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THE CHAIRMAN PRO TEMPORE: Without objection, the gentleman from California (Mr. Zschau) is recognized for 5 minutes.

There was no objection.

§ 3. Effect of Special Rule; Amending Special Rule

Bills are frequently considered pursuant to the terms of a special rule or resolution reported from the Committee on Rules which specifies whether amendments may be offered to the bill, the kind and number of amendments that may be offered, and the order of consideration and voting thereon. Broadly speaking, bills considered pursuant to an "open" rule may be amended whereas bills considered pursuant to a "closed" rule may not. In addition, special resolutions providing rules that are "open in part" or "closed in part" or providing a "modified closed or open rule" are not uncommon.(18) The effect of a special rule is, of course, limited by the terms of the rule itself. A special rule may waive points of order against a bill or amendments thereto. Where the House waives all points of order against the bill, such waiver does not apply to amendments offered from the floor.(19)

For example, where the House by resolution waives all points of order against any provisions in an appropriation bill, such action does not waive points of order against amendments offered from the floor. (However, where provisions of a bill, otherwise subject to a point of order are permitted to remain in the bill, because the rule protects them, "perfecting amendments" to those provisions may be immune from a point of order.)(20)

Similarly, where the House has adopted the resolution waiving

18. Compare 117 CONG. REC. 15599, 92d Cong. 1st Sess., May 18, 1971 [H. Res. 437, providing for consideration of H.R. 3613 pursuant to an "open" rule]; 112 CONG. REC. 13990, 89th Cong. 2d Sess., June 23, 1966, where the Committee on Rules reported a "closed" rule, although the legislative committee requesting the resolution had asked for an "open" rule; 116 CONG. REC. 23901, 91st Cong. 2d Sess., July 13, 1970 [H. Res. 1093, providing for a rule "closed in part"]; 117 CONG. REC. 18614, 92d Cong. 1st Sess., June 8, 1971 [H. Res. 466, providing for a rule "open in part" and "closed in part"]; 117 CONG. REC. 21082, 92d Cong. 1st Sess., June 21, 1971 [H. Res. 487, providing for consideration of H.R. 1, Social Security Amendments of 1971, under a "modified closed rule"].

19. 97 CONG. REC. 11682, 82d Cong. 1st Sess., Sept. 19, 1951.

20. See, for example, Ch. 26 § 3.21, supra. (And see Ch. 26 §3, generally, for discussion of waiver of points of order against provisions of appropriation bills, and amendments that may be offered to such provisions.)

points of order against committee amendments, no authorization is given thereby to Members to offer amendments which are not germane.[21]

The House, of course, ultimately decides the conditions under which a bill will be considered. Special rules reported by the Committee on Rules are subject to germane amendment while the rule is pending if the Member in control yields for such amendment or offers the amendment himself, or if the previous question is voted down.[1]

To a special rule providing for the consideration of one measure, an amendment providing for the consideration of, and waiving points of order against, an unrelated and nongermane measure is itself not germane, and may not be offered on the floor of the House even after defeat of the previous question on the rule. For further discussion of amending special rules, see Ch. 21 § 18, e.g. §§ 18.31, 18.32, supra; see also Ch. 28, discussing germaneness of amendments generally, infra.

A rule may provide that a committee amendment in the nature of a substitute shall be considered as an original bill for amendment. In such a case, the committee amendment is read by sections for amendment. A substitute for the committee amendment may be offered at the end of the first section or at the end of the committee amendment.[2] At the conclusion of the reading for amendment the question is on agreeing to the committee amendment in the nature of a substitute or such substitute as amended; if the committee substitute is voted down, the original bill is then read for amendment.[3]

The terms of a special rule agreed to by the House may not be substantively altered in the Committee of the Whole, even by

21. 94 CONG. REC. 8685, 8686, 80th Cong. 2d Sess., June 17, 1948.

See also 94 CONG. REC. 8670, 80th Cong. 2d Sess., June 17, 1948.

For specific application of these principles, see particular topics, such as the discussion of the "germaneness" rule in Ch. 28, infra; see also the discussion of "special rules" in Ch. 21, supra, especially for illustrative uses of the special rule. Ch. 13, which in part discusses procedures under the Budget Act, contains discussion of special rules in relation to the budget process, such as special rules that waive points of order arising under the Budget Act. And see Ch. 29, Consideration and Debate, for further discussion of special rules, especially as they affect control and distribution of debate time.

1. See § 3.1, infra.

2. See Sec. § 12.29, infra.

3. See Sec. § 12.30, infra.

unanimous consent, although the House may by unanimous consent delegate to the Committee of the Whole authority to entertain unanimous consent requests to change procedures contained in a special rule. And a proper amendment, once having been initially offered in conformity with a special rule, may be modified in the Committee of the Whole by unanimous consent.[4]

Amendments to Rule

§ 3.1 Special rules reported by the Committee on Rules are subject to amendment while the rule is pending if the Member in control yields for such amendment or if he offers the amendment himself, or if the previous question is voted down.

On Nov. 24, 1942,[5] he following exchange took place:

> MR. [JOHN E.] RANKIN of Mississippi: Is the rule amendable before the previous question is voted down? . . .
>
> THE SPEAKER:[6] The Chair, of course, will entertain a motion to amend any special rule at any time while the rule is pending if the gentleman in control yields for it or if he offers it himself or if the previous question should be voted down.

§ 3.2 A Member to whom time is yielded only for debate in the House on a resolution reported from the Committee on Rules, and who seeks unanimous consent to offer an amendment, is not entitled to have the amendment read by the Clerk where another Member objects to the offering of the amendment.

On May 14, 1985,[7] the minority Member controlling debate time on a special order reported from the Committee on Rules sought unanimous consent to offer a nongermane amendment to require all Budget Act waivers recommended by that committee to be explained in the accompanying reports for the remainder of the 99th Congress.

> MR. [JOHN J.] MOAKLEY [of Massachusetts]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 157, and ask for its immediate consideration.
>
> The Clerk read the resolution as follows:
>
> H. RES. 157
>
> *Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1

4. These and related issues are discussed in §§ 3.22–3.33, infra.
5. 88 CONG. REC. 9100, 77th Cong. 2d Sess.
6. Sam Rayburn (Tex.).
7. 131 CONG. REC. 11713, 99th Cong. 1st Sess.

(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1157) to authorize appropriations for fiscal year 1986 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission, and the first reading of the bill shall be dispensed with. . . .

THE SPEAKER PRO TEMPORE:[8] the gentleman from Massachusetts is recognized for 1 hour.

MR. MOAKLEY: Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi (Mr. Lott). . . .

MR. [TRENT] LOTT: Mr. Speaker, I send an amendment to the desk and ask unanimous consent for its immediate consideration. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Moakley) did not yield for that purpose.

MR. MOAKLEY: That is right, Mr. Speaker. . . .

I object to the unanimous-consent request. . . .

MR. LOTT: Mr. Speaker, are we not going to have the amendment read?

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts objected.

Amendments to Closed Rule

§ 3.3 An amendment to a resolution providing a "closed" rule may be offered in the House if the previous question is voted down on the resolution.

On Dec. 31, 1970,[9] an inquiry was addressed to the Chair concerning amendments to a resolution providing a closed rule.

MR. [SIDNEY R.] YATES [of Illinois]: This is a closed rule that will not permit any amendments to be offered to the resolution itself?

THE SPEAKER:[10] The Chair will state to the gentleman from Illinois that that is a matter for the House to determine. In its present form, the gentleman's statement is correct.

MR. YATES: If the previous question on this rule is voted down, will the resolution be open for amendment?

THE SPEAKER: The Chair will state in answer to the gentleman's question, that it would be.

§ 3.4 If the House adopts an amendment to a pending "closed" rule permitting motions to "strike out any matter in the bill," motions to strike out any portion of the bill would be in order as the bill is read for amendment.

On Nov. 18, 1970,[11] the Speaker pro tempore responded to a parliamentary inquiry concerning

8. Dale E. Kildee (Mich.).

9. 116 CONG. REC. 44292, 44293, 91st Cong. 2d Sess. Under consideration was H. Res. 1337 (Committee on Rules).

10. John W. McCormack (Mass.).

11. 116 CONG. REC. 37823, 37838, 91st Cong. 2d Sess. Under consideration was H. Res. 1225 (Committee on Rules).

the effect of an amendment as described above.

THE SPEAKER PRO TEMPORE:[12] Under the terms of the amendment, any motion to strike out any language, word or otherwise in any part would be in order.

MR. [CHARLES A.] VANIK [of Ohio]: Including an entire section?

THE SPEAKER PRO TEMPORE: Including an entire section, or title.

§ 3.5 The House rejected the previous question on a "modified closed" rule recommended by the Committee on Rules permitting designated minority amendments to an omnibus reconciliation bill, and specifying two allowable motions to recommit, and then adopted an amendment in the nature of a substitute providing a "modified closed rule" different from the reported rule in the following respects: placing all control of general debate in the chairman and ranking minority member of the Budget Committee, and permitting only two amendments in Committee of the Whole to the Budget Committee's original text if offered by designated minority Members; and allowing, without specifying the content of, one motion to recommit with or without instructions.

On June 25, 1981,[13] the House having under consideration House Resolution 169,[14] the proceedings described above were as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 169 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 169

Resolved, That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, 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. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the fiscal year 1982, and the first reading of the bill shall be dispensed with. General debate shall continue not to exceed eight hours, with the chairman and ranking minority member of each of the following committees to equally divide and control the time indicated: the Committee on the Budget, thirty minutes; the Committee on Agriculture, thirty minutes; the Committee on Armed Services, thirty minutes . . . and the Committee on Ways and Means, thirty minutes: *Provided*, That the

12. John J. Rooney (N.Y.).

13. 127 CONG. REC. 14065, 14078, 14079, 14083, 14084, 97th Cong. 1st Sess.

14. Providing for consideration of H.R. 3982, Omnibus Budget Reconciliation Act of 1981.

chairman and ranking minority member of the Committee on the Budget may reserve a portion of their time to close general debate. It shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 3964, as modified by the amendment printed in the Congressional Record of June 23, 1981, by Representative Jones as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read for amendment, and said substitute shall be in order any rule of the House to the contrary notwithstanding. No amendment to the substitute or to the bill shall be in order in the House or in the Committee of the Whole except the following amendments. . . .

The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except two motions to recommit. One such motion may not contain any instructions, but notwithstanding any other provision of this resolution, it shall be in order to offer a second motion to recommit with instruction containing only the following amendments contained in the committee print: the motion to strike out and insert the provisions on page 54, line 13 through page 66, line 29 (social service block grants) and the provisions on page 74, line 9 through page 95, line 3 (consolidation of education programs). . . .

THE SPEAKER:[15] The question is on ordering the previous question. . . .

The vote was taken by electronic device, and there were—yeas 210, nays 217, not voting 4, as follows. . . .

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, 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. Latta: Strike all after the resolving clause and insert in lieu thereof the following:

"That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding 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. 3982), to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for fiscal year 1982. . . . No amendment to the bill shall be in order in the Committee of the Whole except an amendment in the nature of a substitute which shall be the text of the bill H.R. 3964, said amendment shall be considered as an original bill for the purpose of amendment, and shall be considered as having been read, all points of order are hereby waived against said amendment, and no amendment shall be in order to said amendment except—

"(1) A substitute amendment to title VI by Representative Broyhill, if offered, and said amendment shall be considered as having been read and shall not be subject to amendment or to a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed 2 hours to be equally divided and controlled by Representative Broyhill and a Member opposed thereto and all points of order against said amendment are hereby waived and (2) the amendments of Representative Latta of Ohio, said amendments shall be considered en bloc and shall be considered as having been read and shall not be subject to amendment or to a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed 4 hours, to be equally divided and controlled

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

by Representative Latta and a Member opposed thereto, and all points of order against said amendments are hereby waived. . . .

[T]he previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions. . . .

THE SPEAKER PRO TEMPORE:[16] The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. Latta). . . .

The vote was taken by electronic device, and there were—yeas 216, nays 212, not voting 4, as follows. . . .

So the amendment in the nature of a substitute was agreed to. . . .

THE SPEAKER PRO TEMPORE: The question is on the resolution, as amended. . . .

The vote was taken by electronic device, and there were—yeas 214, nays 208, not voting 9, as follows.

Parliamentarian's Note: The Committee on Rules may, consistent with Rule XI clause 4(b), report a special order which limits the motion to recommit to a straight motion, or to a designated motion with instructions, based upon the ruling of Speaker Rainey on January 11, 1934. (See "House Rules and Manual § 729(b), 100th Cong. (1987).)

Amendments to Bill on Adoption of Special Rule

§ 3.6 Amendments to a bill are not in order in the House during the hiatus following agreement to a resolution making the bill a special order of business in Committee of the Whole, but are properly proposed following the expiration of the time for general debate in Committee of the Whole.

On Dec. 3, 1963,[17] an inquiry was made in the House, in the circumstances described above, concerning the proper time for offering amendments.

MR. [ROBERT J.] DOLE [of Kansas]: Based on the decision of the Chair, is it proper now or in order to offer amendments to section 330 and section 105?

THE SPEAKER:[18] Not at this time.

MR. DOLE: But the amendment would be proper at the proper time?

THE SPEAKER: At the proper time in the Committee of the Whole, if the gentleman desires to offer an amendment he may do so.

Open Rule

§ 3.7 Where a bill is being considered in the Committee of the Whole under an "open" rule, germane amendments

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

17. 109 CONG. REC. 23038, 88th Cong. 1st Sess.

The bill referred to was H.R. 6196 (Committee on Agriculture), to encourage increased consumption of cotton.

18. John W. McCormack (Mass.).

to the bill are in order under the standing rules of the House.

On July 26, 1965,[19] in response to a parliamentary inquiry as to amendments permissible under the open rule and amendment thereto before the House, Speaker John W. McCormack, of Massachusetts, stated:

> The Chair will state that the resolution is in accordance with the standing rules of the House, and any amendment that is germane under the standing rules of the House would be in order. The standing rules of the House would determine the germaneness of any amendment that might be offered.

Modified Closed Rule

§ 3.8 A "modified closed rule" sometimes permits only committee amendments or designated amendments.

On Dec. 11, 1973,[20] the Chairman[1] of the Committee of the Whole made the following statement with respect to the rule[2] pursuant to which the Trade Reform Act of 1973[3] as being considered.

> All time has expired. Under the rule the bill is considered as having been read for amendment. No amendments are in order except amendments offered by the direction of the Committee on Ways and Means, an amendment offered to section 402 of the bill containing the text printed on pages H9106 and H9107 of the Congressional Record of October 16, 1973, an amendment proposing to strike out title IV of said bill, and an amendment proposing to strike out title V of said bill but said amendments shall not be subject to amendment.

Modified Closed Rule—Effect on Motions To Strike

§ 3.9 To a committee amendment in the nature of a substitute being read by titles for amendment under a special rule prohibiting amendments to amendments offered to title I (thereby permitting only 10 minutes of debate on each permissible amendment to title I), an amendment inserting a new title II may be amended (including pro forma amendments thereto) and is not subject to the restrictions imposed by that rule.

On Mar. 26, 1974,[4] during consideration of H.R 69 (to amend and extend the Elementary and

19. 111 CONG. REC. 18076, 18077, 89th Cong. 1st Sess.

20. 119 CONG. REC. 40794, 93d Cong. 1st Sess.

1. Edward P. Boland (Mass.).

2. H. Res. 657.

3. H.R. 10710 (Committee on Ways and Means).

4. 120 CONG. REC. 8264, 93d Cong. 2d Sess.

Secondary Education Act), a parliamentary inquiry was raised as to the effect of the special rule as described above.

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

. . . Will the rules that applied to title I apply to this amendment as well, that there can be only one speaker on each side? Or will we go back to the regular rules of the House, where pro forma amendments can be offered to amendments so that the Members can have 5 minutes each, for as long as they wish to do so?

THE CHAIRMAN (Mr. [Melvin] Price of Illinois): The restrictions of the rule adopted by the House on March 12 would not apply to this amendment.

Rule Restricting Amendments at End of Bill

§ 3.10 Where a special order prohibited the offering of amendments to an amendment (being considered as an original bill) following consideration of the final title for amendment, the Chair indicated that amendments in the form of new titles could be offered prior to consideration of the final title and that adoption of one such amendment would not preclude the offering of another immediately thereafter.

