MR. BAUMAN: A further parliamentary inquiry, Mr. Speaker.

The gentleman mentioned the McClory amendment and all amendments agreed to en bloc. So do we now face three or four separate votes?

THE SPEAKER: The McClory amendment agreed to today is a separate amendment.

Parliamentarian's Note: En bloc consideration of amendments in Committee of the Whole pursuant to a unanimous-consent request therein does not result in an en bloc vote in the House upon demand for a separate vote, since that is an order of the Committee not binding on the House. Moreover, even amendments considered en bloc pursuant to a special rule are subject to a demand for a division of the question in the House if divisible, unless prohibited by the rule.

§ 4. Recognition To Offer Amendments; Priority

Necessity of Recognition

§ 4.1 A Member wishing to offer an amendment must first be recognized by the Chair for that purpose.

On Sept. 21, 1967,[16] the following exchange took place:

MR. [FRANK T.] BOW [of Ohio]: Mr. Speaker, the parliamentary inquiry is this: Is a continuing resolution subject to amendment when it is brought onto the floor of the House, if the amendment is germane?

THE SPEAKER:[17] The Chair will state that any germane amendment will be in order. . . .

MR. [H.R.] GROSS [of Iowa]: The parliamentary inquiry is this: That the gentleman could offer an amendment if the Speaker recognized the gentleman for that purpose?

THE SPEAKER: The Chair will state that the question answers itself. The answer would be yes, subject to the right of recognition, it is a question within the discretion of the Speaker.

Discretion of Chair

§ 4.2 Recognition for the purpose of offering amendments is within the discretion of the Chair.

On Dec. 15, 1937,[18] the following proceedings took place.

MR. [GERALD J.] BOILEAU [of Wisconsin]: Would not perfecting amendments have priority over an amendment to substitute?

THE CHAIRMAN:[19] So far as voting is concerned, yes.

MR. BOILEAU: I appreciate that fact, but may I propound a further parliamentary inquiry, whether or not a Member rising in his place and seeking recognition would not have a prior

16. 113 CONG. REC. 26370, 90th Cong. 1st Sess.

17. John W. McCormack (Mass.).

18. 82 CONG. REC. 1590, 75th Cong. 2d Sess. Under consideration was S. 4275, the wages and hours bill.

19. John W. McCormack (Mass.).

right to recognition for the purpose of offering a perfecting amendment to the amendment now pending?

THE CHAIRMAN: It does not necessarily follow that such Member would have a prior right. Recognition is in the discretion of the Chair.

Parliamentarian's Note: Other factors affecting recognition being equal, the Chair would normally recognize a Member to offer a perfecting amendment before recognizing a Member to offer a substitute for the entire text, under the doctrine that the pending text should be perfected before a decision is made on whether to strike out, or to strike out and insert new text.

§ 4.3 A resolution reported from the Committee on Rules which merely makes in order the consideration of a particular amendment (in the nature of a substitute) but does not waive points of order or otherwise confer a privileged status upon the amendment does not, in the absence of legislative history establishing a contrary intent by that committee, alter the principles that recognition to offer an amendment under the five-minute rule is within the discretion of the Chairman of the Committee of the Whole and that adoption of one amendment in the nature of a substitute precludes the offering of another.

On May 23, 1978,[20] the Committee of the Whole having under consideration House Resolution 1188,[1] the above-stated proposition was illustrated as indicated below:

H. RES. 1188

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10929). . . . It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purposes of amendment, said substitute shall be read for amendment by titles instead of by sections and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI and clause 7, rule XVI, are hereby waived, except that it shall be in order when consideration of said substitute begins to make a point of order that section 805 of said substitute would be in violation of clause 7, rule XVI if offered as a separate amendment to H.R. 10929 as introduced. If such point of order is sustained, it shall be in order to consider said substitute without section 805 included therein as an original bill for the purpose of amend-

20. 124 CONG. REC. 15094–96, 95th Cong. 2d Sess.

1. Providing for consideration of H.R. 10929, Department of Defense authorization for fiscal year 1979.

ment, said substitute shall be read for amendment by titles instead of by sections and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI and clause 5, rule XXI are hereby waived. It shall be in order to consider the amendment printed in the Congressional Record of May 17, 1978, by Representative Carr if offered as an amendment in the nature of a substitute for the amendment in the nature of a substitute recommended by the Committee on Armed Services. . . .

THE SPEAKER PRO TEMPORE:[2] . . . The . . . rule requested makes in order the substitute of Representative Carr printed in the Congressional Record of May 17, 1978. Under the open rule, Mr. Carr would already be entitled to offer his amendment in the nature of a substitute. Although this provision in the rule does not give Mr. Carr special or preferred status under the rule, it does indicate the Rules Committee's desire to have all the diverse viewpoints on the DOD legislation available for consideration by the House. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I would like to put a parliamentary inquiry to the Chair regarding the language on page 2 of the rule, line 24, through line 4 on page 3. It appears to me that the making in order of the offering of a substitute to the committee amendment by the gentleman from Michigan (Mr. Carr) is nothing more than an expression of the right of any Member of the House to offer such amendment at any time in the Committee of the Whole. My question to the Chair is whether or not the appearance of this language in the rule in any way changes the right of the Chair to recognize members of the committee in order of seniority at the Chair's discretion.

THE SPEAKER PRO TEMPORE: The recognition will be a matter for the Chairman of the Committee of the Whole House to determine. . . .

MR. BAUMAN: My specific question, Mr. Speaker, was whether or not this varies the precedents regarding recognition and confers upon the gentleman from Michigan (Mr. Carr) some special status as opposed to the Chair's recognizing other members of the Committee on Armed Services handling the bill.

THE SPEAKER PRO TEMPORE: It would still be up to the Chairman of the Committee of the Whole House on the State of the Union to determine the priorities of recognition. . . .

Let the Chair respond by stating that the rules of the House will apply and will not be abridged by reason of the adoption of this rule. If another amendment in the nature of a substitute should have been adopted, it would not perforce thereafter be in order to offer an additional amendment, whether it be the Carr amendment or any other.

As the Chair interprets the inclusion of the language referred to in the rule, it confers no special privilege upon the amendment in the nature of a substitute referred to as the Carr substitute. It presumes and makes in order such language as an amendment in the nature of a substitute. Beyond that, it does not foreclose consideration of any other germane language that otherwise would be in order. . . .

MR. [HAROLD L.] VOLKMER [of Missouri]: . . . [I]f along the way a sub-

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

stitute is adopted other than that offered by the gentleman from Michigan (Mr. Carr) then at the end of our consideration the substitute of the gentleman from Michigan (Mr. Carr) would not be in order; is that correct?

THE SPEAKER PRO TEMPORE: The Chair believes the gentleman from Missouri (Mr. Volkmer) has correctly stated the parliamentary situation, if any amendment in the nature of a substitute is adopted, then additional amendments would not be in order.

Parliamentarian's Note: Section 805 of the committee substitute related to troop withdrawals from Korea, a matter unrelated to the bill and beyond the jurisdiction of the Armed Services Committee; the Committee on International Relations successfully urged the Rules Committee to render that section alone subject to a point of order, while protecting the consideration of the remainder of the substitute as original text. (Since a point of order against any portion of an amendment renders the entire amendment subject to a point of order, language was necessary in the rule to allow the consideration of a new amendment without the offending section.)

§ 4.4 Recognition to offer amendments in Committee of the Whole is in the Chair's discretion, and no point of order lies against the Chair's recognition of one Member over another, where the special order governing the consideration of the bill gives no particular precedence to an amendment.

Where a special order adopted by the House makes in order a designated amendment to a bill in Committee of the Whole but gives no special priority or precedence to such an amendment, the Chair is not required to extend prior recognition to offer that amendment but may rely on other principles of recognition such as alternation between majority and minority parties and priority of perfecting amendments over motions to strike. Thus, as indicated in the proceedings of June 21, 1979,[3] the Chair may, after recognizing the manager of a bill to offer a pro forma amendment under the five-minute rule, then recognize the ranking minority member to offer a perfecting amendment, prior to recognizing another majority member seeking recognition on behalf of another committee with jurisdiction over a portion of the bill to move to strike out that portion, where the motion to strike is made in order but given no preferential status in the special rule governing consideration of the bill.

3. 125 CONG. REC. 15999, 16000, 96th Cong. 1st Sess.

The proceedings, during consideration of H.R. 111, the Panama Canal Act of 1979, were as follows:

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

The Clerk read as follows:

Amendment offered by Mr. Bauman: Page 187, strike out line 19 and all that follows through line 20 on page 189 and insert in lieu thereof the following:

CHAPTER 2—IMMIGRATION

Sec. 1611. SPECIAL IMMIGRANTS.—(a) Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), relating to the definition of special immigrants, is amended . . .

MS. [ELIZABETH] HOLTZMAN [of New York] [during the reading): Mr. Chairman, I want to raise a point of order. My point of order is that under the rule the Committee on the Judiciary was given the right to offer an amendment to strike section 1611, and I believe that is the import of the amendment offered. The gentleman's amendment goes to that section, and I was on my feet.

