 9346, the Social

11. 123 CONG. REC. 35389, 95th Cong. 1st Sess.

Security Financing Amendments of 1977, the proceedings described above were as follows:

MR. [WILLIAM M.] KETCHUM [of California] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:<sup>(12)</sup> Is there objection to the request of the gentleman from California? . . .

MR. [AL] ULLMAN [of Oregon]: Now, if it were in order, I would like to ask unanimous consent that that tax increase in 1982 be included as part of his amendment to adjust for the discrepancy that has been created by the addition of the Fisher amendment.

THE CHAIRMAN: The Chair will state that such a request would not be in order at this time.

### *Amendment Offered by Another After Objection*

**§ 21.10 In the event of objection to a unanimous-consent request to modify a pending amendment, any Member (other than the proponent of the amendment) may offer a proper amendment in writing thereto.**

On Apr. 9, 1979,<sup>(13)</sup> an amendment was offered, as follows, during consideration of H.R. 3324,

12. Frank E. Evans (Colo.).

13. 125 CONG. REC. 7755, 7756, 96th Cong. 1st Sess.

the International Development Cooperation Act of 1979:

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

The Clerk read as follows:

Amendment offered by Mr. Bauman: On page 23, line 10, strike all of Section 303(a) and insert in lieu thereof the following new Section 303:

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

“Sec. 533—Southern Africa Program

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

“Such funds may be used to provide humanitarian assistance to African refugees and persons displaced by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts and to provide support to countries in that region. . . .

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

Subsequently, after some discussion of the merits of a proposal to change “shall” to “may” in the last paragraph, a unanimous-consent request was made:<sup>(14)</sup>

14. *Id.* at 7761.

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

THE CHAIRMAN:<sup>(15)</sup> Is there objection to the request of the gentleman from Illinois?

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

THE CHAIRMAN: Objection is heard.

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

***Modification of Amendment Considered as Amendment in Third Degree***

**§ 21.11 Where there is pending an amendment and an amendment thereto, a modification of the latter amendment is in order only by unanimous consent and further amendment would be in the third degree; but a substitute for the original amendment remains in order.**

On June 25, 1975,<sup>(16)</sup> the Committee of the Whole having under consideration H.R. 8069,<sup>(17)</sup> the

15. Elliott H. Levitas (Ga.).

16. 121 CONG. REC. 20855, 20863, 94th Cong. 1st Sess.

17. Departments of Labor and Health, Education, and Welfare appropriations, 1976.

proceedings, described above, were as follows:

THE CHAIRMAN:<sup>(18)</sup> The Clerk will read.

The Clerk read as follows:

For expenses of the Community Services Administration, \$399,185,000.

For "Community services program" for the period July 1, 1976, through September 30, 1976, \$99,800,000.

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. Hawkins: On Page 44, line 18, strike "\$399,185,000" and insert in lieu thereof, "\$434,185,000", and on line 20, strike "\$99,800,000" and insert in lieu thereof, "\$108,600,000".

MRS. [YVONNE B.] BURKE [of California]: Mr. Chairman, I offer an amendment to the amendments offered by the gentleman from California (Mr. Hawkins).

The Clerk read as follows:

Amendment offered by Mrs. Burke of California to the amendments offered by Mr. Hawkins: On Page 44, line 18, strike "\$399,185,000" and insert in lieu thereof: "\$439,385,000". . . .

MRS. BURKE of California: Mr. Chairman, I ask unanimous consent in order to clarify the Record that the amendment be corrected so it will include these figures to be inserted:

On page 44, line 18, insert: "\$474,385,000" and on page 44, line 20, insert "\$144,975,000".

18. James C. Wright, Jr. (Tex.).

THE CHAIRMAN: If there is no objection, the Clerk will report the figures.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I am constrained to object, if it will save time.

THE CHAIRMAN: The gentlewoman has asked unanimous consent to change the amendment to the amendment, and objection is heard.

Therefore the amendment as originally offered by the gentlewoman from California will have to be considered as the amendment to the amendment offered by the gentleman from California.

