MR. DINGELL: Mr. Chairman, and I make the point of order that is not in order.

THE CHAIRMAN: Without objection, the gentleman from Washington is recognized for 5 minutes.

B. WHEN TO OFFER AMENDMENT; READING FOR AMENDMENT

§ 7. In General; Reading by the Clerk

At the close of general debate on a bill in the Committee of the Whole, debate on amendments normally proceeds under the five-minute rule.[12] he bill is read for amendment, and amendments are offered and debated at the appropriate point in the reading. Thus, when a bill is being read for amendment in the Committee of the Whole by sections, it is not in order to offer amendments except to the one section under consideration. Of course, where a bill consists of only one section, the entire bill is open to amendment.[13]

Amendments are offered in accordance with established procedures, described above.[14] Amendments and amendments thereto are offered in the prescribed order,[15] amendments in the third degree[16] being precluded. As soon as an amendment to an amendment is adopted or rejected, another is in order seriatim until the amendment is perfected; and only after disposition of the amendment will further amendment of the bill be allowed.[17]

A special rule may prescribe the consideration of amendments in a specified order.[18]

In Committee of the Whole, amendments to the preamble of a joint resolution are considered following disposition of any amendments to the resolving clause; and, although in reading a concurrent resolution with a preamble for amendment, the Clerk reads the preamble first and then reads the body of the resolution, amendments to the preamble in Committee of the Whole are considered after amendments to the

12. Rule XXIII clause 5(a), *House Rules and Manual* § 870 (101st Cong.).

13. See 92 CONG. REC. 1974, 79th Cong. 2d Sess., Mar. 6, 1946.

14. See § 5, supra.

15. See §§ 15–19, infra, for a discussion of precedence of various kinds of amendments.

16. See § 6, supra.

17. See § 5, supra.

18. See Sec. 3, supra, for discussion of special rules as they affect the amending process. For discussion of special rules generally, see Ch. 21, supra.

body of the resolution. In the practice of the House of Representatives the preamble of a joint resolution is amended after the engrossment and before the third reading, but the preamble is not voted on separately even if amended, since the question on passage covers the preamble as well as the resolving clause. After an amendment to the preamble has been considered, it is too late to propose amendments to the text of the bill. Amendments to the preamble of a concurrent or simple resolution are considered in the House following the adoption of the resolution.[19]

Not all propositions, of course, are open to amendment. Examples of such propositions are discussed elsewhere.[20]

Dispensing With First Reading

§ 7.1 The first reading of a bill in Committee of the Whole may be dispensed with by unanimous consent only.

On May 17, 1978,[1] during consideration of H.R. 39[2] in the Committee of the Whole, objection was made to a unanimous-consent request to dispense with the first reading of the bill, as indicated below:

> MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, I 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]. . . .
>
> Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 39, with Mr. Simon in the chair.
>
> The Clerk read the title of the bill.
>
> MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I have a point of order.
>
> Under rule XXI, the bill must be read. I see no waiver of that provision in the rule that we adopted.
>
> THE CHAIRMAN:[3] The Chair will state that he will put the unanimous-consent request to the Committee. . . .
>
> THE CHAIRMAN: Without objection, the first reading of the bill will be dispensed with.
>
> MR. ASHBROOK: . . . Mr. Chairman, I will object to that unanimous-consent request.
>
> THE CHAIRMAN: Objection is heard.
>
> The Clerk will read.
>
> The Clerk proceeded to read the bill. . . .
>
> MR. UDALL (during the reading): Mr. Chairman, I ask unanimous consent that further reading of the bill on its first reading be dispensed with.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from Arizona?

19. See *House Rules and Manual* Sec. 414 (101st Cong.).
20. See, for example, §§ 1.5, 1.6, and 3, supra.
1. 124 CONG. REC. 14146, 14147, 95th Cong. 2d Sess.
2. Alaska National Interest Conservation Lands Act of 1978.
3. Paul Simon (Ill.).

MR. ASHBROOK: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The Clerk will read.

The Clerk continued the reading of the bill.

The Clerk concluded the reading of the bill.

Bill Considered in House as in Committee of the Whole

§ 7.2 Where a bill is by unanimous consent considered in the House as in the Committee of the Whole, the bill is considered as read and open to amendment at any point, despite the fact that the House has previously adopted a special order providing that the bill be read by title in the Committee of the Whole.

On Feb. 9, 1977,[4] the House having previously adopted a special order[5] providing that H.R. 692 be read by title in the Committee of the Whole, a unanimous-consent request was agreed to to consider the bill in the House as in the Committee of the Whole. The proceedings were as follows:

MR. [NEAL] SMITH of Iowa: Mr. Speaker, I call up the bill H.R. 692 to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan authorization and surety bond guarantee authority; and to improve the disaster assistance, certificate of competency and small business setaside programs, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

THE SPEAKER:[6] Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the bill as follows:

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

THE SPEAKER: Does the gentleman from Iowa have further amendments?

MR. SMITH of Iowa: Mr. Speaker, I have an amendment to title III but the bill is to be read by titles.

THE SPEAKER: The bill is open to amendment at any point so the amendment is in order. .

Amendments in Order to Pending Portion of Bill Until Next Portion Read

§ 7.3 Amendments are in order to the pending portion of a bill under the five-minute rule until the Clerk has read the next portion to be considered, and are not precluded if the Committee of the Whole has risen on a previous day with no Members

4. 123 CONG. REC. 3977, 3981, 95th Cong. 1st Sess.

5. H. Res. 270, 123 CONG. REC. 3976, 3977, 95th Cong. 1st Sess.

6. Thomas P. O'Neill, Jr. (Mass.).

seeking recognition to offer amendments to the pending portion at that time.

An example of the proposition described above occurred on Sept. 13, 1979,[7] during consideration of H.R. 4040[8] in the Committee of the Whole. The proceedings were as follows:

THE CHAIRMAN PRO TEMPORE:[9] When the Committee of the Whole rose on Wednesday, September 12, 1979, sections 812 through 815 had been considered as having been read and open for amendment, and all time for debate on these sections and all amendments thereto had expired.

Are there any further amendments to section 815?

MR. [JACK] BROOKS [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Brooks: Page 31, line 3, strike out "(a)", and beginning on line 9, strike out subsection (b) through line 15.

THE CHAIRMAN PRO TEMPORE: The Chair will ask the gentleman from Texas (Mr. Brooks), has this amendment been printed in the Record?

MR. BROOKS: Mr. Chairman, the amendment was printed in the Record this morning. I submitted it yesterday for printing in the Record.

THE CHAIRMAN PRO TEMPORE: The gentleman from Texas is recognized for 5 minutes in support of his amendment. . . .

MR. CHARLES H. WILSON of California: I was under the impression that when we completed sections 812 through 815 we would then revert back to title I. Are we going to complete title VIII before we go back to title I?

THE CHAIRMAN PRO TEMPORE: Only section 815, since sections 812–814 have been amended.

MR. CHARLES H. WILSON of California: We completed that?

THE CHAIRMAN PRO TEMPORE: Only debate.

MR. CHARLES H. WILSON of California: I thought that we closed that off last night when the chairman asked if there were any further amendments, and that those three sections were completed at that time.

THE CHAIRMAN PRO TEMPORE: Only the debate on those sections and on amendments thereto had been completed last evening.

Substitute for Amendment Offered After Amendment Read

§ 7.4 Until an amendment has been read or considered as read by unanimous consent, a substitute for the amendment may not be offered.

On June 26, 1979,[10] the Committee of the Whole having under consideration H.R. 3930,[11] the proceedings described above occurred as follows:

Amendment offered by Mr. Udall: Page 8, after line 13 add the following

7. 125 CONG. REC. 24425, 96th Cong. 1st Sess.
8. The Defense Department authorization bill, fiscal year 1980.
9. Norman Y. Mineta (Calif.).
10. 125 CONG. REC. 16681–83, 96th Cong. 1st Sess.
11. Defense Production Act Amendments of 1979.

new subsection and renumber the subsequent sections accordingly:

(g)(1) 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. . . .

MR. [MORRIS K.] UDALL [of Arizona] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:[12] Is there objection to the request of the gentleman from Arizona?

