

MR. ZABLOCKI: A further parliamentary inquiry, Mr. Chairman.

After the vote, if there is a reservation of time and those who have reserved their time have yielded back, could we then have a 5-minute vote?

THE CHAIRMAN: No; the Chair would have to order the 5-minute vote in advance.

MR. ZABLOCKI: Mr. Chairman, did I understand that the gentleman from Illinois (Mr. Hyde) reserved his time?

THE CHAIRMAN: The Chair will advise that the gentleman from Illinois (Mr. Hyde) has reserved his 1 minute

remaining on the second Zablocki amendment, that is, the Zablocki amendment to the Courter substitute, which would be the second vote taken. So the answer is, yes, he has reserved his 1 minute.

Offering Amendment in Time Yielded for Debate

§ 28.57 An amendment may not be offered in time yielded for debate only.⁽¹⁶⁾

F. EFFECT OF CONSIDERATION OR ADOPTION; CHANGES AFTER ADOPTION

§ 29. Introduction; Adoption of Perfecting Amendment, Generally

Generally, it is not in order to amend an amendment previously agreed to.⁽¹⁷⁾ Nor is it in order to re-offer an amendment previously agreed to, or rejected (see § 35, *infra*), but to be precluded, an amendment must be practically identical to the proposition previously considered.⁽¹⁸⁾ And the concept embodied in an amendment can be addressed by a subsequent amendment, although such language may be incon-

sistent with the earlier amendment previously agreed to.⁽¹⁹⁾

So while it is not in order to strike out an amendment already agreed to, it is in order by way of amendment to strike out a greater substantive part of a paragraph which includes the adopted amendment.⁽¹⁾ Similarly, an amendment proposing to strike out a section which has been partially perfected is in order.⁽²⁾ Moreover, after a section has been partially perfected by amendments, it is in order to move to strike such section as amended and insert a new one therefor.⁽³⁾

16. See § 13.1, *supra*.

17. See § 29.2, *infra*.

18. See § 29.1, *infra*.

19. See § 29.21 et seq., *infra*.

1. See § 17.31, *supra*.

2. See § 17.29, *supra*.

3. See § 16.14, *supra*.

And it is in order to propose as an amendment for an entire section, by way of a motion to strike out and insert, an amendment inserting the same section with modifications and omitting amendments to the section that have been previously agreed to.⁽⁴⁾

In fact, it is in order to propose an amendment in the nature of a substitute for a bill and thereby omit amendments to the bill that have been previously agreed to by the Committee of the Whole.⁽⁵⁾

Identical Language

§ 29.1 In order for an amendment to be ruled out of order on the ground that the substance contained therein has already been passed upon by the House, the language thereof must be practically identical to that of the proposition already passed upon.

On Feb. 9, 1937,⁽⁶⁾ the following proceedings took place:

4. See § 16.14, *supra*.
5. See § 32.14, *supra*.
6. 81 CONG. REC. 1061, 75th Cong. 1st Sess. Under consideration was H.J. Res. 96, relating to foreign trade agreements. See also 81 CONG. REC. 9272, 75th Cong. 1st Sess., Aug. 18, 1937, where the Chairman, Jere Cooper [Tenn.], seemed to indicate that, while it is not in order to con-

Amendment offered by Mr. [Frank] Crowther [of New York]: . . .

MR. [JERE] COOPER [of Tennessee]: Mr. Chairman, I make a point of order against the amendment. The subject matter has already been covered by amendments previously acted upon in the consideration of the bill. . . .

. . . There is no substantive difference between this amendment and language heretofore incorporated in amendments previously offered and considered.

THE CHAIRMAN:⁽⁷⁾ . . . In the opinion of the Chair this amendment is not at all identical with amendments of a similar character which have been considered by the Committee this afternoon. There may or may not be a substantial difference, but the Chair has no manner or means of making a decision on that point at this time. The gentleman from New York [Mr. Crowther] does not offer an identical amendment to one previously considered; therefore, in the opinion of the Chair, the amendment is in order.

Amendment to Amendment Previously Agreed To

§ 29.2 It is not in order to amend an amendment pre-

consider the same amendment twice, any change in the language of an amendment will preclude its being ruled out of order as having already been considered. The question arose with respect to a contention that a proffered amendment was, in effect and meaning, a repetition of one already before the Committee of the Whole.

And see 88 CONG. REC. 6213, 77th Cong. 2d Sess., July 15, 1942.

7. James M. Mead (N.Y.).

viously agreed to, nor is it in order to amend text already stricken by adoption of an earlier amendment.

On June 22, 1961,⁽⁸⁾ the following proceedings took place:

The Clerk read as follows:

TITLE I—NEW HOUSING PROGRAMS

Housing for moderate-income families

Sec. 101. (a) Section 221 of the National Housing Act is amended by—

(1) inserting before the text of such section a section heading as follows: . . .

(2) striking out subsection (a) and inserting in lieu thereof the following: . . .

MR. [ALBERT] RAINS [of Alabama]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rains: Page 58, strike out line 7 and all that follows down through page 70, line 5, and insert the following:

“HOUSING FOR MODERATE INCOME FAMILIES

“Sec. 101. (a) Section 221 of the National Housing Act is amended by—

“(1) inserting before the text of such section a section heading as follows: . . .

“(2) striking out subsection (a) and inserting in lieu thereof the following: . . .”

8. 107 CONG. REC. 11093, 11097, 11101, 87th Cong. 1st Sess. Under consideration was H.R. 6028.

See also 115 CONG. REC. 26586, 26588, 91st Cong. 1st Sess., Sept. 23, 1969; and 112 CONG. REC. 18411, 89th Cong. 2d Sess., Aug. 5, 1966.

THE CHAIRMAN:⁽⁹⁾ The question recurs on the amendment offered by the gentleman from Alabama.

The amendment was agreed to. . . .

The Clerk read as follows:

Amendment offered by Mr. [Gordon L.] McDonough [of California]: On page 60, lines 7 through 9, strike out “a public body or agency other than a public housing agency.”

MR. RAINS: Mr. Chairman, I make a point of order against the amendment on the ground that we have already passed the section. This is part of title I.

THE CHAIRMAN: That section has been stricken, and an amendment would be out of order.

The amendment was offered to a section which was stricken by the amendment offered by the gentleman from Alabama, which has now been adopted by the Committee. The amendment, therefore, is out of order. . . .

MR. McDONOUGH: Does the language which was inserted as the result of the amendment include the language that was previously in the bill in reference to the public bodies?

THE CHAIRMAN: That is not within the knowledge of the Chair. The Chair does not know.

MR. McDONOUGH: If the Chair please, if it is, I think my amendment would be in order.

THE CHAIRMAN: The Chair rules that an amendment offered to insert language which has now been changed is out of order. If the gentleman has an amendment to offer to the amendment offered by the gentleman from Alabama, that also is out of order. . . .

9. Hale Boggs (La.).

MR. [EDWARD J.] DERWINSKI [of Illinois]: If we have adopted a complete substitute are not amendments in order to any language in the substitute?

THE CHAIRMAN: Not at this time. . . . The amendment offered by the gentleman from Alabama has now been adopted.

§ 29.3 When a perfecting amendment is agreed to, further amendment of text stricken by that amendment is not in order.

On Apr. 18, 1962,⁽¹⁰⁾ the following proceedings took place:

The Clerk read as follows:

TITLE IV

Research, Development, Test, and Evaluation, Army

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, \$1,317,000,000, to remain available until expended.

MR. [ELFORD A.] CEDERBERG [of Michigan]: Mr. Chairman, I offer three amendments, and I ask unanimous consent that they be considered en bloc.

THE CHAIRMAN:⁽¹¹⁾ Is there objection to the request of the gentleman from Michigan?

10. 108 CONG. REC. 6913, 6914, 87th Cong. 2d Sess. Under consideration was H.R. 11289.

11. Eugene J. Keogh (N.Y.).

There was no objection.

The Clerk will report the three amendments.

The Clerk read as follows:

Amendments offered by Mr. Cederberg, of Michigan:

On page 28, line 2, strike out "\$1,317,000,000" and insert in lieu thereof "\$1,318,000,000."

On page 28, line 16, strike out "\$3,480,900,000" and insert in lieu thereof "\$3,483,900,000."

On page 49, strike out lines 18 through 22. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from Michigan [Mr. Cederberg].

The Clerk read as follows:

Amendment offered by Mr. Stratton as a substitute to the amendment offered by the gentleman from Michigan [Mr. Cederberg]: Page 49, line 21, strike out "15" and insert "30". . . .

MR. STRATTON: There is a question regarding the parliamentary situation, since the amendments are proposed en bloc with respect to section 540 and other sections, and there is some question as to whether, in the event the Cederberg amendment is defeated, section 540 would still be properly open to amendment.

MR. [WALTER H.] JUDD [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JUDD: Mr. Chairman, if the amendment offered by the gentleman from Michigan [Mr. Cederberg] is voted on and defeated, will not the gentleman from New York [Mr. Strat-

ton] then be in order to offer his amendment changing 15 percent to 30 percent?

THE CHAIRMAN: The Chair will state that in his opinion at the time the bill was read the gentleman from New York could at that point offer his amendment, which is now offered as a substitute.

MR. JUDD: Then I would suggest to my colleague from New York that to withdraw his amendment will give us a chance to clarify the matter, by permitting us to vote on the Cederberg amendment first, and then on his amendment if that amendment is not adopted.

MR. STRATTON: In view of the ruling of the Chair, and as I understand it, the Chair ruled that my substitute amendment would still be in order, I will be glad to withdraw my amendment and will support the amendment of the gentleman from Michigan.

However, my impression is that we do not have the votes.

THE CHAIRMAN: The Chair will state that in his opinion the amendment of the gentleman from New York [Mr. Stratton], would be in order only in the event that the Cederberg amendment, which is now pending, is voted down.

MR. STRATTON: That was my understanding of the ruling, Mr. Chairman, and with that assurance I ask unanimous consent that the substitute amendment be withdrawn.

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

There was no objection.

Similarly, it has been held that when an amendment to a sub-

stitute amendment has been adopted, the provisions inserted by the amendment cannot be further amended.⁽¹²⁾

§ 29.4 The Chairman indicated that if a point of order were raised at the proper time to an amendment proposing to amend an amendment already agreed to, it would be sustained by the Chair (based on the principle that a figure changed by amendment cannot be thereafter amended).

On June 28, 1967,⁽¹³⁾ The following proceedings took place:

Amendment offered by Mr. [Richard L.] Roudebush [of Indiana]: On page 1, line 5, strike out the amount "\$4,992,182,000" and insert in lieu thereof the amount "\$4,982,182,000". . . .

MR. [JOSEPH E.] KARTH [of Minnesota]: Mr. Chairman, my inquiry is whether or not the figure on line 5, page 1, can be further amended inasmuch as it has already been amended?

THE CHAIRMAN:⁽¹⁴⁾ The Chair will state, if a timely point of order is made, the Chair will respond to the gentleman's parliamentary inquiry that line 5 on page 1 cannot be amended.

§ 29.5 To a pending committee amendment to a bill being

12. See Sec. 31.17, *infra*.

13. 113 CONG. REC. 17754, 90th Cong. 1st Sess. Under consideration was H.R. 10340.

14. John J. Flynt (Ga.).

considered in Committee of the Whole there may be offered an amendment and a substitute, but if the committee amendment is agreed to it is not then subject to further amendment.

On June 1, 1972,⁽¹⁵⁾ the following proceedings took place:

MR. [JOE D.] WAGGONER [Jr., of Louisiana]: Mr. Chairman, if the committee amendment is adopted, is it then possible to amend the committee amendment with regard to that portion of the bill having to do with the pending committee amendment?

THE CHAIRMAN:⁽¹⁶⁾ If the committee amendment is agreed to, it is not subject to further amendment. . . .

MR. WAGGONER: Is a substitute to the committee amendment in order at this point?

THE CHAIRMAN: An amendment to the committee amendment or a substitute is in order.

§ 29.6 An amendment cannot directly change text previously changed by the adoption of a committee amendment.

On June 18, 1969,⁽¹⁷⁾ the following exchange took place:

15. 118 CONG. REC. 19458, 92d Cong. 2d Sess. Under consideration was H.R. 13918.

16. Robert N. Giaimo (Conn.).

17. 115 CONG. REC. 16275, 91st Cong. 1st Sess. Under consideration was H.R. 6543.

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:⁽¹⁸⁾ They would be unless they amended the committee amendment.

Amendments Changing Amendments Previously Agreed To En Bloc

§ 29.7 Where, pursuant to a special order, amendments en bloc to several titles of a bill have 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.

On July 12, 1983,⁽¹⁹⁾ it was illustrated that, 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

18. Jack Brooks (Tex.).

19. 129 CONG. REC. 18771, 98th Cong. 1st Sess.

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. While title III of the committee amendment in the nature of a substitute was under consideration, the proceedings in the Committee of the Whole were as follows:

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

THE CHAIRMAN: (20) 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. Gon-

zalez relating to page 50, line 8, of the bill. . . .

Page 106, strike out line 17 and all that follows through page 117, line 22 (striking title III). . . .

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 amend-

20. Norman Y. Mineta (Calif.).

ment that begins on page 106 striking title III, these amendments en bloc seek either to amend portions of the Gonzalez amendment already agreed 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.

Amendment to Part of Bill Previously Amended

§ 29.8 The text of a bill perfected by amendment cannot thereafter be amended.

