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] AUCOIN [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:[17] The Chair will treat this amendment as a perfecting 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 gentlewoman 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 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.

§ 32. Amendments in Nature of Substitute; Substitute Amendments

Adoption of Amendment in Nature of Substitute, Generally

§ 32.1 Where an amendment in the nature of a substitute is agreed to, further amendment is not in order.

The principle stated above was the basis of the following proceeding which occurred on Mar. 26, 1985,[18] during consideration of House Resolution 100[19] in the House:

MR. [JOSEPH M.] GAYDOS [of Pennsylvania]: Mr. Speaker, by direction of

17. Robert N. Giaimo (Conn.).

18. 131 CONG. REC. 6274, 6275, 99th Cong. 1st Sess. The principle has often been relied upon. As a further example, see, in addition to the precedents that follow, the proceedings of Aug. 7, 1964, at 110 CONG. REC. 18608, 18609, 88th Cong. 2d Sess.

19. Providing investigative funds for House committees.

the Committee on House Administration, I call up a privileged resolution (H. Res. 100) providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 1st session of the 99th Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 100

Resolved, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946. . . .

THE SPEAKER:[20] The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert in lieu thereof:

That there shall be paid out of the contingent fund of the House in accordance with the primary expense resolution not more than the amount specified in section 2 for investigations and studies. . . .

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, if the procedure that is being talked about here now is adopted, does that have the effect of precluding the offering of an amendment to the resolution so as to establish a freeze of this funding?

THE SPEAKER: The Chair would answer in the affirmative, that if the amendment offered as an amendment in the nature of a substitute prevails, no further amendment is in order.

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

§ 32.2 Where an amendment in the nature of a substitute for a bill has been agreed to, further amendments are not in order.

On Nov. 7, 1975,[1] during consideration of a bill[2] in the Committee of the Whole, objection was raised to the offering of an amendment and the Chair ruled as indicated below:

The question was taken: and on a division (demanded by Mr. Sebelius) there were—ayes 38, noes 33.

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

The result of the vote was announced as above recorded.

MR. [CHARLES] ROSE [of North Carolina]: Mr. Chairman, I offer an additional brief amendment.

MR. [KEITH G.] SEBELIUS [of Kansas]: Mr. Chairman, I object.

THE CHAIRMAN:[3] The Chair will state that no further amendments are in order. The amendment in the nature of a substitute has been adopted.

Under the rule, the Committee rises.

1. 121 CONG. REC. 35528, 94th Cong. 1st Sess.
2. H.R. 6346, Rural Development Act Amendments.
3. Tom Bevill (Ala.).

Effect on Amendments Printed in Record

§ 32.3 Where debate has been closed on a pending amendment in the nature of a substitute and all amendments thereto, adoption of that amendment would cause the stage of amendment to be passed and amendments, even though printed in the Record, could not thereafter be offered to the bill.

On Apr. 23, 1975,[4] during consideration of a bill[5] in the Committee of the Whole, an amendment in the nature of a substitute was offered and the following proceedings occurred:

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

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

That this Act may be cited as the "Vietnam Humanitarian Assistance and Evacuation Act of 1975."

Sec. 2. The President is directed to evacuate from South Vietnam within ten days of the enactment of this Act the following categories of persons:

(1) United States citizens;

(2) dependents of United States citizens and of permanent residents of the United States; and

(3) Vietnamese nationals eligible for immigration to the United States by reason of their relationships to United States citizens. . . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I move that all debate on this substitute amendment and all amendments thereto close at 4 p.m.

THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, inasmuch as the substitute offered by the gentleman from Pennsylvania would preclude many of us from offering amendments which had heretofore been dropped into the hopper and printed in today's Record in compliance with the rules, will we be granted the set-aside 5 minutes to present our amendments inasmuch as the substitute amendment offered by the gentleman from Pennsylvania (Mr. Edgar) would extinguish our right to offer an amendment at that point?

THE CHAIRMAN: If the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. Edgar) is agreed to, the stage of amendment would have been passed and no further amendments would be in order to the bill.

Effect on Amendment Made in Order by Special Rule

§ 32.4 A resolution reported from the Committee on Rules

4. 121 CONG. REC. 11491, 11499, 94th Cong. 1st Sess.

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

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

which merely makes in order the consideration of a particular amendment (in the nature of a substitute) but does not waive points of order or otherwise confer a privileged status upon the amendment does not, in the absence of legislative history establishing a contrary intent by that committee, alter the principles that recognition to offer an amendment under the five-minute rule is within the discretion of the Chairman of the Committee of the Whole and that adoption of one amendment in the nature of a substitute precludes the offering of another.

On May 23, 1978,[7] the Committee of the Whole having under consideration House Resolution 1188,[8] the above-stated proposition was illustrated as indicated below:

H. RES. 1188

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 39). . . . It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purposes of amendment, said substitute shall be read for amendment by titles instead of by sections and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI and clause 7, rule XVI, are hereby waived, except that it shall be in order when consideration of said substitute begins to make a point of order that section 805 of said substitute would be in violation of clause 7, rule XVI if offered as a separate amendment to H.R. 10929 as introduced. If such point of order is sustained, it shall be in order to consider said substitute without section 805 included therein as an original bill for the purpose of amendment, said substitute shall be read for amendment by titles instead of by sections and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI and clause 5, rule XXI are hereby waived. It shall be in order to consider the amendment printed in the Congressional Record of May 17, 1978, by Representative Carr if offered as an amendment in the nature of a substitute for the amendment in the nature of a substitute recommended by the Committee on Armed Services. . . .

THE SPEAKER PRO TEMPORE:[9] . . . The . . . rule requested makes in order the substitute of Representative Carr printed in the Congressional Record of May 17, 1978. Under the open rule,

7. 124 CONG. REC. 15094–96, 95th Cong. 2d Sess.