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, reserving the right to object, I wish to made a point of order. Mr. Chairman, the amendment which I had offered and had printed in the Record would be an appropriate substitute amendment for the amendment offered by the gentleman from Arizona (Mr. Udall). Under the time limitation, if I understand correctly, I have 5 minutes to offer that amendment.

THE CHAIRMAN: That is correct if offered in the proper form. . . .

MR. BROWN of Ohio: . . . Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Arizona (Mr. Udall).

THE CHAIRMAN: The Chair will advise the gentleman that it is not yet in order.

Is there objection to the unanimous-consent request of the gentleman from Arizona (Mr. Udall)?

Resolving Clauses Read Before Preamble

§ 7.5 Where a joint resolution is read for amendment in the Committee of the Whole, the resolving clauses are read for amendment before consideration is given to the preamble.

On May 7, 1968,[13] the order of consideration of portions of a joint resolution was indicated:

> The Clerk read [the complete body of the joint resolution] as follows:
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Secretary of Transportation (hereinafter referred to as the 'Secretary'). . . .
>
> THE CHAIRMAN:[14] he Clerk will report the preamble.
>
> The Clerk read as follows:
>
> Whereas Congress finds that suffering and loss of life resulting from motor vehicle accidents and the consequent social and economic dislocations are critical national problems.

General Appropriation and Revenue Bills Considered by Paragraph

§ 7.6 In response to a parliamentary inquiry, the Chair stated the general rule for consideration of bills, which is that general appropriation bills and general revenue bills are usually considered by paragraph for

12. Gerry E. Studds (Mass.).

13. 114 CONG. REC. 12088–90, 12093–96, 90th Cong. 2d Sess.

14. Augustus F. Hawkins (Calif.).

amendment, and all other bills are considered by sections.

On May 21, 1940,[15] House Joint Resolution 544, a bill making appropriations for relief and work relief, was under consideration. Mr. John Taber, of New York, made a parliamentary inquiry with respect to the reading of the bill and the offering of amendments. The response was as follows:

> THE CHAIRMAN:[16] The Chair will state, in response to the parliamentary inquiry presented by the gentleman from New York [Mr. Taber], that it is the understanding of the Chair that, under the rule, general revenue measures and appropriation bills are considered by paragraph and that all other measures are considered by sections. [The Chair went on to indicate that the present bill would be considered by sections.]

§ 7.7 Appropriation bills are read by paragraph and amendments thereto are in order only to the paragraph just read and not to the entire subject matter under a heading of the bill.

On Jan. 17, 1940,[17] the following proceedings took place:

> MR. [ROBERT] LUCE [of Massachusetts]: May I ask how far the bill has been read?
>
> THE CHAIRMAN:[18] Down through the bottom of page 50. The only paragraph under the heading "United States Housing Authority" that would now be subject to amendment would be the last four lines on page 50.
>
> MR. LUCE: Mr. Chairman, if I recollect the practice of the House, it has always been to include everything under a heading for amendment.
>
> THE CHAIRMAN: It has been the practice of the House from time immemorial to read appropriation bills by paragraphs.

§ 7.8 A special purpose appropriation bill, not qualifying as a general appropriation bill, is considered by sections rather than by paragraphs.

On May 21, 1940,[19] in response to an inquiry concerning the reading of House Joint Resolution 544, a bill making appropriations for relief and work relief, the Chair-

15. 86 CONG. REC. 6542, 76th Cong. 3d Sess. This joint resolution was not reported or called up as privileged. Since it was not a general appropriation bill, it was considered pursuant to a unanimous consent agreement reached on May 14, 1940 (see 86 CONG. REC. 6113, 76th Cong. 3d Sess.).

16. Fritz G. Lanham (Tex.).

17. 86 CONG. REC. 442, 443, 76th Cong. 3d Sess. Under consideration was H.R. 7922, the independent offices appropriation bill.

18. Lindsay C. Warren (N.C.).

19. 86 CONG. REC. 6542, 76th Cong. 3d Sess.

man[20] first stated the general rule governing reading of bills. Ordinarily, as the Chairman indicated, general revenue and general appropriation bills are considered by paragraph for amendment and all other bills are considered by sections. Then, recognizing that the pending bill was not a "general" appropriation measure, the Chairman announced, "the pending bill will be considered by sections and amendments offered by sections rather than by paragraphs."

Rivers and Harbors Bills Were Read by Sections

§ 7.9 Rivers and harbors bills in the more recent practice were read by sections rather than by paragraphs under the five-minute rule.

On Apr. 8, 1935,[1] a bill[2] was under consideration relating to construction, repair, and preservation of public works on rivers and harbors. The following exchange took place:

> MR. [JOSEPH J.] MANSFIELD [of Texas]: Under the rules of the House, bills ordinarily are read by sections. In former years rivers and harbors bills have been read either by sections or by paragraphs. I would suggest that in order to dispatch the business of the House speedily we adhere to the rule of having this bill read by sections.
>
> THE CHAIRMAN:[3] . . . [T]he last expression we have, so far as has been called to the attention of the Chair, is that decision of the Committee itself made in 1926 to the effect that bills of this character should be read by sections; and the Chair is inclined to follow the decision of the Committee made at that time.[4]

Entire Bill Was Read Prior to Amendment

§ 7.10 On one occasion, by unanimous consent, a bill was read under the five-minute rule in its entirety and then each section in its numerical order was called for amendment.

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20. Fritz G. Lanham (Tex.).

1. 79 CONG. REC. 5268, 74th Cong. 1st Sess.

2. H.R. 6732.

3. William W. Arnold (Ill.).

4. See also 84 CONG. REC. 5654, 76th Cong. 1st Sess., May 17, 1939. Since the privilege given to the Committee on Public Works (now the Committee on Public Works and Transportation) to report rivers and harbors bills was revoked in 1975 (See *House Rules and Manual* § 726 [101st Cong.]), these measures have been considered pursuant to special resolutions reported from the Committee on Rules. Such resolutions will normally specify the mode of reading under the five-minute rule.

On Aug. 17, 1935,[5] the following unanimous-consent request was agreed to:

> MR. SAMUEL B. HILL [of Washington]: Mr. Chairman, I ask unanimous consent that the bill may be read in its entirety and then be open for amendments to each section numerically. . . .
>
> THE CHAIRMAN:[6] . . . The bill is to be read, and then amendments may be offered to any section of the bill as it is reached in numerical order. . . .
>
> There was no objection.

Bill Read by Chapter

§ 7.11 A bill was read for amendment by chapters in the Committee of the Whole.

On July 23, 1954,[7] the following proceedings took place:

> THE CHAIRMAN:[8] . . . The request is that section 1 of the bill beginning on page 1 and extending to page 102 may be read by chapter and be open to amendment by chapters, as it is read. . . .
>
> There was no objection.

Parliamentarian's Note: During consideration of the bill, which was to amend the Atomic Energy Act of 1946, it had been observed that the first section of the bill was 102 pages long and that the sections of the bill were subdivided into chapters. (A special rule [H. Res. 630] had been adopted by the House on the preceding day which provided for reading the bill for amendment under the 5-minute rule, so that reading would ordinarily have proceeded by sections.)

Bill Comprising One Section

§ 7.12 When a bill consists of only one section, the entire bill is read before amendments may be offered.

On Mar. 13, 1963,[9] the following proceedings took place:

> MR. [THOMAS B.] CURTIS [of Missouri]: At what point may one move to strike out the last word?
>
> THE CHAIRMAN:[10] The bill consists of but one section, and under the rule the entire bill must be read without interruption.
>
> Similarly, on July 28, 1965,[11] during consideration of a bill[12] to amend a portion of the National Labor Rela-

5. 79 CONG. REC. 13507, 74th Cong. 1st Sess. Under consideration was H.R. 9100, the Snyder-Guffey coal bill.
6. Sam D. McReynolds (Tenn.).
7. 100 CONG. REC. 11686, 11687, 83d Cong. 2d Sess. Under consideration was H.R. 9757.
8. John Taber (N.Y.).
9. 109 CONG. REC. 4081, 88th Cong. 1st Sess. Under consideration was H.R. 2440 (Committee on Armed Services).
10. John F. Shelley (Calif.).
11. 111 CONG. REC. 18630, 18631, 89th Cong. 1st Sess.
12. H.R. 77 (Committee on Education and Labor).

tions Act, the following exchange took place:

MR. [ROBERT P.] GRIFFIN [of Michigan]: If an amendment were to be offered to the provision which was just read relating to 14(b), would it have to be offered at this point, or could it be offered at the conclusion of the reading of the bill?