During consideration of H.R. 5640 (5) in the Committee of the Whole on Aug. 10, 1984,(6) a question arose as to the proper time to offer amendments, in the light of a special rule (H. Res. 570, agreed to on Aug. 9, 1984) which provided in part:

In lieu of the amendments recommended by the Committees on Energy and Commerce and Ways and Means now printed in the bill, it shall be in order to consider, as an original bill for the purpose of amendment under the five-minute rule, an amendment in the nature of a substitute contained in the Committee Print, Committee on Energy and Commerce, August 6, 1984, consisting of titles I through IV of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill and title V recommended by the Committee on Ways and Means now printed in the bill, said substitute shall be considered for amendment by titles instead of by sections. . . . Until title V of said substitute is considered for amendment, no amendment which changes, affects or deletes title V shall be in order. No amendment to title V of said substitute shall be in order except an amendment printed in the Congressional Record of August 8, 1984 by, and if offered by, Representative Conable of New York, and said amendment shall not be subject to amendment. . . . At the conclu-

5. Superfund Expansion and Protection Act of 1984.

6. 130 CONG. REC. 24022, 98th Cong. 2d Sess.

sion of the consideration of title V for amendment, no further amendment shall be in order to the substitute, and the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution.

The proceedings on Aug. 10 were as follows:

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I offer an amendment [adding a new title following title IV of the bill]. . . .

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, I would just question from the timing standpoint. I have an amendment that is printed in the Record and I am wondering and want to make sure that the amendment of the gentleman from Georgia, being offered at this time, does not prevent mine from being offered following his.

THE CHAIRMAN:[7] The Chair will advise the gentleman from Louisiana (Mr. Breaux) that he is unable to rule until he sees the two amendments.

MR. BREAUX: Mr. Chairman, if an amendment is to be offered which would create a new title following completion of title IV, would it be in order to offer that amendment following the amendment of the gentleman from Georgia?

THE CHAIRMAN: The Chair will advise the gentleman that that is correct.

7. Joseph G. Minish (N.J.)

Modified Closed Rule Permitting Only Pre-Printed Amendments

§ 3.11 While an amendment must ordinarily be in the precise form permitted under a special "modified closed rule" under which only specified amendments printed in the Record may be offered, where that amendment has been inserted in the Record without a page reference but with language indicating its point of insertion, the amendment will be in substantial compliance with the special rule when offered in identical form but also including a page designation.

On Apr. 1, 1976,[8] the Chair, in overruling a point of order, stated that, where a special rule made in order the text of a bill as an amendment and also permitted the precise text of an amendment (printed in the Record with a page designation left blank) to be offered as an amendment thereto, the amendment to the amendment, when offered, containing a page reference to the original

8. 122 CONG. REC. 9090, 9091, 94th Cong. 2d Sess. Under consideration was H.R. 12406, Federal Election Campaign Amendments of 1976.

amendment which had been left blank in the Record version, was in order since the page insertion did not change the point at which the language was intended to be inserted in the original amendment. The proceedings were as follows:

MR. [TIMOTHY] WIRTH [of California]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Wirth to the amendment offered by Mr. Phillip Burton: Page 14, immediately after section 9057(c) of the Internal Revenue Code of 1954, as added by the amendment offered by Mr. Phillip Burton, insert the following:

"(d) LIMITATION.—The Commission shall, not later than April 1 of each election year, determine whether the amount of moneys in the Congressional Election Payment Account will be sufficient to make all payments to which candidates will be entitled under this chapter during such election year. . . .

MR. [ROBERT E.] BAUMAN [of Maryland] (during the reading): Mr. Chairman, I have heard the Clerk read the amendment, and that was not the amendment that was printed in the Record of March 29, 1976. . . .

Mr. Chairman, rule XXIII, clause 6, says, in part:

Material placed in the Record pursuant to this provision shall indicate the full text of the proposed amendment, the name of the proponent Member, the number of the bill to which it will be offered and the point in the bill or amendment thereto where the amendment is intended to be offered, and shall appear in a portion of the Record designated for that purpose.

Mr. Chairman, on page 8493, of the March 29 Record, to which the rule specifically makes mention, this particular Wirth amendment appears as the beginning line with the page blank Immediately after subsection 9057(c) there is no page 14 designated, and the Clerk just read page 14.

Mr. Chairman, it is not the same amendment.

THE CHAIRMAN:[9] The Chair has examined the situation. To the best of his knowledge, there are no precedents. Under the circumstances, it would have been difficult if not impossible for the gentleman to have had the page number when he printed his amendment in the Record, and the Chair believes that the omission of the page number alone does not keep the amendment from being in substantial compliance with the rule. In all other respects, the amendment printed in the Record does indicate the point at which the amendment is to be inserted into the amendment of the gentleman from California.

The Chair overrules the point of order.

§ 3.12 Where a special order providing for the consideration of a bill permits the offering only of designated amendments which have been printed in the Congressional Record, an amendment offered under the rule should be in the exact form

9. Richard Bolling (Mo.).

in which it was printed in the Record, but the Committee of the Whole may by unanimous consent permit modification of the amendment to correct erroneous page and line numbers.

On Aug. 3, 1977,[10] the Committee of the Whole was considering H.R. 8444, the National Energy Act, under a special order which permitted the offering only of certain amendments. The proceedings described above were as follows:

> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I further direct a question to the gentleman from Ohio; this is the amendment published in the Record on July 27, 1977; am I correct?
>
> MR. [CLARENCE J.] BROWN of Ohio: But for the page and line numbers; that is correct.
>
> MR. DINGELL: That is the reason for my inquiry, because I observe that the page and line numbers cited therein were incorrect. The reason I am inquiring is to make sure it is the correct amendment.
>
> MR. BROWN of Ohio: Mr. Chairman, as the gentleman knows, at the time it was published in the Record we were using page and line numbers of the bill then available to us. . . .
>
> Mr. Chairman, if I heard the Clerk correctly, I think the Clerk read the proper page and line numbers. The amendment at the desk relates to the page and line numbers as they would be related in the bill. . . .
>
> MR. DINGELL: Mr. Chairman, I make the observation that the rule does provide that the gentleman from Ohio (Mr. Brown) shall have the authority to offer the amendment now referred to according to the terms and the conditions of the rule. The rule says as follows:
>
> > (3) An amendment printed in the Congressional Record of July 27, 1977, beginning on page 25321, by Representative Brown of Ohio, to part IV, title I, which amendment shall be in order only after disposition of the amendments to that part recommended by the Ad Hoc Committee on Energy printed in or adopted to the bill;
>
> Mr. Chairman, I observe that the amendment printed in the Record is to one portion of the bill, but I observe that the amendment offered is offered to a different portion of the legislation before us.
>
> Mr. Chairman, I am curious to know whether or not the amendment is offered in conformity with the rule.
>
> MR. BROWN of Ohio . . . The question of the slight differences in page numbers and so forth which were necessitated because of the fact that the printed bill in its final form was not available for the gentleman from Ohio to make reference to when he printed

10. 123 CONG. REC. 26450, 26451, 95th Cong. 1st Sess.

Compare the proceedings of Apr. 1, 1976, at 122 CONG. REC. 9091, 94th Cong. 2d Sess., where the Chairman stated that it was permissible to insert a page reference in an amendment printed in the Record, where the printed amendment did not contain one, the amendment being considered in substantial compliance with the rule.

his amendment in the Record. Because of that circumstance we cleared with the Parliamentarian, or so we thought, the appropriateness of the amendment which was submitted to the desk in accordance with the rule. . . .

THE CHAIRMAN:[11] The Chair finds that there is a difference in the page and line numbers that are now before the committee, and if the gentleman from Michigan insists upon his request, the gentleman from Ohio will have to ask unanimous consent that his amendment be modified.

Does the gentleman from Michigan insist upon his request?

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

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

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

THE CHAIRMAN: Objection is heard.

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

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

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

MR. BROWN of Ohio: They are.

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

§ 3.13 A special order prohibiting amendments to a bill except those printed in the Congressional Record does not apply to amendments which are offered to amendments, unless so specified.

A point of order against an amendment to an amendment, on the grounds that it was not in order under the special rule providing for consideration of the bill, was overruled. The proceedings in the Committee of the Whole on Sept. 7, 1978,[12] were as follows:

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

MR. [MORGAN F.] MURPHY of Illinois: Mr. Chairman, a point of order.

THE CHAIRMAN PRO TEMPORE:[13] The gentleman will state it.

MR. MURPHY of Illinois: Mr. Chairman, this amendment is not germane in that it is not timely printed in the Record. The gentleman came up to us just a few minutes ago and said the gentleman had printed it in the Record yesterday; but the rule issued July 12 requires it be reported 3 legislative days prior to consideration.

THE CHAIRMAN PRO TEMPORE: The Chair will rule that the rule applies to amendments to the bill and not to amendments to amendments. In this case we have an amendment to a substitute amendment, so the rule does not apply.

11. Edward P. Boland (Ky.).

12. 124 CONG. REC. 28419, 95th Cong. 2d Sess. Under consideration was H.R. 7308, the Foreign Intelligence Surveillance Act of 1978.

13. John P. Murtha (Pa.).

The Clerk will report the amendment.

§ 3.14 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,[14] 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 was printed in the Record, no matter who the author of the amendment was?

THE CHAIRMAN PRO TEMPORE:[15] 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.

§ 3.15 A resolution reported from the Committee on Rules which prohibits amendments to a bill except amendments printed in the Congressional Record at least two legislative days before their consideration requires that those amendments be submitted for printing in the Congressional Record bearing a date at least two days before they are offered under the 5-minute rule.

On June 11, 1981,[16] during consideration of House Resolution 148[17] in the House, the pro-

14. 125 CONG. REC. 30441, 96th Cong. 1st Sess.

15. Norman D. Dicks (Wash.).

16. 127 CONG. REC. 12176, 12213, 97th Cong. 1st Sess.

17. Providing for the consideration of H.R. 3480, to amend the Legal Services Corporation Act.

ceedings described above occurred as follows:

MR. [JAMES M.] FROST [of Texas]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 148 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 148

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. 3480) to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. No amendment to the bill or to said substitute shall be in order except germane amendments printed in the Congressional Record at least two legislative days before their consideration. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. . . .

[The resolution was adopted.]

MR. [GERALD B.] SOLOMON [of New York]: To the Republican whip or the majority leader, I would like a clarification on the Legal Services Corporation legislation.

Do I understand we will be allowed to file amendments with the desk on Monday and that will constitute 48 hours, being 2 working days, Monday and Tuesday? . . .

THE SPEAKER:[18] The Chair will answer that the bill will be up on Tuesday for general debate and for amendments. It is not anticipated, in view of the interest in the bill, that the House will be able to complete the bill on that day.

So, any amendment that would be offered on Tuesday would have to be filed today. Any amendment filed on Monday could be offered on Wednesday if offered to a portion of the bill not yet read.

§ 3.16 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 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

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

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[19] by subject matter, rather than in the order inadvertently printed in the Record. The proceedings on May 24, 1982,[20] ere as follows:

THE CHAIRMAN:[1] 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 Representative 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.

§ 3.17 During consideration of a bill pursuant to a special rule permitting the majority and minority leaders to offer amendments not printed in the Record but permitting all other Members to offer only

19. 128 CONG. REC. 11542, 97th Cong. 2d Sess.

20. H. Con. Res. 345.

1. Richard Bolling (Mo.).

amendments to the bill which have been printed in the Record, the majority leader was allowed to offer an amendment in the nature of a substitute not printed in the Record, but while the substitute was pending another Member was permitted to offer to the bill a perfecting amendment printed in the Record.

During the proceedings of July 28, 1983,[2] in the Committee of the Whole, it was demonstrated that, pending an amendment in the nature of a substitute for an entire bill, perfecting amendments to the pending portion of the bill could still be offered.

MR. [JAMES C.] WRIGHT Jr., [of Texas, the majority leader]: 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. Wright: Strike out all after the enacting clause and insert in lieu thereof the following:

That the Intelligence Authorization Act for Fiscal Year 1983 is amended by adding at the end thereof the following new title. . . .

MR. [HENRY J.] HYDE [of Illinois]: I have an amendment that was printed in the Record. Will I be given an opportunity to offer it?

THE CHAIRMAN:[3] The Chair will advise the gentleman that a printed perfecting amendment to the bill can be offered before the vote on the Wright amendment in the nature of a substitute.

§ 3.18 Where a special order of business mandates that certain amendments be printed in the Congressional Record prior to their being offered, but does not impose the same requirement on amendments to amendments, an amendment offered as a substitute for an amendment in the nature of a substitute does not need to be printed in the Record prior to its consideration.

On July 28, 1983,[4] the proposition described above was demonstrated during consideration of H.R. 2760 in the Committee of the Whole. The proceedings were as follows:

MR. [DOUG] BEREUTER [of Nebraska]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Bereuter as a substitute for the amendment in the nature of a substitute offered by Mr. Wright:

2. 129 CONG. REC. 21468, 21469, 98th Cong. 1st Sess.

3. William H. Natcher (Ky.).

4. 129 CONG. REC. 21473, 21474, 98th Cong. 1st Sess.

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

MR. [THEODORE S.] WEISS [of New York]: Mr. Chairman, it is my understanding that substitutes, except for the one offered by the gentleman from Texas, the majority leader, have to be in written form and filed in advance. I understand that this particular substitute had not been, and that is the basis of my point of order. . . .

THE CHAIRMAN:[5] The Chair would advise the gentleman from New York (Mr. Weiss) that this is an amendment offered as a substitute for the Wright amendment and the rule does not require that it be printed in the Record.

§ 3.19 Where a bill is being considered under a special order requiring amendments to be printed in the Record, and the Chair inadvertently permits the offering of an unprinted amendment which is adopted, those proceedings may be vacated only by unanimous consent.

The circumstance stated above was the basis of the following proceedings which occurred on Oct. 1, 1985,[6] during consideration of H.R. 2100[7] in the Committee of the Whole:

MR. [BARKLEY] BEDELL [of Iowa]: Mr. Chairman, I offer an amendment that takes care of some concerns that the Committee on Ways and Means had.

The Clerk read as follows: . . .

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

THE CHAIRMAN:[8] is there objection to the request of the gentleman from Iowa?

There was no objection.

MR. BEDELL: Mr. Chairman, I yield to the chairman of the committee.

MR. [KIKA] DE LA GARZA [of Texas]: I thank my colleague for yielding.

Mr. Chairman, this takes care of a jurisdictional conflict between our committee and the Committee on Ways and Means. After diligent effort between the staffs and the respective chairmen, the end result is this amendment which would satisfy the Committee on Ways and Means and would do no harm to our committee version, and I would urge the Members to accept it. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Iowa (Mr. Bedell).

The amendment was agreed to. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . Mr. Chairman, I wanted to raise a problem that I have discovered where we have had an amendment adopted here just a few minutes (ago) that was not eligible for consideration under the rule. It is my understanding that the Bedell amendment that was adopted to this section a few minutes ago had not been printed in the Record in a timely fashion, so

5. William H. Natcher (Ky.).

6. 131 CONG. REC. 25463, 25464, 25467, 99th Cong. 1st Sess.

7. The Food Security Act of 1985.

8. David E. Bonior (Mich.).

under the rule, it was not eligible for consideration on the floor except by unanimous consent.

In fact, we did not have a unanimous-consent request for that amendment, so therefore it should not have been considered under the regular procedures. Given that situation, it seems to me that the House should not be acting upon an amendment at this point that is based upon perfecting language that was offered that was not in fact eligible for consideration on the House floor.

If I might, Mr. Chairman, I ask unanimous consent that the proceedings be vacated under [which] the Bedell amendment to this section was adopted.

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

MR. [JAMES] WEAVER [of Oregon]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

§ 3.20 Where the House had adopted a special order permitting only amendments printed in the Record, a Member who had incorrectly submitted an amendment for printing which was part of another amendment and which did not contain separate instructions as to where it would be inserted in the bill was precluded on a point of order from offering the amendment.

On Oct. 3, 1985,[9] during consideration of H.R. 2100[10] in the Committee of the Whole, it was demonstrated that an amendment must contain instructions to the Clerk as to the portion of the bill it seeks to amend, and is subject to a point of order if not proper in form.

THE CHAIRMAN:[11] The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Conte: Page 11, line 12, add the following after the period: "The term 'payments' as used in this section shall include the amount by which any repayment of construction costs pursuant to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) is exceeded by the full cost, as defined by section 202(3)(A)–(C) of the Reclamation Reform Act of 1982 (Public Law 97–293, 96 Stat. 1263), less $5,000.". . .

THE CHAIRMAN: Will the gentleman from Massachusetts give the Chair his attention on this issue?

The Clerk reported an amendment offered by the gentleman from Massachusetts dealing with reclamation.

It would be in order for the gentleman from Massachusetts (Mr. Conte) to ask unanimous consent that the amendment as reported be the one that the gentleman printed in the Record and spoke to concerning honey. Does the gentleman make that request at this time?

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9. 131 CONG. REC. 25970, 25971, 99th Cong. 1st Sess.

10. The Food Security Act of 1985.

11. David E. Bonior (Mich.).

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I ask unanimous consent that the amendment that I offered pertain to this honeybee amendment. The Clerk now has it at the desk.

THE CHAIRMAN: Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. Conte:
> (1) Section 201 of the Agriculture Act of 1949; 7 U.S.C. 1446 is amended by striking in the first sentence the word "honey."
> (2) Subsection (b) of such section is hereby repealed.