THE CHAIRMAN:[4] First the amendment should be read, and then the Chair will recognize the gentlewoman.

The Clerk will read.

The Clerk continued the reading of the amendment. . . .

MS. HOLTZMAN: Mr. Chairman, I renew the point of order that I tried to state at an earlier time. . . . [A]t the time that the last amendment was voted on, I was on my feet seeking to offer an amendment on behalf of the Committee on the Judiciary with respect to striking in its entirety section 1611 of the bill. The right to offer that amendment is granted under the rule, in fact on page 3 of House Resolution 274. I want to ask the Chair whether I am entitled to be recognized or was entitled to be recognized to make first a motion, which was a motion to strike the entire section before amendments were made to the text of the bill.

THE CHAIRMAN: Unless an amendment having priority of consideration under the rule is offered, it is the Chair's practice to alternate recognition of members of the several committees that are listed in the rule, taking amendments from the majority and minority side in general turn, while giving priority of recognition to those committees that are mentioned in the rule.

The gentlewoman from New York (Ms. Holtzman) is a member of such a committee, but following the adoption of the last amendment the gentleman from New York (Mr. Murphy), the chairman of the Committee on Merchant Marine and Fisheries, sought recognition to strike the last word. Accordingly, the Chair then recognized the gentleman from Maryland (Mr. Bauman) to offer a floor amendment, which is a perfecting amendment to section 1611 of the bill.

The rule mentions that it shall be in order to consider an amendment as recommended by the Committee on the Judiciary, to strike out section 1611, if offered, but the rule does not give any special priority to the Committee on the Judiciary to offer such amendments over perfecting amendments to that section.

4. Thomas S. Foley (Wash.).

MS. HOLTZMAN: Mr. Chairman, may I be heard further? The gentleman said that he was going to recognize members of the committees that had a right to offer amendments under the rule alternately. I would suggest to the Chair that no member of the Committee on the Judiciary has been recognized thus far in the debate with respect to offering such an amendment and, therefore, the Chair's principle, as I understood he stated it, was not being observed in connection with recognition.

THE CHAIRMAN: The Chair would observe that the Chair is attempting to be fair in recognizing Members alternately when they are members of committees with priority and that the rule permits but does not give the Committee on the Judiciary special priority of recognition over other floor amendments, which under the precedents would take priority over a motion to strike.

Second, the Chair would like to advise the gentlewoman from New York that recognition is discretionary with the Chair and is not subject to a point of order. Does the gentlewoman have any further comment to make on the point of order?

The Chair overrules the point of order and recognizes the gentleman in the well.

Parliamentarian's Note: The amendment offered by Mr. Bauman struck out section 1611 of the bill and inserted a new section, whereas the amendment made in order under the rule on behalf of the Committee on the Judiciary was an amendment to strike that section; thus adoption of the Bauman amendment precluded the offering of the Judiciary Committee amendment. It would have made little difference if Ms. Holtzman was recognized first, since the Bauman amendment could have been offered (as a perfecting amendment) while the Holtzman motion to strike was pending and if the Bauman amendment was adopted the motion to strike would have necessarily fallen and would not have been voted on.

If the Holtzman amendment, and the amendments to be offered on behalf of the Committees on Foreign Affairs and Post Office and Civil Service, had been committee amendments formally recommended in reports on H.R. 111, they would have been automatically considered by the Committee of the Whole. But as indicated in the discussion on the rule, only the Committee on Merchant Marine and Fisheries had formally reported H.R. 111.

§ 4.5 The order of recognition to offer amendments is within the discretion of the Chair, who may either base his initial recognition on committee seniority or upon the preferential voting status of the amendments sought to be offered.

As indicated in the proceedings of May 15, 1979,[5] where both a pending amendment and a substitute therefor are open to perfecting amendments, the Chair has the discretion of either first recognizing the senior committee member, or a junior committee member whose amendment would be first voted upon, where both amendments could ultimately be pending at the same time. Under consideration that day was H.R. 39, the Alaska National Interest Lands Conservation Act of 1979.

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN:[6] Is this to the Udall substitute?

MR. SEIBERLING: Mr. Chairman, I have an amendment at the desk to the Udall-Anderson bill, which is actually a series of technical amendments which I will ask unanimous consent to offer en bloc.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, reserving a point of order, reserving the right to object to any unanimous-consent request relating to dispensation from reading of this wondrous compendium of documents, I have no objection to the gentleman proceeding. . . .

THE CHAIRMAN: Since there is no other amendment pending to the Udall substitute, the amendment of the gentleman from Ohio may be offered.

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman from Louisiana will state the parliamentary inquiry.

MR. BREAUX: Mr. Chairman, assuming there is an amendment to be offered to the so-called Breaux-Dingell merchant marine version, that would take precedence over an amendment to the so-called Udall-Anderson interior bill?

THE CHAIRMAN: The Chair has the option either to recognize the senior Member first or to first recognize that Member seeking to offer the amendment which will be preferential and first voted upon.

MR. [THOMAS J.] HUCKABY [of Louisiana]: Mr. Chairman, I have amendments at the desk for the Breaux-Dingell bill.

THE CHAIRMAN: The Clerk will report the amendments.

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

Mr. Chairman, what is the parliamentary situation? Is there an amendment to be offered by the gentleman from Ohio (Mr. Seiberling) or the gentleman from Louisiana (Mr. Huckaby)?

THE CHAIRMAN: The Chair will state that the gentleman from Ohio (Mr. Seiberling) sought recognition to amend the Udall substitute, but the gentleman from Louisiana (Mr. Huckaby) has an amendment to the Merchant Marine and Fisheries amendment in the nature of a substitute, and he will be recognized. The Chair will recognize the gentleman from Ohio (Mr. Seiber-

5. 125 CONG. REC. 11135, 11136, 96th Cong. 1st Sess.

6. Paul Simon (Ill.).

ling) later for the purposes of offering his amendment. . . .

MR. HUCKABY: Mr. Chairman, I offer amendments to the amendment in the nature of a substitute.

THE CHAIRMAN: The Clerk will report the amendments.

Yielding for Amendment

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

An example of the principle stated above occurred on Apr. 9, 1979,[7] during consideration of H.R. 3324, the International Development Cooperation Act of 1979.

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

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

MR. ROUSSELOT: Yes.

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

THE CHAIRMAN:[8] The Chair will advise the gentleman from Illinois that he will have to seek his own time for the purposes of offering his amendment.

§ 4.7 A Member in charge of a resolution loses his right to resume if he yields to another to offer an amendment.

On Apr. 12, 1956,[9] the following proceedings took place:

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 400) and ask for its immediate consideration. . . .

MR. [IVOR D.] FENTON [of Pennsylvania]: Mr. Speaker, I offer an amendment.

THE SPEAKER:[10] Does the gentleman from Virginia yield? . . .

MR. SMITH of Virginia: If the gentleman will let me have (the amendment) for a few minutes, as soon as I get through with my remarks, I will be glad to look it over.

MR. FENTON: It just strikes out the word "bituminous."

MR. SMITH of Virginia: Mr. Speaker, I yield for the gentleman's amendment.

THE SPEAKER: The Chair would think it would be wiser for the gentleman from Virginia to offer the amendment; otherwise he might lose the floor.

Similarly, on July 16, 1956,[11] Speaker Rayburn indicated in response to inquiries that, in the House, a Member in charge of a resolution loses his

7. 125 CONG. REC. 7761, 96th Cong. 1st Sess.
8. Elliott H. Levitas (Ga.).
9. 102 CONG. REC. 6264, 6265, 84th Cong. 2d Sess.
10. Sam Rayburn (Tex.).
11. 102 CONG. REC. 12922, 12923, 84th Cong. 2d Sess.

right to resume when he yields to another to offer an amendment and the sponsor of the amendment is recognized under the hour rule.

Committee Members

§ 4.8 Recognition for offering amendments is in the discretion of the Chair and preference is given to members of committees reporting the bill, if on their feet seeking recognition.

On June 29, 1939,[12] the following proceedings took place:

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Chairman, I would like to be recognized.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, the gentleman from Minnesota [Mr. Knutson] has already been recognized.

THE CHAIRMAN:[13] Recognition is in the discretion of the Chair, and the Chair will recognize members of the committee first. . . .

The Chair feels that inasmuch as Members of the committee were not on their feet and the gentleman from Minnesota had been recognized, the gentleman is entitled to recognition.

§ 4.9 Members of the committee reporting a bill usually have preference with respect to recognition to offer amendments, but the Chair has recognized another where, as he stated, he did not see committee members seeking recognition.

On Aug. 10, 1949,[14] the following proceedings took place:

THE CHAIRMAN:[15] The gentleman from North Carolina is recognized to offer his amendment. . . .

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Does the Chair rule that a member of the committee does not have preference in recognition when two Members, one not a member of the committee, are seeking recognition at the same time?

THE CHAIRMAN: The Chair did not see the gentleman from Ohio on his feet at the same time. The Chair had recognized the gentleman from North Carolina, then the Chair recognized the gentleman from Michigan to submit a consent request. The gentleman from Ohio will be recognized in due time.