THE CHAIRMAN:[13] It could be offered at the conclusion of the reading of the bill, because the bill contains only one section.

Dispensing With Further Reading

§ 7.13 When a bill is being read for amendment under the five-minute rule, a motion to dispense with the further reading is not in order.

On May 1, 1947,[14] during consideration of H.R. 3203, relating to housing and rent controls, the following motion was made:

MR. [JESSE P.] WOLCOTT [of Michigan]: Mr. Chairman, I move that the balance of the bill be considered as read and that all debate on the bill and all amendments thereto close at 6:45.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, I make the point of order that it is not in order to move to dispense with the reading of the bill. If it cannot be done by unanimous consent it cannot be done at all. It is not in order to move to dispense with the reading of the bill. . . .

THE CHAIRMAN:[15] The point of order is sustained.

New Section (or Title) Preceding First Section (or Title)

§ 7.14 It is in order to offer an amendment after the first section of a bill is read to insert a section to follow after the enacting clause and to precede section 1 of the bill; and the Chair has indicated that such amendment, if offered, must be disposed of before amendments to section 1 of the bill are in order.

On Apr. 18, 1935,[16] during consideration of H.R. 7260, the social security bill, the following proceedings and inquiry occurred:

The Clerk read the title of the bill.

Mr. Monaghan rose.

THE CHAIRMAN:[17] For what purpose does the gentleman rise?

MR. [JOSEPH P.] MONAGHAN [of Montana]: I desire to propound a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MONAGHAN: Would it be in order, following the reading of the first title of the bill, to offer an amendment inserting a new title to precede title I

13. Leo W. O'Brien (N.Y.).
14. 93 CONG. REC. 4412, 80th Cong. 1st Sess.
15. Thomas J. Jenkins (Ohio).
16. 79 CONG. REC. 5948, 74th Cong. 1st Sess.
17. Sam D. McReynolds (Tenn.).

of the bill? If it is in order, would such an amendment have to be disposed of before amendments to title I are offered?

THE CHAIRMAN: It is in order, and it would be disposed of before amendments were offered to title I of the bill. . . .

The Clerk read as follows: . . .

"TITLE I

"DEFINITIONS

"Section 1. . . .

Parliamentarian's Note: Under current practice, disposition of the amendment to precede section 1 would not have priority over perfecting amendments to section 1 of the bill (or title I, where the bill is being read by titles), but would be construed as being on an equal footing with such amendments.

Sections Preceding Part I of Bill Being Considered by "Parts"

§ 7.15 Where a bill was, pursuant to a special order, being considered for amendment by "parts", and several sections preceded part I, each of those sections was considered as a separate part for the purpose of the special order.

On Aug. 2, 1977,[1] the Committee of the Whole having under consideration a bill[2] pursuant to a special order as described above, the proceedings were as follows:

[T]he House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8444, with Mr. Boland in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN:[3] When the Committee rose on Monday, August 1, 1977, all time for general debate had expired.

Pursuant to the rule, the bill is considered by parts and each part is considered as having been read for amendment. No amendment shall be in order except pro forma amendments and amendments made in order pursuant to House Resolution 727, which will not be subject to amendment, except amendments recommended by the ad hoc Committee on Energy and amendments made in order under House Resolution 727. . . .

The Clerk will designate the part of the bill now pending for consideration.

The Clerk read as follows:

Page 9, line 1, section 2. (Section 2 reads as follows:)

SEC. 2. FINDINGS AND STATEMENT OF PURPOSES. . . .

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, so I will know how we are going to proceed, are we going to go through the bill section by section, with the reading of each section?

THE CHAIRMAN: The Chair will inform the gentleman that the bill will

1. 123 CONG. REC. 26124, 26125, 95th Cong. 1st Sess.

2. H.R. 8444, National Energy Act.

3. Edward P. Boland (Mass.).

be considered part by part with each part considered as read. The bill will not be read section by section.

MR. VOLKMER: So we will continue, Mr. Chairman, with the reading of each section or part, then, and the title of the section?

THE CHAIRMAN: The Chair will further inform the gentleman that section 4 precedes part I, and after that section has been disposed of, we will move to part I of the bill. We have been considering the preliminary four sections as separate parts.

Table of Contents of Bill

§ 7.16 By unanimous consent, the Committee of the Whole delayed consideration for amendment of the table of contents at the beginning of a bill until the bill had been considered for amendment in its entirety.

On Aug. 2, 1977,[4] the Committee of the Whole having under consideration H.R. 8444,[5] the unanimous-consent request described above was agreed to as indicated below:

THE CHAIRMAN:[6] When the Committee rose on Monday, August 1, 1977, all time for general debate had expired.

Pursuant to the rule, the bill is considered by parts and each part is considered as having been read for amendment. No amendment shall be in order except pro forma amendments and amendments made in order pursuant to House Resolution 727, which will not be subject to amendment, except amendments recommended by the ad hoc Committee on Energy and amendments made in order under House Resolution 727.

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, I ask unanimous consent that the Committee amendments to the table of contents and the table of contents be passed over and considered after all other amendments have been considered, in order that they can be correctly disposed of.

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

There was no objection.

Short Title and Table of Contents Considered as One Title

§ 7.17 Where a special order provides that a committee amendment in the nature of a substitute be considered by titles for amendment as original text and that each title be considered as having been read, the short title and table of contents (section 1) are considered as one title, and once that portion has been designated by the Clerk, the Clerk designates an amendment in the nature of a substitute, reported by another committee, whose

4. 123 CONG. REC. 26124, 95th Cong. 1st Sess.
5. National Energy Act.
6. Edward P. Boland (Mass.).

(automatic) consideration has been made in order by the special order.

On May 15, 1979,[7] the Committee of the Whole having under consideration H.R. 39,[8] the above-stated proposition was illustrated as indicated below:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, in order to clarify the procedures of the House, I believe it would be helpful if the House understood the rules under which we proceed.

For that reason, I would propound to the Chair a series of parliamentary inquiries.

THE CHAIRMAN:[9] If the gentleman from Michigan (Mr. Dingell) would withhold for just 1 minute while the Chair reads a statement, it may clarify the situation here.

Pursuant to the rule the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs shall be considered by titles as an original bill for the purpose of amendment and each title shall be considered as having been read. The amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries shall be considered as an amendment in the nature of a substitute for the amendment recommended by the Committee on Interior and Insular Affairs and it shall be considered as having been read and it shall be in order to consider as a substitute for the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries the text of H.R. 3651 if offered by Representative Udall, and said substitute if offered shall be considered as having been read.

The Clerk will designate section 1 of the Interior and Insular Affairs Committee amendment.

The Clerk read as follows:

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

TABLE OF CONTENTS

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

THE CHAIRMAN: Under the rule, the amendment offered by the Committee on Merchant Marine and Fisheries in the nature of a substitute is considered as having been read and open for amendment at any point.

The Clerk will now designate the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries.

The amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries reads as follows:

That this Act may be cited as the "Alaska National Interest Lands Conservation Act".

TABLE OF CONTENTS

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

MR. DINGELL: . . . Mr. Chairman, I believe the Chair has set out with

7. 125 CONG. REC. 11051, 11052, 11086, 11088, 96th Cong. 1st Sess.

8. Alaska National Interest Lands Conservation Act of 1979.

9. Paul Simon (Ill.).

some clarity the parliamentary situation, but in order that it might be very clear I would direct to the Chair the following questions:

One, as I understand, the Interior Committee bill is the bill reported from the Committee on Interior and Insular Affairs, and is the principal document under which we labor. Is that correct?

THE CHAIRMAN: The gentleman is correct.

MR. DINGELL: And made in order by the rule is the substitute which was reported from the Committee on Merchant Marine and Fisheries, is that correct?

THE CHAIRMAN: That is correct, and that is the amendment that is pending.

MR. DINGELL: And the bill from the Committee on Merchant Marine and Fisheries in the nature of a substitute is under the rule before this body without having to be offered?

THE CHAIRMAN: That is correct.

