The Clerk read as follows:

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

TITLE V. . . .

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

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

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

The Chairman would like to state to the gentleman that the Chair should have inquired of the gentleman from Maryland (Mr. Bauman) as to the nature of his amendment before extending recognition.

[Mr. Bauman withdrew his amendment by unanimous consent.]

§ 5. Permissible Pending Amendments

One Perfecting Amendment

§ 5.1 Only one perfecting amendment to the original text may be pending at a time.

The above principle is well established. Thus, on June 29, 1959,[19] during proceedings relating to a supplemental appropriation act,[20] the Chairman,[1] indicated in response to a parliamentary inquiry by Mr. Joel T. Broyhill, of Virginia, that Mr. Broyhill would be able to offer an amendment "After the disposition of the pending amendment."

On July 17, 1962,[2] the following exchange took place:

MR. [JAMES E.] VAN ZANDT [of Pennsylvania]: Reserving the right to object, Mr. Chairman, it is my understanding now that the committee will offer two amendments to the bill. If that be the case, would it then be in order for me to offer a substitute amendment?

THE CHAIRMAN:[3] In the event that a member of the committee offers an amendment, a substitute would be in order.

MR. VAN ZANDT: Would that apply if the committee offers two amendments?

THE CHAIRMAN: The members of the committee can offer only one amendment at a time. Of course, a substitute would be in order in either case or to either amendment, or an amendment to the amendment would be in order.

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19. 105 CONG. REC. 12122–24, 86th Cong. 1st Sess.

For a discussion of permissible pending amendments and their disposition, see Rule XIX, *House Rules and Manual* Sec. 822 (101st Cong.).

20. H.R. 7978 (Committee on Appropriations).

1. Paul J. Kilday (Tex.).

2. 108 CONG. REC. 13795, 87th Cong. 2d Sess.

3. B. F. Sisk (Calif.).

§ 5.2 Where there is pending an amendment in the nature of a substitute and a perfecting amendment thereto, an amendment to or a substitute for the perfecting amendment is in the third degree and is not in order.

On Sept. 11, 1974,[4] during consideration in the Committee of the Whole of a bill,[5] the Chair responded to a parliamentary inquiry regarding an amendment as described above. The proceedings were as follows:

MR. [PHILIP E.] RUPPE [of Michigan]: Mr. Chairman, I have an amendment at the desk to the Kastenmeier amendment.

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, I make a point of order. . . .

The Kastenmeier amendment is already in order as an amendment in the second degree, and this amendment would not be in order, would it? We have an amendment before us to a substitute.

The Chairman Pro Tempore:[6] The Chair will advise the gentleman from Michigan that the amendment is not in order.

MR. RUPPE: Mr. Chairman, the point of order is not to the whole Udall substitute, which, under the rule, is to the bill that is being debated. Actually, it is not an amendment in terms as we would ordinarily think of it, but rather, to the vehicle by which we are allowing the legislation on the floor.

My understanding is that this would not be an amendment of the second order.

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman from Michigan that under the rule, the Udall amendment in the nature of a substitute is an amendment in the first degree. The amendment of the gentleman from Wisconsin (Mr. Kastenmeier) to the Udall amendment is an amendment in the second degree, and therefore an amendment to the amendment by the gentleman from Wisconsin would be in the third degree and is not in order. . . .

MR. RUPPE: Would it be possible, then, for me to offer this as a substitute?

THE CHAIRMAN PRO TEMPORE: In response to the gentleman's request, it would not be in order to offer the amendment as a substitute for the Kastenmeier amendment as it would still be an amendment in the third degree.

Amendments to Substitute

§ 5.3 A substitute for an amendment is subject to amendment.

On May 4, 1983,[7] the Committee of the Whole having under consideration House Joint Resolu-

4. 120 CONG. REC. 30650, 93d Cong. 2d Sess.
5. H.R. 13565, the nonnuclear energy source research and development program.
6. J. Edward Roush (Ind.).
7. 129 CONG. REC. 11074, 98th Cong. 1st Sess.

tion 13, the Chair responded to a parliamentary inquiry concerning the circumstances described above. The proceedings were as indicated below:

MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Dicks as a substitute for the amendment offered by Mr. Levitas: In view of the matter proposed to be inserted, insert the following: "with negotiators proceeding immediately to pursuing reductions.". . .

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a parliamentary inquiry. . . .

. . . Is the substitute open for amendment?

THE CHAIRMAN:[8] The answer to the (question) is the substitute is open for amendment.

§ 5.4 It is in order to offer a perfecting amendment to a substitute for a pending amendment.

On May 2, 1979,[9] the Committee of the Whole having under consideration House Concurrent Resolution 107,[10] the above-stated proposition was illustrated as indicated below:

MS. [ELIZABETH] HOLTZMAN [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

MS. [ELIZABETH] HOLTZMAN [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. Holtzman: In the matter relating to the appropriate level of total new budget authority decrease the amount by $8,113 million. . . .

In the matter relating to the appropriate level of total budget outlays decreased the amount by $2,705 million. . . .

MR. CHARLES H. WILSON of California: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Charles H. Wilson of California as a substitute for the amendment offered by Ms. Holtzman: In the matter relating to National Defense for fiscal year 1980, strike out the amount specified for new budget authority and insert in lieu thereof "$137,808,000,000".

In the matter relating to National Defense for fiscal year 1980, strike out the amount specified for outlays and insert in lieu thereof "$125,070,000,000". . . .

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

THE CHAIRMAN: [11] The Clerk will report the amendment to the amending offered as a substitute. . . .

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

9. 125 CONG. REC. 9556, 9562, 9563, 96th Cong. 1st Sess.

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

11. William H. Natcher (Ky.).

MR. JOHN L. BURTON: My amendment is an amendment to the amendment offered by the gentleman from California (Mr. Charles H. Wilson) as a substitute for the amendment.

THE CHAIRMAN: The gentleman from California (Mr. John L. Burton) is in order with an amendment to the substitute. . . .

Amendment offered by Mr. John L. Burton to the amendment offered by Mr. Charles H. Wilson of California as a substitute for the amendment offered by Ms. Holtzman: Strike all after line 1 and insert:

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—

(1) The recommended level of Federal revenues is $510,800,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is zero.

Disposition of Amendments Seriatim

§ 5.5 As soon as an amendment to an amendment is adopted or rejected another is in order seriatim until the amendment is perfected; and only after disposition of the amendment will further amendment of the bill be allowed.

On Feb. 4, 1946,[12] the following proceedings took place:

THE CHAIRMAN:[13] . . . The amendment now pending is the Landis amendment, and the gentlemen are being recognized for pro forma amendments. . . .

MR. [JOSEPH P.] O'HARA [of Minnesota]: Mr. Chairman, I have an amendment which is not an amendment to the Landis amendment but to the Case bill. When will it be in order to offer my amendment?

THE CHAIRMAN: When the Landis amendment is disposed of the Case bill will be open to further amendment.

§ 5.6 Where there is pending an amendment and a substitute therefor, amendments consisting of the same text may be offered one at a time to the original amendment and to the substitute.

On July 23, 1974,(14) the Committee of the Whole having under consideration the bill, H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, a parliamentary inquiry was addressed to the Chair and the proceedings were as follows:

MR. [KEN] HECHLER of West Virginia: If I were to offer an amendment to the Hosmer substitute it would then go down if the Hosmer substitute were defeated? As I understand the par-

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12. 92 CONG. REC. 848, 79th Cong. 2d Sess. Under consideration was H.R. 4908, a bill relating to investigation of labor disputes.

13. Emmet O'Neal (Ky.).

14. 120 CONG. REC. 24600, 93d Cong. 2d Sess.

liamentary situation, it would not be in order for me to offer amendments at this point to the Mink amendment.

THE CHAIRMAN:[15] Amendments to both the Mink amendment and to the Hosmer substitute are in order. . . .

MR. [CRAIG] HOSMER [of California]: But could the same amendment be offered to the Hosmer substitute, as well as the Mink substitute?

THE CHAIRMAN: One could be offered and then the other.

MR. HOSMER: They could be offered simultaneously at the same time?

THE CHAIRMAN: They could be pending simultaneously.

§ 5.7 Only one amendment to a pending amendment may be pending at one time.

An example of the principle stated above occurred on Apr. 9, 1979,[16] during consideration of H.R. 3324[17] in the Committee of the Whole.