8. Providing for consideration of H.R. 10929, Department of Defense Authorization for Fiscal Year 1979.

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

Mr. Carr would already be entitled to offer his amendment in the nature of a substitute. Although this provision in the rule does not give Mr. Carr special or preferred status under the rule, it does indicate the Rules Committee's desire to have all the diverse viewpoints on the DOD legislation available for consideration by the House. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I would like to put a parliamentary inquiry to the Chair regarding the language on page 2 of the rule, line 24, through line 4 on page 3. It appears to me that the making in order of the offering of a substitute to the committee amendment by the gentleman from Michigan (Mr. Carr) is nothing more than an expression of the right of any Member of the House to offer such amendment at any time in the Committee of the Whole. My question to the Chair is whether or not the appearance of this language in the rule in any way changes the right of the Chair to recognize members of the committee in order of seniority at the Chair's discretion.

THE SPEAKER PRO TEMPORE: The recognition will be a matter for the Chairman of the Committee of the Whole House to determine. . . .

MR. BAUMAN: My specific question, Mr. Speaker, was whether or not this varies the precedents regarding recognition and confers upon the gentleman from Michigan (Mr. Carr) some special status as opposed to the Chair's recognizing other members of the Committee on Armed Services handling the bill.

THE SPEAKER PRO TEMPORE: It would still be up to the Chairman of the Committee of the Whole House on the State of the Union to determine the priorities of recognition. . . .

Let the Chair respond by stating that the rules of the House will apply and will not be abridged by reason of the adoption of this rule. If another amendment in the nature of a substitute should have been adopted, it would not perforce thereafter be in order to offer an additional amendment, whether it be the Carr amendment or any other.

As the Chair interprets the inclusion of the language referred to in the rule, it confers no special privilege upon the amendment in the nature of a substitute referred to as the Carr substitute. It presumes and makes in order such language as an amendment in the nature of a substitute. Beyond that, it does not foreclose consideration of any other germane language that otherwise would be in order. . . .

MR. [HAROLD L.] VOLKMER [of Missouri]: . . . (I)f along the way a substitute is adopted other than that offered by the gentleman from Michigan (Mr. Carr) then at the end of our consideration the substitute of the gentleman from Michigan (Mr. Carr) would not be in order; is that correct?

THE SPEAKER PRO TEMPORE: The Chair believes the gentleman from Missouri (Mr. Volkmer) has correctly stated the parliamentary situation, if any amendment in the nature of a substitute is adopted, then additional amendments would not be in order.

Parliamentarian's Note: Section 805 of the committee substitute related to troop withdrawals from Korea, a matter unrelated to the bill and beyond the jurisdiction of

the Armed Services Committee; the Committee on International Relations successfully urged the Rules Committee to render that section alone subject to a point of order, while protecting the consideration of the remainder of the substitute as original text. (Since a point of order against any portion of an amendment renders the entire amendment subject to a point of order, language was necessary in the rule to allow the consideration of a new amendment without the offending section.)

Amendment by Motion To Recommit Not Allowed

§ 32.5 Where the House has adopted an amendment in the nature of a substitute, such amendment cannot be further amended by way of a motion to recommit; and, in the absence of a special rule, only a simple motion to recommit would be in order.

On May 4, 1960,[10] the following proceedings took place:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, earlier in the day I addressed a parliamentary inquiry to the Chair to which response was made. The parliamentary inquiry went to the question as to whether or not, as the Senate bill has been reported by the committee, a motion to recommit with instructions would be in order. Mr. Speaker, to further clarify the matter, the committee struck out all after the enacting clause of the Senate bill and substituted a complete amendment, which I take it would be offered if and when the bill were to be read for consideration. Under those circumstances, Mr. Speaker, and in view of the fact that what some of us refer to as the administration bill, introduced by the gentleman from New York [Mr. Kilburn] is now on the calendar, the parliamentary inquiry is whether or not under the rules of the House a motion to recommit with instructions would be in order in order that a record vote could be had on such amendment as a substitute.

THE SPEAKER:[11] . . . On further examining the rules and precedents of the House, under the situation as it exists, when we go into the Committee of the Whole and the amendment is adopted, and then agreed to in the House, the rules are that a motion to recommit with instructions will not be in order.

Proceedings Vacated by Unanimous Consent To Permit Pro Forma Amendment

§ 32.6 Where an amendment in the nature of a substitute for a bill has been adopted in Committee of the Whole, the

10. 106 CONG. REC. 9416, 9417, 86th Cong. 2d Sess.

See also 108 CONG. REC. 826, 87th Cong. 2d Sess., Jan. 24, 1962.

11. Sam Rayburn (Tex.).

stage of amendment is passed and further amendments, including pro forma amendments for debate, are not in order; but on occasion, where the Committee of the Whole has adopted an amendment in the nature of a substitute, the Chair, by unanimous consent, has vacated that section to allow a Member to offer a pro forma amendment.

On May 13, 1977,[12] the Committee of the Whole having agreed to an amendment in the nature of a substitute to a bill,[13] the Chair, by unanimous consent, vacated the proceedings to permit a Member to offer a pro forma amendment. The proceedings were as follows:

THE CHAIRMAN:[14] Are there further amendments?

Hearing none, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

THE CHAIRMAN: Under the rule, the committee rises.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Madam Chairman, I was seeking recognition by the Chair.

THE CHAIRMAN: The Chair will advise the gentleman that the Chair had put the question on the committee amendment in the nature of a substitute. There were no further amendments and, under the rule, the committee rises.

MR. [L. H.] FOUNTAIN [of North Carolina]): Madam Chairman, I would like to say that I was standing and was prepared to make a statement about an amendment which I was going to offer but can no longer offer because I was not recognized.

