

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

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

§ 8. Amendments to Text Passed in the Reading

Generally, an amendment comes too late when the Clerk has read beyond the section to which the amendment applies.⁽³⁾ Thus, during the reading of a bill by sections in Committee of the Whole, it is not in order except by unanimous consent to return to a section that has been passed.⁽⁴⁾ In the application of this principle, a question frequently arises as to when a section is, in fact, considered passed for amendment; similarly, an issue may arise as to whether Members have been af-

3. See § 8.1, *infra*.

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

forded sufficient opportunity to offer amendments. These and related issues are discussed in ensuing sections.

Generally

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

On Sept. 15, 1965,⁽⁵⁾ the following proceedings took place:

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

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

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

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

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

6. John A. Young (Tex.).

Chair is constrained to sustain the point of order.

Debate Begun on Next Title

§ 8.2 An amendment is not in order which would change a portion of a bill which has been passed in the reading under the five-minute rule.

On Oct. 14, 1971,⁽⁷⁾ The following proceedings took place:

THE CHAIRMAN:⁽⁸⁾ Before the Committee rose on yesterday, it had agreed that title II of the bill would be considered as read and open to amendment at any point. There was pending the amendment offered by the gentleman from Pennsylvania (Mr. Moorhead) and the substitute amendment for the Moorhead amendment offered by the gentleman from Florida (Mr. Fuqua).

For what purpose does the gentleman from California rise?

MR. [CHESTER E.] HOLIFIELD [of California]: Mr. Chairman, I move to strike out the last word.

THE CHAIRMAN: The gentleman from California is recognized for 5 minutes.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roussetot: Page 1, strike line 5 and all that follow thereafter down

7. 117 CONG. REC. 36194, 36211, 92d Cong. 1st Sess. Under consideration was H.R. 10835 (Committee on Government Operations).

8. Edward P. Boland (Mass.).

through line 2 on page 2 and substitute the following: . . .

MR. [FRANK J.] HORTON [of New York]: Mr. Chairman, I regret to do so, but I do feel that I have to make a point of order against the amendment. . . . We have passed that section of the bill. We are now on section II. . . .

THE CHAIRMAN: The Chair is ready to rule. We have already passed title I, and title II is under debate. The point of order of the gentleman from New York is sustained.

Amending Previously Unamended Portions Passed in Reading

§ 8.3 While it may be in order to offer an amendment to the pending portion of a bill which not only changes a provision already amended but also changes an unamended pending portion of the bill, it is not in order merely to amend portions of a bill that have been changed by amendment or to amend unamended portions that have been passed in the reading and are no longer open to amendment.

On July 12, 1983,⁽⁹⁾ it was demonstrated that where, pursuant to a special order, amendments en bloc to several titles of a bill have

9. 129 CONG. REC. 18771, 98th Cong. 1st Sess.

been agreed to, a further amendment which would (1) amend portions of the amendments already agreed to en bloc or (2) amend unamended portions of a previous title already passed in the reading is not in order, the bill not being open to amendment at any point. The proceedings in the Committee of the Whole were as follows:

MR. [STEVE] BARTLETT [of Texas]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: ⁽¹⁰⁾ The Chair wishes to inquire of the gentleman from Texas, is the gentleman from Texas offering these amendments en bloc?

MR. BARTLETT: These amendments are not offered en bloc, Mr. Chairman. . . .

THE CHAIRMAN: Could the gentleman from Texas identify which amendment it is?

MR. BARTLETT: The amendment begins, "Strike out the item agreed to in the amendment relating to page 50, line 3, of the bill."

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Bartlett: Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 50, line 3, of the bill and insert in lieu thereof the following item:

Page 50, line 3, strike out "\$729,033,000" and insert in lieu thereof "\$549,949,000".

Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 50, line 8, of the bill. . . .

Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 106, line 3, of the bill.

Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 106, line 8, of the bill.

Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 117, lines 19 through 22, of the bill.

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I make a point of order against the amendment. . . .

In the first place, this amendment attempts to perfect and change the provisions of the bill that have already been perfected under my amendment by nature of a substitute, the amendment previously approved by the committee. As such I believe the amendment is not in order and I raise a point of order against it.

In addition, the amendment attempts to amend title II which has already been passed in the reading and, therefore, for those two basic reasons I wish to interject this point of order against the pending amendment. . . .

MR. BARTLETT: Mr. Chairman, I would comment that my amendment is broader in scope than the Gonzalez amendment as it would strike all of title III and strike section 231 of the bill which relates to the 235 assistance, and my amendment is broader in scope than merely the previously adopted Gonzalez amendment.

THE CHAIRMAN: With one exception, and that is the portion of the amendment that begins on page 106 striking title III, these amendments en bloc seek either to amend portions of the Gonzalez amendment already agreed

10. Norman Y. Mineta (Calif.).

to en bloc or to amend unamended portions of the bill contained in title I and title II which have been passed in the reading.