MR. [STEPHEN J.] SOLARZ [of new York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Solarz to the amendment offered by Mr. Bauman: On page 2 of the amendment, strike out subsections (b) and (c). . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I ask unanimous consent that all debate on the Bauman amendment and the Solarz amendment to the Bauman amendment and all amendments thereto end at 3:30 o'cock. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, reserving to limiting time, I think we have discussed it enough; but this would not preclude the gentleman from Maryland from offering a substitute amendment for the Solarz amendment at this point, would it?

CHAIRMAN:[18] The Chair will state that the Solarz amendment is not subject to a substitute.

MR. BAUMAN: No substitute would be in order to the Solarz amendment?

THE CHARIMAN: That would be an amendment in the third degree. The Bauman amendment would be subject to a substitute. . . .

MR. [PAUL] FINDLEY [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Findley: In the last paragraph substitute "may" for the word "shall."

THE CHAIRMAN: The Chair would advise the gentleman from Illinois the amendment is not in order. There is already an amendment pending to the Bauman amendment.

§ 5.8 Only one amendment to a substitute may be pending at one time, and amendments which might be subsequently offered may not be debated while another amendment in pending.

15. Neal Smith (Iowa).
16. 125 CONG. REC. 7763, 96th Cong. 1st Sess.
17. The International Development Cooperation Act of 1979.
18. Elliott H. Levitas (Ga.).

An example of the situation described above occurred on May 15, 1979,[19] during consideration of H.R. 39[20] in the Committee of the Whole. The proceedings were as follows:

THE CHAIRMAN: [21] The question is on the amendments offered by the gentleman from Louisiana (Mr. Huckaby) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendments to the amendment in the nature of a substitute were agreed to.

MR. [PETER H.] KOSTMAYER [of Pennsylvania]: Mr. Chairman, I have two amendments.

THE CHAIRMAN: Are these amendments to the Merchant Marine Committee amendments?

MR. KOSTMAYER: To the Udall-Anderson.

THE CHAIRMAN: There is already an amendment pending to the Udall substitute. Another amendment to the Udall substitute is not in order at this point.

MR. KOSTMAYER: Well, Mr. Chairman, they can be spoken on now and voted on later; is that correct?

THE CHAIRMAN: They are not in order at this time.

Improperly Drafted Substitute Treated as Perfecting Amendment

§ 5.9 While there may be pending only one perfecting amendment to a section at a time and there are no degrees of preference as between perfecting amendments, where there was pending an amendment proposing to strike out a subsection and insert new language, the Chairman announced that an amendment improperly drafted as a substitute which merely perfected the subsection of the bill would be treated as a perfecting amendment to the bill and would be voted on first.

On Mar. 21, 1975,[1] during consideration in the Committee of the Whole of a bill,[2] 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 cen-

19. 125 CONG. REC. 11178, 96th Cong. 1st Sess.

20. Alaska National Interest Lands Conservation Act of 1979.

21. Paul Simon (Ill.).

1. 121 CONG. REC. 7950, 94th Cong. 1st Sess.

2. H.R. 4485, the Emergency Middle-Income Housing Act of 1975.

tum of the aggregate mortgage amounts approved in appropriation Acts may be allocated with respect to dwelling units with appraised values in excess of $38,00.". . .

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: [3] The Chair will treat this amendment as a perfecting amendment to the paragraph of the bill and it will be voted on first.

Pefecting Amendments Pending Motion To Strike

§ 5.10 There may be pending a motion to strike out a pending title of a bill, a perfecting amendment (adding a new section at the end of the title) and a substitute therefor. After the first perfecting amendment has been disposed of, another may be offered and the vote on the motion to strike out is deferred until the amendment is disposed of.

On Oct. 3, 1969,[4] a bill[5] as under consideration which stated in part:

TITLE V—COMMITTEES OF CONGRESS

Sec. 501. The Department of Defense shall keep the Committees on Armed Services of the Senate and of the House of Representatives fully and currently informed with respect to all of the Department's activities. . . .

Sec. 504. As used in this Act . . .

(c) "Restricted data" means data classified as "Restricted data," in accordance with the provisions of the Atomic Energy Act of 1954, as amended. . . .

A motion to strike out the entire title was offered:

Motion offered by Mr. [Samuel S.] Stratton [of New York]: On page 16, line 9, strike all of Title V. . . .

Mr. Andrew Jacobs, Jr., of Indiana, offered a perfecting amendment adding a new section to the title. The following proceedings then took place:

SUBSTITUTE AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS FOR THE AMENDMENT TO TITLE V OFFERED BY MR. JACOBS

MR. [JOHN B.] ANDERSON of Illinois: Mr. Chairman, I offer a perfecting amendment to title V. . . .

3. Robert N. Giaimo (Conn.).

4. 115 CONG. REC. 28454, 28455, 28459, 28460, 28463, 28464, 91st Cong. 1st Sess.

5. H.R. 14000 (Committee on Armed Services).

THE CHAIRMAN:[6] The question is on the substitute amendment offered by the gentleman from Illinois (Mr. Anderson) for the amendment offered by the gentleman from Indiana (Mr. Jacobs). . . .

So the substitute amendment was rejected. . . .

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

MR. [DONALD M.] FRASER [of Minnesota]: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Jacobs and Mr. [L. Mendel] Rivers [of South Carolina].

The Committee divided, and the tellers reported that there were—ayes 89, noes 109.

So the amendment was rejected.

MR. WILLIAM F.] RYAN [of New York]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ryan: On page 16, after the period on line 13, strike out the remainder of line 13 and lines 14 through 25. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from New York (Mr. Ryan).

The amendment was rejected.

THE CHAIRMAN: . . . The question is on the motion to strike offered by the gentleman from New York (Mr. Stratton).

The motion was agreed to.

§ 5.11 In response to a parliamentary inquiry, the Chairman stated that where there was pending a motion to strike a title of a bill, perfecting amendments to that title could be offered and would be voted on prior to voting on the motion to strike.

On June 13, 1975,[7] the Committee of the Whole having under consideration the bill H.R. 6860,[8] parliamentary inquiry was addressed to the Chair, as indicated below:

MR. [KEN] HECHLER of West Virginia: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[9] The gentleman will state it.

MR. HECHLER of West Virginia: Does this amendment strike all of title IV?

MR. [WILLIAM A.] STEIGER of Wisconsin: Yes.

MR. HECHLER of West Virginia: In that event, my parliamentary inquiry is, Mr. Chairman, I have a perfecting amendment to title IV. I would inquire of the Chair whether that perfecting amendment could be considered.

THE CHAIRMAN: The Chair desires to inform the gentleman from West Virginia that his perfecting amendment would be in order pending the vote on the amendment offered by the gentleman from Wisconsin.

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6. Daniel D. Rostenkowski (Ill.).

7. 121 CONG. REC. 18819, 94th Cong. 1st Sess.

8. Energy Conservation and Conversion Act of 1975.

9. William H. Natcher (Ky.).

§ 5.12 Where there has been offered a motion to strike out the entire pending portion of a bill, only one perfecting amendment to that portion of the bill may be offered at a time, even though it may propose to strike out a lesser portion of the pending text and its adoption might preclude other perfecting amendments to that stricken portion.

On June 11, 1975,[10] the Committee of the Whole having under consideration a bill,[11] an amendment was offered and the proceedings, described above, were as follows:

MR. [BILL] ALEXANDER [of Arkansas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Alexander: Strike out title II (relating to energy conservation taxes), beginning on line 1 of page 29, and ending on line 24 of page 57. . . .

MR. [AL] ULLMAN [of Oregon]: Mr. Chairman, the amendment to strike will not be voted on until there is opportunity to vote on all of the perfecting amendments to title II?

THE CHAIRMAN:[12] The gentleman is correct.

MR. [FORTNEY H.] STARK [of California]: Mr. Chairman, I offer several amendments, and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. Stark:

Page 30, strike out line 1 and all that follows down through line 5 on page 31.

Page 32, strike out line 20 and all that follows down through line 25. . . .

MR. ULLMAN: Mr. Chairman, the gentleman from California has offered an amendment which would strike part B. The gentleman from Arkansas has offered an amendment which would strike the whole title.

I would assume, after part B is perfected, as the gentleman's amendment to strike part B asks, it would come before the amendment to strike the whole title. Am I correct?

THE CHAIRMAN: The Chair would like to advise the chairman of the committee that the amendment offered by the gentleman from California (Mr. Stark) is a perfecting amendment and will be voted on first. . . .