THE CHAIRMAN: Without objection, the Chair will vacate the proceedings so as to permit the gentleman from North Carolina (Mr. Fountain) to make a statement.

There was no objection.

THE CHAIRMAN: The gentleman from North Carolina (Mr. Fountain) is recognized for 5 minutes. . . .

Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

THE CHAIRMAN: Under the rule, the Committee rises.

Amendment to Original Text Precluded

§ 32.7 An amendment to the text of a resolution comes too late when an amendment in the nature of a substitute for such text has already been agreed to.

12. 123 CONG. REC. 14622, 14625, 95th Cong. 1st Sess.
13. H.R. 6810, Intergovernmental Anti-recession Assistance Act of 1977.
14. Elizabeth Holtzman (N.Y.).

On Mar. 22, 1967,[15] the following proceedings took place:

COMMITTEE AMENDMENT

The Clerk read as follows:

Strike out all after the resolving clause and insert the following:

"That the Congress supports the concept of a Latin American Common Market. . . ."

The committee amendment was agreed to. . . .

The Clerk read as follows:

Amendment offered by Mr. (Durward G.) Hall (of Missouri): On page 6, line 18, after the period insert, "No significant additional resources contained or referred to herein shall be made available to carry out the provisions of this resolution until such time as the war in South Vietnam has ended.". . .

MR. [ARMISTEAD I.] SELDEN [of Alabama]: The Committee has already acted on the resolving clauses. . . .

THE CHAIRMAN:[16] The Chair is ready to rule. The Chair will point out that the Committee has already adopted the resolving clause amendment to the body of the resolution and consequently the amendment offered by the gentleman from Missouri comes too late.

§ 32.8 Adoption of a committee amendment in the nature of a substitute, as amended by a substitute, precludes further amendment to the committee amendment and to the bill.

On June 17, 1970,[17] the following proceedings took place:

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Chairman, it has been said here on the floor by the chairman of the committee that if the amendment offered by the gentleman from Texas (Mr. Wright) or an amendment thereto should pass, then there will be further amendments introduced by the managers to the other provisions of the bill that have been stricken by the Wright amendment. I disagree.

. . . I do not see how there can be any amendment to any other provision of the present bill once those provisions are stricken and action is taken by this House inserting the Wright amendment for all the provisions after the enacting clause of the bill. . . .

THE CHAIRMAN:[18] The Chair will state that if the Wright amendment [a substitute] is adopted, then the vote would recur on the committee amendment as amended by the Wright amendment. If that were adopted, under the rule the Committee would rise.

§ 32.9 Where a committee amendment in the nature of a substitute was being read for amendment as an original bill and there was pending thereto an amendment in the nature of a substitute, the Chair indicated that the committee amendment would

15. 113 CONG. REC. 7679–82, 90th Cong. 1st Sess. Under consideration was H.J. Res. 428.

16. Charles M. Price (Ill.).

17. 116 CONG. REC. 20206, 91st Cong. 2d Sess. Under consideration was H.R. 17070.

18. Charles M. Price (Ill.).

not be open to further amendment upon the adoption of the amendment in the nature of a substitute therefor, and in that event and upon adoption of the committee amendment as amended, the stage of amendment would be passed.

On May 11, 1972,[19] the following exchange took place:

MR. [WILLIAM A.] STEIGER of Wisconsin: If the Erlenborn amendment prevails, will the original bill then be open for amendment at any point?

THE CHAIRMAN:[20] The Chair will answer the gentleman. If the Erlenborn substitute as amended is adopted, the vote will then occur on the committee amendment in the nature of a substitute, the Dent bill, so-called, as amended by the Erlenborn substitute, and at the conclusion of that vote, if it is agreed to, the Committee will rise and report to the House.

§ 32.10 Where there was pending an amendment in the nature of a substitute and a substitute therefor, the Chairman indicated that adoption of the substitute would preclude further amendment to the amendment in the nature of a substitute.

On July 18, 1973,[1] the following proceedings took place:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Madam Chairman, my parliamentary inquiry is this: As I understand it, there is an amendment in the nature of a substitute pending as offered by the gentleman from Indiana (Mr. Dennis) and there is pending the substitute of the gentleman from Florida (Mr. Bennett) and that there are several amendments to the Dennis substitute.

In order to bring the others in order, the disposition of the Bennett version would have to be acted upon first?

Is that not correct?

THE CHAIRMAN:[2] Any amendments which are offered to the Dennis amendment in the nature of a substitute will have to be voted upon before the substitute for the Dennis amendment in the nature of a substitute is voted upon. . . .

The Chair would like to point out that if the committee votes on the Bennett amendment and the Bennett amendment prevails, there will be no further opportunity to amend the Dennis amendment.

§ 32.11 A substitute for a committee amendment having been agreed to, it is too late to offer an amendment to the committee amendment or to the substitute.

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19. 118 CONG. REC. 16862, 92d Cong. 2d Sess. Under consideration was H.R. 7130.

20. Richard Bolling (Mo.).

1. 119 CONG. REC. 24668, 93d Cong. 1st Sess. Under consideration was H.J. Res. 542.

2. Martha W. Griffiths (Mich.).

On Nov. 28, 1941,[3] the following proceedings took place:

The substitute amendment was agreed to.

THE CHAIRMAN:[4] The question now is on the committee amendment as amended by the substitute.

MR. [JOHN J.] MCINTYRE [of Wyoming]: Mr. Chairman, I offer an amendment to the amendment. . . .

MR. [JESSE P.] WOLCOTT [of Michigan]: As I understand the situation, Mr. Chairman, the substitute for the committee amendment has been adopted. The only amendment which would have been in order was an amendment to the substitute. Inasmuch as the substitute has been adopted, it is now too late to offer an amendment to the committee amendment.