On Feb. 7, 1964,⁽¹⁾ the following proceedings took place:

MR. [JAMES] ROOSEVELT [of California]: I make the parliamentary inquiry, Mr. Chairman, to find out whether, if the amendment of the gentleman from Arkansas is adopted, that then becomes open to amendment.

THE CHAIRMAN:⁽²⁾ Not after it is adopted.

§ 29.9 While it is not in order to amend an amendment already agreed to, the adop-

1. 110 CONG. REC. 2489, 88th Cong. 2d Sess. Under consideration was H.R. 7152.
2. Eugene J. Keogh (N.Y.).

tion of a perfecting amendment to a section does not preclude the offering of further perfecting amendments to other portions of the section or amendments broader in scope encompassing other portions of the section as well as the perfected portion.

On Dec. 13, 1973,⁽³⁾ the following statement was made by the Chair:

THE CHAIRMAN:⁽⁴⁾ What the situation is—and the Chair has tried to state this situation clearly a time or two before—if an amendment to a section is adopted, then that constitutes final action on that particular piece of that section and that particular amendment cannot be further amended. But if then there is an amendment offered to another part of that section, that amendment might well be in order. But the basic point is that the committee cannot amend something that has just been adopted. In other words, if there is an amendment to a section which affects the language of a portion of that section, if that is adopted then that concludes the matter with regard to the language changed in that portion of that section; but if there are other portions of that section which are not affected by that amendment then they are still open to amendment. A further amendment broader in scope

3. 119 CONG. REC. 41261, 93d Cong. 1st Sess. Under consideration was H.R. 11450.
4. Richard Bolling (Mo.).

than that adopted would still be in order.

Entire Section Rewritten

§ 29.10 The Chair may refuse to recognize a Member to offer an amendment to a section after that section has been changed in its entirety by amendment.

On June 22, 1961,⁽⁵⁾ the following proceedings took place:

The Clerk read as follows:

TITLE I—NEW HOUSING PROGRAMS

Housing for moderate—income families

Sec. 101. (a) Section 221 of the National Housing Act is amended by—

(1) inserting before the text of such section a section heading as follows: . . .

The Clerk read as follows:

Amendment offered by Mr. [Albert] Rains [of Alabama]: Page 58, strike out line 7 and all that follows down through page 70, line 5, and insert the following: . . .

THE CHAIRMAN:⁽⁶⁾ The question recurs on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

In response to inquiries about the effect of adoption of the Rains amendment, the Chairman stated:

5. 107 CONG. REC. 11093, 11097, 11100, 11101, 87th Cong. 1st Sess. Under consideration was H.R. 6028.
6. Hale Boggs (La.).

. . . The gentleman from Alabama moved to substitute the entire language in section 101, and the House has now done just that, so amendments thereto are out of order.

Subsequently, the following exchange took place:⁽⁷⁾

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

THE CHAIRMAN: The Chair has just ruled that all amendments to section 101 are out of order.

—Second Amendment Broader in Scope

§ 29.11 An amendment striking out an entire section and inserting new text is in order if it makes germane changes in the section, and it may displace perfecting amendments which have been adopted to portions of that section which are less comprehensive in scope.

On July 22, 1974,⁽⁸⁾ during consideration in the Committee of the Whole of the bill H.R. 11500, Surface Mining Control and Reclamation Act of 1974, the following proceedings occurred:

MRS. [PATSY T.] MINK [of Hawaii]: Mr. Chairman, I offer an amendment

7. 107 CONG. REC. 11102, 87th Cong. 1st Sess.
8. 120 CONG. REC. 24594, 24596, 93d Cong. 2d Sess.

as a substitute for section 211 of the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mrs. Mink to the committee amendment in the nature of a substitute: On page 184, line 10, strike entire section 211 and insert the following new section 211:

ENVIRONMENTAL PROTECTION
PERFORMANCE STANDARDS

Sec. 211. (a) Any permit issued under any approved State or Federal program pursuant to this Act to conduct surface coal mining operations shall require that such surface coal mining operations will meet all applicable performance standards of this Act, and such other requirements as the regulatory authority shall promulgate.

(b) General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operator as a minimum to—

(1) conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that re-affecting the land in the future through surface coal mining can be minimized;

(2) restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is a reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit applicants' declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in im-

plementation, or is violative of Federal, State, or local law;

(3) assure that any temporary environmental damage will be contained in the permit area . . .

(10) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water;

(11) restore the topsoil or the best available subsoil which has been segregated and preserved . . .

(c) The following performance standards shall be applicable to steep-slope surface coal mining and to mining operations which create a plateau with no highwall remaining in such a manner as to otherwise meet the standards of this subsection and shall be in addition to those general performance standards required by this section . . .

(1) No spoil, debris, soil, waste materials, or abandoned or disabled mine equipment may be placed on the natural or other downslope below the bench or cut created to expose the coal seam except that where necessary spoil from the initial block or short linear cut necessary to obtain access to the coal seam may be placed on a limited specified area of the downslope. . . .

(e) The regulatory authority may impose such additional requirements as he determines to be necessary. . . .

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I make a point of order against the substitute offered by the gentleman from Hawaii (Mrs. Mink) on the ground that it is a subterfuge, a distortion of the rules, that is being attempted here.

There are 16 pages of this document, which, but for a few changes, are iden-

tical to the language that is already in the bill. . . .

. . . (T)his is in effect an attempt to cut off the Members' rights to offer amendments by making the parliamentary situation confused and ambiguous. . . .

THE CHAIRMAN [Mr. Neal Smith of Iowa]: The Chair is ready to rule.

The Chair states that a similar question was before the Committee yesterday, as put forth by the gentleman from California. The amendment does make changes in this particular section of the committee amendment in the nature of a substitute. The fact that the section is 16 pages instead of 1 paragraph long is really of no moment. If the gentlewoman from Hawaii wishes to offer an amendment in this form and there is no question of germaneness, then it is in order. Accordingly, the Chair overrules the point of order. . . .

MR. [SAM] STEIGER of Arizona: . . .

Yesterday there was some confusion over an amendment that was offered by the gentleman from Wyoming on behalf of the gentleman from West Virginia (Mr. Slack) as to the nature of the language on line 9 or line 12 of section 211.

In the 16 pages offered by the gentlewoman from Hawaii there is a return to line 9 of the language offered by the gentleman from Wyoming (Mr. Roncalio) on behalf of the gentleman from West Virginia (Mr. Slack). . . .

I would also point out to the Chair that, in effect, what the gentlewoman from Hawaii is doing is not only obfuscating the problem, but making a rather devious attempt to resubmit what we had already determined yesterday

by a vote of record of this House to be the will of the House, which is now attempted to be circumvented. . . .

THE CHAIRMAN: The Chair will state that an amendment striking an entire section and inserting new language can replace a perfecting amendment which has been adopted to that section by the Committee, and if it is a more comprehensive amendment, that would not preclude the amendment from being offered.

MR. STEIGER of Arizona: . . . At what point are we unable to further perfect an already perfected amendment when it occupies over one-half of the new material or less than one-half or perhaps two-thirds of the new material? . . .

THE CHAIRMAN: The Chair will state that it would depend upon the scope of the adopted amendments at the time the amendment is offered.

—Entire Title Changed

§ 29.12 Where there is pending a motion to strike out a title of a bill and a perfecting amendment (changing the entire title) is then offered and agreed to, the motion to strike the title falls and is not voted upon, and further perfecting amendments to the title are no longer in order.

On Sept. 23, 1975,⁽⁹⁾ The Committee of the Whole having under

9. 121 CONG. REC. 29827, 29829, 29835, 29836, 94th Cong. 1st Sess.

consideration a bill,⁽¹⁰⁾ the proceedings, described above, were as follows:

MR. [LOUIS] FREY [Jr., of Florida]: Mr. Chairman, for the third time, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Frey: Page 356, line 6, strike out title VIII and all that follows through page 365, line 18. . . .

MR. [JOHN E.] MOSS [of California]: Mr. Chairman, I offer an amendment as a perfecting amendment to the title.

The Clerk read as follows:

Amendment offered by Mr. Moss: Page 356, strike out line 7 and all that follows down through line 18 on page 365 and insert in lieu thereof the following:

Sec. 801. (a) The Comptroller General may conduct verification audits with respect to the books and records of—

(1) any person who is required to submit energy information to the Federal Energy Administration, the Department of the Interior, or the Federal Power Commission pursuant to any rule, regulation, order, or other legal process of such Administration, Department, or Commission. . . .

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 162, not voting 38. . . .

THE CHAIRMAN:⁽¹¹⁾ The Chair wishes to announce that the amendment of the gentleman from Florida (Mr. Frey) falls because an amendment in the na-

ture of a substitute for the title was adopted. The Frey amendment, therefore, would not be voted on. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, was the amendment introduced as a substitute for the Frey amendment or was it introduced as an amendment to the pending title of the bill?

THE CHAIRMAN: The Chair will state the amendment was introduced as an amendment in the nature of a substitute striking out the title and inserting new language. The amendment offered by the gentleman from Florida (Mr. Frey) was a motion to strike the title. Since the title in its present form has been changed in its entirety the motion to strike falls and is not in order (Cannon's VIII, Sec. 2854).

MR. BROWN of Ohio: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. BROWN of Ohio: Mr. Chairman, my parliamentary inquiry is this: Is an amendment to title VIII now in order?

THE CHAIRMAN: The Chair will state that the title has been amended in its entirety and no amendment to it is in order.

—One of Several Amendments, Offered Seriatim, Ruled Out of Order; Unanimous Consent To Delete Amendment

§ 29.13 Where a portion of a title of a bill has been altered by amendment, further amendments to that portion are not in order; accordingly, on one occasion, where a

10. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

11. Richard Bolling (Mo.).

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,⁽¹²⁾ during consideration of H.R. 200⁽¹³⁾ 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. . . .

12. 121 CONG. REC. 32588-90, 94th Cong. 1st Sess.

13. Marine Fisheries Conservation Act of 1975.

THE CHAIRMAN:⁽¹⁴⁾ The question is on the amendment offered by the gentleman 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 31, line 4, strike subsection (c);

Page 31, line 18, strike subsection (d);

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—the part that starts on page 31 striking subsection (c); page 31, line 18, striking subsection (d); and 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

14. Neal Smith (Iowa).

to delete reference to that portion of title II already amended.

There was no objection.

—Amendment in Nature of Substitute for Perfected Text, Distinguished

§ 29.14 While it is in order to offer an amendment in the nature of a substitute for a bill which has the effect of modifying several perfecting amendments to the bill which have been agreed to, it is not in order to offer perfecting amendments which only change those portions of the bill which have already been perfected by amendment.

On July 12, 1977,⁽¹⁵⁾ the Committee of the Whole having under consideration H.R. 5023,⁽¹⁶⁾ the Chair sustained a point of order against an amendment as described above:

THE CHAIRMAN:⁽¹⁷⁾ The Clerk will report the second committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, lines 5 and 6: Strike “twenty one years” and insert “after December 31, 1981”.

15. 123 CONG. REC. 22499, 22511, 95th Cong. 1st Sess.

16. A bill amending statute of limitations provisions relating to claims by the United States on behalf of Indians.

17. John P. Murtha (Pa.).

MR. [WILLIAM S.] COHEN [of Maine]: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Cohen to the committee amendment: On page 1, line 7 strike “after December 31, 1981” and insert “after July 18, 1979”.

[The Cohen amendment to the committee amendment was adopted, and the committee amendment, as amended, agreed to.]

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

The Clerk read as follows:

Committee amendment: Page 1, lines 9 and 10: Strike “twenty one years” and insert “on or before December 31, 1981”. . . .

MR. COHEN: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Cohen to the committee amendment: On page 2, lines 1 and 2, strike “on or before December 31, 1981” and insert “on or before July 19, 1979”.

[The amendment to the committee amendment was agreed to.]

THE CHAIRMAN: The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

MR. FOLEY: Mr. Chairman, I offer an amendment as a substitute for the bill. . . .

The Clerk read as follows:

Amendment offered by Mr. Foley as a substitute for the (bill): Page 1, line 7, strike out “December 31, 1981”.

Page 2, line 2, strike out "December 31, 1981" and insert in lieu thereof the following: "July 18, 1979, except that no such action which accrued in accordance with such subsection shall be brought by the Attorney General on the basis of matters referred to him by a Federal agency or department unless such referral was made before July 18, 1977". . . .

MR. [GEORGE E.] DANIELSON [of California]: . . . I make a point of order against the amendment in that the substitute now offered by the gentleman from Washington, Mr. Foley, is in effect, the same, and identical to the so-called Foley substitute which was just debated by the Committee and was rejected. I further object in that there is no new matter involved in it at all. It does not broaden nor does it narrow the thrust of the bill. Therefore it is a matter that has already been acted upon by the Committee and should not be allowed to be debated inasmuch as it is out of order.

THE CHAIRMAN: Does the gentleman from Washington (Mr. Foley) desire to be heard on the point of order?

MR. FOLEY: Mr. Chairman, it is the intention of the gentleman from Washington to offer the text of the bill with the following exceptions as a substitute.

THE CHAIRMAN: The Chair will state that the amendment would have to be drafted in that form and in its present form it merely changes the amendments which have already been agreed to by the Committee of the Whole, and the point of order is sustained.

§ 29.15 An amendment in the nature of a substitute is in

order after an entire bill has been read and perfecting amendments have been adopted thereto, as long as such perfecting amendments have not changed the bill in its entirety.

