

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,

16. See *House Rules and Manual* § 454 (101st Cong.).

17. *House Rules and Manual* § 822 (101st Cong.).

but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.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?

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).

THE CHAIRMAN:⁽¹⁾ The gentleman is correct. It would be an amendment in the third degree.⁽²⁾

§ 6.2 When an amendment and a perfecting amendment thereto are pending, neither an amendment to, nor a substitute for, the perfecting amendment are in order, being in the third degree.

On Apr. 29, 1963,⁽³⁾ an amendment to an amendment was under consideration as follows:

Amendment offered by Mr. [Leo W.] O'Brien of New York to the amendment offered by Mr. Griffin: "Strike the last four words."

An attempt was made to offer a further amendment, as follows:

MR. [JOHN H.] KYL [of Iowa]: Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from New York.

THE CHAIRMAN:⁽⁴⁾ The gentleman is out of order. He may not offer a substitute at this point.

MR. [EDMOND] EDMONDSON [of Oklahoma]: Mr. Chairman, I offer an amendment to the amendment.

1. Oren Harris (Ark.).
2. For a further example of the application of the principle that amendments in the third degree are not in order, see 105 CONG. REC. 11108, 86th Cong. 1st Sess., June 17, 1959.
3. 109 CONG. REC. 7242, 7243, 88th Cong. 1st Sess. Under consideration was H.R. 1762 (Committee on Interior and Insular Affairs).
4. John M. Slack, Jr. (W. Va.).

THE CHAIRMAN: The gentleman may not offer an amendment to the amendment at this point. . . .

MR. EDMONDSON: I yield to the distinguished Speaker.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: As I understand the gentleman's observation, he suggests that the amendment offered by the gentleman from New York [Mr. O'Brien] be voted down and then a Member will be able to offer another amendment to the Griffin amendment; is that correct?

MR. EDMONDSON: The gentleman is entirely correct and I appreciate his clarification.

§ 6.3 Where there is pending an amendment and a perfecting amendment thereto, an amendment to the perfecting amendment is in the third degree and not in order, but it may be offered when the perfecting amendment is disposed of or, if in proper form, as a substitute for the original amendment.

On Apr. 19, 1973,⁽⁵⁾ the following exchange took place concerning the propriety of offering an amendment to a perfecting amendment:

MR. [STEWART B.] MCKINNEY [of Connecticut]: Mr. Chairman, I will offer my amendment at this point.

5. 119 CONG. REC. 13250, 13252, 93d Cong. 1st Sess. Under consideration was S. 502 (Committee on Public Works).

I will state that I am offering this amendment as a perfecting amendment. The Clerk has a copy at the desk.

THE CHAIRMAN:⁽⁶⁾ The Chair will state that there is already a perfecting amendment pending, the one offered by the gentleman from New York (Mr. Reid).

If that amendment should be defeated or withdrawn, the gentleman could then offer it, or he may offer it as a substitute for the amendment offered by the gentleman from New York (Mr. Reid).

§ 6.4 Where there is pending an amendment and a substitute therefor, an amendment to the substitute is not in the third degree and is in order.

On Mar. 17, 1975,⁽⁷⁾ during consideration in the Committee of the Whole of an amendment and a substitute therefor, a point of order was raised as indicated below:

MR. [PHILIP E.] RUPPE [of Michigan]: Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. Ruppe to the substitute amendment offered by Mr. Seiberling: On page 194, line 11, amend the substitute by striking "50" and inserting the word "ten."

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, a point of order.

6. Morris K. Udall (Ariz.).

7. 121 CONG. REC. 6798, 6799, 94th Cong. 1st Sess.

THE CHAIRMAN:⁽⁸⁾ The gentleman will state it.

MR. SEIBERLING: Mr. Chairman, I believe that is an amendment of the third degree, and therefore is out of order.

THE CHAIRMAN: The gentleman from Ohio offered a substitute. An amendment to that substitute is not in the third degree at this point.

§ 6.5 To a proposition being read as original text for amendment there may be pending at one time only one amendment in the nature of a substitute, a substitute therefor, a perfecting amendment to the original amendment in the nature of a substitute and a perfecting amendment to the substitute, and any further amendment to perfecting amendments would be in the third degree; and the vote is first taken on perfecting amendments to the original amendment, then on perfecting amendments to the substitute, then on the substitute (as perfected), and finally on the original amendment in the nature of a substitute (as amended).