Thus since the bill is not open at any point, the amendments en bloc are not in order and the Chair sustains the point of order.

Are there further amendments to title III?

If not, the Clerk will designate title IV.

Appropriation Bills

§ 8.4 Amendments to a paragraph of an appropriation bill must be offered immediately after the paragraph is read; it is ordinarily too late to offer such amendments if the Clerk has read beyond the paragraph.

On Feb. 17, 1943,⁽¹¹⁾ the following proceedings took place:

Amendment offered by Mr. [Francis H.] Case [of South Dakota]: Page 11, line 3, after the words "disability fund," strike out the balance of page 11 and all of page 12 and lines 1 to 4, inclusive, of page 13.

MR. [CLIFTON A.] WOODRUM [of Virginia]: Mr. Chairman, I make a point of order against the amendment. We have passed that paragraph. . . .

THE CHAIRMAN:⁽¹²⁾ The Chair will remind the gentleman that he will

11. 89 CONG. REC. 1050, 78th Cong. 1st Sess. Under consideration was H.R. 1762, the independent offices appropriation for 1944.

12. Orville Zimmerman (Mo.).

have to offer his amendment at the conclusion of the reading of the paragraph that he proposes to strike out. . . .

MR. [JOHN] TABER [of New York]: I make the point of order that the Clerk has not read beyond page 11, line 3.

THE CHAIRMAN: The Chair will state to the gentleman from New York and to the Committee that the Chair understood that while the Clerk was reading fast he had read line 4 on page 13. However, in order to be fair to the Members who were undertaking to listen, and inasmuch as there was not good order in the Chamber, without objection, the Clerk will again read the title beginning on page 11, line 3.

§ 8.5 It is too late to offer an amendment in the Committee of the Whole after the paragraph to which it would have been germane has been passed in the reading for amendment.

On Jan. 31, 1938,⁽¹³⁾ the following proceedings took place:

Amendment offered by Mr. [Alfred N.] Phillips [Jr., of Connecticut]: On page 11, line 13, after the period, insert two new paragraphs, as follows:
. . . .

MR. [VINCENT L.] PALMISANO [of Maryland]: . . . [W]e have passed that particular section and the amendment comes too late. . . .

THE CHAIRMAN:⁽¹⁴⁾ . . . The second ground raised by the gentleman from

13. 83 CONG. REC. 1308, 1309, 75th Cong. 3d Sess. Under consideration was H.R. 9181, the D.C. appropriation of 1939.

14. William J. Driver (Ark.).

Maryland, that the amendment comes too late, and the point of order raised by the gentleman from Oklahoma, that the amendment is not germane to the paragraph offered, the Chair will be forced to sustain.

Unanimous Consent To Offer Amendment

§ 8.6 Unanimous consent is required to permit the offering of an amendment to a section of a bill which has been passed in reading under the five-minute rule, and there is no custom or tradition of comity in the House which suggests that Members will always be accorded that permission.

An example of the proposition described above occurred on Jan. 31, 1984,⁽¹⁵⁾ during consideration of H.R. 2878.⁽¹⁶⁾ The proceedings in the Committee of the Whole were as follows:

MR. [GEORGE W.] GEKAS [of Pennsylvania]: Madam Chairman, I offer an amendment

MR. [PAUL] SIMON [of Illinois]: Madam Chairman, I reserve the right to object to this amendment.

MR. GEKAS: Madam Chairman, I was going to await the procedure and ask unanimous consent to offer this

15. 130 CONG. REC. 1078, 98th Cong. 2d Sess.

16. The Library Services and Construction Act Amendments of 1983.

amendment in that it relates to a section already passed by the Clerk in the reading.

THE CHAIRMAN PRO TEMPORE:⁽¹⁷⁾ The Clerk will first report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Gekas: Page 5, strike out lines 3 through 5 and redesignate the succeeding paragraphs accordingly. . . .

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

MR. SIMON: Madam Chairman, reserving the right to object, with all due respect to my friend, the gentleman from Pennsylvania, I do object. This would simply result in prolonged debate, and I think the amendment would clearly be defeated.

So, Madam Chairman, I do object.

MR. GEKAS: Madam Chairman, perhaps the gentleman from Illinois can enlighten me on this.

I have never asked for this kind of consideration before, and I ask the Chair and perhaps the gentleman from Illinois this question: Is this not kind of a departure from the common courtesy that is accorded to other Members when in a procedural matter such a request is made? . . .

Madam Chairman, the inquiry is whether or not it is a question of comity among the Members to allow referral back to another section by the use of the unanimous-consent request.

THE CHAIRMAN PRO TEMPORE: The Chair will state that any Member has the right to object to a unanimous-consent request.

17. Marilyn Lloyd (Tenn.).

MR. GEKAS: I understand that, Madam Chairman. What I am asking is whether or not it is in violation of any rules of collegial courtesy to object to that kind of request.