MR. DINGELL: And as I understand the rule, both bills are to be read by title. Is that correct?

THE CHAIRMAN: Only the Interior text is read by title, but at this point only section 1 of that text has been read.

MR. DINGELL: Only the Interior bill is read by title. That means, Mr. Chairman, that the Interior bill is open to amendment at any time during the reading of the title, is that correct?

THE CHAIRMAN: Only the first part of the Interior bill has been read.

MR. DINGELL: Only the first part of the Interior bill has been read, but the whole of the first part is open to amendment at this time?

THE CHAIRMAN: The only portion of the Interior text that is pending is section 1, the table of contents and the short title, up to page 7. . . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

THE CHAIRMAN: Pursuant to the rule, the amendment offered as a substitute for the amendment in the nature of a substitute is considered as read and open to amendment at any point.

The Clerk will designate the amendment.

The amendment offered as a substitute reads as follows:

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

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act, together with the following table of contents, may be cited as the "Alaska National Interest Lands Conservation Act of 1979".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.

Amendment in Nature of Substitute Open to Amendment at any Point After Being Read

§ 7.18 An amendment in the nature of a substitute for a bill offered from the floor must be read in its entirety or the reading dispensed with by unanimous consent and is then open to amend-

ment at any point, and not by sections.

On Dec. 18, 1979,[10] during consideration of H.R. 5860[11] in the Committee of the Whole, the situation described above occurred as follows:

The Clerk will designate section 1.

Section 1 reads as follows:

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

SHORT TITLE

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

THE CHAIRMAN:[12] Are there any amendments to section 1?

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

The Clerk read as follows:

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

SHORT TITLE

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

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

THE CHAIRMAN: The gentleman will state it.

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

THE CHAIRMAN: The Chair will state that the gentleman's inquiry is not in order until the Moorhead amendment has been read.

The Clerk will read.

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

Substitute for Amendment in Nature of Substitute

§ 7.19 While there is pending an amendment in the nature of a substitute and an amendment thereto, a substitute for the original amendment may be offered.

On Dec. 18, 1979,[13] the Committee of the Whole having under consideration H.R. 5860,[14] the above-stated proposition was illustrated as indicated below:

The Clerk read as follows:

Amendment offered by Mr. Brademas to the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Strike line 7, page 5, through line 7, page 9, (section 4(a)(4) through section 4(d)) and replace with the following:

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10. 125 CONG. REC. 36791, 36793, 36794, 96th Cong. 1st Sess.

11. Authorizing loan guarantees to the Chrysler Corporation.

12. Richard Bolling (Mo.).

13. 125 CONG. REC. 36794, 36801, 96th Cong. 1st Sess.

14. Authorizing loan guarantees to the Chrysler Corporation.

(4) the Corporation has submitted to the Board a satisfactory financing plan which meets the financing needs of the Corporation as reflected in the operating plan for the period covered by such operating plan, and which includes, in accordance with the provisions of subsection (c), an aggregate amount of nonfederally guaranteed assistance of not less than $1,930,000,000. . . .

MR. [WILLIAM S.] MOORHEAD OF PENNSYLVANIA: If the gentleman from Indiana (Mr. Quayle) should decide to offer his substitute to the Moorhead-McKinney amendment before the vote on the Brademas amendment, it would be in order, would it not?

THE CHAIRMAN:[15] It would be in order to offer it. . . .

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

MR. [DAN] QUAYLE [of Indiana]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

Amendment to Original Text Where Amendment in Nature of Substitute Pending

§ 7.20 Where there is pending an amendment in the nature of a substitute for an entire measure, it is in order to offer a perfecting amendment to that portion of the original text which has been read.

The proceedings of Apr. 13, 1983,[16] during consideration of House Joint Resolution 13 (concerning a nuclear weapons freeze), provide an instance in which a Member had two amendments pending to the original text at the same time—first, an amendment in the nature of a substitute, and then a perfecting amendment to the original text.

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a perfecting amendment at the desk to section 2 of House Joint Resolution 13.

THE CHAIRMAN:[17] The Chair will advise that perfecting amendments to the underlying text are in order at this time while the Levitas amendment in the nature of a substitute is pending. But the Chair will also point out that if any Member is recognized to offer a perfecting amendment at this time, debate will not be limited on the perfecting amendment and the vote will first come on the perfecting amendment and on any potential amendments thereto before the question is put on the Levitas substitute.

Committee Amendment Not Open to Amendment After Amendment in Nature of Substitute Offered Thereto

§ 7.21 Where pursuant to a special rule the first section of a committee amendment in the

15. Richard Bolling (Mo.).

16. 129 CONG. REC. 8402, 98th Cong. 1st Sess.

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

nature of a substitute had been read for amendment, and there was pending an amendment in the nature of a substitute for the committee amendment, an amendment thereto and a substitute therefor, the Chair indicated in response to a parliamentary inquiry that the amendment in the nature of a substitute for the committee amendment, and the substitute therefor, could each be perfected by amendment before a vote was had on the substitute, but that the original committee amendment had not been read and was not open to amendment.

On Feb. 5, 1976,[18] during consideration of a bill[19] in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding the situation described above. The proceedings were as follows:

THE CHAIRMAN:[20] When the Committee rose on yesterday there was pending an amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger) for the substitute committee amendment; an amendment offered by the gentleman from Texas (Mr. Eckhardt) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger) and a substitute amendment offered by the gentleman from Iowa (Mr. Smith) for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger). . . .

MR. [BOB] ECKHARDT: Mr. Chairman, a parliamentary inquiry.

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

MR. ECKHARDT: Mr. Chairman, do I correctly understand the parliamentary situation to be this, that there is before the House as one item of legislation which may be amended, the original bill from the committee?

There is also the Krueger amendment in the form of a substitute, made in order, of course, by the Committee on Rules as a rule; and there is also another substitute, the Smith amendment, that is before the body, that these three all may be amended; but no more than one amendment to each may be available for consideration of the House at any given time?

THE CHAIRMAN: The Chair will state that the gentleman is nearly correct. The basic bill, the basic committee product, has not been read. Therefore, it is not subject to amendment at this point.

The Krueger amendment is subject to amendment, and there is pending to the Krueger amendment the gentleman's amendment. The Smith substitute for the Krueger amendment is pending to the Krueger amendment, and it can be amended. There is no

18. 122 CONG. REC. 2623, 94th Cong. 2d Sess.

19. H.R. 9464, Natural Gas Emergency Act of 1976.

20. Richard Bolling (Mo.).

amendment pending to the Smith substitute at this time.

MR. ECKHARDT: Let me put it this way: It would be appropriate to vote on an amendment pending to the Krueger amendment prior to the time a vote would be taken with respect to the Smith substitute?

THE CHAIRMAN: That is correct.

MR. ECKHARDT: In other words, each of the pieces of legislation before us is subject to being perfected before a choice is made between the two?

THE CHAIRMAN: That is correct.

Parliamentarian's Note: Only the first section of the basic committee amendment had been read. The remainder would be subject to amendment, as read, if the Krueger amendment were ultimately defeated.

Special Order Providing for Consideration of Amendment Without Requiring That It Be Offered

§ 7.22 Where a special order adopted by the House provides that in lieu of committee amendments printed in a bill, it shall be in order to consider a designated amendment in the nature of a substitute as an original bill for amendment in Committee of the Whole, but does not require that the amendment be offered, the Chair directs the Clerk to read the amendment for consideration as original text for the purpose of amendment and no motion from the floor is required.

On July 14, 1978,[1] during consideration of a bill[2] in the Committee of the Whole, the proceedings described above were as follows:

THE CHAIRMAN:[3] . . . Pursuant to the rule the Clerk will now read . . . the amendment in the nature of a substitute printed in the Congressional Record of June 23, 1978, by Representative Fuqua of Florida as an original bill for the purpose of amendment in lieu of the amendments now printed in the original bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) . . . there is hereby authorized to be appropriated to the Department of Energy for the fiscal year 1979, for energy research and development and related activities, the sum of the following amounts. . . .

MR. [WALTER] FLOWERS [of Alabama]: Madam Chairman, I offer an amendment.

The Clerk read as follows:

1. 124 CONG. REC. 20992–95, 95th Cong. 2d Sess.
2. H.R. 12163, Department of Energy authorizations. The bill was being considered pursuant to H. Res. 1261.
3. Barbara Jordan (Tex.).