In the proceedings described below, which occurred on May 18,

8. Neal Smith (Iowa).

1978,⁽⁹⁾ the Committee of the Whole had under consideration H.R. 39, the Alaska National Interest Conservation Lands Act of 1978. An amendment in the nature of a substitute (the Leggett amendment) was offered which, pursuant to House Resolution 1186, agreed to the previous day, was to be read for amendment under the five-minute rule as an original bill by titles. To such amendment, an amendment in the nature of a substitute (the "Meeds amendment") was subsequently offered.

THE CHAIRMAN:⁽¹⁰⁾ When the committee rose on yesterday, Wednesday, May 17, 1978, all time for general debate had expired, the Clerk had read through line 4 on page 1 of the bill. . . .

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute, the text of H.R. 12625.

THE CHAIRMAN: The Clerk will read the amendment in the nature of a substitute by titles.

The Clerk read as follows:

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

MR. [MORRIS K.] UDALL [of Arizona]: . . . The script we have put together

9. 124 CONG. REC. 14391, 14394, 95th Cong. 2d Sess.

10. Paul Simon (Ill.).

here was that when section 1 of the Leggett amendment, the consensus substitute, was read, the gentleman from Washington (Mr. Meeds) would offer his substitute, but that I would offer a substitute for the Meeds amendment, and we would then have foreclosed these nongermane things that we have been talking about. But it would also be understood that both sides, the Meeds and the Udall substitutes, would be open. As long as anybody has serious amendments, we would be prepared to stay here and take them and discuss those serious amendments.

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

At that point have we gotten into amendments in the third degree, or would amendments to both the pending substitutes be in order?

THE CHAIRMAN: Perfecting amendments to the Meeds amendment if offered or amendments to a substitute thereto would be in order.

MR. BAUMAN: But no further amendments in the nature of a substitute would be in order at that point?

THE CHAIRMAN: That is correct.

MR. UDALL: I am advised that the parliamentary preference is that the main amendment, the Meeds' amendment, get priority and could be perfected first, after which the substitute I have could be perfected before the committee chooses between those two, so we are not going to try to foreclose any opportunity to have the gentleman from Washington (Mr. Meeds) perfect his amendment as much as he desires, or as much as the Members desire. . . .

MR. BAUMAN: I would like to put the parliamentary inquiry to the Chair, whether, indeed, that is the parliamentary situation.

THE CHAIRMAN: Perfecting amendments to the Meeds' amendment if offered will be voted on first, and the amendments to the Udall substitute offered would be voted upon.

§ 6.6 An amendment to, or a substitute for, an amendment to a pending amendment is in the third degree and not in order.

On Apr. 9, 1979,⁽¹¹⁾ the Committee of the Whole having under consideration H.R. 3342,⁽¹²⁾ the above-stated proposition was illustrated as indicated below:

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'clock. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, reserving the

11. 125 CONG. REC. 7763, 96th Cong. 1st Sess.

12. The International Development Cooperation Act of 1979.

right to object, I have no objection 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?

THE CHAIRMAN:⁽¹³⁾ 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 CHAIRMAN: 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.

Modification of Amendment by Unanimous Consent

§ 6.7 Where there is pending an amendment and an amendment thereto, a modification of the latter amendment is in order only by unanimous consent and further amendment would be in the third degree; but a substitute for the original

13. Elliott H. Levitas (Ga.).

amendment remains in order.

On June 25, 1975,⁽¹⁴⁾ the Committee of the Whole having under consideration H.R. 8069,⁽¹⁵⁾ the proceedings, described above, were as follows:

THE CHAIRMAN:⁽¹⁶⁾ The Clerk will read.

The Clerk read as follows:

For expenses of the Community Services Administration, \$399,185,000.

For "Community services program" for the period July 1, 1976, through September 30, 1976, \$99,800,000.

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. Hawkins: On Page 44, line 18, strike "\$399,185,000" and insert in lieu thereof, "\$434,185,000", and on line 20, strike "\$99,800,000" and insert in lieu thereof, "\$108,600,000". . . .

MRS. [YVONNE B.] BURKE of California: Mr. Chairman, I offer an amendment to the amendments offered by the gentleman from California (Mr. Hawkins).

The Clerk read as follows:

Amendment offered by Mrs. Burke of California to the amendments of-

14. 121 CONG. REC. 20855, 20858, 20863, 94th Cong. 1st Sess.
15. Departments of Labor and Health, Education, and Welfare appropriations, 1976.
16. James C. Wright, Jr. (Tex.).

ferred by Mr. Hawkins: On Page 44, line 18, strike "\$399,185,000" and insert in lieu thereof: "\$439,385,000". . . .