THE CHAIRMAN PRO TEMPORE: The Chair knows of no such rule.

Unanimous Consent Allowing Specified Amendments to Titles Passed in Reading

§ 8.7 Printing amendments in the Record pursuant to Rule XXIII clause 6 only guarantees five minutes of debate to its proponent notwithstanding a time limitation if the amendment is otherwise in order, and a unanimous consent agreement to permit certain designated amendments to be offered to a portion of the bill already passed in the reading for amendment does not permit other amendments printed in the Record to be offered.

On Jan. 29, 1980,⁽¹⁸⁾ the Committee of the Whole having under consideration H.R. 4788,⁽¹⁹⁾ the above-stated proposition was illustrated as indicated below:

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Mr. Chairman, I ask unani-

18. 126 CONG. REC. 988, 992-4, 96th Cong. 2d Sess.

19. The Water Resources Development Act.

mous consent that titles III and IV be open to amendment at any point.

THE CHAIRMAN:⁽²⁰⁾ Is there objection to the request of the gentleman from Pennsylvania?

MR. HARSHA: Mr. Chairman, reserving the right to object, we have passed over title III, and without unanimous consent it is my understanding that the gentleman could not offer any amendment to title III. Is that correct?

THE CHAIRMAN: The gentleman is correct.

MR. HARSHA: Further reserving the right to object, could the gentleman explain to me what amendments he proposes to offer to title III?

MR. EDGAR: I would be glad to. I would hope that we could protect the gentleman from Montana in offering his amendment to the Libby Dam, and then I have three amendments I would like to offer, amendments in title III.

...

MR. ERTEL: Mr. Chairman, reserving the right to object, I have a parliamentary inquiry. If the amendments are printed in the Record and we go back to title III and allow that time until 4:40, any amendment in the Record would be entitled to an additional 5 minutes?

MR. EDGAR: If the gentleman will yield, I think the gentleman from Pennsylvania has indicated that he does not intend, if this unanimous-consent request is accepted, to go back in a dilatory way on title III and offer any other amendments other than the three I have asked unanimous consent for. My unanimous-consent request is that the three amendments which I

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

have offered, plus the one amendment of the gentleman from Montana, plus the unanimous consent to revise and extend in title III, is solely the context of my request, and this gentleman will not go back to title III and offer any of the line-by-line and amendment-by-amendment amendments I have in the Record.

THE CHAIRMAN: In response to the gentleman's parliamentary inquiry, the unanimous-consent request which was offered by the gentleman from Pennsylvania (Mr. Edgar) will protect only those amendments referred to by Mr. Edgar, and will not permit other amendments printed in the Record to title III to be offered.

Effect of Rising of Committee

§ 8.8 In the Committee of the Whole, amendments to a section are in order after the section has been read; and the fact that the Committee rises after the section is read does not preclude amendment when the Committee resumes its sitting.

On June 29, 1965,⁽¹⁾ the following proceedings took place:

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 "Housing and Urban Development Act of 1965". . . .

MR. [WRIGHT] PATMAN [of Texas]: We expect to read the first section and

1. 111 CONG. REC. 15162, 89th Cong. 1st Sess.

then move that the Committee rise. . . .

MR. [WILLIAM B.] WIDNALL [of New Jersey]: With the reading of this section, does that mean that if we adjourn over until tomorrow at this time there will still be the possibility of amendment of this section?

THE CHAIRMAN:⁽²⁾ Section 101 will be subject to amendment.

Effect of Inserting New Title, Section or Paragraph

§ 8.9 A title of a bill is considered as having been passed in the reading for amendment if an amendment inserting a new title is agreed to.

On Mar. 26, 1974,⁽³⁾ during consideration of title I of a committee amendment in the nature of a substitute being read for amendment by titles, the Chair indicated in response to parliamentary inquiries that further amendment to that title would be precluded if an amendment inserting a new title II immediately thereafter were agreed to.

THE CHAIRMAN:⁽⁴⁾ Are there further amendments to title I? If not, the Clerk will read.

2. Daniel J. Flood (Pa.).
3. 120 CONG. REC. 8262, 93d Cong. 2d Sess. Under consideration was H.R. 69, to amend and extend the Elementary and Secondary Education Act.
4. Melvin Price (Ill.).

MR. [MARVIN L.] ESCH [of Michigan]: Mr. Chairman, I offer an amendment to the committee substitute.

THE CHAIRMAN: Has the amendment been printed in the Congressional Record?

MR. ESCH: Mr. Chairman, it is an amendment that comes at the conclusion of title I, following the period in title I. So I rose at this particular time to offer it.

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

. . . In the event this amendment is read, and we begin considering the amendment, would then title I be completed, and there would be no way that anyone can go back to title I and offer an amendment, even though printed in the Record?