Amendment offered by Mr. Flowers:

On page 10, lines 16 and 17, strike the amount "$465,301,000" and substitute in lieu thereof "$306,401,000."

MR. [JOHN W.] WYDLER [of New York]: Madam Chairman, a parliamentary inquiry: What is the bill that is actually before the Committee at the present time? Are we on the substitute bill?

THE CHAIRMAN: We are on the amendment offered by the gentleman from Florida (Mr. Fuqua), which is made in order by the rule.

Parliamentarian's Note: If a special order provides that it shall be in order to consider an amendment "if offered" as an amendment in the nature of a substitute, the amendment must be offered from the floor (after the first section of the bill is read).

Motion To Limit Debate Where Bill Has Not Been Read

§ 7.23 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] ith 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 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

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.).

amendment and amendments there to. . . .

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.

Amendment Not Covered Under Limitation on Debate

§ 7.24 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,[7] the Committee of the Whole having under consideration H.R. 3930,[8] 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:[9] 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?

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7. 125 CONG. REC. 16679, 16680, 96th Cong. 1st Sess.

8. Defense Production Act Amendments of 1979.

9. Gerry E. Studds (Mass.).

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.

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.

Distribution by Clerk of Copies of Amendments

§ 7.25 While Rule XXIII clause 5 imposes a duty on the Clerk to transmit to the majority and minority committee tables five copies of any amendment offered in Committee of the Whole, a point of order against the amendment does not lie based upon the inability of the Clerk to comply with that requirement.

On Mar. 25, 1976,[10] he Committee of the Whole having under consideration H.R. 12566,[11] point of order was raised against an amendment and the Chair ruled as indicated above:

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

The Clerk read as follows:

Amendment offered by Mr. Bauman: On page 6, line 3 insert the following new section, and renumber the succeeding sections;

"Sec. 9. Notwithstanding any other provision of law the Director of the National Science Foundation shall keep all Members of Congress . . . informed with respect to all the activities of the National Science Foundation. . . .

MR. [JAMES W.] SYMINGTON [of Missouri]: Mr. Chairman, a point of order. We do not have five copies of the amendment as far as I can tell.

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10. 122 CONG. REC. 7997, 94th Cong. 2d Sess. See also Sec. 1, supra, for further discussion of the requirement that copies of amendments be distributed.

11. National Science Foundation authorization, fiscal 1977.

THE CHAIRMAN:[12] That is not a point of order, although the Chair hopes the copies will be provided.

§ 7.26 No point of order lies against an amendment on the grounds that copies thereof are not available to Members, as Rule XXIII clause 5, places upon the Clerk the responsibility to distribute copies to the committee tables and cloakrooms.

On Sept. 15, 1977,[13] during consideration of H.R. 3744,[14] in the Committee of the Whole, the above-described proceedings were as indicated:

MR. PHILLIP BURTON [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Phillip Burton: Page 9, insert after line 5 of the following:

(b) Section 6 (29 U.S.C. 206) is amended by adding at the end the following:

"(9)(1) Every employer shall pay to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates: during the period ending December 31, 1977, not less than $2.30 an hour. . . .

MR. [CLIFFORD R.] ALLEN [of Tennessee]: Mr. Chairman, a point of order. I can find no copy of this amendment. I would like to be able to read the amendment and I believe under the rules a certain number of copies are supposed to be available.

THE CHAIRMAN:[15] The gentleman does not state a point of order.

Placing Amendment on Clerk's Desk

§ 7.27 Amendments at the Clerk's desk must be offered by a Member before they will be read by the Clerk.

On Dec. 14, 1973,[16] the Chair indicated the procedure by which amendments are offered and read:

MR. [ROBERT] MCCLORY [of Illinois]: Mr. Chairman, a parliamentary inquiry. . . .

Mr. Chairman, I assume that the procedure will be to read each of the amendments that remain at the Clerk's desk?

THE CHAIRMAN:[17] The Chair will state to the gentleman from Illinois that the Member having the amendment to offer would have to rise and offer the amendment before it could be read by the Clerk.

Advice by Chair as to Offering

§ 7.28 It is not within the province of the Chair to advise

12. George E. Danielson (Calif.).
13. 123 CONG. REC. 29440, 95th Cong. 1st Sess.
14. Fair Labor Standards Act of 1977.
15. William H. Natcher (Ky.).
16. 119 CONG. REC. 41731, 93d Cong. 1st Sess. Under consideration was H.R. 11450 (Committee on Interstate and Foreign Commerce).
17. Richard Bolling (Mo.).

Members where an amendment may be in order in a bill.

On June 19, 1939,[18] the Chair addressed an inquiry, as follows:

THE CHAIRMAN:[19] . . . [T]he amendment offered by the gentleman is not germane to the subject matter of title IV.

MR. [WILLIAM J.] MILLER [OF CONNECTICUT]: Would it be in order to ask the Chair this question: Where or when could such an amendment be offered?

THE CHAIRMAN: It is not within the province of the Chair to state that.

Time for Making Points of Order

§ 7.29 Points of order against the text of a title of a committee amendment in the nature of a substitute being read by title must be made immediately after unanimous consent is granted to consider the title as read and open to amendment, but such consent does not affect points of order which might lie against amendments to that title or against a subsequent title not yet read.

On Oct. 5, 1972,[20] the following proceedings took place:

MR. [JAMES C.] WRIGHT [Jr., of Texas] (during the reading): Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the Record, and open to amendment at any point. . . .

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, reserving the right to object, under the reservation I would make a parliamentary inquiry as to whether or not points of order would have to be lodged, that might be appropriate against title I, at this time, if such unanimous-consent request is granted.

THE CHAIRMAN:[1] No. The Chair will state to the gentleman, under the rule the committee amendment in the nature of a substitute is read as an original bill by title for the purpose of amendment. It is the understanding of the Chair that points of order would need to be lodged only at the time a particular amendment were offered.

If the gentleman wished to raise a point of order as to the text of title I, that point of order would need to be lodged immediately upon the granting of the unanimous-consent request now pending before the committee. . . .

The only thing pending before the committee is the unanimous-consent request relating to title I. The granting of that request would have no effect on the parliamentary situation as to subsequent titles.

§ 7.30 The Chair entertained a point of order against a por-

18. 84 CONG. REC. 7500, 7501, 76th Cong. 1st Sess. Under consideration was H.R. 6851, the revenue bill of 1939 (Committee on Ways and Means).

19. Fritz G. Lanham (Tex.).

20. 118 CONG. REC. 34115, 92d Cong. 2d Sess. Under consideration was H.R. 16656 (Committee on Public Works).

1. Morris K. Udall (Ariz.).

tion of a paragraph which had been passed in the reading for amendment, where the Committee of the Whole had agreed that the entire bill (rather than the remainder of the bill) would be open to any point of order and where the point of order was conceded by the manager of the bill.

On June 7, 1972,[2] unanimous-consent request was agreed to:

MR. [WILLIAM H.] NATCHER [of Kentucky] [during the reading]: Mr. Chairman, I ask unanimous consent that the bill be considered as read, open to amendment at any point, and subject to any points of order. . . .

There was no objection. . . .

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, my point of order should lie on page 3, line 8, following the colon, against the phrase:

Provided, That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures. . . .

THE CHAIRMAN:[3] The Chair will state to the gentleman from Missouri that that part of the bill to which the gentleman has raised his point of order was previously read prior to the unanimous-consent request.

MR. HALL: But, Mr. Chairman, I submit that the unanimous-consent request was granted to the entire bill, that it be open to amendment and open for points of order at any point. This request was granted and therefore I have gone back to this point of order. . . .

MR. NATCHER: Mr. Chairman, the gentleman from Missouri (Mr. Hall) is correct, and we concede the point of order.

Disposition of Points of Order Preceding Amendment

§ 7.31 Points of order raised against a proposition must be disposed of before amendments are in order.

On May 14, 1937,[4] the Committee of the Whole had under consideration H.R. 6958, Interior Department appropriations for 1938:

The Clerk read as follows:

INDUSTRIAL ASSISTANCE AND ADVANCEMENT

For the preservation of timber on Indian reservations. . . .

