

Amendments

A. AMENDMENTS DEFINED AND DISTINGUISHED; FORMS

- § 1. In General; Formal Requisites
- § 2. Perfecting Amendments
- § 3. Motions to Insert
- § 4. Motions to Strike and Insert
- § 5. Motions to Strike
- § 6. Substitute Amendments
- § 7. Amendments in Nature of a Substitute
- § 8. Pro Forma Amendments
- § 9. Precedence of Motion Generally
- § 10. Amending Other Motions
- § 11. Effect of Special Rule
- § 12. — Amendments Printed in the Record

B. PERMISSIBLE PENDING AMENDMENTS

- § 13. Generally; The Stages of Amendment
- § 14. Amendments in the Third Degree

C. WHEN TO OFFER AMENDMENT; READING FOR AMENDMENT

- § 15. In General; Reading by the Clerk
- § 16. Amendments to Text Passed in the Reading
- § 17. Amendments to Text Not Yet Read; Amendments En Bloc
- § 18. Amendments to Bills Considered as Read and Open to Amendment
- § 19. Amendments in the Nature of a Substitute
- § 20. Recognition to Offer Amendments; Priority

D. OFFERING PARTICULAR KINDS OF AMENDMENTS; PRECEDENCE AND PRIORITIES

- § 21. Introductory; Perfecting Amendments
- § 22. Motions to Strike
- § 23. Motions to Strike Out and Insert
- § 24. Substitute Amendments
- § 25. Offering Amendments During Yielded Time
- § 26. Effect of Previous Question; Expiration of Time for Debate

HOUSE PRACTICE

E. CONSIDERATION AND VOTING

- § 27. In General; Reading of Amendment
- § 28. Order of Consideration Generally
- § 29. Committee Amendments
- § 30. Amendments En Bloc; Use of Special Rules
- § 31. Perfecting Amendments; Motions to Strike
- § 32. Substituting Amendments
- § 33. Points of Order
- § 34. — Timeliness
- § 35. Debate on Amendments
- § 36. Withdrawal of Amendment
- § 37. Modification of Amendment

F. EFFECT OF ADOPTION OR REJECTION; CHANGES AFTER ADOPTION

- § 38. In General; Effect of Adoption of Perfecting Amendment
- § 39. Adoption of Amendment as Precluding Motions to Strike
- § 40. Effect of Adoption of Motions to Strike
- § 41. Adoption of Amendment in Nature of Substitute
- § 42. Amendments Pertaining to Monetary Figures
- § 43. Effecting Changes by Unanimous Consent
- § 44. Amendments Previously Considered and Rejected

G. HOUSE CONSIDERATION OF AMENDMENTS REPORTED FROM COMMITTEE OF THE WHOLE

- § 45. In General; Voting
- § 46. Effect of Rejection of Amendment
- § 47. Motions to Recommit With Instructions Pertaining to Amendments

H. AMENDMENTS TO TITLES AND PREAMBLES

- § 48. In General

I. AMENDMENTS CONTAINING UNFUNDED MANDATES

- § 49. In General

Research References

5 Hinds §§ 5753–5800

8 Cannon §§ 2824–2907a

9 Deschler Ch 27

Manual §§ 413, 456, 469, 775, 777, 782, 793, 822, 823, 825, 826, 854,
870, 872–875

A. Amendments Defined and Distinguished; Forms

§ 1. In General; Formal Requisites

Generally

The four forms of amendment are specified by Rule XIX. They are:

- The amendment to the pending proposition
- Amendments to the amendment
- Substitute amendments
- Amendments to the substitute

An amendment to a pending amendment is in order as an amendment in the second degree, as is an amendment to a pending substitute. Amendments in the third degree are not in order. § 14, *infra*.

The amendment to the original text must, of course, be offered first, and generally only one amendment to the text may be pending at any one time. 5 Hinds § 5755; Deschler Ch 27 § 1. Once that amendment is offered, however, the other three forms of amendment may be offered and all four amendments may be pending at one time. 5 Hinds §§ 5753, 5785; 8 Cannon §§ 2883, 2887; Deschler Ch 27 § 1. See also § 13, *infra*.

Recognition for the purpose of offering amendments is within the discretion of the Chair. See § 20, *infra*. A Member may offer an amendment in his own name at the request of another Member, but he may not offer it in the other Member's name. Deschler Ch 27 § 1.11. And he may not offer an amendment to his own amendment; an amendment once offered may not be modified by its proponent except by unanimous consent. § 37, *infra*.

Formal Requirements; Written or Oral Motions

Pursuant to the House rules (Rule XVI clause 1), the Chair or any Member may require that an amendment be reduced to writing before being offered. Deschler Ch 27 § 1.1. In Committee of the Whole, the Clerk transmits copies of offered amendments to the majority and the minority tables in accordance with the House rules (Rule XXIII clause 5(a)), although the failure of the Clerk to promptly transmit such copies is not the basis for a point of order against the amendment. Deschler Ch 27 § 22.11.

An amendment must contain instructions to the Clerk as to the portion of the bill it seeks to amend. Deschler Ch 27 § 1.28. Similarly, an amendment to an amendment should specify and identify the text to be amended. Amendments to a substitute should be drafted to the proper page and line number of the substitute rather than to comparable provisions of the original text. Deschler Ch 27 §§ 1.9, 1.10. A Member who intends to propose such an amendment may ascertain the appropriate page and line number by inspecting the pending amendment at the Clerk's desk or obtaining a copy thereof at the committee tables. Deschler Ch 27 § 22.10.

The Chair may examine the form of an offered amendment to determine its propriety and may rule it out of order even where no point of order is raised from the floor, and debate has begun. Deschler Ch 27 § 1.39. However, an ambiguity in the wording of an amendment, or a question as to the propriety of draftsmanship of an amendment to accomplish a particular legislative purpose, should not be questioned on a point of order; that is an issue to be disposed of on the merits. Deschler Ch 27 § 1.31.

Order or Sequence

A distinction should be made between the order or sequence of voting on amendments and the sequence in which they may be offered. Amendments must be voted on in a definite sequence. The amendment to the text is voted on last, thereby giving the Members the fullest opportunity to perfect it before addressing its adoption. (Order of voting on amendments, see § 28, *infra*.) But this sequence is reversed with respect to the *offering* of amendments, since amendments to the text are proposed before the offering of amendments to the amendment, and substitute amendments must precede the offering of amendments to the substitute. §§ 21 *et seq.*, *infra*. Nevertheless, considerable latitude is permitted in the order of offering amending propositions. Thus, in one instance in 1975, five amendments were offered in the following order: (1) an amendment in the nature of a substitute for the pending text, (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. Deschler Ch 27 § 5.28.

Effect of Special Rule

Bills are frequently considered pursuant to the terms of a special rule or resolution reported from the Committee on Rules which specifies whether amendments may be offered to the bill, the kind and number of amendments that may be offered, whether they can be amended, and the order of consideration and voting thereon. § 11, *infra*. Such special rules are themselves subject to germane amendment while the rule is pending if the Member in

control yields for such amendment or if he offers the amendment himself, or if the previous question is voted down. Deschler Ch 27 § 3.1.

§ 2. Perfecting Amendments

Generally

Generally, the House follows the Jeffersonian principle that language should be perfected before taking other action on it. *Manual* § 456. The term “perfecting amendment” includes amendments to insert as well as amendments to strike out and insert. Deschler Ch 27 § 15. And a perfecting amendment may take the form of a motion to strike out a lesser portion of the words encompassed in a pending motion to strike. Deschler Ch 27 § 15.17. There are no degrees of preference as between perfecting amendments. Deschler Ch 27 § 5.9.

A perfecting amendment may be offered to the text of a bill or to an amendment to a bill. Once a perfecting amendment to an amendment is disposed of, the original amendment, as amended or not, remains open to further perfecting amendment, and all such amendments are disposed of prior to voting on substitutes. Deschler Ch 27 § 23.9.

Perfecting Amendments and the Motion to Strike

Perfecting amendments to a section or paragraph may be offered—one at a time—while a motion to strike out the section or paragraph is pending, and are first disposed of. Deschler Ch 27 § 15.15. Indeed, all perfecting amendments to a section of a bill must be disposed of prior to the vote recurring on a pending motion to strike out the section. Deschler Ch 27 § 24.2. And if the perfecting amendment changes all the words proposed to be stricken out, the motion to strike necessarily falls and is not voted on. Deschler Ch 27 § 24.15.

§ 3. Motions to Insert

A motion to insert may be pending at the same time as a motion to strike, with the vote taken first on the motion to insert, then on the motion to strike. They need not be offered in the order in which they are voted on. Deschler Ch 27 § 15.1.

It is not in order to reinsert the precise language stricken by amendment. Deschler Ch 27 § 31.4. But an amendment similar to the stricken language may be offered if germane to the pending portion of the bill. Deschler Ch 27 § 31.6.

After an amendment to insert has been agreed to, the matter inserted ordinarily may not then be amended (5 Hinds § 5761; 8 Cannon § 2852) in

§ 4

HOUSE PRACTICE

any way that would solely change its text. However, an amendment may be added at the end of the inserted material. 5 Hinds § 5759; *Manual* § 469. See § 38, *infra*.

§ 4. Motions to Strike and Insert

A motion to strike out and insert is usually a perfecting amendment (Deschler Ch 27 § 16), and is not divisible. Rule XVI clause 7. A motion to strike out and insert may be offered as a perfecting amendment to a pending section of a bill, and is voted on before a pending motion to strike that section. But, even if agreed to, the perfected language is subject to being eliminated by subsequent adoption of the motion to strike out in cases where the perfecting amendment has not so changed the text as to render the original motion to strike meaningless. Deschler Ch 27 § 17.12 (note).

§ 5. Motions to Strike

A motion proposing to strike out a section of a bill is in order after perfecting amendments to the section are disposed of. If offered first, the motion to strike is held in abeyance until perfecting amendments have been disposed of. § 21, *infra*. A motion proposing to strike out a section which has been perfected, but not changed in its entirety, is in order. Deschler Ch 27 § 17.29. The motion to strike, if adopted, strikes the entire section including provisions added as perfecting amendments to that section. Deschler Ch 27 § 31.1.

A motion to strike out the enacting clause of a bill is a parliamentary motion used for rejecting the bill. Deschler Ch 27 § 15. It takes precedence over a motion to amend the bill. Rule XXIII clause 7. *Manual* § 875.

§ 6. Substitute Amendments

A “substitute” is a substitute for an amendment and not a substitute for the original text. Deschler Ch 27 § 18.1. See also 8 Cannon § 2883. If a substitute amendment is adopted, the question recurs on the amendment as amended by the substitute; but if the substitute is rejected, the amendment is open to further amendment. Deschler Ch 27 §§ 25.1, 32.18. Substitute amendments are under Rule XIX first degree amendments and as such are themselves subject to amendment. Deschler Ch 27 § 15.29.

A substitute for an amendment is in order so long as it is germane thereto and proposes to make some change in the original language being amended or in the amendment itself. 93–2, July 22, 1974, pp 24450, 24451, 24453. To qualify as a substitute, however, an amendment must treat in the same manner the same subject carried by the amendment for which it is of-

ferred. 8 Cannon § 2879. Thus, a proposition not only inserting similar language but also striking out original text from the bill may be ruled out of order as a substitute—if it has the effect of broadening the scope of the pending amendment in violation of the germaneness rule. Deschler Ch 27 § 18.6.

A substitute for a motion to strike out is not in order. Deschler Ch 27 § 18.8. Nor is a motion to strike out in order as a substitute for a pending motion to strike out and insert (Deschler Ch 27 § 17.18) or for a perfecting amendment to text generally (Deschler Ch 27 § 17.17).

A proposition contained in a substitute may sometimes be reoffered in a different form after it has failed of approval. 8 Cannon § 2843.

A Member may not offer a substitute for his own amendment to a bill. Deschler Ch 27 § 18.22.

§ 7. Amendments in Nature of a Substitute

An amendment in the nature of a substitute is an amendment which is offered to the text of a bill; it generally replaces the entire bill. It should be distinguished from a substitute amendment, which is merely a substitute for another amendment that has been offered. Deschler Ch 27 § 12.

An amendment in the nature of a substitute takes the form of a motion to strike out and insert. But the term “amendment in the nature of a substitute” properly applies only to those motions which propose to strike out an entire pending bill, though it is sometimes used, less precisely, to describe motions proposing to strike out an entire pending section or title of text and to insert new matter. It should not be used to describe those motions to strike out and insert which are properly characterized as “perfecting amendments” and which go only to a portion of the pending text. Deschler Ch 27 § 25. An amendment in the nature of a substitute for a pending bill may be offered after the first section is read and is then open to amendment in its entirety. Deschler Ch 27 § 12.

An amendment in the nature of a substitute for a bill may be proposed before perfecting amendments to the pending portion of the original text have been offered, but may not be voted on until after such perfecting amendments have been disposed of. 8 Cannon § 2896; Deschler Ch 27 § 25.