THE CHAIRMAN: The Chair will answer the inquiry of the gentleman from Minnesota by saying that further amendment to title I would be precluded only if the amendment is agreed to.

§ 8.10 The Committee of the Whole having adopted an amendment inserting a new title II in a committee amendment in the nature of a substitute being read for amendment by titles, the Chair indicated that further amendments to title I would be precluded.

On Mar. 26, 1974,⁽⁵⁾ during consideration of H.R. 69 (to amend

5. 120 CONG. REC. 8285, 93d Cong. 2d Sess.

and extend the Elementary and Secondary Education Act) the Chair responded to a parliamentary inquiry as indicated below:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:⁽⁶⁾ The gentleman will state it.

MR. PERKINS: Mr. Chairman, inasmuch as the vote has been announced on the Esch amendment, I would like to make an inquiry as to whether further amendments to title I are in order or will be in order tomorrow when we take up further consideration of this bill?

THE CHAIRMAN: In view of the adoption of the Esch amendment, all further action on title I is precluded.

§ 8.11 An amendment adding a new title to a bill having been adopted, an amendment to the title of the bill pending when the amendment was offered comes too late and may be offered only by unanimous consent (the pending title being considered to be passed in the reading for amendment).

On May 3, 1984,⁽⁷⁾ during consideration of H.R. 4275,⁽⁸⁾ in the

6. Melvin Price (Ill.).

7. 130 CONG. REC. 10955-57, 98th Cong. 2d Sess.

8. The Federal Reclamation Hydroelectric Powerplants Authorization Act.

Committee of the Whole, the situation described above occurred as follows:

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

THE CHAIRMAN:⁽⁹⁾ First the Chair will inquire, are there further amendments to title II?

If not, are there further amendments?

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

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Udall: Page 27, (Union Calendar No. 368), after line 11, add the following. . . .

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

The amendment was agreed to.

MR. [DUNCAN L.] HUNTER [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hunter: On page 18, immediately before line 1, insert the following new subparagraph. . . .

MR. [JOHN S.] MCCAIN [of Arizona] (during the reading): Mr. Chairman, I have a point of order. . . .

I believe that that amendment is to title II which we have completed in the regular course of considering legisla-

tion. I believe the amendment is out of order at this time. . . .

MR. HUNTER: . . . It is true that after the amendment before last, I rose. The Chairman, the gentleman from Arizona, rose also and was heard and his amendment went into title III.

Mr. Chairman, I ask unanimous consent—and I think the Chairman would speak to this issue—I would ask unanimous consent that this amendment be considered. I was on my feet and apparently was overlooked, so I ask unanimous consent that this amendment be made in order.

THE CHAIRMAN: An amendment adding a new title having been adopted, the gentleman from California can only offer this amendment by unanimous consent. Is there objection to the request of the gentleman from California?

There was no objection.

THE CHAIRMAN: The Clerk will complete the reading of the amendment.

§ 8.12 A section is considered passed for the purpose of amendment after an amendment in the form of a new section has been adopted following that section.

On Mar. 10, 1971,⁽¹⁰⁾ the Chairman⁽¹¹⁾ held that where a bill consisting of two sections has been read and committee amendments adding two new sections thereafter have been agreed to, an

10. 117 CONG. REC. 5856–58, 92d Cong. 1st Sess.

11. George W. Andrews (Ala.).

9. Ronnie G. Flipflo (Ala.).

amendment to the second section of the bill comes too late and is not in order. Under consideration was a bill⁽¹²⁾ extending provisions of laws relating to interest rates and mortgage credit controls.

§ 8.13 An amendment to a section comes too late when the section has been read and an amendment adding a new section to follow it has been adopted.

On Oct. 18, 1967,⁽¹³⁾ the following proceedings took place:

MR. [GEORGE H.] MAHON [of Texas]: . . . Mr. Chairman, this portion of the bill had been read and approved and an amendment was offered by the gentleman from Louisiana, which amendment was a separate section following it. So this is decidedly untimely and out of order and I make the point of order that the amendment is not in order.

THE CHAIRMAN:⁽¹⁴⁾ It is the opinion of the Chair that since an amendment adding a new section to the bill was adopted following the section that the gentleman from Virginia seeks to amend now, the gentleman's amendment comes too late and the point of order is well taken.

12. H.R. 4246 (Committee on Banking and Currency).
13. 113 CONG. REC. 29312, 29313, 90th Cong. 1st Sess., during consideration of H.J. Res. 888 (Committee on Appropriations).
14. Charles A. Vanik (Ohio).

Similarly, on Apr. 19, 1972,⁽¹⁵⁾ the following proceedings took place:

MR. [KENNETH J.] GRAY [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gray: On page 29, after line 4, add the following new section:

"Sec. 10. Section 6 of the John F. Kennedy Center Act, as amended (72 Stat. 1968), is amended"

THE CHAIRMAN:⁽¹⁶⁾ The question is on the amendment offered by the gentleman from Illinois (Mr. Gray).