THE CHAIRMAN: Does the gentleman from Texas continue to reserve on his point of order?

MR. [KIKA] DE LA GARZA [of Texas]: Yes, Mr. Chairman. This is the amendment I was reserving the point of order on. . . .

Mr. Chairman, if I may be heard on my point of order, I would not object to the gentleman having made his plea for the amendment. But the amendment as printed in the Record, Mr. Chairman, does not designate a proper page or title or section of the bill, and for that reason I would submit that it is out of order. . . .

MR. CONTE: Mr. Chairman, when we submitted the amendments, unfortunately the printer put them en bloc. That was the unfortunate part, but I feel the amendment is germane, and it is germane to section X of the bill.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair will rule that the amendment as submitted was not correctly printed as a separate amendment, and the Chair will sustain the point of order of the gentleman from Texas.

Parliamentarian's Note: Despite Mr. Conte's unanimous consent to separate the honeybee amendment from the reclamation amendment, it was still subject to the point of order that it did not contain proper instructions as to where it would be inserted in the bill.

§ 3.21 Where a bill is being considered under a rule requiring prior printing of amendments in the Congressional Record, an amendment printed with specific page and line numbers may be offered in that form, even though that form does not reflect the offeror's intent.

On Oct. 3, 1985,[12] in the Committee of the Whole, an amendment was modified by unanimous consent to reflect the version of the bill[13] then being considered:

> MR. [BERYL F.] ANTHONY [Jr., of Arkansas]: Mr. Chairman, I offer an amendment.
>
> THE CHAIRMAN PRO TEMPORE: Is the amendment printed in the Record?
>
> MR. ANTHONY: It is printed in the Record, Mr. Chairman.
>
> THE CHAIRMAN PRO TEMPORE: The Clerk will report the amendment.

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12. 131 CONG. REC. 26021, 26022, 99th Cong. 1st Sess.

13. H.R. 2100, the Food Security Act of 1985.

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

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

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

MR. ANTHONY: Yes, it is.

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

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

MR. FRANKLIN: Mr. Chairman, continuing under my reservation, I would like to raise a point of order to the amendment now offered, which was originally filed by the gentleman from Illinois (Mr. Rostenkowski), and state that the amendment as printed in the Record does not refer to the sections to be amended on H.R. 2100, the Union Calendar, under which we are dealing.

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

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

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

The Clerk will report the amendment. . . .

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

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

There was no objection.

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

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

THE CHAIRMAN PRO TEMPORE: The question is on the amendment offered by the gentleman from Arkansas (Mr. Anthony), as modified.

The amendment, as modified, was agreed to.

Modification of Pending Amendments Under a Modified Closed Rule

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

During consideration of H.R. 2100[14] on Oct. 1, 1985,[15] the proposition described above occurred as follows:

THE CHAIRMAN:[16] When the Committee of the Whole rose on Thursday, September 26, title IV was open to amendment at any point to amendments printed in the Congressional Record before September 24, 1985.

Are there amendments to title IV? . . .

The Clerk read as follows:

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

On page 65, after line 8, striking all through "shall" on line 11 and inserting in lieu thereof the following:

"(2) If the Secretary determines that the availability of nonrecourse loans and purchases will not have an adverse effect on the program provided for in paragraph (3), the Secretary may". . . .

Title V of H.R. 2100 is amended by—

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

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I believe a point of order would lie against the amendment offered by the gentleman from Kansas (Mr. Glickman) because the amendment, if I understand the amendment that is being offered, goes to more than one title of the bill. . . .

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

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

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

THE CHAIRMAN: The Chair is prepared to rule.

The Chair would state that the Chair can only look at the form in which the amendment has been sub-

14. The Food Security Act of 1985.

15. 131 CONG. REC. 25418–20, 99th Cong. 1st Sess.

16. David E. Bonior (Mich.).

mitted for printing in the Record. According to the rule, the substitute shall be considered for amendment by title instead of by sections, and only amendments to the bill which have been printed in the Record by September 24 may be offered.

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

The Chair sustains the point of order.

Parliamentarian's Note: Under a closed or modified closed rule, it is not allowable in the Committee of the Whole to offer an amendment not made in order by the rule. But once a proper amendment is before the Committee of the Whole, having been offered in conformity with the terms of the rule, such amendment may in some instances be modified by unanimous consent. See, for further example, the unanimous consent request of Mr. Robert J. Lagomarsino, of California, at 131 Cong. Rec. 37374, 99th Cong. 1st Sess., Dec. 17, 1985, during consideration of H.R. 3838 (the Tax Reform Act of 1985), being considered pursuant to House Resolution 343.

§ 3.23 Where the Committee of the Whole is considering a bill under a "modified closed" rule allowing only designated amendments to be offered and prohibiting amendments to said amendments, an amendment made in order under the rule may be modified or amended only by unanimous consent.

An illustration of the procedure for modifying amendments made in order under a rule as described above is to be found in the proceedings of Sept. 1, 1976:[17]

THE CHAIRMAN:[18] Pursuant to the rule, the bill is considered as having been read for amendment. No amendments are in order except amendments recommended by the Committee on Appropriations and the amendments printed in the Congressional Record of August 31, 1976, by Representative Shipley, but said amendments shall not be subject to amendment except amendments recommended by the Committee on Appropriations and pro forma amendments.

Are there any points of order?

If not, the Chair recognizes the gentleman from Illinois (Mr. Shipley). . . .

MR. [GEORGE E.] SHIPLEY: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Shipley: Page 2, line 15, strike the period and insert in lieu thereof: "*Provided*, That none of the funds contained in this Act shall be used for increases in salaries of Members of the House of Representatives pursuant to section 204a of Public Law 94-82.". . .

17. 122 CONG. REC. 28871, 28872, 28877, 94th Cong. 2d Sess.

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

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I ask unanimous consent to modify the Shipley amendment by adding at the end thereof a sentence which I will ask that the Clerk report.

THE CHAIRMAN: The Clerk will report the modification to the amendment.

The Clerk read as follows:

At the end of the Shipley amendment add a further sentence as follows: No part of the funds appropriated in this Act or any other act shall be used to pay the salary of an individual in a position or office referred to in section 225(f) of the Federal Salary Act of 1967. . . .

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

There was no objection.

§ 3.24 While a special rule adopted by the House controlling the consideration of a bill may not be directly amended in the Committee of the Whole even by unanimous consent, the Committee may, by unanimous consent, permit the modification of an amendment, when offered, made in order by that special rule.

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

Amendment offered by Mr. Ford of Michigan to the ad hoc committee amendment: At the end of the committee amendment on page 180, insert the following new section:

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

"The Federal employee or officer primarily responsible for administering any program established under any provision of, or amendment made by, title I of this Act which provides for

19. 123 CONG. REC. 26161, 26163, 26166, 26167, 95th Cong. 1st Sess.

20. Frank E. Evans (Colo.), Chairman Pro Tempore.

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

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

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

THE CHAIRMAN:[1] The Chair will state to the gentleman from New York that the Ford amendment is in order only under the rule and the rule cannot be changed.

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

THE CHAIRMAN: The Committee of the Whole cannot directly change House Resolution 727, the special rule adopted by the House, even by unanimous consent.

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

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

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

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

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

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

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, earlier today when the gentleman from Massachusetts occupied the chair, a question was put to the Chair whether or not by unanimous consent amendments could be offered to the bill.

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

No amendment to the bill shall be in order except pro forma amend-

1. Edward P. Boland (Mass.).

ments for the purpose of debate and except the following amendments, which shall be in order without the intervention of any point of order, which shall not be subject to amendment except for amendments recommended by the Ad Hoc Committee on Energy. . . .

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

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

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

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

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

THE CHAIRMAN: The gentleman is correct.

Parliamentarian's Note: See also the proceedings of Sept. 1, 1976,[2] relating to H.R. 14238, legislative branch appropriations for fiscal 1977, which was considered under a "modified closed" rule (H. Res. 1507) allowing only designated amendments to be offered and prohibiting amendments to said amendments. An amendment that had been made in order under the rule and offered by Mr. George E. Shipley, of Illinois, was modified pursuant to a unanimous-consent request by Mr. Morris K. Udall, of Arizona.

§ 3.25 Where a special rule permits the offering of only those germane amendments to a bill which have been printed in the Record, an amendment which differs in any respect from a printed amendment may not be offered (except by unanimous consent) even to cure a germaneness defect in a printed amendment previously ruled out.

On Oct. 5, 1977,[3] The Committee of the Whole having under consideration H.R. 8410,[4] a point of order against an amendment, described above, was sustained by the Chair. The proceedings were as follows:

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ashbrook: Page 17, line 5, insert "(i)"

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

3. 123 CONG. REC. 32510, 32511, 95th Cong. 1st Sess.

4. The Labor Reform Act of 1977.

after "(A)" and insert the following new subparagraph (ii) after line 15:

"(ii) which shall assure that the expressing of any views, arguments, opinion, or the making of any statement or the dissemination thereof . . . shall not constitute grounds for . . . setting aside the results of any election conducted under section 9(c)(6) of this Act, if such expression contains no threat of reprisal or force or promise of benefit.'

THE CHAIRMAN:[5] The Chair would like to inquire of the gentleman from Ohio (Mr. Ashbrook) if this amendment which was reported by the Clerk is printed in the Record?

MR. ASHBROOK: Mr. Chairman, I would say the amendment was printed in the Record. The Chair previously ruled it out of order and I have struck certain language to make it conform with the ruling of the Chair.

MR. [FRANK] THOMPSON [Jr., of New Jersey]: Mr. Chairman, I make the point of order that the amendment was not printed in the Record, notwithstanding the attempt of my good friend to revise it in such a way as to indicate that it was. . . .

THE CHAIRMAN: The Chair would have to sustain the point of order. . . .

MR. ASHBROOK: Mr. Chairman, is the Chair indicating an amendment that was printed in the Record on Monday and ruled out of order for parliamentary reasons cannot be revised and offered as a substitute?

THE CHAIRMAN: The Chair would like to advise the gentleman that the amendment was not printed in the Record in the form in which the gentleman now presents it as an amendment to the bill.

MR. ASHBROOK: The gentleman from Ohio would concede that.

THE CHAIRMAN: And the Chair would be constrained to sustain the point of order.

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

On Sept. 4, 1984,[6] during consideration of general business in the House, the situation described above occurred as follows:

MR. [JAMES J.] HOWARD [of New Jersey]: Mr. Speaker, I ask unanimous consent that the committee amendment at the desk which was printed in the Congressional Record on July 11, 1985, and which the rule, House Resolution 223, passed by the House on July 24 makes in order during the consideration of H.R. 10, be modified to conform to funding ceilings rep-

5. William H. Natcher (Ky.).

6. 131 CONG. REC. 22837, 99th Cong. 1st Sess.

See 131 CONG. REC. 31387, 99th Cong. 1st Sess., Nov. 12, 1985, for an instance in which, following adoption of a "modified closed" rule permitting only one amendment to be offered to a joint resolution continuing appropriations, the Chairman of the Committee on Appropriations was, by unanimous consent, permitted by the House to offer an additional amendment in the Committee of the Whole.

resented by Senate Concurrent Resolution 32, passed by the Congress August 1, 1985, setting forth the congressional budget for the United States.

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

The proposition stated above was the basis of the following exchange, which occurred on Aug. 14, 1986,[7] during consideration of H.R. 4428[8] in the Committee of the Whole:

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

THE CHAIRMAN PRO TEMPORE:[9] The Chair will state to the gentleman from New Jersey that a modification of this sort is permitted only by unanimous consent.

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

The Chairman Pro Tempore: Is there objection to the request of the gentlewoman from Illinois?

MR. COURTER: Mr. Chairman, I object.

Modification of Amendment Process by Unanimous Consent

§ 3.28 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,[10] The House having previously adopted a special order[11] 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, certifi-

7. 132 CONG. REC. 21686, 99th Cong. 2d Sess.
8. The Department of Defense Authorization, fiscal year 1987.
9. Marty Russo (Ill.).
10. 123 CONG. REC. 3977, 3981, 95th Cong. 1st Sess.
11. H. Res. 270, 123 CONG. REC. 3976, 3977, 95th Cong. 1st Sess.

cate 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:[12] 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.

§ 3.29 Where the Committee of the Whole was considering for amendment a bill pursuant to a special order permitting only designated amendments, including committee amendments, which were not subject to substantive amendments except those specified in the resolution, the Chair stated in response to a parliamentary inquiry that the pending amendment had been made in order only as a perfecting amendment to the pending committee amendment, and that the Committee of the Whole could not, even by unanimous consent, directly alter the special order adopted by the House to require the perfecting amendment to be offered to the bill after disposition of the pending committee amendment.

On Aug. 2, 1977,[13] The Committee of the Whole had under consideration H.R. 8444, the National Energy Act. An amendment, referred to in the proceedings as the "Mikulski amendment," was offered as follows:

THE CHAIRMAN:[14] The Clerk will designate the page and the line number of the ad hoc committee amendment (the "Mikulski amendment") to part III.

The Clerk read as follows:

Ad hoc committee amendment: Page 146, insert the matter in italic on lines 2 through 5, and on page 169, insert the matter on page 169, line 3 through page 180, line 7.

[The ad hoc committee amendment reads as follows:]

PART III—ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HEALTH CARE FACILITIES AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT. . . .

Mr. William D. Ford, of Michigan, offered an amendment:

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

13. 123 CONG. REC. 26158, 26160, 26161, 95th Cong. 1st Sess.

14. Edward P. Boland (Mass.).

MR. FORD of Michigan: Mr. Chairman, I offer an amendment to the ad hoc committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ford of Michigan to the ad hoc committee amendment: At the end of the committee amendment on page 180, insert the following new section:
>
> "Sec. 5. Application of Davis-Bacon Act.
>
> "The Federal employee or officer primarily responsible for administering any program established under any provision of, or amendment made by title I of this Act which provides for Federal funding shall take such steps as are necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction utilizing such funds will be paid at rates not less than those prevailing on similar construction in the locality. . . .

MR. [JOHN B.] ANDERSON of Illinois: Mr. Chairman, it was my understanding under the rule previously adopted that we would proceed to a consideration of all 23 of the amendments adopted in the ad hoc committee and that any other amendments would be subsequent to that.

Can the Chair enlighten us as to what the procedure will be?

THE CHAIRMAN: We are only treating the ad hoc committee amendments to the pending part of the bill under the rule, which makes the amendment of the gentleman from Michigan (Mr. Ford) in order to the pending committee amendment. . . .

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, is the gentleman's amendment an amendment to the Mikulski amendment or an amendment to the committee amendment?

THE CHAIRMAN: The gentleman's amendment is an amendment to the committee amendment, the so-called Mikulski amendment.

MR. OTTINGER: Is that in order?

THE CHAIRMAN: That amendment is in order under the rule.

MR. OTTINGER: To the Mikulski amendment?

THE CHAIRMAN: The gentleman from Michigan offered an amendment to the committee amendment, the ad hoc committee amendment. That amendment is the so-called Mikulski amendment and the amendment of the gentleman from Michigan is in order under the rule. . . .

MR. OTTINGER: Mr. Chairman, would it be in order to ask unanimous consent that the Ford amendment be considered separately, since it has nothing to do with the Mikulski amendment?

THE CHAIRMAN: The Chair will state to the gentleman from New York that the Ford amendment is in order only under the rule and the rule cannot be changed.

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

THE CHAIRMAN: The Committee of the Whole cannot directly change House Resolution 727, the special rule adopted by the House, even by unanimous consent.

Parliamentarian's Note: Unanimous-consent requests may be entertained in Committee of the Whole by the Chair if their effect is to allow procedures which differ only in minor or incidental respects from the procedure required by a special order adopted

by the House. Thus, debate under the five-minute rule may be extended by unanimous consent where the House is operating under a "closed" rule;[15] a modification to a designated amendment made in order by a "modified closed" rule may be permitted by unanimous consent;[16] and a page reference may be included in a designated amendment made in order where the printed amendment did not include that reference.[17] But where a unanimous-consent request directly alters the basic structure of a complex and detailed rule, particularly a "modified closed" rule, the Chair should refuse to entertain the request.[18]

Of course, because the House, and not the Committee of the Whole, has the authority to change the substantive terms of a special order of business previously adopted by the House, the House may, by unanimous consent, delegate to the Committee of the Whole authority to entertain unanimous-consent requests to change procedures contained in an adopted House special order. See, for example, the unanimous-consent request of Mr. G. V. (Sonny) Montgomery, of Mississippi, on Aug. 11, 1986, 99th Cong. 2d Sess., relating to consideration of H.R. 4428 (defense authorization for fiscal 1987) pursuant to House Resolution 531.

§ 3.30 In response to a parliamentary inquiry as to whether the Committee of the Whole could, by unanimous consent, require amendments offered to the pending text to be germane thereto notwithstanding the adoption by the House of a resolution waiving germaneness requirements for any amendment in the nature of a substitute, the Chairman stated that the Committee of the Whole could not even by unanimous consent directly add to the specific requirements in the rule adopted by the House.

