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Committee of the Whole, an amendment adding a new title to the bill was offered which prompted an exchange as indicated below:

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

The Clerk read as follows:

Amendment offered by Mr. Bauman: On page 106 add the following new title:

"TITLE V. . . .

THE CHAIRMAN PRO TEMPORE: Before the Chair would entertain this amendment, the Chair would like to know if there are other amendments to title IV?

MR. [CLARENCE] LONG of Maryland: Mr. Chairman, I wish to offer an amendment.

THE CHAIRMAN PRO TEMPORE: The Chair would like to advise the gentleman from Maryland (Mr. Bauman) if his amendment were accepted at this time it would cut off the additional amendments. Would the gentleman withhold? . . .

MR. BAUMAN: [B]efore making that judgment, the gentleman from Minnesota who has a substitute for the entire bill would still be in order; would he not?

THE CHAIRMAN PRO TEMPORE: The gentleman is correct on that. . . .

MR. BAUMAN: . . . I withdraw my amendment in deference to the gentleman from Maryland (Mr. Long).

THE CHAIRMAN PRO TEMPORE: Without objection the gentleman from Maryland (Mr. Bauman) withdraws his amendment.

§ 11. Amendments to Bills Considered as Read and Open to Amendment

Unanimous Consent as Requirement

§ 11.1 The Committee of the Whole may, by unanimous consent, agree that a bill being read by sections under the five-minute rule be considered as read and open to amendment at any point, but a motion to that effect is not in order.

On June 26, 1972,[18] the following exchange took place:

MR. [EARLE] CABEL [of Texas]: Mr. Chairman, I move that the bill be considered as read and printed at this point in the Record and open to amendment at any point.

THE CHAIRMAN:[19] The Chair must rule that the gentleman from Texas is not in order in making that motion at this time. The Chair will entertain, however, a unanimous-consent request to that effect.

§ 11.2 A bill may be considered as read and open to amendment at any point only by unanimous consent, and a motion to that effect is not in order.

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18. 118 CONG. REC. 22404, 92d Cong. 2d Sess. Under consideration was H.R. 15507.

19. John Brademas (Ind.).

On June 4, 1975,[20] the Committee of the Whole having under consideration H.R. 6219,[1] a unanimous-consent request, as described above, was objected to as indicated below:

MR. [DON] EDWARDS of California: . . . Mr. Chairman, I believe we have an agreement to vote on the final passage of the bill at 6:30 and with a time limitation on certain amendments that remain, so I ask unanimous consent at this time that the bill be considered as read in full and open to amendment at any point.

THE CHAIRMAN:[2] Is there objection to the request of the gentleman from California?

MR. [JAMES P.] JOHNSON of Colorado: Mr. Chairman, I object.

MR. EDWARDS of California: Mr. Chairman, I so move.

THE CHAIRMAN: The motion is not in order. Only title II could be closed at this time by a motion.

§ 11.3 On one occasion, no objection being raised, a motion was made and agreed to that a bill be considered as read and open for amendment at any point, following objection to a unanimous-consent request for that purpose.

On May 28, 1958,[3] the following proceedings took place:

MR. [LEO W.] O'BRIEN of New York (during the reading of the bill): Mr. Chairman, I ask unanimous consent that the bill be considered as read and be open for amendment at any point. . . .

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, I object.

MR. O'BRIEN of New York: Mr. Chairman, I move that the bill be considered as read and be opened for amendment at any point.

THE CHAIRMAN:[4] The question is on the motion offered by the gentleman from New York [Mr. O'Brien].

The motion was agreed to.

§ 11.4 During the reading of a section for amendment, that section can be considered as read and open to amendment at any point only by unanimous consent.

On Aug. 17, 1972,[5] 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 "Equal Educational Opportunities Act of 1972". . . .

MR. [ROMAN C.] PUCINSKI [of Illinois] (during the reading): A parliamentary inquiry, Mr. Chairman. . . .

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20. 121 CONG. REC. 16895, 94th Cong. 1st Sess.

1. Voting Rights Act extension.

2. Richard Bolling (Mo.).

3. 104 CONG. REC. 9747, 85th Cong. 2d Sess. Under consideration was H.R. 7999, to provide for the admission of the State of Alaska into the Union.

4. Wilbur D. Mills (Ark.).

5. 118 CONG. REC. 2887, 92d Cong. 2d Sess. Under consideration was H.R. 13915.