MR. [JOHN] BUCHANAN [of Alabama]: Mr. Chairman, a parliamentary inquiry. Would it be in order for an amendment now to be offered if it is not offered by unanimous consent?

THE CHAIRMAN: It would depend on the form in which the amendment would come. If it is a substitute for the original amendment, it would be in order, the Chair will advise the gentleman from Alabama. However, an amendment to the amendment to the amendment would not be in order, it being in the third degree.

***Modification of Amendment Offered Pursuant to Special Rule or Printed in Record***

**§ 21.12 While a special rule adopted by the House controlling the consideration of a bill may not be directly amended in the Committee of the Whole even by unanimous consent, the Committee may, by unanimous consent, permit the modification of an**

**amendment, when offered, made in order by that special rule.**

On Aug. 2, 1977,<sup>(19)</sup> during consideration of H.R. 8444 (the National Energy Act), there was pending in the Committee of the Whole a committee amendment under a special rule permitting a designated amendment to be offered only to such committee amendment, rather than separately to the bill. The Chair,<sup>(20)</sup> during these proceedings, entertained a unanimous-consent request to modify the designated amendment, which had been made in order by the rule and offered by Mr. William D. Ford, of Michigan. The modified amendment, while retaining its status as an amendment to the committee amendment consistent with the rule adopted by the House, changed the substantive text of the amendment by limiting its application to the committee amendment to which offered rather than, as originally printed in the Record, to the entire title of the bill. The Ford amendment read as follows:

Amendment offered by Mr. Ford of Michigan to the ad hoc committee

19. 123 CONG. REC. 26163, 26166, 26167, 95th Cong. 1st Sess.

20. Frank E. Evans (Colo.), Chairman pro tempore.

amendment: At the end of the committee amendment on page 180, insert the following new section:

"Sec. 5. Application of Davis-Bacon Act.

"The Federal employee or officer primarily responsible for administering any program established under any provision of, or amendment made by, title I of this Act which provides for Federal funding shall take such steps as are necessary to insure by contractors or subcontractors in the performance of work on any construction utilizing such funds will be paid at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a-276a-5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950. . . .

At this point, Mr. Richard L. Ottinger, of New York, raised a parliamentary inquiry as follows:

MR. OTTINGER: Mr. Chairman, would it be in order to ask unanimous consent that the Ford amendment be considered separately. . . .

THE CHAIRMAN:<sup>(1)</sup> The Chair will state to the gentleman from New York that the Ford amendment is in order only under the rule and the rule cannot be changed.

MR. OTTINGER: And it cannot be changed by unanimous consent?

THE CHAIRMAN: The Committee of the Whole cannot directly change

House Resolution 727, the special rule adopted by the House, even by unanimous consent.

Subsequently, after some discussion of the scope of the Ford amendment, Mr. Ford asked unanimous consent that it be modified:

MR. FORD of Michigan: Mr. Chairman, if the gentleman will assist me . . . I would be very happy to ask unanimous consent to add, before the words, "title I," on line 17, the words, "part III of." . . .

MR. [GARRY] BROWN of Michigan: Mr. Chairman, it is my understanding that the Chair has ruled that even by unanimous consent the gentleman could not amend his amendment. All I am trying to do in this colloquy is establish the legislative understanding.

MR. FORD of Michigan: I do not understand that there would be a ruling that by unanimous consent I cannot modify my amendment.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the Chair merely stated that the rule cannot be amended by unanimous consent. The Chair did not state that the amendment could not be amended by unanimous consent.

Mr. Ford then modified his amendment by unanimous consent, whereupon the amendment was agreed to, and the ad hoc committee amendment, as so amended, was agreed to. A parliamentary inquiry was raised, as follows:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, earlier today

1. Edward P. Boland (Mass.).

when the gentleman from Massachusetts occupied the chair, a question was put to the Chair whether or not by unanimous consent amendments could be offered to the bill.