On May 18, 1978,[19] the Committee of the Whole was considering H.R. 39, the Alaska Na-

15. See 120 CONG. REC. 8229, 8233, 8243, 93d Cong. 2d Sess., Mar. 26, 1974.

16. See 122 CONG. REC. 28871, 28872, 28877, 94th Cong. 2d Sess., Sept. 1, 1976.

17. See 122 CONG. REC. 9090, 9091, 94th Cong. 2d Sess., Apr. 1, 1976.

18. See, for example, 119 CONG. REC. 41153–55, 93d Cong. 1st Sess., Dec. 12, 1973 (request to read a substitute by sections for amendment was not in order where the special order did not so provide). For further discussion of the use of unanimous consent requests in Committee of the Whole to modify the requirements of a special rule, see *House Rules and Manual* § 877a (101st Cong.).

19. 124 CONG. REC. 14391, 95th Cong. 2d Sess.

tional Interest Conservation Lands Act of 1978. On the previous day, the House had agreed to House Resolution 1186,[20] providing for consideration of H.R. 39 and stating in part:

> 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. It shall be in order to consider as amendments to said substitute provisions contained in the text of the bill H.R. 39 as introduced, in the text of the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill H.R. 39, and in the text of the amendments recommended by the Committee on Merchant Marine and Fisheries now printed in the bill H.R. 39, and all points of order against said amendments for failure to comply with the provisions of clause 7, rule XVI and clause 5, Rule XXI are hereby waived.

The text of H.R. 12625 having been offered as an amendment in the nature of a substitute (to be read as an original bill for amendment), with an amendment in the nature of a substitute (the Meeds amendment) to be offered thereto subsequently, the following exchange occurred:[21]

> MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, would a unanimous-consent request be in order that under the proceedings under the 5-minute rule no additional substitute amendment for the entire bill would be in order, unless it were germane to H.R. 39 or to the Meeds substitute?
>
> In that case, I would not have to offer the substitute, my substitute, and we can vote up or down on the Meeds amendment. . . .
>
> THE CHAIRMAN:[1] the Chair will respond to the point raised by the gentleman from Arizona (Mr. Udall) in his parliamentary inquiry. The Chair is advised that the Committee of the Whole cannot amend the rule by unanimous consent.

§ 3.31 Where a special order adopted by the House governing consideration of a bill specifies the order in which amendments may be considered in Committee of the Whole, the House (but not the Committee of the Whole) may by unanimous consent change the order of consideration of the amendments.

The proposition stated above was the basis of the following pro-

20. *Id.* at pp. 14139–46.

21. *Id.* at p. 14394.

1. Paul Simon (Ill.).

ceeding, which occurred on June 14, 1984,[2] durging consideration of H.R. 1510:[3]

MR. [ROMANO L.] MAZZOLI [of Kentucky]: . . . Therefore, the gentleman from Kentucky now, Mr. Speaker, makes the unanimous consent request that amendments numbered 46, 47, and 48 to the bill (H.R. 1510) be postponed for consideration until Tuesday next, to become the first order of business on that day.

THE SPEAKER PRO TEMPORE:[4] To become the first order of business upon the resumption of the sitting of the Committee of the Whole under the terms of the rule.

MR. MAZZOLI: Precisely.

MR. [HOWARD L.] BERMAN [of California]: Mr. Speaker, reserving the right to object, are 46, 47, and 48 king of the mountain amendments?

MR. MAZZOLI: It says king of the mountain, on page 3, yes. The gentleman is correct. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Kentucky [Mr. Mazzoli] asks unanimous consent that amendments numbered 46, 47, and 48 be postponed for consideration until Tuesday next and that they be in that order, the first order of business, when the Committee resumes sitting under the Committee of the Whole for the further consideration of the bill (H.R. 1510).

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Parliamentarian's Note: Where the House has adopted a special order permitting the consideration of amendments in Committee of the Whole only in a prescribed order, the Committee of the Whole must rise to permit the House, by unanimous consent, to change the order of consideration of certain amendments in Committee of the Whole.

§ 3.32 On one occasion, where a special rule governing consideration of a bill made in order only one amendment to a particular title, a technical amendment was permitted to correct a drafting error in the text.

An example of the situation described above occurred on Aug. 10, 1984,[5] during consideration of H.R. 5640.[6] The proceedings in the Committee of the Whole were as follows:

MR. [WYCHE] FOWLER [Jr., of Georgia]: Mr. Chairman, I offer a technical amendment to title VI, and I ask unanimous consent for its consideration at this time.

THE CHAIRMAN:[7] Is there objection to the request of the gentleman from Georgia?

There was no objection.

2. 130 CONG. REC. 16403–05, 98th Cong. 2d Sess.
3. The Immigration Reform and Control Act of 1983.
4. James C. Wright, Jr. (Tex.).
5. 130 CONG. REC. 24052, 98th Cong. 2d Sess.
6. Superfund Expansion and Protection Act of 1984.
7. Joseph G. Minish (N.J.).

The Clerk read as follows:

Amendment offered by Mr. Fowler: Page 73, strike out lines 9 and 10 and substitute: "(i) barium sulfide, or any other taxable chemical which is a metal or metallic compound, and". . . .

MR. [HOWARD C.] NIELSON of Utah: I understood the only amendments to title V would be the one by Representative Conable.

MR. FOWLER: I will say to the gentleman that this was done by unanimous consent. It was a technical amendment because it was a drafting problem. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Georgia (Mr. Fowler).

The amendment was agreed to.

Parliamentarian's Note: This type of modification of the terms of the rule should only be entertained in the House, not in the Committee of the Whole.

—*Additional Debate Permitted by Unanimous Consent*

§ 3.33 The House, by unanimous consent, agreed to permit 30 additional minutes debate in the Committee of the Whole on a specified amendment to a bill being considered under a rule prohibiting pro forma amendments.

On Apr. 20, 1955,[8] the following proceedings took place:

MR. [ROBERT J.] CORBETT [of Pennsylvania]: Mr. Speaker, I would like to raise the question, if this rule is adopted, and when the amendments are presented, whether or not the amendments will be open to discussion under the 5-minute rule or we will be limited to one 5-minute speech for and one 5-minute speech against the amendment?

THE SPEAKER PRO TEMPORE:[9] Under the rules, there will be [one 5-minute speech for and one 5-minute speech against]. No pro forma amendments will be in order. . . .

MR. [HOWARD W.] SMITH of Virginia: . . . After consultation with the minority I ask unanimous consent that debate under the 5-minute rule on the amendment which will be offered at page 82 of the bill relating to the pay schedule, be extended for 30 additional minutes, which will provide for 40 minutes of debate. . . .

There was no objection.

Pro Forma Amendments

§ 3.34 Pro forma amendments are not in order when a bill is being considered under a "closed" rule which permits no amendments except by direction of the committee reporting the bill and no amendments thereto.

On Oct. 5, 1962,[10] the following proceedings took place:

8. 101 CONG. REC. 4829, 4834, 84th Cong. 1st Sess.

9. Carl Albert (Okla.).

10. 108 CONG. REC. 22636, 87th Cong. 2d Sess. Under consideration was H. Con. Res. 570 (Committee on Foreign Affairs).

THE CHAIRMAN:[11] There being no further requests for time, under the rule the House concurrent resolution is considered as having been read for amendment. No amendment is in order except amendments offered by the direction of the Committee on Foreign Affairs and such amendments shall not be subject to amendment. . . .

MR. [THOMAS B.] CURTIS of Missouri: Mr. Chairman, I move to strike out the last word.

THE CHAIRMAN: The Chair will state that the only amendment in order is the amendment offered by the committee.

The gentleman can rise in support of the amendment.

§ 3.35 Where a special order adopted by the House provides special procedures governing the consideration of an amendment if offered in the Committee of the Whole, the Chair announces after such an amendment is offered and before debate begins thereon the relevant provisions of the special order.

On Oct. 17, 1979,[12] the Committee of the Whole having under consideration S. 832,[13] the above-stated proposition was illustrated as indicated below:

THE CHAIRMAN:[14] Pursuant to the rule the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the reported bill as an original bill for the purpose of 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, That section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended by striking out "and" after "1977" and by inserting after "1978" the following: ", and $8,998,823 for the fiscal year ending September 30, 1980". . . .

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Obey: At the end of the bill, add the following:

Sec. 2. (a) Section 320 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following new subsection. . . .

THE CHAIRMAN: The Chair would like to state that pursuant to the rule no amendments are in order to this amendment except pro forma amendments for the purpose of debate, and the following amendments which shall not be subject to amendment except for pro forma amendments for the purpose of debate:

First, the three amendments printed on page H8111 of the Congressional

11. Samuel S. Stratton (N.Y.).

12. 125 CONG. REC. 28643–45, 96th Cong. 1st Sess.

13. Federal Election Campaign Act of 1971 Amendments.

14. William H. Natcher (Ky.).

Record of September 18, 1979, by Representative Obey; and Second, the amendment to the text of H.R. 4970, printed in the Congressional Record of September 19, 1979, by Representative Minish, which shall be in order only if amendment No. 1, printed in the Congressional Record of September 18, by Representative Obey, is defeated.

The Chair now recognizes the gentleman from Wisconsin (Mr. Obey) for 5 minutes in support of his amendment.

Parliamentarian's Note: The special order permitted the offering of a non-germane amendment, subject both to pro forma amendments for debate and to four designated amendments (which in turn were also subject to pro forma amendments). The Chair indicated, in response to a parliamentary inquiry, that pro forma debate on the original amendment could be had although one of the substantive amendments thereto might be pending. For further discussion of debate on amendments, see § 28, infra.

§ 3.36 While normally under the five-minute rule debate on a pro forma amendment may relate either to a pending amendment in the nature of a substitute or to a perfecting amendment thereto (as not necessarily in the third degree), where a special rule permitted the offering of both perfecting amendments in the second degree and of pro forma amendments to the substitute when perfecting amendments were not pending, the Chair permitted pro forma amendments during pendency of perfecting amendments but, in response to a point of order, required that debate be related solely to the perfecting amendment.

On May 26, 1982,[15] during consideration of House Concurrent Resolution 345[16] in the Committee of the Whole, the situation described above occurred as follows:

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I rise to strike the requisite number of words not because I intend to speak to the amendment of the gentleman from Michigan, but instead to take this time in concert with colleagues who care very much about what the Latta amendment does to housing. Not for housing, but to housing. . . .

MR. [JAMES H.] QUILLEN [of Tennessee]: Mr. Chairman, I understood we were debating the Conyers amendment, and I did not hear permission to speak out of order.

MR. AUCOIN: Mr. Chairman, my remarks go to the Latta substitute, and

15. 128 CONG. REC. 12088, 12090, 97th Cong. 2d Sess.

16. First concurrent resolution on the budget, fiscal 1983.

I believe that is pending before the committee.

THE CHAIRMAN:[17] The Chair will have to state that the matter that is pending is the Conyers amendment, and that debate should be germane to the Conyers amendment.

Parliamentarian's Note: The Chairman insisted that debate proceed in an "orderly fashion", that once a perfecting amendment was offered, debate under the five-minute rule be confined thereto, and not to one of the three underlying substitutes pending simultaneously. Separate debate on those substitutes was to be permitted only between consideration of numbered perfecting amendments.

§ 3.37 Where a special order permits both the offering of specified perfecting amendments in a certain order and pro forma amendments, the Chair has discretion to recognize Members to offer pro forma amendments to debate the underlying text between consideration of perfecting amendments.

On May 26, 1982,[18] the Committee of the Whole having under consideration House Concurrent Resolution 345,[19] the Chair responded to a parliamentary inquiry regarding the circumstances described above. The proceedings were as indicated below:

MR. [HENRY A.] WAXMAN [of California]: At the appropriate time after we have completed this amendment, I will seek to strike the last word to make other comments that may be of interest to Members.

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[20] The gentleman will state it.

MR. MADIGAN: Is the procedure that has just been suggested by the gentleman from California one that would be in order?

THE CHAIRMAN: The Chair will entertain pro forma amendments between amendments.

MR. MADIGAN: Further pursuing my parliamentary inquiry, Mr. Chairman, how would the gentleman from California be able to be recognized to speak in behalf of something that he says he is not going to offer?

THE CHAIRMAN: Between amendments, no amendment is pending. That is why a pro forma amendment presumably to one of the substitutes will be allowed. It provides an opportunity for discussion between amendments.

Modified Closed Rule as Prohibiting Pro Forma Amendment

§ 3.38 Where a rule under which a bill is considered

17. Richard Bolling (Mo.).
18. 128 CONG. REC. 12141, 97th Cong. 2d Sess.
19. First concurrent resolution on the budget, fiscal 1983.
20. Richard Bolling (Mo.).

permits only specified amendments and prohibits amendments to such amendments, no pro forma amendments are in order and only two five-minute speeches are permitted on each of the specified amendments.

On Apr. 20, 1955,[1] the following exchange took place:

MR. [ROBERT J.] CORBETT [of Pennsylvania]: Mr. Speaker, I would like to raise the question, if this rule is adopted, and when the amendments are presented, whether or not the amendments will be open to discussion under the 5-minute rule or we will be limited to one 5-minute speech for and one 5-minute speech against the amendment?

THE SPEAKER PRO TEMPORE:[2] Under the rules, there will be one 5-minutes for and one 5-minutes against. No pro forma amendments will be in order.

§ 3.39 Where a "modified closed rule" provides that a designated amendment may be offered as a new title to a bill and, with the exception of committee amendments thereto, only one designated amendment to that amendment may be offered, only two five-minute speeches are permitted on that amendment to the amendment, since a pro forma amendment thereto would be in the third degree (and a pro forma amendment to the original amendment inserting a new title is specifically prohibited by the rule), and further debate may be had only by unanimous consent.

On Dec. 19, 1975,[3] during consideration of a bill[4] in the Committee of the Whole, an amendment was offered and the proceedings, described above, were as follows:

MR. [GLENN M.] ANDERSON of California: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Anderson of California to the amendment offered by Mr. Ullman: In proposed section 301, strike out subsections (b) and (c) and insert in lieu thereof the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations incurred on or after the date of the enactment of this Act.

MR. [SAM] GIBBONS [of Florida]: Mr. Chairman, I rise in opposition to the amendment. . . .

MR. [ALPHONZO] BELL [of California]: Mr. Chairman, I rise in support of the amendment offered by the gentleman from California. . . .

1. 101 CONG. REC. 4829, 84th Cong. 1st Sess.
2. Carl Albert (Okla.).
3. 121 CONG. REC. 41788–90, 94th Cong. 1st Sess.
4. H.R. 9771, Airport and Airway Development Act of 1975.

MR. GIBBONS: Mr. Chairman, as I understood the rule granted the Ways and Means Committee, there was only one amendment, and the time under the rule was limited to 5 minutes on each side, and that pro forma amendments or any other amendments are out of order. That is the way I understand the rule.

THE CHAIRMAN:[5] the rule is a rather complex rule, and if the gentleman will permit the Chair to review this matter, the Chair will respond.

Without objection, the gentleman from California (Mr. Bell) is recognized for 5 minutes.

There was no objection.

[Following Mr. Bell's remarks, the question was taken:]

MR. GIBBONS: Mr. Chairman, I insist on regular order.

THE CHAIRMAN: Regular order is demanded.

The question is on the amendment offered by the gentleman from California (Mr. Anderson) to the amendment offered by the gentleman from Oregon (Mr. Ullman).

[The amendment to the amendment was agreed to.]

§ 3.40 Pro forma amendments are not in order during consideration of a title of a bill being read pursuant to a special rule prohibiting all amendments except committee amendments to that title.

On Oct. 13, 1977,[6] the Committee of the Whole having under consideration H.R. 8309,[7] the Chair, citing from the rule providing for consideration of the bill and amendments thereto,[8] directed the Clerk to read by titles the committee amendment in the nature of a substitute:

THE CHAIRMAN:[9] . . . Pursuant to the rule, no amendment to title II of said substitute, and no amendment in the nature of a substitute changing title II of said substitute shall be in order, except amendments offered by direction of the Committee on Ways and Means, and said amendments shall not be subject to amendment.

The Clerk will now read by titles the committee amendment in the nature of a substitute. . . .

Are there any committee amendments to title II?

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

THE CHAIRMAN: Without objection, the gentleman is recognized. The Chair would, however, state that under the rule even pro forma amendments are not allowed to title II.

§ 3.41 Where a bill was being considered for amendment pursuant to a special "modified closed" rule permitting only designated amendments to be offered and precluding amendments thereto, with debate on each amendment

5. George E. Brown, Jr. (Calif.).
6. 123 *Cong. Rec.* 33627, 33637, 95th Cong. 1st Sess.
7. The Navigation Development Act.
8. H. Res. 776, adopted Oct. 6, 1977.
9. John J. McFall (Calif.).

limited and controlled, the Chair indicated that pro forma amendments for the purpose of debate were not in order.