MR. STARK: Mr. Chairman, I ask unanimous consent at this point to withdraw my amendment and offer it later, after the gentleman from Ohio offers his amendment.

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

MR. [HERMAN T.] SCHNEEBELI [of Pennsylvania]: Mr. Chairman, reserving the right to object, I will ask what the parliamentary procedure is. In the event the gentleman withdraws his amendment, where do we stand?

THE CHAIRMAN: The Chair would like to advise the gentleman from Pennsylvania (Mr. Schneebeli) that if

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10. 121 CONG. REC. 18435, 18437, 18438, 94th Cong. 1st Sess.

11. H.R. 6860, Energy Conservation and Conversion Act of 1975.

12. William H. Natcher (Ky.).

the unanimous-consent request is approved, we are back then to the Alexander amendment, which would be the amendment before the Committee, to strike the whole title, and other perfecting amendments to the title, as the gentleman from Pennsylvania knows, would be in order one at a time.

MR. SCHNEEBELI: Mr. Chairman, if it is withdrawn and we get back to the Alexander amendment, does that mean other amendments of a lesser tax cut would be considered first?

THE CHAIRMAN: That is correct.

MR. SCHNEEBELI: Mr. Chairman, I object because I want to vote on the Stark amendment before I vote on any other alternative amendments.

THE CHAIRMAN: Objection is heard.

MR. ULLMAN: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment. . . .

There ought to be a way to perfect a section of a title before a motion to strike is made. Now we are in a situation where there is a probability that because there was a motion to strike the whole title, the motion to strike subsection (b) is considered a perfecting motion, and, therefore, subsection (b) will not be perfected before the vote to strike comes.

Now, Mr. Chairman, of course I rise in strong opposition to the Stark motion to strike the title. I had hoped there could be some perfecting amendments so that subsection (b) can better represent the will of the House before the motion to strike comes before the body. And I am still hopeful that that kind of a ruling can be forthcoming. And simply because there is an amendment to strike one part of the bill before you have a chance to perfect it is, it seems to me, not sound parliamentary procedure. . . .

MR. SCHNEEBELI: Mr. Chairman, my question to the Chair is: In the event we go beyond the Stark amendment and go to the amendment that I understand will be forthcoming from the gentleman from Ohio (Mr. Vanik) his cut of the 20-cent tax is less than that of the gentleman from California (Mr. Stark). In the event we recede and agree to go to a consideration of the Vanik amendment, and it is adopted, does this then preclude us from acting on the Stark amendment?

THE CHAIRMAN: The Chair would like to advise the gentleman from Pennsylvania that it would not, if the amendment is presently withdrawn.

Parliamentarian's Note: When title II of the bill was read, an amendment was offered to strike out the entire title (no one sought recognition at that point with a perfecting amendment). Perfecting amendments to the text of the bill proposed to be stricken were in order although the motion to strike itself was not amendable. The first such perfecting amendment offered was to strike out a portion of the title. The Committee on Ways and Means sought to consider amendments to modify that portion prior to the consideration of a motion to strike that portion, but since only one perfecting amendment could be pending at a time and there is no degree of preference as between per-

fecting amendments, unanimous consent was required to withdraw the perfecting amendment to strike; objection to that request precluded the offering of other perfecting amendments at that time.

Number of Amendments Permitted

§ 5.13 Where an amendment, an amendment thereto, and a substitute for the original amendment are pending, it is in order to offer an amendment to the substitute.

On Aug. 24, 1967,[13] a question arose as to the propriety of an amendment offered to a substitute amendment.

> MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Iowa [Mr. Gross]. . . .
>
> MR. [E. ROSS] ADAIR [of Indiana]: Mr. Chairman, I make the point of order that (the amendment) is not in order, as there are two amendments pending.
>
> THE CHAIRMAN:[14] The amendment is offered as an amendment to the substitute amendment offered by the gentleman from Iowa. The Selden amendment is an amendment to the Adair amendment.
>
> The amendment to the substitute amendment is in order.

§ 5.14 It is possible to have pending an amendment to the text, a substitute for the amendment to the text, and an amendment to the substitute.

On July 17, 1962,[15] during consideration of a bill[16] relating to atomic energy, a question arose with regard to the number of permissible pending amendments.

> MR. [JAMES E.] VAN ZANDT [of Pennsylvania]: Reserving the right to object, Mr. Chairman, it is my understanding now that the committee will offer two amendments to the bill. If that be the case, would it then be in order for me to offer a substitute amendment?
>
> THE CHAIRMAN:[17] In the event that a member of the committee offers an amendment, a substitute would be in order.
>
> MR. VAN ZANDT: Would that apply if the committee offers two amendments?
>
> THE CHAIRMAN: The members of the committee can offer only one amendment at a time. Of course, a substitute would be in order in either case or to either amendment, or an amendment to the amendment would be in order.

§ 5.15 Where both an amendment and a substitute have

13. 113 CONG. REC. 23936, 90th Cong. 1st Sess. Under consideration was H.R. 12048 (Committee on Foreign Affairs).
14. Charles M. Price (Ill.).
15. 108 CONG. REC. 13795, 87th Cong. 2d Sess.
16. H.R. 11974 (Joint Committee on Atomic Energy).
17. B. F. Sisk (Calif.).

been offered, each may have one amendment pending to it at one time.

On Aug. 12, 1959,[18] the Labor-Management Reporting and Disclosure Act of 1959 (H.R. 8342, Committee on Education and Labor) was under consideration. To that bill (referred to as the "committee" or "Elliott" bill), another bill (H.R. 8400, the "Landrum-Griffin" bill) was offered as an amendment; and to the Landrum-Griffin amendment, a third bill (H.R. 8490, the "Shelley" bill) was offered as a substitute. The parliamentary situation was summarized by Mr. Howard W. Smith, of Virginia:[19]

> Mr. Speaker, we have a very remarkable situation here today. We have a rule for the consideration of a labor bill. We have two proposed substitutes to the labor bill. And to be as brief as I can about the rule, it is, I will say, a wide-open rule under the rules of the House. The so-called committee bill will first be considered. When it is read for amendment, at the conclusion of the first section, the gentleman from Georgia will offer the so-called Landrum-Griffin bill as an amendment. It will then be in order to offer the so-called Shelley-Roosevelt bill as a substitute for the Landrum amendment. Then it will be in order to have one amendment each to the Shelley-Roosevelt substitute and the Landrum-Griffin amendment pending at the same time. The Landrum-Griffin amendment will be perfected by whatever amendment may be offered before any vote is taken on amendments to the Shelley-Roosevelt substitute. Then that amendment will be perfected. Then the Roosevelt substitute will be, I hope, voted down. Then the Landrum-Griffin bill will, I hope, be voted up. If that occurs, we will then be at the end of the road. That would then be reported back to the House and the House would vote on the Landrum-Griffin amendment. If that is defeated, in the Committee of the Whole, of course, the committee bill will be open to the much-needed amendments to make it a good labor-management bill.

Mr. Phillip M. Landrum, of Georgia, offered his amendment after the reading of the short title of the committee bill:[20]

> MR. LANDRUM: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Landrum: Strike out all after the enacting clause and insert in lieu thereof the following:
>
> "TABLE OF CONTENTS
>
> Sec. 1. Short title.
> Sec. 2. Declaration of findings, purposes, and policy.
> Sec. 3. Definitions.". . .

Mr. Carl D. Perkins, of Kentucky, offered H.R. 8490:[1]

18. 105 CONG. REC. 15660, 86th Cong. 1st Sess.

19. *Id.* at p. 15512.

20. *Id.* at p. 15702.

1. *Id.* at p. 15711.

MR. PERKINS: Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Amendment offered by Mr. Perkins of Kentucky as a substitute for the amendment offered by Mr. Landrum of Georgia;

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

"TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Declaration of findings, purposes, and policy.
Sec. 3. Definitions.". . .

A parliamentary inquiry was made, as follows:[2]

MR. [JAMES] ROOSEVELT [of California]: Mr. Chairman, there is some confusion in the minds of some as to the proper procedure from this point on. Now that the substitute amendment and the second substitute amendment have been offered, I would like to inquire, Mr. Chairman, as to whether there is any limit to the number of amendments which may be offered to each of the substitute amendments.

THE CHAIRMAN:[3] There is no limit on the number of amendments that may be offered, but only one amendment at a time may be considered to each of the pending amendments.

§ 5.16 There is no limit to the number of amendments that may be offered either to an amendment or to a substitute, but only one amendment may be pending to such amendment or substitute at one time.