Mr. Chairman, is it in order to move that the paragraph be considered as read and open to amendment at any point?

THE CHAIRMAN:[6] It is not in order to make such a motion at this point. It is in order to make a unanimous-consent request.

Motion To Dispense With Reading of Amendment

§ 11.5 Pursuant to Rule XXIII clause 5(b), as amended in the 97th Congress, it is in order in Committee of the Whole to move to dispense with the reading of an amendment which has been printed in the Congressional Record and submitted to the clerk or designated staff member of the reporting committee at least one day prior to consideration of the amendment, and said motion is not subject to debate.

An example of the proposition described above occurred on May 6, 1981,[7] during consideration of House Concurrent Resolution 115.[8] the proceedings in the Committee of the Whole were as follows:

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

THE CHAIRMAN:[9] Has the gentleman's amendment been printed in the Record?

MR. LATTA: Yes, Mr. Chairman, it has been printed in the Record.

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Latta: Strike out all after the resolving clause and insert in lieu thereof the following:
>
> TITLE I—REVISION OF THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1981. . . .

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

MR. [THEODORE S.] WEISS [of New York]: Mr. Chairman, reserving the right to object, my concern really is that we have full opportunity to debate the Gramm-Latta substitute resolution, and if in fact we have the assurance that there will be no attempt to cut off, to curtail debate, I will withdraw my reservation.

However, if in fact this is a preliminary move then to start the express train rolling, I have no choice except to object. . . .

MR. LATTA: Mr. Chairman, I move that the amendment be considered as read and printed in the Record.

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6. Morris K. Udall (Ariz.).

7. 127 CONG. REC. 8716, 8721, 97th Cong. 1st Sess.

8. Revising the congressional budget for fiscal year 1981 and setting forth the congressional budget for fiscal years 1982, 1983, and 1984.

9. James M. Frost (Tex.).

The motion was agreed to.

§ 11.6 Pursuant to Rule XXIII clause 5(b), a motion to dispense with the reading of an amendment in Committee of the Whole is only in order if that amendment has been printed in the Record.

An example of the proposition described above occurred on July 28, 1983,[10] during consideration of H.R. 2760. The proceedings in the Committee of the Whole were as follows:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: 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. [JAMES A.] COURTER [of New Jersey] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:[11] Is there objection to the request of the gentleman from New Jersey?

MR. [WYCHE] FOWLER [JR., of Georgia]: I object, Mr. Chairman.

THE CHAIRMAN: Objection is heard.

MR. COURTER: Mr. Chairman, I move that the amendment be considered as read.

THE CHAIRMAN: The Chair will advise the gentleman that would not be a proper motion, since the amendment has not been printed in the Record.

Clerk Designates Page and Line Number

§ 11.7 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,[12] the Committee of the Whole having under consideration a bill[13] pursuant to a special order as described above, the proceedings were as follows:

THE CHAIRMAN:[14] 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 con-

10. 129 CONG. REC. 21468, 21470, 98th Cong. 1st Sess.
11. William H. Natcher (Ky.).
12. 123 CONG. REC. 26124, 95th Cong. 1st Sess.
13. H.R. 8444, National Energy Act.
14. Edward P. Boland (Mass.).

sidered 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. . . .

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.

Portions of Bill Already Passed in Reading

§ 11.8 During the reading of a bill for amendment an agreement that the remainder of the bill be considered read and open for amendment at any point does not admit an amendment to a portion of the bill already passed in the reading.

On Oct. 8, 1969,[15] the following proceedings took place:

MR. [JOSEPH L.] EVINS of Tennessee (during the reading): Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point. . . .

The Clerk read as follows:

Amendment offered by Mr. [John D.] Dingell [of Michigan]: . . .

MR. EVINS of Tennessee: Mr. Chairman, we have already passed that item in the bill. . . .

MR. DINGELL: Mr. Chairman, the gentleman from Tennessee just made a unanimous-consent request that the bill be considered as read, printed in the Record, and open for amendment at any point. I would consider that under the unanimous-consent request, regardless of whether we have read beyond the point, the amendment would be very much in order.

THE CHAIRMAN:[16] The Chair will advise the gentleman from Michigan that the unanimous-consent request of the gentleman from Tennessee was that the remainder of the bill be considered as having been read and open to amendment at any point, and the Clerk had read two paragraphs beyond the paragraph to which the amendment would apply. So the Chair upholds the point of order. . . .