On May 21, 1986,[10] the Committee of the Whole having under consideration H.R. 4800,[11] the Chair responded to a parliamentary inquiry in the circumstances described above:

THE CHAIRMAN:[12] When the Committee of the Whole rose on Tuesday, May 20, 1986, all time for general debate had expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. The amendments printed in section 2 of House Resolution 456, agreed to by the House on May 15, 1986, are considered as having been adopted.

No other amendments to the bill are in order except the following amendments printed in the Congressional Record of May 15, 1986, except amendment numbered (12) shall be the text of H.R. 4830 in lieu of being printed in the Record. . . .

MR. [DON] YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. YOUNG OF ALASKA: Mr Chairman, can I move to strike the last word and get 5 minutes?

THE CHAIRMAN: The time is controlled by the gentleman from Wisconsin (Mr. Roth). The gentleman has to seek time from the gentleman from Wisconsin or the gentleman from Washington (Mr. Bonker).

—*Preferential Motion Not Precluded*

§ 3.42 A special order governing consideration of a bill in Committee of the Whole which prohibits the Chair from entertaining pro forma amendments for the purpose of debate does not preclude the offering of a preferential motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, since that motion is not a pro forma amendment and must be voted on (or withdrawn by unanimous consent).

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

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I offer a preferential motion.

10. 132 CONG. REC. 11484, 11566, 99th Cong. 2d Sess.

11. The Omnibus Trade Act of 1986.

12. Anthony C. Beilenson (Calif.).

13. 129 CONG. REC. 11072, 98th Cong. 1st Sess.

THE CLERK READ AS FOLLOWS:

Mr. Levitas moves that the Committee rise and report the resolution back to the House with the recommendation that the resolving clause be stricken.

MR. [THOMAS J.] DOWNEY of New York: Mr. Chairman, I have a point of order.

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

MR. DOWNEY of New York: Mr. Chairman, my understanding of the rule is that there is a provision in the rule that prohibits motions of this sort for the purpose of debate time. Is that correct?

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman it only prohibits pro forma amendments, not preferential motions such as the gentleman has offered.

Rule Permitting Only Amendments Changing Money Amounts

§ 3.43 When a bill was being considered under a modified closed rule providing that "no amendments shall be in order to said bill except proposals to strike out any of its provisions or to increase or decrease the amounts authorized therein," amendments proposing to change the time when provisions of the bill were to become effective were held not to be in order.

On Feb. 16, 1955,[14] the following proceedings took place:

The Clerk read as follows:

Sec. 5. . . .

(b) The provisions of section 4 shall take effect as of the commencement of the 84th Congress. . . .

Amendment offered by Mr. [Richard H.] Poff [of Virginia]: On page 5, line 13, strike out "84th" and insert in lieu thereof "85th".

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, a point of order. Under the rule, House Resolution 141, the amendment offered by the gentleman from Virginia, is not germane, and therefore not in order.

THE CHAIRMAN:[15] As stated by the Chair before the reading of the bill, under the rule by which the bill is being considered, no amendments are in order except those raising or lowering the amount, or striking out some portion of the bill.

Therefore, such amendment changing the effective date of the bill would not be in order. . . .

Amendment offered by Mr. [Usher L.] Burdick [of North Carolina]: Page 5, strike out section 5 and insert a new section 5 to read as follows:

"Sec. 5. This act shall take effect on January 1, 1957.". . .

THE CHAIRMAN: The Chair will state that this amendment falls within the same class as the one previously ruled on with respect to this section.

§ 3.44 To a subsection of a bill (setting a $75,000 limitation

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14. 101 CONG. REC. 1585, 1586, 84th Cong. 1st Sess. Under consideration was H.R. 3828, increasing judicial and congressional salaries.

15. Howard W. Smith (Va.).

on expenditures by candidates for Congress) being considered under a special rule permitting only amendments which solely change money amounts, an amendment adding the exception that a lower limit if imposed by state law shall apply was held in order as solely affecting money amounts in that subsection, by describing a lower amount if enacted by state law without directly conferring discretionary authority upon the states.

On Aug. 8, 1974,[16] the Committee of the Whole had under consideration H.R. 16090, the Federal Election Campaign Act of 1974. The bill was being considered under a special rule[17] which provided in part that "no amendment, including any amendment in the nature of a substitute for the bill, shall be in order except the following: [in title I] germane amendments to subsection 101(a) proposing to change the money amounts regarding contribution and expenditure limits contained in that subsection, providing that the amendments have been printed in the Congressional Record at least 1 calendar day prior to being offered."

Mr. David R. Obey, of Wisconsin, offered an amendment:

> MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Obey: Page 5, line 2, strike out "; or" and insert in lieu thereof "Except that in any state in which there is an overall spending limit (enacted after the close of December 31, 1970) lower than the $75,000 limit in this section, the spending limit imposed by state law shall apply, notwithstanding any other provision of the law. . . .

Mr. William L. Armstrong, of Colorado, made a point of order against the amendment, on the basis of the provisions of the special rule cited above. The following discussion then took place:

> THE CHAIRMAN:[18] Does the gentleman from Wisconsin desire to be heard on the point of order?
>
> MR. OBEY: Yes, Mr. Chairman. I suggest the amendment is in order, because while the language of the rule specifies that amendments are in order only if they change the dollar amounts, this amendment solely changes the dollar amounts. It is just that. It contains no formula, as the committee was worried about, it contains no special formula, it contains no special arrangement. The net effect is merely to change the dollar amounts allowed to be spent under the bill.
>
> MR. ARMSTRONG: Mr. Chairman, it is obvious that the rule does preclude

16. 120 CONG. REC. 27460, 27461, 93d Cong. 2d Sess.

17. H. Res. 1292, 93d Cong. 2d Sess. (H. Rept. 93–1260).

18. Richard Bolling (Mo.).

this amendment, because it offers a new regulatory scheme and gives to the States certain discretion not contemplated by the original bill. The drafters of the bill went to considerable trouble to preempt the States, and this does not simply change the dollar amount.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair is familiar with the rule, and has also examined the amendment. He finds that the effect of the amendment is, in fact, only to limit the amounts. There is no additional discretionary authority affirmatively conferred on the States by the terms of the amendment.

Therefore, it is not subject to the point of order last discussed by the gentleman from Colorado.

Therefore, the Chair overrules the point of order.

Rule Permitting Only Amendment Changing Dates

§ 3.45 An amendment to a bill extending the temporary debt limit, providing that the temporary increase in the debt limit shall expire on the date specified in the bill or on the 15th day of the month following the month in which the cost of servicing the public debt exceeds a certain limit, whichever date is sooner, was ruled out of order where the special order governing the consideration of the bill restricted amendments only to those changing either the expiration date or the amount of the debt limit contained in the bill.

On July 19, 1978,[19] during consideration of H.R. 13385 in the Committee of the Whole, the Chair sustained a point of order against an amendment on the grounds that it was not in order under the special rule governing consideration of the bill. The proceedings were as follows:

MR. [JAMES] WEAVER [of Oregon]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Weaver: On line 4, page 1, after "1979," insert: "or ending the 15th day of the month following the month upon which the cost of servicing the public debt to the United States Treasury from March 31, 1978 first exceeds $50,000,000,000 whichever date is soonest,".

MR. [AL] ULLMAN [of Oregon]: Mr. Chairman, I make a point of order against the amendment. . . .

[T]he rule clearly puts limitations on the kind of amendments that can be offered.

On page 2 it reads:

> . . . which shall not be subject to amendment, and amendments only changing the date on page 1, line 4 or only changing the figure on page 1, line 7, . . .

Mr. Chairman, the amendment offered by the gentleman from Oregon

19. 124 CONG. REC. 21737, 21738, 95th Cong. 2d Sess.

(Mr. Weaver) is a condition leading to a day it is not a day set, it is an uncertain alternative. The reference is not a specific change in the date in the bill and is outside the scope of the rule. . . .

MR. WEAVER: . . . The rule does state . . . that there may be amendments on line 4, page 1, affecting the date. My amendment simply says that the date on which the temporary ceiling will terminate will be the point when the cost of servicing the national debt shall have reached $50 billion. And that simply changes the date and nothing but the date. Therefore, Mr. Chairman, the amendment is germane to this bill and according to the rule.

THE CHAIRMAN: The Chair will rule.

House Resolution 1277 provides that no amendments to the pending bill shall be in order except amendments which only change the date on page 1, line 4, or only change the amount on page 1, line 7, of the bill.

While it might be contended that the amendment offered by the gentleman from Oregon (Mr. Weaver) provides an alternative termination date for the extension of the temporary debt ceiling contained in the bill, in the opinion of the Chair the amendment does more than just change the date on line 4. It conditions the temporary debt ceiling extension on factors other than a mere time duration, and as such is not an amendment which only changes the date contained in the bill.

The Chair, therefore, holds that the amendment is not in order under House Resolution 1277 and sustains the point of order.

Parliamentarian's Note: House Resolution 1277, referred[20] to above, provided:

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. 13385) to provide for a temporary increase in the public debt limit. . . . After general debate . . . the bill shall be considered as having been read for amendment under the five-minute rule. No amendments to the bill shall be in order except amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment, and amendments only changing the date on page 1, line 4 or only changing the figure on page 1, line 7, and said amendments shall not be subject to amendment except pro forma amendments for the purpose of debate and germane amendments only changing the date on page 1, line 4 or only changing the figure on page 1, line 7. At the conclusion of the consideration of the bill for amendment, the Committee shall rise . . . and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Text of Bill in Order as Amendment

§ 3.46 Where a special rule makes in order the text of another bill as an amendment, that text may be offered as an amendment to the bill or as an amendment in the nature of a substitute therefor.

20. James J. Delaney (N.Y.).

On July 17, 1968,[1] Mr. Richard Bolling, of Missouri, called up a resolution providing for consideration of the State Firearms Control Assistance Act of 1968.[2] The text of House Resolution 1249 and Mr. Bolling's discussion of the effect of the resolution follows:

> *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. 17735) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, without the intervention of any point of order, the text of the bill H.R. 6137 as an amendment to the bill. At the conclusion of the consideration of the bill H.R. 17735 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. . . .

> MR. BOLLING: Mr. Speaker, I have just gotten permission to include in the Record the text of the so-called Casey bill, H.R. 6137, which was made in order by the rule as an amendment to H.R. 17735, the bill this rule will make in order for consideration under a 3-hour open rule.
>
> I do so because the procedure followed by the Committee on Rules in granting this rule is a relatively unusual procedure. I think it important that the Members understand what may be offered as an amendment. It is also important that they understand that this amendment, this so-called Casey bill, may be offered either as a substitute for H.R. 17735, or as an amendment to it.

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

On July 26, 1978,[3] the Committee of the Whole having under consideration H.R. 3350 pursuant to a special order, the above-stated proposition was illustrated as indicated below:

> THE CHAIRMAN:[4] . . . Pursuant to the rule, it shall be in order to consider

1. 114 CONG. REC. 21765, 21766, 90th Cong. 2d Sess.
2. H. Res. 1249 (Committee on Rules) providing for consideration of H.R. 17735.
3. 124 CONG. REC. 22884, 95th Cong. 2d Sess.
4. Paul Simon (Ill.).

by titles the text of H.R. 12988, if offered as an amendment in the nature of a substitute, as an original bill for the purpose of amendment. No amendment to title IV of said substitute which would change title IV, shall be in order except amendments recommended by the Committee on Ways and Means and an amendment printed in the Congressional Record of June 5, 1978, by Representative Stark of California, which amendments shall not be subject to amendment, but it shall be in order to debate said amendments and title IV by the offering of pro forma amendments.

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

The Clerk will read.

The Clerk read as follows:

SECTION 1. SHORT TITLE.

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

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

The Clerk read as follows:

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

Section 1. Short title.

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

§ 3.48 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 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,[5] the Committee of the Whole having under consideration H.R. 5229,[6] the Chair responded to a parliamentary inquiry regarding procedure under the special rule, as set out below:

THE CHAIRMAN:[7] 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

5. 125 CONG. REC. 25526, 25527, 96th Cong. 1st Sess.
6. Temporary Debt Limit Increase.
7. Matthew F. McHugh (N.Y.).

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. [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.

Amendments in Nature of Substitute as "Original Text"

§ 3.49 Where a bill was being considered under a special rule making in order the text of a designated amendment in the nature of a substitute but not providing for reading of said substitute by sections as an original bill, the Chair indicated that if the entire amendment were considered as read and printed in the Record it would automatically be open to amendment at any point.

On Feb. 3, 1976,[8] the Committee of the Whole having under consideration H.R. 9464,[9] the Chair responded to a parliamentary inquiry regarding the situation as described above. The proceedings were as follows:

MR. [ROBERT] KRUEGER [of Texas] (during the reading): Mr. Chairman, I

8. 122 CONG. REC. 2008, 94th Cong. 2d Sess.

9. Natural Gas Emergency Act of 1976.

ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

THE CHAIRMAN:[10] Is there objection to the request of the gentleman from Texas? . . .

MR. [JOHN D.] DINGELL [of Michigan]: Continuing my reservation of objection, Mr. Chairman, first of all, I have a parliamentary inquiry. Was it the request that the amendment be considered as read and open to amendment at any point?

THE CHAIRMAN: That is the pending matter. The Chair was about to put the question when the gentleman rose and said he reserved the right to object further.

MR. DINGELL: I just want to be sure that I understand the unanimous-consent request properly. . . .

THE CHAIRMAN: Let me say in clarification the unanimous-consent request that the gentleman made was that the amendment be considered as read and printed in the Record, and it automatically will be open for amendment at any point.

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

On Mar. 20, 1978,[11] the Committee of the Whole having under consideration H.R. 7700,[12] he above-stated proposition was illustrated as indicated below:

THE CHAIRMAN:[13] Pursuant to the rule, it shall be in order to consider an amendment printed in the Congressional Record of March 14, 1978, by Representative Hanley of New York if offered as an amendment in the nature of a substitute for the bill, said substitute shall be read for amendment under the 5-minute rule as an original bill, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI, are hereby waived. . . .

At this time the Clerk will read.

The Clerk read as follows:

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

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

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

The Clerk read as follows:

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

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

MR. HANLEY (during the reading): Mr. Chairman, I ask unanimous consent that the amendment in the nature

10. Richard Bolling (Mo.).

11. 124 CONG. REC. 7558, 7559, 95th Cong. 2d Sess.

12. The Postal Service Act of 1977.

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

of a substitute be considered as read, printed in the Record, and open to amendment at any point. . . .

[Objection was heard.]

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

Are there amendments to section 1?

§ 3.51 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,[14] during consideration of a bill[15] in the Committee of the Whole, the proceedings described above were as follows:

THE CHAIRMAN:[16] . . . 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:

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 amend-

14. 124 CONG. REC. 20992–95, 95th Cong. 2d Sess.

15. H.R. 12163, Department of Energy authorizations. The bill was being considered pursuant to H. Res. 1261.

16. Barbara Jordan (Tex.).

ment in the nature of a substitute, the amendment must be offered from the floor (after the first section of the bill is read).

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

On July 18, 1978,[17] the Committee of the Whole having under consideration H.R. 1609, pursuant to a special rule (H. Res. 1252), the proceedings were as follows:

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

The Clerk will read section 1 of the original bill.

The Clerk read as follows:

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

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

The Clerk read as follows:

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

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

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

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

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

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

MR. [JOE] SKUBITZ [of Kansas]: Reserving the right to object, Mr. Chairman, I will advise the gentleman from Arizona (Mr. Udall) that at this moment I have no objection to the sub-

17. 124 CONG. REC. 21486, 95th Cong. 2d Sess.

stitute, but I do object to his second unanimous-consent request that we amend at any point. I insist that we take it up section by section.

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

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

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

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

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

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

There was no objection.

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

On Sept. 20, 1978,[18] the Committee of the Whole having under consideration H.R. 1,[19] the above-stated proposition was illustrated as indicated below:

THE CHAIRMAN:[20] Pursuant to the rule, it shall be in order to consider by titles as an original bill for the purpose of amendment the text of H.R. 13850, in lieu of the amendments now printed in the bill, if offered as an amendment in the nature of a substitute. No amendments to said substitute shall be in order except pro forma amendments for the purpose of debate and amendments printed in the Congressional Record at least 1 legislative day prior to their consideration. . . .

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

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

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

The Clerk read as follows:

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

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I have an

18. 124 CONG. REC. 30434, 95th Cong. 2d Sess.

19. The Ethics in Government Act of 1977.

20. Edward P. Boland (Mass.).

amendment in the nature of a substitute which is made in order by House Resolution 1323, and I offer it as an amendment in the nature of a substitute for the committee amendment to be read by titles under the 5-minute rule as an original bill.