The resolution under which this bill is being considered says on page 2:

No amendment to the bill shall be in order except pro forma amendments for the purpose of debate and except the following amendments, which shall be in order without the intervention of any point of order, which shall not be subject to amendment except for amendments recommended by the Ad Hoc Committee on Energy. . . .

Now, subsequent to the Chair's ruling, with the gentleman from Colorado in the chair, in response to a question when the gentleman from Michigan (Mr. Ford) offered a unanimous-consent request, said that the unanimous-consent request would be in order.

My question to the Chair is, what is the ruling on unanimous-consent amendments to this bill or to the bill henceforth?

THE CHAIRMAN: The Chair will respond by indicating that the Chair at the time understood the unanimous-consent request by the gentleman from New York was to change the rule adopted by the House.

The Chair would agree that by unanimous consent modification of a pending amendment is permissible in Committee of the Whole.

MR. BAUMAN: Mr. Chairman, so any pending amendment can be modified by unanimous consent?

THE CHAIRMAN: The gentleman is correct.

*Parliamentarian's Note:* See also the proceedings of Sept. 1, 1976,<sup>(2)</sup>

2. 122 CONG. REC. 28877, 94th Cong. 2d Sess.

relating to H.R. 14238, legislative branch appropriations for fiscal 1977, which was considered under a "modified closed" rule (H. Res. 1507) allowing only designated amendments to be offered and prohibiting amendments to said amendments. An amendment that had been made in order under the rule and offered by Mr. George E. Shipley, of Illinois, was modified pursuant to a unanimous-consent request by Mr. Morris K. Udall, of Arizona.

**§ 21.13 Where a special order providing for the consideration of a bill permits the offering only of designated amendments which have been printed in the Congressional Record, an amendment offered under the rule should be in the exact form in which it was printed in the Record, but the Committee of the Whole may by unanimous consent permit modification of the amendment to correct erroneous page and line numbers.**

On Aug. 3, 1977,<sup>(3)</sup> the Committee of the Whole was consid-

3. 123 CONG. REC. 26450, 26451, 95th Cong. 1st Sess.

Compare the proceedings of Apr. 1, 1976, at 122 CONG. REC. 9091, 94th Cong. 2d Sess., where the Chairman

ering H.R. 8444, the National Energy Act, under a special order which permitted the offering only of certain amendments. The proceedings described above were as follows:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I further direct a question to the gentleman from Ohio; this is the amendment published in the Record on July 27, 1977; am I correct?

MR. [CLARENCE J.] BROWN of Ohio: But for the page and line numbers; that is correct.

MR. DINGELL: That is the reason for my inquiry, because I observe that the page and line numbers cited therein were incorrect. The reason I am inquiring is to make sure it is the correct amendment.

MR. BROWN of Ohio: Mr. Chairman, as the gentleman knows, at the time it was published in the Record we were using page and line numbers of the bill then available to us. . . .

Mr. Chairman, if I heard the Clerk correctly, I think the Clerk read the proper page and line numbers. The amendment at the desk relates to the page and line numbers as they would be related in the bill. . . .

MR. DINGELL: Mr. Chairman, I make the observation that the rule does provide that the gentleman from Ohio (Mr. Brown) shall have the authority

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stated that it was permissible to insert a page reference in an amendment printed in the Record, where the printed amendment did not contain one, the amendment being considered in substantial compliance with the rule.

to offer the amendment now referred to according to the terms and the conditions of the rule. The rule says as follows:

(3) An amendment printed in the Congressional Record of July 27, 1977, beginning on page H7996, by Representative Brown of Ohio, to part IV, title I, which amendment shall be in order only after disposition of the amendments to that part recommended by the Ad Hoc Committee on Energy printed in or adopted to the bill;

Mr. Chairman, I observe that the amendment printed in the Record is to one portion of the bill, but I observe that the amendment offered is offered to a different portion of the legislation before us.

Mr. Chairman, I am curious to know whether or not the amendment is offered in conformity with the rule.