Where an amendment in the nature of a substitute for a bill has been adopted in Committee of the Whole, the stage of amendment is passed and further amendments, including pro forma amendments for debate, are not in order except by unanimous consent. Deschler Ch 27 § 32.6. See also *Manual* § 823.

§ 8. Pro Forma Amendments

Pro forma amendments have been in use during debate under the five-minute rule since as early as 1868. 5 Hinds § 5778. A pro forma amendment is a procedural formality—a parliamentary device used to obtain recognition during consideration of a bill being read for amendment. Such an amendment does not contemplate any actual change in the bill. While pro forma amendments are phrased to make some superficial change in the language under consideration, such as “to strike the last word,” the underlying purpose is merely to obtain time for debate which might otherwise be prohibited because of the time limitations of the five-minute rule (Rule XXIII clause 5). Deschler Ch 27 § 2. Nevertheless, a pro forma amendment must be voted on unless withdrawn. 8 Cannon § 2874; *Manual* § 873a.

A Member who has occupied five minutes on a pro forma amendment:

- May not lengthen this time by making another pro forma amendment. 5 Hinds § 5222; 8 Cannon § 2560.
- May not extend this time by offering a substantive amendment while other Members are seeking recognition. *Manual* § 873a.
- May rise in opposition to a pro forma amendment offered by another Member when recognized for that purpose. Deschler Ch 27 §§ 2, 2.21 (note).

Debate on a pro forma amendment must be confined to the portion of the bill to which the pro forma amendment has been offered. Deschler Ch 27 §§ 2.5, 28.38. If the point of order is raised, a Member may not under a pro forma amendment discuss a section of the bill not immediately pending. Deschler Ch 27 § 2.4.

A Member recognized to debate a pro forma amendment may not allocate or reserve time. 103–2, July 13, 1994, p ____.

§ 9. Precedence of Motion Generally

In General

A House rule specifies the motions that are in order when a question is under debate in the House and assigns precedence to those motions in the order named in the rule. The motion to amend is listed in the fourth position, taking precedence over the motion to postpone indefinitely. Under the rule, the motion to amend yields to the motion to adjourn, to lay on the table, for the previous question, to postpone to a day certain, and to refer. Rule XVI clause 4. *Manual* § 782. Since the motion to refer takes precedence over the motion to amend (5 Hinds § 5555), the motion to amend is not entertained while the motion to refer is pending (6 Cannon § 373).

Explaining or Opposing an Amendment

In Committee of the Whole, under the five-minute rule where an amendment is offered, the initial 10 minutes of debate—five for the proponent to explain the amendment, five for a speech in opposition—takes precedence over a motion to amend it. 4 Hinds § 4751.

The Previous Question

In the House, a motion for the previous question takes precedence over a motion to amend. 8 Cannon § 2660; 90–1, Mar. 1, 1967, p 5038; 92–1, Nov. 8, 1971, p 39944; 96–1, July 24, 1979, p 20385. See also *Manual* § 825. Thus, the previous question may be moved pending the offering of an amendment by a Member to whom the floor was yielded for that purpose, and the previous question must be voted down before that Member is recognized to offer the amendment. 92–1, Nov. 8, 1971, p 39944. The previous question having been voted down, an amendment may be offered, but if the amendment is ruled out on a point of order, the previous question may again be moved and takes precedence over the offering of another amendment. 91–1, Jan. 3, 1969, pp 25–27.

Once the proponent of an amendment has been recognized for debate, he may not be taken from the floor by another Member seeking to move the previous question. 90–2, May 8, 1968, p 12262. And a Member recognized to debate a pro forma amendment may not be taken from the floor by the motion for the previous question. 92–2, May 8, 1972, pp 16154, 16157.

The Motion to Strike the Enacting Clause

The motion to strike out the enacting clause takes precedence over a motion to amend (8 Cannon §§ 2622, 2628) and may be offered while an amendment is pending (5 Hinds § 5328; 8 Cannon § 2624). See also 94–1, Apr. 23, 1975, p 11513. However, the rejection of a preferential motion to strike the enacting clause permits the offering of proper amendments and this is so notwithstanding expiration of all debate time on the bill. 98–1, July 29, 1983, pp 21675, 21676. In the House, the motion is in the following form:

Mr. _____ moves to strike out the enacting clause (or the resolving clause) of the bill.

In the Committee of the Whole, the motion must be phrased as a recommendation, since only the House can directly reach the enacting clause.

Mr. _____ moves that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

§ 10

HOUSE PRACTICE

In the Committee of the Whole, the motion is subject to debate under the five-minute rule. Only two five-minute speeches are in order, one in favor of, one in opposition to, the motion. While the motion to strike out the enacting clause is pending, not even the pro forma amendment to strike out the last word is entertained. 8 Cannon § 2627.

For general discussion of the motion to strike the enacting clause, see COMMITTEE OF THE WHOLE.

The Motion to Rise

With one exception, in Committee of the Whole a motion to amend a bill has precedence over a motion to rise and report it to the House (4 Hinds §§ 4752–4758), but yields to the simple motion that the Committee rise (4 Hinds § 4770). Where a general appropriation bill has been completely read for amendment, a motion to rise and report, if offered by the Majority Leader (or designee), takes precedence over an amendment proposing a limitation. See Rule XXI clause 2(d). *Manual* § 834d.

Precedence as between particular forms of amendment, see § 21, *infra*.

§ 10. Amending Other Motions

Generally

The motion to amend may be applied, with certain exceptions, to other motions that are in order in the House or the Committee of the Whole. 5 Hinds § 5754; *Manual* § 826. Unless precluded by the operation of the previous question, the motion to amend may be applied to a motion:

- To postpone (5 Hinds § 5754; 8 Cannon § 2824).
- To amend (5 Hinds § 5754).
- To refer (5 Hinds § 5754).
- To recommit (5 Hinds § 5521; 8 Cannon §§ 2695, 2738, 2762). See also 91–1, Aug. 11, 1969, p 23143.
- To recommit with instructions (8 Cannon §§ 2698, 2699, 2712, 2759).
- For a recess (5 Hinds § 5754).
- To fix the day to which to adjourn (5 Hinds § 5383).
- To instruct conferees (8 Cannon §§ 3231, 3240; 90–2, May 29, 1968, p 15499).
- To change the reference of a public bill if the amendment is authorized by the appropriate committee (7 Cannon § 2127; *Manual* § 854. But see 4 Hinds § 4378).

When Not Permitted

A motion to amend may not be applied to a motion:

- For the previous question (*Manual* § 452).
- To table (5 Hinds § 5754).

- To suspend the rules (5 Hinds §§ 5405, 6858, 6859), although a motion to suspend the rules and pass a measure may include a proposed amendment to the measure (99–1, June 4, 1985, p 13986).
- To adjourn (5 Hinds § 5754), as by specifying a particular day (5 Hinds § 5360).
- To go into the Committee of the Whole to consider a privileged bill (6 Cannon §§ 52, 724; *Manual* § 826).
- To take up a designated bill in the Committee of the Whole (8 Cannon § 2865).
- To strike out the enacting clause (8 Cannon § 2626).

An amendment may not be offered to a motion against which a point of order is pending. See POINTS OF ORDER. For discussion of the general rule that the motion to amend is not in order on questions on which the previous question is operating, see PREVIOUS QUESTION. Amendments to conference reports, see CONFERENCES BETWEEN THE HOUSES.

§ 11. Effect of Special Rule

Bills are frequently considered pursuant to the terms of a special rule or resolution reported from the Committee on Rules which specifies whether amendments may be offered to the bill, the kind and number of amendments that may be offered, and the order of consideration and voting thereon. Deschler Ch 27 § 3. The Committee on Rules may report a resolution providing procedures to govern the consideration of a measure even where the measure is already pending in Committee of the Whole. Deschler Ch 27 § 3.77. See also SPECIAL RULES.

Legislation may be considered:

- Under an “open” rule, which places no restrictions on amendment.
- Under a “closed” rule, which limits amendments, e.g., to those proposed by the reporting committee.
- Under a rule that is “open in part” or “closed in part.”
- Under a “modified open or closed” rule combining features of the foregoing.

Where a bill is being considered in the Committee of the Whole under an “open” rule, germane amendments to the bill are in order under the standing rules of the House. Deschler Ch 27 § 3.7. Where a bill is being considered under a “closed” rule permitting only committee amendments and no amendments thereto, even pro forma amendments are not in order. Deschler Ch 27 § 3.34.

A “modified closed rule” sometimes permits only designated amendments (93–1, Dec. 10, 1973, p 40489 [H. Res. 657]); or it may prohibit the consideration of amendments relating to a particular subject, such as amend-

ments restricting use of funds for abortions (95–2, June 7, 1978, p 16657 [H. Res. 1220]).

The Committee of the Whole may not substantively restrict the offering of amendments in contravention of a special rule adopted by the House. 99–1, June 25, 1985, p 17201; Deschler Ch 27 § 3; *Manual* § 887a. A unanimous-consent request may be entertained in Committee of the Whole by the Chair if its effect is to allow procedures which differ only in minor or incidental respects from the procedure required by a special rule adopted by the House. Of course, the House may, by unanimous consent, delegate to the Committee of the Whole authority to entertain unanimous-consent requests to change procedures contained in such a rule. Deschler Ch 27 § 3.29 (note).

A special rule may waive points of order against a bill or against specified amendments thereto. Deschler Ch 27 § 3. Such a waiver will not be implied. A special rule merely “making in order” an amendment offered by a designated Member but not specifically waiving points of order does not permit consideration of the amendment unless in conformity with the general rules of the House. Deschler Ch 27 § 3.72 (note). A waiver of points of order against a bill does not apply to amendments offered from the floor. Deschler Ch 27 § 3.

The so-called “self-executing” special order has been applied in recent years to expedite the amendment process. A special rule has been reported to the House which provided that an amendment striking language in the bill “shall be considered to have been adopted.” 99–2, July 27, 1986, pp 17603, 17604. The Committee on Rules has also reported rules which have “self-executed” the adoption of nongermane amendments. 103–1, Feb. 24, 1993, p ____; 103–1, July 27, 1993, p ____.

§ 12. — Amendments Printed in the Record

Where a Member seeks recognition to offer an amendment under a special rule which permits only germane amendments which have been printed in the *Congressional Record*, the amendment must qualify under the rule. 95–1, Sept. 23, 1977, p 30530. An amendment similar but not identical to the text of an amendment printed in the Record has been held out of order under such a rule. 93–2, Feb. 6, 1974, p 2368. Unanimous consent is required to offer an amendment which differs in any way from an amendment permitted under the rule. Deschler Ch 27 § 3.25; 94–2, Sept. 1, 1976, pp 28871, 28872, 28877; 95–1, Oct. 27, 1977, pp 35385, 35386.

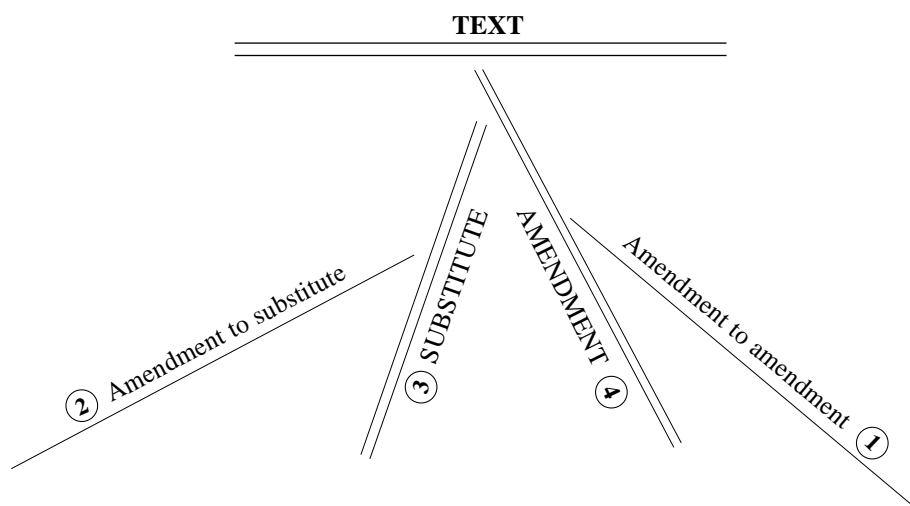
Where a special rule restricts the offering of amendments to those printed in the *Congressional Record* but does not specify the Members who must

offer them, the right to propose amendments properly inserted in the Record inures to all Members. 93–2, Mar. 26, 1974, pp 8229, 8233, 8243.

A special rule prohibiting amendments to a bill except those printed in the *Congressional Record* does not apply to amendments to amendments unless so specified. Deschler Ch 27 § 3.13.

B. Permissible Pending Amendments

§ 13. Generally; The Stages of Amendment



The checklist below and the appended chart show the four common motions that may be pending simultaneously under Rule XIX (5 Hinds § 5753) and the order in which they are voted on (see also § 28, *infra*):

- To amend the text (4)
- To amend the proposed amendment (1)
- To amend by a substitute (3)
- To amend the substitute (2)

Generally, only one amendment to the text may be pending at any one time. 5 Hinds § 5755; Deschler Ch 27 § 1. Once that amendment is offered, however, the other three forms of amendment shown above may be offered and all four amendments may be pending at one time. 5 Hinds § 5753; 8 Cannon § 2883; 27 Deschler Ch 27 § 1.