THE CHAIRMAN: That is correct.

Amendments to Remainder of Original Bill

§ 32.12 Where the Committee of the Whole adopts an amendment in the nature of a substitute for an entire bill, the remaining paragraphs of such bill are not subject to amendment.

On Apr. 29, 1949,[5] the following exchange took place:

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, if this amendment which is offered as a substitute for the Wood bill should carry, is it not true that since it strikes out all after the enacting clause of the Wood bill, that then there would be no further amendments in order to the Wood bill?

THE CHAIRMAN:[6] The gentleman is correct, if this amendment should be adopted.

Point of Order Against Amendment in Nature of Substitute Containing Appropriation Is in Order Following Adoption of Substitute Therefor

§ 32.13 Under Rule XXI clause 5, a point of order against an amendment containing an appropriation can be raised "at any time" during its pendency, even in its amended form, though the point of order is against the amendment as amended by a substitute and no point of order was directed against the substitute prior to its adoption.

On Apr. 23, 1975,[7] the Committee of the Whole having under consideration H.R. 6096,[8] a point of order was raised against an

3. 87 CONG. REC. 9201, 77th Cong. 1st Sess. Under consideration was H.R. 5990, the price control bill.
4. Jere Cooper (Tenn.).
5. 95 CONG. REC. 5335, 5336, 5355, 81st Cong. 1st Sess. Under consideration was H.R. 2032, the National Labor Relations Act of 1949.
6. Jere Cooper (Tenn.).
7. 121 CONG. REC. 11512, 11513, 94th Cong. 1st Sess.
8. Vietnam Humanitarian and Evacuation Assistance Act.

amendment and the following proceedings occurred:

THE CHAIRMAN:[9] . . . (T)he question is on the substitute offered by the gentleman from Texas (Mr. Eckhardt) to the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. Edgar).

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

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

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Mr. Chairman, I make the point of order that my substitute is not in order at this time because of the Eckhardt substitute, and I reserve a point of order according to rule XXI (clause 5)[10] of our rules.

THE CHAIRMAN: The gentleman from Pennsylvania will have to state his point of order at this time. The point of order, as the Chair understands, was against the Edgar amendment in the nature of a substitute, as amended by the Eckhardt substitute?

MR. EDGAR: That is correct. . . .

THE CHAIRMAN: . . . The Chair will read clause 5 of rule XXI of the 94th Congress. The Chair will state that the Chair does not believe it is that which was cited by the gentleman from Pennsylvania (Mr. Edgar):

> No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. . . .

Is the gentleman now referring to the same language which the Chair has just read?

MR. EDGAR: We are referring to the same language which the Chair has read. . . .

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I only want to make it clear that I am raising the point of order that this point of order is made too late. I wish to reiterate the statement that I made before. The point of order is too late and, therefore, it is itself not in order.

THE CHAIRMAN: The Chair is ready to rule.

The Chair did not read the entirety of that section. The section ends

> A question of order on an appropriation in any such bill, joint resolution, or amendment thereto, may be raised at any time.

Accordingly, the rule under which this legislation was considered waived points of order against the original bill. It did not waive points of order against the amendment. The rule does provide that the point of order may be raised at any time (Deschler chapter 25, section 3.2).

The point of order is sustained. The Edgar amendment, as amended, is now ruled out of order.

The Clerk will read.

Amendment in Nature of Substitute Affecting Amendments Previously Adopted

§ 32.14 It is in order to propose an amendment in the nature

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

10. See *House Rules and Manual* § 846a (101st Cong.).

of a substitute for a bill and thereby omit amendments to the bill previously agreed to by the Committee of the Whole.

On Aug. 25, 1949,[11] the following proceedings took place:

The Clerk read as follows:

Committee amendment offered by Mr. [Brent] Spence [of Kentucky] as [an amendment in the nature of] a substitute for the bill: Strike out all after the enacting clause and insert the following: "The act may be cited as the 'housing amendments of 1949,'. . ."

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, I make a point of order against the amendment. The amendment offered by the committee for all purposes and effects reconsiders everything that was passed by the Committee of the Whole on yesterday. . . .

THE CHAIRMAN:[12] The Chair will state that it can be offered at any time because the entire bill is open to amendment.

As to the point of order raised by the gentleman from New York [Mr. Marcantonio], the Chair will state that he has studied the substitute offered by the gentleman from Kentucky, and there are substantive changes in it relative to changes of dates and other clerical matters.

The Chair would like to call attention to volume VIII of Cannon's Precedents, section 2905, which reads as follows:

A substitute for an entire bill may be offered only after the first paragraph has been read or after the reading of the bill for amendment has been concluded.

It is in order to propose a substitute for a section of the amendment with the same section with modification, and omitting amendments to the section previously agreed to by the Committee of the Whole.

On the basis of this decision, the Chair is constrained to overrule the point of order.

§ 32.15 Where the Committee of the Whole had adopted several committee amendments to a Senate bill, a substitute for the entire bill similar to the Senate bill but containing corrective changes was held in order.

On Apr. 21, 1948,[13] a Senate bill relating to the status of women in the armed forces was under consideration. The House Committee on Armed Services had reported the bill with a large number of committee amendments, changing the bill from one providing both regular and reserve status for women in the service to one which provided only reserve status. The committee

11. 95 CONG. REC. 12258, 12259, 12262, 12263, 81st Cong. 1st Sess. Under consideration was H.R. 6070, to amend the National Housing Act.

12. Mike Mansfield (Mont.).

13. 94 CONG. REC. 4711, 80th Cong. 2d Sess. Under consideration was S. 1641, the Women's Armed Services Reserve Bill of 1948.

amendments were agreed to. Mrs. Margaret Chase Smith, of Maine, then offered an amendment in the nature of a substitute for the entire bill, in effect proposing that the House adopt the Senate version. Certain corrective changes were included to make the bill conform with legislation enacted since the Senate acted on the original bill.