On Sept. 29, 1977,⁽¹⁸⁾ the Committee of the Whole having completed general debate on H.R. 7010,⁽¹⁹⁾ an amendment in the nature of a substitute was offered which prompted a unanimous-consent request to withhold such amendment pending consideration of the committee amendments. The proceedings were as indicated below:

THE CHAIRMAN:⁽²⁰⁾ When the Committee rose on Wednesday, September 14, 1977, all time for general debate on the bill had expired.

The Clerk will read.

The Clerk read as follows:

H.R. 7010

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

AMENDMENT IN THE NATURE OF A
SUBSTITUTE OFFERED BY MR. RAILSBACK

MR. [THOMAS F.] RAILSBACK [of Illinois]: Mr. Chairman, I offer an amendment in the nature of a substitute.

18. 123 CONG. REC. 31542, 31543, 95th Cong. 1st Sess.

19. Victims of Crime Act of 1977.

20. Philip R. Sharp (Ind.).

The Clerk read as follows:

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

SHORT TITLE

Section 1. This Act may be cited as the "Elderly Victims of Crime Act of 1977". . . .

MR. [JAMES R.] MANN [of South Carolina]: Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may withhold the amendment in the nature of a substitute while we consider the committee amendment.

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

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

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

THE CHAIRMAN: The gentleman will state it.

MR. RAILSBACK: Mr. Chairman, in offering the amendment in the nature of a substitute, do I lose my right to offer that substitute if the gentleman from South Carolina (Mr. Mann) has the opportunity to deal with the committee amendments first?

THE CHAIRMAN: No; it could be offered at the end of the bill once the entire bill has been read.

MR. RAILSBACK: But it could not be offered after the committee amendments are dealt with?

THE CHAIRMAN: The committee amendments would not change the whole bill, so an amendment in the nature of a substitute could be offered.

Parliamentarian's Note: The committee amendments on this bill began in section 2, and the amendment in the nature of a substitute was therefore initially in order prior to consideration of any committee amendments.

§ 29.16 To a proposition which is open to amendment at any point under the five-minute rule, an amendment in the nature of a substitute is in order notwithstanding adoption of perfecting amendments if another amendment in the nature of a substitute has not been adopted.

An example of the principle stated above occurred on May 2, 1979,⁽¹⁾ during consideration of House Concurrent Resolution 107⁽²⁾ in the Committee of the Whole.

MR. [PARREN J.] MITCHELL of Maryland: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:⁽³⁾ The gentleman will state his parliamentary inquiry.

MR. MITCHELL of Maryland: Mr. Chairman, House Concurrent Resolution 107 is a little different from the other budget resolutions that we have handled in the past in that a portion of

1. 125 CONG. REC. 9556, 96th Cong. 1st Sess.
2. The first concurrent resolution on the Budget, fiscal 1980.
3. William H. Natcher (Ky.).

it focuses in on fiscal year 1979 budget, and another portion focuses in on fiscal year 1980 budget. I have a substitute amendment which I want to offer to House Concurrent Resolution 107 which embraces both 1979 and 1980. We have just finished Mr. Simon's amendment which dealt specifically with 1979.

I want to make sure that there will be nothing to preclude me from offering my amendment at some later point in this debate.

THE CHAIRMAN: The Chair would like to advise the gentleman that, as he knows, the concurrent resolution is open to amendment at any point. The gentleman's amendment in the nature of a substitute would be in order providing that another amendment in the nature of a substitute was not adopted. If another amendment in the nature of a substitute has not been adopted, the amendment offered by the gentleman from Maryland (Mr. Mitchell) would be in order.

Motion To Strike Previously Amended Section

§ 29.17 A motion to strike a section of a bill, if adopted, strikes the entire section including a provision added as a perfecting amendment to that section.

On Sept. 29, 1975,⁽⁴⁾ during consideration of a bill⁽⁵⁾ in the

4. 121 CONG. REC. 30772, 30773, 94th Cong. 1st Sess.

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

Committee of the Whole, the Chair responded to parliamentary inquiries as described above. The proceedings were as follows:

MR. [BILL] ALEXANDER [of Arkansas]: I have a parliamentary inquiry, Mr. Chairman.

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

MR. ALEXANDER: Mr. Chairman, in order to perfect the amendment which was just passed, is it not necessary for this body to vote no on the amendment offered by the gentleman from Illinois (Mr. Derwinski) which is now before the House?

THE CHAIRMAN: The Chair cannot respond to the inquiry as the gentleman stated it, but if the gentleman's inquiry is whether or not the motion offered by the gentleman from Illinois, if agreed to, would strike the entire section including the part that the gentleman from Arkansas has perfected, the answer of the Chair would be "yes." . . .

MR. [WILLIAM D.] FORD of Michigan: Did I understand the Chair to rule that even though the pending amendment of the gentleman from Illinois (Mr. Derwinski) is an amendment to strike the entire section, the amendment offered by the gentleman from Arkansas was a perfecting amendment to this section, that the gentleman's amendment if it now carries would not strike the entire section including the new language inserted by the gentleman from Arkansas?

THE CHAIRMAN: The amendment offered by the gentleman from Illinois

6. Walter Flowers (Ala.).

(Mr. Derwinski) would strike the entire section including the language offered by the gentleman from Arkansas and agreed to by the Committee.

§ 29.18 If a pending motion to strike a section is defeated, the provisions of that section as amended by perfecting amendments would remain in the bill.

On Sept. 29, 1975,⁽⁷⁾ during consideration of a bill⁽⁸⁾ in the Committee of the Whole, several parliamentary inquiries relating to the situation described above were directed to the Chair. After an amendment offered by Mr. Bill Alexander, of Arkansas, had been agreed to, a motion to strike the section as perfected was offered by Mr. Edward J. Derwinski, of Illinois. The proceedings were as follows:

MR. ALEXANDER: I have a parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN:⁽⁹⁾ the gentleman will state it.

MR. ALEXANDER: Mr. Chairman, in order to perfect the amendment which was just passed, is it not necessary for this body to vote no on the amendment offered by the gentleman from Illinois (Mr. Derwinski) which is now before the House?

7. 121 CONG. REC. 30772, 30773, 94th Cong. 1st Sess.

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

9. Walter Flowers (Ala.).

THE CHAIRMAN: The Chair cannot respond to the inquiry as the gentleman stated it, but if the gentleman's inquiry is whether or not the motion offered by the gentleman from Illinois, if agreed to, would strike the entire section including the part that the gentleman from Arkansas has perfected, the answer of the Chair would be "yes." . . .

MR. [WILLIAM D.] FORD of Michigan: Did I understand the Chair to rule that even though the pending amendment of the gentleman from Illinois (Mr. Derwinski) is an amendment to strike the entire section, the amendment offered by the gentleman from Arkansas was a perfecting amendment to this section, that the gentleman's amendment if it now carries would not strike the entire section including the new language inserted by the gentleman from Arkansas?

THE CHAIRMAN: The amendment offered by the gentleman from Illinois (Mr. Derwinski) would strike the entire section including the language offered by the gentleman from Arkansas and agreed to by the Committee. . . .

MR. [JOHN] BUCHANAN [of Alabama]: Mr. Chairman, the gentleman from Illinois has stated that the subsidy would remain in the bill, notwithstanding the action voted by the committee; is that correct?

I am saying, Mr. Chairman, that if the Derwinski amendment now before us is voted down, the subsidy would remain, according to the language as it stands.

THE CHAIRMAN: Section 2 would be amended by the Alexander amendment.

—Motion To Strike Perfected Text and Insert That Same Text With One Omission Thereby Undoing One of Several Perfecting Amendments

§ 29.19 An amendment to strike out the pending title of a bill and reinsert all sections of that title except one is not in order where that section has previously been amended in its entirety.

On Aug. 1, 1975,⁽¹⁰⁾ during consideration of a bill⁽¹¹⁾ in the Committee of the Whole, the Chair, in response to a point of order, held that an amendment merely striking out language previously agreed to was not in order.

The Clerk read as follows:

Amendment offered by Mr. Brown of Ohio: Strike out Title III, as amended, and reinsert all except for Section 301, as amended.

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I raise a point of order against the amendment.

THE CHAIRMAN:⁽¹²⁾ The gentleman will state it.

MR. ECKHARDT: . . . [A]lthough it may have been appropriate to offer a substitute for all of title III, this amendment does not restate the lan-

guage which should have been contained in such substitute. If the gentleman has attempted to offer a substitute which comprised the language adopted by this committee in sections 302, 303, 304, 305, 306, and 307, it would have been incumbent upon him to reduce the same to writing and to introduce it in such a manner that we would have had a complete amendment before us instead of in effect offering at this late date, after a new section 301 was adopted, a motion to strike that section 301. . . .

MR. [JOHN D.] DINGELL [of Michigan]: . . . In pressing the point of order, I must commend my colleague, the gentleman from Ohio (Mr. Brown), for a most masterful piece of draftsmanship. Nevertheless, his draftsmanship and his display of rare talent to the contrary notwithstanding, the gentleman's draftsmanship does violate the rules. What the gentleman attempts to do here is simply to undo an amendment which was previously agreed to by the House. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I will say that this does not place before the House the same question that existed prior to the vote on the Staggers amendment. This places before the House the question of whether this title, with all the amendments taken together as they have been added to the title, except the Staggers amendment, should now be accepted. It does in fact raise a different question. . . .

MR. ECKHARDT: Mr. Chairman, the posture is this: The bill contained section 301, stricken by the Wilson amendment, at which point the Krueger amendment was offered as an amendment to reinstate section 301.

10. 121 CONG. REC. 26945-47, 94th Cong. 1st Sess.

11. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

12. Richard Bolling (Mo.).

The Staggers amendment was then offered as a substitute to replace the Krueger amendment.

Therefore, we completed 301, we acted upon 301, and had a complete body of law on 301.

It was at that time that the gentleman from Ohio (Mr. Brown) might have attacked the Staggers amendment and sought to defeat it or, actually, the Krueger amendment, as amended by the Staggers amendment. He did not do so, other than to merely vote against it. Of course, that was the proper way to attack it, but what he is attempting to do now is merely to come in at this late point and seek to strike an amendment which was adopted by the House. Section 301 was at that time completed.

Mr. Chairman, he is not offering here a substitute in any proper form. . . .

MR. BROWN of Ohio: Mr. Chairman, I would like to cite from page 351 of Deschler's Procedure in the House of Representatives, section 28.9, as follows:

After agreeing to several amendments to section 1 of a bill, the Committee of the Whole agreed to a motion to strike out and insert a new section which included some of the amendments agreed to, but omitted one of them. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The fact of the matter is that the original section 301 has been stricken from the bill and replaced by another section 301, and the (pending) amendment in effect deletes the new 301. The gentleman's amendment makes no change in the original text of title III. Under the rules and the practice of the

House of Representatives, it is not in order to strike out an amendment that has been adopted or to offer an amendment in the form of the pending amendment which accomplishes solely that result—Cannon's VIII, Sec. 2851–54.

Therefore, the Chair sustains the points of order.

Parliamentarian's Note: The citation presented by Mr. Brown (found in § 30.11, *infra*) can be differentiated from the situation here under discussion. The amendment cited by Mr. Brown included changes in original text as well as deletion of the one perfecting amendment.

Negating Amendment Previously Adopted

§ 29.20 While the Committee of the Whole may not strike out an amendment previously agreed to, it may consider a subsequent amendment which has the effect of negating a proposition previously agreed to.

On Aug. 23, 1967, during consideration of the Foreign Assistance Act of 1967,⁽¹³⁾ an amendment was adopted which limited the availability of all authorizations in the bill to a single fiscal year. The amendment stated:⁽¹⁴⁾

13. H.R. 12048.

14. 113 CONG. REC. 23699, 90th Cong. 1st Sess. The amendment was agreed to *id.* at p. 23706.

Amendment offered by Mr. (Ross) Adair (of Indiana): On the first page, immediately after line 4, insert the following:

Sec. 2. The Foreign Assistance Act of 1961, as amended, is amended by inserting immediately after the first section thereof the following new section:

"Sec. 2. Limitation on Fiscal Year Authorizations.—Notwithstanding any other provision of this Act, nothing in this Act authorizes appropriations for the fiscal year 1969."

On the next day, an amendment was offered to a later section of the bill:⁽¹⁵⁾

THE CHAIRMAN:⁽¹⁶⁾ If there are no further amendments to this section of the bill, the Clerk will read.

The Clerk read as follows:

TITLE VI—ALLIANCE FOR PROGRESS

Sec. 106. Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to the Alliance for Progress, is amended as follows: . . .

(b) Section 252, which relates to authorization, is amended as follows:

(1) Strike out "and for each of the fiscal years 1968 and 1969, \$750,000,000" and substitute "for the fiscal year 1968, \$650,000,000, and for the fiscal year 1969, \$750,000,000". . . .

Amendment offered by Mr. Adair: On page 17, beginning in line 15, strike out "for the fiscal year 1968, \$650,000,000, and for the fiscal year 1969,

15. See 113 CONG. REC. 23934, 90th Cong. 1st Sess., Aug. 24, 1967.

16. Charles M. Price (Ill.).

\$750,000,000" and insert in lieu thereof the following: "for the fiscal year 1968, \$578,000,000". . . . To such amendment, an amendment was offered:

Amendment offered by Mr. [Armistead I.] Selden [Jr., of Alabama] to the amendment offered by Mr. Adair: Immediately after the matter proposed to be inserted add the following: ", and, notwithstanding section 2 of this Act, for the fiscal year 1969 \$750,000,000".