The amendments shown in the chart are amendments in the first or second degree. Amendments beyond the second degree, such as an amendment

to the amendment to the amendment to the pending text, are not in order. See § 14, *infra*. Frequently, however, as by special rule, an amendment in the nature of a substitute may be considered as an original text for purposes of amendment, thereby extending the permissible degrees of amendment. Deschler Ch 27 § 1. Indeed a special rule reported from the Committee on Rules may specifically permit the offering of amendments beyond the second degree. 94–1, Feb. 27, 1975, p 4593. In one instance in 1979, pursuant to special rule, up to eight amendments were pending simultaneously to the pending text. 96–1, May 15, 1979, pp 1050 *et seq.*

There is no limit to the number of amendments that may be offered either to an amendment or to a substitute; when one second degree amendment has been disposed of, another can be offered. Deschler Ch 27 § 5.16. And where both an amendment and a substitute have been offered, each may have one amendment pending to it at one time. Deschler Ch 26 §§ 5.14, 5.15.

Perfecting the Original Text

It is in order to offer a perfecting amendment to the pending portion of original text, even though there is pending an amendment in the nature of a substitute for the pending measure. Deschler Ch 27 § 5.34. Likewise, where there is pending a motion to strike a title of a bill, perfecting amendments to that title may nevertheless be offered and voted on prior to voting on the motion to strike. Deschler Ch 27 § 5.11.

Amending Pending Amendments

Only one amendment to a pending amendment may be pending at one time. Deschler Ch 27 §§ 5.7, 5.17, 5.24; 96–1, Apr. 9, 1979, p 7763. But 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. Deschler Ch 27 § 5.5.

Amending Substitute Amendments

A substitute for an amendment is subject to amendment. Deschler Ch 27 §§ 5.3, 5.4. Thus, 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. Deschler Ch 27 § 5.13. Other amendments to the substitute are in order following disposition of the pending amendment to the substitute. Deschler Ch 27 § 5.25.

Amending Amendments in the Nature of a Substitute

When properly made in order, an amendment in the nature of a substitute may be considered as original text for purposes of amendment. Accordingly, where pursuant to a special rule a committee amendment in the nature of a substitute is being read as original text for purpose of amendment, there may be pending to that text (1) an amendment, (2) a substitute therefor, and (3) amendments to both the amendment and the substitute. Deschler Ch 27 § 5.32. See also 91–2, Dec. 2, 1970, p 39500. 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. Deschler Ch 27 § 5.21.

§ 14. Amendments in the Third Degree

The following chart shows the four common forms of amendments in the first or second degree and distinguishes them from amendments in the third degree.

Amendments in the third degree are not in order. 5 Hinds § 5754; 8 Cannon § 2580; Deschler Ch 27 § 6.1. “The line must be drawn somewhere,” wrote Thomas Jefferson, “and usage has drawn it after the amendment to the amendment.” *Manual* § 454. This principle is reflected in Rule XIX (*Manual* § 822) and is considered fundamental in the House of Representatives. Deschler Ch 27 § 6. Thus, as shown by the chart, an amendment to an amendment to an amendment is in the third degree and not in order. Deschler Ch 27 § 6.2; 89–1, Aug. 18, 1965, pp 20938, 20943; 95–1, July 27, 1977, p 25252. Until the amendment to the amendment is disposed of, no further amendment to the amendment may be offered. Deschler Ch 27 § 6.12; 88–1, Apr. 29, 1963, p 7242.

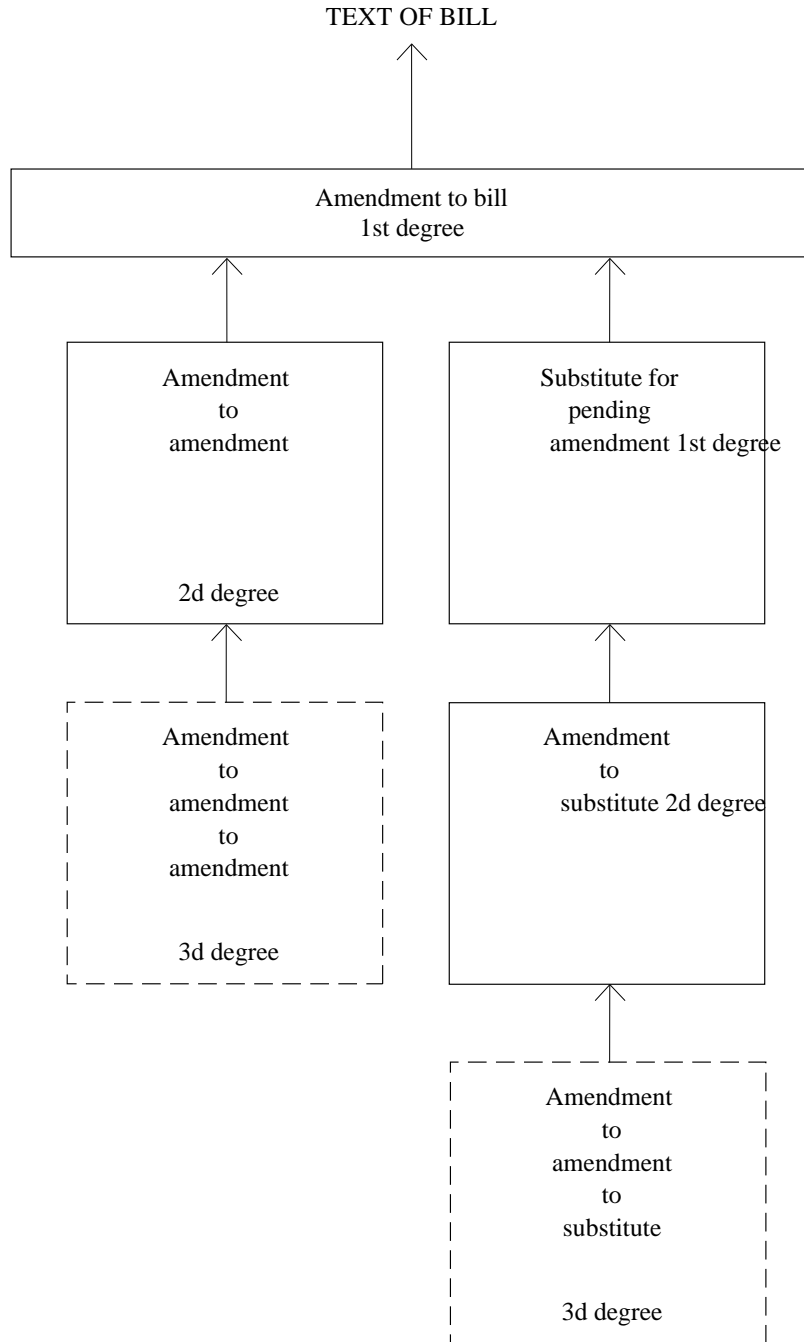
The prohibition against amendments in the third degree also applies to amendments between the House and Senate. If a bill originating in one House is amended by the other, the originating House may amend the amendment, and the second House may again amend. Any further amendment between the Houses would be in the third degree (*Manual* § 529). 93–1, Oct. 18, 1973, p 34699.

Substitutes for Pending Amendments Distinguished

As shown by the following chart, a substitute for a pending first degree amendment is subject to amendment (98–1, May 4, 1983, p 11074), whereas a perfecting amendment to an amendment is not, as that would be in the third degree (96–1, Mar. 8, 1979, pp 4507, 4508, 4510). The substitute permitted by Rule XIX is an alternative to the original first degree amendment

§ 14

HOUSE PRACTICE



and not for the amendment to that amendment. Indeed, when an amendment and a perfecting amendment thereto are pending, neither an amendment to, or substitute for, the perfecting amendment is in order, being in the third degree. Deschler Ch 27 § 6.2; 96-1, Apr. 9, 1979, p 7763.

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. Deschler Ch 27 § 6.21.

Amendments in the Nature of a Substitute

Normally, an amendment to or a substitute for an amendment to an 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. Deschler Ch 27 § 6.15 (note). 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. Deschler Ch 27 § 6.18.

Amendments While Motion to Strike Pending

While a motion to strike out is pending, it is in order to offer an amendment to perfect the language proposed to be stricken out; such a perfecting amendment (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. Deschler Ch 27 § 6.20.

Pro Forma Amendments

In the Committee of the Whole, pro forma amendments are technically not in order where the four permitted amendments are pending if the point of order is raised, as they would constitute amendments in the third degree. But Chairmen have hesitated to rule out of order pro forma amendments as being in the third degree since the Committee has the power to close debate when it chooses, and has permitted such amendments to be offered by unanimous consent. Deschler Ch 27 § 6.22. See also 79-2, Feb. 4, 1946, p 848.

C. When to Offer Amendment; Reading for Amendment

§ 15. In General; Reading by the Clerk

Amendments are not in order in Committee of the Whole until general debate has been closed. 4 Hinds § 4744. Amendments are then taken up

under the five-minute rule. Rule XXIII clause 5(a). *Manual* § 870. 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. Deschler Ch 27 § 7. And after a section or paragraph has been passed it is no longer subject to amendment. *Manual* §§ 413, 872.

Bills are ordinarily read for amendment by sections or paragraphs in sequence, but by unanimous consent the Committee of the Whole may vary the order in which the portions of a bill are read for amendment under the five-minute rule. 96–1, Sept. 12, 1979, p 24204. Indeed, the reading of a bill may be entirely dispensed with by unanimous consent. Deschler Ch 27 §§ 7.1, 7.18.

House Practice Distinguished

In the House, amendments to measures on the House Calendar are made where the Member calling up the measure yields for an amendment, or if the previous question is not moved or ordered, pending the engrossment and third reading. 5 Hinds § 5781; 7 Cannon § 1051; Deschler Ch 27 § 13.3. Amendments may be offered to any part of the bill without proceeding consecutively section by section or paragraph by paragraph. 4 Hinds § 3392.

Practice in House as in Committee of the Whole

Where a bill is by unanimous consent considered in the House *as in* the Committee of the Whole, the bill is considered as read and open to amendment at any point under the five-minute rule. Deschler Ch 27 § 11.22; 91–2, Aug. 10, 1970, p 28050. And this is so despite the fact that the House has previously adopted a special order providing that the bill be read by title in the Committee of the Whole. Deschler Ch 27 § 7.2.

§ 16. Amendments to Text Passed in the Reading

In the Committee of the Whole amendments to a section are in order after the section has been read or the reading dispensed with (89–1, June 29, 1965, p 15162) and remain in order until the reading of the next portion to be considered (96–1, Sept. 13, 1979, p 24425). Generally, an amendment comes too late when the Clerk has read beyond the section to which the amendment applies. Deschler Ch 27 § 8.1; 102–2, June 30, 1992, p _____. See also 8 Cannon § 2930.

An amendment offered as a new section is in order to a bill being read by sections after the Clerk has read up to, but not beyond, the point at which the amendment would be inserted. The amendment must be offered

after the consideration of the section of the bill which it would follow, and comes too late after the next section of the bill has been read for amendment. 93–2, July 2, 1974, pp 22026, 22028; Deschler Ch 27 § 8.17. A section is considered passed for the purpose of amendment after an amendment inserting a new section has been adopted following that section. Deschler Ch 27 § 8.12. An amendment adding a new section at the end of a bill is in order after the last section of the bill has been read even though other amendments adding new sections have been adopted. 95–2, Aug. 14, 1978, p 29563.

A point of order as to the timeliness of an amendment may not be raised in such a way as to deprive a Member of a timely opportunity to present an amendment. A point of order that an amendment to a section or a paragraph of a bill comes too late does not lie where the Member offering the amendment was standing and seeking recognition before the section or paragraph was passed in the reading. 95–2, June 8, 1978, p 16779. (For a similar ruling, see Deschler Ch 27 § 8.22.) And the Chair has on occasion directed the Clerk to reread a paragraph of a bill where there was doubt as to how far the Clerk had read. Deschler Ch 27 § 8.4.

§ 17. Amendments to Text Not Yet Read; Amendments En Bloc

It is not in order to strike out (93–1, July 25, 1973, p 25829) or otherwise amend portions of a bill not yet read for amendment (Deschler Ch 27 § 9.1; 102–2, June 30, 1992, p ____). Even committee amendments printed in a bill are not considered until the section where they appear is read for amendment. Deschler Ch 27 § 9.4. Amendments to a pending title of a bill and to a subsequent title may be offered en bloc only by unanimous consent. Deschler Ch 27 § 9.13. Similarly, to a bill being read for amendment by sections, amendments to more than one section may be considered en bloc by unanimous consent only. 95–1, Oct. 5, 1977, p 20523.

In the 104th Congress, clause 2(f) of Rule XXI was added to permit the offering of certain “budget neutral” amendments when an appropriation bill is being read for amendment. Such amendments are made in order en bloc even if they affect paragraphs in the appropriation bill not yet read for amendment. Such amendments are not subject to division. *Manual* § 834f.