Mr. Overton Brooks, of Louisiana, made a point of order against the Smith amendment, stating that, since the Committee of the Whole had adopted the committee amendments, it had already, in effect, rejected the Smith proposal to adopt the Senate version. The Chairman[14] overruled the point of order, noting that the Smith amendment was different from either the Senate or House version of the bill.

Perfecting Sections That Are Proposed To Be Stricken Under Terms of Substitute

§ 32.16 While it is not in order to further amend an amendment in the nature of a substitute for several paragraphs which has been agreed to, a perfecting amendment to a paragraph of the bill proposed to be stricken out (in conformity with the purpose of the adopted substitute) may be offered while the motion to strike out is pending, and the perfecting amendment is first voted upon.

On June 15, 1972,[15] the following proceedings took place:

> MR. [WILLIAM D.] HATHAWAY [of Maine]: Mr. Chairman, I have an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill dealing with the Office of Education, and I hereby give notice that if the amendment is agreed to I will make motions to strike out the remaining paragraphs beginning with line 14 on page 19. . . .[16]
>
> So the amendment was agreed to. . . .[17]
>
> MR. HATHAWAY: Mr. Chairman, I move to strike the paragraph beginning on line 16, page 20. . . .[18]
>
> THE CHAIRMAN:[19] Without objection, the motion is agreed to.
>
> MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, reserving the right to object, I would like to make a parliamentary inquiry. . . .
>
> . . . I have an amendment at the desk which would, on page 21, line 1, strike out the words after "1974" down

14. Gordon Canfield (N.J.).

15. See, generally, 118 Cong. Rec. 21106, 21118–22, 92d Cong. 2d Sess. Under consideration was H.R. 15417.

16. *Id.* at p. 21106.

17. *Id.* at p. 21118.

18. *Id.* at p. 21119.

19. Chet Holifield (Calif.).

through the word "Act" on line 3. Is it possible to offer that amendment now that the Hathaway amendment has been adopted?

THE CHAIRMAN: It is possible.

AMENDMENT OFFERED BY MR. QUIE

MR. QUIE: Mr. Chairman, I offer that amendment.

The Clerk read as follows:

> Amendment offered by Mr. Quie:
> On page 21, line 1, strike out all that follows after "1974" through the word "Act" on line 3. . . .

THE CHAIRMAN: The Chair will state that the first amendment offered by Mr. Hathaway on page 19, was to the paragraph beginning on line 7 and that amendment was a substitute amendment, and was agreed to.

Now we still have to read each one of the paragraphs of the bill duplicated or modified by the Hathaway amendment, and a perfecting amendment to those paragraphs is in order even though a motion to strike out is first offered.[20]

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, my point of order is if a motion to strike has been made, is it not then out of order to try to amend the paragraph that the motion to strike applies to?

THE CHAIRMAN: The Chair would have to rule that a perfecting amendment is in order although a motion to strike is pending.

The Chair took the view that the Quie amendment was a perfecting amendment:[21]

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

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. QUIE: Mr. Chairman, it is my understanding that my amendment does nothing to the Hathaway amendment with the exception that it strikes out the language on line 1, page 21, after 1974 down through the word "act."

THE CHAIRMAN: The gentleman is partly right and partly wrong.

The motion to strike now pending applies to line 16 on page 20 to line 8 on page 21. The original Hathaway amendment has been disposed of. This is a subsequent amendment, which is a motion to strike. The gentleman from Minnesota can perfect the paragraph by striking out the lines which have been read in his amendment. He is entitled to a vote on it as a perfecting amendment, and the Chair is ready to put the question on the perfecting amendment. . . .

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

The amendment was rejected.

THE CHAIRMAN: The question is on the motion to strike the language on page 20, line 16.[1]

Adoption of Substitute: Vote Recurs on Adoption of Amendment as Amended

§ 32.17 The adoption of a substitute amendment is not conclusive and a vote on the adoption of the amendment

20. 118 CONG. REC. 21119, 21120, 92d Cong. 2d Sess.
21. *Id.* at p. 21120.
1. *Id.* at p. 21122.

as amended by the substitute is necessary.

On Mar. 28, 1940,[2] the following took place:

MR. [JAMES M.] FITZPATRICK [of New York]: If the substitute is adopted, then will we vote on the Collins amendment?

THE CHAIRMAN:[3] After that the committee will vote on the Collins amendment as amended by the substitute.

§ 32.18 If a substitute amendment is adopted, the question recurs on the amendment as amended by the substitute; but if the substitute is rejected, the amendment is open to further amendment.

On Dec. 3, 1941,[4] the following proceedings took place:

MR. [JOHN J.] COCHRAN [of Missouri]: I desire to know if the first vote is on the Smith substitute as amended, to the Ramspeck amendment to the Vinson bill?

THE CHAIRMAN:[5] The gentleman is correct.

MR. COCHRAN: Now I want to know if the Smith substitute is adopted, if the vote then comes on the Ramspeck amendment as amended by the Smith substitute?

THE CHAIRMAN: The gentleman is correct again. . . .

MR. COCHRAN: I would like to make one further parliamentary inquiry. If the Smith substitute is voted down, we then remain in Committee of the Whole and consider the Ramspeck bill, open to amendment under the 5-minute rule?

THE CHAIRMAN: The gentleman from Missouri is correct throughout.

§ 32.19 Where there is pending an amendment and a substitute therefor, amendments to the substitute may be offered prior to the vote on the substitute, but the vote recurs immediately upon the amendment as amended, upon adoption of the substitute.

