

ment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Madigan as a substitute for the amendment offered by Mr. Florio:

Page 103, line 14 insert "or (c)" immediately after "subsection (b)".

Page 104, line 20, strike out the closing quotation marks and the following period.

Page 104, after line 20, insert the following new subsection. . . .

MR. MADIGAN: Mr. Chairman, this amendment includes a number of provisions designed to resolve problems which had been expressed by agricultural groups since the bill was reported from committee. . . .

MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, I was not aware at the time that this amendment was offered that it would purport to deal with a number of very different subjects. I assume that it would not be in order to raise a point of order concerning germaneness at this late time, not having reserved it, but I would like to ask if the question may be divided. There are several subjects that are quite divisible in the amendment offered here, and that deal with different matters.

THE CHAIRMAN:<sup>(17)</sup> The Chair will advise the gentleman from Texas that he is correct, it is too late to raise a point of order on the question of germaneness.

The Chair will further advise the gentleman from Texas that a substitute is not divisible.

17. Les AuCoin (Oreg.).

## § 26. Committee Amendments

### *Amendment to First Section Voted On Before Amendment in Nature of Substitute*

**§ 26.1 A committee amendment to the first paragraph or section of a bill is voted on before a vote is taken on an amendment in the nature of a substitute to strike out all after the enacting clause and insert new matter.**

On Feb. 9, 1940,<sup>(18)</sup> the following exchange took place:

MR. [JACK] NICHOLS [of Oklahoma]: May an amendment which proposes to strike out all after the enacting clause and insert other matter be offered at any time during the process of the reading of the bill, or must it be offered at some particular point in the bill? . . .

THE CHAIRMAN:<sup>(19)</sup> It can be done after the reading of the first section, as soon as the committee amendment is disposed of.

### *Amendment Adding Section*

**§ 26.2 While committee amendments to a pending section are normally considered**

18. 86 CONG. REC. 1330, 76th Cong. 3d Sess. Under consideration was H.R. 960, extending the Classified Executive Civil Service.

19. Charles F. McLaughlin (Nebr.).

**prior to amendments offered from the floor, a floor amendment to the text of a pending section is considered before a committee amendment adding a new section at the end of the pending section.**

On Oct. 4, 1972,<sup>(20)</sup> the following proceedings took place:

MR. [JOHN H.] KYL [of Iowa]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kyl: Page 1, line 6, at the end thereof insert the following: . . .

MR. [WILEY] MAYNE [of Iowa]: Mr. Chairman, I believe there are several committee amendments. Would they not be in order first and then the amendment of the gentleman from Iowa be out of order unless deferred until after the committee amendment has been disposed of?

THE CHAIRMAN:<sup>(1)</sup> The amendment offered by the gentleman from Iowa is to section 1 and it is thus in order at this point. . . .

So the amendment was agreed to. . . .

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

20. 118 CONG. REC. 33779, 92d Cong. 2d Sess. Under consideration was S. 1316.

See also 110 CONG. REC. 3215, 88th Cong. 2d Sess., Feb. 20, 1964, where an amendment offered from the floor was considered before a committee amendment reported in the bill.

1. Stuart Symington (Mo.).

The Clerk read as follows:

Committee amendment: Page 1, line 6, insert the following new section: . . .

***Bill Open to Amendment at Any Point***

**§ 26.3 Where a bill was open to amendment at any point and there was pending a perfecting committee amendment, the Chairman indicated that further amendments to the bill would be in order following disposition of the committee amendment.**

On May 30, 1973,<sup>(2)</sup> the following proceedings took place:

MR. [M. G.] SNYDER [of Kentucky]: Mr. Chairman, I offer an . . . amendment.

THE CHAIRMAN:<sup>(3)</sup> the committee amendment is pending. Is this an amendment to the committee amendment?

MR. SNYDER: It is to the bill.

THE CHAIRMAN: There is an amendment pending.

MR. SNYDER: Mr. Chairman, a parliamentary inquiry. If the committee amendment is adopted, is the parliamentary situation the same as awhile ago, that I would be precluded from offering this amendment?

THE CHAIRMAN: After the committee amendment has been considered and

2. 119 CONG. REC. 17338, 93d Cong. 1st Sess. Under consideration was H.R. 5858.

3. Frank E. Evans (Colo.).

disposed of, other amendments will be in order.

**§ 26.4 Where, under a special rule, a bill is considered as having been read for amendment, committee amendments to the bill must be read in full or their reading dispensed with by unanimous consent.**

On Feb. 9, 1976,<sup>(4)</sup> during consideration of H.R. 5808,<sup>(5)</sup> in the Committee of the Whole, the Chair stated that, pursuant to the rule, the bill was open to amendment.

The proceedings occurred as indicated below:

THE CHAIRMAN:<sup>(6)</sup> . . . Under the rule, the bill is considered as having been read and open to amendment at any point under the 5-minute rule. . . .

MR. [CHARLES E.] WIGGINS [of California]: Mr. Chairman, under the rule, is the first committee amendment considered to have been read?