The amendment was agreed to. . . .

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, I offer an amendment applicable to the original section 9 as printed in the bill. . . .

MR. GRAY: Mr. Chairman, I regretfully rise to make a point of order against the amendment. We have already passed section 9. . . .

THE CHAIRMAN: . . . The Chair . . . wishes to state that in accordance with the parliamentary procedures the Gray amendment added a new section 10. Because of that, of course, under the procedures, section 9 has been passed and taken care of.

§ 8.14 In reading a bill under the five-minute rule, a section or paragraph is considered as having been passed for amendment when an

15. 118 CONG. REC. 13523, 13525, 13526, 92d Cong. 2d Sess. Under consideration was H.R. 10488 (Committee on Public Works).
16. Wayne N. Aspinall (Colo.).

amendment in the form of a new section or paragraph has been agreed to.

On Jan. 23, 1942,⁽¹⁷⁾ the following proceedings took place:

The Clerk read as follows:

Tennessee Valley Authority Fund: For an additional amount for the Tennessee Valley Authority fund, fiscal year 1942, for (1) the construction of a hydroelectric project on the French Broad River. . . .

Amendment offered by Mr. [Clarence] Cannon of Missouri: Page 4, after line 9, insert:

“DEPARTMENT OF STATE

“Transportation, Foreign Service: For an additional amount for Transportation, Foreign Service, fiscal year 1942 . . . \$800,000..

If not, the Clerk will read.

The Clerk read as follows:

Sec. 12 Section 401(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(e)) is amended by adding at the end thereof the following new paragraph:

“(7) Upon application of any air carrier seeking removal or modification of a term, condition, or limitation attached to a certificate issued under this section to engage in interstate, overseas, or foreign air transportation, the Board shall, within sixty days after the filing of such application, set such application for oral evidentiary hearings on the record. . . .

MR. [GLENN M.] ANDERSON of California (during the reading): Mr. Chair-

17. 88 CONG. REC. 606, 77th Cong. 2d Sess. Under consideration was H.R. 6448, the fourth supplemental national defense appropriation bill of 1942.

man, I ask unanimous consent that section 12 be considered as read, printed in the Record, and open to amendment at any point.

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

There was no objection.

THE CHAIRMAN: Are there any amendments to section 12?

MR. [ALLEN E.] ERTEL [of Penn an amendment offered as a new section precludes amendment to the section pending when the amendment was offered; but if the proposal for a new section is voted down, amendments to such pending section are permitted.

On June 14, 1944,⁽¹⁹⁾ the following proceedings took place:

MR. AUGUST H. ANDRESEN [of Minnesota]: Mr. Chairman, I ask unanimous consent to have permission to offer an amendment.

THE CHAIRMAN:⁽²⁰⁾ Without objection, the gentleman may offer his amendment. Technically the gentleman probably would be entitled to offer an amendment, but when the committee goes on and adopts a new section, then that would cut out other amendments to the section. . . .

MR. [GEORGE E.] OUTLAND [of California]: Mr. Chairman, I object.

THE CHAIRMAN: The Chair holds that technically the gentleman is entitled to offer the amendment. There has

19. 90 CONG. REC. 5910, 5911, 78th Cong. 2d Sess. Under consideration was H.R. 4941, extension of the Emergency Price Control and Stabilization Acts of 1942.

20. Jere Cooper (Tenn.).

not been any new section adopted. If the amendment offered by the gentleman from Michigan [Mr. Wolcott] had been adopted, that would be a different situation. The Chair holds that the gentleman from Minnesota [Mr. August H. Andresen] is entitled to offer his amendment.

—Point of Order Sustained Against Amendment Adding New Paragraph

§ 8.16 A point of order having been sustained against an amendment proposing to insert a new paragraph, it was held in order to perfect the paragraph that had been read before such amendment was offered.

On June 5, 1942,⁽¹⁾ the following proceedings took place:

The Clerk read as follows:

Par. 2. To provide continuance of part-time employment for needy young persons in colleges and universities to enable such persons to continue their education, \$5,000,000.

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Keefe: Page 25, after paragraph (2), insert a new paragraph, as follows: . . .

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make a point of order

1. 88 CONG. REC. 4959, 4960, 77th Cong. 2d Sess. Under consideration was H.R. 7181, the Labor Federal Security Appropriation for 1943.

against the amendment on the ground that it is not authorized by law. . . .

THE CHAIRMAN:⁽²⁾ . . . The gentleman's amendment undertakes to make another appropriation which is to be administered under the Chairman of the Manpower Commission. It is the opinion of the Chair that there is no authority in law for the appropriation proposed in the amendment and the Chair is therefore constrained to sustain the point of order.

MR. KEEFE: In view of the holding of the Chair, I ask unanimous consent to submit an amendment increasing the amount for student aid contained in paragraph 2 on page 25 of the bill from \$5,000,000 to \$10,000,000.