MRS. BURKE of California: Mr. Chairman, I ask unanimous consent in order to clarify the Record that the amendment be corrected so it will include these figures to be inserted:

On page 44, line 18, insert: "\$474,385,000" and on page 44, line 20, insert "\$144,975,000".

THE CHAIRMAN: If there is no objection, the Clerk will report the figures.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I am constrained to object, if it will save time.

THE CHAIRMAN: The gentlewoman has asked unanimous consent to change the amendment to the amendment, and objection is heard.

Therefore the amendment as originally offered by the gentlewoman from California will have to be considered as the amendment to the amendment offered by the gentleman from California.

MR. [JOHN] BUCHANAN [of Alabama]: Mr. Chairman, a parliamentary inquiry. Would it be in order for an amendment now to be offered if it is not offered by unanimous consent?

THE CHAIRMAN: It would depend on the form in which the amendment would come. If it is a substitute for the original amendment, it would be in order, the Chair will advise the gentleman from Alabama. However, an amendment to the amendment to the amendment would not be in order, it being in the third degree.

Substitute for Amendment

§ 6.8 A substitute for an amendment to an amend-

ment is in the third degree and is not in order.

On Mar. 9, 1978,⁽¹⁷⁾ during consideration of H.R. 50⁽¹⁸⁾ in the Committee of the Whole, an amendment to an amendment was pending which prompted the following exchange concerning the proposition described above:

MR. [RONALD A.] SARASIN [of Connecticut]: Mr. Chairman, I offer amendments and ask unanimous consent that the amendments be considered en bloc.

THE CHAIRMAN:⁽¹⁹⁾ Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Sarasin: Page 58, line 3, strike out "reasonable price stability" and insert in lieu thereof "the absence of inflation".

Page 59, strike out line 1 and everything that follows through line 5, and redesignate the following paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively. . . .

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer amendments to the amendments.

The Clerk read as follows:

Amendments offered by Mr. Wright to the amendments offered by Mr. Sarasin: On line 2 of the Sarasin amendment, strike all that

follows the word "thereof," and insert in lieu thereof the following: "the effective control of inflation."

Page 64, line 16, strike out "and productivity" and insert in lieu thereof "productivity and reasonable price stability".

Page 64, line 22, before "and" insert "reasonable price stability". . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, do I understand the majority leader's proposal is an amendment to the amendment or is it in the form of a substitute?

THE CHAIRMAN PRO TEMPORE: The Chair would like to advise the gentleman from Illinois (Mr. Michel) that the gentleman from Texas (Mr. Wright) offers an amendment to the amendment of the gentleman from Connecticut. . . .

MR. MICHEL: Would a substitute not be in order for an amendment to an amendment?

THE CHAIRMAN PRO TEMPORE: The Chair would like to advise the gentleman that that would not be in order; it would be in the third degree.

§ 6.9 A substitute for a perfecting amendment to a substitute is in the third degree and is not in order.

On July 2, 1980,⁽²⁰⁾ during consideration of H.R. 7235, the Rail Act of 1980, a perfecting amendment to a substitute amendment was pending. The following exchange took place:

MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, may I ask, is it

17. 124 CONG. REC. 6281, 6282, 95th Cong. 2d Sess.

18. Full Employment and Balanced Growth Act of 1978.

19. William H. Natcher (Ky.).

20. 126 CONG. REC. 18299, 96th Cong. 2d Sess.

in order to offer a substitute for this amendment at this point to strike the section?

THE CHAIRMAN:⁽¹⁾ The Chair will state that the answer to that question is, no, it is not in order to offer a substitute for an amendment to a substitute.

§ 6.10 Where there is pending an amendment and a substitute therefor, a further substitute would be in the third degree and is not in order.

On Nov. 3, 1971,⁽²⁾ the following proceedings took place:

MR. [RICHARD C.] WHITE [of Texas]: Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. White as a substitute for the amendment offered by Mr. [Jack B.] Brooks [of Texas]: Strike title IX from H.R. 7248. . . .

MR. [ROMAN C.] PUCINSKI [of Illinois]: Mr. Chairman, I have a substitute amendment at the desk.

THE CHAIRMAN:⁽³⁾ A substitute is now pending. The gentleman from Texas (Mr. Brooks) offered an amendment and the gentleman from Texas (Mr. White) has offered a substitute for

that amendment; so a further substitute at this point would not be in order.