THE CHAIRMAN: There have been no requests for considering the amendment as having been read, the Chair will advise the gentleman from California, but the Chair will entertain such a request. . . .

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, it is my under-

standing that the rule itself provides that the bill shall be considered as read and open to amendment at any point.

THE CHAIRMAN: Yes, that is the bill, the Chair will advise the gentleman from Washington, not the amendment.

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

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

There was no objection.

**§ 26.5 Where a bill is considered as having been read for amendment, it is open to amendment at any point and all committee perfecting amendments must be disposed of, regardless of their place in the bill, prior to offering of amendments to the bill from the floor.**

On Feb. 9, 1976,<sup>(7)</sup> H.R. 5808<sup>(8)</sup> having been read and opened to amendment in the Committee of the Whole, the proceedings, described above, were as follows:

THE CHAIRMAN:<sup>(9)</sup> . . . Under the rule, the bill is considered as having been read and open to amendment at

4. 122 CONG. REC. 2872, 2875, 94th Cong. 2d Sess.

5. Animal Welfare Act Amendments of 1976.

6. Richard H. Ichord (Mo.).

7. 122 CONG. REC. 2872, 2876, 94th Cong. 2d Sess.

8. Animal Welfare Act Amendments of 1976.

9. Richard H. Ichord (Mo.).

any point under the 5-minute rule. . . .

The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 19, line 24, insert "knowingly" immediately before "sell".

The committee amendment was agreed to.

MR. [CHARLES E.] WIGGINS [of California]: Mr. Chairman, I now offer an amendment.

THE CHAIRMAN: The gentleman from California (Mr. Wiggins) will be advised that his amendment would not be in order at this time under the rule. There are 2 additional committee amendments to be considered. . . .

The Chair will advise the gentleman from California (Mr. Wiggins) further that his amendment will be in order after the consideration of the committee amendments. . . .

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

Mr. Chairman, I have an amendment I wish to offer that comes before that committee amendment on the same page. Would that amendment be in order, or is it not in order until after this time?

THE CHAIRMAN: The Chair will advise the gentleman from Maryland (Mr. Bauman) that his amendment would not be in order at this time unless it is an amendment to this committee amendment.

### ***Amendments Considered En Bloc***

#### **§ 26.6 In accordance with the procedure for considering**

**committee amendments to a bill under the five-minute rule in Committee of the Whole, pursuant to a special order providing that said committee amendments be considered en bloc and be considered as having been read, the Chairman instructs the Clerk to designate the page and line number of the amendments.**

On Aug. 2, 1977,<sup>(10)</sup> during consideration of H.R. 8444, the National Energy Act, the proceedings described above were as indicated:

THE CHAIRMAN:<sup>(11)</sup> The Clerk will designate the page and line number of the ad hoc committee amendments, the first group of the amendments recommended by the ad hoc committee to be considered en bloc.

The Clerk read as follows:

Page 183, line 11 through page 184, line 19 . . . and on page 208, line 4 through page 209, line 2, and an amendment inserting on page 188, line 11, the word "domestic" before the word "crude".

#### **§ 26.7 Unanimous consent is required to consider en bloc separate committee amendments printed in a bill, even where a special order adopt-**

10. 123 CONG. REC. 26172, 95th Cong. 1st Sess. For discussion of consideration of en bloc amendments generally, see Sec. 27, *infra*.

11. Edward P. Boland (Mass.).

**ed by the House provides that the bill is considered as having been read for amendment and that said committee amendments are considered before other committee or individual amendments.**

On Aug. 10, 1978,<sup>(12)</sup> the Committee of the Whole was considering H.R. 13511, the Revenue Act of 1978, pursuant to House Resolution 1306,<sup>(13)</sup> a "modified closed" rule which provided that the bill be considered as read, allowed only designated amendments (including committee amendments), and prescribed the order of consideration for such amendments.

THE CHAIRMAN:<sup>(14)</sup> All time has expired for general debate.

Pursuant to the rule the bill is considered as having been read for amendment. No amendments shall be in order except the following amendments which shall not be subject to amendment except amendments recommended by the Committee on Ways and Means, and which shall be considered in the following order:

First. The committee amendments printed in the bill (except for section 404);

Second. The committee amendment adding a new section 404. . . .

12. 124 CONG. REC. 25453, 95th Cong. 2d Sess.

13. *Id.* at pp. 25415, 25416.

14. Philip R. Sharp (Ind.).

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

MR. [AL] ULLMAN [of Oregon]: Mr. Chairman, I ask unanimous consent, in the interest of saving time, that the committee amendments as printed in the bill, except for section 404, be considered en bloc, considered as read, and printed in the Record.

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

There was no objection.