By way of example, the statement of the above principle was made by the Chairman, Francis E. Walter, of Pennsylvania,[4] in response to a parliamentary inquiry by Mr. James Roosevelt, of California.[5]

§ 5.17 Only one perfecting amendment to an amendment may be pending at a time.

In the 88th Congress, a bill[6] was under consideration relating to crime and criminal procedure in the District of Columbia. While there was pending an amendment to change the age of consent in the definition of statutory rape in the criminal code, it was held that a second amendment to change the penalty for such crime did not qualify as a "substitute" for the first amendment and was therefore not in order until the first perfecting amendment had been acted upon. The proceedings were as follows:[7]

2. *Id.* at p. 15720.
3. Francis E. Walter (Pa.).
4.. 105 CONG. REC. 15720, 86th Cong. 1st Sess., Aug. 12, 1959. Under consideration was H.R. 8342 (Committee on Education and Labor).
5. See § 5.15, supra.
6. H.R. 7525 (Committee on the District of Columbia).
7. 109 CONG. REC. 14757, 88th Cong. 1st Sess., Aug. 12, 1963.

MR. [WILLIAM H.] HARSHA [of Ohio]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[8] Is it a substitute for the amendment pending?

MR. HARSHA: It is a substitute for the amendment pending. (The amendment was read.)

THE CHAIRMAN: The Chair would advise the gentleman this does not constitute a substitute for the other amendment. The Chair will dispose of the amendment offered by the gentleman from California (Mr. Bell).

§ 5.18 Where there is pending an amendment and a substitute therefor, it is in order to offer an amendment to the original amendment.

On July 14, 1970,[9] the following exchange took place:

MR. [MARION G.] SNYDER [of Kentucky]: Mr. Chairman, is an amendment to the Fascell amendment in order while the substitute amendment is still pending?

THE CHAIRMAN:[10] The Chair would like to inform the gentleman from Kentucky that an amendment to the amendment would be in order.

§ 5.19 Where there is pending an amendment, a substitute therefor, and an amendment to the substitute, it is in order to offer a germane amendment to the original amendment.

On Sept. 25, 1973,[11] proceedings took place which illustrate the application of the above principle.

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Speaker, I offer an amendment. . . .

MRS. [EDITH] GREEN of Oregon: Mr. Speaker, I offer a substitute amendment for the amendment offered by Mr. Quie. . . .

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I offer an amendment to the substitute amendment. . . .

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I offer an amendment to the amendment offered by Mr. Quie. . . .

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, we have pending an amendment offered by the gentleman from Minnesota (Mr. Quie) and then we have the amendment in the nature of a substitute offered by the gentlewoman from Oregon (Mrs. Green). Then we have the amendment offered by the gentleman from Kentucky (Mr. Perkins).

Mr. Speaker, I am wondering if a further amendment at this time is in order.

THE SPEAKER:[12] The Chair will state that the amendment offered by the gentleman from Ohio (Mr. Latta) is

8. Ross Bass (Tenn.).
9. 116 CONG. REC. 24040, 91st Cong. 2d Sess. Under consideration was H.R. 17654 (Committee on Rules).
10. William H. Natcher (Ky.).
11. 119 CONG. REC. 31338, 31339, 31341, 31343, 93d Cong. 1st Sess. Under consideration was H.J. Res. 727 (Committee on Appropriations).
12. Carl Albert (Okla.).

in order at this time. It is the understanding of the Chair that the amendment offered by the gentleman from Ohio (Mr. Latta) does relate to the amendment offered by the gentleman from Minnesota (Mr. Quie) and is an amendment thereto.

§ 5.20 Where both an amendment (in the nature of a substitute) and a substitute therefor are pending, it is in order also to have an amendment to the amendment and an amendment to the substitute pending at the same time.

On Sept. 29, 1965,[13] during consideration of H.R. 4644 (Committee on the District of Columbia), an amendment in the nature of a substitute was offered by Mr. Abraham J. Multer, of New York:[14]

The Clerk: The amendment offered by Mr. Multer is to strike all after the enacting clause and insert in lieu thereof the following:

That, subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital which is granted by the Constitution, it is the intent of Congress to restore to the inhabitants of the District of Columbia the powers of local self-government which are a basic privilege of all American citizens. . . .

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A substitute for the above amendment was offered:[15]

MR. [B. F.] SISK [of California]: Mr. Chairman, I offer a substitute.

THE CLERK: The amendment offered by Mr. Sisk, as a substitute for the amendment offered by Mr. Multer, is to strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "District of Columbia Charter Act".

DECLARATION OF POLICY

Sec. 2. It is the intent of Congress to make available to the inhabitants of the District of Columbia such measure and form of local self-government as they themselves shall democratically establish if such self-government is consistent with the constitutional injunction that Congress retain ultimate legislative authority over the Nation's Capital.

Subsequently, a parliamentary inquiry was raised, as follows:[16]

MR. [WILLIAM H.] HARSHA [of Ohio]: As I understand it the Committee may now proceed to amend both the Multer amendment and the Sisk substitute to the amendment; is that correct?

THE CHAIRMAN:[17] That is correct.

13. 111 CONG. REC. 25376, 89th Cong. 1st Sess.

14. *Id.* at p. 25376.

15. *Id.* at p. 25389.

16. *Id.* at p. 25418.

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

MR. HARSHA: And we may amend either one interchangeably at this state of the game?

THE CHAIRMAN: That is correct.

§ 5.21 To a pending amendment in the nature of a substitute for several paragraphs of a bill, there may be offered an amendment, a substitute for the amendment, and an amendment to the substitute; and as often as amendments to the amendment are disposed of, further amendments may be offered and voted upon prior to voting on the amendment to the substitute.

On June 26, 1973, during consideration of H.R. 8877, Departments of Labor, and Health, Education, and Welfare appropriation bill for fiscal 1974, Mr. Robert H. Michel, of Illinois, offered an amendment in the nature of a substitute for several paragraphs of the bill: (18)

MR. MICHEL: Mr. Chairman, I offer an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill dealing with the Department of Health, Education, and Welfare and related agencies, and I hereby give notice that if the amendment is agreed to, I will make motions to strike out the remaining paragraphs as follows: The paragraph on page 8, lines 13 through 20; the paragraph on page 11, lines 9 through 11. . . .

Subsequently, amendments were offered as follows: (19)

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Conte to the amendment offered by Mr. Michel: At the end of the first sentence, after "Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255),", strike out "$725,311,000" and insert in lieu thereof "$745,851,000.". . . .

MR. [HOWARD W.] ROBISON of New York: Mr. Chairman, I offer an amendment. The amendment is in the nature of a substitute for the pending Michel amendment. It does not change the Michel amendment except insofar as it alters certain dollar amounts. . . .

The Clerk read as follows:

Substitute amendment offered by Mr. Robison of New York for the amendment offered by Mr. Michel: On page 7, strike out lines 16 through 24 and on page 8, lines 1 and 2 and substitute in lieu thereof the following:

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91–616), the Narcotic Addict Rehabilitation Act of 1966 (P.L. 89–793), and the Drug

18. 119 CONG. REC. 21368, 93d Cong. 1st Sess.

19. *Id.* at pp. 21375, 21376, 21379.

Abuse Office and Treatment Act of 1972 (P.L. 92–255), $725,311,000. . . .

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from New York (Mr. Robison).

The Clerk read as follows:

Amendment offered by Mr. Quie to the substitute amendment offered by Mr. Robison of New York: In sentence 16, after the words "fiscal 1972," insert the following: "and (2) shall not be more than 110 percent of the amounts made available to such State for that purpose for fiscal year 1972, plus one-half the difference between such amounts and the amounts which would be made available to such State under this Act without application of this clause."

A parliamentary inquiry was made:[20]

MR. CONTE: Mr. Chairman, as I understand, we will first consider my amendment to the amendment offered by the gentleman from Illinois (Mr. Michel)?

THE CHAIRMAN: The gentleman is correct, the first vote will be on the amendment the gentleman has offered to the amendment offered by the gentleman from Illinois (Mr. Michel). That will be disposed of first.

MR. CONTE: . . . Mr. Chairman, I then have another amendment that I would like to offer. Will I be permitted to offer that amendment?

THE CHAIRMAN: The Chair will state that after the first amendment has been disposed of, the gentleman may rise and offer his other amendment.[21]

The votes on the amendments were taken as follows:[1]

THE CHAIRMAN: The question is on the amendments offered by the gentleman from Massachusetts (Mr. Conte).