§ 11.9 Where unanimous consent is granted that the re-

15. 115 CONG. REC. 29219, 29220, 91st Cong. 1st Sess. Under consideration was H.R. 14159.

16. Wayne N. Aspinall (Colo.).

mainder of a bill be considered as read and open for amendment at any point, amendments may then be offered to any portion of the bill not yet read for amendment at the time the permission is granted.

On Feb. 19, 1970,[17] the following proceedings took place:

The Clerk read as follows:

Amendments offered by Mr. [James G.] O'Hara [of Michigan]: On page 60. . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: If I understood correctly, sections 408 and 409 have been considered and acted upon, after which action was taken on section 410. It was after we had passed sections 408 and 409 that unanimous consent was asked the bill be opened thereafter. I raise the point that the amendments come too late. We finished action on these sections, and had acted on section 410.

THE CHAIRMAN:[18] The Chair will state that the opening of the bill occurred on page 36, and all language thereafter is open to amendment.

Provisions Previously Amended

§ 11.10 Where a title of a bill was open for amendment at any point and an amendment was offered altering several provisions within that title including a provision previously altered by amendment, a point of order against the amendment was sustained and by unanimous consent the amendment was altered to delete reference to that portion already amended.

On Oct. 9, 1975,[19] during consideration of H.R. 200[20] in the Committee of the Whole, the proceedings described above were as follows:

The Clerk read as follows:

Amendment offered by Mr. Waggonner: Page 29, strike out line 5 and all that follows thereafter down through line 2 on page 32 and insert the following: . . .

(a) COMMENCEMENT OF NEGOTIATIONS.—

The Secretary of State, upon the request of and in cooperation with the Secretary, shall initiate and conduct negotiations with any foreign nation in whose fishery conservation zones, or its equivalent, vessels of the United States are engaged, or wish to be engaged, in fishing, or with respect to anadromous species or Continental Shelf fishery resources as to which such nation asserts management authority and for which vessels of the United States fish, or wish to fish. . . .

THE CHAIRMAN:[21] the question is on the amendment offered by the gen-

17. 116 CONG. REC. 4028, 4029, 91st Cong. 2d Sess. Under consideration was H.R. 15931.
18. Chet Holifield (Calif.).
19. 121 CONG. REC. 32588–90, 94th Cong. 1st Sess.
20. Marine Fisheries Conservation Act of 1975.
21. Neal Smith (Iowa).

tleman from Louisiana (Mr. Waggonner).

The amendment was agreed to.

MRS. [MILLICENT H.] FENWICK [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Fenwick: . . .

Page 30, line 6, strike out "the" and all that follows thereafter up to and including line 8, and substitute in lieu thereof the following: "any such ships of those countries deemed to be in noncompliance within the meaning of paragraphs (1)(A) and (1)(B) of this subsection from continuing their fishing activities"; . . .

Page 33, line 1, strike Sec. 206.

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I have a point of order. We have already amended page 30, and this amendment would purport to amend page 30. . . .

It comes too late.

MRS. FENWICK: No, no; it is still germane—[including the part at] page 33, line 1, striking section 206.

THE CHAIRMAN: The Chair would advise the gentlewoman from New Jersey that the part of the amendment that appears on page 30 would not be in order at this time. The balance of the amendment would be in order. Without objection, the amendment is modified to delete reference to that portion of title II already amended.

There was no objection.

Pending Portion of Bill Still Open to Amendment When Request Agreed To

§ 11.11 If unanimous consent is granted that the remainder of a bill be considered as read and open to amendment at any point, the portion of the bill pending when the request is agreed to remains open to amendment as well.

On June 4, 1975,[1] during consideration of a bill[2] in the Committee of the Whole, a unanimous-consent request was made and the following proceedings occurred:

MR. [DON] EDWARDS of California (during the reading): Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point. . . .

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, if this unanimous consent request is agreed to, would that affect action on title II of the bill; would amendments to title II be still in order?

THE CHAIRMAN:[3] Title II is still open.

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

There was no objection.

Points of Order Against Bill

§ 11.12 When an appropriation bill is considered as read and open for amendment by unanimous consent, the

1. 121 CONG. REC. 16899, 94th Cong. 1st Sess.
2. H.R. 6219, Voting Rights Act extension.
3. Richard Bolling (Mo.).