MR. BROWN of Ohio: . . . The question of the slight differences in page numbers and so forth which were necessitated because of the fact that the printed bill in its final form was not available for the gentleman from Ohio to make reference to when he printed his amendment in the Record. Because of that circumstance we cleared with the Parliamentarian, or so we thought, the appropriateness of the amendment which was submitted to the desk in accordance with the rule. . . .

THE CHAIRMAN:<sup>(4)</sup> the Chair finds that there is a difference in the page and line numbers that are now before the committee, and if the gentleman from Michigan insists upon his request, the gentleman from Ohio will have to ask unanimous consent that his amendment be modified.

Does the gentleman from Michigan insist upon his request?

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4. Edward P. Boland (Mass.).

MR. DINGELL: I think, Mr. Chairman, we would be better served were that done. It will not prejudice my friend from Ohio.

THE CHAIRMAN: Is there objection to modification of the amendment?

MR. [CLIFFORD R.] ALLEN [of Tennessee]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. DINGELL: Mr. Chairman, I make the same unanimous-consent request.

THE CHAIRMAN: The Chair would like to advise the gentleman that the amendment will be in order regardless of the page and line numbers since an amendment to part IV of title I is permitted in the rule.

MR. DINGELL: Perhaps I can obviate some of the problems. . . . I am sure my good friend from Ohio . . . would assure us that the two amendments are substantively identical.

MR. BROWN *of Ohio*: They are.

[After some further discussion, the Chair again put the unanimous-consent request to modify the amendment, and there was no objection.]

THE CHAIRMAN: The amendment is now modified. The Clerk will continue to read the amendment.

**§ 21.14 Unanimous consent was obtained in the House to modify an amendment printed in the Congressional Record and made in order for consideration in the Committee of the Whole by a special order of business.**

On Sept. 4, 1985,<sup>(5)</sup> Mr. James J. Howard, of New Jersey, sought

5. 131 CONG. REC. 22837, 99th Cong. 1st Sess.

and obtained unanimous consent in the circumstance described above:

MR. [JAMES J.] HOWARD [of New Jersey]: Mr. Speaker, I ask unanimous consent that the committee amendment at the desk which was printed in the Congressional Record on July 11, 1985, and which the rule, House Resolution 223, passed by the House on July 24 makes in order during the consideration of H.R. 10, be modified to conform to funding ceilings represented by Senate Concurrent Resolution 32, passed by the Congress August 1, 1985, setting forth the congressional budget for the United States.

**§ 21.15 Where there was pending an amendment to a title of a bill being considered under a special rule permitting only germane amendments printed in the Record for at least two calendar days to be offered to that title, and prohibiting amendments thereto, a modification of an amendment printed in the Record was permitted in Committee of the Whole by unanimous consent.**

On Mar. 26, 1974,<sup>(6)</sup> during consideration in the Committee of the Whole of a bill,<sup>(7)</sup> an amendment

6. 120 CONG. REC. 8253, 93d Cong. 2d Sess.

7. H.R. 69, to amend and extend the Elementary and Secondary Education Act.

was modified by unanimous consent, as described above. The proceedings were as follows:

MRS. [PATSY T.] MINK [of Hawaii]: Mr. Chairman, I offer an amendment to the committee substitute.

THE CHAIRMAN:<sup>(8)</sup> Is the amendment printed in the Record?

MRS. MINK: It is, Mr. Chairman. The Clerk read as follows:

Amendment offered by Mrs. Mink to the committee substitute: The first sentence of Section 103(a)(1), beginning on line 13 on page 28, is amended to read as follows: "Sec. 103(a)(1) There is authorized to be appropriated for each fiscal year for the purpose of this paragraph 1 per centum of the amount appropriated for such year for payments to States under section 134(a). . . .

MR. [LLOYD] MEEDS [of Washington]: Mr. Chairman, I ask unanimous consent that at the end of the amendment . . . the following words be added: "and to the Secretary of the Interior for payments pursuant to (d)(1) and (d)(2).". . .

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

There was no objection.