THE CHAIRMAN: Is there objection to the request of the gentleman from Wisconsin [Mr. Keefe]?

MR. TABER: Mr. Chairman, I object.

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, why does the gentleman have to have unanimous consent to offer an amendment to paragraph 2? Why may he not offer without the consent of anyone an amendment increasing the amount in paragraph 2 from \$5,000,000 to \$10,000,000?

MR. TABER: We have already passed paragraph 2 for amendment.

MR. TARVER: Paragraph 2 has just been read and amendments are in order. Nothing in the bill has been read after paragraph 2.

THE CHAIRMAN: Amendments may be offered at this time to paragraph 2.

MR. KEEFE: Mr. Chairman, I offer the amendment in the language referred to, simply changing the amount in paragraph 2, on page 25, from \$5,000,000 to \$10,000,000.

2. Howard W. Smith (Va.).

THE CHAIRMAN: The gentleman from Wisconsin (Mr. Keefe) offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Keefe: Page 25, line 12, strike out "\$5,000,000" and insert in lieu thereof "\$10,000,000."

MR. TABER: Mr. Chairman, I make the point of order the amendment comes too late. Amendments have already been offered adding additional paragraphs to the bill and under the practice, as I understand it, that precludes amendments to the paragraph.

THE CHAIRMAN: The Clerk has concluded the reading of paragraph 2 and it was, therefore, subject to amendment. An amendment was offered and ruled out on a point of order.

The ruling of the Chair is that the section is subject to such further amendments as may be properly offered by Members of the House, and overrules the point of order.

When Amendment in Form of New Section May Be Offered

§ 8.17 An amendment in the form of a new section must be offered while the section of the bill which it would follow is pending, and comes too late after the next section of the bill has been read for amendment.

The procedure to be followed in offering an amendment in the form of a new section in the bill is indicated in the proceedings of Sept. 21, 1978.⁽³⁾ Under consider-

3. 124 CONG. REC. 30673, 30675, 95th Cong. 2d Sess.

ation was H.R. 12611, the Air Service Improvement Act of 1978.

THE CHAIRMAN:⁽⁴⁾ Are there any amendments to section 11?

If not, the Clerk will read.

The Clerk read as follows:

Sec. 12 Section 401(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(e)) is amended by adding at the end thereof the following new paragraph:

"(7) Upon application of any air carrier seeking removal or modification of a term, condition, or limitation attached to a certificate issued under this section to engage in interstate, overseas, or foreign air transportation, the Board shall, within sixty days after the filing of such application, set such application for oral evidentiary hearings on the record. . . .

MR. [GLENN M.] ANDERSON of California (during the reading): Mr. Chairman, I ask unanimous consent that section 12 be considered as read, printed in the Record, and open to amendment at any point.

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

There was no objection.

THE CHAIRMAN: Are there any amendments to section 12?

MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ertel: Page 100, before line 4, insert the following new section:

4. Benjamin S. Rosenthal (N.Y.).

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NECESSITY

Sec. 12, Section 401(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(d)) is further amended by adding at the end thereof the following new paragraph:

"(9) Transportation covered by an application for a certificate described in paragraph (1)(A), (2)(A), or (3)(A) of this subsection shall, for the purposes of such paragraphs, be deemed to be consistent with the public convenience and necessity, unless the Board finds based upon clear and convincing evidence that such transportation is inconsistent with the public convenience and necessity."

Renumber the succeeding sections of the bill accordingly. . .

MR. [ELLIOTT] LEVITAS [of Georgia]: The amendment offered by the gentleman from Pennsylvania is purporting to amend page 96, line 10, by inserting a new section there. According to the reading of the Clerk, the Clerk had already begun to read section 12.

THE CHAIRMAN: Does the gentleman from Pennsylvania wish to speak to the point of order?

MR. ERTEL: Mr. Chairman, I cannot recall whether the Clerk started to read section 12 or not.

THE CHAIRMAN: Section 12 had been considered as read by unanimous consent. The Chair is prepared to rule unless the gentleman from Pennsylvania wishes to address the matter further.

MR. ERTEL: Mr. Chairman, I ask unanimous consent that section 12 be treated as not read.

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

MR. [DALE] MILFORD [of Texas]: Mr. Chairman, I object. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The Clerk had read section 12, and in the opinion of the Chair the amendment adds a new section prior to section 12 and comes too late at this point and the point of order is sustained.

Amendment Affecting Earlier Section

§ 8.18 While the Committee of the Whole may not amend a section of a bill already passed during the reading under the five-minute rule, it may adopt an amendment to a later section which has the effect of making more specific limitations on, or regarding, the application of particular terms of the earlier section.