Chair first entertains points of order against the bill prior to recognizing for amendments.

On June 16, 1964,[4] the following proceedings took place:

MR. [MICHAEL J.] KIRWAN [of Ohio] (interrupting reading of the bill): Mr. Chairman, I ask unanimous consent that the bill be considered as read, and open to amendment at any point.

THE CHAIRMAN:[5] Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE CHAIRMAN: Are there any points of order to be made to the bill? [After pause.] Are there any further amendments? [No response.]

A motion that the Committee rise was agreed to.

Committee Amendments

§ 11.13 Where a bill is considered read and open to amendment, the Chair directs that the Clerk report the committee amendments in the order in which they appear in the bill, and the question is put on each amendment as it is read; and any amendment to one of these amendments must be offered while the committee amendment is pending. But a Member having an amendment to a section of the bill that is not amended by the committee amendments may still offer such an amendment after all the committee amendments have been considered.

On June 18, 1969,[6] the following proceedings took place:

MR. [HARLEY O.] STAGGERS [of West Virginia] (during the reading): Mr. Chairman, I ask unanimous consent that the bill be considered as read and printed in the Record and open to amendment at any point. . . .

There was no objection.

THE CHAIRMAN:[7] The Clerk will report the first committee amendment.

The Clerk read as follows: . . .

MR. [BROCK] ADAMS [of Washington]: Mr. Chairman, if the amendments are adopted that are the committee amendments to the bill, then would amendments by Members be in order to those sections that were amended?

THE CHAIRMAN: They would be unless they amended the committee amendment.

MR. ADAMS: Mr. Chairman, that is what I was inquiring about. In other words, an amendment to the committee amendment would not be in order if that committee amendment were adopted.

Therefore, we would be required to offer our amendments which would go

4. 110 CONG REC. 13974, 88th Cong. 2d Sess. Under consideration was H.R. 11579.

5. Hale Boggs (La.).

6. 115 CONG. REC. 16275, 91st Cong. 1st Sess. Under consideration was H.R. 6543.

7. Jack B. Brooks (Tex.).

to the same section and the same language prior to the adoption of the committee amendment by the Committee of the Whole?

THE CHAIRMAN: The amendments should be offered as amendments to the committee amendments when submitted.

§ 11.14 Where the Committee of the Whole agrees that the remainder of a bill be considered as read and open to amendment at any point, the remaining committee amendments are first disposed of and then other amendments may be considered at any point.

On Aug. 18, 1949,[8] the following exchange took place:

MR. [JOHN M.] VORYS [of Ohio]: Under the unanimous-consent request, in what order would the various committee amendments be considered? Would they not have precedence over other amendments? . . .

THE CHAIRMAN:[9] The Chair feels that the gentleman is correct.

§ 11.15 Where, by unanimous consent, a bill is considered as read and open to amendment at any point, all perfecting committee amendments printed in the bill are disposed of prior to consideration of amendments offered from the floor.

On Apr. 23, 1975,[10] during consideration of a bill[11] in the Committee of the Whole, the Chair responded to a parliamentary inquiry as indicated below:

THE CHAIRMAN:[12] The Clerk will report the first committee amendment. . . .

The Clerk will report the second committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 1, insert: The authority granted by this section shall not permit or extend to any action or conduct not essential to effectuate and protect the evacuation referred to in this section.

The committee amendment was agreed to.

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

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HARKIN: Are we on section 4? I have an amendment to section 4.

THE CHAIRMAN: The Chair will advise the gentleman that he will be pro-

8. 95 CONG. REC. 11797, 81st Cong. 1st Sess. Under consideration was H.R. 5895, the Mutual Defense Assistance Act of 1949.

For further discussion of the proceedings, see Sec. 11.18, infra.

9. Wilbur D. Mills (Ark.).

10. 121 CONG. REC. 11533, 94th Cong. 1st Sess.

11. H.R. 6096, Vietnam Humanitarian and Evacuation Assistance Act.

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

tected. The bill by unanimous consent has been deemed to be considered as read in toto and is open to amendment at any point.

The Clerk will report the third committee amendment.