Subsequently, after a substitute amendment and amendment thereto had been offered, the following proceedings took place:⁽¹⁷⁾

MR. [DANTE B.] FASCELL [of Florida]: . . . When action is completed with respect to both the amendment, and the amendment to the amendment, the substitute, and the amendment to the substitute, would then an amendment to line 17 be in order, which would state "notwithstanding the provisions of section 2 of this act"?

THE CHAIRMAN: The Chair will state if the pending amendments were voted down, an amendment to do that would be in order. . . .

MR. [HAROLD R.] COLLIER [of Illinois]: My parliamentary inquiry is this: Mr. Chairman, in that event, would amendments throughout the balance of the sections of this bill, phrased on the order set forth by the gentleman from Florida, be in order, thereby rescinding the action taken by the House yesterday?

17. 113 CONG. REC. 23938, 90th Cong. 1st Sess.

THE CHAIRMAN: The Chair will state that the Committee may do so if it so desires.

***Consistency of Amendment
With One Previously Adopted***

§ 29.21 While an amendment may not change an amendment already agreed to, it is in order to insert language immediately following the adopted amendment, and the Chair will not rule on the consistency of that language with the adopted amendment.

In 1973, during consideration of the Energy Emergency Act,⁽¹⁸⁾ an amendment in the nature of a substitute was amended to require the President to regulate allocation of petroleum products for public school transportation between the student's home and the school closest thereto. A further amendment permitting allocations within an area in which students are required to be transported as a result of lawful action by school authority was held in order as not directly changing the text previously amended. The amendment as to which an issue was raised stated:⁽¹⁹⁾

Amendment offered by Mr. [Robert C.] Eckhardt [of Texas] to the amend-

18. H.R. 11450.

19. 119 CONG. REC. 41701, 93d Cong. 1st Sess., Dec. 14, 1973.

ment in the nature of a substitute offered by Mr. Staggers: On page 7, line 21, add the following language:

(1) Nothing in this subsection shall prohibit allocation of refined petroleum products for student transportation within an area in which students are required or directed to be transported as the result of lawful action by the appropriate school board or school authority.

The following discussion ensued:⁽²⁰⁾

MR. [JOHN D.] DINGELL [of Michigan]: . . . Let me point out first that the amendment seeks not to amend the bill itself but, rather, to amend the amendment offered by me yesterday and adopted by the House. The amendment is offered to page 7, line 21.

The amendment further amends a section of the bill already amended, again violating the rules of the House. . . .

MR. ECKHARDT: . . . Mr. Chairman, the amendment does not touch any language in the Dingell amendment but adds a new subparagraph (1) to the bill which takes care of the specific matter the gentleman from Texas was speaking about in the well.

THE CHAIRMAN PRO TEMPORE:⁽¹⁾
. . .

The Chair would refer to a ruling by Mr. Price of Illinois in 1967 which stated that while the Committee of the Whole may not strike out an amendment previously agreed to, it may adopt a subsequent amendment which has the effect of negating a propo-

20. 20. *Id.* at p. 41702.

1. John J. McFall (Calif.)

sition previously amended, and in response to the parliamentary inquiry at that time the Chair stated the Committee of the Whole may, if it desires to do so, adopt inconsistent amendments, but the Chair does not rule on the consistency of the amendments.

§ 29.22 Although the Committee of the Whole had agreed to an amendment changing language of a section of existing law, an amendment to add language to the same section of the bill was held in order even though inconsistent with the amendment previously agreed to.

On May 14, 1958,⁽²⁾ the following proceedings took place:

Amendment offered by Mr. (Michael A.) Feighan (of Ohio): . . .

(3) On page 3, immediately below line 7, insert the following:

“(b) Section 143 of the Mutual Security Act of 1954, as amended, which relates to assistance to Yugoslavia, is amended to read as follows:

“Sec. 143. Assistance to Yugoslavia.—Notwithstanding any other provision of law, no assistance under this title or any other title of this act shall be furnished to Yugoslavia after the expiration of 90 days following the

2. 104 CONG. REC. 8714, 85th Cong. 2d Sess. Under consideration was H.R. 12181, to amend the Mutual Security Act of 1954.

date of the enactment of the Mutual Security Act of 1958, unless the President finds and so reports therefor, (1) that there has been no change in the Yugoslavian policies. . . .”

The amendment was agreed to.

Amendment offered by Mr. [Paul A.] Fino [of New York]: . . . (o)n page 3, immediately below line 7, insert the following:

“(b) Section 143 of the Mutual Security Act of 1954, as amended, is amended to read as follows:

“Sec. 143. Termination of Aid to Yugoslavia, Poland, India, and Egypt.—No assistance shall be furnished under this act to Yugoslavia, Poland, India, and Egypt after the date of enactment of the Mutual Security Act of 1958.”

MR. [JOHN M.] VORYS [of Ohio]: Mr. Chairman, I make a point of order against the amendment . . . (on) the ground that the Committee of the Whole has just perfected with an amendment to the section which he is again attempting to amend.

THE CHAIRMAN:⁽³⁾ If the gentleman will read the amendment, the amendment proposes a further perfection of the bill. It is in addition to the amendment offered by the gentleman from Ohio, which was adopted by the Committee a moment ago.

The Chair overrules the point of order.

§ 29.23 The Chair will not rule out an amendment as being

3. Hale Boggs (La.).

inconsistent with an amendment previously adopted, as the consistency of amendments is a question for the House and not the Chair to determine.

On Oct. 31, 1975,⁽⁴⁾ the Committee of the Whole having under consideration a bill,⁽⁵⁾ the Chair made the ruling as described above. After the following amendment by Mr. Rousselot had been adopted, the proceedings were as indicated below:

Amendments offered by Mr. (John H.) Rousselot (of California): On page 6, line 23, immediately following the word "bank", insert a comma, and strike all that follows through the end of line 23. . . .

(2) Section 5(A)(b) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1425(a)(b)) is amended by inserting, at the end thereof, the following new sentence: "In the case of any member of the Federal Home Loan Bank System, the Federal Home Loan Bank Board may establish a reserve ratio or the equivalent thereof for negotiable order of withdrawal accounts (as defined by section 5(b) of this Act), which may be set at a level different from that applicable to demand deposits." . . .

MR. J. WILLIAM STANTON [of Ohio]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. J. William Stanton: On page eight, after

4. 121 CONG. REC. 34552, 34553, 94th Cong. 1st Sess.
5. H.R. 10024, Depository Institutions Amendments of 1975.

line eighteen add the following new paragraph:

(g) Section 5A of the Federal Home Loan Bank Act as amended (12 U.S.C. 1425a) is amended by adding a new subsection thereto as follows:

"(g) Each member institution shall maintain reserves against its negotiable order of withdrawal accounts, in currency and coin or in balances in a Federal Reserve bank in such ratios as shall be determined by the Board of Governors of the Federal Reserve System." . . .

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, the amendment of the gentleman from Ohio (Mr. J. William Stanton) addresses itself to section 5A of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1425a), et cetera.

We have just, immediately preceding this, amended section 5A of the Federal Home Loan Bank Act of 1933 (12 U.S.C. 1425a), as amended. In other words, we have just addressed ourselves to the point that is contained in the amendment of the gentleman from Ohio.

Therefore, I submit, Mr. Chairman, that it would be inconsistent at this point to consider this amendment since the subject matter has already been dealt with. . . .

THE CHAIRMAN:⁽⁶⁾ The Chair is prepared to rule.

The Chair is not going to rule on the consistency or inconsistency of the amendment.

The gentleman from Ohio (Mr. J. William Stanton) offers an amendment which is different from the amendment offered previously by the gentleman from California (Mr. Rousselot).

6. Spark M. Matsunaga (Hawaii).

There is no question of germaneness involved here.

Accordingly, the Chair overrules the point of order.

§ 29.24 The Chair overruled a point of order against an amendment adding a new subsection to a bill where the point of order was based on the grounds that the amendment was inconsistent with an amendment already adopted by the Committee of the Whole changing a different portion of the bill.

The proceedings of Sept. 15, 1977,⁽⁷⁾ illustrate the principle that the Chair does not rule on the consistency of a proposed amendment with an amendment already adopted by the Committee of the Whole, if the proposed amendment does not directly change the amendment previously adopted. During consideration of H.R. 3744, the Fair Labor Standards Act of 1977, the following amendment was agreed to:⁽⁸⁾

Amendment offered by Mr. Erlenborn: . . . Page 4, line 18, redesignate "Sec. 2. (a)(1)" as "Sec. 2. (a)", and beginning with line 20 strike out everything through line 21 on page 5 and insert in lieu thereof:

"(1) not less than \$2.65 an hour during the year beginning January 1,

1978, not less than \$2.85 an hour during the year beginning January 1, 1979, and not less than \$3.05 an hour after December 31, 1979, except as otherwise provided in this section;"

Subsequently, another amendment was offered:

MR. PHILLIP BURTON [of California]:
Mr. Chairman, I offer an amendment.
The Clerk read as follows:

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

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

"(9)(1) Every employer shall pay to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates: during the period ending December 31, 1977, not less than \$2.30 an hour, during the year beginning January 1, 1978, not less than \$2.65 an hour, during the year beginning January 1, 1979, not less than 52 per centum of the average hourly earnings excluding overtime, during the twelve-month period ending in June 1978, of production and related workers on manufacturing payrolls, during the year beginning January 1, 1980, and during each of the next three years, not less than 53 per centum of the average hourly earnings excluding overtime, during the twelve-month period ending in June of the year preceding such year, of production and related workers on manufacturing payrolls. . . .

MR. [JOHN N.] ERLENBORN [of Illinois]: . . . I must first say I have had only a few minutes to look at the amendment which is thrown together

7. See 123 CONG. REC. 29440, 29441, 95th Cong. 1st Sess.

8. *Id.* at pp. 29431, 29436.

rather hastily in an attempt, as the gentleman said, to get a recount on the issue of indexing, but, Mr. Chairman, I make a point of order against the amendment on the ground that the Committee has voted on the issue of indexing, has expressed its will, and this is an amendment which merely would have the House again vote on the same issue already disposed of. . . .

THE CHAIRMAN:⁽⁹⁾ The Chair is ready to rule.

The amendment offered by the gentleman from California (Mr. Phillip Burton) simply adds a new subsection to the end of the section. In the opinion of the Chair the amendment is germane. As to whether or not it is inconsistent with the amendment of the gentleman from Illinois (Mr. Erlenborn) adopted a few moments ago, the Chair cannot rule upon that. The Chair holds the amendment to be germane and not to directly change the amendment already adopted. The point of order is overruled.

***Consistency of Amendment
With Another Part of Bill or
With Prior Amendments***

§ 29.25 An amendment is not subject to a point of order that its provisions are inconsistent with a section of the bill already considered under the five-minute rule.

The ruling of the Chair on Nov. 13, 1967, was to the effect that an amendment to a section of a pend-

9. William H. Natcher (Ky.).

ing bill which limits the amount which may be expended under one part of the bill is in order, notwithstanding the fact that the Committee of the Whole has previously considered a section of the bill which established a total authorization figure for the whole bill as well as authorization limits for each part thereof.⁽¹⁰⁾

§ 29.26 The Chair does not rule on the consistency of amendments; and, while it is not in order to offer an amendment to directly change an amendment already agreed to, an amendment in the form of a new section to the bill and germane thereto may be offered notwithstanding its possible inconsistency with an amendment previously adopted.

On July 31, 1975,⁽¹¹⁾ the Committee of the Whole having under consideration the bill H.R. 7014,⁽¹²⁾ a point of order was made against an amendment as indicated below:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer an amendment.

10. See § 8.18, supra, for further discussion of the proceedings.
11. 121 CONG. REC. 26224, 26225, 94th Cong. 1st Sess.
12. Energy Conservation and Oil Policy Act of 1975.

The Clerk read as follows:

Amendment offered by Mr. Wright: On page 223, immediately before line 4, insert the following:

MARGINAL WELL RECOVERY PRICING
POLICY

Sec. 302 (a) In the interest of promoting maximum recovery and eliminating waste, there is hereby created a category known as "marginal wells", and, for purposes of oil pricing policy, oil produced from these wells shall be treated as "new crude petroleum" as defined under Sec. 212.72 of Title 10 of the Code of Federal Regulations. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, it is with great regret that I make a point of order against the amendment offered by the gentleman from Texas, a learned member of the committee. . . .

The point of order is that the amendment offered by the gentleman from Texas (Mr. Wright) essentially seeks to redo or undo matters attended to in the Staggers amendment of yesterday, printed at page 25855 of the Congressional Record. . . .

The amendment here would apply to classification of production from properties which are covered in the Staggers amendment in 8(c)(1), and in which, in that section, a \$5.25 pricing ceiling would be applied.

As I understand the rules, Mr. Chairman, amendments which should have been offered to amendments previously offered are not in order by reason of the fact that they should have been offered at a time earlier to other amendments upon which the House has acted.

In a sense, Mr. Chairman, what the amendment here does, or seeks to do,

is to alter actions taken earlier by the House with regard to pricing and with regard to the categories of oil which were mentioned by me. . . .

MR. WRIGHT: . . . The amendment which I offered, Mr. Chairman, would be a separate section of the bill which would create a new category not described in the amendment which we acted upon yesterday, nor described in the section just passed.