On Nov. 9, 1967, in the Committee of the Whole, during consideration of a bill⁽⁵⁾ comprising economic opportunity amendments of 1967, a section was considered which represented a limitation on the total amount authorized for the bill's purposes, as well as limitations on amounts to be made available for carrying out the provisions of specified titles of the bill, including title I. The section stated in part:⁽⁶⁾

5. S. 2388.

6. 113 CONG. REC. 31893, 90th Cong. 1st Sess.

Sec. 2. For the purpose of carrying out programs under the Economic Opportunity Act of 1964 . . . there is hereby authorized to be appropriated for the fiscal year ending June 30, 1968, the sum of \$2,060,000,000, of which . . . the amounts appropriated or made available by appropriation Act shall not exceed \$874,000,000 for the purpose of carrying out the provisions of title I of such Act, \$1,022,000,000 for the purpose of carrying out title II.

Subsequently, the above section having passed the stage of amendment, an amendment was offered to the bill⁽⁷⁾ which sought to put a limit on the authorization for the Job Corps program, one of several programs included within the overall limit applicable to expenditures under title I, although no limit had been made specifically applicable to the Job Corps program within that title. The amendment stated:

Amendment offered by Mr. [Albert H.] Quie [of Minnesota]: On page 154, after line 6, insert:

Sec. 119. Any other provision of this Act to the contrary notwithstanding, sums expended for programs authorized by this part shall not exceed \$200,000,000 in the fiscal year ending June 30, 1968.

The following proceedings then took place:

MR. [JAMES G.] O'HARA [of Michigan]: . . . Mr. Chairman, I make the

7. 113 CONG. REC. 32253, 90th Cong. 1st Sess., Nov. 13, 1967.

point of order that the gentleman's amendment is untimely. It comes too late and it should have been offered to section 2. . . .

MR. QUIE: . . . Mr. Chairman, the authorization of section 2 provides for the total amount of money for this act. Also, on lines 8 and 9 there is the figure for title I of \$874,000,000.

I offer a limitation of money only for part (a) of title I. My amendment would not affect the sum of money on line 8 of page 128, but only would be a further limitation within the \$874,000,000 authorized for title I. . . .

THE CHAIRMAN:⁽⁸⁾ . . . It would appear to the Chair that this is a limitation on an entirely different subject and an entirely different matter and, therefore, the amendment is in order.

Motion To Return to Section

§ 8.19 In order to return to a section of a bill in the Committee of the Whole in order to offer an amendment, a Member must obtain unanimous consent; a motion to do so is not in order.

On Aug. 18, 1944,⁽⁹⁾ the following proceedings took place:

MR. [BEN F.] JENSEN [of Iowa]: . . . Mr. Chairman, I ask unanimous consent that we return to section 7 for the purpose of offering an amendment. . . .

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

9. 190 CONG. REC. 7122, 78th Cong. 2d Sess. Under consideration was H.R. 5125, the surplus property bill.

MR. [CARTER] MANASCO [of Alabama]: I object. . . .

THE CHAIRMAN:⁽¹⁰⁾ The gentleman can return to a former section only with the unanimous consent of the Committee and the Committee has not given it.

Placing Amendment on Clerk's Desk

§ 8.20 Members must offer their amendments from the floor at the proper point in the reading of the bill, and the fact that an amendment has been on the desk during such reading does not give recognition.

On Mar. 11, 1949,⁽¹¹⁾ the following proceedings took place:

MR. [ISIDORE] DOLLINGER [of New York]: Mr. Chairman, I ask for consideration of an amendment which has been up at the desk.

The Clerk read as follows:

Amendment offered by Mr. Dollinger: On page 26, strike out—

THE CHAIRMAN:⁽¹²⁾ We have passed section 201. We are now considering section 202. . . .

10. R. Ewing Thomason (Tex.).
11. 95 CONG. REC. 2307, 81st Cong. 1st Sess. Under consideration was H.R. 1731, to extend certain provisions of the Housing and Rent Act of 1947, as amended.
See also 95 CONG. REC. 5505, 5506, 81st Cong. 1st Sess., May 3, 1949; and 95 CONG. REC. 12258, 81st Cong. 1st Sess., Aug. 25, 1949.
12. Albert A. Gore (Tenn.).

MR. DOLLINGER: Mr. Chairman, that amendment has been on the desk, and I had asked for the floor, but the Chair recognized another Member.

THE CHAIRMAN: The Chair will state to the gentleman the fact that an amendment has been on the desk gives no parliamentary recognition at all. The gentleman may only offer an amendment when he is recognized to do so.

Seeking Recognition

§ 8.21 A point of order that a paragraph has been passed and is therefore not subject to amendment will not lie where a Member was on his feet seeking recognition to offer an amendment and the Clerk had continued to read.

On Apr. 3, 1957,⁽¹³⁾ The following proceedings took place:

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make a point of order against the amendment on the ground that it is not in order at this point in the bill, the Clerk having read down to line 2 on page 33. . . .