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Chairman, I reserve the point of order against the proviso and move to strike out the last word. . . .

I do not withdraw my reservation of the point of order, Mr. Chairman, but I have an amendment that I desire to offer.

THE CHAIRMAN:[5] The point of order will have to be disposed of before an amendment is in order.

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2. 118 CONG. REC. 19900, 19901, 92d Cong. 2d Sess. Under consideration was H.R. 15259 (Committee on Appropriations).

3. Dante B. Fascell (Fla.).

4. 81 CONG. REC. 4596, 4597, 75th Cong. 1st Sess.

5. Jere Cooper (Tenn.).

Amendment Inserting New Section or Title To Follow Pending Section

§ 7.32 Amendments to the pending section of a bill should be disposed of prior to consideration of amendments inserting a new section immediately thereafter.

On Mar. 20, 1975,[6] the Committee of the Whole having under consideration a bill,[7] an amendment was offered to a pending section and the following proceedings occurred:

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I offer an amendment.

MR. [JAMES M.] JEFFORDS [of Vermont]: Mr. Chairman, I offer an amendment which I believe comes before that offered by the gentleman from New York.

THE CHAIRMAN:[8] The Chair will advise the gentleman from Vermont (Mr. Jeffords) that his amendment is to section 2, while the amendment offered by the gentleman from New York (Mr. Peyser) would provide a new section 3. If the gentleman from Vermont insists, his amendment is in order at this time. . . .

MR. JEFFORDS: Mr. Chairman, I do insist and I do desire to have my amendment considered at this time. . . .

MR. PEYSER: Mr. Chairman, I may be mistaken, but I do not believe the amendment I have at the desk forms a new section, but follows on line 16 of the page.

THE CHAIRMAN: But the point made by the Chair is that the amendment offered by the gentleman from New York does provide a new section 3 and may be offered following disposition of amendments to section 2.

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

The Clerk read as follows:

Amendment offered by Mr. Jeffords: Page 3, after line 6 strike out "the support price of milk shall be established at no less than 80 per centum of the parity price therefor."

§ 7.33 The Chair inquires whether any Member seeks to offer an amendment to the pending portion of a bill before recognizing a Member to offer an amendment inserting a new section or title thereafter.

The following exchange occurred on May 3, 1984,[9] during consideration of H.R. 4275, the Federal Reclamation Hydroelectric Powerplants Authorization Act:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I have an amendment at the desk which adds a new title III, and I will offer it now if this is the appropriate time.

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6. 121 CONG. REC. 7665, 94th Cong. 1st Sess.

7. H.R. 4296, emergency price supports for 1975 crops.

8. John Brademas (Ind.).

9. 130 CONG. REC. 10955, 10956, 98th Cong. 2d Sess.

THE CHAIRMAN:[10] First the Chair will inquire, are there further amendments to title II?

If not, are there further amendments?

MR. UDALL: Mr. Chairman, I have an amendment at the desk adding a new title III, and I offer it at this time.

THE CHAIRMAN: The Clerk will report the amendment.

—*Effect of Adoption*

§ 7.34 In response to a parliamentary inquiry, the Chair indicated that the adoption of an amendment adding a new section to a bill would preclude further amendment to the pending section.

On Mar. 20, 1975,[11] during consideration of a bill[12] in the Committee of the Whole, a parliamentary inquiry was addressed to the Chair and the proceedings were as follows:

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Peyser: Page 3, immediately after line 16, insert the following new section:

"Sec. 3. Notwithstanding any other provision of law, there shall be no acreage allotment, marketing quota or price support for rice effective with the 1975 crop of such commodity.'

MR. [THOMAS S.] FOLEY [of Washington]: reserved a point of order on the amendment.

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[13] The gentleman will state his parliamentary inquiry.

MR. SYMMS: Mr. Chairman, I have another amendment to section 2 of the bill. Will this amendment preclude the offering of the next amendment?

THE CHAIRMAN: It will if the amendment is agreed to.

Amendment Adding New Section at End of Bill

§ 7.35 An amendment adding a new section at the end of a bill is in order when the last section of the bill has been read for amendment and no amendments to that section are offered.

An example of the proposition described above occurred on June 26, 1984,[14] during consideration of H.R. 5490, the Civil Rights Act of 1984. The proceedings in the Committee of the Whole were as follows:

THE CHAIRMAN:[15] Are there any further amendments to title IV?

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10. Ronnie G. Flippo (Ala.).

11. 121 CONG. REC. 7666, 94th Cong. 1st Sess.

12. H.R. 4296, emergency price supports for 1975 crops.

13. John Brademas (Ind.).

14. 130 CONG. REC. 18857, 18858, 98th Cong. 2d Sess.

15. Al Swift (Wash.).

If not, the Clerk will read.

The Clerk read as follows:

Sec. 5. (a) Section 601 of the Civil Rights Act of 1964 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits". . . .

MR. [STEVE] BARTLETT [of Texas]: Mr. Chairman, I have an amendment which would create a section 6. Is now the appropriate time to offer it, or should I wait until the completion of section 5?

THE CHAIRMAN: If there are no amendments to section 5 and when it is determined there are no amendments to section 5, the Chair will recognize the gentleman for his amendment.

MR. BARTLETT: I thank the Chair.

THE CHAIRMAN: Are there any amendments to section 5?

Hearing none, the Chair will recognize the gentleman from Texas (Mr. Bartlett) for his amendment.

Substitute Adding Language at End Offered for Amendment Making Changes Within Section

§ 7.36 For a perfecting amendment making several changes in a pending section, a substitute adding language at the end of the section rather than striking and inserting within the section was held in order since relating to the same subject as the amendment.

On Aug. 1, 1978,[16] during consideration of H.R. 12514[17] in the Committee of the Whole, it was held that a substitute for a pending amendment could be offered to change a different or lesser portion of the pending section if it related to the same subject matter as the amendment. The proceedings were as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Derwinski as a substitute for the amendment offered by Mr. Stratton: Page 18, immediately after line 4, insert the following new subsection:

(e) It is the sense of the Congress that further withdrawal of ground forces of the United States from the Republic of Korea may seriously risk upsetting the military balance in that region and requires full advance consultation with the Congress. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN:[18] The gentleman will state his point of order.

MR. STRATTON: Mr. Chairman, do I understand that the gentleman's amendment is a substitute for my amendment.

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16. 124 CONG. REC. 23732, 95th Cong. 2d Sess.

17. The International Security Assistance Act of 1978.

18. Don Fuqua (Fla.).

THE CHAIRMAN: That is correct. It is a substitute for the amendment offered by the gentleman from New York.

MR. STRATTON: Mr. Chairman, unless I am mistaken, the gentleman has not bothered to look at my amendment. My amendment makes specific changes in the text in section 19. I am not clear where the gentleman's amendment would come in section 19. He cannot substitute a straight wording, as I understand it, for something that has a series of changes in 3 pages of a particular section.

MR. DERWINSKI: Mr. Chairman, my amendment would come at the end of section 19.

THE CHAIRMAN: The Chair might inform the gentleman from New York that it is a proper substitute amendment. Both the proposed amendment and the substitute are perfecting amendments to the section and deal with the same subject.

Amendment to Committee Amendment That Is Not Pending

§ 7.37 An amendment may not be offered to a committee amendment that is not yet pending.

On Apr. 6, 1978,[19] the Committee of the Whole having under consideration H.R. 10899,[20] the above-stated proposition was illustrated as indicated below:

THE CHAIRMAN:[1] The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 14, strike out lines 2 through 15 and insert in lieu thereof the following:

Sec. 5. (a) Except as provided by subsection (b)—

(1) No foreign bank may directly or indirectly operate a Federal branch outside its home State. . . .

MR. [WILLIAM S.] GREEN [of New York]: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Green to the committee amendment: On page 16, line 10, strike "May 1, 1978" and insert in lieu thereof "May 23, 1977.". . .

THE CHAIRMAN: The Chair wishes to announce that the amendment offered by the gentleman from New York (Mr. Green) is technically an amendment to the second committee amendment which is not before the committee at this time. Therefore, it can be offered at the appropriate time, when the next committee amendment has been reported.

Amendment to Amendment That Has Not Yet Been Offered

§ 7.38 An amendment to an amendment that has not yet been offered is not in order.

