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THE CHAIRMAN: The Chair will state that this amendment is offered separately and contains a different figure.

MR. SIKES: A $1,000 difference, Mr. Chairman.

THE CHAIRMAN: It is a different figure. The Chair has already made that observation.

MR. SIKES: Mr. Chairman, it is a dilatory amendment which, I think, is taking the time of the House unnecessarily.

THE CHAIRMAN: The Chair has already ruled.

§ 34. Effecting Changes by Unanimous Consent

By unanimous consent, an amendment which has been agreed to may be subsequently amended. Moreover, where an amendment has been adopted in Committee of the Whole and, by unanimous consent, a Member is then permitted to offer an amendment thereto which is adopted, the Chair does not put the question on the amendment as amended, since proceedings where the original amendment has been agreed to have not been vacated and the original amendment has become part of the text of the bill.[2] In some situations, on the other hand, the proceedings whereby an amendment has been adopted have been vacated, and in such cases the amendment has been amended and then adopted as amended.[3]

Generally

§ 34.1 By unanimous consent, it is in order to amend an amendment which has already been agreed to.

An illustration of a unanimous-consent request as described above can be found in the proceedings of Sept. 17, 1970,[4] during consideration of H.R. 17654, the Legislative Reorganization Act of 1970:

MR. [H. ALLEN] SMITH of California: . . . I ask unanimous consent to return to page 39 of H.R. 17654, immediately below line 4, for the purpose of offering a perfecting amendment to the amendment offered by Mr. White which was adopted in this committee. . . .

There was no objection.

MR. SMITH OF CALIFORNIA: Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas (Mr. White).

The Clerk read as follows:

Amendment offered by Mr. Smith of California to the amendment offered by Mr. White: In paragraph (b) of clause 2 of rule XV of the rules of the House as contained in the

2. See § 34.1, infra.

3. See § 34.2, infra.

4. 116 CONG. REC. 32303, 32304, 91st Cong. 2d Sess.

amendment offered by Mr. White to page 39, immediately below line 4, insert "which is privileged and shall be decided without debate," immediately after the words " motion".

MR. SMITH of California: Mr. Chairman, I request that the matter come to a vote.

THE CHAIRMAN:[5] The question is on the amendment offered by the gentleman from California (Mr. Smith) to the amendment offered by the gentleman from Texas (Mr. White).

The amendment to the amendment was agreed to.

THE CHAIRMAN: The Clerk will read.

Vacating Proceedings

§ 34.2 The Committee of the Whole, by unanimous consent, vacated the proceedings whereby it had agreed to an amendment, and then agreed to an amendment to the amendment and adopted the original amendment as amended.

On Nov. 30, 1970,[6] the following proceedings took place:

MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, I ask unanimous consent that the amendment placed in the bill by the gentleman from Washington (Mr. Hicks) in section (j)(1) be permitted to be open for amendment at this time. . . .

There was no objection.

THE CHAIRMAN:[7] The action by which the amendment of the gentleman from Washington was agreed to is vacated and the amendment is open for amendment. . . .

The Clerk read as follows:

Amendment offered by Mr. Eckhardt to the amendment offered by Mr. Hicks: . . .

The amendment to the amendment was agreed to. . . .

The amendment, as amended, was agreed to.

§ 34.3 The Committee of the Whole, by unanimous consent, vacated the proceedings whereby it had agreed to an amendment and then adopted the amendment in a revised form.

On Aug. 8, 1966,[8] the following proceedings took place:

MR. [RICHARD H.] POFF [of Virginia]: . . . Earlier in the debate today the Committee of the Whole adopted an amendment offered by the gentleman from North Carolina which added to title V a new section, section 504. Apparently by some inadvertence the language of the amendment was not as intended. . . .

[The] unanimous-consent request, Mr. Chairman, is that the Committee of the Whole House on the State of the Union vacate the proceedings whereby

5. William H. Natcher (Ky.).
6. 116 CONG. REC. 39086, 39087, 91st Cong. 2d Sess. Under consideration was H.R. 16443.
7. James A. Burke (Mass.).
8. 112 CONG. REC. 18482, 89th Cong. 2d Sess. Under consideration was H.R. 14765.

the Committee earlier adopted the amendment offered by the gentleman from North Carolina (Mr. Whitener), and in lieu thereof adopt in place of that amendment the following amendment:

> Sec. 504. Nothing contained in this title shall be construed as indicating an intent on the part of Congress. . . .