The question was taken; and on a division (demanded by Mr. Conte) there were—ayes 25, noes 87. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Minnesota (Mr. Quie) to the substitute amendment offered by the gentleman from New York (Mr. Robison) for the amendment offered by the gentleman from Illinois (Mr. Michel).

The question was taken; and on a division (demanded by Mr. Quie) there were—ayes 8, noes 89.

So the amendment to the substitute amendment was rejected. . . .

THE CHAIRMAN: The question is on the substitute amendment offered by the gentleman from New York (Mr. Robison) for the amendment offered by the gentleman from Illinois (Mr. Michel).

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

MR. ROBISON of New York: Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the substitute amendment was rejected.

§ 5.22 To an amendment in the nature of a substitute there may be pending an amend-

20. *Id.* at p. 21382.

21. Chet Holifield (Calif.).

1. 119 CONG. REC. 21383, 93d Cong. 1st Sess.

ment, a substitute, and an amendment to the substitute.

On Jan. 23, 1962,[2] the following exchange took place:

MR. [H. R.] GROSS [of Iowa]: The distinguished majority leader said that the chairman of the committee will offer a substitute to the committee bill. My question is: Will the substitute be open to amendments at any point? How many amendments may be offered to the substitute, and will it be open to amendment at any point?

THE CHAIRMAN:[3] The proposed amendment being an original amendment will be open to an amendment at any point.

MR. GROSS: To an amendment?

THE CHAIRMAN: And a substitute and an amendment to the substitute.

§ 5.23 Where there were pending to title I of a bill an amendment in the nature of a substitute for the title and a substitute therefor, responses made by the Chair to various inquiries indicated that: (1) both the amendment and the substitute were open to an amendment; (2) adoption of the substitute would preclude further amendment of either the amendment or the substitute; and (3) rejection of the substitute would leave the amendment in the nature of a substitute open to further amendment.

On Apr. 23, 1969, a number of parliamentary inquiries were made with respect to the extent to which a pending amendment in the nature of a substitute, and a substitute amendment, could be amended.[4]

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, is the Perkins substitute amendment open to amendment at this point?

THE CHAIRMAN:[5] It is.

MR. ERLENBORN: And is the Green of Oregon amendment in the nature of a substitute open to amendment at this point?

THE CHAIRMAN: It is. . . .

MR. ERLENBORN: Should the Perkins substitute amendment be voted upon and adopted, would it then be subject to amendment?

THE CHAIRMAN: No, it would not.

MR. ERLENBORN: If the Perkins substitute amendment is voted upon and rejected, would the Green of Oregon amendment in the nature of a substitute then be open to amendment?

THE CHAIRMAN: It would be.

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2. 108 CONG. REC. 758, 87th Cong. 2d Sess. Under consideration was H.R. 7927 (Committee on Post Office and Civil Service).

See also 82 CONG. REC. 1570, 1571, 75th Cong. 2d Sess., Dec. 15, 1937.

3. Charles M. Price (Ill.).

4. 115 CONG. REC. 10066, 91st Cong. 1st Sess. Under consideration was H.R. 514 (Committee on Education and Labor).

5. Charles M. Price (Ill.).

§ 5.24 Where there was pending an amendment and a substitute therefor, the Chair indicated that only one amendment to the substitute could be offered at one time.

On Oct. 16, 1973,[6] during consideration of the Emergency Petroleum Allocation Act of 1973,[7] Mr. William A. Steiger, of Wisconsin, offered an amendment, and Mr. Richard W. Mallary, of Vermont, offered an amendment thereto, which was agreed to. A substitute amendment to the Steiger amendment had been offered by Mr. Roger H. Zion, of Indiana, and after adoption of the Mallary amendment, Mr. Mallary stated:

> Mr. Chairman, at this point it would be important, I believe, since the same deficiency exists in the substitute offered by the gentleman from Indiana, I would move to amend the substitute in the manner in which the amendment just acted on is worded. . . .

Upon being informed that the amendment would have to be in writing, Mr. Mallary stated:

> . . . I wonder if the Clerk would be willing to use the language in the amendment to the amendment in order to make the correction. In view of the vote on the amendment, I ask unanimous consent that the substitute amendment of the gentleman from Indiana be amended as we have just amended the amendment to the amendment. . . .

Subsequently, following the Chairman's request to the Clerk to report the Zion amendment as proposed to be amended, the following exchange took place:

> MR. [TORBERT H.] MACDONALD [of Massachusetts]: Mr. Chairman, the perfecting amendment to the Zion amendment on line 3, where it reads "insert in lieu thereof the following: crude oil and refined products" should be nailed down and say "refined petroleum products." I so move.
>
> THE CHAIRMAN:[8] The substitute offered by the gentleman from Indiana is pending at the present time, the Chair has recognized the gentleman from Vermont to offer a perfecting amendment.

§ 5.25 Where there was pending an amendment, a substitute therefor and an amendment to the substitute, the Chairman indicated that other amendments to the substitute would be in order under the five-minute rule following disposition of the pending amendment to the substitute.

On Oct. 20, 1971,[9] the following exchange took place:

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6. 119 CONG. REC. 34336, 93d Cong. 1st Sess.

7. H.R. 9681 (Committee on Interstate and Foreign Commerce).

8. Charles H. Wilson (Calif.).

9. 117 CONG. REC. 37082, 92d Cong. 1st Sess. Under consideration was H.R.

MR. [SAM] STEIGER of Arizona: Mr. Chairman, is it the Chair's intention after calling for the vote on the Cederberg amendment to the Udall substitute, that we then vote immediately on the Udall substitute or not, or will there be some time for discussion in between?

THE CHAIRMAN:[10] The Chair will inform the gentleman that will depend on whether other amendments are offered to the substitute. If so, the gentleman's statement would be correct.

MR. [WAYNE N.] ASPINALL [of Colorado]: Mr. Chairman, would a motion to strike the necessary number of words be in order?

THE CHAIRMAN: A motion to strike the necessary number of words would then be in order.

§ 5.26 Where there is pending an amendment in the nature of a substitute for an entire bill, a substitute therefor and an amendment to the substitute, it is in order to offer an amendment to the original amendment in the nature of a substitute.

On Dec. 2, 1970,[11] the following proceedings took place:

MR. [OLIN E.] TEAGUE of Texas: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. Stephens).

PARLIAMENTARY INQUIRY

MR. [BENJAMIN B.] BLACKBURN [of Georgia]: Mr. Chairman, a parliamentary inquiry. Am I to understand the gentleman from Texas is offering an amendment to the Stephens substitute amendment?

THE CHAIRMAN:[12] To the Stephens amendment in the nature of a substitute. That is correct.

MR. BLACKBURN: So the amendment I have offered is still pending?

THE CHAIRMAN: The gentleman is correct. It is in order for the gentleman from Texas to offer an amendment to the Stephens amendment, which is in the nature of a substitute.

§ 5.27 Only one amendment to an amendment in the nature of a substitute or to a substitute therefor can be pending at one time.

On Oct. 1, 1974,[13] the Committee of the Whole having under consideration a resolution,[14] a parliamentary inquiry was addressed to the Chair and proceedings were as follows:

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, do I understand correctly

10367 (Committee on Interior and Insular Affairs).

10. William H. Natcher (Ky.).

11. 116 CONG. REC. 39500, 91st Cong. 2d Sess. Under consideration was H.R. 19436 (Committee on Banking and Currency).

12. William H. Natcher (Ky.).

13. 120 CONG. REC. 33338, 93d Cong. 2d Sess.

14. H. Res. 988, to reform the structure, jurisdiction, and procedures of House committees.

that the Thompson amendment is to the Hansen substitute, and that no other amendment would be in order to that amendment in the nature of a substitute until the Thompson amendment is voted upon?

THE CHAIRMAN:[15] The Chair would like to inform the gentleman that he is correct. No additional amendments to the Hansen amendment in the nature of a substitute are in order until the Thompson amendment is voted on.

Further, the Chair would like to advise the gentleman that no additional amendments to the Martin substitute are in order until the Sullivan amendment is voted upon.

Five Amendments Pending at One Time

§ 5.28 In one instance, five amendments were pending at one time, and were offered in the following order: (1) an amendment in the nature of a substitute for the resolution; (2) a substitute therefor; (3) perfecting amendments to the original text; (4) an amendment to the substitute; and (5) an amendment to the amendment in the nature of a substitute.