Priority of Recognition to Committee Members

§ 4.10 While the Chair endeavors to alternate recognition for the purpose of offering amendments between majority and minority members, the usual practice is that

12. 84 CONG. REC. 8311, 76th Cong. 1st Sess. Under consideration was H.J. Res. 306, the Neutrality Act of 1939.
13. Jere Cooper (Tenn.).
14. 95 CONG. REC. 11196, 81st Cong. 1st Sess. Under consideration was H.R. 5886, amending the Fair Labor Standards Act.
15. Harold D. Cooley (N.C.).

members of the committee reporting a pending bill are entitled to prior recognition over noncommittee members despite their party affiliation.

On July 22, 1974,[16] the Chairman of the Committee of the Whole indicated that he would continue to accord prior recognition to minority members of the Committee on Interior and Insular Affairs to offer amendments to a bill reported from that committee over majority noncommittee members, but that he would alternate between parties if majority committee members sought recognition. The proceedings were as follows:

> MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I offer an amendment to the amendment offered by Mrs. Mink as a substitute for the amendment offered by Mr. Hosmer to the committee amendment in the nature of a substitute. . . .
>
> MR. [WAYNE L.] HAYS [of Ohio]: It is my understanding that under the longstanding rules of the House and the Committee of the Whole that we alternate from the Democratic side to the Republican side, or vice versa, whichever the case may be.
>
> Now, there are Members on this side who want to offer amendments. If the Chair is going to consistently listen to three in a row that the gentleman from California has had, we do not know where we stand.
>
> THE CHAIRMAN:[17] The Chair understands the gentleman's parliamentary inquiry; but the Chair believes that as long as members of the committee seek recognition, they are entitled to recognition first; at least up to a certain point, and if a member of the committee from the majority side stands, he could be recognized.

§ 4.11 While the matter of recognition to offer amendments in Committee of the Whole under the five-minute rule is within the discretion of the Chairman, members of the reporting committee or committees are normally accorded prior recognition in order of committee seniority.

On May 17, 1978,[18] during consideration of House Resolution 1186 providing for the consideration of H.R. 39,[19] The Speaker Pro Tempore responded to several parliamentary inquiries regarding general principles relating to recognition to offer amendments to the bill during consideration in the Committee of the Whole:

> MR. [CHRISTOPHER J.] DODD [of Connecticut]: Mr. Speaker, by direction of

16. 120 CONG. REC. 24454, 24457, 93d Cong. 2d Sess. Under consideration was H.R. 11500, the Surface Mining Control and Reclamation Act of 1974.

17. Neal Smith (Iowa).

18. 124 CONG. REC. 14139, 14145, 95th Cong. 2d Sess.

19. Alaska National Interest Lands Conservation Act.

the Committee on Rules I call up House Resolution 1186 and ask for its immediate consideration. . . .

H. RES. 1186

Resolved, That upon the adoption of this resolution it shall be in order to move . . . that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of (H.R. 39). . . . After general debate, which shall be confined to the bill and shall continue not to exceed three hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and one hour to be equally divided and controlled by the chairman and ranking minority members of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in italic in the bill, it shall be in order to consider the text of the bill H.R. 12625 if offered as an amendment in the nature of a substitute for the bill, said substitute shall be read for amendment under the five-minute rule as an original bill by titles instead of by sections, and all points of order against said substitute or any amendment in the nature of a substitute offered thereto for failure to comply with the provisions of clause 7, rule XVI and clause 5, rule XXI are hereby waived. . . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, this waiver applies, as the Chair has just stated, only to substitutes, not to ordinary amendments; is that correct?

THE SPEAKER PRO TEMPORE:[20] The Chair will state it applies to amendments in the nature of a substitute.

MR. UDALL: The Chair will tell us, will he not, that the rules and customs of the House would ordinarily indicate that the floor managers of the bill or members of the appropriate committees would be recognized ahead of other Members in case there were more than one substitute to be offered?

THE SPEAKER PRO TEMPORE: The Chair will state that recognition of Members will be under the control of the Chair at the time that the House is in the Committee of the Whole. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: I would like to ask the Chair whether it is not true, under the precedents of the House, that any member of either committee has a right to be recognized to offer amendments; of course, the chairman and ranking minority member first and other Members after that, may be recognized to offer amendments, so that no restriction is imposed on any Member's right to offer amendments under this rule?

THE SPEAKER PRO TEMPORE: The Chair will state that the gentleman has correctly stated the general principles relating to recognition.

§ 4.12 Where a pending title of a bill is open to amendment and a unanimous-consent request is made that the next two succeeding titles also be considered as open to amendment, all three titles would be open to amend-

20. Charles A. Vanik (Ohio).

ment, with priority in recognition being given to members of the Committee reporting the bill.

On Jan. 29, 1980,[1] during consideration of H.R. 4788[2] in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [RAY] ROBERTS [of Texas]: Mr. Chairman, I ask unanimous consent that titles III and IV be considered as read and open for amendment at any point. . . .

MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Chairman, am I under the understanding at this point that titles II, III, and IV are now open to amendment?

THE CHAIRMAN:[3] That is correct, if no objection is heard.

MR. ERTEL: I have no objection.

MR. [DON H.] CLAUSEN [of California]: Mr. Chairman, reserving the right to object, I want to make sure we are going to be proceeding in an orderly manner. I am assuming we will proceed through title II for the consideration of the amendment and then follow on with the consideration of titles III and IV.

THE CHAIRMAN: The Chair will advise the gentleman that if the unanimous-consent request is adopted without objection, titles II, III, and IV will be open for amendment at any point. Committee members will, of course, have priority in recognition.

§ 4.13 Priority of recognition to offer amendments under the five-minute rule in Committee of the Whole is extended to members of the full committee reporting the bill, alternating between the majority and minority, and the Chair does not distinguish between members of the subcommittee which considered the bill and other members of the full committee.

An example of the proposition stated above occurred on July 2, 1980,[4] during consideration of H.R. 7235, the Rail Act of 1980. The proceedings in the Committee of the Whole were as follows:

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Florio: Page 103, line 14, insert "or (c)" immediately after "subsection (b)". . . .

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I offer an amendment 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:

1. 126 CONG. REC. 973, 96th Cong. 2d Sess.
2. The Water Resources Development Act.
3. Matthew F. McHugh (N.Y.).
4. 126 CONG. REC. 18288, 18290–92, 96th Cong. 2d Sess.

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. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

THE CHAIRMAN:[5] The Clerk will report the amendment to the substitute amendment.

MR. MADIGAN: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state his point of order.

MR. MADIGAN: Mr. Chairman, I understand that the procedure is that the members of the subcommittee would be recognized for amendments first, and that the gentleman from Texas sought recognition for the purpose of making a parliamentary inquiry and was recognized for that purpose, and was not recognized for the purpose of offering an amendment.

I further understand that the gentlewoman from Maryland, a member of the subcommittee, was on her feet seeking recognition for the purpose of offering an amendment, as well as the gentleman from North Carolina (Mr. Broyhill). . . .

THE CHAIRMAN: The Chair will respond to the gentleman by saying to him that the normal procedure is to recognize members of the full committee by seniority, alternating from side to side, which the Chair has been doing. The gentleman was recognized under that procedure, and the Chair's recognition is not in any event subject to challenge.

Therefore, the gentleman is recognized, and any point of order that the gentleman from Illinois would make on that point would not be sustained.

MR. MADIGAN: Further pursuing my point of order, and with all due respect to the Chair, am I incorrect in assuming that the gentleman from Texas was recognized for the point of raising a parliamentary inquiry?

THE CHAIRMAN: The gentleman is correct. He was recognized for that purpose; then separately for the purpose of the amendment that he is offering, which the Clerk will now report.

Parliamentarian's Note: As the above proceedings demonstrate, the fact that the Chair has recognized a Member to raise a parliamentary inquiry does not prohibit the Chair from then recognizing the same Member to offer an amendment, and the principle of alternation of recognition does not require the Chair to recognize a Member from the minority to offer an amendment after recognizing a Member from the majority to raise a parliamentary inquiry.

§ 4.14 While the Chair endeavors to alternate recognition for the purpose of offering amendments, and controlling time in opposition thereto, between majority and minority members, members of the committee reporting a pend-

5. Les AuCoin (Oreg.).

ing bill are entitled to prior recognition over non-committee members regardless of their party affiliation.

On May 4, 1983,[6] during consideration of House Joint Resolution 13[7] in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Solarz to the amendment offered by Mr. Levitas: Strike out the matter proposed to be added to the resolution by the Levitas amendment and insert in lieu thereof the following: ", with reductions to be achieved as soon as possible after the achievement of a mutual and verifiable freeze".

THE CHAIRMAN PRO TEMPORE: The gentleman from New York (Mr. Solarz) is recognized for 15 minutes, for purposes of debate only, on his amendment.

MR. [JAMES G.] MARTIN of North Carolina: Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

MR. SOLARZ: Certainly. I am happy to yield for that purpose. . . .