§ 6.11 Where there is pending an amendment and a substitute therefor, an amendment to the original amendment is not in the third degree and is in order.

On July 19, 1967,⁽⁴⁾ a question arose as to the propriety of offering an amendment to an amendment where there was pending at the same time a substitute for the amendment. The proceedings were as follows:

THE CHAIRMAN:⁽⁵⁾ . . . The Chair will state, we have an amendment moved by Mr. Holifield. . . .

MR. [CHET] HOLIFIELD [of California]: My understanding was that the Joelson amendment was offered as a substitute for the Holifield amendment.

THE CHAIRMAN: The gentleman is correct. . . .

MR. [EDMOND] EDMONDSON [of Oklahoma]: Would it be in order at this time to offer the word "legitimate" as an amendment to the amendment offered by the gentleman from California [Mr. Holifield]?

THE CHAIRMAN: It would be in order.

1. Les AuCoin (Oreg.).
2. 117 CONG. REC. 39092, 39093, 39096, 39098, 92d Cong. 1st Sess. Under consideration was H.R. 7248 (Committee on Education and Labor).
3. James C. Wright, Jr. (Tex.).

4. 113 CONG. REC. 19416, 19417, 90th Cong. 1st Sess. Under consideration was H.R. 421 (Committee on the Judiciary).
5. Joseph L. Evins (Tenn.).

Amendment Disposed of Before Another Offered

§ 6.12 Until an amendment to an amendment is disposed of, no further amendment to the amendment may be offered.

On June 11, 1959,⁽⁶⁾ the following proceedings took place:

MR. [CHARLES H.] BROWN of Missouri: Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. Brown of Missouri, to the amendment offered by Mr. Belcher: Strike out all the first paragraph in section 106 beginning with the words "Notwithstanding the provisions of . . ." and insert in lieu thereof the following:

"Notwithstanding the provisions of section 101 of this act, if marketing quotas are disapproved for the 1960 crop of wheat, no price support shall be available for the 1960 crop and each subsequent crop of wheat." . . .

MR. [HARLAN F.] HAGEN [of California]: I have had an amendment at the Clerk's desk for some time. When may it be offered?

THE CHAIRMAN:⁽⁷⁾ It cannot be offered until the pending amendment is disposed of. The gentleman may proceed.

§ 6.13 Until a perfecting amendment to an amendment is disposed of, further

6. 105 CONG. REC. 10551-54, 86th Cong. 1st Sess. Under consideration was H.R. 7246 (Committee on Agriculture).
7. Joseph L. Evins (Tenn.).

perfecting amendments may not be offered.⁽⁸⁾

Amendments When Amendment in Nature of Substitute Pending

§ 6.14 Where there was pending an amendment in the nature of a substitute for a bill and an amendment to that substitute, the Chair indicated that a further amendment to the amendment would be in the third degree and not in order.

On Nov. 30, 1971,⁽⁹⁾ parliamentary inquiry arose, as follows:

MR. [JOHN B.] ANDERSON of Illinois: The gentleman from Massachusetts has just offered an amendment to the amendment in the nature of a substitute offered a few minutes ago by the gentleman from Michigan (Mr. Harvey). My parliamentary inquiry is, would it be in order at this time to submit further amendments to the amendment just offered by the gentleman from Massachusetts, Mr. Macdonald?

THE CHAIRMAN:⁽¹⁰⁾ The answer is that it would not.

8. See 109 CONG. REC. 7242, 7243, 88th Cong. 1st Sess., Apr. 29, 1963. See also §§ 6.2, 6.3, *infra*.
9. 117 CONG. REC. 43363-71, 92d Cong. 1st Sess. Under consideration was H.R. 11060 (Committee on House Administration).
10. Richard Bolling (Mo.).

§ 6.15 Where there was pending an amendment in the nature of a substitute and an amendment thereto, an amendment to the latter amendment and a substitute therefor were ruled out as being in the third degree.

On Dec. 13, 1973,⁽¹¹⁾ during consideration of the Energy Emergency Act,⁽¹²⁾ the following proceedings took place:

MR. [TIM LEE] CARTER [of Kentucky]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers).

The Clerk read as follows:

Amendment offered by Mr. Carter to the amendment in the nature of a substitute offered by Mr. Staggers: On page 32, line 17, after the word "oil"; strike out the words "and coal". . . .

MR. [JOE D.] WAGGONER [Jr., of Louisiana]: Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Kentucky (Mr. Carter).