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

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

Prohibition Against Amendments "Affecting" Certain Subject

§ 3.54 Where an amendment, recommended by the Committee on Ways and Means, to amend the Internal Revenue Code was adopted to a bill comprehensively amending the Food Stamp Act, pursuant to a special order making such amendment in order and prohibiting any further amendment to the bill to "change or affect" the Internal Revenue Code, a subsequent amendment not directly amending the Code and containing the disclaimer that nothing therein be construed to change or affect that law was held in order, where the proponent of the amendment demonstrated that the existing law was not necessarily affected by the amendment.

On May 8, 1980,[1] during consideration of the Food Stamp Act Amendments of 1980, a point of order was made against the following amendment, which sought to require repayments by food stamp recipients of excess benefits received, to be collected by the Secretary of the Treasury in coordination with his responsibilities under other federal laws or by the Secretary of Agriculture:

Sec. 204. The Food Stamp Act of 1977, as amended, is amended by redesignating section 18 as section 20, and by inserting after section 17 the following new sections:

"REPAYMENT FOR EXCESS BENEFITS RECEIVED

"Sec. 18. (a)(1) Each individual who is 19 years of age or older during any entire taxable year and who, in any taxable year, participates in the food stamp program as a member of any household participating in the food stamp program, and has countable income in excess of the exempt amount shall be liable to the United States as determined in accordance with paragraph (2) and paragraph (3) of this section. . . .

1. 126 CONG. REC. 10451, 10452, 10454, 10455, 96th Cong. 2d Sess.

"(f) The Secretary may transfer to the Secretary of the Treasury an amount, as specified in appropriations acts, of any funds appropriated to carry out this Act for fiscal years beginning after September 30, 1980, which is sufficient to enable the Secretary of the Treasury to carry out section 19 of this Act. . . .

"Sec. 206. No provision of the amendment to the Food Stamp Act of 1977 made by section 204 of this Act shall be construed to change or affect in any manner the Internal Revenue Code of 1954 or the application of any provision of such Code. . . .

MR. [FORTNEY H.] STARK [of California]: Mr. Chairman, I make a point of order against the Jeffords amendment. I object in no uncertain terms to the amendment as a violation of the rule providing for the consideration of this bill.

The rule provides that after the amendment recommended by the Committee on Ways and Means is adopted no further amendment is in order "to further change or affect the Internal Revenue Code."

The Ways and Means Committee amendment has been adopted. The amendment offered by the gentleman from Vermont effectively amends section 6402(a) of the Internal Revenue Code. It is therefore in violation of the rule.

The Jeffords amendment creates a liability for excess food stamp benefits received. It then provides that the Secretary of the Treasury and the Secretary of Agriculture may provide for the collection of this liability by offsetting the liability against tax refunds otherwise due an individual on account of overpayment of a Federal tax. This effectively amends 6402(a) of the Internal Revenue Code. This section is the only authority that the Secretary of the Treasury has to reduce the amount of refund due a taxpayer on account of overpayment of a tax. . . .

MR. [JAMES M.] JEFFORDS [of Vermont]: . . . First of all, what I really want to do is quote from the amendment. It is on page 10, section 206:

> No provision of the amendment to the Food Stamp Act of 1977 made by section 204—

The one we are talking about—

> of this Act shall be construed to change or affect in any manner the Internal Revenue Code of 1954, or the application of any provision of such Code.

This is right out of the rule.

What the gentleman would ask the Chair to do is change this body from a parliamentary body into a court of law and have the Chair act as a judge, not as chairman of the committee, for what he seeks for the chairman to do is interpret the Internal Revenue Code and make a judgment as a judge as to whether or not this is occurring. The amendment we are seeking here says we do not believe it does, and if it does it cannot, by virtue of the provision, it cannot affect it and, therefore, whether it be the Attorney General or some court of law who would say—

> All right, you cannot do that; what you are trying to do is wrong; you cannot have it and offset against the refund.

We happen to believe, or I happen to believe that it is possible that they could interpret it to say that that is

not an effect on the Internal Revenue Code because even though the Internal Revenue Code says that nothing prevents a refund from being used for some other purpose, I think that is a possible interpretation, that we are not affecting the Code. We are affecting a result of the Code which would not have anything to do with the Internal Revenue Code. It might affect the procedures under which the Internal Revenue Service operates, but there is nothing that says that the Internal Revenue Service can only do things which are prescribed in the Internal Revenue Code. They can do other things.

But I think, as the Chairman ruled last time, that it is not nongermane to ask some other body to undertake some additional burdens, but you cannot change and restructure the burdens they have. We say this might be an additional burden, but irrelevant to the Code. Let me say in finality that is a judgment to be made by a court, a judgment to be made by the Attorney General, but not by the Chairman of the House, because the bill itself precludes it from being interpreted as in violation of the rule.

THE CHAIRMAN:[2] It is not the function of the Chairman to rule on the merits of an amendment, but whether an amendment, on its face, complies with the Rules of the House.

The gentleman from California appropriately pointed to the sentence in the House Resolution 651 in question, as to whether in fact this amendment causes further change in or effect on the Internal Revenue Code.

The Chair was aware that this controversy was pending. The Chair has read the amendment as it appeared in the Record and was prepared to rule that the amendment was not in order in that form.

The amendment, however, as offered, does contain the additional language,

> No provision of the amendment to the Food Stamp Act of 1977 made by section 204 of this Act shall be construed to change or affect in any manner the Internal Revenue Code of 1954 or the application of any provision of such Code.

The Chair would rule that on its face and for the reasons stated by the gentleman from Vermont the amendment does comply with the rule and the amendment, therefore, is in order.

Where Part of Bill Is Closed to Amendments, Conforming Amendments Thereto Not Permitted

§ 3.55 To a bill being considered under a special rule prohibiting any amendment to certain sections in a title thereof, an amendment (offered en bloc with another amendment inserting a new section in that title) making merely a conforming change in a section not open to amendment was ruled out of order.

On Aug. 8, 1974,[3] the Committee of the Whole had under

2. Paul Simon (Ill.).

3. 120 CONG. REC. 27496, 27497, 93d Cong. 2d Sess.

consideration H.R. 16090, the Federal Election Campaign Act of 1974, pursuant to a special rule prohibiting any amendment to certain sections. An amendment was offered, with an amendment making a conforming change in a section not open to amendment. A point of order against the amendments was based on the contention that, first, the primary amendment constituted an appropriation on a legislative bill and that, second, the conforming amendment was out of order if the primary amendment was out of order. The Chair,[4] after ruling the primary amendment out of order, ruled out the conforming amendment as violating the provision of the special rule as described above. The proceedings were as follows:

MR. [EDWARD I.] KOCH [of New York]: Mr. Chairman, I offer two amendments.

The Clerk read as follows:

Amendments offered by Mr. Koch: Page 79, immediately after line 9, insert the following new section:

CAMPAIGN MAIL

Sec. 410. (a) Chapter 95 of the Internal Revenue Code of 1954 (relating to Presidential Election Campaign Fund) is amended by adding at the end thereof the following new section: . . .

"(2) The Secretary shall make payments to an eligible candidate for mailings under paragraph (1) upon the receipt of certification from such candidate that such payments shall be used exclusively for the mailing of campaign mail. . . .

And redesignate the following section accordingly.

Page 79, line 15, strike out "and 409" and insert in lieu thereof "409, and 410". . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, I make a point of order on the amendments. The gentleman from New York was kind enough to offer one of the amendments to me, the one referring to page 79, after line 9, on campaign mail. I will reserve a point of order if the gentleman from New York wishes to use the balance of his time to explain the amendment. . . .

THE CHAIRMAN: The time of the gentleman has expired.

Does the gentleman from Ohio press his point of order?

MR. HAYS: I am not sure I know what the second amendment is.

MR. KOCH: It is just a perfecting amendment to locate the numbers within the bill itself. It does not change the amendment.

MR. HAYS: Mr. Chairman, I do press my point of order against the amendments. I object to the first amendment, which is obviously subject to a point of order in that it appropriates money and orders the Secretary to make payments.

The second amendment is an amendment to that amendment, or a correcting amendment, so that if the first amendment is out of order then the second one is also.

THE CHAIRMAN: The Chair is ready to rule.

The point of order raised by the gentleman from Ohio (Mr. Hays) is well

4. Richard Bolling (Mo.).

taken. The first amendment offered by the gentleman from New York (Mr. Koch) constitutes an appropriation on a legislative bill in violation of clause 4, rule XX, and is not protected by the rule. The second amendment is not in order under House Resolution 1292. Therefore the point of order is sustained.

Rule Permitting Only Committee Amendments—Preferential Motion Offered After Stage of Amendment Passed

§ 3.56 The stage of amendment is passed in Committee of the Whole where a bill is being considered under a rule permitting only committee amendments and where no committee amendments are offered at the conclusion of general debate.

On Apr. 16, 1970,[5] the following proceedings took place:

THE CHAIRMAN:[6] Under the rule, the bill is considered as having been read for amendment. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Chairman, there are no committee amendments. . . .

MR. [OMAR T.] BURLESON of Texas: Mr. Chairman, I have a preferential motion. Is it in order to offer a preferential motion at this time?

THE CHAIRMAN: Will the gentleman advise the Chair what sort of preferential motion he has in mind?

MR. BURLESON of Texas: To strike the enacting clause.

THE CHAIRMAN: The Chair will advise the gentleman from Texas that that motion is not in order unless amendments are in order, and are offered. There being no committee amendments, that motion will not be in order at this time.

En Bloc Committee Amendments

§ 3.57 Where a bill is being considered under a special rule providing for consideration en bloc of certain committee amendments printed in the bill, the Chair directs the Clerk to report the amendments en bloc and they need not be offered from the floor.

On July 8, 1975,[7] the Committee of the Whole having under consideration H.R. 49, pursuant to a special rule, the following proceedings occurred:

THE CHAIRMAN:[8] Under the rule, it shall now be in order to consider en

5. 116 CONG. REC. 12092, 91st Cong. 2d Sess. Under consideration was H.R. 16311 (Committee on Ways and Means).
6. John D. Dingell (Mich.).
7. 121 CONG. REC. 21630, 94th Cong. 1st Sess.
8. Neal Smith (Iowa).

bloc the amendments recommended by the Committee on Armed Services now printed in the bill.

The Clerk read as follows:

Committee amendments:

Page 3, between lines 19 and 20 insert the following: "TITLE I".

Page 3, line 20, strike out "That in" and insert "Sec. 101. In". . . .

MR. [F. EDWARD] HEBERT [of Louisiana]: Mr. Chairman, I will not offer the amendments of the Armed Services Committee as described in the rule.

THE CHAIRMAN: The Chair will advise the gentleman from Louisiana that under the rule the amendments are offered and presented en bloc. They have been presented.

§ 3.58 Unanimous consent is required to consider en bloc separate committee amendments printed in a bill, even where a special order adopted by the House provides that the bill is considered as having been read for amendment and that said committee amendments are considered before other committee or individual amendments.

On Aug. 10, 1978,[9] the Committee of the Whole was considering H.R. 13511, the Revenue Act of 1978, pursuant to House Resolution 1306,[10] a "modified closed" rule which provided that the bill be considered as read, allowed only designated amendments (including committee amendments), and prescribed the order of consideration for such amendments.

THE CHAIRMAN:[11] All time has expired for general debate.

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

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

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

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

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

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

There was no objection.

Priority of Committee Amendments

§ 3.59 Where a "modified closed" rule adopted by the

9. 124 CONG. REC. 25453, 95th Cong. 2d Sess.

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

11. Philip R. Sharp (Ind.).

House permitted consideration of reported committee amendments en bloc and permitted three designated amendments to be offered without specifying the order of consideration, the Chairman of the Committee of the Whole required that the committee amendments be first disposed of unless the Committee of the Whole determined otherwise by unanimous consent.

On Dec. 1, 1982,[12] during consideration of H.R. 6995[13] in the Committee of the Whole, the proceedings described above occurred as follows:

> THE CHAIRMAN:[14] Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except: First, the amendments en bloc recommended by the Committee on Rules now printed in the bill; second, the amendment printed in the Congressional Record of September 15, 1982, by, and if offered by, Representative Luken or Representative Lee which shall be subject to a substitute printed in the Congressional Record of September 15, 1982, by Representative Broyhill and if offered by Representative Broyhill or Representative Dingell. . . .
>
> The Chair would entertain first the amendments en bloc recommended by the Committee on Rules now printed in the bill, unless someone requests unanimous consent to proceed otherwise.
>
> MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. Dannemeyer) be authorized at this point to offer the so-called Luken-Lee amendment. . . .
>
> There was no objection.

§ 3.60 Pursuant to a special rule making in order the offering of a designated amendment to a part of a bill only after the disposition of three groups of committee amendments to that part, the Chair indicated the third group of amendments en bloc must be disposed of prior to the offering of a floor amendment to that part.

On Aug. 3, 1977,[15] during consideration of H.R. 8444 (the National Energy Act), the Chair responded to a parliamentary inquiry as indicated above. The proceedings were as follows:

> THE CHAIRMAN:[16] . . . The Clerk will designate the next ad hoc committee amendment.
>
> The Clerk read as follows:
>
> Page 193, line 11, after "the cost of" insert "compression,".
>
> The question is on the ad hoc committee amendment.

12. 128 CONG. REC. 28206, 28209, 97th Cong. 2d Sess.
13. The Federal Trade Commission Authorization Act.
14. George E. Brown, Jr. (Calif.).
15. 123 CONG. REC. 26447, 26448, 95th Cong. 1st Sess.
16. Edward P. Boland (Mass.).

The ad hoc committee amendment was agreed to.

PARLIAMENTARY INQUIRY

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I have a parliamentary inquiry.

Is the amendment that was made in order by the rule in order now?

THE CHAIRMAN: The Chair would like to advise the gentleman from Ohio that there are other ad hoc amendments.

The Clerk will designate the next ad hoc committee amendments, which under the rule are considered as read and considered en bloc.

The Clerk read as follows:

> Page 209, lines 3 and 4, on page 209, lines 12 through page 210, line 6, on page 210, line 7, on page 210, lines 16 through 18, on page 211, line 6, on page 211, lines 23 through 25, on page 212, lines 4 through 6, and on page 212, lines 16 through 18.

(The ad hoc committee amendments read as follows:) . . .

THE CHAIRMAN PRO TEMPORE:[17] The question is on ad hoc committee amendments.

The ad hoc committee amendments were agreed to.

§ 3.61 Where one committee's amendment printed in a reported bill has been made in order by a special rule as a substitute for another committee's amendment, and the primary amendment is ruled out on a point of order, the committee amendment made in order as a substitute retains the status of an amendment to the bill and is reported by the Clerk.

On Sept. 23, 1977,[18] the Committee of the Whole was considering H.R. 3, medicare-medicaid antifraud and abuse amendments. An amendment recommended by the Committee on Ways and Means had been ruled out of order as not germane to the bill. An amendment recommended by another committee and made in order, by special rule, as a substitute for the amendment now ruled out of order, was ordered to be reported:[19]

> THE CHAIRMAN:[20] The Clerk will report the amendment recommended by the Committee on Interstate and Foreign Commerce, now printed beginning on page 70, line 6, through page 72, line 16, in the reported bill.

Reading Preliminary Sections Where Bill Being Read by Titles or Parts

§ 3.62 Where a bill was, pursuant to a special order, being

17. William H. Natcher (Ky.).

18. 123 CONG. REC. 30534, 95th Cong. 1st Sess.

19. The rule, it should be noted, did not indicate that the amendment so made in order, was allowed to be considered *only* as a substitute amendment.

20. Gerry E. Studds (Mass.).

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 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.

§ 3.63 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

1. 123 CONG. REC. 26124, 26125, 95th Cong. 1st Sess.
2. H.R. 8444, National Energy Act.
3. Edward P. Boland (Mass.).

of a substitute, reported by another committee, whose (automatic) consideration has been made in order by the special order.

On May 15, 1979,[4] the Committee of the Whole having under consideration H.R. 39,[5] 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:[6] 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,

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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".

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

4. 125 CONG. REC. 11051, 11052, 11086, 11088, 96th Cong. 1st Sess.

5. Alaska National Interest Lands Conservation Act of 1979.

6. Paul Simon (Ill.).

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

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".

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

Waiving First Reading

§ 3.64 Special rules for the consideration of bills routinely recommend that the first reading of a bill in Committee of the Whole be dispensed with, to remove the possibility of dilatory tactics and to expedite consideration of legislation.

An early example of this practice is House Resolution 1368,

under consideration on Sept. 29, 1978:[7]

> *Resolved*, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, 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. 14042) to authorize appropriations for fiscal year 1979 for procurement of aircraft . . . and other weapons and for research, development, test and evaluation for the Armed Forces . . . and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . Mr. Speaker, can the gentleman offer the House any explanation as to why a well-established and time-honored rule of the House requiring the first reading of a bill is to be dispensed with in this instance? This is not a lengthy bill nor a controversial one.

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, this was discussed in the Committee on Rules, since this is the first one of several rules that it was done on, and it is purely just in the interest of time. The intent was to move this legislation through as quickly as possible, since it is basically noncontroversial and since we do have a number of pieces of legislation we are going to try to complete in the next 2 weeks.