I think, Mr. Chairman, to follow the argument of the gentleman from Michigan to its logical conclusion would be to say that we could not at this juncture introduce any amendment which would bear upon the production of oil in this country, upon the theory that we had acted on that and dealt with old oil and new oil in the amendment agreed to yesterday, since all oil, obviously, must fall within the category of either old oil or new oil. . . .

THE CHAIRMAN:⁽¹³⁾ The Chair is ready to rule.

The point of order made by the gentleman from Michigan (Mr. Dingell) against the amendment offered by the gentleman from Texas (Mr. Wright) would be of some merit if the amendment were offered to the new section 301—that is, to the amendment which was agreed to on yesterday. But as the gentleman from Texas points out, his amendment provides for a new section which is otherwise germane in every way to the title of the bill in its amended form, and the Chair does not rule on consistency of amendments.

Therefore, the Chair overrules the point of order.

13. Richard Bolling (Mo.).

Anticipatory Ruling as to Effect of Adoption

§ 29.27 The Chair declines to make anticipatory rulings and will not prejudge the propriety of amendments at the desk as to whether they will be preempted by adoption of a pending amendment until they are offered.

On Dec. 18, 1979,⁽¹⁴⁾ during consideration of H.R. 5860,⁽¹⁵⁾ in the Committee of the Whole, the proposition described above occurred as follows:

The Clerk read as follows:

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

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

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Chairman, I have an amendment at the desk to section 4 of the Moorhead substitute as does the

14. 125 CONG. REC. 36794, 36801, 96th Cong. 1st Sess.

15. Authorizing loan guarantees to the Chrysler Corporation.

gentleman from Oregon (Mr. Weaver). Would our amendments be in order if the Brademas amendment passes?

THE CHAIRMAN:⁽¹⁶⁾ The Chair will have to examine them if and when offered.

Adoption of Amendment in Nature of Substitute

§ 29.28 While it is not in order to further amend an amendment in the nature of a substitute for several paragraphs which has been offered following the reading of the first paragraph and agreed to, it is in order to insert language which does not directly change the adopted amendment immediately thereafter, where the Clerk has not yet read the next paragraph of the bill which would be stricken out in conformity with the adopted amendment.

The following proceedings, which took place on Oct. 1, 1974,⁽¹⁷⁾ illustrate the principle that, although an amendment may not change an amendment already agreed to, it is in order to

16. Richard Bolling (Mo.).

17. 120 CONG. REC. 33364, 93d Cong. 2d Sess. Under consideration was H.R. 16900, supplemental appropriation bill, fiscal 1975.

insert language immediately following the adopted amendment.

MRS. [MARJORIE S.] HOLT [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Holt: On page 6, line 11, strike out the period, insert a semicolon, and the following:

Provided further, That none of these funds shall be used to compel any school system as a condition for receiving grants and other benefits from the appropriations above, to classify teachers or students by race, religion, sex, or national origin. . . .

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Chairman, I raise a point of order against the amendment.

THE CHAIRMAN:⁽¹⁸⁾ The gentleman from Pennsylvania will state his point of order.

MR. FLOOD: Mr. Chairman, I direct the attention of the Chair to page 6 of the bill, and the Chair will find there that the Roybal amendment which was just adopted by the committee strikes out everything on page 6 down to and including line 11. That being the case, this amendment now is too late, and if presented should have been presented to the Roybal amendment, and therefore I think that a point of order should lie in that it is too late under the circumstances.

THE CHAIRMAN: The Chair would observe that the Clerk had not begun to read at line 12 on page 6, so that this portion of the bill is still open for amendment, the Roybal substitute for the language appearing in the bill as presented by the committee, would conclude at the same point on line 11.

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

Therefore the amendment offered by the gentlewoman from Maryland (Mrs. Holt) would insert language at the end of the Roybal language, and would not directly change that language and therefore would be in order.

The point of order is overruled.

Adoption of Amendment Adding New Section

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

On Mar. 20, 1975,⁽¹⁹⁾ during consideration of a bill⁽²⁰⁾ in the Committee of the Whole, a parliamentary inquiry was addressed to the Chair and the proceedings were as follows:

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

The Clerk read as follows:

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

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

19. 121 CONG. REC. 7666, 94th Cong. 1st Sess.

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

Mr. [Thomas S.] Foley [of Washington] reserved a point of order on the amendment.

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

THE CHAIRMAN:⁽¹⁾ The gentleman will state his parliamentary inquiry.

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

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

Adoption of Amendment Improperly Offered, Where No Point of Order Raised

§ 29.30 While a motion to strike out a paragraph of a pending section and insert new language is ordinarily a perfecting amendment to that section, thereby precluding the offering of another perfecting amendment to that section during its pendency, where no point of order has been raised against another more limited amendment that is offered subsequently, the Chair may treat it as a perfecting amendment to that paragraph so that the vote thereon is taken first; and when the improperly offered amendment is adopted, the

1. John Brademas (Ind.).

vote is taken on the motion to strike and insert.

On Mar. 21, 1975,⁽²⁾ during consideration in the Committee of the Whole of a bill,⁽³⁾ the proceedings, described above, occurred as follows:

The Clerk read as follows:

Amendment offered by Mrs. Fenwick: Page 11, strike out lines 1 through 12 and insert in lieu thereof:

“(d) Not more than 50 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated (1) for use with respect to existing previously occupied dwellings which have not been substantially rehabilitated and (2) for use with respect to new, unsold dwelling units the construction of which commenced prior to the enactment of this Act. Not more than 10 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated with respect to dwelling units with appraised values in excess of \$38,000.” . . .

MR. [LES] AU COIN [of Oregon]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. AuCoin: On page 11, line 1, strike out “25” and insert in lieu thereof “30”.

On page 11, line 3, insert “with respect to existing units and” immediately after “use.”

THE CHAIRMAN:⁽⁴⁾ The Chair will treat this amendment as a perfecting

2. 121 CONG. REC. 7950, 7952, 94th Cong. 1st Sess.
3. H.R. 4485, the Emergency Middle-Income Housing Act of 1975.
4. Robert N. Giaimo (Conn.).

amendment to the paragraph of the bill and it will be voted on first. . . .

The question is on the perfecting amendment offered by the gentleman from Oregon (Mr. AuCoin).

The perfecting amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from New Jersey.

The question was taken; and the Chairman announced that the ayes appeared to have it.

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, a parliamentary inquiry.

Does the Chairman mean the amendment, as amended?

THE CHAIRMAN: The Chair will advise the gentleman that the amendment offered by the gentleman from Oregon (Mr. AuCoin) was a perfecting amendment to section 9(d) on page 11, line 1 through line 8. The amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick) is an amendment which would strike all of the language in the paragraph of the bill and substitute her language. . . .

MR. ASHLEY: . . . Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ASHLEY: It is on this basis, Mr. Chairman, that I misunderstood the parliamentary situation. I had thought that the gentleman's amendment was in the nature of a substitute. Inasmuch as the gentleman's amendment was adopted, is it also the fact that the amendment of the gentlewoman from New Jersey (Mrs. Fenwick) was adopted?

THE CHAIRMAN: Yes, thereby deleting the language which contained the

perfecting amendment of the gentleman from Oregon.

On a subsequent recorded vote, the amendment offered by Mrs. Fenwick was rejected.

Adoption of Amendment to Substitute

§ 29.31 Where there was pending an amendment in the nature of a substitute for a bill, an amendment thereto, a substitute therefor and an amendment to the substitute, the Chair indicated that adoption of the amendment to the substitute would preclude further amendment to those portions of the substitute so amended.

On June 10, 1976,⁽⁵⁾ the Committee of the Whole having under consideration a bill,⁽⁶⁾ the Chair responded to several parliamentary inquiries regarding the above-described circumstances. The proceedings were as follows:

MR. JOHN L. BURTON [of California]: Mr. Chairman, I offer amendments to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

5. 122 CONG. REC. 17344-52, 94th Cong. 2d Sess.
6. H.R. 13367, a bill to extend and amend the State and Local Fiscal Assistance Act of 1972.

Amendments offered by Mr. John L. Burton to the amendment offered by Mr. Horton as a substitute for the amendment in the nature of a substitute offered by Mr. Brooks: In the substitute offered by the gentleman from New York, Mr. Horton, strike out everything after the first section thereof down through section 4 and insert in lieu thereof the following:

DEFINITION

Sec. 2. As used in this Act the term "the Act" means the State and Local Fiscal Assistance Act of 1972. . . .

MR. [FRANK] HORTON [of New York]: Would the Chair explain the parliamentary situation so that we understand what it is that we have before us.

THE CHAIRMAN:⁽⁷⁾ The Chair will attempt to state what the situation is.

Pending is the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Brooks), to which is pending an amendment offered by the gentleman from North Carolina (Mr. Fountain), and there is also pending an amendment offered as a substitute by the gentleman from New York (Mr. Horton) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Brooks).

Finally, we have pending amendments offered by the gentleman from California (Mr. John L. Burton) to the amendment offered by the gentleman from New York (Mr. Horton) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Brooks). . . .

The order in which (the amendments) would be dealt with would be

first the Fountain amendment, then the Burton amendments, and then the Horton substitute amendment. . . .

MR. HORTON: The question I would like to pose is with regard to the amendment that has just been offered to the Horton substitute by the gentleman from California (Mr. John L. Burton). As I understand it, the amendment is such that the Horton substitute would not be open for amendment except as it relates to that portion that contains the entitlement, section 6.

THE CHAIRMAN: The Chair will advise the gentleman that in the event of the adoption of the amendment offered by the gentleman from California, the new text inserted by the amendment would not solely be subject to further amendment. The portion of the substitute offered by the gentleman from New York not amended by the gentleman's amendment would be subject to further amendment.

§ 29.32 The adoption of a perfecting amendment to a substitute for an amendment does not preclude the consideration of further perfecting amendments to the substitute which seek to change additional portions of text not already perfected.

On July 2, 1980,⁽⁸⁾ during consideration of H.R. 7235, the Rail Act of 1980, the Chair indicated that a pending substitute would

7. Gerry E. Studds (Mass.).

8. 126 CONG. REC. 18299, 96th Cong. 2d Sess.

be open to further amendment whether or not a pending amendment to the substitute was adopted. The Chair stated, however, that he could not respond to a hypothetical question as to whether a particular amendment, not submitted in writing, would be in order following adoption of the amendment to the substitute. The discussion was as follows:

MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, let me ask, if this amendment were agreed to, would it still be in order to move to strike the entire intrastate section of the Madigan substitute?

This would apparently be a perfecting amendment with respect to that matter, and an amendment to strike, I would think, would be in order. I would like to know the answer to that question.

THE CHAIRMAN:⁽⁹⁾ The Chair will state that the Madigan substitute still has to be voted on regardless of the outcome of this amendment, and it is open for amendment after this amendment has been disposed of.

MR. ECKHARDT: Mr. Chairman, the question I am asking, though, is this: If this amendment were agreed to as a perfecting amendment to the Madigan amendment respecting intrastate rates, would it then be in order to strike the whole section limiting the exercise by a State commission of intrastate rate authority?

THE CHAIRMAN: The Chair would have to state to the gentleman from

Texas (Mr. Eckhardt) that it would depend, in the Chair's judgment, on what form the amendment would take. The Chair knows of no such amendment, sees no such amendment, and, therefore, finds it difficult to answer the gentleman's question.

Adoption of Amendment to Amendment in Nature of Substitute

§ 29.33 The adoption of an amendment to a pending amendment in the nature of a substitute precludes further amendment merely to that portion of the said substitute already amended.

On Dec. 18, 1979,⁽¹⁰⁾ the proposition stated above was illustrated during consideration of H.R. 5860⁽¹¹⁾ in the Committee of the Whole when a parliamentary inquiry was directed to the Chair. The proceedings were as indicated below:

The Clerk read as follows:

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

(4) the Corporation has submitted to the Board a satisfactory financing

10. 125 CONG. REC. 36794, 36801, 96th Cong. 1st Sess.

11. Authorizing loan guarantees to the Chrysler Corporation.

9. Les AuCoin (Oreg.).

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

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

THE CHAIRMAN:⁽¹²⁾ The gentleman will state his parliamentary inquiry.

MR. BETHUNE: If the Brademas amendment is agreed to—as I understand it, it runs from page 5 of the Moorhead substitute, line 7, all the way to page 9, line 7—would it then foreclose a particular amendment to any of the sections that are within that area of the substitute?

THE CHAIRMAN: Amendments only to those sections would be precluded.

Adoption of Perfecting Amendments to Amendment as Not Precluding Substitute or Amendments to Substitute

§ 29.34 The adoption of a perfecting amendment to a (committee) amendment does not preclude the offering of a substitute for the original amendment, as perfected.

An example of the proposition described above occurred on Sept. 13, 1979,⁽¹³⁾ during consideration

12. Richard Bolling (Mo.).

13. 125 CONG. REC. 24427, 96th Cong. 1st Sess.

of H.R. 4040⁽¹⁴⁾ in the Committee of the Whole. The proceedings were as follows:

THE CHAIRMAN PRO TEMPORE:⁽¹⁵⁾ The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 2, strike out "\$7,515,500,000" and insert in lieu thereof "\$7,515,400,000".

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Price to the committee amendment: On page 3, line 2, in lieu of the matter proposed to be inserted by the committee amendment, insert "\$6,790,400,000". . . .