THE CHAIRMAN:⁽¹⁴⁾ The Chair is ready to rule on that point. The gentleman from North Carolina was on his feet while the Clerk was reading. The Clerk continued to read before the gen-

13. 103 CONG. REC. 5034-36, 85th Cong. 1st Sess. Under consideration was H.R. 6287, making appropriations for the Departments of Labor, Health, Education, and Welfare, etc.
14. Aime J. Forand (R.I.).

tleman had a chance to offer his amendment.

The gentleman was entitled to recognition.

Inaudible Request for Recognition

§ 8.22 A point of order that an amendment to an appropriation bill comes too late does not lie where the Member offering the amendment was standing and seeking recognition at the time the pertinent paragraph was read but the request for recognition was inaudible to the Chair.

On Oct. 27, 1971,⁽¹⁵⁾ the following proceedings took place:

MR. [ELFORD A.] CEDERBERG [of Michigan]: . . . I believe the amendment comes too late. . . .

MS. [BELLA S.] ABZUG [of New York]: . . . Mr. Chairman, I was standing, and was seeking recognition and the microphone apparently did not work at that point.

THE CHAIRMAN:⁽¹⁶⁾ The Chair will state that the Chair did not hear the gentlewoman when she made her request at the microphone; but the Chair did observe that the gentlewoman was on her feet and looking at the Chair at

that time, when this portion of the bill was read by the Clerk. Therefore the Chair will hold that the amendment offered by the gentlewoman from New York . . . does not come too late and is in order.

Standing But Not Seeking Recognition

§ 8.23s A Member who was on his feet but not seeking recognition when a paragraph of an appropriation bill was read is not entitled to offer an amendment to that paragraph after a subsequent paragraph has been read.

On Dec. 8, 1971,⁽¹⁷⁾ Member who had been on his feet but had not been seeking recognition sought to offer an amendment to a portion of the bill that had been passed in the reading. The proceedings were as follows:

MR. [DONALD M.] FRASER [of Minnesota]: Mr. Chairman, I have an amendment to line 8 on page 2. I was standing at the time it was being read.

MR. [OTTO E.] PASSMAN [of Louisiana]: Mr. Chairman, the Clerk has read beyond that paragraph. I make a point of order against the amendment on the basis that we have gone beyond that in the reading.

THE CHAIRMAN:⁽¹⁸⁾ The Clerk has gone beyond that point in reading.

15. 117 CONG. REC. 37763, 92d Cong. 1st Sess. Under consideration was H.R. 11418 (Committee on Appropriations).

16. Brock Adams (Wash.).

17. 117 CONG. REC. 45481, 92d Cong. 1st Sess. Under consideration was H.R. 12067 (Committee on Appropriations).

18. Charles M. Price (Ill.).

Rereading Paragraph

§ 8.24 The Chair has on occasion directed the Clerk to reread a paragraph of a bill, where, because of confusion in the Chamber a question has arisen as to how far the Clerk had read.⁽¹⁹⁾

§ 9. Amendments to Text Not Yet Read; En Bloc Amendments

An amendment which goes beyond the scope of the pending section or paragraph and in effect modifies a paragraph or section which has not yet been reached in the reading is not in order.⁽²⁰⁾ Thus, it is not in order to strike out a portion of a bill which has not been read for amendment.⁽¹⁾

Unanimous Consent

§ 9.1 An amendment to a portion of a bill not yet read for amendment is in order only by unanimous consent.

On July 13, 1967,⁽²⁾ the following exchange took place:

19. See § 8.4, *supra*.

20. See § 9.9, *infra*.

1. See § 9.6, *infra*.

2. 113 CONG. REC. 18662, 90th Cong. 1st Sess. Under consideration was

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, is it proper to offer an amendment to a provision of the bill that has not been read?

THE CHAIRMAN:⁽³⁾ Only by unanimous consent.

§ 9.2 By unanimous consent, amendments offered to a section of a bill not yet read have been considered in Committee of the Whole.

On Sept. 19, 1961,⁽⁴⁾ the following proceedings took place with respect to an amendment offered by Mr. Charles E. Bennett, of Florida, to a bill⁽⁵⁾ establishing an arms control agency:

MR. [WAYNE L.] HAYS [of Ohio]: . . . I submit that the gentleman is offering one amendment which applies to two sections of the bill, one of which has not yet been read. He should offer the amendment, it seems, to lines 1 and 2 and then another amendment to the rest of the bill when it is read.

MR. BENNETT: Mr. Chairman, I understand that I may do that by unanimous consent, and I ask unanimous consent that these amendments be considered en bloc.

THE CHAIRMAN:⁽⁶⁾ Is there objection to the request of the gentleman from Florida?

H.R. 10595 (Committee on Banking and Currency).

3. Charles H. Wilson (Calif.).

4. 107 CONG. REC. 20303, 87th Cong. 1st Sess.

5. H.R. 9118 (Committee on Foreign Affairs).

6. Clifford David (Tenn.).