### ***Amendments to Committee Amendment***

**§ 26.8 Where there is pending a committee amendment, an amendment thereto and a substitute therefor, the vote is first taken on the amendment to the amendment, then on the substitute and finally on the committee amendment.**

In the 92d Congress, during consideration of a bill<sup>(15)</sup> to provide for improved financing for the Corporation for Public Broadcasting, the following exchange took place:<sup>(16)</sup>

MR. [ROBERT O.] TIERNAN [of Rhode Island]: Do I correctly understand that

15. H.R. 13918.

16. 118 CONG. REC. 19463, 92d Cong. 2d Sess., June 1, 1972. See also the proceedings at 117 CONG. REC. 40587, 40590, 92d Cong. 1st Sess., Nov. 11, 1971.

the first vote will be on the amendment in the nature of a substitute offered by the gentleman from Massachusetts (Mr. Keith)?

THE CHAIRMAN:<sup>(17)</sup> The Chair will state that the first vote will occur on the amendment to the committee amendment, that is, the amendment of the gentleman from Georgia. Then the vote will recur on the substitute offered by the gentleman from Massachusetts (Mr. Keith) and then the vote will recur on the committee amendment.

**§ 26.9 Where there was pending a committee amendment in the form of a new title, an amendment thereto and a substitute therefor, the first vote was on the amendment to the committee amendment, then on the substitute, and then on the committee amendment as it may have been amended.**

On Apr. 6, 1977,<sup>(18)</sup> the Committee of the Whole having under consideration a bill,<sup>(19)</sup> the Chair responded to a parliamentary inquiry as described above:

THE CHAIRMAN:<sup>(20)</sup> The question is on the amendment offered by the gen-

17. Robert N. Giaimo (Conn.).
18. 123 CONG. REC. 10773, 10774, 95th Cong. 1st Sess.
19. H.R. 5262, providing for increased participation by the United States in international financial institutions.
20. Robert Duncan (Oreg.).

tleman from Massachusetts (Mr. Tsongas) to the committee amendment.

MR. [PAUL E.] TSONGAS: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. TSONGAS: Mr. Chairman, I believe it is in order that we vote first on the substitute offered by the gentleman from Ohio (Mr. Wylie), is it not?

THE CHAIRMAN: No. The Chair will state that the vote on the amendment to the committee amendment will occur first. Following that there will be a vote on the substitute for the committee amendment, as amended, if the amendment offered by the gentleman from Massachusetts (Mr. Tsongas) to the committee amendment is adopted. Following that there will be a vote on the committee amendment, as it may have been amended.

***“Acceptance” of Amendment by Committee***

**§ 26.10 The Committee of the Whole must vote on a pending amendment even though it has been “accepted” by members of the committee reporting the bill.**

On June 3, 1971,<sup>(1)</sup> the following proceedings took place:

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Chairman, as ranking minority member of the Committee on

1. 117 CONG. REC. 17890, 92d Cong. 1st Sess. Under consideration was H.R. 1709.

Science and Astronautics, I can advise the gentleman, after having consulted with him about his amendment under the circumstances, we have no objection to the amendment passing. . . .

Mr. Chairman, on the amendment that we have just been discussing, it was stated that there would be no objection on either side of the aisle. Has there been any action taken on that amendment?

THE CHAIRMAN:<sup>(2)</sup> No, there has not been any action taken on the amendment.

The Chair would advise the gentleman that the Chair is trying to determine whether or not the gentleman from Illinois (Mr. Collier) desires to speak on the amendment.

MR. [HAROLD R.] COLLIER: Yes, I do, Mr. Chairman, and I would ask a parliamentary inquiry—the fact that they have not voiced any objection still leaves it open for discussion inasmuch as they have not accepted the amendment; is that correct?

THE CHAIRMAN: The amendment must be voted upon by the members of the committee, the Chair would advise the gentleman from Illinois. . . .

MR. FULTON of Pennsylvania: Mr. Chairman, when it is stated by both sides of the aisle that there is no objection, it would seem to me that the obvious effect of that is that the amendment is agreed to and it is acceptable to both sides. Of course, as the Chairman pointed out, it has to be passed on by the Committee of the Whole House on the State of the Union. . . .

THE CHAIRMAN: The Chair states that any Member desiring recognition

to discuss the amendment will be recognized.

### *Amendment Considered as Original Bill*

**§ 26.11 A unanimous-consent request has been made that the Committee of the Whole consider a committee amendment in the nature of a substitute as an original bill for purposes of amendment and that a separate vote in the House be allowed on any amendment to the original bill or to the committee substitute.<sup>(3)</sup>**

### **§ 27. Considering Amendments En Bloc**

Amendments may be considered en bloc only by unanimous consent,<sup>(4)</sup> or where specified by special rule.<sup>(5)</sup> Such amendments are voted on en bloc.<sup>(6)</sup>

Where amendments reported to the House have been considered en bloc in Committee of the Whole and a separate vote thereon is demanded in the House, the Chair puts the question on the amendments en bloc where no Member demands a division of the question in the House.<sup>(7)</sup>

3. See § 36.22 *infra*.

4. See §§ 27.2, 27.3, *infra*.

5. See §§ 27.14–27.16, *infra*.

6. See § 27.12, *infra*.

7. For discussion of House consideration of amendments reported from

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