THE CHAIRMAN PRO TEMPORE: The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

MR. [VIC] FAZIO [of California]: Mr. Chairman, I offer an amendment as a substitute for the committee amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. Fazio as a substitute for the committee amendment as amended: Page 3, line 2, strike out "\$7,515,500,000" and insert in lieu thereof "\$6,456,400,000".

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

14. The Defense Department appropriation bill, fiscal 1980.

15. Norman Y. Mineta (Calif.).

I understood that the gentleman from Illinois (Mr. Price) had just offered an amendment that changed the figure of \$7,515,500,000 to \$6 billion—something else, and that was accepted by the committee.

THE CHAIRMAN PRO TEMPORE: The committee amendment, as amended, has not yet been agreed to, and it is open and subject to a substitute amendment.

MR. STRATTON: The gentleman from Illinois (Mr. Price) offered an amendment that begins with \$6 billion?

THE CHAIRMAN PRO TEMPORE: The gentleman from Illinois (Mr. Price) offered an amendment to the committee amendment, and that figure was for \$6,790,400,000.

MR. STRATTON: And that has not been accepted?

THE CHAIRMAN PRO TEMPORE: And that was agreed to.

MR. STRATTON: That was agreed to, so the amendment of the gentleman from California is to what figure then?

THE CHAIRMAN PRO TEMPORE: The gentleman is substituting for the original committee amendment, as amended.

The Chair has overruled the point of order. . . .

MR. [RICHARD H.] ICHORD [of Missouri]: I want to make sure in making my point of order that I understand what is going on. I distinctly heard the chairman announce that the amendment of the gentleman from Illinois without objection, is adopted.

Then the gentleman from California arose saying he had a substitute amendment. If the amendment of the gentleman from Illinois was adopted, that figure has been amended and

would be subject to a point of order, and I make that point of order that he is amending a figure already amended by the gentleman from Illinois.

THE CHAIRMAN PRO TEMPORE: The Chair has indicated that the technical amendment offered by the chairman of the committee to the committee amendment has been accepted.

The committee amendment, as amended, has not yet been accepted and, therefore, is subject to a substitute amendment. That is what the gentleman from California is offering at the present time.

§ 29.35 The adoption of perfecting amendments to an amendment do not preclude the offering of further amendments to a substitute for an amendment.

On May 16, 1979,⁽¹⁶⁾ during consideration of H.R. 39, the Alaska National Interest Lands Conservation Act of 1979, the Chair responded to a parliamentary inquiry as indicated above. The proceedings were as follows:

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Breaux to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 278: Strike out all after line 2

16. 125 CONG. REC. 11369, 11420, 96th Cong. 1st Sess.

on page 278 through line 9 on page 622 and insert in lieu thereof the following: . . .

MR. [MORRIS K.] UDALL [of Arizona]: My parliamentary inquiry is, in the event that the pending Breaux amendment to the Breaux-Dingell substitute is adopted, would that preclude further amendments to the pending Udall-Anderson substitute?

THE CHAIRMAN:⁽¹⁷⁾ It would not.

Adoption of Amendment Not Printed in Record as Required

§ 29.36 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,⁽¹⁸⁾ during consideration of H.R. 2100⁽¹⁹⁾ in the Committee of the Whole:

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

17. Paul Simon (Ill.).

18. 131 CONG. REC. 25463, 25464, 25467, 99th Cong. 1st Sess.

19. The Food Security Act of 1985.

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:⁽²⁰⁾ 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. [KIKI] 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 under the rule, it was not eligible for consideration on the floor except by unanimous consent.

20. David E. Bonior (Mich.).

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.

Agreement to One Portion of Divisible Amendment; Further Debate on Remainder

§ 29.37 Where the question has been put on the first portion of a divisible amendment, and that portion agreed to, further debate on the remaining portion may be had under the five-minute rule before the Chair puts the question thereon.

On Aug. 4, 1983,⁽¹⁾ the Committee of the Whole having under consideration H.R. 2230,⁽²⁾ the

1. 129 CONG. REC. 23134, 23142, 23143, 98th Cong. 1st Sess.

2. The Civil Rights Commission Act of 1983.

above-stated proposition was illustrated as indicated below:

MR. [DON] EDWARDS of California: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Edwards of California: Page 2, line 2, insert "(a)" after "Sec. 2".

Page 2, line 4, strike out "1998" and insert "1988" in lieu thereof.

Page 2, after line 4, insert the following:

"(b) Section 104(c) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(c)) is amended by adding at the end the following: "During the period which begins on the date of the enactment of the Civil Rights Commission Act of 1983 and ends on September 30, 1988, the President may remove a member of the Commission only for neglect of duty or malfeasance in office.".

MR. [JAMES F.] SENSENBRENNER [Jr., of Wisconsin]: Mr. Chairman, pursuant to the rule, I demand a division of the question. . . .

THE CHAIRMAN:⁽³⁾ The Chair would point out to the gentleman that the amendment really contains three parts, the second being, on page 2, line 4, to strike out "1998" and insert "1988".

The first part is, on page 2, line 2, to insert "(a)" after "Sec. 2."

Then the third part is the insertion of a new subsection (b) dealing with the removal of commissioners before the term of office.

The Chair would propose to put the question first only on the date change, and then on the remainder of the amendment which constitutes in effect one proposition. . . .

3. Morris K. Udall (Arizona).

The question now is on that portion of the amendment offered by the gentleman from California (Mr. Edwards) dealing with the date change from "1998" to "1988". . .

(The portion of the amendment dealing with the date change from "1998" to "1988" was agreed to.)

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I understand the vote that was just taken was on the first part of a divided question. My inquiry is: Is it in order at this time for there to be any further debate on the second portion of the question that has been divided?

THE CHAIRMAN: The Chair will advise the gentleman that further debated by the gentleman from California (Mr. John L. Burton) is a further amendment adding new language at the end of the Brooks amendment, as amended.

MR. [BENJAMIN S.] ROSENTHAL [of New York]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. Rosenthal to the amendment in the nature of a substitute offered by Mr. Brooks, as amended: at the end of the Brooks amendment, as amended, insert the following new section:

POPULATION ADJUSTMENT

Sec. 17. Section 109(a)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by inserting immediately before the period at the end thereof the following: ", except that the Bureau of the Census shall make available to the Secretary data to correct for any substantial and systematicat p. 16045.

Amendment offered by Mr. [Bob] Eckhardt [of Texas]: Page 10, after line 4, insert the following:

LIMITATION ON DISCRETION OF THE ADMINISTRATOR WITH RESPECT TO SUBMISSION OF ENERGY ACTIONS

Sec. 3. Section 5 of the Federal Energy Administration Act of 1974 is amended by adding at the end thereof the following:

"(c) The Administrator shall not exercise the discretion delegated to him pursuant to section 5(b) of the Emergency Petroleum Allocation Act of 1973 to submit to the Congress as one energy action any amendment under section 12 of the Emergency Petroleum Allocation Act of 1973 which exempts crude oil or any refined petroleum product or refined product category from both the allocation provisions and the pricing provisions of the regulation under section 4 of such Act."

A further amendment was subsequently offered:

The Clerk read as follows:

Amendment offered by Mr. Eckhardt: Page 10, after line 4, insert the following:

LIMITATION ON DISCRETION OF THE PRESIDENT WITH RESPECT TO DELEGATION OF CERTAIN AUTHORITIES

Sec. 3. Section 8(h) of the Federal Energy Administration Act of 1974 is amended by adding before the period at the end thereof the following: ", except that the President may not redelegate or terminate the delegation of those functions as pertain to the submission of energy actions relating to an amendment under section 12 of the Emergency Petroleum Allocation Act of 1973 which had been delegated to the Administrator on or before May 1, 1976, pursuant to section 5(b) of the Emergency Petroleum Allocation Act of 1973". . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, if I understand the thrust of the amendment offered by

the gentleman from Texas (Mr. Eckhardt), it amends an amendment which the committee has already adopted, by additionally prohibiting the President from redelegating or terminating the delegations of functions that we have already modified in the previous Eckhardt amendment. . . .

THE CHAIRMAN:⁽⁶⁾ The Chair is ready to rule.

The amendment offered by the gentleman from Texas (Mr. Eckhardt) provides for an additional section at the end of the committee bill. The amendment offered by the gentleman from Texas (Mr. Eckhardt) does not directly amend the first Eckhardt amendment, which also added another section at the end of the bill.

Therefore, the point of order is overruled.

§ 29.39 While an amendment may not change an amendment already agreed to, it is in order to insert germane language immediately following the adopted amendment, and the Chair will not rule on the consistency of that language with the adopted amendment.

On June 10, 1976,⁽⁷⁾ the Committee of the Whole having under consideration H.R. 13367,⁽⁸⁾ a

6. William H. Natcher (Ky.).

7. 122 CONG. REC. 17381, 94th Cong. 2d Sess.

8. A bill to extend and amend the State and Local Fiscal Assistance Act of 1972.

point of order was made against an amendment and the Chair ruled as indicated below:

MR. [BROCK] ADAMS [of Washington]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. Adams to the amendment in the nature of a substitute offered by Mr. Brooks, as amended: Add at the end of the Brooks amendment as amended the following new section: Sec. 14. Notwithstanding any other provision of law—

(1) allocations among States of amounts authorized by any provision of the State and Local Fiscal Assistance Act of 1972 as amended by the preceding provisions of this Act . . . shall be made only to such extent or in such amounts as are provided in advance by appropriation Acts. . . .

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I make the point of order against the amendment. . . .

(A)s I understand the reading of the amendment, it has to do with entitlement. The Brooks substitute had a provision with regard to entitlement, the Fountain substitute had provisions for entitlement, and now again this is an attempt to change the entitlement provision. Therefore, it is my position that this is out of order and should not be offered. . . .

MR. ADAMS: Mr. Chairman, this is a germane amendment, as provided under the rule. It provides for a new section. It is a limitation on what was in the substitute. It does not amend the same section and, therefore, it is in order.

THE CHAIRMAN:⁽⁹⁾ The Chair is prepared to rule.

9. Gerry E. Studds (Mass.).

The Chair cites Deschler's Procedure, chapter 27, section 27.11:

While an amendment may not change an amendment already agreed to, it is in order to insert language immediately following the adopted language, and the Chair will not rule on the consistency of that language with the adopted amendment.

The amendment offered by the gentleman from Washington (Mr. Adams), does add new language at the end of the Brooks amendment, as amended.

The Chair, in accordance with the precedent, will not rule on the consistency of that language and holds that the amendment is germane and, therefore, the Chair will overrule the point of order.

—Previously Adopted Amendment in Nature of Substitute

§ 29.40 Although an amendment which has been adopted to an amendment in the nature of a substitute may not be further amended, another amendment adding language at the end of the amendment in the nature of a substitute may still be offered.

On June 10, 1976,⁽¹⁰⁾ during consideration of a bill⁽¹¹⁾ in the Committee of the Whole, the

10. 122 CONG. REC. 17368–75, 94th Cong. 2d Sess.

11. H.R. 13367, a bill to extend and amend the State and Local Fiscal Assistance Act of 1972.

Chair overruled a point of order against an amendment as described above. The proceedings were as indicated below:

THE CHAIRMAN:⁽¹²⁾ . . . The Chair will first put the question on the amendment offered by the gentleman from North Carolina (Mr. Fountain) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Brooks). . . .

[The Fountain amendment was adopted.]

The Clerk read as follows:

Amendment offered by Mr. John L. Burton to the amendment in the nature of a substitute offered by Mr. Brooks, as amended: At the end of the Brooks amendment, as amended, add the following:

FUNDS FOR PROPERTY TAX RELIEF

Sec. 11. Section 123(a) of the Act is amended by inserting after paragraph (2) the following new paragraph:

“(3) it will obligate at least 20% of the funds received under subtitle A during each entitlement period beginning on or after January 1, 1977, to specifically decrease taxes on real property;”

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I would like the Chair to explain the parliamentary procedure. . . .

THE CHAIRMAN: The Chair will state to the gentleman from New York that it is the understanding of the Chair that the amendment offered by the gentleman from California (Mr. John L. Burton) is a further amendment adding new language at the end of the Brooks amendment, as amended. . . .

12. Gerry E. Studds (Mass.).

MR. [BENJAMIN S.] ROSENTHAL [of New York]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. Rosenthal to the amendment in the nature of a substitute offered by Mr. Brooks, as amended: at the end of the Brooks amendment, as amended, insert the following new section:

POPULATION ADJUSTMENT

Sec. 17. Section 109(a)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by inserting immediately before the period at the end thereof the following: “, except that the Bureau of the Census shall make available to the Secretary data to correct for any substantial and systematic undercounting of the residents of any State and the Secretary shall utilize such data to the extent that it represents a reliable and uniform count of such residents”.

MR. HORTON: Mr. Chairman, I make a point of order against the amendment.

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

MR. HORTON: Mr. Chairman, the point of order is that there has already been a substitute to the Brooks amendment in the nature of a substitute, which has been adopted. Therefore, it is out of order to offer another substitute to the Fountain amendment that was adopted to the Brooks substitute. . . .

MR. ROSENTHAL: . . . The gentleman from New York (Mr. Horton) would have been correct if this were an amendment to an existing substitute that had already been adopted. However, this amendment adds a new sec-

tion to the Brooks amendment in the nature of a substitute, section 17. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The amendment offered by the gentleman from New York (Mr. Rosenthal) is not a substitute or an amendment in the nature of a substitute. It adds new language at the conclusion of the Brooks amendment in the nature of a substitute, as amended.