THE CHAIRMAN:⁽¹³⁾ That is not in order. The Chair will have to state to the gentleman that a substitute is not in order.

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

11. 119 CONG. REC. 41259, 41261, 93d Cong. 1st Sess.
12. H.R. 11450 (Committee on Interstate and Foreign Commerce).
13. Richard Bolling (Mo.).

THE CHAIRMAN: The Chair will have to state that no amendment to the amendment is in order. It would be in the third degree. The Committee is considering the bill H.R. 11450, to which there has been offered an amendment in the nature of a substitute, that being the text of the bill H.R. 11882. An amendment to that offered by the gentleman from Kentucky (Mr. Carter) is now pending. Further amendment to that amendment would be in the third degree and contrary to the rules of the House.

Parliamentarian's Note: There may be pending at one time an amendment in the nature of a substitute for a bill, an amendment thereto, a substitute for the amendment in the nature of a substitute and an amendment to the substitute; but an amendment to or a substitute for the amendment to the amendment in the nature of a substitute would be in the third degree and not in order. This principle, however, would not apply if the amendment in the nature of a substitute were being considered as original text for purposes of amendment; this may be done, for example, pursuant to a special rule.

§ 6.16 Where there was pending an amendment in the nature of a substitute and an amendment thereto, the Chair indicated in response to a parliamentary inquiry

that a further amendment to the amendment would be in the third degree and that only one amendment to the amendment in the nature of a substitute could be pending at one time.

On Feb. 4, 1976,⁽¹⁴⁾ during consideration of a bill⁽¹⁵⁾ in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding the situation described above. The proceedings were as follows:

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Wylie to the amendment in the nature of a substitute offered by Mr. Krueger: In section 204, paragraph (8) is amended to read as follows:

“(8) ‘New natural gas’ means natural gas produced from a well the drilling of which commenced on or after January 1, 1976.” . . .

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:⁽¹⁶⁾ The gentleman will state his parliamentary inquiry.

MR. OTTINGER: Mr. Chairman, is it possible to offer an amendment to the amendment offered by the gentleman

from Ohio (Mr. Wylie), or, in the alternative, to offer an amendment striking certain provisions of that amendment?

THE CHAIRMAN: The Chair will advise the gentleman that either of such amendments would be in the third degree, and therefore not in order.

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

THE CHAIRMAN: The gentleman will state it.

MR. OTTINGER: Would it be possible to go back to the original one with a perfecting amendment?

THE CHAIRMAN: By the “original one” does the gentleman mean the Krueger amendment in the nature of a substitute?

MR. OTTINGER: Yes, Mr. Chairman.

THE CHAIRMAN: No. After the Wylie amendment is disposed of, another amendment would be in order.

§ 6.17 Where there was pending an amendment in the nature of a substitute for a bill, an amendment thereto, a substitute therefor and an amendment to the substitute, the Chair indicated that any further amendment would be in the third degree and not in order.

On June 10, 1976,⁽¹⁷⁾ the Committee of the Whole having under consideration H.R. 13367,⁽¹⁸⁾ with

14. 122 CONG. REC. 2359, 2361, 94th Cong. 2d Sess.

15. H.R. 9464, the Natural Gas Emergency Act of 1976.

16. Richard Bolling (Mo.).

17. 122 CONG. REC. 17327–51, 94th Cong. 2d Sess.

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

the above-described amendments thereto pending, the Chair responded to a parliamentary inquiry regarding further amendment. The proceedings were as follows:

The Clerk read as follows:

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

That this Act may be cited as the "Fiscal Assistance Amendments of 1976".

DEFINITION

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

MR. [FRANK] HORTON [of New York]: 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. Horton as a substitute for the amendment in the nature of a substitute offered by Mr. Brooks: Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "Fiscal Assistance Amendments of 1976". . . .

Sec. 3. (a) Subtitle A of title I of the Act is amended by striking out section 103.

(b) Section 123(a) of the Act is amended by striking out paragraph (3). . . .

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

The Clerk read as follows:

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

. . .

At this point in the proceedings, a parliamentary inquiry was directed to the Chair and he responded as follows:

THE CHAIRMAN:⁽¹⁹⁾ The Chair will state that the gentleman's amendments, under the existing situation, are not subject to further amendment.

. . .

Any further amendment would be an amendment in the third degree.

—Amendment in Nature of Substitute Considered as Original Text

§ 6.18 Where an amendment in the nature of a substitute is considered as original text for the purpose of amendment, pursuant to a special order, an amendment to an amendment thereto is not in the third degree and is in order.