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

On Feb. 9, 1976,[13] H.R. 5808[14] having been read and opened to amendment in the Committee of the Whole, the proceedings, described above, were as follows:

THE CHAIRMAN:[15] . . . Under the rule, the bill is considered as having been read and open to amendment at any point under the 5-minute rule. . . .

The Clerk will report the next committee amendment.

The Clerk read as follows:

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

The committee amendment was agreed to.

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

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

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

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

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

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

—Amendments To Be Read Although Bill Open to Amendment at Any Point

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

13. 122 CONG. REC. 2872, 2876, 94th Cong. 2d Sess.
14. Animal Welfare Act Amendments of 1976.
15. Richard H. Ichord (Mo.).

On Feb. 9, 1976,[16] during consideration of H.R. 5808,[17] in the Committee of the Whole, the Chair stated that, pursuant to the rule, the bill was open to amendment. The proceedings occurred as indicated below:

THE CHAIRMAN:[18] . . . Under the rule, the bill is considered as having been read and open to amendment at any point under the 5-minute rule. . . .

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

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

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, it is my understanding that the rule itself provides that the bill shall be considered as read and open to amendment at any point.

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

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

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

There was no objection.

Order of Amendments

§ 11.18 Where the Committee of the Whole had agreed that the remainder of a bill be considered as read and open to amendment at any point, a subsequent unanimous-consent request authorized the Clerk to call the remaining sections so that amendments could be offered in order.

On Aug. 18, 1949,[19] the following proceedings took place:

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, I ask unanimous consent that after the committee amendments have been disposed of the Clerk call the section numbers of the bill for amendment, so that we may have them in order. . . .

There was no objection.

Priority in Recognition

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

16. 122 CONG. REC. 2872, 2875, 94th Cong. 2d Sess.
17. Animal Welfare Act Amendments of 1976.
18. Richard H. Ichord (Mo.).
19. 95 CONG. REC. 11797, 81st Cong. 1st Sess. Under consideration was H.R. 5895, the Mutual Defense Assistance Act of 1949.

ognition being given to members of the Committee reporting the bill.

On Jan. 29, 1980,[20] during consideration of H.R. 4788[1] in the Committee of the Whole, the proceedings described above occurred as follows:

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

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

THE CHAIRMAN:[2] That is correct, if no objection is heard.

MR. ERTEL: I have no objection.

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

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

20. 126 CONG. REC. 973, 96th Cong. 2d Sess.

1. The Water Resources Development Act.

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

Inserting New Section

§ 11.20 Where the first section of a bill has, by unanimous consent, been considered as read and open to amendment, an amendment inserting a new section at the end of that section of the bill is in order.

On June 26, 1972,[3] the following proceedings took place:

Amendment offered by Mr. [Mario] Biaggi [of New York]: Page 7, insert after line 18 the following:

Sec. 102. The Secretary of Transportation shall (1) conduct a study. . . .

MR. [EARLE] CABELL [of Texas]: Was this amendment to section 1, which has been read? Does it apply to that?

THE CHAIRMAN:[4] It is an amendment to the first section of the bill.

MR. CABELL: I believe the gentleman from Iowa himself asked unanimous consent that it be open to amendment to the first section.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, yes, but page 7 goes beyond the first section of the bill. . . .

THE CHAIRMAN: The Chair will state that the unanimous-consent request that was made by the gentleman from Iowa and that was agreed to was to dispense with further reading of the first section of the bill, which ends on page 7, line 18, and the amendment of-

3. 118 CONG. REC. 22404, 92d Cong. 2d Sess. Under consideration was H.R. 15507.

4. John Brademas (Ind.).

fered by the gentleman from New York is to the first section of the bill and is therefore in order.

Effect of Adding New Section at End of Bill

§ 11.21 Where by unanimous consent in Committee of the Whole a bill is considered as read and open to amendment at any point, adoption of an amendment adding a new section at the end of the bill does not preclude subsequent amendments to previous sections of the bill.

The proposition stated above was the basis for the following proceedings which occurred on Apr. 17, 1986,[5] during consideration of H.R. 281 in the Committee of the Whole:

THE CHAIRMAN:[6] Pursuant to the rule, each section of the bill is considered as having been read under the 5-minute rule.

The Clerk will designate section 1.

MR. [WILLIAM L.] CLAY [of Missouri]: Mr. Chairman, I ask unanimous consent that the bill be printed in the Record and open to amendment at any point.

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

There was no objection.