The Chair therefore overrules the point of order.

§ 29.41 If a perfecting amendment to an amendment in the nature of a substitute, striking out all after the short title and inserting a new text, is adopted, further amendments to the text which has been perfected are not in order, but amendments are in order to add new language at the end of the amendment in the nature of a substitute as amended.

On May 16, 1979,⁽¹³⁾ during consideration of H.R. 39⁽¹⁴⁾ in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [JOHN B.] BREAU [of Louisiana]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

13. 125 CONG. REC. 11369, 11420, 96th Cong. 1st Sess.

14. Alaska National Interest Lands Conservation Act of 1979.

The Clerk read as follows:

Amendment offered by Mr. Breaux to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 278: Strike out all after line 2 on page 278 through line 9 on page 622 and insert in lieu thereof the following: . . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:⁽¹⁵⁾ The gentleman from Arizona will state his parliamentary inquiry.

MR. UDALL: Mr. Chairman, in the event that the pending amendment of the gentleman from Louisiana, which has been offered, is adopted, would that foreclose further perfecting amendments to the so-called Breaux-Dingell substitute?

THE CHAIRMAN: This pending amendment could not be further amended, but additional language could be added at the end of the Merchant Marine and Fisheries Committee amendment in the nature of a substitute.

Amendment Changing Both Amended and Unamended Portions of Text or Amendment

§ 29.42 While it is not in order to amend merely that portion of a pending text which has already been changed by amendment, an amendment changing not only the amended portion but also

15. Paul Simon (Ill.).

parts of the original text not yet amended would still be in order.

On May 2, 1979,⁽¹⁶⁾ the Committee of the Whole having under consideration House Concurrent Resolution 107,⁽¹⁷⁾ the above-stated proposition was illustrated as indicated below:

MR. CHARLES H. WILSON of California: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:⁽¹⁸⁾ The gentleman will state the parliamentary inquiry.

MR. CHARLES H. WILSON of California: Mr. Chairman, if the Simon amendment affects the spend-out rate for the national defense category, Number 050 in fiscal year 1980; therefore, if it is adopted, does that mean that any further amendments to the national defense category for fiscal year 1980 would not be in order?

THE CHAIRMAN: The Chair would like to advise the gentleman from California (Mr. Charles H. Wilson) that on a previous budget resolution the distinguished gentleman from Missouri (Mr. Bolling) in occupying the chair ruled on a similar question. The Chair will paraphrase a portion of the ruling on that occasion as follows:

While it is not in order to amend merely that portion of a pending text which has already been changed by amendment, an amendment changing

16. 125 CONG. REC. 9530, 96th Cong. 1st Sess.

17. The first concurrent resolution on the Budget, fiscal 1980.

18. William H. Natcher (Ky.).

not only the amended portion but also parts of the original text not yet amended would still be in order.

§ 29.43 An amendment to an amendment is not subject to amendment while pending (as in the 3rd degree), and if adopted precludes further amendments only changing the text which has been perfected; but after adoption amendments are in order which add language to an unamended portion (at the end) of the original amendment as amended.

On May 16, 1979,⁽¹⁹⁾ the Committee of the Whole having under consideration H.R. 39,⁽²⁰⁾ the above-stated proposition was illustrated as indicated below:

MR. [JAMES] WEAVER [of Oregon]: Mr. Chairman, I just wanted to ask a parliamentary inquiry.

THE CHAIRMAN:⁽¹⁾ The gentleman will state the parliamentary inquiry.

MR. WEAVER: Mr. Chairman, this amendment we have before us is not amendable?

THE CHAIRMAN: That is correct. It does not preclude—

MR. WEAVER: New sections?

THE CHAIRMAN (continuing): Amendments added to the end of the Merchant Marine bill.

19. 125 CONG. REC. 11422, 96th Cong. 1st Sess.

20. Alaska National Interest Lands Conservation Act of 1979.

1. Paul Simon (Ill.).

MR. WEAVER: But the language in it cannot be amended, cannot be further perfected?

THE CHAIRMAN: That is correct.

MR. WEAVER: If we find imperfections in the bill, in this amendment, they could not then further be changed? The imperfections would have to stand; is that correct?

THE CHAIRMAN: Direct amendments would be precluded; but the gentleman from Oregon or any Member could offer amendments at the end of the Merchant Marine and Fisheries bill.

Amendment Striking Out Language of Adopted Amendment Plus Additional Language

§ 29.44 Where there was pending an amendment in the nature of a substitute and an amendment thereto, the Chair indicated in response to a parliamentary inquiry that adoption of the perfecting amendment would not preclude the offering of another perfecting amendment striking out the language inserted by the adopted amendment plus additional language in the amendment in the nature of a substitute (and inserting new matter).

On Sept. 11, 1974,⁽²⁾ during consideration in the Committee of the

2. 120 CONG. REC. 30648, 30649, 93d Cong. 2d Sess.

Whole of a bill,⁽³⁾ the Chair responded to a parliamentary inquiry regarding the offering of an amendment, as described above. The proceedings were as follows:

MR. [ROBERT W.] KASTENMEIER [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. Udall).

The Clerk read as follows:

Amendment offered by Mr. Kastenmeier to the amendment in the nature of a substitute offered by Mr. Udall: On page 29, after line 11, insert the following:

“(c) The Administrator, when he determines that the public interest will be served thereby, may waive all or any part of the rights of the United States in favor of a nonprofit educational institution. . . .

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, if the amendment now pending should pass would it nevertheless still be in order for an amendment of this nature to be offered; namely, that the entire section 7 be stricken and that the matter be subject to a study?

THE CHAIRMAN PRO TEMPORE:⁽⁴⁾ The amendment as suggested by the gentleman from California would be in order.

§ 29.45 Although it is not in order to propose to strike out an amendment already agreed to, an amendment

3. H.R. 13565, the nonnuclear energy source research and development program.
4. J. Edward Roush (Ind.).

striking out not only an amendment previously agreed to but also additional portions of the bill is in order.

Where the first section of a title of a bill being read by titles was modified by striking that section and inserting new language an amendment to strike that section and two additional sections of that title not so altered was held in order. The proceedings on Aug. 1, 1975,⁽⁵⁾ were as follows:

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Brown of Ohio: Strike out sections 301, 302, 303.

Re-number the succeeding sections of title III accordingly. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman . . . I renew simply the point of order that I had made earlier against the prior amendment by observing that this is again an attempt to undo actions taken already by the House, as the Chair well noted when it ruled just now on the prior attempt to remove section 301, which failed. . . .

MR. BROWN of Ohio: . . . Mr. Chairman, this amendment does not stand on the same point that the previous amendment stood on. This amendment

5. 121 CONG. REC. 26947, 94th Cong. 1st Sess. Under consideration was H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

strikes two additional sections, sections 302 and 303. The present section 303 in the title has not been touched by amendment during the amending process, the prohibition on pricing facts being sent to the President, and is a section which has not been amended by the Committee of the Whole during consideration of title III. . . .

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I believe the gentleman from Ohio misconceives the basis of the original point of order, since this amendment includes the striking of a section of the bill that has been completed, and has been amended and completed and includes another section of the bill that has been amended and completed. It is for those reasons subject to a point of order. The fact that it may include other matter that has not been amended and completed does not free it from the objection raised on the first point of order.

THE CHAIRMAN:⁽⁶⁾ The Chair is ready to rule.

As to the argument on the amendment by the gentleman from Texas, the Chair feels that it will disagree with that.

The Chair now refers to volume 8, page 446, section 2855 of Cannon's Precedents (where) it states that while an amendment which has been agreed to may not be modified, a proposition to strike that language from the bill with other language of the original text is in order.

Some language of the original text remains in section 303. Therefore the point of order raised by the gentleman from Michigan (Mr. Dingell) is not good, and the Chair overrules the point of order.

6. Richard Bolling (Mo.).

§ 29.46 While an amendment which has been agreed to may not be modified, an amendment to strike it from the bill together with other language of the original text and to insert new text is in order.

In the instance set out below, during consideration of a bill⁽⁷⁾ in the Committee of the Whole, an amendment which had previously been agreed to was stricken. The amendment, agreed to on Sept. 29, 1975, stated:⁽⁸⁾

Amendment offered by Mr. [Bill] Alexander [of Arkansas]: Page 12, strike out line 20 and all that follows through page 13, line 6, and insert in lieu thereof the following:

Sec. 2. (a)(1) Section 2401(a) of title 39, United States Code, is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the Postal Service for the fiscal year ending June 30, 1976, such sums as may be necessary to enable the Postal Service to carry out the purposes, functions, and powers authorized by this title." . . .

On Oct. 30,⁽⁹⁾ the following proceedings took place:

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

7. H.R. 8603, Postal Reorganization Act Amendments of 1975.
8. 121 CONG. REC. 30767, 30772, 94th Cong. 1st Sess.
9. *Id.* at p. 34415.

The Clerk read as follows:

Amendment offered by Mr. Hanley: Strike out section 2, as amended, in its entirety, and insert in lieu thereof the following:

Sec. 2. (a) Section 2401 (b)(1)(G) of title 39, United States Code, is amended to read as follows:

“(G) for each fiscal year after fiscal year 1984, an amount equal to 5 percent of such sum for fiscal year 1971, except that the Postal Service may reduce the percentage figure, including a reduction to 0, if the Postal Service finds that the amounts are no longer required to operate the Postal Service in accordance with the policies of this title.

(b) Paragraph 2 of subsection (b) of section 2401 of title 39, United States Code, is amended to read as follows:

“(2)(A) As further reimbursement to the Postal Service for public service costs incurred by it, there is authorized to be appropriated to the Postal Service for the period commencing on July 1, 1975, and ending on September 30, 1976, an amount not to exceed \$1.5 billion. . . .

MR. ALEXANDER: Mr. Chairman, I reserve a point of order that the amendment in the nature of a substitute offered by the gentleman from New York (Mr. Hanley) is not in order in that it seeks to change an amendment that has been previously adopted in the Committee of the Whole. . . .

MR. HANLEY: Mr. Chairman, in opposition to the point of order, while it is generally true that an amendment once agreed to may not be modified, the parliamentary situation at the present time dictates otherwise.

I cite from section 28.6 of chapter 27 of Deschler's Procedure in the U.S. House of Representatives:

§ 28.6. While an amendment which has been agreed to may not be modi-

fied, an amendment to strike it from the bill with other language of the original section and insert new text is in order. 118 CONG. REC. 16843, 16852, 92d Cong. 2d Sess., May 11, 1972 [H.R. 7130].

It appears clear, then, that my amendment is indeed in order.

. . .

THE CHAIRMAN:⁽¹⁰⁾ The gentleman from Arkansas (Mr. Alexander) has made a point of order against the amendment offered by the gentleman from New York (Mr. Hanley) on the basis that section 2 has been amended and, thus, further amendments thereto are not in order.

On September 29, 1975, the Committee adopted the Alexander amendment to section 2 of the bill. At that time the Chairman noted that the amendment was a perfecting amendment to section 2, altering parts thereof and leaving other provisions unchanged. While it would not be in order at this time to offer an amendment to the Alexander amendment, nevertheless, an amendment striking from the bill that amendment together with other language of the original bill and inserting new text is in order and, therefore, the point of order is overruled.

Reoffering Amendment Previously Offered and Adopted as Amended by a Substitute

§ 29.47 While it is not in order to offer an amendment merely changing the text of a proposition perfected by

10. Walter Flowers (Ala.).

amendment or to offer an amendment identical to one which has been defeated, a Member may re-offer an amendment which he has previously offered and which has been adopted as amended by a substitute, where the amendment is more extensive than the substitute which was adopted in its place.

On Apr. 27, 1977, the Committee of the Whole had under consideration the first concurrent resolution on the budget for fiscal 1978, House Concurrent Resolution 195. Mr. Otis G. Pike, of New York, offered a perfecting amendment⁽¹¹⁾ which struck out certain figures and inserted others in their place, with respect to provisions relating to such items as total new budget authority; appropriate level of total budget outlays; appropriate level of the public debt; increase in the statutory limit on public debt; budget authority and outlays for national defense; and a category, "allowances," a portion of which related to pay increases for certain executive employees and federal judges.

Mr. Omar Burleson, of Texas, offered an amendment⁽¹²⁾ as a

11. 123 CONG. REC. 12483, 95th Cong. 1st Sess.

12. *Id.* at p. 12485.

substitute for the Pike amendment, which affected most, but not all, of the figures in the Pike amendment. The Burleson amendment, and the Pike amendment as so amended, were agreed to.⁽¹³⁾

Subsequently, Mr. Pike offered an amendment⁽¹⁴⁾ that was in its scope and effect substantially the same as the amendment he had previously offered. (It should be noted that technical changes had been made in the figures of the amendments so that they were in conformity with amendments adopted after the Pike amendment as amended by the Burleson substitute.) He explained the effect of his proposed amendment as follows:

MR. PIKE: Mr. Chairman, when we entered the Chamber yesterday, the Budget Committee had a budget resolution which called for a deficit of \$64.3 billion. At the moment we have a resolution which calls for a deficit of \$68.6 billion. In 2 days we have added \$4.3 billion to the deficit. Mr. Chairman, everybody talks about national priorities, and obviously we have different views of what our national priorities are. It is obvious that things for defense and for veterans are high on our list of national priorities, and things for the benefit of social welfare programs are low on our list of national priorities, because that is the way we voted here. Frankly, I have

13. *Id.* at pp. 12503, 12504.