On Sept. 30, 1983,⁽²⁰⁾ the proposition described above was dem-

19. Gerry E. Studds (Mass.).

20. 129 CONG. REC. 26732, 26741, 98th Cong. 1st Sess.

onstrated during consideration of H.R. 3231⁽¹⁾ in the Committee of the Whole. The proceedings were as follows:

THE CHAIRMAN:⁽²⁾ When the Committee of the Whole rose on Thursday, September 29, title I was open for amendment at any point.

Are there further amendments to title I?

MR. [HOWARD E.] WOLPE [of Michigan]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wolpe: Page 13, line 2, strike out the quotation marks and second period.

Page 13, insert the following after line 2:

“(o) NUCLEAR EXPORTS.—Notwithstanding section 17 of this Act or any other provision of law—

“(1) no license may be issued under this Act for the export to a non-nuclear-weapon state of goods or technology which are to be used in a nuclear production or utilization facility. . . .

MR. [TOBY] ROTH [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Roth to the amendment offered by Mr. Wolpe: On page 3 of the amendment, line number 1, strike out the quotation marks and the last period and in lieu thereof insert the following:

“The restrictions contained in this subsection shall not apply in a par-

1. The Export Administration Amendments Act of 1983.
2. John F. Seiberling (Ohio).

ticular case if foreign availability is determined to exist in accordance with the procedures and criteria established under subsection (f)(1) of this section. . . .

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, I make a point of order against the amendment. . . .

I believe the amendment is in the third degree. The gentleman from Michigan (Mr. Wolpe) offered an amendment to the amendment in the nature of a substitute and, for that reason, I think it is not in order.

THE CHAIRMAN: The Chair would advise the gentleman from New York (Mr. Ottinger) that this is an amendment in the second degree. The original amendment in the nature of a substitute is considered as an original bill for purpose of consideration under the rule.

Committee Amendment Pending

§ 6.19 Where there was pending a committee amendment and an amendment thereto, the Chairman declined to permit a Member to offer an amendment in the third degree but indicated that a substitute for the committee amendment would be in order.

On June 1, 1972,⁽³⁾ the following proceedings took place:

3. 118 CONG. REC. 19458, 19460, 19463, 92d Cong. 2d Sess. Under consideration was H.R. 13918 (Com-

AMENDMENT TO THE COMMITTEE
AMENDMENT OFFERED BY MR.
MATHIS OF GEORGIA

MR. [DAWSON] MATHIS of Georgia:
Mr. Chairman, I offer an amendment
to the committee amendment.

The Clerk read as follows:

Amendment to the committee
amendment offered by Mr. Mathis of
Georgia. . . .

MR. [HASTINGS] KEITH [of Massachu-
setts]: I offer an amendment to the
substitute offered by the gentleman
from Georgia (Mr. Mathis).

THE CHAIRMAN:⁽⁴⁾ The Chair will
state to the gentleman from Massachu-
setts that an amendment to the Mathis
amendment is in the third degree and
is not in order.

MR. KEITH: An amendment to the
substitute is not in order?

THE CHAIRMAN: The Chair will state
to the gentleman from Massachusetts
that there is presently pending an
amendment to the committee amend-
ment. . . .

MR. KEITH: Then I would respect-
fully ask the Chair: Would it be in
order to offer a substitute to the
amendment offered and pending before
us?

THE CHAIRMAN: The Chair will state
to the gentleman from Massachusetts
that it would be in order to offer a sub-
stitute for the entire committee
amendment.

***Amendments While Motion To
Strike Pending***

**§ 6.20 While a motion to strike
out is pending, it is in order**

mittee on Interstate and Foreign
Commerce).

4. Robert N. Giaimo (Conn.).

**to offer an amendment to
perfect the language pro-
posed to be stricken out;
such a perfecting amend-
ment (which is in the first
degree) may be amended by
a substitute (also in the first
degree), and amendments to
the substitute are then in the
second degree and in order.**

On Oct. 19, 1983,⁽⁵⁾ during con-
sideration of H.R. 3231,⁽⁶⁾ in the
Committee of the Whole, the pro-
ceedings described above occurred
as follows:

AMENDMENT OFFERED BY MR. COURTER

MR. [JAMES A.] COURTER [of New
Jersey]: Mr. Chairman, I offer an
amendment.

The Clerk read as follows:

Amendment offered by Mr. Cour-
ter: Page 14, line 4, strike out "If"
and all that follows through "in-
volved." on line 8.