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

Unless permitted by special order (95–1, Aug. 2, 1977, p 26124), a bill may be considered as read and open to amendment at any point only by unanimous consent; a motion to that effect is not in order. Deschler Ch 27

§ 11.2. Similarly, during the reading of a section for amendment, that section can be considered as read and open to amendment at any point only by unanimous consent. Deschler Ch 27 § 11.4. Where such consent is granted, amendments may then be offered to any portion of the bill not yet read for amendment at the time the permission is granted. Deschler Ch 27 § 11.9. Of course, amendments remain in order to that portion of the bill pending when the request was granted. 94-1, Apr. 23, 1975, p 11546; 94-1, June 4, 1975, p 16899. But an agreement that the remainder of the bill be considered read and open for amendment at any point does not admit an amendment to a portion of the bill already passed in the reading. Deschler Ch 27 § 11.8.

§ 19. Amendments in the Nature of a Substitute

An amendment in the nature of a substitute for a bill is in order after the first section (or paragraph) of the bill has been read for amendment (Deschler Ch 27 §§ 12.1, 12.2; 95-2, Mar. 20, 1978, p 7559) or following the reading of the final section (or paragraph) of the bill (91-2, Apr. 14, 1970, p 11649; Deschler Ch 27 § 12.4). To a bill being read for amendment by titles, an amendment in the nature of a substitute for the entire bill may be offered either after the reading of the “short title” of the bill (which is normally a separate section of the bill preceding title I) or at the conclusion of the reading of the whole bill. Deschler Ch 27 § 12.

An amendment in the nature of a substitute for a bill is not in order at an intermediate stage of the reading. Deschler Ch 27 § 12.10 (note). See also 95-1, Sept. 29, 1977, p 31543. Of course, if the bill is considered as having been read for amendment, then an amendment in the nature of a substitute may be offered at any time during consideration of the bill. 95-1, Mar. 29, 1977, p 9353.

While an amendment in the nature of a substitute may ordinarily be offered after the reading of the first section of a bill being read by sections and prior to committee amendments adding new sections, where a bill consists of one section and is therefore open to amendment at any point when read, committee amendments adding new sections are considered perfecting amendments and are disposed of prior to the offering of amendments in the nature of a substitute. 94-1, Nov. 7, 1975, p 35525.

An amendment in the nature of a substitute is in order after an entire bill has been read and perfecting amendments have been adopted thereto, as long as such perfecting amendments have not changed the bill in its entirety. Deschler Ch 27 § 12.16. Similarly, an amendment in the nature of a substitute may be offered for a bill (or for an amendment being considered

as original text) after the reading thereof has been completed, if another amendment in the nature of a substitute has not been previously adopted. 95-2, May 18, 1978, p 14391.

§ 20. Recognition to Offer Amendments; Priority

Necessity of Recognition

It being fundamental that recognition rests with the Chair (2 Hinds § 1422), a Member wishing to offer an amendment must first be recognized by the Chair for that purpose. Deschler Ch 27 § 4.1. It is for this reason that a Member holding the floor under the five-minute rule may not yield to another Member to offer an amendment. Deschler Ch 27 § 4.6.

Discretion of Chair

Except in cases where he is governed by a special order adopted by the House (Deschler Ch 27 § 4.35), recognition for the purpose of offering amendments is within the discretion of the Chair (Deschler Ch 27 § 4.2). No point of order lies against the Chair's recognition of one Member over another (where the special order governing the consideration of the bill is silent in this respect). 96-1, June 21, 1979, pp 15999, 16000; Deschler Ch 27 § 4.19. Nevertheless, in the absence of a controlling special order, the Chair ordinarily follows the many precedents and practices that serve as guidelines to the Chair in according recognition to Members to offer amendments. Deschler Ch 27 § 4.35. For example, the Chair may accord recognition pursuant to the principle of alternation between majority and minority parties or on the priority of perfecting amendments over motions to strike. 96-1, June 21, 1979, pp 15999, 16000.

Priority of Committee Amendments

Amendments recommended by a committee reporting a bill are normally considered before amendments offered from the floor (97-2, Dec. 1, 1982, pp 28206, 28207), even where the bill is considered read and open to amendment (Deschler Ch 27 § 4.34). Thus, perfecting committee amendments to a paragraph under consideration are disposed of before amendments from the floor are considered. Deschler Ch 27 § 4.33.

Committee Membership as Basis for Recognition

In recognizing Members to offer amendments in the Committee of the Whole, preference is ordinarily given to members of the committee reporting the bill, if on their feet seeking recognition. Deschler Ch 27 § 4.8. Members of the committee reporting a pending bill are entitled to prior recogni-

tion over noncommittee members despite their party affiliation. Deschler Ch 27 § 4.10.

Members of the reporting committee or committees are normally accorded prior recognition in order of full committee seniority (Deschler Ch 27 §§ 4.11, 4.13) and not by the sequence of lines in the pending paragraph to which those amendments may relate. Deschler Ch 27 § 4.30. It is within the discretion of the Chair as to whether he will first recognize a majority or minority member of the committee. Deschler Ch 27 § 4.18.

Effect of Parliamentary Inquiries

The fact that the Chair has recognized a Member to raise a parliamentary inquiry does not prohibit the Chair from then recognizing the same Member to offer an amendment, and the principle of alternation of recognition does not require the Chair to recognize a Member from the minority to offer an amendment after recognizing a Member from the majority to raise a parliamentary inquiry. Deschler Ch 27 § 4.13 (note).

D. Offering Particular Kinds of Amendments; Precedence and Priorities

§ 21. Introductory; Perfecting Amendments

Generally, the House follows the Jeffersonian principle that language should be perfected before taking other action on it. Deschler Ch 27 § 15. “[T]he friends of the paragraph” Jefferson wrote, “may make it as perfect as they can by amendments before the question is put for inserting it. . . . In like manner, if it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can by amendments, before the question is put for striking it out.” *Manual* § 469. An important exception to this rule is that a motion to strike out the enacting words of a bill, being a device used for purposes of rejecting the bill, has precedence over a motion to amend the bill. Rule XXIII clause 7. *Manual* § 875.

A motion to strike and a perfecting amendment may be pending simultaneously. They must be voted on separately in a specified order (§ 28, *infra*), and they may not be offered as amendments to or substitutes for one another. But they need not be offered in the order in which they are voted on. Deschler Ch 27 § 15.1. When a motion to strike out a pending portion of a bill is pending, perfecting amendments are in order to the *text* proposed to be stricken—not to the motion to strike. Deschler Ch 27 § 15.13.

Precedence Over the Motion to Strike

A perfecting amendment to the text of a bill is in order and takes precedence over a pending motion to strike out the text, and is first acted upon. Deschler Ch 27 §§ 15.3, 15.4; 91–2, Mar. 19, 1970, p 8188; 95–1, Oct. 3, 1977, p 32017. Thus, an amendment inserting new words is in order and takes precedence over a pending motion to strike out that portion of the text. Deschler Ch 27 § 15.7; 95–1, Feb. 24, 1977, p 5370.

Perfecting amendments to a paragraph may be offered (one at a time) while a motion to strike out the paragraph is pending, and such perfecting amendments are first disposed of. Deschler Ch 27 §§ 15.5, 15.15; 89–2, Mar. 29, 1966, pp 7104–06, 7118. Under this rule, where a perfecting amendment is offered and rejected, a second perfecting amendment may be offered prior to the vote on a motion to strike out. 87–2, Apr. 10, 1962, pp 6167–69. And if the motion to strike out is ultimately defeated, further perfecting amendments to the pending text are yet in order. Deschler Ch 27 § 15.8; 89–2, Aug. 3, 1966, p 18136.

While a motion to strike a pending portion of a bill will be held in abeyance until perfecting amendments to that portion are disposed of (102–2, May 5, 1992, p ____), a Member who has been recognized to debate his motion to strike may not be deprived of the floor by another Member who seeks to offer a perfecting amendment; after the Member so recognized has completed his five minutes in support of his motion to strike, but before the question is put on the motion to strike, the perfecting amendment may be offered and voted upon. Deschler Ch 27 § 15.11.

Whether or not preferential perfecting amendments to the pending text, offered pending a motion to strike that text, are adopted or rejected, a vote still must be taken on the motion to strike (assuming that the perfecting amendments do not change the entire text pending). Deschler Ch 27 § 15.24. But if perfecting amendments are agreed to, and are coextensive with the material proposed to be stricken, the motion to strike out the amended text falls and is not acted on. Deschler Ch 27 § 15.25.

Precedence Over Amendment in the Nature of a Substitute

Where a bill consists of several sections, an amendment in the nature of a substitute should be offered after the reading of the first section and following disposition of perfecting amendments to the first section. Deschler Ch 27 § 15.40 (note). Indeed, a perfecting amendment to the first section of a bill may be offered while an amendment in the nature of a substitute for the entire bill is pending. Deschler Ch 27 § 15.32. And a perfecting amendment to a pending paragraph of a bill is in order and is not precluded

by the intervention of an amendment in the nature of a substitute for the paragraph and several of those following. Deschler Ch 27 § 15.33.

§ 22. Motions to Strike

Amendments proposing to strike out a section of a bill are in order after perfecting amendments to the section are disposed of. Deschler Ch 23 § 17.3; 93–2, Dec. 10, 1974, pp 38749 *et seq.* A motion to strike out a section or paragraph is not in order while a perfecting amendment is pending. Deschler Ch 27 §§ 16.6, 17.1; 88–1, Dec. 16, 1963, pp 24753, 24755; 93–2, June 5, 1974, pp 17868, 17869. The motion to strike out, if already pending, must remain in abeyance until the amendment to perfect has been moved and voted on. 5 Hinds § 5758; 8 Cannon § 2860; *Manual* § 469. Since a provision must be perfected before the question is put on striking it out, a motion to strike out a paragraph or section may not be offered as a substitute for a pending motion to perfect the paragraph or section. 88–1, Dec. 16, 1963, pp 24753, 24755; 93–2, June 5, 1974, pp 17868, 17869. And this is true even where the pending perfecting amendment is a motion to strike out and insert new text. 89–2, Oct. 14, 1966, p 26966; 90–2, June 4, 1968, p 15889. However, while the motion to strike out is not in order in this situation as a substitute, it may be offered after disposition of the perfecting amendment to strike out and insert if more comprehensive in scope. 96–1, July 25, 1979, pp 20623, 20624.

While an amendment which has been agreed to may not be modified, a proposition to strike it from the bill with other language of the original text is in order. 8 Cannon § 2855. Thus, if the pending title of a bill is perfected by an amendment adding a new section thereto, and the Committee of the Whole thereafter agrees to a motion to strike out the entire title, the words added by the perfecting amendment are eliminated along with the rest of the title. 91–1, Oct. 3, 1969, p 28454.

To a motion to strike out certain text and insert new language, a simple motion to strike out all that text may not be offered as an amendment, as it would have the effect of dividing the motion to strike out and insert which is prohibited by Rule XVI clause 7. 93–2, July 25, 1974, pp 25240, 25241. See also 96–1, June 19, 1979, pp 15566–68.

Motion to strike unfunded federal mandate, see Rule XXIII clause 5(c). See also § 49, *infra*.

§ 23. Motions to Strike Out and Insert

As a perfecting amendment, a motion to strike out and insert takes precedence over a pending motion to strike out. 8 Cannon § 2849. It may be

offered while the motion to strike out is pending and is first acted upon. Deschler Ch 27 § 16.3. If the perfecting amendment is agreed to, and is co-extensive with the motion to strike, the motion to strike out the amended text falls and is not acted on. Deschler Ch 27 § 16.4.

By House rule, a motion to strike out and insert is indivisible. Rule XVI clause 7. *Manual* § 793. For this and other reasons, a motion to strike out is not in order as a substitute for a pending motion to strike out and insert. Deschler Ch 27 § 17.18. Conversely, a motion to strike out and insert a portion of a pending section is not in order as a substitute for a motion to strike out the section, but may be offered as a perfecting amendment to the section and is first voted upon, subject to being eliminated by subsequent adoption of the motion to strike out. 97-1, July 16, 1981, p 10658.

§ 24. Substitute Amendments

Generally

A “substitute” is a substitute for an amendment, and not a substitute for the original text. § 6, *supra*. A substitute can be entertained only after an amendment is pending. 8 Cannon § 2883. In the Committee of the Whole, the proper time to offer a substitute for an amendment is after the amendment has been read and the Member offering it has been permitted to debate it under the five-minute rule. Deschler Ch 27 § 18.2. The substitute is then in order until the Chair puts the question on the amendment. Deschler Ch 27 § 18.3.

Substitutes for Amendments in the Nature of a Substitute

An amendment in the nature of a substitute is subject to amendment by a substitute therefor (Deschler Ch 27 § 18.18), and the substitute is in order even after perfecting amendments have been adopted to the amendment in the nature of a substitute. See Deschler Ch 27 § 18.19.