MR. MARTIN of North Carolina: . . . Is it customary and is it correct order for the business of the House of Representatives for the Chair to sequentially recognize only Members of the majority party time and time again, both to make an amendment, to take the position opposing that amendment, and then to offer the next amendment; is that regular order?

THE CHAIRMAN PRO TEMPORE: Under the precedents the priority in this instance is with the committee members to offer an amendment to the amendment.

§ 4.15 The proponent of an amendment may be recognized to control the time in opposition to a substitute offered therefor, but a Member of the committee reporting the bill has priority of recognition to control such time.

On May 4, 1983,[8] the Committee of the Whole having under consideration House Joint Resolution 13,[9] the Chair responded to a parliamentary inquiry regarding the circumstances described above. The proceedings were as indicated below:

MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Dicks as a substitute for the amendment offered by Mr. Levitas: In view of the

6. 129 CONG. REC. 11068, 98th Cong. 1st Sess.

7. Nuclear weapons freeze.

8. 129 CONG. REC. 11074, 98th Cong. 1st Sess.

9. Concerning a nuclear weapons freeze.

matter proposed to be inserted, insert the following: "with negotiators proceeding immediately to pursuing reductions.". . .

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a parliamentary inquiry. . . . (U)nder the rule if I am opposed to the amendment being offered as a substitute for my amendment, can I be recognized in opposition thereto? . . .

THE CHAIRMAN:[10] . . . It is appropriate under the rules to offer an amendment. In terms of whom the Chair recognizes in opposition, the Chair would be inclined to recognize a member of the committee, if a member of the committee seeks recognition in opposition to the amendment.

If a committee member does not seek recognition for that purpose the Chair would be inclined to recognize the gentleman.

Committee Chairman Opposed to Bill

§ 4.16 Where a special order governing consideration of a bill in Committee of the Whole provides that debate on each amendment be equally divided between the proponent and a Member opposed thereto, the Chairman of the Committee of the Whole will recognize the chairman of the committee managing the bill to control the time in opposition if he states he is opposed, and the Chair cannot question his qualifications to speak in opposition at a later time.

An example of the proposition described above occurred on May 4, 1983,[11] during consideration of House Joint Resolution 13 (providing for a nuclear weapons freeze). The proceedings in the Committee of the Whole were as follows:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I rise to comment and yield time. I am not necessarily at this point in opposition.

THE CHAIRMAN:[12] The gentleman from Wisconsin (Mr. Zablocki) rises in opposition to the amendment, and the gentleman is recognized for 15 minutes for purposes of debate only. . . .

MR. [JAMES A.] COURTER [of New York]: Mr. Chairman, will the gentleman yield to me for the purpose of making a parliamentary inquiry?

MR. ZABLOCKI: I yield to the gentleman from New Jersey for the purpose of making a parliamentary inquiry.

MR. COURTER: My parliamentary inquiry, Mr. Chairman, is as follows:

It is my understanding that the proponent of the amendment, the gentleman from Georgia (Mr. Levitas) is recognized for 15 minutes, and then someone could be recognized if they, in fact, oppose it.

The gentleman from Wisconsin (Mr. Zablocki) rose initially indicating that

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

11. 129 CONG. REC. 11066, 98th Cong. 1st Sess.

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

he was against the amendment, was recognized for 15 minutes, and during his monolog has indicated that, in fact, he is not opposed to it. Should he be recognized for the balance of his time?

THE CHAIRMAN PRO TEMPORE: The Chair cannot question the gentleman's qualifications. The Chair did ask the question if he rose in opposition to the amendment, and the Chairman so stated. Therefore, he controls the time.

—*Special Rule Permitting Only Pro Forma Amendments*

§ 4.17 Where the Committee of the Whole resumed consideration of a bill under a special rule prohibiting amendments to a pending amendment except pro forma amendments for debate, the Chair announced that he would first recognize Members who had not offered pro forma amendments on the preceding day, priority of recognition being given to members of the reporting committee.

On Aug. 3, 1977,[13] the Committee of the Whole having under consideration H.R. 8444, the National Energy Act, the Chair made a statement pertaining to the recognition of Members to offer pro forma amendments, as indicated below:

THE CHAIRMAN:[14] The Chair would like to make a statement for the information of the Members of the Committee of the Whole.

The Chair has before it a list of those who spoke on this amendment yesterday. The Chair will recognize those who have not spoken on this amendment first and, of course, preference will be given to the members of the ad hoc committee and any Member, of course, under the rule has the right to offer pro forma amendments. The Chair will adhere to that direction.

The gentleman from Michigan (Mr. Dingell) did not speak on this amendment yesterday, so as a member of the ad hoc committee, for what purpose does the gentleman from Michigan (Mr. Dingell) rise?

MR. [JOHN D.] DINGELL: Mr. Chairman, I move to strike the last word.

Majority or Minority Member of Committee

§ 4.18 In recognizing Members to offer amendments in the Committee of the Whole, the Chair gives preference to members of the committee which reported the measure and it is within his discretion as to whether he will first recognize a majority or minority member of such committee.

On June 4, 1948,[15] the following proceedings took place:

13. 123 CONG. REC. 26444, 95th Cong. 1st Sess.
14. Edward P. Boland (Mass.).
15. 94 CONG. REC. 7189, 80th Cong. 2d Sess. Under consideration was H.R. 6801, a foreign aid appropriation bill.

MR. [EVERETT M.] DIRKSEN [of Illinois]: Mr. Chairman, I offer an amendment. . . .

THE CHAIRMAN:[16] The Clerk will report the amendment.

MR. [CLARENCE] CANNON [of Missouri]: The minority is entitled to recognition to move to amend the bill.

THE CHAIRMAN: Under the rules of the House, any member of the committee may offer an amendment, and it is in the discretion of the Chair as to which member shall be recognized. The Chair has recognized the gentleman from Illinois to offer an amendment, which the Clerk will report.

§ 4.19 While recognition of Members to offer amendments is within the Chair's discretion and cannot be challenged on a point of order, the Chair under the precedents alternates recognition between majority and minority members of the committee reporting the bill.

On June 11, 1976,[17] the Committee of the Whole having under consideration H.R. 6218, the Outer Continental Shelf Act, the following proceedings occurred:

THE CHAIRMAN:[18] The Clerk will read title II. . . .

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Murphy of New York: On page 59, lines 12 to 20, strike paragraphs 5(a) (6), (7), and (8) and renumber subsequent paragraphs accordingly.

POINT OF ORDER

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state his point of order.

MR. FISH: Mr. Chairman, the minority has amendments to offer, including a substitute amendment to title II. It is my understanding that the minority would have its turn at the same time as the majority in considering the amendments.

THE CHAIRMAN: The Chair would advise the gentleman from New York (Mr. Fish) that that would not come under the category of a point of order; but the Chair would further advise the gentleman from New York (Mr. Fish) that since the gentleman has raised the point, the Chair will alternate from side to side.

The Chair now recognizes the gentleman from New York (Mr. Murphy). . . .

The question is on the amendment offered by the gentleman from New York (Mr. Murphy).

The amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. Fish: Page 45, strike out line 1 and all that follows through page 122, line 4, and insert in lieu thereof the following:

TITLE II—IMPROVED MANAGEMENT OF OUTER CONTINENTAL SHELF ENERGY RESOURCES

Sec. 201. (a) Paragraph (c) of section 2 of the Outer Continental Shelf

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16. W. Sterling Cole (N.Y.).

17. 122 CONG. REC. 17754, 17764, 17773, 94th Cong. 2d Sess.

18. William H. Natcher (Ky.).

Lands Act (43 U.S.C. 1331) is amended to read as follows: . . .

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Is this a complete substitute for title II?

MR. FISH: No; it is not.

MR. KAZEN: What is it?

MR. FISH: It embraces a great deal of title II; on some it does not and on some it lets matters stand, such as the section on limitation of exports, for example. During the course of my explanation, I think the gentleman will understand that we have incorporated a good deal of title II and have added additional material.

MR. KAZEN: All I wanted to find out is whether it is a substitute for title II?

MR. FISH: Technically, it is not a substitute.

Parliamentarian's Note: Under the rule, the committee amendment in the nature of a substitute was being read by title. The Fish amendment to title II was a perfecting amendment since it left one or two sections of that title unamended, and was intentionally drafted in that form to permit its consideration prior to adoption of all the Murphy perfecting amendments to that title.

Where Debate Time Limited, Chair Uses Discretion in Recognition

§ 4.20 The time for debate having been fixed on amendments to a committee substitute, the Chair may recognize the same committee member in opposition to each amendment offered where no other member of the committee seeks such recognition.

On Feb. 8, 1950,[19] during consideration of H.R. 2945, a bill to adjust postal rates, a motion was made to close debate:

MR. [THOMAS J.] MURRAY of Tennessee: Mr. Chairman, I move that all debate on the committee substitute and all amendments thereto close in 20 minutes.

[The motion was agreed to.]

THE CHAIRMAN:[20] The Chair will announce that Members who have amendments at the desk will be recognized for 1 minute in support of their amendment and the committee will be recognized for 1 minute in opposition to each amendment.