14. *Id.* at p. 12521.

voted against all of the amendments which increased the budget and increased the budget deficit, and I am a little embarrassed that I am again offering an amendment which reduces the budget and reduces the budget deficit. This is the same amendment which I offered earlier. It reduces spending in two categories—allowances and defense—a total of \$130 million, which is the amount of the 29 percent or 28 percent pay raise which people in those categories outside of the Congress got. We have discussed it already. The committee accepted it once. It got wiped out by the Burleson amendment.

After debate on the Pike amendment, the amendment was rejected.

Special Rule Permitting Amendments Which Change Portions of Amendments Previously Agreed To

§ 29.48 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.

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. The proceedings of Nov. 30, 1982,⁽¹⁵⁾ in the Committee of the Whole 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 sub-

15. 128 CONG. REC. 28049, 97th Cong. 2d Sess. Under consideration was H.R. 3809, Nuclear Waste Policy Act.

stitute already changed by amendment." . . .

THE CHAIRMAN:⁽¹⁶⁾ Is there any further discussion on the point of order? If not, the Chair will rule pursuant to the 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.

Special Rule Making Two Amendments in Order But Not Waiving Points of Order Against Second Following Adoption of First

§ 29.49 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).

16. Leon E. Panetta (Calif.).

On Oct. 19, 1983,⁽¹⁷⁾ 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, 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

17. 129 CONG. REC. 28307, 98th Cong. 1st Sess.

basis that it constituted a major change in the special order reported from the Committee on Rules.

Rejection of Amendment Made in Order by Special Rule Which Prohibited Further Amendment in Event Amendment Was Adopted

§ 29.50 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,⁽¹⁸⁾ 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.⁽¹⁹⁾ The proceedings were as follows:

18. 124 CONG. REC. 29477, 95th Cong. 2d Sess.

19. Aircraft Noise Reduction Act.

MR. [WILLIAM A.] STEIGER [of Wisconsin]: . . . If the amendment from the Committee on Ways and Means is adopted, is a motion to strike title III in order?

THE CHAIRMAN:⁽²⁰⁾ 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.

Rejection of Substitute and Amendment Thereto

§ 29.51 Where the House adopts an amendment to a substitute and then rejects the substitute, the amendment to the substitute also falls.

On Apr. 29, 1947,⁽¹⁾ the following proceedings took place:

THE CHAIRMAN:⁽²⁾ the question is on the amendment offered by the gentleman from South Dakota [Mr. Mundt] to the Colmer substitute.

The amendment was agreed to.

20. Gerry E. Studds (Mass.).

1. 93 CONG. REC. 4232, 4233, 80th Cong. 1st Sess. Under consideration was H.J. Res. 153, relating to relief assistance to the people of countries devastated by war.

2. George B. Schwabe (Okla.).

THE CHAIRMAN: The question is on the Colmer substitute as amended by the Mundt amendment. . . .

MR. [KARL E.] MUNDT: So that we can clear up the situation, may I inquire of the Chair if it is not true that if we should now vote down the Colmer amendment it would also vacate the amendment which we just approved so overwhelmingly?

THE CHAIRMAN: That is correct.

Substitute for Senate Bill

§ 29.52 Where the Committee of the Whole had adopted several committee amendments to a Senate bill, an amendment in the nature of a substitute for the entire bill which was similar to the Senate version of the bill but contained corrective changes was held to be in order.

On Apr. 21, 1948,⁽³⁾ the following proceedings took place:

Amendment offered by Mrs. [Margaret Chase] Smith of Maine: Strike out all after the enacting clause of Senate 1641 and insert in lieu thereof the following:

That this act may be cited as the "Women's Armed Services Reserve Act of 1948." . . .

MR. [OVERTON] BROOKS [of Louisiana]: The Committee just voted a

3. 94 CONG. REC. 4711, 80th Cong. 2d Sess. Under consideration was S. 1641, Women's Armed Services Reserve Bill for 1948.

committee amendment which strikes out the amendment proposed by the gentlewoman from Maine, and which approves the House Armed Services Committee version of this bill. Now, is it in order to vote again on the Senate version of the bill, which has been stricken out by the House under those circumstances?

THE CHAIRMAN:⁽⁴⁾ The Chair understands the amendment offered by the gentlewoman from Maine is different from the Senate version or the House bill.

Rejection by House of Amendment Reported From Committee of the Whole; Effect on Underlying Perfecting Amendment

§ 29.53 Where a perfecting amendment adopted in Committee of the Whole is superseded by adoption of an amendment in Committee striking out the section comprehending the perfecting amendment, the perfecting amendment is not reported to the House, and the bill returns to the form as originally introduced upon rejection by the House of the amendment reported from Committee of the Whole.

On Aug. 4, 1976,⁽⁵⁾ the Committee of the Whole having re-

4. Gordon Canfield (N.J.).

5. 122 Cong. Rec. 25425-27, 94th Cong. 2d Sess.

ported a bill⁽⁶⁾ back to the House with amendments, the proceedings described above occurred as indicated below:

THE SPEAKER:⁽⁷⁾ Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

MR. [MELVIN] PRICE [of Illinois]: Mr. Speaker, I demand a separate vote on the so-called Bingham amendment.

THE SPEAKER: The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment: Starting on page 1, line 5, delete sections 2 and 3 of the bill, and renumber section 4 as section 2. . . .

[The amendment was rejected.]

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. ANDERSON OF ILLINOIS: I am, Mr. Speaker, in its present form.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Anderson of Illinois moves to recommit the bill H.R. 8401 to the House Members of the Joint Committee on Atomic Energy with instructions to report back to the House forthwith with the following amendments: . . .

On page 2, line 20 strike all after "public;" and insert the following:

6. H.R. 8401, the Nuclear Fuel Assurance Act.
7. Carl Albert (Okla.).

“Provided however, That the guarantees under any such cooperative arrangement which would subject the Government to any future contingent liabilities for which the Government would not be fully reimbursed shall be limited to the assurance that the Government-furnished technology and equipment will work as promised by the Government over a mutually-agreed-to and reasonable period of initial commercial operation.” . . .

MR. [ALBERT H.] QUIE [of Minnesota]: . . . I support private business getting into the nuclear fuel enrichment business but I oppose the guarantees provided in subsections 4 and 5 of section 45(a). . . .

In listening to the motion to recommit, am I right that the gentleman's motion to recommit in effect negates subsections 4 and 5 on page 3 of the bill?

MR. ANDERSON of Illinois: The gentleman is correct. . . .

The Bingham amendment struck sections 2 and 3. Even with the defeat of that amendment, we are now back to the original committee bill in its unamended form. We must put back in the bill with this motion to recommit any sections that provide for prior congressional approval of any contract that provides that there can be no contingent liability on the part of the Government, save that provided for in an appropriation bill, plus the additional language which I just read to the Members which will assure that we are limiting this to a warranty of technology. . . .

MR. PRICE: . . . What the gentleman from Illinois is saying is that unless we do recommit the bill with instructions, we will go back to the original bill be-

fore it was worked on in the Joint Committee and amended in a way that was palatable to the House and which caused the House eventually to support it. Is that correct?

MR. ANDERSON of Illinois: The gentleman has stated the parliamentary situation correctly. We will be back to the committee bill before we had amended it with those committee amendments which were accepted without dissent in the Committee of the Whole. Because those sections as amended were stricken, even though we defeated the Bingham amendment, we must now go back and assure this House that we report this bill to this House in a form that contains the provisions for a 60-day congressional review.

Parliamentarian's Note: House Resolution 1242 had specifically waived points of order under Rule XVI clause 7, to permit the consideration of the amendment recommended by the Joint Committee on Atomic Energy printed in the bill. (The amendment was not germane, because it provided for a rules change to permit privileged consideration of resolutions of disapproval, whereas the original bill provided no such mechanism.) While the precedents indicate that a motion to recommit a bill with instructions may not direct the committee to report back forthwith with a nongermane amendment, it is nevertheless true that an amendment incorporated in such a motion is in

order if it would have been in order to consider that recommended amendment as an amendment to the bill. Since the text of the motion to recommit was identical to the committee amendment protected by the waiver, the motion to recommit was in order in the form indicated above.

Motion To Recommit With Instructions

§ 29.54 A motion to recommit may not include instructions to modify an amendment previously agreed to by the House in the absence of a special rule permitting a motion to recommit with or without instructions.

On Apr. 5, 1967,⁽⁸⁾ the following proceedings took place:

The Clerk read as follows:

Mr. [John M.] Ashbrook [of Ohio] moves to recommit the resolution (H. Res. 221) to the Committee on House Administration with instructions to report the resolution forthwith with the following amendment: On page 1, line 5, strike out "\$350,000" and insert in lieu thereof "\$400,000."
 . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I make a point of order against the motion to recommit on the

8. 113 Cong. Rec. 8441, 8442, 90th Cong. 1st Sess. Under consideration was H. Res. 221.

grounds that the House has just adopted the committee amendment to cut the amount from \$400,000 to \$350,000. The gentleman now offers a motion to recommit to restore it from the \$350,000 to \$400,000 and it is clearly out of order. . . .

THE SPEAKER:⁽⁹⁾ The Chair will call attention to that fact that the previous question was ordered and the amendments were adopted by the House.

It is not in order to do indirectly by a motion to recommit with instructions that which may not be done directly by way of amendment.

An amendment to strike out an amendment already adopted is not in order. The subject matter of the motion to recommit has already been passed upon by the House.

The Chair sustains the point of order.

Amendment Relating to a Previous Enactment
—Amendment to Resolution Previously Adopted

§ 29.55 The House, by resolution, amended a resolution previously adopted and enlarged the investigative jurisdiction of a standing committee for the 85th Congress.

The following proceedings took place on Mar. 14, 1957:⁽¹⁰⁾

The Clerk read as follows:

HOUSE RESOLUTION 197

Resolved, That House Resolution 99, 85th Congress, is amended by

- 9. John W. McCormack (Mass.).
- 10. 103 Cong. Rec. 3722, 85th Cong. 1st Sess.

striking out the words “within the United States”. . . .

MR. (HOWARD W.) SMITH of Virginia: . . . Mr. Speaker, the Committee on Rules so far this session has not granted foreign travel privileges to any committee. We have, however, included in the resolution the right to visit any offshore territories and possessions. Inadvertently that was omitted from the resolution of the Interstate and Foreign Commerce Committee and this merely corrects that oversight. It is unanimously approved by the Committee on Rules. . . .

The resolution was agreed to and a motion to reconsider was laid on the table.

—Similarity of Amendment to Bill Already Passed

§ 29.56 A point of order against an amendment to a bill cannot be based on the ground that the provisions of the amendment have already been passed by the House as part of another bill.

On June 20, 1962,⁽¹¹⁾ the following proceedings took place:

Amendment offered by Mr. [Henry S.] Reuss [of Wisconsin]: Page 2, line 13, after line 12, strike out lines 13, 14, and 15 and insert the following: . . .

MR. [H. CARL] ANDERSEN of Minnesota: May I ask the gentleman from

- 11. 108 Cong. Rec. 11211, 87th Cong. 2d Sess. Under consideration was H.R. 11222.

Wisconsin if this is not the same amendment that has already been passed on by the House and is now lying over in the Senate in the form of a separate bill?

MR. REUSS: The language of this is identical.

MR. ANDERSEN of Minnesota: Mr. Chairman, I make the point of order that this particular amendment has already cleared the House and is awaiting action in the other body which does not care to act upon the matter. It has no place in the bill. . . .

THE CHAIRMAN:⁽¹²⁾ . . . The question raised by the gentleman from Minnesota was raised when the same question came up last year. The Chairman at that time overruled the point of order holding that it was germane.

The point of order is overruled.

§ 29.57 The Committee of the Whole and not the Chair decides whether it should adopt an amendment consisting of the exact language agreed to in a bill previously passed by the House.

On May 13, 1946,⁽¹³⁾ the following proceedings took place:

Amendment offered by Mr. [Dewey] Short [of Missouri]: Strike out all after the enacting clause of Senate Joint Resolution 159 and insert the following: . . .

12. Francis E. Walter (Pa.).

13. 92 CONG. REC. 4957, 79th Cong. 2d Sess. Under consideration was S.J. Res. 159, extension of the Selective Training and Service Act.

MR. [WALTER G.] ANDREWS of New York: Mr. Chairman, I make a point of order against the amendment just offered by the gentleman from Missouri on the ground that the exact language in another bill has been acted on favorably by the House.

THE CHAIRMAN:⁽¹⁴⁾ The Chair states to the gentleman from New York (Mr. Andrews) that that is a matter for the Committee to pass on, not the Chairman. The Chair overrules the point of order.

§ 30. Adoption of Amendment as Affecting Motions To Strike or To Strike or To Strike and Insert

Adoption of Perfecting Amendment as Affecting Vote on Pending Motion To Strike Text

§ 30.1 Where there is pending a motion to strike out a title of a bill and a perfecting amendment (changing the entire title) is then offered and agreed to, the motion to strike the title falls and is not voted upon, and further perfecting amendments to the title are no longer in order.

On Sept. 23, 1975,⁽¹⁵⁾ the Committee of the Whole having under

14. Alfred L. Bulwinkle (N.C.).

15. 121 CONG. REC. 29827, 29829, 29835, 29836, 94th Cong. 1st Sess.