Reoffering Substitute Propositions

Whether a proposition contained in a substitute may be reoffered in a different form after it has failed of approval depends on the circumstances. If the language of the substitute is reoffered in such a way as to present precisely the same question that has already been voted on, it would not be in order. Where an amendment is altered by adoption of a substitute, and then is rejected as so amended, the language of the substitute cannot be reoffered at that point as a first degree amendment. See Deschler Ch 27 § 18.25 and note. Clearly, however, where the actual proposition was never voted on because of changes made through the amendment process, the proposition may be offered again as, for example, an amendment to text.

Where an amendment is offered, and then a substitute for that amendment, the consideration of that substitute necessarily proceeds with reference only to the particular amendment to which offered. This may present a different question from that which would arise if the language of the substitute were considered with reference to the text of the bill. Compare 5 Hinds § 5797, 8 Cannon § 2843, and Deschler Ch 27 § 18.25 (note). See also *Manual* § 823.

§ 25. Offering Amendments During Yielded Time

In the House

A measure being considered in the House is not subject to amendment unless the Member in control yields for that purpose (89–1, Jan. 4, 1965, p 20) or the previous question is either not moved or is rejected (see § 26, *infra*). Ordinarily, an amendment to the measure may be offered only by the Member having the floor unless he yields for that purpose; and it is within the discretion of the Member in charge whether, and to whom, he will yield. Deschler Ch 27 § 13.3. An amendment may not be offered in time yielded for debate only. 8 Cannon § 2474; Deschler Ch 27 § 13.1.

A Member controlling debate in the House on a measure may yield to another to offer an amendment (8 Cannon § 2470; 89–1, Sept. 17, 1965, p 24290), despite his prior announced intention not to yield for such purpose (92–1, Apr. 29, 1971, pp 12489, 12504). The Member so yielded to may then offer an amendment, be recognized for an hour, and may himself yield time. 89–1, Sept. 17, 1965, p 24290.

A Member who has the floor in debate in the House may not yield to another Member to offer an amendment without losing control of his time. 5 Hinds § 5021. By yielding to another to offer an amendment he loses his right to resume. 5 Hinds § 5031. However, a Member may yield to permit an amendment to be read for information without losing control of his time. 8 Cannon § 2477.

In Committee of the Whole

A Member recognized under the five-minute rule may not yield to another Member to offer an amendment. 93–1, Apr. 19, 1973, p 13240; 95–2, May 18, 1978, p 14410; 95–2, July 13, 1978, p 20653. A Member wishing to offer an amendment under the five-minute rule must seek recognition from the Chair and may not be yielded the floor for that purpose by another Member. Deschler Ch 27 § 13.7.

§ 26. Effect of Previous Question; Expiration of Time for Debate

Generally; House Practice

After the previous question has been moved or ordered on a bill and pending amendments, further amendments may not be offered. 5 Hinds §§ 5486, 5487. The demand for the previous question cuts off further amendments unless the previous question is rejected. Deschler Ch 27 § 14.1; 89–1, Jan. 4, 1965, p 19. And the adoption of the previous question on a proposition precludes further debate or amendment and brings the House to an immediate vote thereon. 86–2, Aug. 26, 1960, p 17869; 96–1, July 24, 1979, pp 20385, 20412, 20413.

The previous question may be moved (1) on a pending amendment, or (2) on the measure to which offered, or (3) on both propositions. See PREVIOUS QUESTION. Thus, where the previous question is ordered in the House on a pending resolution *and* the amendment thereto, the vote immediately recurs on the adoption of the resolution after the disposition of the amendment, and no intervening amendment is in order. Deschler Ch 27 § 14.3. However, a motion to commit may be in order under Rule XVII. *Manual* §§ 804, 808. See REFER AND RECOMMIT.

The previous question is sometimes ordered on undebatable motions for the specific purpose of preventing amendments thereto. 5 Hinds § 5490. An amendable motion offered in the House is not subject to amendment after the previous question has been ordered thereon. 95–2, Feb. 22, 1978, p 4074.

Expiration of Debate Time in Committee of the Whole

An amendment to a pending section of a bill being considered in the Committee of the Whole may be offered notwithstanding the expiration of all time for debate on the section and any amendments thereto. Deschler Ch 27 § 14.9. By House rule (Rule XXIII clause 6, *Manual* § 874) the expiration of a limitation on debate under the five-minute rule does not prohibit the offering of further amendments, but such amendments are not subject to debate (if not printed in the *Congressional Record*). Deschler Ch 27 § 14.10. See also CONSIDERATION AND DEBATE.

E. Consideration and Voting

§ 27. In General; Reading of Amendment

Generally

Amendments to a bill must be read in full (8 Cannon § 2339) or their reading dispensed with in accordance with the rules, and this is so even where the bill itself is considered as having been read for amendment pursuant to a special rule (Deschler Ch 27 § 22). The reading of an amendment must be completed before an amendment thereto is in order. 87–2, Jan. 23, 1962, p 759; 88–2, Feb. 20, 1964, p 3217.

Amendments at the Clerk’s desk must be offered by a Member before they will be read by the Clerk. 93–1, Dec. 14, 1973, p 41731. They need not be reoffered after they have been reported by the Clerk notwithstanding suspension of consideration of the bill. Where the Committee of the Whole resumes its consideration of a bill after an interval of time, the Chair sometimes (without objection) directs the Clerk to rereport the amendments which were pending at the time the Committee rose. 91–2, May 6, 1970, p 14418.

Numbering Amendments

Beginning in the 104th Congress, amendments printed in the Record are numbered in the order submitted for printing (Rule XXIII clause 6).

Dispensing With Reading

The reading of an amendment may be dispensed with by unanimous consent (94–2, Feb. 9, 1976, p 2872) or waived pursuant to the provisions of a special rule (95–2, Oct. 6, 1978, p 34087). The reading of an amendment in the Committee of the Whole may also be dispensed with by motion, if the amendment has been printed in the bill as reported, or if printed in the Record and submitted one day prior to floor consideration to the committee or committees reporting the bill. Rule XXIII clause 5. *Manual* § 873b.

Rereading Amendments

An amendment which has been once read may not be read again except by unanimous consent. Deschler Ch 27 § 22.2; 90–1, Mar. 1, 1967, pp 5036–38. It is not within the province of the Chair to analyze the effect of amendments, and the Chair has declined to ask unanimous consent that the Clerk read the “differences” between two pending amendments. 95–1, Apr. 6, 1977, p 10773.

Amendment in Nature of Substitute

The reading of an amendment in the nature of a substitute must be completed before an amendment thereto is in order. Deschler Ch 27 § 22.5. An amendment in the nature of a substitute is not read by sections in the absence of a special rule which specifies to the contrary, and is open to amendment at any point when read in its entirety. Deschler Ch 27 § 22.6; 96-1, Dec. 18, 1979, pp 36791, 36793, 36794. Where, pursuant to a special rule, an amendment in the nature of a substitute is being read as an original bill for the purpose of amendment, the amendment is read section by section, and substantive as well as pro forma amendments are in order following the reading of each section. 88-2, Feb. 26, 1964, p 3641.

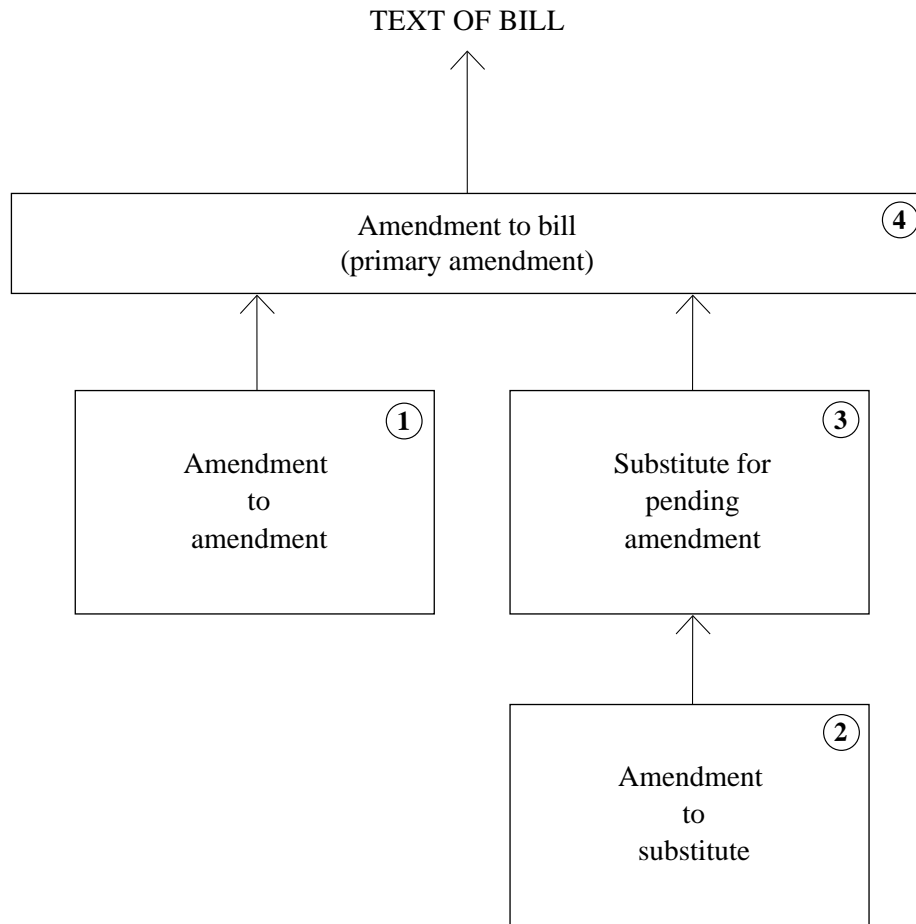
§ 28. Order of Consideration Generally

Voting Sequence

The four forms of amendment permitted by Rule XIX may be pending simultaneously. § 13, supra. However, as shown by the appended chart, they must be voted on in the sequence shown, as follows: (1) amendments to the amendment, if any, are disposed of first, seriatim, until the amendment is perfected; (2) amendments to the substitute are next voted on, seriatim, until the substitute is perfected; (3) the substitute is next voted on; (4) the amendment is voted on last, so that if the substitute has been agreed to, the vote is on the amendment as amended by the substitute. Rule XIX. *Manual* § 822. See also Deschler Ch 27 § 23, and 95-2, May 18, 1978, p 14393.

A perfecting amendment to an amendment must be offered before the vote on the amendment. 98-1, May 4, 1983, p 11074. Once a perfecting amendment to an amendment is disposed of, the original amendment, as amended or not, remains open to further perfecting amendment, and all such amendments are disposed of prior to voting on substitutes for the original amendment and amendments thereto. Deschler Ch 27 § 23.9; 102-1, June 19, 1991, p ____.

Disposition of the perfecting amendment to the substitute does not preclude the offering of further amendments to the amendment. 96-1, May 15, 1979, p 11180. But when the substitute is adopted, the vote recurs immediately upon the original amendment as amended by the substitute, and further perfecting amendments (including pro forma amendments) are not in order. 96-1, May 1, 1979, pp 9299-301, 9311.



Effect of Special Rule

A special order reported from the Committee on Rules may reverse or alter the normal order of consideration of amendments in the Committee of the Whole. 99-1, May 22, 1985, p 13001. Where the House has adopted a special rule permitting the consideration of amendments in Committee of the Whole only in a prescribed order, the Committee of the Whole must rise to permit the House, by unanimous consent, to change that order of consideration. Deschler Ch 27 § 23.

§ 29. Committee Amendments

Pending amendments, whether favorably or adversely recommended by the committee reporting the bill, must be voted on. 8 Cannon § 2865. The Committee of the Whole must vote on a pending amendment even though it has been “accepted” by members of the committee reporting the bill. Deschler Ch 27 § 26.10.

Committee amendments to a bill are ordinarily taken up before amendments from the floor, although they are not voted on until after they have been perfected. 5 Hinds § 5773. Floor amendments to the bill are normally in order following the disposition of pending committee amendments perfecting that bill, even though the bill is open to amendment at any point. Deschler Ch 27 § 26.3. Where a bill is considered as having been read for amendment, it is open to amendment at any point and all committee perfecting amendments must be disposed of, regardless of their place in the bill, prior to offering of amendments to the bill from the floor. Deschler Ch 27 § 26.5.

Where a committee amendment proposes to strike a portion of the text, a perfecting amendment from the floor may intervene before the vote is taken on the committee amendment. See § 21, *supra*.

A committee amendment to the first paragraph or section of a bill is voted on before a vote is taken on an amendment in the nature of a substitute to strike out all after the enacting clause and insert new matter. Deschler Ch 27 § 26.1.

§ 30. Amendments En Bloc; Use of Special Rules

Generally

Amendments may be considered en bloc only by unanimous consent (Deschler Ch 27 §§ 27.2, 27.3) or pursuant to a special rule (Deschler Ch 27 §§ 27.14–27.16). Amendments considered en bloc by unanimous consent are subject to germane amendment after they have been read. 95–2, Mar. 9, 1978, p 6286. Once pending they are open to perfecting amendment at any point. 102–1, June 12, 1991, p ____.

En bloc amendments may be offered to a pending amendment, but it is not in order to consider en bloc amendments to amendments which have not been reported. Deschler Ch 27 § 27.10. En bloc amendments to appropriation bills, see APPROPRIATIONS.