After amendments were offered, and Mr. Murray had been recognized in opposition to each amendment, a parliamentary inquiry was made, as follows:

MR. [FRANCIS H.] CASE of South Dakota: Under what precedent or ruling is the Chair recognizing a certain member of the committee for 1 minute in opposition to each amendment being offered? That was not included in the motion. . . .

THE CHAIRMAN: The Chair is trying to be fair in the conduct of the com-

19. 96 CONG. REC. 1690, 1691, 81st Cong. 2d Sess.

20. Chet Holifield (Calif.).

mittee, and the only gentleman that has arisen on the opposite side has been the gentleman from Tennessee (Mr. Murray). There was no point of order raised at the time that I announced that I would recognize the committee for 1 minute in rebuttal to each amendment. . . .

MR. CASE of South Dakota: . . . [O]rdinarily, under the precedents always followed in the House, when time is closed on amendments, the time is divided among those who are seeking to offer amendments, and unless the motion specifically reserves time to the committee, it has been the precedent to divide the time among those who are seeking to offer amendments.

THE CHAIRMAN: The Chair feels that the committee is entitled to a rebuttal on any amendment that is offered, and has so announced, and there was no point of order made at the time. The Chair sustains its present position.

§ 4.21 Priority of recognition under a limitation of time for debate under the five-minute rule is in the complete discretion of the Chair, who may disregard committee seniority and consider amendment sponsorship.

An example of the situation described above occurred on June 26, 1979,[1] during consideration of H.R. 3930[2] in the Committee of the Whole. The proceedings were as follows:

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I move that all debate on section 3 and all amendments thereto cease at 6:40 p.m.

The question was taken; and on a division (demanded by Mr. Rousselot) there were—ayes 43, noes 33. . . .

THE CHAIRMAN:[3] . . . The Committee has just voted to end all debate on section 3 and all amendments thereto at 6:40. The Chair in a moment is going to ask those Members wishing to speak between now and then to stand. The Chair will advise Members that he will attempt, once that list is determined, to recognize first those Members on the list with amendments which are not protected by having been printed in the Record.

The Chair would ask those Members wishing to be recognized in the remaining 20 minutes to stand. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, did I understand the Chair correctly that Members who are protected by having their amendments printed in the Record will not be recognized until the time has run so that those Members will only have 5 minutes to present their amendments, but that other Members will be recognized first for the amendments which are not printed in the Record?

THE CHAIRMAN: Those Members who are recognized prior to the expiration of time have approximately 20 seconds to present their amendments. Those Members whose amendments are printed in the Record will have a guaranteed 5 minutes after time has expired. . . .

MR. BROWN of Ohio: In what way does that protect Members by having their amendments then printed in the

1. 125 CONG. REC. 16677, 16678, 96th Cong. 1st Sess.
2. Defense Production Act Amendments of 1979.
3. Gerry E. Studds (Mass.).

Record? It would seem to me they are penalized by having their time limited to 5 minutes and the other time goes ahead and runs in terms of general debate.

THE CHAIRMAN: The Chair will advise the gentleman that Members do not need and are not required to seek their protection for debate on the amendment under the rules, but if they do not they will be recognized for at most 20 seconds instead of 5 minutes. . . .

THE CHAIRMAN: . . . The Chair will now recognize those Members who wish to offer amendments which have not been printed in the Record.

The Chair will advise Members he will recognize listed Members in opposition to the amendments also for 20 seconds.

MR. [RICHARD] KELLY [of Florida]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KELLY: Mr. Chairman, is it not regular order that the Members of the Committee with amendments be given preference and recognition?

THE CHAIRMAN: The Chair would advise the gentleman once the limitation of time has been agreed to and time divided, that priority of recognition is within the complete discretion of the Chair.

§ 4.22 Where there was pending an amendment in the nature of a substitute for a bill and amendments thereto, the Chair indicated in response to parliamentary inquiries that a motion to limit debate on the amendment in the nature of a substitute and all amendments thereto was in order although the bill itself had not been read, and that all Members would be allocated equal time under the limitation regardless of committee membership but that Members seeking to offer amendments could be first recognized.

On June 10, 1976,[4] the Committee of the Whole had under consideration H.R. 13367,[5] with an amendment in the nature of a substitute and amendments thereto pending, when a motion was offered to limit debate, as described above. The proceedings were as follows:

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I move that all debate on the Brooks amendment and all amendments thereto end by 6 p.m. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, is there any reason for the Clerk to read? I do not remember the bill being open at any point to amendment.

THE CHAIRMAN:[6] The motion of the gentleman from New York, as the

4. 122 CONG. REC. 17380, 17381, 94th Cong. 2d Sess.
5. A bill to amend and extend the State and Local Fiscal Assistance Act of 1972.
6. Gerry E. Studds (Mass.).

Chair understood it, was that all debate on the Brooks amendment and all amendments thereto end at 6 p.m.

MR. BAUMAN: So that the motion is in order?

THE CHAIRMAN: The motion is in order. It is limited to the Brooks amendment and amendments thereto. . . .

MR. [J.J.] PICKLE [of Texas]: Mr. Chairman, under the proposed time limitation, would the Chair tend to recognize a Member who is not a member of the committee? For instance, the gentleman from Washington (Mr. Adams) has an important amendment, and if he is not recognized within the time limitation, would the chairman of the committee let the gentleman be recognized? . . .

THE CHAIRMAN: The Chair will state that under limitation of time committee members no longer have priority in seeking recognition. Time is equally allocated.

So the motion was agreed to.

THE CHAIRMAN: . . . The Chair would ask that Members with amendments to be offered seek recognition first, and the Chair would request that Members attempt to address themselves to the amendments.

§ 4.23 In allocating time under a limitation on debate under the five-minute rule, the Chairman of the Committee of the Whole may in his discretion recognize first those Members wishing to offer amendments after having equally divided the time among all Members desiring to speak.

On Nov. 18, 1981,[7] during consideration of H.R. 4995[8] in the Committee of the Whole, the situation described above occurred as follows:

MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Chairman, there are about nine amendments at the desk. I have looked at those amendments. The committee will be accepting at least six or seven of them. There are only two or three that may be slightly controversial and subject to some slight debate.

I would therefore believe that we can finish this bill tonight and not be burdened with it tomorrow because I know full well if we come in tomorrow, we will be using a whole day for what can be completed in approximately half an hour here tonight.

Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto end at 9:30 p.m.

THE CHAIRMAN:[9] Is there objection to the request of the gentleman from New York?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous consent request was agreed to will be recognized for 1 minute each.

The Chair will recognize first those Members who have amendments.

§ 4.24 Where debate on an amendment has been limited and equally divided between

7. 127 CONG. REC. 28074, 97th Cong. 1st Sess.
8. Department of Defense appropriation bill, fiscal year 1982.
9. Dan Rostenkowski (Ill.).

the proponent and a Member opposed, and the Chair has recognized the only Member seeking recognition in opposition to the amendment, no objection lies against that Member subsequently yielding back all the time in opposition.

On May 4, 1983,[10] the situation described above was demonstrated during consideration of House Joint Resolution 13 (concerning a nuclear weapons freeze) in the Committee of the Whole. The proceedings were as follows:

MR. [WILLIAM S.] BROOMFIELD [of Michigan]: Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN:[11] The gentleman is recognized for 15 minutes in opposition to the amendment, for purposes of debate only.

MR. BROOMFIELD: Mr. Chairman, I yield back the balance of my time.

MR. [HENRY J.] HYDE [of Illinois]: Mr. Chairman, I yield back the balance of my time and request a vote.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, we have 15 minutes in order to oppose the amendment?

THE CHAIRMAN: No one stood up on that side of the aisle, and the gentleman from Michigan (Mr. Broomfield) represented to the Chair that he opposed the amendment and was recognized for 15 minutes in opposition, and he yielded back the balance of his time, as did the gentleman form Illinois (Mr. Hyde).

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it?

MR. AUCOIN: Mr. Chairman, my inquiry is this: This side, which opposes the amendment, has been foreclosed an opportunity, not on this amendment but on the previous amendment, to have 15 minutes in opposition to the amendment because a Member on that side who voted against an amendment that was hostile to the exact amendment said he was opposed to it.

My parliamentary inquiry is, Mr. Chairman, is that in order?

THE CHAIRMAN: As the Chair previously explained, no one on the majority side of the aisle rose in opposition to that amendment. The Chair looked to the other side of the aisle and the gentleman from Michigan (Mr. Broomfield) rose, represented that he was in opposition to the amendment and was recognized. The Chair has previously made that statement.

Parliamentarian's Note: Had another Member also been seeking to control time in opposition at the time the first Member was recognized and yielded back his time, the Chair would have allocated the time to that Member so that it could have been utilized.

§ 4.25 Where debate under the five-minute rule on a bill and all amendments thereto has

10. 129 CONG. REC. 11078, 98th Cong. 1st Sess.

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

been limited by motion to a time certain, the Chair may in his discretion continue to recognize Members under the five-minute rule according priority to members of the committee reporting the bill, instead of allocating time between proponents and opponents or among all Members standing, where it cannot be determined what amendments will be offered.