On July 22, 1974[6] during consideration in the Committee of the Whole of a bill, the Chair responded to a parliamentary inquiry, as indicated below:

MR. [KEN] HECHLER of West Virginia: A parliamentary inquiry, Mr. Chairman.

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2. 86 CONG. REC. 3611, 76th Cong. 3d Sess. Under consideration was H.R. 9007, labor-security appropriation bill.

3. Frank H. Buck (Calif.).

4. 87 CONG. REC. 9395, 77th Cong. 1st Sess. Under consideration was H.R. 4139, to further expedite national defense programs with respect to naval construction, etc., by providing for the investigation and mediation of labor disputes in connection therewith.

5. William P. Cole, Jr. (Md.).

6. 120 CONG. REC. 24453, 93d Cong. 2d Sess. Under consideration was H.R. 11500, Surface Mining Control and Reclamation Act of 1974.

THE CHAIRMAN:[7] The gentleman will state it.

MR. HECHLER of West Virginia: If the substitute is adopted, offered by the gentlewoman from Hawaii, would it be out of order to have amendments to that section? I would like to make that parliamentary inquiry prior to the ruling of the Chair.

THE CHAIRMAN: Once the substitute is adopted, then a vote would be on the Hosmer amendment as amended by the substitute. Prior to the vote on the substitute, however, there could be amendments to the substitute.

§ 32.20 Where a substitute for an amendment in the nature of a substitute has been agreed to, the question recurs immediately upon the amendment as amended by the substitute, and further perfecting amendments to the amendment are not then in order.

On Feb. 5, 1976,[8] the Committee of the Whole having under consideration H.R. 9464,[9] the Chair responded to a parliamentary inquiry as described above. The proceedings were as follows:

THE CHAIRMAN:[10] The question is on the amendment, as amended, offered as a substitute by the gentleman from Iowa (Mr. Smith) for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger). . . .

So the substitute amendment, as amended, for the amendment in the nature of a substitute to the committee amendment in the nature of a substitute, was agreed to. . . .

THE CHAIRMAN: The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger) as amended to the committee amendment in the nature of a substitute.

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

. . . [I]t is my understanding that at this stage, since the Smith substitute amendment has been agreed to narrowly, that there are no further amendments to the Krueger amendment in the nature of a substitute since it was a complete substitute, is that correct?

THE CHAIRMAN: That is correct.

§ 32.21 Following the adoption of a substitute for an amendment, the vote recurs immediately on the amendment as amended, and no further amendments to the amendment are in order.

An example of the proposition described above occurred on Feb. 25, 1980,[11] during consideration of H.R. 6081, Special Central American Assistance Act of 1979.

7. Neal Smith (Iowa).
8. 122 CONG. REC. 2648, 2649, 94th Cong. 2d Sess.
9. Natural Gas Emergency Act of 1976.
10. Richard Bolling (Mo.).
11. 126 CONG. REC. 3628, 96th Cong. 2d Sess.

The proceedings in the Committee of the Whole were as follows:

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

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

THE CHAIRMAN:[12] The substitute has been adopted and is no longer amendable. . . .

MR. BAUMAN: The gentleman was under the impression that a perfecting amendment could still be offered.

THE CHAIRMAN: . . . Is the gentleman's amendment a perfecting amendment to the original amendment?

MR. BAUMAN: Yes, it is, Mr. Chairman.

THE CHAIRMAN: The substitute has been agreed to and, consequently, perfecting amendments to the original amendment are not now in order.

The question is on the amendment offered by the gentleman from California (Mr. Lagomarsino), as amended.

—*No Intervening Debate*

§ 32.22 Under the five-minute rule, no debate may intervene after a substitute for an amendment has been adopted and before the vote on the amendment, as amended, except by unanimous consent, since the amendment has been amended in its entirety and no further amendments including pro forma amendments are in order.

On Oct. 18, 1983,[13] during consideration of H.R. 3231[14] in the Committee of the Whole, the proceedings described above occurred as follows:

THE CHAIRMAN PRO TEMPORE:[15] The question is on the amendment offered by the gentleman from Washington (Mr. Bonker), as amended, as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. Roth), as amended. . . .

MR. [TOBY] ROTH [of Wisconsin]: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 173, answered "present" 1, not voting 19, as follows: . . .

So the amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

MR. [EDWIN V.W.] ZSCHAU [of California]: Mr. Chairman, I move to strike the last word.

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

There was no objection.

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12. Thomas S. Foley (Wash.).

13. 129 CONG. REC. 28185, 98th Cong. 1st Sess.

14. Export Administration Act Amendments of 1983.

15. George E. Brown, Jr. (California).

Adoption of Amendment as Amended by Substitute Precludes Further Amendment Thereto

§ 32.23 When an amendment in the nature of a substitute for the entire bill, offered immediately after the reading of title I, was pending, the Chair advised that (1) if the amendment were rejected title I would still be pending, and (2) if the amendment were agreed to it would not be subject to further amendment.

On Sept. 29, 1965,[16] the following proceedings took place:

> THE CHAIRMAN:[17] The question is on the amendment offered by the gentleman from New York (Mr. Multer). . . .
>
> MR. [ABRAHAM J.] MULTER: Mr. Chairman, is it not a fact that the parliamentary situation is that if the Multer amendment, as amended by the Sisk amendment, is rejected, we will then have before us the bill, H.R. 4644, as reported by the discharge petition?
>
> THE CHAIRMAN: The Chair will advise the gentleman from New York in the event what he has described happens, then title I of the bill H.R. 4644, will be before the Committee for further action. . . .
>
> MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, in the event that the matter now before the Committee carries and the Multer amendment, as amended by the Sisk substitute, is adopted, would it be in order to offer amendments to that substitute?
>
> THE CHAIRMAN: It would not be in order.