On Sept. 8, 1976,[2] the Committee of the Whole having under consideration H.R. 10498,[3] an

19. 124 CONG. REC. 9090, 9097, 95th Cong. 2d Sess.

20. International Banking Act of 1978.

1. Richard Nolan (Minn.).

2. Cong. Rec. 29231, 94th Cong. 2d Sess.

3. The Clean Air Act Amendments of 1976.

amendment was offered and proceedings occurred as indicated below:

MR. [ANDREW] MAGUIRE [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Maguire——

THE CHAIRMAN:[4] Is this an amendment to the committee amendment in the nature of a substitute?

MR. MAGUIRE: Yes; this is the amendment to section 108.

The Clerk read as follows:

Amendment offered by Mr. Maguire: In the last sentence of section 160(c)(1) of the text inserted by the Rogers amendment. . . .

MR. MAGUIRE (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and I will explain it. . . .

THE CHAIRMAN: Before the Clerk reads further, the Chair would like to advise the gentleman from New Jersey that the amendment is not properly drafted as an amendment to the committee bill, but has been drafted as an amendment to an amendment which has not been offered.

Amendment Offered to Amendment Before Vote

§ 7.39 An amendment must be offered to an amendment before the vote thereon.

On May 4, 1983,[5] the Committee of the Whole having under consideration House Joint Resolution 13, the above-stated proposition was illustrated as indicated below:

MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, my parliamentary inquiry is if I want to offer an amendment to the amendment offered by the gentleman from Georgia I have to do it before the vote on his amendment; is that not correct?

Is this the appropriate time to offer that amendment?

THE CHAIRMAN:[6] The gentleman is correct.

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

Substitute for Amendment in Order Before Question Put

§ 7.40 As long as the Chair has not put the question on an amendment, a substitute is in order therefor.

An example of the proposition described above occurred on June 14, 1979,[7] during consideration of H.R. 4388[8] in the Committee

4. J. Edward Roush (Ind.).
5. 129 CONG. REC. 11074, 98th Cong. 1st Sess.
6. Matthew F. McHugh (N.Y.).
7. 125 CONG. REC. 14993, 14994, 96th Cong. 1st Sess.
8. The Energy and Water Development Appropriation Bill for fiscal year 1980.

of the Whole. The proceedings were as follows:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment as a substitute for the amendment, as amended. . . .

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, on the amendment, as amended, I ask for a rollcall vote.

THE CHAIRMAN:[9] The Chair has not yet put the question on the amendment, as amended.

MR. BEVILL: I ask for a vote then.

MR. DINGELL: Mr. Chairman, I happen to have an amendment in the nature of a substitute.

THE CHAIRMAN: The Chair had recognized the gentleman from Michigan and asked him for what purpose he sought recognition. The gentleman indicated that he had an amendment.

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: Mr. Chairman, when the gentleman from Alabama, the chairman of the subcommittee, requested an agreement to end debate, there was no objection on the amendment and amendments thereto. At that point the vote was put.

I suggest to the Chair that it is in order now to vote on the amendment.

MR. DINGELL: Mr. Chairman, I have an amendment I desire to offer as a substitute at this time.

THE CHAIRMAN: The Chair will indicate to the gentleman from Washington that we are operating under a time limit; however, that does not exclude the possibility of offering an amendment as a substitute, though no debate will be in order in the absence of a unanimous-consent request.

Therefore, the Clerk will read the amendment.

Debate on Amendment Concluded Before Substitute Offered

§ 7.41 The House having adopted a special order governing consideration of a bill in Committee of the Whole providing for the consideration of a substitute for a designated amendment, but also providing that "before the consideration of any amendments to said amendment, it shall be in order to debate said amendment for not to exceed one hour", debate on the amendment must conclude before the substitute may be offered (unless otherwise provided by unanimous consent).

On Aug. 15, 1986,[10] during consideration of H.R. 4428[11] in the Committee of the Whole, the

9. Philip R. Sharp (Ind.).

10. 132 CONG. REC. 22050, 22051, 99th Cong. 2d Sess.

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

proceedings described above occurred as follows:

THE CHAIRMAN PRO TEMPORE:[12] When the Committee of the Whole rose on Thursday, August 14, 1986, amendment numbered 113 made in order pursuant to paragraph 3 of the House Resolution 531 had been completed.

It is in order to consider an amendment if offered by Representative Hawkins relating to the application of the Davis-Bacon Act at this point, which shall not be subject to amendment except a substitute if offered by Representative Dickinson consisting of the text of amendment numbered 114 printed in House Report 99–766, which shall not be subject to amendment.

The amendment and the substitute shall each be debatable for 1 hour equally divided and controlled by the proponent and a Member opposed thereto.

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I offer an amendment. . . .

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, in order to clarify the parliamentary situation, Mr. Chairman, I would like to get a ruling from the Chair as to the procedure.

The Chair has already announced the preference of offering the amendments and what would be availabe as a substitute. My question is, Under the rule, is it correct to say that Mr. Hawkins would offer an amendment which would give him 1 hour to be divided, half by him and half by some Member in opposition, which in this case would be myself?

At the end of that time, then the substitute, which I have, would be offered and there would be another hour of debate, or is there another allocation of time?

THE CHAIRMAN PRO TEMPORE: That would be the scenario, the Chair will state. . . . If the gentleman from California (Mr. Hawkins) would yield to the gentleman at this point, we could have both the amendments pending at the same time by unanimous consent.

MR. DICKINSON: Mr. Chairman, it was my thinking that perhaps it would be advantageous, rather than having the gentleman go forward for an hour and my going forward an hour, if we would agree that there would be a total of 2 hours, half of which the gentleman would control and half of which I would control. . . .

THE CHAIRMAN PRO TEMPORE: The Chair needs to make a clarification.

The Chair will state that under the rule, the gentleman's amendment has to be debated for 1 hour.

MR. DICKINSON: Well, that was my question.

THE CHAIRMAN PRO TEMPORE: Before the substitute can be offered.

Amendment Unrelated to Amendment to Which Offered

§ 7.42 Where no point of order was raised against an amendment which was improperly drafted and unrelated to the amendment to which offered, the Chair indicated in response to a parliamentary inquiry that if the amendment were adopted, it would be engrafted onto the amendment to which offered.

12. Marty Russo (Ill.).

On Sept. 8, 1976,[13] during consideration of H.R. 10498 (the Clean Air Act Amendments of 1976), several parliamentary inquiries were directed to the Chair regarding an amendment. The proceedings were as indicated below:

MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rogers: Page 216, after line 23, insert:

(f) The Clean Air Act, as amended by sections 306, 201, 304, 312, 313, 108, and 211 of this Act, is further amended by adding the following new section at the end thereof:

"NATIONAL COMMISSION ON AIR QUALITY

"Sec. 325. (a) There is established a National Commission on Air Quality which shall study and report to the Congress on—

"(1) the effects of the implementation of requirements on the States or the Federal Government under this Act to identify and protect from significant deterioration of air quality, areas which have existing air quality better than that specified under current national primary and secondary standards. . . .

MR. [ANDREW] MAGUIRE [of New Jersey]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Maguire to the amendment offered by Mr. Rogers: In the last sentence of section 160(c)(1) of the text inserted by the Rogers amendment, strike out ", class II, or class III" and substitute "or class II". . . .

MR. [JAMES T.] BROYHILL [of North Carolina]: My parliamentary inquiry further would be is it the intention to strike out the language offered by the gentleman from Florida and insert this language in lieu of that language? . . .

THE CHAIRMAN:[14] . . . The Chair cannot comment further on the offering of the amendment to the amendment, since a point of order was not raised at the appropriate time. . . .

MR. BROYHILL: . . . If the Maguire amendment to the amendment were adopted, would the Committee then be voting on the language that is in the amendment offered by the gentleman from Florida [Mr. Rogers] and the amendment that has been offered by the gentleman from New Jersey [Mr. Maguire]? Would we then be acting on the language offered by both the gentlemen or just one?

THE CHAIRMAN: The Chair would first put the question on the amendment offered by the gentleman from New Jersey to the amendment offered by the gentleman from Florida. If that amendment should prevail the question would then be propounded on the amendment offered by the gentleman from Florida as amended.