Amendments Designated Where Reading Waived

§ 3.65 Where a special order provided that a bill be considered for amendment by parts and that each part and the committee amendments thereto be considered as having been read, the Chair directed the Clerk to designate only the page and line number of the pending part or committee amendment; the text of the pending part or committee amendment was printed in full at that point in the Congressional Record.

On Aug. 2, 1977,[8] the Committee of the Whole having under consideration a bill[9] pursuant to a special order as described above, the proceedings were as follows:

> THE CHAIRMAN:[10] 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

7. 124 CONG. REC. 32662, 95th Cong. 2d Sess.

8. 123 CONG. REC. 26124, 26125, 95th Cong. 1st Sess.

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

10. Edward P. Boland (Mass.).

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.

THE CHAIRMAN: The Clerk will designate the page and line number of the first ad hoc committee amendment.

The Clerk read as follows:

Ad hoc committee amendment: Page 12, strike line 9, and insert the matter printed on lines 11 through 14. (The ad hoc committee amendment reads as follows:)

and

(9) to provide incentives to increase the amount of domestically produced energy in the United States for the benefit and security of present and future generations.

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

On Aug. 2, 1977,[11] during consideration of H.R. 8444, the National Energy Act, the proceedings described above were as indicated:

THE CHAIRMAN:[12] The Clerk will designate the page and line number of the ad hoc committee amendments, the first group of the amendments recommended by the ad hoc committee to be considered en bloc.

The Clerk read as follows:

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

Recognition To Offer Amendments

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

11. 123 CONG. REC. 26172, 95th Cong. 1st Sess.

12. Edward P. Boland (Mass.).

On Aug. 3, 1977,[13] 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:[14] 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:[15] 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.

§ 3.68 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,[16] the Committee of the Whole having under consideration House Resolution 1188,[17] 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

13. 123 CONG. REC. 26448, 95th Cong. 1st Sess.

14. William H. Natcher (Ky.).

15. Edward P. Boland (Mass.).

16. 124 CONG. REC. 15094–96, 95th Cong. 2d Sess.

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

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 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 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:[18]. . . 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 sub-

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

stitute 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 substitute 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.)

§ 3.69 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.

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. Thus, as indicated in the proceedings of

June 21, 1979,[19] 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. 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:[20] 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.

19. 125 CONG. REC. 15999, 16000, 96th Cong. 1st Sess.

20. Thomas S. Foley (Wash.).

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.

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 rec-

ommended 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.

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

On Sept. 23, 1980,[1] the Committee of the Whole having under consideration H.R. 7020,[2] the above-stated proposition was illustrated as indicated below:

THE CHAIRMAN:[3] When the Committee of the Whole arose on Friday, September 19, 1980, all time for general debate had expired.

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

Are there any amendments to section 1? . . .

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

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

1. 126 CONG. REC. 26757, 96th Cong. 2d Sess.
2. The Hazardous Waste Containment Act of 1980.
3. William H. Natcher (Ky.).

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

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

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

Waiving Points of Order Against Amendments

§ 3.71 The Speaker indicated in response to a parliamentary inquiry that a pending resolution reported from the Committee on Rules waived all points of order based on the germaneness rule against any amendment in the nature of a substitute offered from the floor to the measure made in order as original text, but not against substitutes therefor or perfecting amendments thereto.

On May 17, 1978,[4] during consideration of House Resolution 1186 providing for consideration of H.R. 39,[5] the Speaker pro tempore responded to a parliamentary inquiry as described above. The proceedings were as follows:

MR. [CHRISTOPHER J.] DODD [of Connecticut]: Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1186 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

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 . . . 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

4. 124 CONG. REC. 14139, 14145, 95th Cong. 2d Sess.

5. Alaska National Interest Lands Conservation Act.

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:[6] The Chair will state it applies to amendments in the nature of a substitute.

Parliamentarian's Note: The special rule, by waiving points of order based on clause 7 of Rule XVI against "any amendment in the nature of a substitute" to the amendment made in order for consideration as original text, would have made any amendment regardless of subject matter in order as an amendment in the nature of a substitute. In order that an overly broad application of the waiver could be forestalled, a compromise amendment in the nature of a substitute was offered at the outset of consideration to the amendment made in order as original text. Since the rule only waived all germaneness points of order against amendments in the nature of a substitute, and not against substitutes or perfecting amendments, the pendency of the initial amendment in the nature of a substitute and its ultimate adoption precluded the offering of other nongermane amendments in the nature of a substitute.

§ 3.72 During consideration of a special order reported from the Committee on Rules providing a "modified open" rule "making in order" only two amendments to a particular section of a bill, but not waiving points of order against the second offered amendment following adoption of the first, the Chair recognized the minority leader to request unanimous consent to permit the offering of a minority Member's amendment notwithstanding its possible change of an amendment already adopted (the last adopted amendment to be reported to the House).

On Oct. 19, 1983,[7] during consideration of House Resolution 329 in the House, the proceedings described above occurred as follows:

MR. [ROBERT H.] MICHEL [of Illinois]: I should like to alert the other side to my making a rather unusual, a very unusual unanimous-consent request,

6. Charles A. Vanik (Ohio).

7. 129 CONG. REC. 28307, 98th Cong. 1st Sess.

and it would be this, Mr. Speaker: that I ask unanimous consent that during the consideration of H.R. 2968 in the Committee of the Whole, Mr. Robinson of Virginia be permitted to offer, as his amendment to section 108 provided for in House Resolution 329, an amendment to strike out that section in its entirety and insert a new section, even if an amendment to strike out that section in its entirety and insert a new section has already been adopted, and that only the last such amendment in the nature of a substitute for the section, which has been adopted, shall be reported back to the House.

Parliamentarian's Note: A special order "making in order" an amendment offered by a designated Member but not specifically waiving points of order does not permit consideration of the amendment unless in conformity with the general rules of the House. In the above case, the unanimous consent request to permit consideration of the amendment was objected to by the manager of the special order on the basis that it constituted a major change in the special order reported from the Committee on Rules.

Proper Scope of Inquiries—Chair's Interpretation or Reiteration of Terms

§ 3.73 The Chair will refuse to entertain as a parliamentary inquiry questions concerning the availability or interpretation of amendments not yet offered, but may reiterate the proposed terms of a pending special order for the information of Members.

An example of the situation described above occurred on June 25, 1981,[8] during consideration of House Resolution 169, providing for consideration of H.R. 3982, the Omnibus Budget Reconciliation Act of 1981. The proceedings in the House were as follows:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 169 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 169

Resolved, That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, 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. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the fiscal year 1982, and the first reading of the bill shall be dispensed with. General debate shall continue not to exceed eight hours. . . .

Following debate on the rule, and after defeat of the previous

8. 127 CONG. REC. 14065, 14079, 14082, 14083, 97th Cong. 1st Sess.

question, the Speaker recognized the ranking minority member of the Committee on Rules to offer an amendment to the reported resolution.

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, 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. Latta: Strike all after the resolving clause and insert in lieu thereof the following:

"That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, 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. 3982), to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for fiscal year 1982, and the first reading of the bill shall be dispensed with, and all points of order against said bill are hereby waived. . . . The bill shall be considered as having been read for amendment under the five minute rule. No amendment to the bill shall be in order in the Committee of the Whole except an amendment in the nature of a substitute which shall be the text of the bill H.R. 3964, said amendment shall be considered as an original bill for the purpose of amendment, and shall be considered as having been read, all points of order are hereby waived against said amendment, and no amendment shall be in order to said amendment except—

"(1) A substitute amendment to title VI by Representative Broyhill, if offered, and said amendment shall be considered as having been read and shall not be subject to amendment or to a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed 2 hours to be equally divided and controlled by Representative Broyhill and a Member opposed thereto and all points of order against said amendment are hereby waived and (2) the amendments of Representative Latta of Ohio, said amendments shall be considered en bloc and shall be considered as having been read and shall not be subject to amendment or to a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed 4 hours, to be equally divided and controlled by Representative Latta and a Member opposed thereto, and all points of order against said amendments are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions."

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[9] The gentleman from Michigan will state his parliamentary inquiry.

MR. DINGELL: Is the Broyhill amendment published? Is it available?

THE SPEAKER PRO TEMPORE: The Chair cannot answer that question. The amendment has been read by the Clerk. . . .

MR. DINGELL: I have a further legitimate parliamentary inquiry. Is the Broyhill amendment different from the

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

language of the Latta amendment, the Latta-offered rule?

THE SPEAKER PRO TEMPORE: The Chair is not in a position to answer that question. . . .

MR. [JAMES R.] JONES of Oklahoma: I have a parliamentary inquiry, Mr. Speaker. I am trying to determine if we have the proper language of the rule we are about to be voting on, and is it the same rule that says: "the amendments of Representative Latta of Ohio, said amendments shall be considered en bloc and shall be considered as having been read and shall not be subject to amendment or to a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed 4 hours, to be equally divided and controlled by Representative Latta and a Member opposed thereto, and all points of order against said amendments are hereby waived."

Is this the rule we are about to vote on?

THE SPEAKER PRO TEMPORE: The gentleman is correctly reading from the amendment to the rule upon which the previous question has been ordered.

MR. JONES of Oklahoma: I have a further parliamentary inquiry, Mr. Speaker. Do we have or does anyone have a copy of the Latta amendment to be considered en bloc? The chairman of the Committee on the Budget has not been able to get it. Does anybody have it?

THE SPEAKER PRO TEMPORE: The Chair cannot answer that question. . . .

MR. [GEORGE] MILLER [of California]: I would like to ask the Chair under the rule, if the rule is adopted, does it in fact make in order then the consideration of what is titled committee print June 25, 1981? It is unclear to this Member, Mr. Speaker, whether it will be this 350-page document and whether or not we will have an opportunity to have the Clerk read the document to the Members of the House. Is this in fact the document to be debated?

THE SPEAKER PRO TEMPORE: The Chair is not in a position to answer that question. The amendment proposed and upon which a vote presently will be taken simply stipulates "amendments of Representative Latta of Ohio, said amendments" to be considered en bloc.

In response to the second portion of the gentleman's question, those amendments the rule considers as read and not open to amendment at any point. . . .

MR. [HAROLD L.] VOLKMER [of Missouri]: Listening to the gentleman from Oklahoma and the Speaker reading the rule, I did not hear anything about a motion to recommit being in order. I would like to know, under the Rules of the House, even though the rule does not specifically provide for a motion to recommit—is there a provision?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman from Missouri that the amendment offered by the gentleman from Ohio (Mr. Latta) does specifically provide for one motion to recommit either with or without instructions.

Specified Order of Amendments

§ 3.74 Pursuant to a "modified closed rule" permitting only

two designated Members to offer amendments which would not be amendable and not specifying the order of consideration, the Chair indicated that either amendment could be offered first but could not be offered during the pendency of the other amendment.

On June 26, 1981,[10] the Committee of the Whole having under consideration H.R. 3982,[11] the above-stated proposition was illustrated as indicated below:

MR. [JAMES R.] JONES of [Oklahoma]: Mr. Chairman, I would like to first pose a question to the Chair, and that is: If we do not rise, what is the parliamentary situation? If the gentleman from North Carolina [Mr. Broyhill] does not want to offer his substitute at this time, is the gentleman precluded from doing so later?

THE CHAIRMAN:[12] The Chair will respond in the negative. The rule does not dictate the order of amendments.

MR. JONES of Oklahoma: So at any time in these proceedings, the gentleman from North Carolina (Mr. Broyhill) could offer his substitute?

THE CHAIRMAN: The Broyhill amendment cannot be offered if the Latta amendments are pending.

MR. JONES of Oklahoma: But if the Latta amendment is pending and disposed of, could the Broyhill amendment be offered after that?

THE CHAIRMAN: The Chair will respond in the affirmative, yes.

Limiting Consideration of All Amendments

§ 3.75 When the Committee of the Whole is operating under a special order limiting consideration of all amendments to a number of hours of consideration, and the Committee rises during that time immediately following the offering of an amendment, that amendment remains pending when the Committee resumes its sitting and subsequent amendments may be offered only after its disposition and during the time remaining for consideration of all amendments; no amendments may be offered thereafter, since the special order terminates consideration and overrides Rule XXIII clause 6, which would otherwise guarantee additional time for amendments printed in the Record.

An example of the situation described above occurred on Apr. 9, 1986,[13] during consideration of H.R. 4332 (the Firearms Law Re-

10. 127 CONG. REC. 14492, 14493, 97th Cong. 1st Sess.
11. The Omnibus Budget Reconciliation Act.
12. Edward P. Boland (Mass.).
13. 132 CONG. REC. 6896, 6897, 99th Cong. 2d Sess.

form Act). The bill was being considered under the terms of a special rule (H. Res. 403, agreed to on Apr. 9, 1986) which provided:

> *Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4332) to amend chapter 44 (relating to firearms) of title 18, United States Code, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. Immediately after the enacting clause is read, it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, and said amendment shall be considered as having been read. Before the consideration of perfecting amendments to said amendment, it shall be in order for Representative Volkmer of Missouri to offer a substitute for said amendment consisting of the text of his amendment printed in the Congressional Record of March 18, 1986, and said substitute shall be considered as having been read. Before the consideration of other perfecting amendments to the amendment or to the substitute it shall be in order, notwithstanding the prohibition against a member offering an amendment to his own amendment, to consider a perfecting amendment printed in the Congressional Record of March 19, 1986 by, and if offered by Representative Volkmer of Missouri to his substitute. No amendment to the amendment or to the substitute shall be in order except pro forma amendments for the purpose of debate and amendments printed in the Congressional Record. At the expiration of five hours of consideration of said amendment and substitute for amendment under the five-minute rule, no further amendment to the amendment, to the substitute or to the bill shall be in order, and the question shall occur on the pending amendment or amendments. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The proceedings relating to H.R. 4332 were as follows:

> The Clerk read as follows:
>
> Amendment offered by Mr. Hughes to the amendment, as amended, offered by Mr. Volkmer as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended: Page 7, line 10, strike out "shall not apply" and all that follows through "firearms" in line 2 on page 8, and insert in lieu thereof the following: "shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located. . . .

MR. [WILLIAM J.] HUGHES [of New Jersey]: Mr. Chairman, I yield the balance of my time, and move that the Committee do now rise.

THE CHAIRMAN:[14] The gentleman yields back the balance of his time and moves that the Committee rise. . . .

MR. [CHARLES] ROEMER [of Louisiana]: Is it the position of the House, Mr. Chairman, that when we rise and meet tomorrow, the Hughes amendment pendng now would begin the debate?

THE CHAIRMAN: The gentleman from Louisiana is exactly correct.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. VOLKMER: When we come in tomorrow and the Committee begins to act on the bill, we will have only the time left under the 5 hours for amendments, is that not correct?

THE CHAIRMAN: The gentleman is correct.

MR. VOLKMER: Which right now is approximately 1 hour?

THE CHAIRMAN: The gentleman is correct.

MR. VOLKMER: And then the rest of the amendments, are they cut off? Or do we go ahead for those that are in the Record and vote on them after 5 minutes each?

THE CHAIRMAN: There will not be any amendments that would be in order after the conclusion of the 5-hour consideration.

Debate on Amendments

§ 3.76 Where a "modified closed" rule permitted only one amendment in the nature of a substitute and one substitute therefor, and divided a separate hour of debate on each substitute between the same two Members, the Chair permitted the total time to be accumulated and consumed before putting the question on the substitute.

An example of the situation described above occurred on June 10, 1982,[15] during consideration of House Concurrent Resolution 352, the first concurrent resolution on the budget, fiscal 1983. The proceedings in the Committee of the Whole were as follows:

THE CHAIRMAN:[16] All time for general debate has expired.

Pursuant to clause 8 of rule XXIII, the concurrent resolution is considered as having been read for amendment and open for amendment at any point.

The concurrent resolution is as follows. . . .

TITLE I—REVISION OF THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1982

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I offer an amendment in the nature of a substitute.

THE CHAIRMAN: . . . The Clerk will designate the amendment in the nature of a substitute.

14. Charles B. Rangel (N.Y.).

15. 128 CONG. REC. 13387, 13390, 13395, 13399, 13409, 97th Cong. 2d Sess.

16. Anthony C. Beilenson (Calif.).

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

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

THE CHAIRMAN: Under the rule, the gentleman from Oklahoma (Mr. Jones) will be recognized for 30 minutes and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma, Mr. Jones.

MR. [JAMES R.] JONES of Oklahoma: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

THE CHAIRMAN: Pursuant to the provisions of House Resolution 496, the amendment in the nature of a substitute is considered as having been read.

The Clerk will designate the amendment in the nature of a substitute.

The amendment offered as a substitute for the amendment in the nature of a substitute is as follows. . . .

THE CHAIRMAN: Pursuant to the provisions of House Resolution 496, the gentleman from Oklahoma (Mr. Jones) will be recognized for 30 minutes and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Oklahoma (Mr. Jones).