THE CHAIRMAN:[9] Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE CHAIRMAN: The question is on the amendment as now restated by the gentleman from Virginia.

The amendment was agreed to.

§ 34.4 Where the Member in charge of a bill in the Committee of the Whole had inadvertently stated he had no objection to a pending amendment, as a result of which the amendment was adopted, proceedings whereby such amendment was adopted were by unanimous consent vacated on request of the sponsor of the amendment.

On Mar. 12, 1945,[10] the following proceedings took place:

> Amendment offered by Mr. [Jesse P.] Wolcott [of Michigan]: On page 1, lines 5 and 6, after the word "thereof " in line 5, strike out the sign and figure "$5,000,000,000" and insert in lieu thereof the sign and figure "$4,000,000,000."
>
> MR. [BRENT] SPENCE [of Kentucky]: . . . I think [the amendment] should be adopted. I am sure there will be no objection to it. . . .
>
> The amendment was agreed to. . . .
>
> MR. SPENCE: Mr. Chairman, I misunderstood the amendment offered by the gentleman from Michigan. I had no right to agree to that amendment. . . .
>
> . . . I ask the committee, under the circumstances, to reconsider its action.
>
> MR. WOLCOTT: There will be no objection on my part.

Objection was made, however; after further proceedings, Mr. Wolcott made the following statement:

> Mr. Chairman, I now renew my unanimous-consent request that the proceedings by which the amount in this bill was reduced from $5,000,000,000 to $4,000,000,000 be vacated. . . .
>
> There was no objection.

§ 34.5 Pursuant to a unanimous-consent request, the House vacated its action in agreeing to a concurrent resolution with an amendment, and agreed to the resolution without amendment.

On June 22, 1965,[11] the following proceedings took place:

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9. Richard Bolling (Mo.).

10. 91 CONG. REC. 2042, 2043, 79th Cong. 1st Sess. Under consideration was H.R. 2023, to continue the Commodity Credit Corporation.

11. 111 CONG. REC. 14425, 89th Cong. 1st Sess. Under consideration was S. Con. Res. 36.

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, before the House passed Senate Concurrent Resolution 36, it was amended to correct a typographical error that appeared in the reported version of the resolution.

Upon further investigation, I find that the engrossed copy of the Senate concurrent resolution is correct and that no amendment was necessary.

Therefore, Mr. Speaker, I ask unanimous consent that the proceedings whereby Senate Concurrent Resolution 36 was amended and agreed to be vacated and that it be considered as agreed to without amendment.

THE SPEAKER:[12] Without objection, it is so ordered.

There was no objection. . . .

A motion to reconsider was laid on the table.

—*Vacating Proceedings by Which Bill Passed as Amended*

§ 34.6 On one occasion, after the Committee of the Whole and the House by separate vote had agreed to an amendment, a portion of which had been inadvertently omitted therefrom and had not been read by the Clerk or agreed to, and the House passed the bill as amended, the House subsequently by unanimous consent agreed to vacate the proceedings by which the bill in question had been passed, then agreed to the entire amendment as intended to be offered and passed the bill as thus amended.

On Feb. 12, 1951, in the circumstances described above, the following unanimous-consent request was made:[13]

MR. [WILBUR D.] MILLS [of Arkansas]: . . . I feel that in all fairness to the gentleman from West Virginia (Mr. Bailey) a correction should be made in the proceedings of the House, and I now ask unanimous consent that the proceedings whereby the bill H.R. 1612 was passed be vacated and that the language of the amendment I have just read be agreed to in toto as an amendment to the bill at the point it was intended, section 7 of the bill. . . .

There was no objection.

THE SPEAKER:[14] Without objection the proceedings whereby the House on February 7, 1951, ordered the bill H.R. 1612 engrossed, read a third time, and passed will be vacated. The amendment as read by the gentleman from Arkansas (Mr. Mills) is agreed to and the bill will be considered as engrossed, read a third time and passed,

12. John W. McCormack (Mass.).

13. 97 CONG. REC. 1233, 1234, 82d Cong. 1st Sess. Under consideration was H.R. 1612, to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930.

14. Sam Rayburn (Tex.).

and a motion to reconsider laid on the table.