The text of H.R. 281 is as follows:

H.R. 281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Construction Industry Labor Law Amendments of 1985". . . .

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

The Clerk read as follows:

Amendment offered by Mr. Clay: At the end of the bill, add the following new section:

Sec. 3. (a) Except as provided in subsection (b), the amendments made by section 2 shall take effect upon the date of the enactment of this Act. . . .

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

MR. [JAMES M.] JEFFORDS [of Vermont]: Mr. Chairman, reserving the right to object, I do so for the purpose of inquiring of the Chair at this point, or perhaps the author, as to whether or not this is a new section 3, or whether this would preclude further amendments to section 2 of the bill if this amendment is adopted?

THE CHAIRMAN: The Chair would point out to the gentleman from Vermont that the bill is now open for amendment at any point, as was requested by the gentleman from Missouri (Mr. Clay) a little while earlier.

5. 132 CONG. REC. 7858, 7859, 7861, 99th Cong. 2d Sess.

6. David E. Bonior (Mich.).

Bill Considered as Read and Open for Amendment in House as in Committee of the Whole

§ 11.22 Under current practice, when a bill is considered in the House as in Committee of the Whole, general debate is dispensed with, and the bill is considered as having been read and is open to amendment at any point under the five-minute rule.

On Aug. 10, 1970,[7] the following proceedings took place:

> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER:[8] The gentleman will state the parliamentary inquiry.
>
> MR. GROSS: Mr. Speaker, are we not operating in the House as in the Committee of the Whole.
>
> THE SPEAKER: We are.
>
> MR. GROSS: Mr. Speaker, has this bill been read for amendment?
>
> THE SPEAKER: When the bill is being considered in the House as in Committee of the Whole, it is considered as read and printed in the Record.
>
> Amendments are in order to any part of the bill under the 5-minute rule.

Parliamentarian's Note: The earlier precedents (e.g. 8 Cannon's Precedents § 2433) requiring that a bill be read by sections for amendment under this procedure have been superceded by this current practice.

§ 11.23 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,[9] the House having previously adopted a special order[10] providing that H.R. 692 be read by title in the Committee of the Whole, a unanimous-consent request was agreed to to consider the bill in the House as in the Committee of the Whole. The proceedings were as follows:

> MR. [NEAL] SMITH of Iowa: Mr. Speaker, I call up the bill H.R. 692 to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan authorization and surety bond guarantee authority; and to improve the disaster assistance, certificate of competency and small business set-aside programs, and ask unani-

7. 116 CONG. REC. 28050, 91st Cong. 2d Sess. Under consideration was H.R. 18619.
8. John W. McCormack (Mass.).
9. 123 CONG. REC. 3977, 3981, 95th Cong. 1st Sess.
10. H. Res. 270, 123 CONG. REC. 3976, 3977, 95th Cong. 1st Sess.

mous consent that the bill be considered in the House as in the Committee of the Whole.

THE SPEAKER:[11] 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.

Amendment in Nature of Substitute Made in Order by Special Rule

§ 11.24 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,[12] the Committee of the Whole having under consideration H.R. 7700,[13] the above-stated proposition was illustrated as indicated below:

THE CHAIRMAN:[14] 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 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.

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

12. 124 CONG. REC. 7558, 7559, 95th Cong. 2d Sess.

13. The Postal Service Act of 1977.

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

Are there amendments to section 1?

§ 11.25 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,[15] the Committee of the Whole having under consideration H.R. 9464,[16] 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 ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

THE CHAIRMAN:[17] 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.

En Bloc Amendments Affecting Diverse Portions of Bill

§ 11.26 Motions to strike out and insert provisions on diverse pages and lines of a bill and to insert a new section constitute separate amendments which can be offered en bloc only by unanimous consent, even if the bill has been considered as read and open to amendment at any point.

On Sept. 16, 1981,[18] during consideration of H.R. 4241[19] in the Committee of the Whole, the

15. 122 CONG. REC. 2008, 94th Cong. 2d Sess.
16. Natural Gas Emergency Act of 1976.
17. Richard Bolling (Mo.).
18. 127 CONG. REC. 20735–37, 97th Cong. 1st Sess.
19. Military construction appropriations.

proceedings described above occurred as follows:

MR. [BO] GINN [of Georgia]: Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point. . . .

There was no objection. . . .