MR. JONES of Oklahoma: Mr. Chairman, in order to resolve the technicalities, I will use 30 minutes on the Jones substitute first, and the remaining 30 minutes on the Latta substitute. I think we have agreed to alternate back and forth the total hour we have.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. Simon) a member of the committee. . . .

MR. [RALPH] REGULA [of Ohio]: Mr. Chairman, I have a parliamentary inquiry. . . .

What is the situation at the moment? Have we completed with the first hour, that is, in effect, the debate on the Jones substitute?

THE CHAIRMAN: In effect, the Chair has. The Chair believes, and it has been treating the time as a fungible commodity. The total time has been allocated as to both amendments. In effect, the gentleman from Ohio has remaining to himself to yield, 30 minutes, and the gentleman from Oklahoma has 29 minutes remaining.

§ 3.77 The Committee on Rules may report a resolution providing additional procedures to govern the further consideration of a measure already pending in Committee of the Whole, including limiting further consideration of amendments to a total amount of time, and prohibiting further debate or amendments when the limitation has expired.

On May 4, 1983,[17] Committee on Rules Chairman Claude Pepper, of Florida, called up for immediate consideration in the House, House Resolution 179, providing for the further consider-

17. 129 CONG. REC. 11036, 11037, 98th Cong. 1st Sess.

ation of House Joint Resolution 13, then pending in Committee of the Whole. The reported resolution and Chairman Pepper's comments thereon were as follows:

MR. PEPPER: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 179 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 179

Resolved, That during the further consideration of the joint resolution (H.J. Res. 13) calling for a mutual and verifiable freeze on and reductions in nuclear weapons, further consideration of amendments to the committee amendment in the nature of a substitute shall terminate at the expiration of ten further hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to said substitute, and then on said substitute. During such time limitation, debate on any amendment to said substitute, and on any amendment thereto, whether or not printed in the Congressional Record, shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto. After the disposition of said substitute, the preamble shall be considered for amendment, debate on each amendment to the preamble or on each amendment thereto shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and further consideration of amendments to the preamble shall terminate at the expiration of two hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to the preamble. After the disposition of said amendments, it shall be in order to consider the amendment in the nature of a substitute by Representative Broomfield made in order by House Resolution 138 for amendment under the five-minute rule, debate on each amendment to the amendment or on each amendment thereto shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and further consideration of amendments to said amendment shall terminate at the expiration of two hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to said amendment, and then on said amendment. During the further consideration of the joint resolution, the Chairman of the Committee of the Whole shall not entertain any pro forma amendment offered for the purpose of obtaining time for debate only. During the further consideration of the joint resolution, the Chairman of the Committee of the Whole may, in his discretion, announce after a recorded vote has been ordered that he may reduce to not less then five minutes the period of time in which a recorded vote, if ordered, will be taken by electronic device on any amendment which is to be voted on without further debate immediately following that fifteen-minute recorded vote. In the event that an amendment in the nature of a substitute to the committee amendment in the nature of a substitute to the resolution is adopted, it shall not be in order to demand a separate vote in the House on any other amendment adopted to said committee substitute. . . .

MR. PEPPER: Mr. Speaker, there are two essential elements involved in the legislative process. One is the right to debate, the other is the right to decide. We have had some 45 hours of debate upon the pending resolution. This rule today is offered by the Rules Committee as an instrument by which the Members of this House may also enjoy the right to decide the pertinent issues involved in the pending resolution.

Mr. Speaker, House Resolution 179 provides additional procedures for the consideration of House Joint Resolution 13, calling for a mutual and verifiable freeze on and reductions in nuclear weapons. Prior to discussing the actual provisions of this rule, Mr. Speaker, I would like to take a few minutes to discuss the necessity for this rule.

On March 15, 1983, the Committee on Rules ordered reported an open rule allowing 3 hours of general debate on House Joint Resolution 13. The rule, House Resolution 138, was adopted on March 16 and since that time, Mr. Speaker, the House has spent more than 45 hours over 5 days considering only the resolving clause of the joint resolution. On April 14, Chairman Zablocki requested an additional rule on House Resolution 13, but later asked the Rules Committee that the meeting scheduled for April 19 be canceled after he reached what he believed at that time to be an agreement to finish debate on the matter.

On April 21, the House agreed, by a vote of 214 to 194 and after three attempts, to a motion that "debate on the resolving clause—to House Joint Resolution 13—and all amendments thereto cease at 3:30 p.m." on that date. The effect of that time limitation agreement was to stop further debate on the resolving clause of House Joint Resolution 13 under the 5-minute rule, with the exception that amendments printed in the Congressional Record could be offered pursuant to clause 6, rule XXIII, allowing the member presenting the amendment 5 minutes to explain his amendment, and the first person to obtain the floor 5 minutes to oppose the amendment. In addition, perfecting amendments could be offered while such amendments were pending. However, such perfecting amendments would have been decided without debate unless printed in the Record.

The Committee of the Whole again debated House Joint Resolution 13 on Thursday, April 28. At that time, it became apparent that the House would not be able to complete consideration of the nuclear freeze resolution in any reasonable amount of time. Chairman Zablocki then stated his intention of asking the Rules Committee to grant an additional rule of the joint resolution.

The Committee on Rules met on Monday, May 2, to consider the possibility of granting an additional rule and again yesterday to discuss further the rule and to vote on special order that we are bringing before the House today.

Let me say that during my absence last week I had left authority before my departure with the able ranking majority member on the Rules Committee, the gentleman from Louisiana, Mr. Long, to perform the necessary duties to allow the Rules Committee to function. He subsequently met with the leadership of the House and they formulated basically the rule which is presented today. It was that rule

which was considered on Monday and Tuesday of this week. We heard several witnesses, 10 to 12 witnesses, most from the minority party on that rule on Monday.

Parliamentarian's Note: This rule has provided a model for further rules on complicated bills (see, for example, House Resolution 247, on H.R. 2760, Intelligence Authorization Amendment; and House Resolution 300, on H.R. 2453, Radio Broadcasting to Cuba). It should be noted that there existed the possibility in this instance that a point of order would be made, based on the contention that the meeting on May 2 (referred to by Chairman Pepper, above) was not called by the chairman, as required, but by the ranking majority member; and that clause 2(g)(5) of Rule XI allowed such point of order since a similar point of order had been improperly overruled in committee. However, such point of order would not ordinarily lie since such provisions of Rule XI apply only to hearings. The May 2 proceeding was not a hearing but a meeting, and therefore the point of order did not survive, a subsequent and valid meeting having been held to report the rule.

§ 3.78 Where a special order adopted by the House limits debate on an amendment to be controlled by the proponent and an opponent, and prohibits amendments thereto, the Chair may in his discretion recognize the manager of the bill if opposed, and there is no requirement for recognition of the minority party.

On June 18, 1986,[18] during consideration of H.R. 4868[19] in the Committee of the Whole, the situation described above occurred as follows:

THE CHAIRMAN:[20] Under the rule, the gentleman from California (Mr. Dellums) will be recognized for 30 minutes, and a Member opposed to the amendment will be recognized for 30 minutes.

Will those gentlemen who are opposed to the Dellums amendment kindly stand so the Chair can designate?

Is the gentleman from Washington (Mr. Bonker) opposed to the amendment?

MR. [DON] BONKER [of Washington]: I advise the Chair that I oppose the amendment.

THE CHAIRMAN: Then the Chair will recognize the gentleman from Washington (Mr. Bonker) for 30 minutes in opposition to the Dellums amendment.

Does the gentleman from Washington wish to yield any of his time or share any of his time?

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18. 132 CONG. REC. 14275, 14276, 99th Cong. 2d Sess.

19. The Anti-Apartheid Act of 1986.

20. Bob Traxler (Mich.).

MR. BONKER: Mr. Chairman, I would yield half the allotted time, 15 minutes, to the gentleman from Michigan (Mr. Siljander).

THE CHAIRMAN: The time in opposition will be equally divided between the gentleman from Washington (Mr. Bonker) and the gentleman from Michigan (Mr. Siljander). . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, do I understand that the process that has just taken place has given the minority side one-quarter of the time.

THE CHAIRMAN: The Chair would counsel the gentleman from Pennsylvania in regard to his inquiry that the rule provides that a Member will be recognized in opposition. The gentleman from Washington (Mr. Bonker) was recognized in opposition, and he shared his time with your side.

MR. WALKER: In other words, the minority, though, was not recognized for the purposes of opposition. Is that correct?

THE CHAIRMAN: The Chair would state that the procedures of the House are governed by its rules, but more importantly in this instance, by the rule adopted by the House as reported from the committee.

§ 3.79 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).

An example of the proposition described above occurred on Aug. 15, 1986,[1] during consideration of H.R. 4428.[2] The proceedings in the Committee of the Whole were as follows:

THE CHAIRMAN PRO TEMPORE:[3] 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.

1. 132 CONG. REC. 22050, 22051, 99th Cong. 2d Sess.
2. The Department of Defense Authorization, fiscal year 1987.
3. Marty Russo (Ill.).

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 available 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.

Effect of Adoption or Rejection of Amendments Being Considered Under Special Rule

§ 3.80 Where a special order adopted by the House makes in order an amendment to strike out a portion of a bill and to insert new text, and prohibits amendments to that amendment or further amendments changing that portion of the bill if the designated amendment is adopted, further amendments to that portion of the bill, including a motion to strike, are in order if the designated amendment is rejected.

On Sept. 14, 1978,[4] the Chairman of the Committee of the Whole responded to several parliamentary inquiries concerning the procedure for offering amendments under the special rule providing for consideration of the bill H.R. 8729.[5] The proceedings were as follows:

MR. [WILLIAM A.] STEIGER [of Wisconsin]: . . . If the amendment from the Committee on Ways and Means is

4. 124 CONG. REC. 29477, 95th Cong. 2d Sess.

5. Aircraft Noise Reduction Act.

adopted, is a motion to strike title III in order?

THE CHAIRMAN:[6] It would not be in order in that event.

MR. STEIGER: If the amendment from the Ways and Means Committee is rejected, is a motion to strike title III in order?

THE CHAIRMAN: The Chair will advise the gentleman that in the event the pending Ways and Means Committee amendment made in order under the rule were to be rejected, then germane amendments to title III would be in order, including a motion to strike.

§ 3.81 Where the House had adopted a special rule permitting amendments to be offered although changing portions of the text of amendments already agreed to, the Chair overruled a point of order against an amendment changing provisions already amended.

On Nov. 30, 1982,[7] it was held that, while under general procedure an amendment may not be offered which directly changes an amendment already agreed to, where the House has adopted a special rule permitting amendments to be offered even if changing portions of amendments already agreed to that principle does not apply. The proceedings in the Committee of the Whole during consideration of H.R. 3809[8] were as follows:

MR. [EDWARD J.] MARKEY [of Massachusetts]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Markey: In section 114(a)(3), strike out "and legislature" and insert in lieu thereof "or legislature".

In section 115(a), strike out "and legislature" and insert in lieu thereof "or legislature". . . .

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I reserve a point of order on the amendment. . . .

[T]he point of order is that the language that we adopted on yesterday has already amended the sections and has stricken out "legislature," and thus this amendment would not be in order, since it is action on amendments and sections that have already been amended. . . .

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, I think the amendment is clearly in order, because under the rule that was adopted for consideration of this bill, House Resolution 601, on page 3, in lines 14, 15, and 16, it says: "and all such amendments shall be in order even if changing portions of the text of said substitute already changed by amendment.". . .

THE CHAIRMAN:[9] Is there any further discussion on the point of order? If not, the Chair will rule pursuant to the

6. Gerry E. Studds (Mass.).
7. 128 CONG. REC. 28049, 97th Cong. 2d Sess.
8. Nuclear Waste Policy Act.
9. Leon E. Panetta (Calif.).

rule that was adopted on page 3, lines 14 through 16, it clearly states that all such amendments shall be in order even if changing portions of the text of said substitute already changed by amendment. And therefore, the point of order is not well taken, and it is overruled.

Separate Votes on Amendments Reported Back to the House

§ 3.82 Where the Committee of the Whole reports a bill back to the House with an adopted committee amendment in the nature of a substitute pursuant to a special rule allowing separate votes in the House on any amendment adopted in Committee of the Whole to the bill or to that committee substitute, and a separate vote is demanded in the House only on an amendment striking out a section of the committee substitute, but not on perfecting amendments which have previously been adopted in Committee of the Whole to that section, rejection in the House of the motion to strike the section results in a vote on the committee substitute with that section in its original form and not as perfected (the perfecting amendments having been displaced in Committee of the Whole by the motion to strike and not having been revived on a separate vote in the House).

On Oct. 13, 1977,[10] the Committee of the Whole having reported H.R. 3816 back to the House with an amendment, the proceedings described above were as follows:

> THE CHAIRMAN:[11] Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.
>
> The committee amendment in the nature of a substitute, as amended, was agreed to.
>
> THE CHAIRMAN: Under the rule, the Committee rises.
>
> Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Kazen, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3816) to amend the Federal Trade Commission Act to expedite the enforcement of Federal Trade Commission cease and desist orders and compulsory process orders; to increase the independence of the Federal Trade Commission in legislative, budgetary, and personnel matters; and for other purposes, pursuant to House Resolution 718, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.
>
> THE SPEAKER:[12] Under the rule, the previous question is ordered.

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10. 123 CONG. REC. 33622, 33623, 95th Cong. 1st Sess.

11. Abraham Kazen, Jr. (Tex.).

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

MR. [BOB] ECKHARDT [of Texas]: Mr. Speaker, I demand a separate vote on the so-called Krueger amendment. . . .

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Speaker, is it not correct that we would be acting on section 7 as written in the bill and not on the amendments as adopted by the Committee of the Whole if the Krueger amendment is adopted?

THE SPEAKER: The amendment is to strike section 7 of the bill. The vote will be on that.

MR. BROYHILL: Mr. Speaker, if the Krueger amendment is defeated, then what is in the bill is the section as written in the bill and not the amendments that were adopted?

THE SPEAKER: We are back to the original committee bill.

MR. BROYHILL: The original committee bill only, and not the amendments that were adopted?

THE SPEAKER: The gentleman is correct.

Parliamentarian's Note: House Resolution 718, under which the House was operating, provided that the committee amendment in the nature of a substitute be read as an original bill for amendment and that separate votes could be demanded in the House on any amendment adopted in Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. In the above proceeedings, the House could have retained the section as perfected in Committee of the Whole by first adopting, on separate votes, the perfecting amendments to section 7, and then rejecting on a separate vote the motion to strike that section. A Member who fails to demand a separate vote on a perfecting amendment to a portion of an amendment being read as original text, where a separate vote is demanded on a motion to strike which has deleted that perfecting language, allows the perfecting language to lapse whether or not the motion to strike is adopted on a separate vote.

Amendments Considered En Bloc

§ 3.83 Where the Committee of the Whole reports a bill back to the House with amendments, some of which were considered en bloc pursuant to a special rule, the en bloc amendments may be voted on again en bloc on a demand for a separate vote, but another amendment separately considered in Committee of the Whole may not be voted on en bloc in the House without unanimous consent.

On Sept. 7, 1978,[13] during consideration of H.R. 7308,[14] the situation described above occurred as follows:

THE CHAIRMAN PRO TEMPORE: Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. Murtha, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7308) to amend title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information, pursuant to House Resolution 1266, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:[15] Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, I demand a separate vote en bloc on the McClory amendments agreed to on September 6, and I demand a separate vote on the conforming McClory amendments agreed to on today.

THE SPEAKER: Is a separate vote demanded on any other amendment to the Committee amendment? The Clerk will report the amendments en bloc on which a separate vote has been demanded.

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

THE SPEAKER: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, is it proper for the gentleman from Massachusetts (Mr. Boland) to demand a separate vote en bloc on the amendments, or must he ask for a vote on each one of these amendments?

THE SPEAKER: The Chair will state that the rule provides that it shall be in order to consider the amendments en bloc, so under the rule the vote on the amendments would be considered as on the amendments en bloc. . . .

MR. BAUMAN: Mr. Speaker, am I correct that the original McClory amendment was considered separately and that the several others were adopted subsequently?

MR. [ROBERT] MCCLORY [of Illinois]: Mr. Speaker, if the gentleman will yield, I might inform the gentleman that the conforming amendments were considered separately, and the other amendments were considered en bloc.

MR. BAUMAN: Mr. Speaker, may I inquire on which amendment is it that the gentleman from Massachusetts (Mr. Boland) demands a separate vote? . . .

THE SPEAKER: The Chair will state that the amendments offered by the gentleman from Illinois (Mr. McClory) that were agreed to yesterday will be voted on en bloc today. That is in conformance with the demand made by the gentleman from Massachusetts (Mr. Boland).

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13. 124 CONG. REC. 28423, 28425, 95th Cong. 2d Sess.

14. The Foreign Intelligence Surveillance Act of 1978.

15. Thomas P. O'Neill (Mass.).

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.).