On July 29, 1983,[12] the Committee of the Whole having under consideration H.R. 2957,[13] the Chair responded to several parliamentary inquiries regarding the circumstances described above. The proceedings were as indicated below:

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I ask unanimous consent that the remainder of the bill, H.R. 2957, be considered as read, printed in the Record, and open to amendment at any point.

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

There was no objection.

The text of title IV and title V is as follows:

TITLE IV—INTERNATIONAL LENDING SUPERVISIO . . .

MR. ST GERMAIN: I have a motion, Mr. Chairman. . . .

I now move that all debate on the bill, H.R. 2957, and all amendments thereto, cease at 12 o'clock noon.

THE CHAIRMAN:[14] The question is on the motion offered by the gentleman from Rhode Island (Mr. St Germain). . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic devise, and there were—ayes 242, noes 145, not voting 46, as follows. . . .

MR. [GEORGE W.] GEKAS [of Pennsylvania]: Mr. Chairman, I move to strike the last word.

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Gekas) is recognized for 5 minutes.

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

MR. GEKAS: I yield to the gentleman from Arkansas (Mr. Bethune).

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

THE CHAIRMAN: The gentleman will state it.

MR. BETHUNE: Mr. Chairman, the parliamentary inquiry is for the Chair to please state the process by which we will do our business from now until the time is cut off.

THE CHAIRMAN: For the time being, the Chair intends to proceed under the 5-minute rule. . . .

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, would it not be in order at this time to ask that the time be divided between the proponents and the opponents of this measure, since there is a limitation on the time?

12. 129 CONG. REC. 21649, 21659, 21660, 98th Cong. 1st Sess.

13. The International Monetary Fund Authorization.

14. Donald J. Pease (Ohio).

THE CHAIRMAN: The Chair believes not, because the time has been limited on the entire bill. It would be very difficult to allocate time to any one particular party or two parties when the Chair has no knowledge of the amendments that will be offered. . . .

MR. NEAL: Mr. Chairman, is it not true that members of the committee should be given preference in terms of recognition?

THE CHAIRMAN: That is true. At the time the gentleman from Pennsylvania was recognized, he was the only one seeking recognition.

—*Amendment Not Covered by Limitation*

§ 4.26 Where debate has been limited on a pending section and all amendments thereto and time allocated among those Members desiring to offer amendments to that section, the Chair may decline to recognize a Member to offer an amendment adding a new section and therefore not covered by the limitation, until perfecting amendments to the pending section have been disposed of under the limitation.

On June 26, 1979,[15] the Committee of the Whole having under consideration H.R. 3930,[16] the above-stated proposition was illustrated as indicated below:

Amendment offered by Mr. Udall: Page 8, after line 13 add the following new section and renumber the subsequent sections accordingly:

Sec. 4. The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project pursuant to the procedures and criteria provided in this section.

(2) For the purposes of this section the term—

(A) Synthetic fuel or feedstock facility means any physical structure, including any. . . .

MR. [CLARENCE J. BROWN of Ohio (during the reading): Mr. Chairman, a point of order.

THE CHAIRMAN:[17] The gentleman will state it.

MR. BROWN OF OHIO: Mr. Chairman, is this amendment to section 3 or section 4?

MR. [MORRIS K.] UDALL [of Arizona]: This is an amendment to section 3, the Udall fast-track amendment, which cuts through the redtape.

MR. BROWN OF OHIO: The copy I have indicates that it is to section 4, Mr. Chairman. Is that correct?

MR. UDALL: I had modified it to apply to section 3.

THE CHAIRMAN: The Clerk will cease reading the amendment.

The Chair will advise the gentleman from Arizona that this amendment currently being read adds a new section 4, and is not covered by the limitation on time, and should not be offered at this time.

15. 125 CONG. REC. 16679, 16680, 96th Cong. 1st Sess.

16. Defense Production Act Amendments of 1979.

17. Gerry E. Studds (Mass.).

MR. BROWN OF OHIO: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. BROWN OF OHIO: Mr. Chairman, if I understand correctly, the gentleman was recognized on the basis that the amendment had not been printed in the Record, and therefore it would not be appropriate under this limitation for it to be considered at all, is that not correct?

MR. UDALL: I had intended—I had so instructed the Clerk to change this to an amendment to section 3, not section 4.

THE CHAIRMAN: The amendment, the Chair states to the gentleman, would have to be submitted to the Clerk.

MR. BROWN OF OHIO: My point of order is sustained or——

THE CHAIRMAN: Yes. The Chair will advise the gentleman from Arizona that he is within his rights to redraft the amendment as an amendment to section 3, but the Chair understood that is not the amendment currently being read.

MR. UDALL: I so offer it as an amendment to section 3.

THE CHAIRMAN: The Clerk will report the amendment.

Amendments Sent to the Desk; Necessity of Recognition

§ 4.27 Members must be in the Chamber and offer their amendments from the floor at the proper point in the bill as it is read; it is not sufficient to merely place such amendments on the Clerk's desk.

On Apr. 1, 1947,[18] the following proceedings took place:

Amendment offered by Mr. [Sam] Hobbs [of Alabama]: On page 46, between lines 8 and 9 insert as follows: . . .

MR. [JOHN] TABER [of New York]: Mr. Chairman, the amendment comes too late. The Clerk has read beyond that point. . . .

MR. [FRANCIS E.] WALTER [of Pennsylvania]: Mr. Chairman, as I understand it this amendment was on the Clerk's desk and the fact it was not reported was due to the Clerk's failing to see the amendment. The parliamentary inquiry is: Does it come too late when the amendment was on the desk?

THE CHAIRMAN:[19] The gentleman from Alabama was not present to protect his rights and the Clerk continued to read beyond the point where the amendment should properly have been offered.

Similarly, on Sept. 5, 1940,[20] the following exchange took place:

MR. [JOHN E.] MILLER [of Arkansas]: Can the Chair tell us how many proposed amendments there are?

THE CHAIRMAN:[1] The Chair is unable to tell because the Chair does not

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18. 93 CONG. REC. 2987, 80th Cong. 1st Sess. Under consideration was H.R. 2849, the deficiency appropriation bill for 1947.

19. George A. Dondero (Mich.).

20. 83 CONG. REC. 10665, 75th Cong. 3d Sess. Under consideration was H.R. 10132, a bill relating to compulsory military training and service.

1. Lindsay C. Warren (N.C.).

recognize amendments sent to the desk. Of course, under the rules of the House, Members must offer amendments from the floor. However, the Chair is informed that there are quite a number of amendments.

Consideration of Committee Amendments

§ 4.28 Where a resolution is considered in the House, committee amendments to the body of the resolution and printed therein may be reported and acted on before the Member calling up the resolution is recognized for debate thereon.

On June 8, 1970,[2] the sequence of actions in the House was as follows:

THE SPEAKER:[3] . . . The Chair was about to instruct the Clerk to report the committee amendments after the original resolution had been read. . . .

The committee amendment was agreed to.

THE SPEAKER: The gentleman from Tennessee (Mr. Anderson) is recognized for 1 hour.[4]

§ 4.29 Perfecting committee amendments to a resolution reported from the Committee on Rules may be considered before the Member calling up the resolution is recognized to control debate thereon where there is no controversy on the committee amendments.

On Mar. 9, 1971,[5] the sequence of actions in the House was as follows:

MR. [JOHN A.] YOUNG of Texas: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 115

Resolved, That, effective January 3, 1971, there is hereby created a select committee. . . .

With the following committee amendments:

On page 1, line 2, strike the word "seven" and insert in lieu thereof the word "eleven". . . .

The committee amendments were agreed to.

THE SPEAKER:[6] The gentleman from Texas is recognized for one hour.

2. 116 CONG. REC. 18656–58, 91st Cong. 2d Sess. Under consideration was H. Res. 976 (Committee on Rules).
3. John W. McCormack (Mass.).
4. Mr. William R. Anderson had called up the resolution for consideration.
5. 117 CONG. REC. 5587, 5588, 92d Cong. 1st Sess. Under consideration was H. Res. 115 (Committee on Rules), creating a select committee to investigate crime.
6. Carl Albert (Okla.).

Seniority, Not Order in Paragraph, Basis for Recognition for Amendment

§ 4.30 The order in which amendments may be offered to a pending paragraph is not determined by the sequence of lines to which the amendments may relate; for when a paragraph is open to amendment at any point, the order in which the Chair recognizes Members to offer amendments is dictated by the committee rank of those seeking recognition and not by the text of their amendments.

On July 23, 1970,[7] the following discussion took place with respect to the order in which Members would be recognized to offer amendments:

> MR. [CHARLES R.] JONAS (of North Carolina): May I respectfully remind the Chair that I was recognized, and that the Chair allowed a point of order to intervene only, and I had been recognized. . . .
>
> THE CHAIRMAN:[8] The Chair respectfully states that the point of order did intervene following the gentleman's recognition. The Chair intends to recognize members of the committee in the order of their seniority. . . .
>
> MR. JONAS: I respectfully ask the Chair to rule that my amendment does precede the amendment that will be offered by the gentleman from Texas. My amendment goes to line 5, page 38, and my information is that the amendment to be offered by the gentleman from Texas comes at a later point in the paragraph.
>
> THE CHAIRMAN: A whole paragraph is open to amendment at the same time. Therefore, the line does not determine the order of the amendment.[9]

§ 4.31 The Chairman may announce that he will first recognize members of the committee reporting the bill in order of seniority thereon, alternating between majority and minority sides, to offer amendments.