**§ 21.16 Where a special rule precludes the offering of amendments not printed in the Congressional Record by a previous date, amendments may only be offered in the form as printed and may be modified only by unanimous consent.**

8. Melvin Price (Ill.).

On Oct. 1, 1985, the Committee of the Whole had under consideration H.R. 2100, the Food Security Act of 1985. The bill was being considered pursuant to a special rule, adopted on Sept. 20, 1985, which stated in part as follows:<sup>(9)</sup>

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2100) to extend and revise agricultural price support and related programs. . . . After general debate, which shall be confined to the bill and shall continue not to exceed two and one-half hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be considered 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 Agriculture now printed in the bill, as modified by the amendments recommended by the Committee on Merchant Marine and Fisheries now printed in the bill, as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections, and each title shall be considered as having been read. . . . No amendment to the bill or to the substitute made in order by this resolution shall be in order except amendments printed in

9. See H. Res. 267, 131 CONG. REC. 24521, 99th Cong. 1st Sess.

the Congressional Record on or before September 24, 1985, and except an amendment offered by the chairman of the Committee on Agriculture or his designee to strike out section 1141 of the substitute, as incorporated into the substitute by this resolution, and to insert the text of section 1141 of the substitute as reported by the Committee on Agriculture.

During consideration of the bill, an amendment was offered by Mr. Dan Glickman, of Kansas, against which a point of order was made as indicated below:<sup>(10)</sup>

THE CHAIRMAN:<sup>(11)</sup> When the Committee of the Whole rose on Thursday, September 26, title IV was open to amendment at any point to amendments printed in the Congressional Record before September 24, 1985.

Are there amendments to title IV?

. . .

The Clerk read as follows:

Amendment offered by Mr. Glickman: Title IV of H.R. 2100 is amended by—

On page 65, after line 8, striking all through "shall" on line 11 and inserting in lieu thereof the following: "(2) If the Secretary determines that the availability of nonrecourse loans and purchases will not have an adverse effect on the program provided for in paragraph (3), the Secretary may"; . . .

Title V of H.R. 2100 is amended by—

On page 87, after line 15, striking all through "shall" on line 18 and inserting in lieu thereof the following: . . .

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I believe a point

of order would lie against the amendment offered by the gentleman from Kansas (Mr. Glickman) because the amendment, if I understand the amendment that is being offered, goes to more than one title of the bill. . . .

MR. [DAN] GLICKMAN [of Kansas]: Mr. Chairman, the amendment amends two titles of the bill. To be frank with the Chair, it was submitted as one amendment, but the intention of the author of this amendment as well as the other authors was to deal with the issues as they affected title IV and then title V. I put it in one title of the bill, but, to be honest with the Chair, the issues are divisible, they are separate. I could have amended it and put it in two separate amendments. I did not because that is not the way the issue came up in the Committee on Agriculture. . . .

MR. ROBERT F. SMITH [of Oregon]: . . . Mr. Chairman, (the rule) provides that consideration can only be by title, not by section. I think the point remains that there is no question that this amendment does affect two titles. . . .

MR. [ARLAN] STANGELAND [of Minnesota]: . . . I just want to make the point that the amendment was printed in two distinctly separate sections. One portion of the amendment dealt with wheat and target prices and marketing loans. The second section of the amendment deals with title V, the feed grain section. Two distinctly different amendments but introduced in the Record as, unfortunately, one amendment. . . . I would just appeal to the Chair that the intent of the authors was that because they were handled en bloc in committee, we would run that way, but they are divisible, they can be

10. 131 CONG. REC. 25418-20, 99th Cong. 1st Sess.

11. David E. Bonior (Mich.).

addressed to title IV and title V very distinctly in the amendment. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The Chair would state that the Chair can only look at the form in which the amendment has been submitted for printing in the Record. According to the rule, the substitute shall be considered for amendment by title instead of by sections, and only amendments to the bill which have been printed in the Record by September 24 may be offered.

Therefore, the only way in which the amendment that the gentleman from Kansas (Mr. Glickman) wishes to offer could be considered is by unanimous consent.