MR. [M. CALDWELL] BUTLER [of Virginia]: Mr. Chairman, I offer amendments, and I ask unanimous consent that these amendments be considered en bloc.

THE CHAIRMAN:[20] Is there objection to the request of the gentleman from Virginia?

There was no objection. . . .

Amendments offered by Mr. Butler: Page 2, line 11, strike out "$1,029,519,000" and insert in lieu thereof "$1,009,276,400".

Page 3, line 6, strike out "$1,404,883,000" and insert in lieu thereof "$1,354,096,100". . . .

MR. [THOMAS F.] HARTNETT [of South Carolina]: . . . My inquiry is: Is this amendment being offered as one amendment, and if it is, would the point of order be in order that the amendment was not properly drawn and that I was being precluded from voting for—I would have to vote for or against all of them where, in fact, I may want to vote for one or the other?

THE CHAIRMAN: The Chair will respond to the gentleman's inquiry by stating that the gentleman from Virginia has already gotten unanimous consent to offer his amendments en bloc. However, if a point of order is sustained against those amendments or any portion thereof, under the precedent the remaining amendments will have to be reoffered, at which point the gentleman from Virginia will again have to ask permission to have them offered en bloc. . . .

MR. HARTNETT: Mr. Chairman, what you are telling me is, in order for the gentleman from Virginia to offer a series of amendments like that, the gentleman has to obtain unanimous consent prior to doing that or, in fact, he would have to offer each one of them individually?

THE CHAIRMAN: The gentleman is correct. The very first action the gentleman from Virginia engaged in was to ask for such unanimous consent.

20. Philip R. Sharp (Ind.).

Effect of Limitation on Debate on Titles

§ 11.27 Where the Committee of the Whole has, by unanimous consent, considered the remainder of a bill as read and open to amendment at any point, and has then separately limited debate on each remaining title and all amendments thereto to a number of hours of debate, equally divided and controlled, the Chair may, through the power of recognition, continue to require debate and amendments to proceed title by title.

During consideration of H.R. 2100[1] in the Committee of the Whole on Oct. 3, 1985,[2] the situ-

1. The Food Security Act of 1985.

2. 131 CONG. REC. 25897, 25947, 25948, 99th Cong. 1st Sess.

ation described above occurred as follows:

MR. [KIKA] DE LA GARZA [of Texas]: Mr. Chairman, in order to facilitate the debate for the rest of the day, I ask unanimous consent that the remainder of the bill after this title be printed in the Record, and open to amendment at any point. . . .

There was no objection. . . .

MR. DE LA GARZA: Mr. Chairman, further to facilitate and expedite the debate of today, I ask unanimous consent that all debate on title VIII on peanuts, and all amendments thereto on that title, be limited to 1 hour, the time to be divided equally between the proponents and the opponents. . . .

There was no objection.

MR. DE LA GARZA: Mr. Chairman, I ask unanimous consent that debate on title XV and all amendments thereto, which is the food stamps section, be limited to 1 hour, to be divided equally between the proponents and the opponents, and further, that the debate on the Petri amendment to title XXI be limited to 1 hour, the time to be equally divided between the proponents and the opponents. . . .

There was no objection. . . .

MR. DE LA GARZA: Mr. Chairman, under the unanimous-consent agreement on the time and on opening the bill for amendment at any point, does the Chair intend to proceed title by title?

THE CHAIRMAN: It is the intention of the Chair to proceed title by title for amendments.

§ 12. Amendments in Nature of Substitute for Several Paragraphs or Entire Bill

An amendment in the nature of a substitute, which is offered to the text of a bill, generally replaces the entire bill. The term is sometimes, less accurately, used to describe a motion to strike out and insert a substantial portion, such as an entire section or title, of a pending bill. It should be distinguished from a substitute amendment, which is merely a substitute for another amendment that has been offered.[3]

Frequently, as by special rule, an amendment in the nature of a substitute may be considered as an original text for purposes of amendment; in such cases, the amendment in the nature of a substitute is not considered an "amendment" for purposes of the limitation described above[4] with

3. For a general description of the nature and purposes of an amendment in the nature of a substitute, see § 1, supra.

4. See Sec. 5, 6, supra.

Where a rule provides for consideration of a committee substitute as an original bill for amendment, such substitute is read by paragraphs for amendment, at the conclusion of which the question is on agreeing to the substitute or the substitute as