On Dec. 12, 1973,[10] where a bill[11] as being considered in the Committee of the Whole under a special procedure making in order

7. 116 CONG. REC. 25635, 91st Cong. 2d Sess. Under consideration was H.R. 18515 (Committee on Appropriations), relating to appropriations for the Departments of Labor and Health, Education, and Welfare for fiscal 1971.
8. Chet Holifield (Calif.).
9. Compare 109 CONG. REC. 20368, 20370, 88th Cong. 1st Sess., Oct. 28, 1963, where the Chairman of the Committee on Rules called up a resolution reported by his committee and then yielded to another Member to offer an amendment.
10. 119 CONG. REC. 41105, 41106, 41110, 93d Cong. 1st Sess.
11. H.R. 11450 (Committee on Interstate and Foreign Commerce), the Energy Emergency Act.

the text of another bill as an amendment in the nature of a substitute immediately after the reading of the enacting clause, but not providing for reading of the substitute as an original bill for amendment, the Chairman[12] indicated that the entire amendment in the nature of a substitute would be read and then open to amendment at any point, and that he would first recognize members of the committee reporting the bill in order of seniority, alternating between the majority and minority sides, to offer amendments.

Alternation of Recognition Not Mandated

§ 4.32 Recognition to offer amendments is first extended to the manager of a bill; and the fact that the Committee of the Whole has just completed consideration of one amendment offered by the manager does not preclude his being recognized to offer another.

On Apr. 6, 1967,[13] the following exchange took place concerning the priority of recognition to offer amendments:

> MR. [ROBERT W.] KASTENMEIER [of Wisconsin]: Mr. Chairman, I offer an amendment.
>
> MR. [BYRON G.] ROGERS of Colorado: Mr. Chairman, a point of order.
>
> THE CHAIRMAN:[14] The gentleman will state it.
>
> MR. ROGERS of Colorado: The gentleman from Wisconsin just offered an amendment, and certainly I as a member of the committee ought to have the privilege of offering an amendment.
>
> THE CHAIRMAN: The gentleman from Wisconsin is manager of the bill. The Chair recognizes the gentleman from Wisconsin.

Order of Consideration; Priority of Committee Amendments Over Amendments From Floor

§ 4.33 Perfecting committee amendments to the section or paragraph under consideration are disposed of before amendments from the floor are considered.

On Apr. 25, 1963,[15] a parliamentary inquiry was made with respect to the precedence of committee amendments.

> MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, a parliamentary inquiry. . . .

12. Richard Bolling (Mo.).

13. 113 CONG. REC. 8617, 8618, 90th Cong. 1st Sess. Under consideration was H.R. 2512 (Committee on the Judiciary), relating to revision of the copyright laws.

14. John H. Dent (Pa.).

15. 109 CONG. REC. 7139, 88th Cong. 1st Sess. Under consideration was H.R. 4997 (Committee on Agriculture), the Feed Grain Act of 1963.

Are we to have all of the committee amendments adopted before any amendments are to be accepted by the Committee?

THE CHAIRMAN:[16] The Chair will state that that is the usual procedure.

§ 4.34 Where a bill is considered as read and open for amendment at any point, committee amendments are considered before the Chair extends recognition for amendments from the floor.

On July 18, 1968,[17] the sequence of actions taken with respect to the Foreign Assistance Act of 1968[18] as as follows:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point. . . .

There was no objection. . . .

THE CHAIRMAN:[19] The Clerk will report the next committee amendment.

The Clerk read as follows: . . .

THE CHAIRMAN: The question is on the committee amendment on page 9, after line 17.

MR. [DANTE B.] FASCELL [of Florida]: Mr. Chairman, I ask unanimous consent that all the committee amendments be considered en bloc.

The Chair further advised, in response to a parliamentary inquiry, that when committee amendments are being considered en bloc, it is in order to offer amendments to the committee amendments. After several such amendments had been so offered and considered, and the committee amendments voted on, the Chair extended recognition for amendments to the bill that were offered from the floor.

Bill Considered Under Special Rule—Where Amendment in Nature of Substitute Is Open for Amendment at Any Point

§ 4.35 Where a bill is being considered in the Committee of the Whole under a special order making in order the text of another bill as an amendment in the nature of a substitute, the Chairman may announce that recognition to offer an amendment to said substitute will be governed by the precedents relating to recognition where the special order does not specify priorities with respect thereto.

On Dec. 12, 1973,[20] the following discussion arose with respect to the procedure for offering amendments:

MR. (JAMES T.) BROYHILL of North Carolina: Mr. Chairman, I have an amendment to section 103.

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

17. 114 CONG. REC. 22094, 22095, 22108, 22109, 90th Cong. 2d Sess.

18. H.R. 15263 (Committee on Foreign Affairs).

19. Charles M. Price (Ill.).

20. 119 CONG. REC. 41153, 41154, 93d Cong. 1st Sess. Under consideration was H.R. 11450 (Committee on Interstate and Foreign Commerce), the Energy Emergency Act.

THE CHAIRMAN:[1] The Chair feels that the Chair should explain to the Committee that under the rule the whole of the text of H.R. 11882 will be read before any amendment is in order. It will not be read by sections. . . .

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

THE CHAIRMAN: The Chair will state that the Chair, with the cooperation of the Members, will attempt to achieve that purpose. The Chair will say that if permitted by the Membership to do so, that the Chair proposes to bring order into the situation by following the usual custom of recognizing the Members of the committee alternately from one side to the other, more or less in their order on the committee. . . .

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

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

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

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

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

—Inquiry by Chair as to Whether Amendment In Order Under Rule

§ 4.36 Where the Committee of the Whole was considering a bill pursuant to a "modified closed" rule permitting only designated amendments to be offered, the Chair inquired of a Member seeking recognition to offer an amendment whether his

1. Richard Bolling (Mo.).

amendment had been made in order under the rule before recognizing him to offer the amendment.

On Aug. 3, 1977,[2] the Committee of the Whole was considering H.R. 8444, the National Energy Act. When a Member sought recognition to offer an amendment, the proceedings, described above, were as follows:

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I offer an amendment.

THE CHAIRMAN PRO TEMPORE:[3] The Chair would like to inquire of the gentleman from Ohio if this is an amendment permissible under the rule and made in order under the rule?

MR. BROWN of Ohio: This is authorized under the rule and has been assigned to the gentleman from Ohio (Mr. Brown) to offer at this point.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, two things. I reserve all necessary points of order and, second, I inquire, has the unanimous-consent request been made for the dispensation of the reading of the amendment? I am not making that request.

THE CHAIRMAN:[4] The Clerk will first have to report the amendment and then the gentleman's request will be in order.

The Clerk will report the amendment.

2. 123 CONG. REC. 26447, 26448, 95th Cong. 1st Sess.
3. William H. Natcher (Ky.).
4. Edward P. Boland (Mass.).

Rule Requiring Printing of Amendments in Record

§ 4.37 Where a special rule restricts the offering of amendments to those printed in the Congressional Record but does not specify the Members who must offer them, the right to propose amendments properly inserted in the Record inures to all Members.

The proceedings of Mar. 26, 1974,[5] were as follows:

THE CHAIRMAN:[6] . . . Under the rule, no amendment shall be in order to title I of the substitute committee amendment printed in the reported bill except germane amendments which have been printed in the Congressional Record at least 2 calendar days prior to their being offered during the consideration of said substitute for amendment, and amendment offered by direction of the Committee on Education and Labor, and neither of said classes of amendments shall be subject to amendment.

Pursuant to the rule, the Clerk will now read by titles the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows: . . .

5. 120 Cong. Rec. 8229, 8233, 8243, 93d Cong. 2d Sess. Under consideration was H.R. 69, to amend and extend the Elementary and Secondary Education Act.
6. Melvin Price (Ill.).

TITLE I—AMENDMENTS OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EXTENSION OF TITLE I PROGRAMS

Sec. 101. Section 102 of title I of the Elementary and Secondary Education Act of 1965 (hereinafter referred to as "the Act") is amended (1) by striking out "for grants to local educational agencies". . . .

MR. [CARL D.] PERKINS [of Kentucky] (during the reading): Mr. Chairman, I ask unanimous consent that further reading of title I be dispensed with, that it be printed in the Record, and open to amendment at any point.

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

There was no objection.

MR. PERKINS: Mr. Chairman, I move to strike the requisite number of words.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I make a point of order. Under the rule the motion is not in order unless he has printed the motion in the Record.

THE CHAIRMAN: The Chair overrules the point of order. The amendment offered by the gentleman from Kentucky was printed in the Record.