Page 16, line 18, strike out "If"
and all that follows through "in-
volved." on line 22. . . .

PERFECTING AMENDMENT OFFERED BY
MR. BONKER

MR. [DON] BONKER [of Washington]:
Mr. Chairman, I offer a perfecting
amendment.

The Clerk read as follows:

Perfecting amendment offered by
Mr. Bonker: Page 14, line 4, strike

5. 129 CONG. REC. 28274, 28282,
28283, 98th Cong. 1st Sess.

6. Export Administration Act Amend-
ments of 1983.

out "If" and all that follows through "involved." on line 8 and insert in lieu thereof the following: "If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved." . . .

AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT OFFERED BY MR. BONKER

MR. [GERALD B.] SOLOMON [of New York]: Mr. Chairman, I offer an amendment as a substitute for the perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. Solomon as a substitute for the perfecting amendment offered by Mr. Bonker: Page 14, line 8, insert the following immediately after the first period: "The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President determines that the absence of the export control involved would prove detrimental to the national security of the United States." . . .

AMENDMENT OFFERED BY MR. HUNTER TO THE AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT OFFERED BY MR. BONKER

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

The Clerk read as follows:

Amendment offered by Mr. Hunter to the amendment offered by Mr.

Solomon as a substitute for the perfecting amendment offered by Mr. Bonker: At the end of the Solomon amendment add the following new sentence: "If at the end of said year, foreign availability remains, and the President determines that transfer of the subject technology by the United States would damage national security, the Secretary shall require a license as a prerequisite to transfer." . . .

MR. BONKER: Mr. Chairman, I have offered an amendment to the amendment in the nature of a substitute but as I understand it the gentleman from New Jersey simply strikes. So my amendment would be to the text of the bill.

THE CHAIRMAN:⁽⁷⁾ The gentleman is correct. His amendment is in the first degree as a perfecting amendment to the provision which the gentleman from New Jersey would strike out.

MR. BONKER: The amendment that has been offered by the gentleman from California (Mr. Hunter), is that in the form of an amendment to my substitute or in the form of an amendment to my amendment?

THE CHAIRMAN: As the Chair understands it, it is an amendment to the substitute offered by the gentleman from New York. It is an amendment to the Solomon substitute for the Bonker perfecting amendment.

MR. BONKER: Is that an amendment in the third degree?

THE CHAIRMAN: No, it is not. The Solomon amendment is a substitute and this is an amendment to the substitute for the Bonker amendment.

MR. BONKER: Mr. Chairman, I withdraw my point of order.

7. John F. Seiberling (Ohio).

Form of Amendment

§ 6.21 While a perfecting amendment to a pending substitute should retain some portion of the substitute so as not to be in effect a substitute in the third degree, the Chair does not look behind the form of the amendment in the absence of a timely point of order from the floor to determine whether it is a proper perfecting amendment.

On July 26, 1984,⁽⁸⁾ in response to a parliamentary inquiry after debate had begun on a pending amendment to a substitute, the Chair indicated that the amendment had been prefaced as a perfecting amendment rather than as a substitute (although actually drafted as a substitute to replace all language).

MR. [WILLIAM F.] GOODLING [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Goodling: Add at the end of the bill the following new title. . . .

MR. [WILLIAM D.] FORD of Michigan: Mr. Chairman, I offer an amendment as a substitute for the amendment.

8. 130 CONG. REC. 21259, 21261, 21263, 21264, 98th Cong. 2d Sess. Under consideration was H.R. 11, the education amendments of 1984.

The Clerk read as follows:

Amendment offered by Mr. Ford of Michigan as a substitute for the amendment offered by Mr. Goodling: Add at the end of the bill the following new title. . . .

MR. GOODLING: Mr. Chairman, I offer a perfecting amendment to the amendment offered by the gentleman from Michigan (Mr. Ford) as a substitute for my amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. Goodling to the amendment offered by Mr. Ford of Michigan as a substitute for the amendment offered by Mr. Goodling: In lieu of the matter proposed to be inserted insert the following. . . .

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, inasmuch as the perfecting amendment was not read, I am wondering if it happens to be an amendment in the third degree.

THE CHAIRMAN PRO TEMPORE: The Chair would advise the gentleman that this amendment was offered as an amendment to the substitute and not as a substitute which would be in the third degree.

MR. PERKINS: Drafted to the substitute that is being offered by the gentleman from Michigan (Mr. Ford)?