Substitute Agreed To as Amended, Then Rejected in Vote on Original Amendment

§ 32.24 Where a proposed substitute for an amendment is itself amended and then agreed to as amended, the rejection of the original amendment as amended by the substitute does not preclude reoffering, as an amendment to text, the same proposition as initially contained in the substitute.

In the 86th Congress, during the consideration of H.R. 8601, a bill to enforce voting rights, Mr. William M. McCulloch, of Ohio, offered the provisions of H.R. 11160 as a substitute for the amendment of Mr. John V. Lindsay, of New York, which contained the provisions of H.R. 10035, made in order under a special rule (H. Res. 359). Mr. McCulloch's substitute, which provided for the court appointment of voting referees, was amended by the amendment of Mr. Robert W. Kastenmeier, of

16. 111 CONG. REC. 25437, 25438, 89th Cong. 1st Sess. Under consideration was H.R. 4644.

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

Wisconsin, to provide for Presidential appointment of enrollment officers. The substitute, as amended, was then agreed to; the amendment, as amended by the substitute, was rejected. Mr. McCulloch then offered, as a new title to the bill, the language of H.R. 11160.

The proceedings were as follows:[18]

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

The Clerk read as follows:

Amendment offered by Mr. Lindsay: On page 12, immediately following line 7, insert the following:

"TITLE VI

"Sec. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(a) Add the following as subsection (e) and designate the present subsection (e) subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) of this section, in the event the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of this section, and that such deprivation was or is pursuant to a pattern or practice, the court may appoint one or more persons (to be known as voting referees) to receive applications from any person claiming such deprivation as the right to register or otherwise to qualify to vote at any election and to take evidence and report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, and (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or (b) found by State election officials not qualified to register to vote or to vote at any election.

"Any report of any person or persons appointed pursuant to this subsection shall be reviewed by the court and the court shall accept the findings contained in such report unless clearly erroneous. . . .

MR. LINDSAY: This is H.R. 10035 verbatim, as originally introduced, the voting referee bill.

Mr. Chairman, may I say that the parliamentary situation is such under the rule that the only voting referee measure at this point that may be offered is the text of H.R. 10035. This is the bill which provides for voting referees under the auspices and supervision of the Federal courts. . . .

If the court should find a pattern or practice of voting denials, referees may then be appointed by the court in order to receive applications from persons of like color who claim that they also have been denied the right to vote. The point to bear in mind about this amendment, and also about the substitute amendment that will be offered by the gentleman from Ohio [Mr. McCulloch], for the purpose of clarifying the amendment that I now offer, is this: that in any area where there has been found by the court to exist a pattern or practice of denials of the right to vote on constitutional grounds, the matter from then on is resolved by the court. A referee may be appointed by the Federal judge in order to perform the normal functions that he

18. 106 CONG. REC. 5482, 5483, 86th Cong. 2d Sess., Mar. 14, 1960.

would perform but obviously cannot perform because of the burdens that would be placed upon him. It is designed to keep the matter in local hands, a local Federal judge, and local Federal referees appointed by the Court. . . .

I shall say a word about the differences between this amendment and the proposed substitute. They are of procedure only. The substitute will ensure, by specific language, that any local, State registrar who takes exception to the action of a voting referee will have an opportunity to have a full judicial hearing by the court if he presents a genuine issue of fact. He is given plenty of notice. The Deputy Attorney General testified that even under the original bill, which I have introduced by way of amendment, due process would require an opportunity for a hearing. The substitute will spell this out in specific language. . . .

THE CHAIRMAN:[19] The Clerk will report the substitute amendment offered by the gentleman from Ohio [Mr. McCulloch].

The Clerk read as follows:

Amendment offered by Mr. McCulloch as a substitute for the amendment offered by Mr. Lindsay: On page 12, immediately below line 7, in lieu of the text proposed to be added by the Lindsay amendment insert the following:

"TITLE VI

"Voting rights

"Sec. 601. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"In any proceeding instituted pursuant to subsection (c), in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General, and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote. . . .

"'The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.". . .

On the following day,[20] an amendment was offered to the substitute:

19. Francis E. Walter (Pa.).

20. 106 CONG. REC. 5644, 5645, 5655–58, 86th Cong. 2d Sess., Mar. 15, 1960.

MR. [ROBERT W.] KASTENMEIER [of Wisconsin]: Mr. Chairman, I offer an amendment to the substitute.

The Clerk read as follows:

> Amendment offered by Mr. Kastenmeier: On page 1, line 8 of the McCulloch substitute, before the word "In", insert "(e)(1)(A)" and on page 1 of the McCulloch substitute strike out "that any person has been deprived" on line 9 and all that follows down through the last page of such substitute, and insert in lieu thereof the following: "that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, of the opportunity of registration, for elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.
>
> "(B) Whenever the Commission on Civil Rights . . . finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration of the opportunity of registration, for election because of their race or color, the Commission shall notify the President of the United States of such finding.
>
> "(2) Upon any notification of a finding pursuant to paragraph (1) of this subsection, the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Wisconsin [Mr. Kastenmeier]. . . .

So the amendment to the substitute amendment was agreed to.

THE CHAIRMAN: The question is on the substitute amendment offered by the gentleman from Ohio [Mr. McCulloch], as amended. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, if I understand the situation correctly, and I wish the Chair would explain what the situation is, the Committee is now voting on the substitute amendment offered by the gentleman from Ohio [Mr. McCulloch] to the bill H.R. 10035.

THE CHAIRMAN: Under the rule, as the gentleman well knows, it was made in order to consider the text of the bill H.R. 10035, as an amendment to the bill H.R. 8601. The amendment was offered by the gentleman from New York [Mr. Lindsay] and a substitute for that amendment was offered by the gentleman from Ohio [Mr. McCulloch]. The substitute amendment has been amended and the Committee is about to vote upon the substitute amendment, as amended.