MR. BAUMAN: Mr. Chairman, I submit to the Committee that the motion I heard was to strike out the requisite number of words. If the gentleman from Kentucky has not had that motion printed in the Record, he is not entitled to 5 minutes under the rule.

THE CHAIRMAN: That amendment was printed in the Record.

MR. BAUMAN: Mr. Chairman, how many times does he get to use it?

THE CHAIRMAN: As many times as it is printed in the Record.

§ 4.38 Where a special order adopted by the House only requires that all amendments offered to a bill in Committee of the Whole be printed in the Record, any Member may offer any germane amendment printed in the Record, and there is no requirement that only the Member causing the amendment to be printed may offer it, unless the special order so specifies.

An example of the situation described above occurred on Oct. 31, 1979,[7] during consideration of H.R. 4985, the Priority Energy Projects Act of 1979. The proceedings were as follows:

MR. [NICK J.] RAHALL [II, of West Virginia]: Mr. Chairman, I have an amendment that was printed in the Record.

I also have an amendment by the gentleman from Michigan (Mr. Dingell) that was printed in the Record and through negotiations between the two of us, I am offering the amendment of the gentleman from Michigan (Mr. Dingell) at this point. . . .

MR. [ROBERT E.) BAUMAN [of Maryland): Mr. Chairman, do I understand that under this rule that governs the consideration of this bill that any Member can offer any amendment that

7. 125 CONG. REC. 30441, 96th Cong. 1st Sess.

was printed in the Record, no matter who the author of the amendment was?

THE CHAIRMAN PRO TEMPORE:[8] The gentleman is correct. That is the correct interpretation.

Parliamentarian's Note: Who may offer a printed amendment under such a rule must be distinguished from who may offer a printed amendment under Rule XXIII clause 6 to be entitled to debate in Committee of the Whole; that rule specifically speaks to the Member who caused the amendment to be printed.

§ 4.39 The Chairman of the Committee of the Whole announced that, pursuant to a special order adopted by the House requiring perfecting amendments printed in the Record to be offered in a specified order, he would recognize a designated Member to offer his amendments in the intended order submitted for printing consistent with grouping of amendments to the budget resolution by subject matter, rather than in the order inadvertently printed in the Record.

It was demonstrated on May 24, 1982,[9] that where a special rule only permits the offering of amendments in the order printed in the Record, but the Record incorrectly prints certain amendments, the Chair has the prerogative of permitting the amendment to be offered in the form and order submitted for printing. The proceedings in the Committee of the Whole during consideration of House Concurrent Resolution 345 are indicated below:

THE CHAIRMAN:[10] Before the Chair entertains a motion for the Committee to rise, the Chair desires to make a statement relative to the order of the consideration of the perfecting amendments made in order by the House to the amendments in the nature of a substitute to be offered by Representatives Latta, Aspin, and Jones. As indicated by an insertion which will be made in today's Congressional Record by the chairman of the Committee on Rules, which was submitted for printing in the Congressional Record of May 21, but was omitted from that Record, it was the intent of the special order reported by the Committee on Rules and adopted by the House, House Resolution 477, to group the perfecting amendments in discrete subject matters and categories in order to fashion an orderly process for the consideration of the congressional budget.

The subject matter of revenues is to be considered first, followed by consideration of the defense budget. Due to a clerical error, the first perfecting amendment to be offered by Represent-

8. Norman D. Dicks (Wash.).

9 128 CONG. REC. 11549, 97th Cong. 2d Sess.

10. Richard Bolling (Mo.).

ative Jones, relating to revenues, was labeled No. 7 in the Congressional Record of May 21, and the second amendment to be offered by Representative Jones, relating to defense, was labeled No. 3 in the May 21 Congressional Record. The amendments were submitted in the proper order for printing in the Record and the Chair would therefore advise the Committee that those amendments will, if offered, be considered in the proper order, with Representative Jones' revenue amendment to be the third perfecting amendment made in order under the rule and Representative Jones' defense amendment to be the seventh perfecting amendment made in order under the rule. The Chair would also point out that the amendment by Representative Wolf, the 47th perfecting amendment made in order under the rule, was printed on page 2637 in the Congressional Record for May 21, but the Member's name was inadvertently omitted in the printing of the Record. The amendment, which will be reprinted in the Record of May 24, will be in order for consideration since it was properly submitted pursuant to the rule.

The Chair requests that Members bring to his attention any further errors that require correction in order that the Committee of the Whole may proceed in a fair and orderly fashion.

Priority of Motion To Strike Enacting Clause

§ 4.40 Under Rule XXIII clause 7, a motion to recommend that the enacting clause be stricken takes precedence over a motion to amend, and may be offered where another Member has been recognized to offer an amendment but prior to reading of the amendment by the Clerk.

On Apr. 23, 1975,[11] during consideration in the Committee of the Whole of a bill,[12] an amendment was offered and the following proceedings occurred:

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. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[13] The Clerk will read.

MR. [MICHAEL T.] BLOUIN [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Blouin moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken. . . .

MR. [JOE D.] WAGGONNER, [Jr., of Louisiana]: I recognize that the gen-

11. 121 CONG. REC. 11513, 94th Cong. 1st Sess.
12. H.R. 6096, Vietnam Humanitarian and Evacuation Assistance Act.
13. Otis G. Pike (N.Y.).

tleman has a preferential motion, but is it not so that the Chair had recognized the gentleman from Texas to offer his amendment?

THE CHAIRMAN: The Chair had recognized the gentleman from Texas, to offer an amendment but the preferential motion supersedes that amendment.

MR. WAGGONNER: Even after the gentleman had been recognized to proceed? . . .

THE CHAIRMAN: The gentleman had been recognized only for the purpose of finding out the reason for which he sought recognition. The gentleman stated that he had an amendment at the desk. The Chair asked the Clerk to report the amendment, and before the amendment was reported, a preferential motion was made.

Perfecting Amendment by Proponent of Motion To Strike

§ 4.41 A Member who has offered a motion to strike a section of a bill may not thereafter offer a perfecting amendment to that section while his motion to strike is pending.

On Sept. 29, 1975,[14] during consideration of a bill[15] in the Committee of the Whole, the Chair responded to parliamentary inquiries as described above. The proceedings were as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I will try to propound a proper parliamentary inquiry. . . .

. . . My original amendment was to strike section 2 in its entirety. We have just accepted striking from line 20, section 2, through line 6 on page 13. Is an amendment in order at this point to strike The remainder of that section?

THE CHAIRMAN:[16] the Chair will respond to the gentleman by saying that an amendment would be in order to strike so much of the section that was not amended by the gentleman from Arkansas' amendment.

MR. DERWINSKI: But obviously I am precluded at this point from offering an amendment to strike beginning on line 20, page 12.

THE CHAIRMAN: The Chair will state to the gentleman from Illinois that other Members would not be precluded from offering such an amendment.

Amendment Adding New Title

§ 4.42 The Chair may decline recognition to offer an amendment adding a new title to a bill until all amendments to the pending title have been disposed of.

On Mar. 16, 1978,[17] the Committee of the Whole having under consideration H.R. 50,[18] the above-stated proposition was illustrated as indicated below:

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

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14. 121 CONG. REC. 30772, 30773, 94th Cong. 1st Sess.

15. H.R. 8630, Postal Reorganization Act Amendments of 1975.

16. Walter Flowers (Ala.).

17. 124 CONG. REC. 7333–36, 95th Cong. 2d Sess.

18. Full Employment and Balanced Growth Act of 1978.

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.

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? . . .

The Chairman would like to state to the gentleman that the Chair should have inquired of the gentleman from Maryland (Mr. Bauman) as to the nature of his amendment before extending recognition.

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

§ 5. Permissible Pending Amendments

One Perfecting Amendment

§ 5.1 Only one perfecting amendment to the original text may be pending at a time.

The above principle is well established. Thus, on June 29, 1959,[19] during proceedings relating to a supplemental appropriation act,[20] the Chairman,[1] indicated in response to a parliamentary inquiry by Mr. Joel T. Broyhill, of Virginia, that Mr. Broyhill would be able to offer an amendment "After the disposition of the pending amendment."

On July 17, 1962,[2] the following exchange took place:

MR. [JAMES E.] VAN ZANDT [of Pennsylvania]: Reserving the right to object, Mr. Chairman, it is my understanding now that the committee will offer two amendments to the bill. If that be the case, would it then be in order for me to offer a substitute amendment?

THE CHAIRMAN:[3] In the event that a member of the committee offers an amendment, a substitute would be in order.

MR. VAN ZANDT: Would that apply if the committee offers two amendments?

THE CHAIRMAN: The members of the committee can offer only one amendment at a time. Of course, a substitute would be in order in either case or to either amendment, or an amendment to the amendment would be in order.

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19. 105 CONG. REC. 12122–24, 86th Cong. 1st Sess.

For a discussion of permissible pending amendments and their disposition, see Rule XIX, *House Rules and Manual* Sec. 822 (101st Cong.).

20. H.R. 7978 (Committee on Appropriations).

1. Paul J. Kilday (Tex.).

2. 108 CONG. REC. 13795, 87th Cong. 2d Sess.

3. B. F. Sisk (Calif.).