On May 1, 1975,[16] the Committee of the Whole having under consideration H. Con. Res. 218,[17] the proceedings described above were as follows:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: 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. O'Neill:

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

"That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—

"(1) the recommended level of Federal revenues is $295,181,000,000. . . .

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

The Clerk read as follows:

Amendment offered by Mr. Latta as a substitute for the amendment in the nature of a substitute offered by Mr. O'Neill: Strike out all after the resolving clause in House Concurrent Resolution 218 and insert in lieu thereof the following:

"he Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—

"(1) the recommended level of Federal revenues is $296,400,000,000. . . .

MR. [PHIL M.] LANDRUM [of Georgia]: Mr. Chairman, I offer a series of amendments.

The Clerk read as follows:

Amendments offered by Mr. Landrum: Page 1, line 11, strike out

15. William H. Natcher (Ky.).

16. 121 CONG. REC. 12765, 12771, 12775, 12776, 94th Cong. 1st Sess.

17. Setting forth the congressional budget on an aggregate basis for fiscal 1976.

"$395,600,000,000" and insert in lieu thereof "$387,486,000,000".

Page 2 line 2, strike out "$368,200,000,000" and insert in lieu thereof "$361,012,000,000". . . .

MR. [JOHN H.] ROUSSELOT [of California]: Is this an amendment to the substitute offered by the gentleman from Ohio (Mr. Latta)?

THE CHAIRMAN:[18] The Chair understands that it is a perfecting amendment to the original resolution.

MR. ROUSSELOT: Is it in order, then, at this time?

THE CHAIRMAN: It is, the Chair will state.

MR. ROUSSELOT: Will my amendment to the substitute still be in order?

THE CHAIRMAN: It will, at the appropriate time. . . .

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

The Clerk read as follows:

Amendment offered by Mr. Rousselot to the amendment offered by Mr. Latta as a substitute for the amendment in the nature of a substitute offered by Mr. O'Neill: Strike out "$296,400,000,000" and insert in lieu thereof "$299,400,000,000.". . .

MR. [HENRY S.] REUSS [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Reuss to the amendment in the nature of a substitute offered by Mr. O'Neill: Paragraph (1), strike "$295,181,000,000" and insert in lieu thereof "$298,181,000,000". . . .

MR. [BROCK] ADAMS [of Washington]: . . . It is my understanding that there is presently pending the O'Neill amendment in the nature of a substitute to the original text, a Latta substitute to the O'Neill amendment, a perfecting amendment by Mr. Reuss to the O'Neill amendment, a perfecting amendment by Mr. Rousselot to the Latta substitute, and an amendment to the original text by Mr. Landrum.

I intend to oppose the Landrum amendment, the Latta substitute, and the Rousselot amendment, and I would like to know which one will be first voted on by the body, so that I can address myself to that one.

THE CHAIRMAN: The Chair will respond to the gentleman from Washington (Mr. Adams) that the first vote will occur on the Landrum perfecting amendment to the concurrent resolution.

Parliamentarian's Note: In this context, eight amendments could have been pending at once, since any Member could have offered an amendment to Mr. Landrum's perfecting amendment, a substitute for Mr. Landrum's amendment, and an amendment to the substitute.

§ 5.29 There may be pending at one time: (1) a motion to strike the pending title (or section, or paragraph) when offered before perfecting amendments are offered; (2) a perfecting amendment to the title; (3) an amendment to that amendment; (4) a sub-

18. Richard Bolling (Mo.).

stitute for the perfecting amendment; and (5) an amendment to the substitute.

The following proceedings took place on Aug. 3, 1966,[19] during consideration of the Civil Rights Act of 1966.[20]

MR. [ARCH A.] MOORE [of West Virginia]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Moore: On page 61, strike line 19 and all that follows down through page 74, line 6, and renumber the following titles and sections accordingly. . . .

[This amendment struck out Title IV of the pending text.]

MR. [CHARLES MCC.] MATHIAS [of Maryland]: Mr. Chairman, I offer a perfecting amendment.

THE CHAIRMAN:[1] The Clerk will report the amendment.

MR. [CLARK] MACGREGOR [of Minnesota]: Mr. Chairman, a parliamentary inquiry. . . . Mr. Chairman, when will it be in order for me to seek recognition for the purpose of offering . . . a substitute to the Mathias perfecting amendment?

THE CHAIRMAN: It will be in order for the gentleman from Minnesota to offer such an amendment after the gentleman from Maryland has concluded his remarks on his amendment. . . .

MR. [WILLIAM C.] CRAMER [of Florida]: Mr. Chairman, assuming that the gentleman is recognized for that purpose and offers his substitute, then is it correct to say that no other amendments or substitutes will be in order?

THE CHAIRMAN: That is not correct.

MR. CRAMER: Then at what point would additional amendments be in order?

THE CHAIRMAN: An amendment to the Mathias amendment would be in order. An amendment to the substitute, if it is offered—the substitute for the Mathias amendment, if it is offered—would be in order. . . .

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Under what conditions can a perfecting amendment to title IV be offered by the gentleman from Maryland [Mr. Mathias] in view of the fact that the amendment offered by the gentleman from West Virginia [Mr. Moore] was to strike out all of title IV. What does it perfect? Or what would it then perfect?

THE CHAIRMAN: Under our rules—the rules of the House, and ordinary parliamentary procedure—the basic legislation is perfected before there is a vote on an amendment to strike. . . .

MR. WAGGONNER: If the Chair has correctly stated the rules of the House—and I do not at this moment accept that he has—would the vote then occur in this manner: if the gentleman from Minnesota [Mr. MacGregor] offers substitute language, would there first be a vote on the substitute language which is intended to be offered by Mr. MacGregor to the perfecting amendment?

Then, if that substitute language is rejected, would the so-called perfecting

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19. 112 CONG. REC. 18113–15, 89th Cong. 2d Sess.

20. H.R. 14765 (Committee on the Judiciary).

1. Richard Bolling (Mo.).

amendment of the gentleman from Maryland [Mr. Mathias] be voted on? And, if that amendment or that so-called perfecting amendment is rejected, would the vote then occur on the motion of the gentleman from West Virginia [Mr. Moore] to strike all of title IV?

THE CHAIRMAN: The gentleman's assumptions are correct, unless there intervened after the defeat of the substitute amendment which may be offered and the perfecting amendment which has been offered another amendment in the nature of a perfecting amendment.

Amendment to Several Paragraphs of Appropriation Bill

§ 5.30 The Chairman indicated in response to inquiries that where there was pending a paragraph of an appropriation bill and an amendment "in the nature of a substitute" for that paragraph and the succeeding paragraphs, perfecting amendments to both the original paragraph and to any part of the amendment in the nature of a substitute, as well as a substitute for the latter, would be in order.

On July 29, 1969,[2] the following proceedings took place:

MR. [CHARLES S.] JOELSON [of New Jersey]: Mr. Chairman, I offer an amendment to the paragraph just read which is a simple substitute to several paragraphs of the bill dealing with the Office of Education and I hereby give notice that after the amendment is agreed to I will make a motion to strike out the paragraphs appearing as follows: . . .

MR. GERALD R. FORD [of Michigan]: Would a substitute for the amendment offered by the gentleman from New Jersey (Mr. Joelson) . . . be in order if offered by someone?

THE CHAIRMAN:[3] The Chair will state that a substitute for the amendment would be in order. . . .

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, the entire substitute, as I understand, is open to amendment at any point, but insofar as the bill is concerned is the paragraph on page 25 which was read by the Clerk also open to amendment?

THE CHAIRMAN: The gentleman is correct.

Text of Another Bill Made in Order as Amendment

§ 5.31 Where the Committee on Rules had reported a resolution making in order the consideration of a committee amendment in the nature of a substitute as an original bill for amendment, and making in order the text of another bill offered from the floor as an amendment in the

2. 115 CONG. REC. 21218, 21219, 91st Cong. 1st Sess. Under consideration was H.R. 13111 (Committee on Appropriations).

3. Chet Holifield (Calif.).

nature of a substitute therefor, the Speaker pro tempore indicated that (1) amendments would be in order to the floor amendment in the nature of a substitute at any point; (2) if the substitute text were offered after section 1 of the committee amendment had been read, only that section of the committee amendment would be open to perfecting amendment while the substitute was pending; and (3) if the substitute were defeated in Committee of the Whole, the committee amendment would be read by sections for amendment.