Unanimous Consent That Subsequent Amendment Not Be Precluded by Adoption of Amendments Changing Figures

§ 34.7 By unanimous consent, the Committee of the Whole permitted two Members to offer amendments to change a figure in an appropriation bill which, if adopted would not preclude the offering of subsequent amendments to that amended text.

On July 22, 1981,[15] during consideration of H.R. 4035[16] in the Committee of the Whole, the situation described above occurred as follows:

MR. [JOSEPH M.] MCDADE [of Pennsylvania]: Mr. Chairman, I move to strike the last word, and I will make a unanimous-consent request.

I ask unanimous consent, Mr. Chairman, that an amendment which I will offer to the bill at page 37, line 8, if successful in changing the numbers thereto, will not preclude a further amendment to further change those numbers. . . .

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, reserving the right to object, I would just like assurance from the Chair that the gentleman's unanimous-consent request will in fact achieve the result that he seeks, and that is to say that further amendments and amendments to those amendments would then be in order.

THE CHAIRMAN:[17] If the McDade amendment is adopted, another amendment would be in order, but only relating to those particular figures.

MR. OTTINGER: And amendments to that amendment or substitutes for that amendment?

THE CHAIRMAN: To that amendment, yes. . . .

Is there objection to the request of the gentleman from Pennsylvania (Mr. McDade)?

There was no objection.

MR. MCDADE: Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

> For necessary expenses in carrying out energy conservation activities, $272,890,000 and $99,608,000 to be derived from "Fossil Energy Construction". . . .
>
> Amendment offered by Mr. McDade: On page 37, line 8, strike "$272,890,000 and $99,608,000" and insert in lieu thereof "'203,890,000 and $168,608,000". . . .

The amendment was agreed to.

MR. [VIN] WEBER [of Minnesota]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Weber of Minnesota: Page 37, line 8, strike out "$203,890,000 and $168,608,000" and insert in lieu thereof "68,890,000 and $303,608,000". . . .

15. 127 CONG. REC. 16777, 16782, 16783, 16788, 97th Cong. 1st Sess.

16. Department of Interior appropriations.

17. George E. Danielson (Calif.).

MR. OTTINGER: Mr. Chairman, therefore, Mr. Chairman, I would at this point ask unanimous consent that should the amendment offered by the gentleman from Minnesota (Mr. Weber) succeed, I would still be allowed to offer my amendment as a separate amendment.

§ 35. Effect of Consideration or Rejection

It is not in order to offer an amendment identical to one previously rejected.[18] On the other hand, while it is not in order to submit for consideration, by way of amendment, a proposition previously passed upon, an amendment that raises the same question by the use of different language may be admissible.[19] The general rule is that mere similarity of an amendment to one previously considered is not sufficient to preclude the amendment; if different in form, the amendment is permitted.[20] For example, a substitute amendment having been rejected, a proposition contained therein may nevertheless be offered as an amendment to an amendment in the nature of a substitute.[1]

To a motion to strike certain words and insert others, a simple motion to strike out the words may not be offered as a substitute; but if the motion to strike out and insert is rejected, the simple motion to strike out is in order.[2] Thus, a motion to strike out a title contained in a bill has been held to be in order notwithstanding the fact that the Committee of the Whole had previously considered two motions to strike out such title and insert other language.[3] On the other hand, while a perfecting amendment has precedence over an amendment to strike out, the rejection of the motion to strike does not preclude perfecting amendments.[4] Thus, defeat of a motion to strike out a paragraph does not preclude amendments nor motions to strike out and insert.[5]

Identical Amendment

§ 35.1 It is not in order to offer an amendment identical to one previously rejected.

On Feb. 10, 1964,[6] the Committee of the Whole had under

18. See § 35.1, infra.
19. See, for example, 92 CONG. REC. 1003, 1004, 79th Cong. 2d Sess., Feb. 6, 1946.
20. See § 35.11, infra, and see 101 CONG. REC. 10021, 84th Cong. 1st Sess., July 6, 1955.
1. See § 18.23, supra.
2. See § 17.16, supra.
3. See § 35.24, infra.
4. See § 15.27, supra.
5. See § 16.12, supra.
6. The proceedings described here are found at 110 CONG. REC. 2727, 88th Cong. 2d Sess.