MR. BROWN OF OHIO: In other words, we are voting on the substitute amendment, and if that should be defeated, then the so-called Lindsay amendment will still be in order.

THE CHAIRMAN: If the substitute amendment is defeated, then the amendment offered by the gentleman from New York [Mr. Lindsay] is still before the Committee for further consideration.

MR. BROWN OF OHIO: I thank the Chairman.

THE CHAIRMAN: The question is on the substitute amendment offered by the gentleman from Ohio [Mr. McCulloch], as amended.

The Committee divided, and the tellers reported that there were—ayes 179, noes 116.

So the substitute amendment was agreed to.

THE CHAIRMAN: The question recurs on the Lindsay amendment as amended by the McCulloch substitute.

The question was taken; and on a division (demanded by Mr. Celler) there were—ayes 195, noes 155.

MR. MCCULLOCH: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Celler and Mr. McCulloch.

The Committee again divided and the tellers reported that there were—ayes 143, noes 170.

So the amendment was rejected.

MR. [WILLIAM M.] MCCULLOCH [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCulloch: On page 12, immediately below line 7, insert the following:

"TITLE VI

Sec. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote. . . .

"The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. . . .

MR. [HOWARD W.] SMITH of Virginia: Mr. Chairman, I make a point of order against this amendment for several reasons. One is that the rule under which we are operating gives protection only to H.R. 10035 and to no other substitute proposal. In other words, the original bill, the Lindsay amendment, which has already been defeated, was a bill that the rule makes in order. We have already voted upon this bill within the last 30 minutes. The only difference between this bill and the bill we just voted down is two or three very minor corrections; very minor; so minor that many of us are greatly disappointed.

Mr. Chairman, the matter has been passed upon. The House has voted upon it within the last 30 minutes. I

make the point of order that it cannot be reintroduced. . . .

MR. [EDWIN E.] WILLIS [of Louisiana]: I want to understand very clearly the bill or the proposal that the gentleman has offered. This is a very simple question. Am I correct that the proposal now on the desk is identical to the bill H.R. 11160 except for the deletion of the language appearing on page 5, lines 9 through 13?

MR. MCCULLOCH: The answer is "Yes.". . .

MR. SMITH of Virginia: . . . I make the . . . point of order that this amendment has been once defeated. . . .

THE CHAIRMAN: May the Chair call the gentleman's attention to the fact that this has never been voted on. The language contained in this amendment was a substitute for another amendment.

MR. SMITH of Virginia: It was a substitute for that and it was offered yesterday afternoon by the gentleman from Ohio [Mr. McCulloch] and printed in the Record.

THE CHAIRMAN: But, I should like to remind the gentleman, as a substitute for the bill made in order under the rule.

After some further discussion of this and other points of order, the Chairman allowed the amendment.

Parliamentarian's Note: Whether a proposition contained in a substitute may be reoffered in a different form after it has failed of approval depends on the circumstances. Clearly, where the actual proposition was never voted on because of changes made through the amendment process (as where a substitute for an amendment is itself amended, then rejected in a vote on the amendment), the proposition may be offered again as, for example, an amendment to text. But even actual rejection of the proposition contained in the substitute should not necessarily preclude its being offered as an amendment to text. For example, where an amendment is offered, and then a substitute for that amendment, the consideration of that substitute necessarily proceeds with reference only to the particular amendment to which offered. This may present a different question from that which would arise if the language of the substitute were considered with reference to the text of the bill. For further discussion of when a proposition that has been rejected may be reoffered in different form, see 8 Cannon's Precedents § 2843.

On the other hand, it may happen that reoffering the language of the substitute presents precisely the same question that has already been voted on. Thus, if a substitute for an amendment is agreed to (in effect becoming an amendment to text by supplanting the original amendment), and

then the amendment as amended by the substitute is rejected, the proposition contained in the substitute may not be reoffered to that text. In this case, the question presented by reoffering the language as an amendment to text would be exactly the same as that already disposed of.

Reoffering Amendment That Had Been Adopted as Amended by Substitute

§ 32.25 While it is not in order to offer an amendment merely changing the text of a proposition perfected by amendment or to offer an amendment identical to one which has been defeated, a Member may reoffer 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[21] 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[1] as a 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.[2]

Subsequently, Mr. Pike offered an amendment[3] 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

21. 123 CONG. REC. 12483, 95th Cong. 1st Sess.

1. *Id.* at p. 12485.
2. *Id.* at pp. 12503, 12504.
3. *Id.* at p. 12521.

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 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.

§ 33. Amendments Pertaining to Monetary Figures

Amendment Changing Figure Previously Agreed Upon

§ 33.1 When a specific amendment to a figure in a bill has been agreed to, further amendment of that sum is not in order.

On July 25, 1967,[4] the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. (Robert N.) Giaimo (of Connecticut):

On page 4, lines 16 and 17, after "commitment of the Government to construction);" strike out "$936,750,000" and insert in lieu thereof "$935,074,000.". . .

So the amendment was agreed to. . . .

The Clerk read as follows:

Amendment offered by Mr. [J. William] Stanton [of Ohio]: On page 4, lines 16 and 17, strike out "$936,750,000" and insert in lieu thereof "$936,000,000". . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Chairman, it is my understanding that the amount has already been amended, and having been amended, a second amendment for the same purpose would not lie at this time. . . .

THE CHAIRMAN:[5] The Chair rules that the amendment offered by the

4. 113 CONG. REC. 19985, 19991, 19992, 90th Cong. 1st Sess. Under consideration was H.R. 11641.
5. Wayne N. Aspinall (Colo.).