On June 16, 1970,[4] during proceedings relating to a postal reform bill[5] a number of inquiries were raised with respect to applicable amendment procedures. The proceedings were as follows:

MR. [H. ALLEN] SMITH of California: In connection with H.R. 17070, which the Rules Committee has made in order as a committee substitute for the original committee bill, which was stricken out, and against which bill points of order are to be waived, and in addition in connection with H.R. 17966, which has been made in order as a substitute, waiving points of order, my understanding of the parliamentary situation is, if we do not get into the third degree where we are stopped, that when H.R. 17966 is offered as a substitute it will be open to amendment as we go through the bill.

THE SPEAKER PRO TEMPORE:[6] It will be open to amendment at any point.

MR. SMITH of California: It is my understanding if we have an amendment pending on that bill, which is one amendment, we can also have an amendment pending on the original bill if it applies to the same section or same part of the bill. In other words, we are not precluded from amending H.R. 17070 until we completely take care of H.R. 17966 and the Committee rises and you vote on that. We can amend in the Committee of the Whole H.R. 17070.

THE SPEAKER PRO TEMPORE: If the Chair correctly understands the gentleman, the answer to it is that the Udall substitute can be offered as an amendment to section 1. Other amendments can be offered to section 1 of the committee amendment, but no other amendments can be offered beyond section 1 to the committee amendment. . . .

MR. GERALD R. FORD [of Michigan]: Is it not accurate to say, however, that if the Udall-Derwinski substitute, H.R. 17966, is defeated in the Committee of the Whole, then any other part of H.R. 17070 is open for amendment at any point?

THE SPEAKER PRO TEMPORE: In that event, the Committee of the Whole

4. 116 CONG. REC. 19838, 91st Cong. 2d Sess.

5. See H. Res. 1077 (Committee on Rules), providing for consideration of H.R. 17070, the Postal Reform Act of 1970.

6. Carl Albert (Okla.).

would go back and read the committee amendment as an original bill, in which case each section would be open for amendment as it was read.

[Note: In this context, the committee amendment in the nature of a substitute assumes the character of original text under the special rule, and the text of the other bill is properly described as an amendment in the nature of a substitute (an amendment in the first degree) rather than as a substitute for the committee amendment.]

Committee Amendment Read as Original Text

§ 5.32 Where, pursuant to a special rule, a committee amendment in the nature of a substitute, printed in the bill, is being read as original text for purpose of amendment there may be pending to that text (1) an amendment (in the nature of a substitute), (2) a substitute therefor, and (3) amendments to both the amendment and the substitute.

On Apr. 23, 1969,[7] the Committee of the Whole had under consideration H.R. 514, extending and amending the Elementary and Secondary Education Act, pursuant to a special rule as indicated by the Chair. Where there were pending to title I of the bill an amendment in the nature of a substitute for the title and a substitute therefor, the Chair indicated in response to a series of parliamentary inquiries that both the amendment and the substitute were open to an amendment; that adoption of the substitute would preclude further amendment of either the amendment or the substitute; that rejection of the substitute would leave the amendment in the nature of a substitute open to further amendment; and that pending a vote on either the amendment or the substitute, title I remained open to a perfecting amendment.

The proceedings were as follows:

THE CHAIRMAN:[8] Pursuant to the rule, the Clerk will now read by title the substitute committee amendment printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Elementary and Secondary Education Amendments of 1969".

7. 115 CONG. REC. 10052–54, 10061, 10062, 10066, 91st Cong. 1st Sess.

8. Charles M. Price (Ill.).

TITLE I—EXTENSION AND AMENDMENT OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EXTENSION OF TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 101. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1975".

(b) Section 121(d) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(d) For the purpose of making grants under this part there are authorized to be appropriated not in excess of $50,000,000 for the fiscal year ending June 30, 1969, and for each of the six succeeding fiscal years. . . .

MR. [JOHN N.] ERLENBORN [of Illinois] (during the reading): Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the Record, and open to amendment at any point.

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

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. GREEN OF OREGON

MRS. [EDITH S.] GREEN of Oregon: 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 Mrs. Green of Oregon: Strike out everything after the enacting clause and insert in lieu thereof:

"TITLE I—EXTENSION AND AMENDMENT OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

"EXTENSION OF TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

"Section 101. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out 'June 30, 1970' and inserting in lieu thereof 'June 30, 1972'.

"(b) Section 121(d) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"[6](d) For the purpose of making grants under this part there are authorized to be appropriated not in excess of $50,000,000 for the fiscal year ending June 30, 1969, and for each of the three succeeding fiscal years.' . . .

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I offer a substitute amendment for the so-called Green of Oregon amendment in the nature of a substitute.

The Clerk read as follows:

Substitute amendment offered by Mr. Perkins for the amendment in the nature of a substitute offered by Mrs. Green of Oregon: Strike out all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the 'Elementary and Secondary Education Amendments of 1969'.

9. 122 CONG. REC. 2646–48, 94th Cong. 2d Sess.

"TITLE I—EXTENSION AND AMENDMENT OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

"EXTENSION OF TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

"Sec. 101. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out 'June 30, 1970' and inserting in lieu thereof 'June 30, 1973.'

(b) Section 121(d) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"'(d) For the purpose of making grants under this part there are authorized to be appropriated not in excess of $50,000,000 for the fiscal year ending June 30, 1969, and for each of the four succeeding fiscal years.' . . .

MR. ERLENBORN: Mr. Chairman, is the Perkins substitute amendment open to amendment at this point?

THE CHAIRMAN: It is.

MR. ERLENBORN: And is the Green of Oregon amendment in the nature of a substitute open to amendment at this point?

THE CHAIRMAN: It is.

MR. ERLENBORN: So both are open to amendment at this point?

THE CHAIRMAN: The gentleman is correct.

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

THE CHAIRMAN: The gentleman will state it.

MR. ERLENBORN: Should the Perkins substitute amendment be voted upon and adopted, would it then be subject to amendment?

THE CHAIRMAN: No, it would not.

MR. ERLENBORN: If the Perkins substitute amendment is voted upon and rejected, would the Green of Oregon amendment in the nature of a substitute then be open to amendment?

THE CHAIRMAN: It would be.

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

THE CHAIRMAN: The gentleman will state it.

MR. ERLENBORN: Is title I of H.R. 514 subject to amendment at this time?

THE CHAIRMAN: It is.

Debate Limited on Certain Amendments

§ 5.33 Where there was pending an amendment in the nature of a substitute, a substitute therefore and an amendment to the substitute, and debate had been limited on the substitute and all amendments thereto but not on the original amendment or amendments thereto, the Chair indicated that (1) further amendments to the substitute or modifications of the substitute by unanimous consent must await disposition of the pending amendment to the substitute; (2) amendments to the original amendment could be offered and debated under the five-minute rule and would be voted on before amendments

to the substitute; (3) amendments to the substitute could be offered and voted upon without debate unless printed in the Record pursuant to Rule XXIII clause 6; and (4) the question would not be put on the substitute until all perfecting amendments to it and to the original amendment were disposed of.

On Feb. 5, 1976,[9] during consideration of H.R. 9464, the Natural Gas Emergency Act of 1976, there was pending an amendment in the nature of a substitute (the Krueger amendment); a substitute therefore (the Smith amendment); and an amendment to the substitute (the Eckhardt amendment). A unanimous-consent request was made to limit debate:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent that all debate on the Smith amendment and all amendments thereto terminate immediately upon the conclusion of consideration of the amendment offered by the gentleman from Texas (Mr. Eckhardt). . . .

There was no objection. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, as I understood it, the unanimous-consent request of the gentleman from Michigan (Mr. Dingell) was that all debate on the Smith substitute amendment cease after the disposition of the Eckhardt amendment.

The Eckhardt amendment would be the pending business then, and immediately after the determination of the Eckhardt amendment, we would vote on the Smith amendment. Is that not correct? . . .

THE CHAIRMAN:[10] Not necessarily, because there could be an amendment to the Krueger amendment, which would be debatable. . . . Before we vote on the Smith substitute, amendments to the Krueger amendment are debatable if offered. . . .

The point that the Chair is trying to make, regardless of what agreements are reached, is that until the Krueger amendment is finally perfected to the satisfaction of the Committee, the Chair cannot put the question on the Smith substitute.

MR. BROWN of Ohio: The Chair cannot put the question on the Smith amendment?