The Chair sustains the point of order.

**§ 21.17 Amendments in the Committee of the Whole may be modified by unanimous consent while they are pending to reflect the version of the bill being considered but cannot initially be offered except in the form required by the special rule.**

On Oct. 3, 1985,<sup>(12)</sup> Where a bill was being considered under a rule requiring prior printing of amendments in the Congressional Record, an amendment printed with specific page and line num-

12. 131 CONG. REC. 26021, 26022, 99th Cong. 1st Sess. Under consideration was H.R. 2100, the Food Security Act of 1985.

bers was offered in that form, even though that form did not conform to the version of the bill under consideration. The proceedings in the Committee of the Whole were as follows:

MR. [BERYL F.] ANTHONY [Jr., of Arkansas]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN PRO TEMPORE: Is the amendment printed in the Record?

MR. ANTHONY: It is printed in the Record, Mr. Chairman.

THE CHAIRMAN PRO TEMPORE: The Clerk will report the amendment.

MR. ANTHONY: Mr. Chairman, I ask unanimous consent that the amendment be modified to read "Page 323, strike lines 6 through 10."

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

MR. [WILLIAM W.] FRANKLIN [of Mississippi]: Mr. Chairman, reserving the right to object, is this the amendment that was originally offered by the gentleman from Illinois [Mr. Rostenkowski]?

MR. ANTHONY: Yes, it is.

MR. FRANKLIN: I would like to ask, under the reservation, if I could, if the amendment that is presently at the desk is in the same form as the one printed in the Record.

MR. ANTHONY: It is the identical amendment. All it does is correct the pages, inasmuch as when the amendment was filed, it was according to the bill that was reported out of the committee rather than the one that was under the Union Calendar version. It is the identical amendment. . . .

MR. FRANKLIN: Mr. Chairman, continuing under my reservation, I would

like to raise a point of order to the amendment now offered, which was originally filed by the gentleman from Illinois [Mr. Rostenkowski], and state that the amendment as printed in the Record does not refer to the sections to be amended on H.R. 2100, the Union Calendar, under which we are dealing.

I would call the Chair's attention to a previous ruling on a point of order when the distinguished gentleman from Massachusetts attempted to strike the honey provisions of H.R. 2100 and the Chair ruled, because of a not specific reference to line and title and page number, that that amendment was ruled out of order.

I at this time insist on my point of order to the amendment.

THE CHAIRMAN PRO TEMPORE: The amendment that is in the Record has a specific line and title and may be offered in that form.

The Clerk will report the amendment. . . .

MR. ANTHONY: Mr. Chairman, I ask unanimous consent to modify my amendment to conform with the Union Calendar version of the bill.

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

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. Anthony, as modified: Page 323, strike out lines 6 through 10.

THE CHAIRMAN PRO TEMPORE: The question is on the amendment offered

13. 132 CONG. REC. 21686, 99th Cong. 2d Sess.

by the gentleman from Arkansas [Mr. Anthony], as modified.

The amendment, as modified, was agreed to.

**§ 21.18 An amendment specifically made in order under a "modified closed" rule adopted by the House and not amendable thereunder may be modified in Committee of the Whole only by unanimous consent.**

The proposition stated above was the basis of the following exchange, which occurred on Aug. 14, 1986,<sup>(13)</sup> during consideration of H.R. 4428<sup>(14)</sup> in the Committee of the Whole:

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, is this modification of the amendment permissible and germane, or does it need unanimous consent to be considered?

THE CHAIRMAN PRO TEMPORE:<sup>(15)</sup> The Chair will state to the gentleman from New Jersey that a modification of this sort is permitted only by unanimous consent.

MRS. [CARDISS] COLLINS [of Illinois]: Mr. Chairman, I again ask unanimous consent to offer the modification to the amendment.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentlewoman from Illinois?

MR. COURTER: Mr. Chairman, I object.

14. The Department of Defense Authorization, fiscal year 1987.

15. Marty Russo (Ill.).