MR. BROYHILL: . . . I would like to ask would the amendment be the language offered by both gentlemen or just the language offered by the gentleman from New Jersey? . . .

THE CHAIRMAN: The amendment offered by the gentleman from New Jersey is before the Committee, and if the

13. 122 CONG. REC. 29234–36, 94th Cong. 2d Sess.

14. J. Edward Roush (Ind.).

amendment offered by the gentleman from New Jersey is adopted, then it would be engrafted as an amendment to the amendment offered by the gentleman from Florida, and then the question before the Committee would be on the Rogers amendment as so amended.

Original Bill Considered After Amendment in Nature of Substitute Voted Down

§ 7.43 Where a rule provides for consideration of a committee amendment in the nature of a substitute as an original bill for amendment, such substitute is read by sections for amendment, at the conclusion of which the question is on agreeing to the amendment in the nature of a substitute or the substitute as amended; if the committee amendment is voted down, the original bill is then read for amendment.

On June 13, 1939,[15] the House had under consideration a special rule (H. Res. 219) providing for consideration of S. 1796, an act to amend the Tennessee Valley Authority Act of 1933. The rule provided for consideration of a committee amendment in the nature of a substitute as an original bill for amendment. A parliamentary inquiry arose as follows:

MR. [JOHN E.] RANKIN [of Mississippi]: As I understand the situation now, the entire Senate bill has been stricken out and the House bill inserted as an amendment, so at the completion of the consideration under the 5-minute rule the vote will come on adopting the House bill as an amendment. If that is voted down, then the Senate bill will be before the House for a vote.

THE SPEAKER:[16] As the Chair understands the parliamentary situation, under the rule the House substitute amendment for the Senate bill will be considered by sections as an original bill, open to germane amendment. At the conclusion of the reading for amendment the question will be put on agreeing to the substitute, or the substitute as amended, for the Senate bill.

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

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

§ 7.44 Where a special order adopted by the House provides that it shall be in order to consider the text of a bill as an amendment in the nature of a substitute for the pending bill and that said amendment shall be considered before perfecting

15. 84 CONG. REC. 7108, 7109, 76th Cong. 1st Sess.

16. William B. Bankhead (Ala.).

amendments and be considered as an original bill for the purpose of amendment, said amendment is not offered from the floor but is automatically reported by the Clerk; and in the event said amendment is defeated, the original bill is considered for amendment.

On Sept. 20, 1979,[17] during consideration of H.R. 5229[18] n the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding procedure under the special rule:

THE CHAIRMAN:[19] Pursuant to the rule, the bill is considered as having been read for amendment. The text of H.R. 5310 shall be considered as an original bill for the purpose of amendment which shall be considered as having been read. No amendments are in order except pro forma amendments, amendments offered by direction of the Committee on Ways and Means or the Committee on Rules, and germane amendments only changing the date certain "March 31, 1981" or the numerical figure "$529,000,000,000" in section 101(a) and said amendments shall not be subject to amendment except pro forma amendments and germane amendments only changing said date or said figure.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5310

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

TITLE II—ESTABLISHMENT OF PUBLIC DEBT LIMIT AS PART OF CONGRESSIONAL BUDGET PROCESS

Sec. 201. (a) The rules of the House of Representatives are amended by adding at the end thereof the following new rule:

"RULE XLIX

"ESTABLISHMENT OF STATUTORY LIMIT ON THE PUBLIC DEBT

"1. Upon the adoption by the Congress (under section 301, 304, or 310 of the Congressional Budget Act of 1974) of any concurrent resolution on the budget setting forth as the appropriate level of the public debt for the period to which such concurrent resolution relates an amount which is different from the amount of the statutory limit on the public debt that would otherwise be in effect for such period, the enrolling clerk of the House of Representatives shall prepare and enroll a joint resolution, in the form prescribed in clause 2, increasing or decreasing the statutory limit on the public debt by an amount equal to the difference between such limit and such appropriate level. . . .

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. CONABLE: Mr. Chairman, we are now on a pro forma resolution and not on the Gephardt amendment? Is that correct? We are on pro forma amend-

17. 125 CONG. REC. 25526, 25527, 96th Cong. 1st Sess.

18. Temporary Debt Limit Increase.

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

ments that were offered; is that correct?

THE CHAIRMAN: The Chair will advise the gentleman from New York (Mr. Conable) that under the rule the amendment in the nature of a substitute to which the gentleman refers is considered an original bill, and considered as read and so the Gephardt proposal is now before the Committee of the Whole. . . .

MR. [AL] ULLMAN [of Oregon]: I have a parliamentary inquiry, Mr. Chairman. . . .

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ULLMAN: Mr. Chairman, it has been my understanding that if the substitute should fail, we would go back, however, to the consideration of the committee bill?

THE CHAIRMAN: The gentleman is correct.

MR. ULLMAN: But the substitute is before the Committee and is open to amendment at this point?

THE CHAIRMAN: That is correct.

Rejection of Motion To Strike Enacting Clause

§ 7.45 Rejection by the Committee of the Whole or by the House of a preferential motion to strike the enacting clause permits the offering of proper amendments notwithstanding expiration of all debate time on the bill, but only amendments which have been printed in the Record may be debated for five minutes on each side.

On July 29, 1983,[20] the proposition described above was demonstrated during consideration of H.R. 2957,[1] in the Committee of the Whole. The proceedings were as follows:

MR. [TRENT] LOTT [of Mississippi]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN:[2] The Clerk will report the preferential motion.

The Clerk read as follows:

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

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, I have a parliamentary inquiry. . . .

Earlier today, Mr. Chairman, a request was made for unanimous consent to limit debate to 12 o'clock. That was defeated. Later it was put in the form of a motion and that carried, limiting the debate to 12 o'clock today. That, therefore, closed debate past the hour of 12 o'clock.

Now, a motion to rise is being made by the minority whip. Does that foreclose now the offering of further amendments should that motion to rise carry?

THE CHAIRMAN: If the preferential motion to strike the enacting clause carries, further amendments would not be in order. . . .

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20. 129 CONG. REC. 21675, 21676, 98th Cong. 1st Sess.

1. The International Monetary Fund Authorization.

2. Donald J. Pease (Ohio).

MR. [RONALD E.] PAUL [of Texas]: Mr. Chairman, if this motion were to fail, whose amendments will be protected? Only those who have amendments printed in the Record, or anybody who has an amendment?

THE CHAIRMAN: Under the rule, if this motion is defeated, any amendment printed in the Record could be offered and debated for 5 minutes on each side. Any other germane amendment could also be offered but no debate would be allowed.

§ 8. Amendments to Text Passed in the Reading

Generally, an amendment comes too late when the Clerk has read beyond the section to which the amendment applies.[3] Thus, during the reading of a bill by sections in Committee of the Whole, it is not in order except by unanimous consent to return to a section that has been passed.[4] In the application of this principle, a question frequently arises as to when a section is, in fact, considered passed for amendment; similarly, an issue may arise as to whether Members have been afforded sufficient opportunity to offer amendments. These and related issues are discussed in ensuing sections.

Generally

§ 8.1 An amendment comes too late when the Clerk has read beyond the section to which the amendment applies.

On Sept. 15, 1965,[5] the following proceedings took place:

MR. [BARRATT] O'HARA of Illinois: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. O'Hara of Illinois: . . .

MR. [FRANK] THOMPSON [Jr., of New Jersey]: Mr. Chairman, I reserve a point of order on this amendment. This section has been passed. . . .

THE CHAIRMAN:[6] The Chair will advise the gentleman from Illinois, inasmuch as this section of the bill has been read and considered, that the

3. See § 8.1, infra.

4. See, in addition to those instances discussed in the following sections, 105 CONG. REC. 11789, 11790, 86th Cong. 1st Sess., June 24, 1959 (proceedings during consideration of H.R. 3 [Committee on the Judiciary]).

5. 111 CONG. REC. 23978, 89th Cong. 1st Sess., during consideration of H.R. 9460 (Committee on Education and Labor). See also 108 CONG. REC. 19465, 19470, 19475, 87th Cong. 2d Sess., Sept. 14, 1962, during consideration of S. 2768 (Committee on Foreign Relations), where objection was made to a unanimous-consent request to return to a previous section for the purpose of further amendment.

6. John A. Young (Tex.).