THE CHAIRMAN: The Chair cannot put the question on the Smith substitute until the Krueger amendment is perfected to the satisfaction of the Committee.

There has been no limitation of debate on the Krueger amendment or amendments thereto. The basic parliamentary situation is that we have a substitute amendment for the amendment in the nature of a substitute, the Krueger amendment. Both of those are subject to amendment, but both must be perfected before the Chair can put the question on the substitute for the amendment in the nature of a substitute.

9. 122 CONG. REC. 2646–48, 94th Cong. 2d Sess.

10. Richard Bolling (Mo.).

MR. BROWN of Ohio: With respect to the unanimous-consent request of the gentleman from Michigan (Mr. Dingell), the Eckhardt amendment is still to be voted upon, and then there are to be no other amendments to the Smith amendment?

THE CHAIRMAN: There is to be no further debate on such amendments. . . .

MR. BROWN of Ohio: Mr. Chairman, if my time still applies, I would like to ask the Chair to state the circumstances. If I may, before the Chair does that, I would like to ask the question this way: As the situation stands at this moment, the Krueger amendment is still perfectable by amendments under the normal course of time, and there is no limitation on the Krueger amendment.

The Smith amendment, however, can be perfected only by the vote on the Eckhardt amendment, and then if there are other amendments to the Smith amendment there is no debate time remaining on those amendments.

Is that correct?

THE CHAIRMAN: Unless they are printed in the Record.

MR. BROWN of Ohio: And if they are printed in the Record, the debate time is 5 minutes per side pro and con. Is that correct?

THE CHAIRMAN: That is correct. . . .

MR. DINGELL: Mr. Chairman, it is, however, a fact that the gentleman may have an amendment at the desk and it may be voted on without debate under the unanimous-consent request?

THE CHAIRMAN: That is correct.

MR. [ROBERT] KRUEGER [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KRUEGER: Mr. Chairman, there are still those of us who are not certain of the parliamentary situation. I am among them.

Mr. Chairman, my question is this: We will vote first on the Eckhardt amendment to the Smith substitute?

THE CHAIRMAN: That is right.

MR. KRUEGER: Following that, there will then be a vote without further debate on the Smith substitute, or no?

THE CHAIRMAN: The Chair cannot say, because if there were amendments printed in the Record, there can be both an amendment offered and debate on the amendment. If there were no amendments that were qualified for debate by being printed in the Record, they could not be offered and voted on without debate.

But if they are offered to the Krueger amendment in the nature of a substitute, they would both be considered and would be debatable under the 5-minute rule. . . .

The 5-minute rule applies only to amendments to the Smith amendment which has been printed in the Record. Other amendments to the Smith amendment do not have debate time; they are just voted on. . . .

MR. [BENJAMIN A.] GILMAN [of New York]: Mr. Chairman, I offer an amendment to the Krueger amendment in the nature of a substitute. My amendment has been printed in the Record.

The Clerk read as follows:

> Amendment offered by Mr. Gilman to the amendment in the nature of a substitute offered by Mr. Krueger immediately after section 26 of the

Natural Gas Act (as added by section 208) insert the following:

"TREATMENT OF RATES AND CHARGES FOR NATURAL GAS SOLD TO SENIOR CITIZENS

"Sec. 27. (a) The Commission shall prohibit any natural-gas company from selling or otherwise supplying natural gas to any local natural gas company which increases the rates for natural gas sold to senior citizens. . . .

MR. [JOE D.] WAGGONNER [Jr., of Louisiana] (during the reading): Mr. Chairman, I have a point of order.

The point of order lies to the fact that the amendment now being read is to the Krueger amendment in the nature of a substitute and is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute.

THE CHAIRMAN: The Chair has stated that any amendment to the Krueger amendment in the nature of a substitute may now be offered and is debatable.

MR. WAGGONNER: But, Mr. Chairman, the amendment is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute which is now under consideration.

THE CHAIRMAN: This amendment takes precedence. This amendment takes precedence over the amendment to the substitute amendment. That is what the Chair has been trying to say now, repeatedly. The amendment that has precedence is an amendment to the amendment in the nature of a substitute, and this is the amendment that is now before the committee. . . .

The question is on the amendment offered by the gentleman from Texas (Mr. Eckhardt) to the amendment offered by the gentleman from Iowa (Mr. Smith) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger).

The question was taken; and on a division (demanded by Mr. Eckhardt) there were—ayes 33, noes 35.

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

Amendment to Original Text While Amendment in Nature of Substitute Pending

§ 5.34 Where there is pending an amendment in the nature of a substitute for a resolution, it is in order to offer a perfecting amendment to the pending portion of original text.

On Apr. 27, 1976,[11] the Committee of the Whole having under consideration House Concurrent Resolution 611,[12] an amendment in the nature of a substitute for the resolution was pending when a perfecting amendment to the original text was offered. The proceedings were as indicated below:

THE CHAIRMAN PRO TEMPORE:[13] The Clerk will read.

The Clerk read as follows:

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11. 122 CONG. REC. 11409–11, 94th Cong. 2d Sess.

12. Concurrent resolution on the budget.

13. Spark M. Matsunaga (Hawaii).

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1976—

(1) the recommended level of Federal revenues is $363,000,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $14,800,000,000. . . .

MR. [BROCK] ADAMS [of Washington] (during the reading): Mr. Chairman, I ask unanimous consent that the concurrent resolution be considered as read, printed in the Record, and open to amendment at any point.

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

There was no objection.

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

That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1976—

(1) the recommended level of Federal revenues is $352,100,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $25,700,000,000. . . .

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer a perfecting amendment to House Concurrent Resolution 611.

The Clerk read as follows:

Perfecting amendment offered by Mr. Wright: Page 4, line 3, strike out "$18,649,000,000" and insert in lieu thereof "$19,849,000,000".

§ 5.35 Where there is pending an amendment in the nature of a substitute for an entire measure, it is in order to offer a perfecting amendment to that portion of the original text which has been read.

The proceedings of Apr. 13, 1983,[14] during consideration of House Joint Resolution 13 (concerning a nuclear weapons freeze), provide an instance in which a Member had two amendments pending to the original text at the same time—first, an amendment in the nature of a substitute, and then a perfecting amendment to the original text.

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a perfecting amendment at the desk to section 2 of House Joint Resolution 13.

THE CHAIRMAN:[15] The Chair will advise that perfecting amendments to the underlying text are in order at this time while the Levitas amendment in the nature of a substitute is pending. But the Chair will also point out that if any Member is recognized to offer a perfecting amendment at this time, de-

14. 129 CONG. REC. 8402, 98th Cong. 1st Sess.

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

bate will not be limited on the perfecting amendment and the vote will first come on the perfecting amendment and on any potential amendments thereto before the question is put on the Levitas substitute.

§ 6. Amendments in the Third Degree

The parliamentary prohibition against amendments "in the third degree" was stated in Jefferson's Manual:[16]

> [I]f an amendment be moved to an amendment, it is admitted; but it would not be admitted in another degree, to wit, to amend an amendment to an amendment of a main question. . . . The line must be drawn somewhere, and usage has drawn it after the amendment to the amendment. The same result must be sought by deciding against the amendment to the amendment, and then moving it again as it was wished to be amended. In this form it becomes only an amendment to an amendment.

This principle is considered fundamental in the House of Representatives, and is reflected in Rule XIX:[17]

> When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

Prohibition Against Amendments in Third Degree; Application of Rule Generally

§ 6.1 Amendments in the third degree are not in order.

This principle[18] has been applied frequently. An example occurred on Aug. 18, 1965,[19] during consideration of the Food and Agriculture Act of 1965.[20] A committee amendment had been reported, to which Mr. Albert H. Quie, of Minnesota, had offered an amendment. Mr. Paul C. Jones, of Missouri, then sought to offer an amendment to the Quie amendment. The following exchange then took place:

> MR. [EDWIN E.] WILLIS [of Louisiana]: While I do not want to deprive the gentleman from Missouri of his right to offer his amendment, the amendment that he proposes to offer now is an amendment in the third degree; is it not?

16. See *House Rules and Manual* § 454 (101st Cong.).
17. *House Rules and Manual* § 822 (101st Cong.).
18. Amendments in the third degree are not authorized by the rule governing permissible pending amendments. See Rule XIX, *House Rules and Manual* § 822 (101st Cong.).
19. 111 CONG. REC. 20938, 20943, 89th Cong. 1st Sess.
20. H.R. 9811 (Committee on Agriculture).