Points of Order

Where unanimous consent is requested that two or more amendments be considered en bloc, points of order against any or all of them may be

made or reserved pending agreement to the request. Deschler Ch 27 § 27.5. Amendments offered en bloc by unanimous consent are considered as one amendment, and a single point of order against any portion thereof renders the entire amendment subject to a point of order. Deschler Ch 27 § 27.5; 98–2, June 21, 1984, pp 17685–87. Since an amendment against which a point of order will be sustained should not be considered en bloc with other amendments, the Chair may request a Member seeking unanimous consent to consider amendments en bloc to withdraw his request when the manager of the bill indicates his intention to raise a point of order against one of those amendments. 96–1, June 27, 1979, pp 17029, 17030, 17069, 17070.

Consideration Pursuant to Special Rule

To expedite consideration of perfecting amendments to a bill, the House may adopt a special rule permitting their consideration en bloc in lieu of separate consideration in the order printed in the bill. 94–2, June 9, 1976, p 17064. Under such a special rule, the manager of the bill may request en bloc consideration after the pending text is read and unanimous consent is not required. 94–1, June 11, 1975, pp 18434, 18435. See also 95–1, Aug. 2, 1977, p 26172.

Voting

The en bloc consideration of amendments in Committee of the Whole pursuant to a unanimous-consent request therein does not necessarily result in an en bloc vote in the House, since that is merely an order of the Committee and not binding on the House. Moreover, even amendments considered en bloc pursuant to a special rule are subject to a demand for a division of the question in the House if divisible, unless prohibited by the rule. Deschler Ch 27 § 27.15. See also 96–1, Dec. 14, 1979, pp 36193, 36194.

“King of the Hill”

Special rules from the Committee on Rules may provide for the consideration of two or more amendments under what is sometimes termed a “King of the Hill” procedure. The special rule may provide that such amendments be considered in a specified order and that if more than one such amendment is adopted, only the last amendment so adopted shall be considered as finally adopted and reported to the House. 102–2, Feb. 27, 1992, p ____; 102–2, June 3, 1992, p ____.

“Top Vote Getter” Rule

In the 104th Congress, several special rules were reported from the Committee on Rules which permitted several alternative amendments to be

considered in a specified order with the one receiving the largest majority being reported back to the House. See 104–1, Jan. 25, 1995, p ____.

§ 31. Perfecting Amendments; Motions to Strike

Preference as Between Perfecting Amendments

There are no degrees of preference as between perfecting amendments. Deschler Ch 27 § 24.1. However, perfecting amendments to a section are considered before amendments proposing to insert new sections. 8 Cannon § 2356; Deschler Ch 27 § 24.2.

Preference as Between Perfecting Amendment and Motion to Strike

All perfecting amendments to a section of a bill must be disposed of prior to the vote recurring on a pending motion to strike out the section. Deschler Ch 27 § 24.3; 90–1, Oct. 20, 1967, pp 29569–71; 93–1, July 26, 1973, pp 26120, 26122. After the first perfecting amendment has been disposed of, another may be offered and the vote on the motion to strike out is again deferred until the amendment is disposed of. 91–1, Oct. 3, 1969, pp 28454, 28459, 28463. If the perfecting amendment as adopted changes all the text proposed to be stricken, the motion to strike necessarily falls and is not voted on. Deschler Ch 27 § 24.15; 95–2, June 21, 1978, p 18286. The principle of perfecting text before considering an amendment striking it from the bill is followed even where the motion to strike out is improperly drafted as an amendment to an amendment. Deschler Ch 27 § 24.12.

§ 32. Substituting Amendments

Substitute Amendments

A substitute for an amendment is not voted on until after amendments to the amendment have been disposed of. 8 Cannon § 2895. If the substitute is rejected, the amendment is open to further amendment; if the substitute is adopted, the question recurs on the amendment as amended by the substitute. Deschler Ch 27 § 25.1. Thus, where an amendment in the nature of a substitute to a bill is amended by the adoption of a substitute therefor, the question recurs on the amendment in the nature of a substitute, as amended. Deschler Ch 27 § 25.2. The defeat of the amendment as amended by the substitute results in the rejection of the language included in the substitute as amended. 93–1, June 26, 1973, p 21320.

Amendments in the Nature of a Substitute

An amendment in the nature of a substitute for a bill may be proposed before perfecting amendments to the pending portion of the original text

have been offered or acted on, but may not be voted on until after such perfecting amendments have been disposed of. 5 Hinds § 5787; 8 Cannon § 2896; Deschler Ch 27 § 25. Thus, an amendment in the nature of a substitute having been proposed, amendments to the portion of the original text which has been read are in order and are voted on before the question is taken on the substitute. 8 Cannon § 2861.

Where a substitute—striking out all of the text and inserting new matter—for an amendment in the nature of a substitute is adopted, the vote recurs immediately on the amendment, as amended (91–2, Dec. 16, 1970, p 42032), and no further amendments to either proposition are in order, since the original amendment has been changed in its entirety by the substitute. Deschler Ch 27 § 25.

§ 33. Points of Order

Generally

Points of order may lie against amendments that do not conform to established rules and practices. For example, an amendment may be barred because it violates the rule against amendments in the third degree (§ 14, *supra*), or because it violates the “germaneness” rule (see GERMANENESS OF AMENDMENTS) or if it violates the prohibition against inclusion of legislative provisions in appropriation bills (see APPROPRIATIONS). Points of order against amendments en bloc, see § 30, *supra*.

Reserving Points of Order

It is within the discretion of the Chair whether to permit a reservation of a point of order against an amendment, how long such a reservation can be maintained, or to dispose of the point of order prior to debate on the amendment. 97–1, Oct. 14, 1981, pp 23882, 23884. If a point of order is reserved, the Chair, with the sufferance of the Committee of the Whole, may permit debate by the proponent on the merits of his amendment before hearing arguments on the point of order. 97–1, May 12, 1981, pp 9320, 9323. The Chair then has the discretion to insist that the point of order be made following debate by the proponent of the amendment and prior to recognition of other Members. 98–2, May 16, 1984, pp 12504–06, 12509–11. Of course, if the point of order is made rather than reserved, the Member making the point of order is immediately recognized for argument thereon, prior to debate on the merits of the amendment.

Reservation as Inuring to Other Members

One Member’s reservation of a point of order against an amendment protects the rights of all Members to insist on points of order. 98–2, June

6, 1984, pp 15120–22. The reserving Member need not specify the basis of his reservation. 93–1, July 19, 1973, pp 24950, 24951. The reservation of the point of order inures to all Members, who may raise other points of order before the intervention of further debate if the original point of order is overruled or withdrawn. 92–2, June 22, 1972, p 22098.

§ 34. — Timeliness

Generally

A point of order against an amendment is properly made (or reserved) immediately after the reading thereof (89–2, Mar. 29, 1966, pp 7115, 7118; 92–1, Mar. 10, 1971, pp 5856–58; 94–1, July 8, 1975, p 21628), or following agreement to a unanimous-consent request that the amendment be considered as read (92–2, Mar. 29, 1972, pp 10749–51). And it should be disposed of before amendments to that amendment are offered. 96–1, Mar. 21, 1979, pp 5779–82. Similarly, a point of order against certain language should be decided prior to recognition of another Member to offer an amendment to the challenged language. 89–2, May 18, 1966, pp 10894–96.

Effect of Intervening Business

A Member must exercise due diligence in raising a point of order. A point of order against an amendment is not entertained where business, even the granting of a unanimous-consent request, has intervened between the reading of the amendment and the making of the point of order unless the intervening business is vacated. 91–1, June 24, 1969, p 17080. A point of order against an amendment has been held to come too late after the reading thereof and after the Chair has responded to a parliamentary inquiry from another Member. 91–1, Nov. 5, 1969, p 33133.

Effect of Debate on Amendment

A point of order against an amendment should be made or reserved before the proponent of the amendment has been recognized to debate the amendment. 95–2, Mar. 9, 1978, p 6286; 95–2, June 14, 1978, p 17626. It cannot be raised after the proponent of the amendment has been recognized and has begun his explanation of the amendment. 91–1, May 27, 1969, p 14074; 95–2, May 24, 1978, p 15332. The rereading of the amendment by unanimous consent after there has been debate does not permit the intervention of a point of order against the amendment. 92–1, Nov. 4, 1971, p 39302.

Although a point of order against an amendment ordinarily comes too late if debate has begun thereon, the Chair has recognized a Member to make or reserve a point of order against an amendment where the Member

raising the point was on his feet, seeking recognition, at the time the amendment was read. 90–1, Sept. 26, 1967, p 26878; 91–1, July 30, 1969, p 21458; 98–2, May 24, 1984, p 14271. See also Deschler Ch 27 § 1.

Points of Order Which May Be Made “At Any Time”

Rule XXI clause 5(a) and clause 5(b) refer to points of order which may be “raised at any time.” Clause 5(a) deals with appropriations in bills reported by committees not having jurisdiction to report appropriations and prohibits amendments carrying appropriations during consideration of a bill reported from a committee not having that jurisdiction. Clause 5(b) is aimed at tax or tariff measures contained in a bill reported from a committee not having that jurisdiction, or amendments of the Senate or amendments in the House which are offered to a bill not reported therefrom. Points of order under these rules must still be raised when the offending bill or amendment is before the House for consideration. But intervening debate or amendments will not preclude a proper point of order from being cognizable by the Chair when raised during the pendency of the amendment under the five-minute rule. 79–2, Mar. 18, 1946, p 2365; 94–1, Apr. 28, 1975, pp 12043, 12044. See also POINTS OF ORDER; PARLIAMENTARY INQUIRIES.

§ 35. Debate on Amendments

When general debate is closed in the Committee of the Whole, any Member is allowed five minutes’ debate on an amendment he offers, after which the Member who first obtains the floor has five minutes in opposition. Rule XXIII clause 5. *Manual* § 870. These time limitations do not apply, of course, where the measure is called up pursuant to a special rule which requires that a different period of time be devoted to debate. See CONSIDERATION AND DEBATE.

Where all time for debate on a section of a bill and amendments thereto has expired, amendments may still be offered to the section, but are voted on without debate, except in certain cases where a Member has caused an amendment to be printed in the Record pursuant to the House rules. Deschler Ch 27 § 14.9. Limiting debate, see CONSIDERATION AND DEBATE.

§ 36. Withdrawal of Amendment

In the Committee of the Whole

In the Committee of the Whole an amendment may not be withdrawn except by unanimous consent. 5 Hinds §§ 5221, 5753; 8 Cannon §§ 2465, 2859; Deschler Ch 27 §§ 20.1 *et seq.* The House rules so require. Rule XXIII clause 5(a). *Manual* § 870. Thus, where a Member has been recog-

nized by the Chairman to offer an amendment and the amendment has been reported by the Clerk, unanimous consent is required to withdraw the amendment. Deschler Ch 27 § 20.4; 102–1, June 19, 1991, p _____. However, unanimous consent is not required to withdraw an amendment which is at the Clerk’s desk but which has not been offered by the Member. Deschler Ch 27 § 20.5.

Where a point of order is made or reserved against an amendment and a unanimous-consent request is then made for the withdrawal of the amendment, the Chair will first dispose of the unanimous-consent request. 98–1, June 7, 1983, pp 14656, 14657.

The withdrawal of an amendment by unanimous consent does not preclude its being subsequently reoffered, and unanimous consent is not required to reoffer the amendment if otherwise in order. Deschler Ch 27 § 20.10.

In the House

Although unanimous consent to withdraw an amendment is required in Committee of the Whole, in the House an amendment, whether simple or in the nature of a substitute, may be withdrawn by the proponent at any time before a decision is rendered thereon. 5 Hinds § 5753; Deschler Ch 27 § 20; 93–1, June 26, 1973, pp 21305 *et seq.* The same right to withdraw an amendment exists in the House *as in* Committee of the Whole. *Manual* § 777.

§ 37. Modification of Amendment

The proponent of an amendment may modify or amend his own pending amendment only by unanimous consent. Deschler Ch 27 §§ 21.1–21.3; 92–2, Feb. 2, 1972, pp 2180–82; 99–1, Oct. 1, 1985, p 25453. However, where there is pending an amendment and a substitute therefor, the Member who offered the original amendment may also offer an amendment to the substitute, as he is not thereby attempting to amend his own amendment. Deschler Ch 27 § 21.4.

The modification of a pending amendment by its proponent should be offered before the amendment is voted on. 95–2, July 12, 1978, p 20480. However, in one instance, pending a request for a recorded vote following a voice vote on an amendment, the Committee of the Whole, by unanimous consent, vacated the Chair’s putting of the question on the amendment so as to permit its modification. Deschler Ch 27 § 21.7.

The fact that a decision of the Chair is pending on a point of order against an amendment does not necessarily preclude a request by its proponent that it be modified. Deschler Ch 27 § 21.6. However, the Chair or

any Member may insist that a proposed modification be submitted in writing (Deschler Ch 27 § 21.8; 95–2, Apr. 26, 1978, p 11637) and read by the Clerk (96–1, Oct. 18, 1979, p 28808).