THE CHAIRMAN PRO TEMPORE: The Chair would advise the gentleman that that is correct.

MR. [STEVE] BARTLETT [of Texas]: Mr. Chairman, I yield back the balance of my time.

THE CHAIRMAN PRO TEMPORE:⁽⁹⁾ The question is on the perfecting amendment offered by the gentleman from

9. Abraham Kazen, Jr. (Tex.).

Pennsylvania (Mr. Goodling) to the amendment offered by the gentleman from Michigan (Mr. Ford) as a substitute for the amendment offered by the gentleman from Pennsylvania (Mr. Goodling). . . .

Parliamentarian's Note: It appears that a point of order might have been sustained if made prior to the beginning of debate on the Goodling amendment to the Ford substitute, since it was in reality in the form of a substitute "in lieu of the matter proposed to be inserted insert the following. . . .", but once debate began, the Chair would not take the initiative and rule the amendment to be a substitute for a substitute and in the third degree under Rule XIX.

Pro Forma Amendment as Third Degree

§ 6.22 While, in the Committee of the Whole, pro forma amendments are technically not in order to amendments to a pending amendment or to amendments to a substitute therefor if the point of order is raised (as in either case they would constitute amendments in the third degree), Chairmen have hesitated to rule pro forma amendments out of order as being in the third degree and have permitted

such amendments to be offered by unanimous consent.

On Oct. 2, 1974,⁽¹⁰⁾ the Committee of the Whole had under consideration House Resolution 988, to reform the structure, jurisdiction, and procedures of House committees. A point of order was raised against a pro forma amendment:

MR. [LLOYD] MEEDS [of Washington]: Mr. Chairman, I move to strike the requisite number of words.

MR. [JOHN D.] DINGELL [Jr., of Michigan]: Mr. Chairman, a point of order. The gentleman from Washington offers an amendment in the proscribed degree and cannot be recognized on that basis. . . .

I make the point of order the gentleman is offering an amendment which is not proper under the rules.

THE CHAIRMAN:⁽¹¹⁾ The gentleman from Washington will state his purpose for rising.

MR. MEEDS: Mr. Chairman, I move to strike the last word.

10. 120 CONG. REC. 33572, 93d Cong. 2d Sess.

See also the proceedings at 92 CONG. REC. 848, 79th Cong. 2d Sess., Feb. 4, 1946, where the Chair declined to initiate action in ruling a pro forma amendment out of order as in the third degree.

Note: One reason for the Chair's latitude in allowing pro forma amendments is that the Committee in any event has the power to close debate when it chooses.

11. William H. Natcher (Ky.).

MR. DINGELL: Mr. Chairman, and I make the point of order that is not in order.

THE CHAIRMAN: Without objection, the gentleman from Washington is recognized for 5 minutes.

B. WHEN TO OFFER AMENDMENT; READING FOR AMENDMENT

§ 7. In General; Reading by the Clerk

At the close of general debate on a bill in the Committee of the Whole, debate on amendments normally proceeds under the five-minute rule.⁽¹²⁾ The bill is read for amendment, and amendments are offered and debated at the appropriate point in the reading. Thus, when a bill is being read for amendment in the Committee of the Whole by sections, it is not in order to offer amendments except to the one section under consideration. Of course, where a bill consists of only one section, the entire bill is open to amendment.⁽¹³⁾

Amendments are offered in accordance with established procedures, described above.⁽¹⁴⁾ Amendments and amendments thereto are offered in the prescribed order,⁽¹⁵⁾ amendments in the third

degree⁽¹⁶⁾ being precluded. 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.⁽¹⁷⁾

A special rule may prescribe the consideration of amendments in a specified order.⁽¹⁸⁾

In Committee of the Whole, amendments to the preamble of a joint resolution are considered following disposition of any amendments to the resolving clause; and, although in reading a concurrent resolution with a preamble for amendment, the Clerk reads the preamble first and then reads the body of the resolution, amendments to the preamble in Committee of the Whole are considered after amendments to the

12. Rule XXIII clause 5(a), *House Rules and Manual* § 870 (101st Cong.).

13. See 92 CONG. REC. 1974, 79th Cong. 2d Sess., Mar. 6, 1946.

14. See § 5, supra.

15. See §§ 15–19, infra, for a discussion of precedence of various kinds of amendments.

16. See § 6, supra.

17. See § 5, supra.

18. See Sec. 3, supra, for discussion of special rules as they affect the amending process. For discussion of special rules generally, see Ch. 21, supra.