In the event of objection to a unanimous-consent request to modify a pending amendment, any Member—other than the proponent of the amendment—may offer a proper amendment in writing thereto. Deschler Ch 27 § 21.10. Indeed, a request to modify an amendment, when made by a Member who is not the proponent thereof, is sometimes treated as a motion to amend rather than as a unanimous-consent request. 99–1, Dec. 5, 1985, pp 34730, 34731.

F. Effect of Adoption or Rejection; Changes After Adoption

§ 38. In General; Effect of Adoption of Perfecting Amendment

Generally

It is fundamental that it is not in order to amend an amendment previously agreed to. 8 Cannon § 2856; Deschler Ch 27 § 29.2; 89–2, Aug. 5, 1966, p 18411; 95–1, Sept. 23, 1977, p 30545. Once the text of a bill has been perfected by amendment, the perfected text cannot thereafter be amended. Deschler Ch 27 § 29.8; 94–1, Oct. 9, 1975, p 32589. Likewise, when a perfecting amendment is agreed to, further amendment of that amendment is not in order. 87–2, Apr. 18, 1962, p 6913. Similarly, the adoption of an amendment to a substitute precludes further amendment to those portions of the substitute so amended. 94–2, June 10, 1976, pp 17351, 17352.

However, in order for an amendment to be ruled out of order on the ground that its substance has already been passed on by the House, the language thereof must be practically identical to that of the proposition already acted on. 5 Hinds § 5760; 8 Cannon § 2839; Deschler Ch 27 § 29.1. The precedents do not preclude the offering of an amendment merely because it is similar to, or achieves the same effect as, an amendment previously agreed to. 98–1, May 4, 1983, pp 11046, 11052, 11056, 11059. While it is not in order to reinsert precise language stricken by amendment, an amendment similar but not identical to the stricken language may be offered if germane to the pending portion of the bill. A simple change in substance in the words sought to be inserted, such as changing the word “shall” to “may,” allows the amendment to be offered. 96–1, Apr. 9, 1979, pp 7764, 7765.

Effect of Inconsistency

The Chair will not rule out an amendment as being inconsistent with an amendment previously adopted, as the consistency of amendments is a question for the House to determine by its vote on the amendment. Deschler Ch 27 § 29.23. It follows that an amendment is not subject to a point of order that its provisions are inconsistent with a section of the bill already considered under the five-minute rule. Deschler Ch 27 § 29.25. And an amendment in the form of a new section to the bill may be offered notwithstanding its possible inconsistency with an amendment previously adopted. Deschler Ch 27 § 29.26.

Amendments Negating Proposition Previously Adopted

While the Committee of the Whole may not amend a section of a bill already passed during the reading, it may adopt an amendment to a later section which has the effect of negating the provisions of the earlier section. 90-1, Nov. 9, 1967, p 31893; 90-1, Nov. 13, 1967, p 32253. And while the Committee may not strike out or change an amendment previously agreed to, it may consider a subsequent amendment which contradicts a proposition previously agreed to. Deschler Ch 27 § 29.20.

Changes Following Amended Text

The adoption of a perfecting amendment only precludes further amendments changing the perfected text; amendments are in order which add language to an unamended portion at the end of the amended text. 96-1, May 16, 1979, pp 11369, 11420. Likewise, the adoption of an amendment inserting a new subsection in a bill does not preclude consideration of another amendment inserting another new subsection immediately thereafter which does not textually change the amendment already agreed to. 94-2, Aug. 5, 1976, p 25776.

Amendments Changing More Comprehensive Portion of Pending Text

Although an amendment may not be offered to change only that portion of the pending text which has been altered by amendment, a further amendment changing a more comprehensive portion of the pending text is in order. 95-2, May 1, 1978, p 11984. Thus, while it is not in order to further amend an amendment previously agreed to, an amendment encompassing a more comprehensive portion of the bill, including original text not yet amended, is in order. 94-1, Apr. 23, 1975, p 11543; 96-1, May 2, 1979, p 9530. See also Deschler Ch 27 § 29.9. Similarly, it is in order to offer an amendment which strikes out language changed by amendment as well as other matter and inserts language which proposes substantive changes going beyond the

original amendment (96–1, July 31, 1979, p 21615), or strikes out matter not only in the amendment previously agreed to but also in additional portions of the pending bill. 94–1, Aug. 1, 1975, p 26947; 94–2, Apr. 28, 1976, p 11599.

Effect of Special Rule

The general principle that an amendment may not be offered which directly changes an amendment already agreed to does not apply where the House has adopted a special rule permitting amendments to be offered even if changing portions of amendments already agreed to. Deschler Ch 27 § 29.48.

§ 39. Adoption of Amendment as Precluding Motions to Strike

It is not in order to offer an amendment merely striking out an amendment previously agreed to. 94–1, Aug. 1, 1975, pp 26946, 26947. For example, where by amendment a new paragraph or section has been added to the text, it is not in order to offer an amendment that merely strikes out that new paragraph or section. Deschler Ch 27 § 30.10; 94–1, Apr. 23, 1975, p 11550.

On the other hand, the adoption of a perfecting amendment to a *portion* of the text of a bill does not preclude a vote on a pending motion to strike out the entire text as amended. Deschler Ch 27 § 30.4. Similarly, although a provision inserted by amendment may not thereafter be stricken, a motion to strike more than the provision previously inserted is in order. 86–2, June 22, 1960, pp 13874–80; 94–1, Apr. 23, 1975, p 11536; 94–1, Oct. 30, 1975, p 34415; see also Deschler Ch 27 § 30.7.

While the adoption of an amendment changing all the text of a section precludes a vote on a pending motion to strike out that section, the motion to strike will still be voted on where the perfecting amendment to the section changes some but not all of that text. Deschler Ch 27 § 30.3. However, in this situation another perfecting amendment to strike out the remainder of the section not yet perfected may be offered and voted on prior to the motion to strike the entire section and, if adopted, the motion to strike the section would then fall, the whole text having been changed. 94–1, Sept. 29, 1975, pp 30772, 30773.

The adoption of a perfecting amendment to part of a section does not preclude a motion to strike out the section and insert new text. Deschler Ch 27 § 30.12. Similarly, the adoption of a perfecting amendment inserting language at the end of a paragraph does not preclude an amendment striking the entire perfected paragraph and inserting new language. Deschler Ch 27 § 30.15. But where a bill is being read by sections, and committee amend-

ments adding new sections at the end of a bill have been adopted, an amendment proposing to strike out a section of the original bill and the new sections is not in order. 92–1, Mar. 10, 1971, pp 5856–58.

§ 40. Effect of Adoption of Motions to Strike

Adoption of Motion to Strike Out

A motion to strike a section of a bill, if adopted by the Committee of the Whole, strikes the entire section including a provision that was added as a perfecting amendment to that section. Adoption by the Committee of the amendment striking out the section vitiates the Committee's prior adoption of perfecting amendments to that section, and only the motion to strike out is reported to the House. Deschler Ch 27 §§ 31.1, 31.2. The bill returns to the form as originally introduced upon rejection by the House of the amendment reported from Committee. Deschler Ch 27 § 31.3. Where an amendment has been adopted striking out language in a bill, a perfecting amendment to the stricken language comes too late and is not in order. Deschler Ch 27 § 31.9. Thus, where the Committee of the Whole has adopted an amendment striking out several consecutive paragraphs in a bill, an amendment proposing to insert language in a paragraph which had been stricken comes too late. 93–1, July 16, 1973, pp 23970, 23983, 23984.

While it is not in order to reinsert precise language stricken by amendment, an amendment similar but not identical to the stricken language may be offered if germane to the pending portion of the bill. Deschler Ch 27 § 31.6.

Adoption of Motion to Strike Out and Insert

If an amendment to strike out a portion of a bill and insert new language is agreed to, a pending amendment proposing to strike out the same portion falls and is not voted on. Deschler Ch 27 §§ 31.11, 31.12; 96–1, Oct. 23, 1979, pp 29185, 29187. And when an amendment striking out certain language and inserting other provisions has been adopted, it is not in order to further amend the provisions so inserted. Deschler Ch 27 § 31.14; 87–1, May 16, 1961, pp 8117, 8120; 87–1, June 22, 1961, pp 11093–98, 11100–03.

The adoption of a perfecting amendment to strike out and insert does not preclude the offering of another amendment to strike out and insert which goes beyond the changes made by the first amendment. Deschler Ch 27 § 31.18. Similarly, while it is not in order to perfect or reinsert language which has been stricken, an amendment may be offered to insert new language if it is germane to the bill and not identical to the language stricken.

94–2, Sept. 2, 1976, p 28958. However, if a motion to strike out all after the first word of text and insert a new provision is agreed to, the language thus inserted cannot thereafter be amended. 88–2, Feb. 7, 1964, p 2489.

§ 41. Adoption of Amendment in Nature of Substitute

Where an amendment in the nature of a substitute is agreed to, further amendment is not in order. 88–2, Aug. 7, 1964, p 18608; see also Deschler Ch 27 §§ 32.1, 32.2. Since the stage of amendment is passed, further amendments, including pro forma amendments for debate, are not in order. 95–1, May 13, 1977, p 14622. Thus, absent a special rule to the contrary, the adoption of an amendment in the nature of a substitute precludes the offering of another. Deschler Ch 27 § 32.4. Debate having been closed, adoption of the amendment causes the stage of amendment to be passed and amendments—though printed in the *Congressional Record*—cannot thereafter be offered to the bill. Deschler Ch 27 § 32.3.

The adoption of an amendment in the nature of a substitute, as amended by a substitute, precludes further amendment to the amendment and to the bill. Deschler Ch 27 § 32.8. When the substitute is agreed to, the question recurs immediately on the amendment as amended by the substitute, and further perfecting amendments to the amendment (including “pro forma” amendments) are not then in order. 94–2, Feb. 5, 1976, p 2649; 96–2, Feb. 25, 1980, p 3628.

§ 42. Amendments Pertaining to Monetary Figures

When a specific amendment to a monetary figure in a bill has been agreed to, further amendment of that specific sum is not in order. Deschler Ch 27 §§ 33.1–33.3. The adoption of an amendment changing a figure in a bill precludes the offering of a subsequent amendment further changing that figure. 99–1, July 17, 1985, p 19444; 99–1, July 18, 1985, pp 19648, 19649, 19652; 104–1, Mar. 15, 16, 1995, p _____. However, an amendment inserted following the figure agreed upon and providing funds “in addition thereto” is in order. Deschler Ch 27 § 33.13. An amendment adding a new section having the indirect affect of changing amended amounts in the bill may also be in order. 99–1, July 31, 1985, p 21911.

Where the Committee of the Whole has adopted an amendment changing the total figure in a paragraph of an appropriation bill, it is not in order to further amend such figure. Deschler Ch 27 § 33.9.

Although it is not in order to offer an amendment merely changing an amendment already adopted, it is in order to offer a subsequent amendment more comprehensive than the amendment adopted, changing unamended

portions of the bill as well. Deschler Ch 27 § 33.7 (note). Thus, after adoption of amendments changing monetary figures in a bill, an amendment making a general percentage reduction in all figures contained in the bill and indirectly affecting those figures, is still in order. Deschler Ch 27 § 33.10. Likewise, the adoption of a perfecting amendment to a concurrent resolution on the budget changing several figures would preclude further amendment merely changing those amended figures but would not preclude more comprehensive amendments changing other portions of the resolution which had not been amended. 95–1, Apr. 27, 1977, p 12485.

Although it may be in order to offer an amendment to the pending portion of the bill that changes not only a provision already amended but also an unamended pending portion of the bill, it is not in order merely to amend a figure already amended. *Manual* § 469. Even if the amendment also changes other matter not already amended, where it is drafted as though the earlier amendment had not been adopted, it is still out of order. 104–1, Mar. 15, 1995, p ____.

§ 43. Effecting Changes by Unanimous Consent

By unanimous consent, it is in order to amend an amendment which has already been agreed to. Deschler Ch 27 § 34.1. For example, the Committee of the Whole may by unanimous consent:

- Permit consideration of amendments to change amendments already adopted. 98–2, June 28, 1984, p 19948.
- Permit Members to offer amendments to change an amended figure in an appropriation bill. Deschler Ch 27 § 34.7.
- Permit an amendment which has been adopted to an amendment to be considered as adopted, in identical form, to a pending substitute for the amendment. 99–2, Aug. 5, 1986, pp 19107, 19108.
- Permit a modification of an amendment by its proponent. 96–2, Jan. 29, 1980, pp 958–60.

In one instance, the Committee of the Whole by unanimous consent vacated the proceedings whereby it had agreed to an amendment, agreed to an amendment to that amendment, and then adopted the original amendment as amended. Deschler Ch 27 § 34.2.

§ 44. Amendments Previously Considered and Rejected

Generally

It is not in order to offer an amendment identical to one previously rejected. Deschler Ch 27 §§ 35.1, 35.2. However, an amendment that raises the same question by the use of different language may be admissible.

Deschler Ch 27 § 35. An amendment similar but not identical thereto may be considered (Deschler Ch 27 § 35.4) if a substantive change has been made (Deschler Ch 27 § 35.3). Rejection of an amendment changing a figure in a bill does not preclude the offering of a different amendment to that provision. 97–1, Nov. 18, 1981, p 28048.

An amendment in different form may be entertained even though its effect may be similar to that of the rejected amendment. Deschler Ch 27 §§ 35.11, 35.13. See also 86–2, Mar. 21, 1960, p 6159; 90–1, July 19, 1967, pp 19418, 19423; 94–1, Sept. 23, 1975, p 29841. Thus, in one instance, after an amendment containing a limitation on the use of funds in an appropriation bill had been rejected, the Chair held that another amendment—containing a similar limitation and also stating an exception from that limitation—was not an identical amendment and could be offered. Deschler Ch 27 § 35.18. Presiding officers have been reluctant to rule out an amendment as dilatory merely because of a similarity to one previously rejected. Deschler Ch 27 § 35.7.

A motion offered as a substitute for an amendment and rejected may be offered again as a separate amendment. Deschler Ch 27 § 35.8. And a proposition offered as an amendment to an amendment and rejected may be offered again, in identical form, as an amendment to the bill. Deschler Ch 27 § 35.9.

A portion of a rejected amendment may be subsequently offered as a separate amendment if presenting a different proposition. Thus, rejection of an amendment consisting of two sections does not preclude one of those sections being subsequently offered as a separate amendment. 97–1, July 15, 1981, p 15899.

Rejection of Motion to Strike

A motion to strike out certain language having been previously rejected, it may not be offered a second time. Deschler Ch 27 § 35.22. But a motion to strike out that language and insert a new provision is in order. Deschler Ch 27 § 35.23. Conversely, if the motion to strike out and insert is rejected, the simple motion to strike out is in order. Deschler Ch 27 § 35.11.

Rejection of En Bloc Amendments

Rejection of several amendments considered en bloc by unanimous consent does not preclude their being offered separately at a subsequent time. Deschler Ch 27 § 35.15. It follows that where an amendment to a figure in a bill considered en bloc with other amendments has been rejected, no point of order lies against a subsequent amendment to that figure which specifies

a different amount and which is offered as a separate amendment. 95–2, Aug. 7, 1978, p 24702.

G. House Consideration of Amendments Reported From Committee of the Whole

§ 45. In General; Voting

Generally

Only amendments adopted in the Committee of the Whole are reported to the House; and all amendments so reported stand on an equal footing and must be voted on by the House (4 Hinds § 4871), notwithstanding inconsistencies among them (4 Hinds § 4881), and are subject to amendment in the House unless the previous question is ordered (8 Cannon § 2419). Where it is in order to submit additional amendments to the pending bill, the first question is on the amendments reported from the Committee of the Whole. 4 Hinds § 4872.

Kinds of Amendments Reported to the House

Some amendments adopted in the Committee are not reported to the House. Pursuant to a practice originating in the Nineteenth Congress, the Committee reports amendments only in their perfected form. 4 Hinds § 4904; Deschler Ch 27 §§ 36.1 *et seq.* Thus, if the Committee of the Whole perfects a bill by adopting certain amendments and then adopts an amendment striking out those provisions and inserting a new text, only the bill, as amended by the motion to strike out and insert, is reported to the House. Deschler Ch 27 §§ 36.5, 36.13. Similarly, the adoption by the Committee of an amendment striking out a section of a bill vitiates the Committee's prior adoption of perfecting amendments to that section, so that only the motion to strike out is reported to the House. 93–2, Feb. 5, 1974, pp 2078, 2079. But when the bill is being considered under a special rule permitting separate consideration in the House of *any* amendments adopted in the Committee, all amendments adopted in the Committee are reported to the House, regardless of their inconsistency. Deschler Ch 27 § 36.13.

Demanding a Separate Vote

While it is a frequent practice for the House by unanimous consent, to act at once—*en grosse*—on all the amendments to a bill reported from the Committee of the Whole, it is the right of any Member to demand a separate vote on any reported first degree amendment. 4 Hinds §§ 4893, 4894; 8 Cannon § 2419. However, in the absence of a special rule providing there-

for, a separate vote may not be had in the House on an amendment to an amendment which has been adopted by the Committee of the Whole. Deschler Ch 27 § 36.6; 90-1, Sept. 12, 1967, p 25228; 90-2, July 16, 1968, p 21545. This principle precludes a separate vote in the House on an amendment to an amendment in the nature of a substitute adopted in the Committee. Deschler Ch 27 § 36.8; 90-1, Oct. 18, 1967, p 29317. Since the Committee in reporting a bill with an amendment to the House reports such amendment in its perfected form, it is not in order in the House to have a separate vote upon each perfecting amendment to the amendment that has been agreed to in the Committee absent a special rule providing to the contrary. Deschler Ch 27 § 36.

A special rule may, of course, provide for separate votes on second-degree amendments. Deschler Ch 27 § 36. But where separate votes are permitted, only those amendments reported to the House from the Committee of the Whole are voted on; it is not in order to demand a separate vote in the House on amendments rejected in the Committee. Deschler Ch 27 § 36.12. The House theoretically has no information as to actions of the Committee of the Whole on amendments not reported therefrom. Deschler Ch 27 § 36.

Where a special rule permits a demand in the House for a separate vote on an amendment adopted to an amendment in the nature of a substitute for a bill reported from the Committee of the Whole, the Speaker inquires whether a separate vote is demanded before putting the question on the amendment in the nature of a substitute. Deschler Ch 27 § 36.14. A Member must demand the separate vote before the question is taken on the substitute. Deschler Ch 27 § 36.18. A demand in the House for a separate vote on an amendment to the amendment comes too late after the amendment, as amended, has been agreed to. Deschler Ch 27 § 36.19.

En Bloc Amendments

Where the Committee of the Whole reports a bill back to the House with amendments, some of which were considered en bloc pursuant to a special rule, the en bloc amendments may be voted on again en bloc on a demand for a separate vote. Deschler Ch 27 § 36.27. A separate vote being demanded, the Chair puts the question separately on the amendments en bloc in the House, where no Member demands a division of the question. 96-1, Mar. 29, 1979, pp 6810, 6819. But another amendment separately considered in Committee may not be voted on with the en bloc amendments in the House (absent unanimous consent). Deschler Ch 27 § 36.27.

Division of an amendment for voting, see VOTING.

Order of Consideration

When demand is made for separate votes in the House on several amendments adopted in the Committee of the Whole, such amendments are read and voted on in the House in the order in which they appear in the bill as reported from the Committee of the Whole—not in the order in which agreed to in Committee or in which demanded in the House. Deschler Ch 27 §§ 36.16, 37.1. See also 93–1, July 19, 1973, pp 24959, 24965, 24966; 94–2, June 24, 1976, p 20424.

When a special rule provides for a separate vote on an amendment to an amendment in the nature of a substitute reported from the Committee of the Whole, the vote first recurs on the amendment on which the separate vote is demanded. Deschler Ch 27 § 37.6. The Speaker puts the question first on those amendments on which a separate vote is demanded, then on the amendment, as amended. See 89–2, Oct. 6, 1966, pp 25585–87. But where a special rule prescribes the order for consideration of amendments (with the bill being considered as read) in the Committee of the Whole, then separate votes demanded in the House on adopted amendments are taken in that same order, regardless of the order in which the amendments may appear in the bill. 103–1, Mar. 11, 1993, p ____; 103–1, Mar. 25, 1993, p ____.

§ 46. Effect of Rejection of Amendment

Generally

When the House rejects an amendment adopted in the Committee of the Whole, the original text of the bill is before the House. Deschler Ch 27 § 38.1. Thus, if an amendment in the nature of a substitute is reported from the Committee of the Whole and rejected by the House, the original bill is before the House. Deschler Ch 27 § 38.5. Similarly, if an amendment striking out and inserting is reported from the Committee of the Whole and rejected by the House, the language of the original bill is before the House. Deschler Ch 27 § 38.12; 95–2, Aug. 2, 1978, p 23955.

Rejection of Motion to Strike Out

Where the Committee of the Whole adopts perfecting amendments to language of a bill and then agrees to an amendment striking out that language, only the latter amendment is reported to the House, and in the event of its rejection in the House the original language, and not the perfected text, is before the House. Deschler Ch 37 §§ 38.3, 38.8. However, the practice may be otherwise where the House is operating under a special rule allowing separate votes in the House on *any* amendment adopted in the

Committee of the Whole. As indicated elsewhere (§ 45, *supra*), under such a rule all amendments adopted in Committee to the amendment are reported to the House regardless of their inconsistency; and the House may retain a section as perfected in Committee of the Whole by first adopting on separate votes the perfecting amendments to the section and then rejecting on a separate vote the motion to strike that section. Deschler Ch 27 § 38.11 (note).

§ 47. Motions to Recommit With Instructions Pertaining to Amendments

The House may recommit a bill to committee with instructions to report it back “forthwith” with an amendment. 5 Hinds § 5545; 88–1, Dec. 16, 1963, pp 24757–59; 89–2, June 1, 1966, p 11905. In such cases the chairman of the committee reports the amendment at once without awaiting committee action. 5 Hinds §§ 5545–5547. Instructions to report “forthwith” accompanying a motion to recommit must be complied with immediately. 87–1, Sept. 13, 1961, p 19208. However, it is not in order to propose as instructions anything that might not be proposed directly as an amendment (5 Hinds §§ 5529–5541; 8 Cannon § 2705), such as to eliminate an amendment already adopted by the House (8 Cannon § 2712), to propose an amendment that is not germane to the bill (102–2, Sept. 23, 1992, p ____), or to propose an amendment containing legislation or a limitation on a general appropriation bill (94–2, Sept. 1, 1976, pp 28883–84; 101–1, Aug. 1, 3, 1989, pp ____).

A motion to recommit may not include instructions to modify any part of an amendment previously agreed to by the House. 8 Cannon §§ 2720, 2721, 2740; Deschler Ch 27 § 32.5. However, where a bill is being considered under a special rule permitting a motion to recommit “with or without instructions,” a motion to recommit may include an amendment which changes an amendment already adopted by the House (94–2, May 12, 1976, p 13537), even where the House has adopted an amendment in the nature of a substitute (89–1, Sept. 29, 1965, p 25438). Generally, see REFER AND RECOMMIT.

The rejection of an amendment in the Committee of the Whole does not preclude the offering of the same amendment in the House in a motion to recommit with instructions. Deschler Ch 27 § 35.27.

H. Amendments to Titles and Preambles

§ 48. In General

Amending Titles

Amendments to the title of a bill are not in order until after passage of the bill, and are then voted upon without debate. Deschler Ch 24 § 9.4; Deschler Ch 27 § 19.1. Under Rule XIX (*Manual* § 822), the title of a bill can only be amended after the bill has been passed, and an amendment in Committee of the Whole proposing an amendment to the title is not in order. Deschler Ch 27 § 19.4. Committee amendments to the title of a bill are automatically reported by the Clerk after passage of the bill, although an amendment to a committee amendment to the title may be offered from the floor. Deschler Ch 27 § 19.6. See also 88–2, Jan. 21, 1964, p 759.

Amending Preambles of Joint Resolutions

In the Committee of the Whole, amendments to the preamble of a joint resolution are considered following disposition of any amendments to the text. Deschler Ch 27 § 19.7. That is, the body of the resolution is first considered and then the preamble is considered and perfected. 87–2, Oct. 5, 1962, p 22637. See also Deschler Ch 27 § 19.8. In the House, an amendment to the preamble of a joint resolution reported from Committee of the Whole is considered following engrossment and prior to the third reading of the resolution. 4 Hinds § 3414; Deschler Ch 27 § 19.9. See also 89–2, Oct. 7, 1966, p 25684.

An amendment to the preamble of a Senate joint resolution is considered after disposition of amendments to the text of the joint resolution and pending the third reading. 97–1, Nov. 19, 1981, pp 28208, 28209.

Amending Preambles of Simple or Concurrent Resolutions

Amendments to the preamble of a simple or concurrent resolution are considered and voted on in the Committee of the Whole after amendments to the body of the resolution. Amendments to the preamble of such a resolution are voted on in the House after the resolution has been adopted. Deschler Ch 27 §§ 19.11–19.13. See also 7 Cannon § 1064. In the House, the previous question is ordered separately on the preamble after adoption of the resolution if amendments to the preamble are offered. Deschler Ch 24 § 9.9.

I. Amendments Containing Unfunded Mandates

§ 49. In General

In the 104th Congress, Public Law No. 104–4 added new sections 425 and 426 of the Congressional Budget Act to permit points of order against amendments increasing the direct costs of federal intergovernmental mandates by an amount exceeding certain thresholds. Those points of order against amendments are debatable for 20 minutes and are thereafter disposed of, not by a ruling of the Chair, but by a vote of the House or Committee of the Whole when the Chair states the question of consideration on the amendment. Notwithstanding this provision, it is always in order, unless specifically waived by terms of a special rule, to move to strike any such federal mandate from the portion of the bill then open to amendment. Rule XXIII clause 5(c).